

CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner 
DATE: April 12, 2018
SUBJ: April 18, 2018 Conservation Commission Meeting

175 Gosport Road

This application is to construct a new parking area, patio expansion, deck expansion, removal of existing driveway area in the 100 foot inland wetland buffer with an associated swale. In addition, this application proposes a replacement retaining wall with materials changed from timber to stone, a replacement dock and pier and an area of grading at the termination of a stormwater swale in the 100 foot tidal buffer zone. There are also impacts shown within the 250' state shoreland buffer which are not part of this application. This application was before the Conservation Commission at their March 14, 2018 meeting and postponed to the meeting on April 18, 2018. On April 11th the Conservation Commission attended a site walk on the property where they were able to see the proposed work on the ground. In addition to viewing the site the applicant provided two documents. One was a graphic representation of the site plan showing the proposed work and the second was a pictorial detail of the proposed retaining wall (see attached).

According to *Article 10 Section 10.1017.50* the applicant must satisfy the following conditions for approval of this project.

1. *The land is reasonably suited to the use activity or alteration.* The proposed parking area is located within the 100 foot inland wetland buffer zone and is sloped away from the freshwater wetland area. The grading plan clearly shows the water making its way off this area into a constructed swale to help move the stormwater away from the parking area providing treatment of this water before it reaches the tidal buffer zone. From a stormwater standpoint this is a reasonable approach for the expanded parking area. There is no information provided about the freshwater wetland. Given the loss of buffer function from a habitat standpoint it would be helpful if there were some buffer plantings proposed to offset the size of the new parking area within the buffer. Since the original submittal the applicant has revised the plans to include wetland buffer plantings along the border of the freshwater wetland area. On the site walk it became apparent the wall along the shoreline is failing and is holding back a lawn area. While the applicant has suggested replacing the retaining wall in kind removing the wall in favor of landscaping would provide a more effective tidal buffer in this area.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* With regard to the replacement of the dock and retaining wall these are existing features being replaced. The dock replacement is an allowed use according to Article 10 section 10.1016.10 *Permitted Uses* where number (3) states: "The construction of piers or docs, provided that all required local state and federal approvals have been granted." The applicant is applying for a state wetland permit concurrent with their wetland conditional use application. Given the location of the existing dock it appears as if the proposed dock crosses the extended property line of the abutting property. This will be an important component of the review of the state wetland permit application. The applicant has stated they need to replace the retaining wall to protect their property however it appears as if with some grading a

more natural transition could be accomplished with natural vegetation. Regarding the parking it is not clear if there are other places where the additional parking can be provided without impact to the inland wetland buffer. However, the applicant has proposed a lengthy treatment area for stormwater runoff from the proposed parking area which should offset the impact from the new imperious surface.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties. The grading proposed for the parking area has been designed to reduce stormwater impacts to the freshwater wetland and the addition of the swale will also reduce impacts to the tidal wetland areas. The loss of buffer area near the freshwater wetland could be offset with additional buffer plantings. While the replacement of the wall would not further impact the wetland buffer area, if the area where the wall is proposed were regraded and planted with natural vegetation this would provide enhanced buffer function.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. The location where the expanded parking is proposed is within an area that is currently paved. While there will be some new pavement there is currently an area of pavement existing and additional pavement will be removed from the area just outside of the 100' inland wetland buffer to create this new parking area.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section. The applicant has taken steps to reduce the impact in the buffer. The design of the parking area and associated swale will help reduce the stormwater impacts from the new project. Since the original application was submitted the applicant has proposed additional wetland buffer plantings bordering the freshwater wetland and pond area to enhance the buffer function of this area. After viewing the wall on the site walk the topography of this part of the site became more clear. The retaining wall represents a steep transition between upland lawn and intertidal area. Repair of this wall with a natural landscaping approach would provide an improved transition between the upland and wetland area and could serve as an enhanced wetland buffer area.

6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible. The applicant has provided an area near the freshwater wetland which will be planted with additional buffer vegetation. In addition it would be a benefit to the tidal wetland if the applicant would consider creating a natural buffer area in place of the existing retaining wall. Not only would it improve buffer function with the tidal/ upland transition area it could be designed to allow easy pedestrian access to the waterfront and reduce future potential impacts from wall failure in the case of severe storms.

Recommendation: The application shows an impact of 6,120 square feet of impact in the inland wetland buffer. Of this impact some is existing structure and pavement. The applicant has provided an effective means of treating stormwater from this inland wetland work and has provided additional buffer plantings to enhance the freshwater wetland area. The site could be further enhanced by replacing the proposed retaining wall with a natural buffer transition area and tidal buffer plantings. Staff recommends the applicant develop an alternative plan to the proposed retaining wall to allow for a more natural landscaped transition to the tidal area.

Given the enhanced freshwater wetland buffer plantings if the applicant were to replace the proposed wall with a more appropriate tidal buffer planting area and followed the City's requirements by not using pesticides in the wetland buffer and not using fertilizer in the first fifty feet of the wetland buffer and using only low phosphate and slow release nitrogen fertilizer between 50 and 100 feet of the wetland areas staff believes this project could enhance both the tidal and freshwater wetland buffer areas.

LEGEND:

- TYP TYPICAL
- EXISTING TREE LINE
- HIGHEST OBSERVABLE TIDE LINE
- FLOOD ZONE BOUNDARY
- 50' WATERFRONT BUFFER
- 100' TIDAL BUFFER
- 150' NATURAL WOODLAND BUFFER
- 250' PROTECTED SHORELAND BUFFER
- 100' INLAND WETLANDS BUFFER
- PROPOSED RETAINING WALL (DESIGNED BY OTHERS)
- PROPOSED DEMOLITION/REMOVAL, RECLAMATION, TOPSOIL AND SEEDING
- EXISTING BUILDING TO REMAIN
- EXISTING BUILDING TO BE REMOVED
- PROPOSED BUILDING
- PROPOSED GRAVEL DRIVEWAY
- PROPOSED PAVED DRIVEWAY
- EXISTING DRIVEWAY
- EXISTING TREE TO BE REMOVED

PLAN REFERENCE #1

CONSTRUCTION SEQUENCE:

1. INSTALL ALL PERIMETER EROSION PROTECTION MEASURES AS INDICATED ON THE PLANS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
2. CONDUCT MAJOR EARTHWORK ATTENDANT TO DEMOLITION AND REMOVAL OF STRUCTURES AND DRIVEWAY SLATED FOR REMOVAL.
3. RE-ROUTE SUBGRADE UTILITIES (WATER, ELECTRIC, COMMUNICATIONS)
 - 3.1. EXISTING SEWER LINE AND SEPTIC LOCATION IS UNKNOWN. CONTRACTOR IS RESPONSIBLE TO LOCATE SEWER FACILITIES AND PROTECT THEM FROM DISTURBANCE DURING EARTHWORK. CONTRACTOR MUST IMMEDIATELY CONTACT ENGINEER FOR COORDINATION IF SEPTIC SYSTEM IS FOUND TO CONFLICT WITH PROPOSED STRUCTURES AND GRADINGS. CONTRACTOR MUST PROTECT EXISTING SUB-GRADE D.I.P. DRAINPIPE FROM DAMAGE.
 - 3.2. DURING ALL EARTHWORK CONTRACTOR MUST ENSURE THAT PIPE HAS AT LEAST 18" OF UNDISTURBED SOIL COVER AT ANY LOCATIONS WHERE HEAVY EQUIPMENT CROSSES IT. IF MORAN DISCLAIMS ALL LIABILITY TO DAMAGE TO DRAIN LINE DURING CONSTRUCTION.
4. PERFORM MAJOR EARTHWORK FOR POOL, BUILDING PADS OF NEW BUILDINGS AND APPROACHES.
5. CONSTRUCT FOUNDATIONS FOR ALL NEW BUILDINGS, POOL AND ALL PROPOSED RETAINING WALLS.
6. GRADE DRIVEWAYS AND APPROACHES AND DRAINAGE FEATURES. ALL CUT/FILL SLOPES MUST BE LOAMED AND SEEDDED WITHIN 72 HOURS OF STABILIZATION.
7. INSTALL PAVED DRIVEWAY AND GRAVEL DRIVEWAY.
8. COMPLETE RENOVATIONS TO EXISTING BUILDINGS, CONSTRUCTION OF POOL HOUSE, POOL, DECK, PATIO, STAIRS, WALLS, WALKWAYS AND ALL ON-SITE IMPROVEMENTS.
9. COMPLETE LOAM AND SEED. SEED TO BE APPLIED WITH BROADCAST SPREADER THEN LIGHTLY ROLLED TO ASSURE SEED/SOIL CONTACT OR BY HYDRO-SEEDING.
10. REMOVE TEMPORARY EROSION CONTROL MEASURES AFTER SEEDDED AREAS HAVE BECOME FIRMLY ESTABLISHED AND SITE IMPROVEMENTS ARE COMPLETE.



LOCATION PLAN

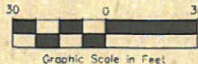
SITE NOTES

1. SEE COVER SHEET C-0 FOR LISTING OF ALL OTHER DRAWINGS.
2. THESE PLANS INCLUDING ALL NOTES, ARE PERMIT DRAWINGS ONLY AND HAVE NOT BEEN DETAILED FOR CONSTRUCTION OR BIDDING. DO NOT USE FOR CONSTRUCTION OR BIDDING.
3. PRIOR TO COMMENCING ANY SITE WORK ALL LIMITS OF WORK SHALL BE CLEARLY MARKED IN THE FIELD.
4. AN ALTERATION OF TERRAIN PERMIT IS NOT REQUIRED AS THE DISTURBANCE IS LESS THAN 100,000 SF IN TOTAL AND LESS THAN 50,000 SF WITHIN THE PROTECTED SHORELAND.
5. ALL WORK SHALL CONFORM TO THE APPLICABLE REGULATIONS AND STANDARDS OF THE CITY OF PORTSMOUTH, AND SHALL BE BUILT IN A WORKMANLIKE MANNER IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.
6. IN THE EVENT OF A CONFLICT BETWEEN PLANS, SPECIFICATIONS, AND DETAILS, THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY FOR CLARIFICATION.
7. IF CONDITIONS AT THE SITE ARE DIFFERENT THAN SHOWN ON THE PLANS, THE ENGINEER SHALL BE NOTIFIED PRIOR TO PROCEEDING WITH THE AFFECTED WORK.
8. EFFORTS SHALL BE MADE TO SAVE ALL TREES UNLESS NOTED HEREON. CONTRACTOR SHALL COORDINATE WITH OWNER ABOUT INDIVIDUAL TREE REMOVAL.
9. THESE PLANS WERE PREPARED UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER, MSC A DIVISION OF TFMORAN, INC. ASSUMES NO LIABILITY AS A RESULT OF ANY CHANGES OR NON-COMFORMANCE WITH THESE PLANS EXCEPT UPON THE WRITTEN APPROVAL OF THE ENGINEER OF RECORD.
10. MSC A DIVISION OF TFMORAN, INC. ASSUMES NO LIABILITY FOR WORK PERFORMED WITHOUT AN ACCEPTABLE PROGRAM OF TESTING AND INSPECTION AS APPROVED BY THE ENGINEER OF RECORD.
11. CONTRACTOR'S RESPONSIBILITIES:
 - A. PROTECTING NEW AND EXISTING BURIED UTILITIES DURING INSTALLATION OF ALL SITE ELEMENTS. DAMAGED UTILITIES SHALL BE REPAIRED OR REPLACED AT NO ADDITIONAL COST TO THE OWNER.
 - B. TAKE APPROPRIATE MEASURES TO REDUCE, TO THE FULLEST EXTENT POSSIBLE, NOISE, DUST AND UNSIGHTLY DEBRIS.
 - C. COORDINATE WITH ALL UTILITY COMPANIES AND CONTACT DISSAFE (811 OR 888-344-7233) AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION.
 - D. THE CONTRACTOR IS RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION AND FOR CONDITIONS AT THE SITE. THESE PLANS, PREPARED BY MSC, A DIVISION OF TFMORAN, INC., DO NOT EXTEND TO OR INCLUDE SYSTEMS PERTAINING TO THE SAFETY OF THE CONSTRUCTION. CONTRACTOR OR THEIR EMPLOYEES, AGENTS OR REPRESENTATIVES IN THE PERFORMANCE OF THE WORK, THE SEAL OF THE SURVEYOR OR ENGINEER HEREON DOES NOT EXTEND TO ANY SUCH WORK. THE SEAL OF THE SURVEYOR OR ENGINEER HEREON DOES NOT EXTEND TO ANY SUCH WORK. THE SEAL OF THE SURVEYOR OR ENGINEER HEREON DOES NOT EXTEND TO ANY SUCH WORK. THE SEAL OF THE SURVEYOR OR ENGINEER HEREON DOES NOT EXTEND TO ANY SUCH WORK. THE SEAL OF THE SURVEYOR OR ENGINEER HEREON DOES NOT EXTEND TO ANY SUCH WORK.
 - E. THE CONTRACTOR SHALL BID AND PERFORM THE WORK IN ACCORDANCE WITH ALL LOCAL, STATE AND NATIONAL CODES, SPECIFICATIONS, REGULATIONS AND STANDARDS.
 - F. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO BECOME FAMILIAR WITH THE SITE AND ALL SURROUNDING CONDITIONS. THE CONTRACTOR SHALL ADVISE THE APPROPRIATE AUTHORITY OF INTENTIONS AT LEAST 48 HOURS IN ADVANCE.
 - G. THE CONTRACTOR SHALL MAINTAIN EMERGENCY ACCESS TO ALL AREAS AFFECTED BY WORK AT ALL TIMES.
12. THE AREA OF THE IMPERVIOUS SURFACE WILL BE INCREASED BY 9,455 S.F. AS A RESULT OF THE PROPOSED CONSTRUCTION/DEMOLITION SHOWN HEREON.



TAX MAP 224 LOT 1
SITE PLAN
 175 GOSPORD ROAD
 PORTSMOUTH, NEW HAMPSHIRE
 COUNTY OF ROCKINGHAM
 OWNED BY
MICHAEL CLARK
 SCALE: 1"=30' (22x34)
 1"=80' (11x17)
 FEBRUARY 21, 2018

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REV.	DATE	DESCRIPTION	DR	CK

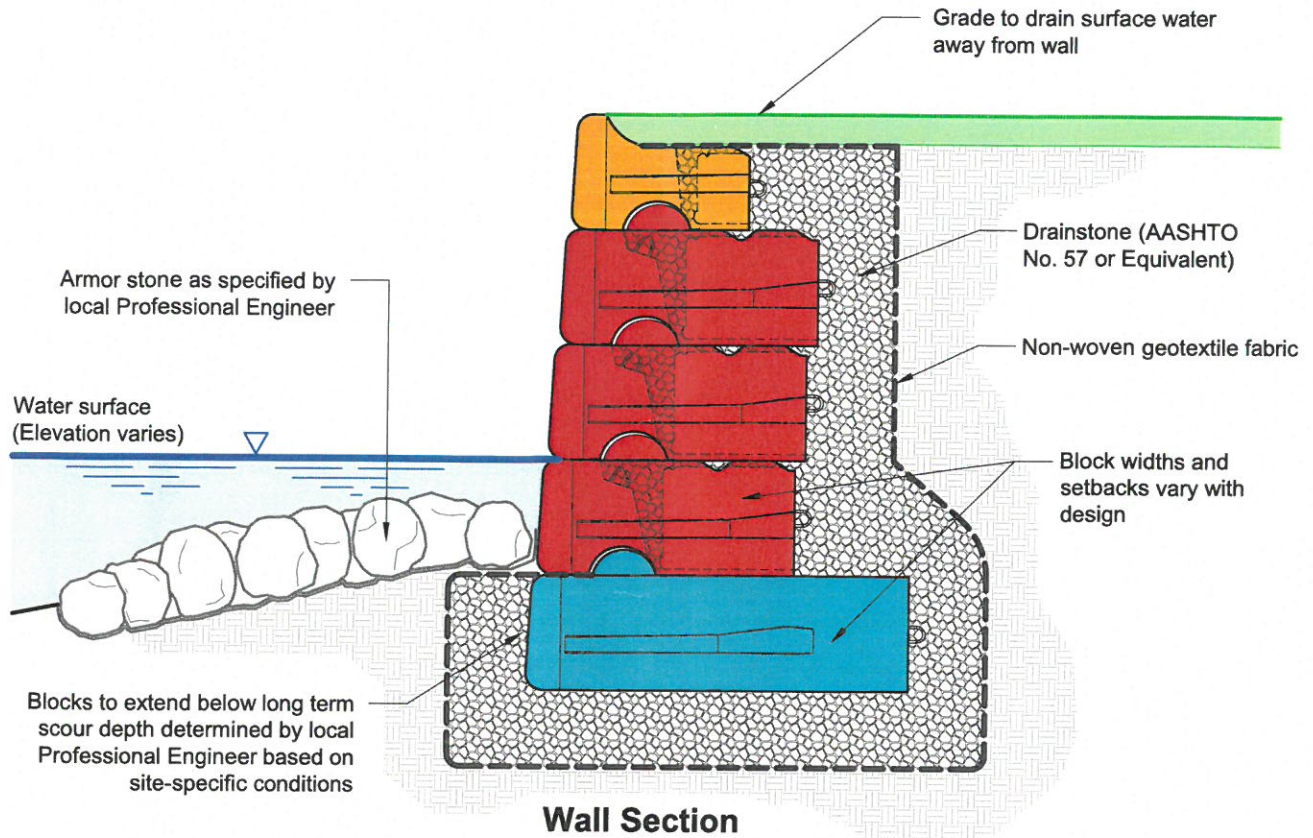
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DESIGN RESOURCE MANUAL

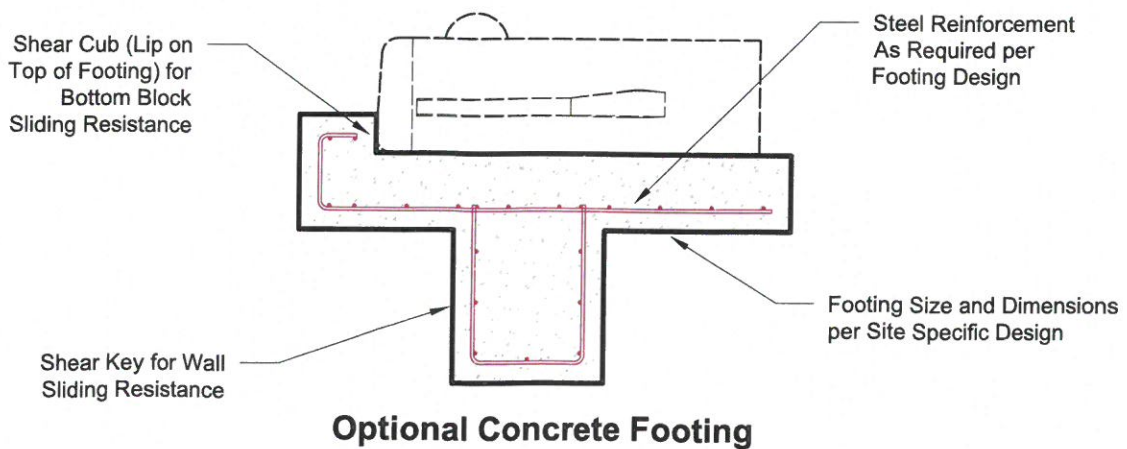
Conceptual Seawall Detail



Wall Section

Notes:

- Use ASTM No. 57 stone (or as specified by local Professional Engineer) to infill between blocks.
- Preliminary wall height charts do not apply and should not be used for walls in water applications due to the variety of site-specific variables.
- Contact your local Professional Engineer for specific details and final design.
- Walls may require geogrid reinforcement.
- Refer to final engineering plans.



Optional Concrete Footing

This drawing is for reference only. Determination of the suitability and/or manner of use of any details contained in this document is the sole responsibility of the design engineer of record. Final project designs, including all construction details, shall be prepared by a licensed professional engineer using the actual conditions of the proposed site.