



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: October 5, 2018
SUBJ: October 10, 2018 Conservation Commission Meeting

460 F.W. Hartford Drive

This application is to expand a deck from 120 square feet to 189 square feet approximately 80 feet from the wetland buffer.

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 expanded deck is attached to the house and the small expansion is reasonable given there is an existing deck on site.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The location of the existing deck is dependent on the back door of the house. This is the most feasible and reasonable location for the proposed activity.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* Given the small size of the deck currently attached to the rear of the house this deck will not create new impacts to the wetland functional values of the site.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The expanded deck is within an existing lawn area. Some lawn area will be removed to construct the deck.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed deck expansion is minor in size and no substantive changes other than the expansion are proposed. This is the least impacting expansion alternative.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has stated they have planted trees and shrubs in the wetland buffer but not specific to this project.

Recommendation: Staff recommends approval of the application as presented.

350 Little Harbor Road

This application is to install a new gate on the Western entrance to the property along with new waterlines for irrigation and approval for an after the fact electrical conduit.

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.* There are several items included in this request for Conditional use. The gate is a western gate 16 feet in width with an inside diameter of 12 feet to allow the passage of vehicles when the gate is open. This gate has two columns each with five foot footing and 3 and ½ foot base on the columns that support the gate. In addition the gate which required the excavation of a trench in the wetland buffer is supplied with electrical conduit which was installed without the benefit of a wetland permit. The Planning Director had been notified about the installation of the electrical conduit in the buffer but when asked about the installation of the conduit at the Planning Board meeting August 23, 2018 both the owner and owner's representative denied its installation. The applicant is also requesting the installation of irrigation around the property which is largely within the wetland buffer. There is no demonstrated need for the addition of the gate and associated wetland impact. If there is no gate there would be no need for the electrical conduit. As for the proposed irrigation in particular the line at the rear of the house to provide freshwater to the boat dock there is potential for significant ledge removal to install the line and again no demonstrated need for this impact in the tidal buffer zone.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The locations proposed are specific to the requests but given they were not part of the original project it does not seem reasonable to introduce all of these impacts. This piecemeal and retroactive approach is problematic when trying to review the overall project impacts.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed gate irrigation and electrical conduit together have significant overall impact to the wetland buffer where a demonstrated need has not adequately been provided.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The new columns for the proposed gate are within a natural vegetation area which will be removed to install the gate and will involve temporary disturbance during the installation. An assortment of natural vegetation, lawn and grass will be disturbed to install the proposed irrigation and conduit.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The overall project will have 1,067 square feet of wetland impact spread across the entire property. It is not clear why these impacts are needed and why they were not included in the original proposal for this project.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has proposed a number of plantings on this plan which will help in improving the buffer function. These plantings appear to be the specific plants for the areas previously approved for new plantings.

Recommendation: Staff recommends denial of this permit application. Staff does not believe the demonstrated need for the large columns proposed and large gate has been adequately provided given this is a rural area with very little traffic. Staff recommends that an alternative exists by providing signage to prevent traffic and therefore the electrical conduit installed without a permit can be removed. In addition, staff does not believe the impact warranted for the irrigation line to the dock is appropriate given the area of ledge needed to be excavated and proximity to the tidal buffer.

19 Rye Street

This application is to conduct a restoration in a Pease Development Authority (PDA) wetland buffer area to restore an area cleared as part of site development on 19 Rye Street. This is a Conditional Use Permit application specific to the Pease Development Authority regulations. As such the Wetland Regulations from the Pease Zoning Ordinance must be complied with.

According to *the Pease Development Authority Zoning Ordinance Part 304-A Pease Wetland Protection section 304-A.08 Conditional Use Permitting (f) Criteria for Approval* the applicant must satisfy the following conditions for approval of this project.

1. *The land is reasonably suited to the use.* The impact to the wetland buffer was created by the contractor therefore this restoration is the approach that is being taken at the request of the PDA to restore the site.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use.* Given this is a restoration project for work done within the 25 foot wetland buffer assigned to this wetland by PDA there is no alternative location for the proposed work.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The clearing of vegetation likely created a temporary impact to the adjacent wetland which this restoration should reduce.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* All of the natural vegetation where the impact took place was cleared. This restoration plan is an effort to restore that area.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Over the longterm the restoration should restore the impact created by this project. Care should be taken to insure that invasive species do not establish themselves on this site reducing the longterm effectiveness of the proposed restoration.

Recommendation: Staff recommends approval of the proposed restoration with the addition of a monitoring plan to be provided one year after the planting of the site. The applicant should provide information in the plan about the success of the plantings and if there is not greater than 80% survival a follow-up planting should be conducted with another one year monitoring report until the site is established. In addition, the applicant shall document any invasive species in the restoration plan and if found a plan to address the invasive species.