




CITY OF PORTSMOUTH

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Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner 
DATE: April 4, 2019
SUBJ: April 10, 2019 Conservation Commission Meeting

200 FW Hartford

This application is to restore a site in which fill was brought into the wetland and wetland buffer without a wetland conditional use permit.

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 applicant is proposing to restore the site which was filled and grading was underway when they were stopped due to the fact that they did not have a permit for the work. In September 2018 I received a call stating there was a large amount of fill being brought in to 200 F.W. Hartford. After visiting the site it was clear that greater than 100 cubic yards of material was brought into the site. This in itself requires a permit from the City. Our wetland maps did not accurately show the extent of wetlands on this property so at the time it was not clear that an impact to the wetlands and wetland buffer had occurred. The owner was asked to perform a delineation to confirm the location of the wetlands and then depending on the outcome to submit the appropriate permit application. After hiring Ambit Engineering it turns out that there was wetlands and wetland buffer where the work was underway on the property so the owner has submitted a wetland conditional use permit application.
- 2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The applicant is proposing to restore the site to its original grade and provide wetland and wetland buffer plantings to enhance the site. This is the only location where this work is appropriate in order to restore the impact. While the application states that there is approximately 230 cubic yards of material that was placed on the site the exact amount should be determined based on the order for the material as placed by the homeowner. Once that amount is confirmed an equal amount should be removed to appropriately restore the site.
- 3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.* While the fill in the wetland and wetland buffer had temporary impacts the restoration plan should, if successful restore the site to a condition at least equal to that before the fill was brought in.
- 4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* At this stage the construction goals are to restore the site to its prior condition or better which the plan appears to do. More information about the amount of fill would provide greater assurance that the restoration is complete.
- 5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Overall this proposal should restore the site to its prior condition with additional information to confirm that the amount of material removed is based on what was placed.

While no monitoring is recommended by the engineers monitoring of the site would be appropriate to insure the success of the restoration project.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*
The proposed restoration plan will remove fill and provide plantings to restore the site.

Recommendation: Staff recommends approval of this application and the restoration plan provided with three stipulations:

- 1) That the work is completed and all plants are in the ground before June 15, 2019.
- 2) The applicant shall verify the amount of fill purchased and confirm that an equal or near equal amount of fill is removed from the site.
- 3) The applicant provide a monitoring report on the success of all the plants at the end of the second growing season (assuming stipulation 1 is satisfied that would be before October 2020). If success is below 80% the dead plants shall be replaced and a proposal for future monitoring made.

86 NewCastle Avenue

This project proposes a 405 square foot addition and a 630 square foot pervious paver patio and walkways located where existing lawn and landscaped areas currently exist.

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 overall project is an addition and new pervious pavers in the wetland buffer. The small size of the addition and the inclusion of the porous pavers appears to be reasonable for the site.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The existing project is to expand the footprint of the interior living space where a deck currently exists. Given they are utilizing an existing footprint the location is the best alternative.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed project represents a small new impact of impervious surface but the applicant is adding landscaping and porous pavers to the site which will reduce any overall impact.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no impact to the woodland and the only natural vegetation will be removal of some lawn and landscaped areas which are fairly small and will be replaced by porous pavers and new landscaping.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Overall the applicant has provided an alternative with a fairly small impact to the wetland buffer.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*
The proposal includes a plan with native landscaping and porous paver buffer.

Recommendation: Staff recommends approval of this application with one stipulation

1. That the applicant provide a detail showing the porous pavers and the appropriate method for installation.

23 Van Buren Avenue

This application is construct a performance stage and boardwalk behind Dondero School.

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.* This project proposes to expand the outdoor playground features at the Dondero School and add a boardwalk through a forested wetland area. The locations of the stage in a lawn area and the low impact nature of the boardwalk are reasonable for this location.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The school site is almost completely within the wetland buffer so utilizing the existing lawn and designing a low impact trail system is the best alternative for the proposed use.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed stage is designed to be on sonotubes with fairly small footprint and limited ground disturbance. The roof is impervious but will runoff onto a lawn area where stormwater will be able to infiltrate. The boardwalk system will allow water to flow through and has a fairly small footprint. There should be minimal impact to the wetland system from this project.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The stage design will require some lawn area to be removed. The boardwalk will have a small impact on vegetation where the posts are set and also where the vegetation is located under the boardwalk. However, some of the vegetation will be able to grow under the boardwalk area with minimal disturbance.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Overall this proposal will result in a fairly small impact to a lawn area and a natural area. Overall it will provide access to the wetlands for students and a better outdoor experience at the school.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The proposal includes new plantings to replace some of the lawn area.

Recommendation: Staff recommends approval of this application as presented.

Banfield Road Improvements Project

This is a City of Portsmouth roadway and drainage improvement project to more than ½ mile of Banfield Road. The Conservation Commission has heard about this project previously. The wetland permit application is being submitted and includes not only the work to improve the road but includes a mitigation plan to offset the impacts to Banfield. Road. The mitigation (part of the State Wetland Permit Application) is the acquisition of a 34.5 acre parcel of land adjacent to the Great Bog which will be protected in conservation.

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*

This is an important public safety project which will widen the road and allow for construction of bicycle and pedestrian access along this roadway. Banfield Road is a narrow road and will benefit from these improvements. The impacts in general are fairly linear along the edge the road and the impact will be marginal in any one location but overall result in a fairly large impact. There are also impacts where culverts are being constructed that will be an enhancement to the area as the project includes the addition of equalization culverts which will allow wetlands on both sides of the road to be better connected. Given the public interest components of the project and the large area of protected conservation land going towards mitigation this is a reasonable project.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration*

Given that this project is specifically designed to address current deficiencies with Banfield Road this is the only alternative that works for this project.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.*

The project will have temporary impacts to the wetlands adjacent to it but there are also some enhancements from the culverts proposed. When looked at as a whole with the proposed mitigation this project should not have an adverse impact on the wetland system in this area.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.*

There are quite a few trees and a mix of scrub shrub vegetation that will be impacted for this project. However, the project corridor has been minimized as much as possible to reduce impacts while providing a road design.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.*

A great deal of effort has been taken to reduce impacts in the project corridor. The design presented is the list impacting alternative which satisfies the public safety need of the roadway improvements.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*

Areas where temporary impacts occur will be restored along the project corridor.

Recommendation: While there are impacts to both wetland buffer and wetland areas along the proposed project this project is in the public interest and all impacts have been minimized as much as possible. The addition of the conservation land will assist with offsetting some of the overall project impacts. Given this, staff recommends approval of this application as presented.