



CITY OF PORTSMOUTH

Community Development Department
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Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner 
DATE: October 3, 2019
SUBJ: October 9, 2019 Conservation Commission Meeting

20 Taft Road

This is an application to build a deck adjacent to an above ground pool over existing gravel surface.

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 location for the deck is adjacent to the pool where there is just landscape stones. The deck will allow water to flow through to the ground where it will infiltrate as it currently does.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The pool is located in the buffer currently and the deck is to allow better use of the pool. There is no alternative location which will allow the requested function for the deck.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed deck should not change anything about the wetlands or wetland buffer. The runoff from the project will infiltrate into the ground where the stone currently exists.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no alteration of natural vegetation on the site to complete 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 will allow water to pass through. There should be no impact on the wetland or wetland buffer different from what exists today.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant will not be disturbing the natural area of the wetland or wetland buffer. However, there are some buffer plantings proposed to provide buffer enhancements to the adjacent wetland areas. No specific locations have been shown on the plans for new plantings.

Recommendation: Staff recommends approval of the application as presented.

350 Little Harbor Road

The applicant is requesting amended conditional use approval to alter the design of a driveway to remove the grass strip proposed for the center of the driveway.

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 not install a grass strip between two paved areas using paving stones. It is not clear if this changes the overall ability for stormwater to infiltrate into the ground. More detail is required to determine if the installation was as approved.
Given this is an after the fact change it is important to confirm that the construction was as approved minus the removal of the stone.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* Giving this is request to amend an existing situation the location is the only location where the alteration would apply.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The applicant should demonstrate that the existing installed pavers are in-fact pervious and there is no additional impact to the wetland greater impervious surface on the site due to leaving the stone in place. The pavers specified for installation in the original approval were tidewater stone 3/18 or approved equal. The applicant should verify this is what was installed according to the detail provided in the original application.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The proposed project will reduce the amount of grass or lawn on the site. There could be some advantages to having pervious pavers versus grass but more information about this should be provided from the applicant.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Overall the driveway was presented to not increase the amount of impervious surface on the site. The applicant should include information about the pavers and a cross section of the completed driveway to demonstrate it is working as a porous surface.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The proposal involves leaving 590 square feet of porous pavers that were installed in an area that was designated to be a grass strip. The applicant should demonstrate that removal of the stone pavers to provide the grass strip is less beneficial than planting the grass strip.

Recommendation: The applicant should demonstrate that the approach proposed to leave the pavers would be a benefit to the buffer versus installing the approved grass strip.

0 Banfield Road

The applicant is requesting conditional use approval to construct a road through a wetland and wetland buffer including impacts for the roadway and stormwater treatment in support of a 22 lot subdivision off of Banfield Road.

The applicant has provided an application which shows the entire proposed development including the method proposed for the wetland crossing. While the applicant has provided a functions and values assessment of the wetlands in the area and a wildlife habitat assessment, this information should be reviewed

by an independent third party to get a better understanding of the information presented and any additional characterization of how the project will impact these areas.

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 homes are in upland areas outside of the wetland buffer. However, the project infrastructure requires significant alteration to wetlands and wetland buffer areas. The applicant has proposed a wetland crossing with a culvert that is intended to support wildlife passage. More information about what types of animals are able to use this crossing specific to this project would be useful to understand. In addition, the applicant has said there are four potential vernal pools. These are not shown on the map and no information about how these areas might be impacted is provided. The functions and values assessment does state that there is a wildlife corridor however there is no information about this corridor or where it is located. There has been no information provided by the wetland scientist about the suitability of this site for the development. More information would be helpful to better understand the impacts of the project on the wetland before the site can be considered reasonable for this development. In addition, a third party review of this application will help to better quantify and verify the proposed quality and extent of impacts.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The area selected for development is the upland area on the site. There is only one location shown for this project. There is no discussion in the application about alternative sites or development concepts.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The applicant has not clearly shown how adverse impacts to the wetlands, vernal pool areas, or wildlife habitat will be avoided. Other than the proposed open grated culvert which was limited in height there has been no discussion about how impacts to the wetlands and wetland values will be reduced. There is no information about stormwater treatment or the potential for impacts from 22 new septic systems will affect the site. There is information listing test pits dug for septic systems but no septic system locations are shown on the plan.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* According to the applicant the proposed project will result in direct wetland impact of 4,013 square feet and wetland buffer impact of 21,089 square feet. These are all forested areas which will become roadway, roadway fill areas, and stormwater treatment areas. No information about the number of trees to be cleared has been provided.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Overall this proposal has not demonstrated it is the least adverse impact to this area. The applicant has shown a development plan which does take advantage of the upland area and homes are proposed in the wetland or wetland buffer. It is not clear what alternatives were considered and how this is the least impacting alternative.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The proposal involves impacting wetland areas and wetland buffer areas. Given this is an entirely undeveloped area there is no vegetated buffer to return to the natural state. However information about how the project minimized impacts would be helpful in considering this proposal.

Recommendation: Staff recommends the Conservation Commission review this application and provide any immediate feedback they feel necessary and request an independent review of the application for and assessment of both wetlands and wildlife impacts on and adjacent to the site.