



CITY OF PORTSMOUTH

Community Development Department
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Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner 
DATE: December 10, 2019
SUBJ: December 11, 2019 Conservation Commission Meeting

0 Banfield Road

This is an application to construct 22 single family homes with an access road, driveways, septic systems, retaining walls, stormwater treatment and culverts in an undeveloped forested area located off of Banfield Road. The project proposes 2,693 square feet of permanent wetland impact, 1,135 square feet of temporary wetland impact, 6,155 square feet of permanent wetland buffer impact and 1,106 square feet of temporary wetland buffer impact.

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 project is in a completely undeveloped area where the applicant proposes to access the site with a new access road from Banfield Road through a wetland area. The proposed design shows access from Banfield Road through a wetland that bisects a large intact wetland system. This impact does not appear reasonable as designed. The location has been relocated and reduced in width but still results in a large impact not only by directly filling the wetland but by bisecting a large wetland complex with significant wildlife movement. The land where the project is proposed is not suited to the use as it is currently proposed.
- 2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The applicant has stated that access to the site with a bridge in this location is not feasible. The applicant has not provided an alternative location where there is upland adjacent to the road for this development. The applicant has not successfully demonstrated that this is the most reasonable design for this site.
- 3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed project will have adverse impacts to the wetland in terms of loss of wetland area as well as significant wildlife impacts in a valuable landscape area. The applicant's wetland scientist describes adverse impacts to wildlife habitat in this area, also confirmed by the independent wetland scientist who states that the proposed access road will permanently impact wildlife movement on the site. It is important to note that wildlife habitat was listed as a principal function in Wetland A (both east and west) and in Wetland B or all of the wetlands described on the site. The project itself will create impacts to habitat the NH Wildlife Action plan classifies as important as Supporting Landscapes. In addition, the project will also fragment a large tract which includes the Great Bog and NH Fish and Game land of over 900 acres in total which includes habitat in all three of its categories of the Highest Ranked Habitat in New Hampshire, Highest Ranked Habitat in Biological Region and Supporting Landscapes. The proposed addition of impervious surface including the homes, driveways, the access road and 22 septic

systems will likely introduce a large volume of stormwater to the adjacent wetland system which includes sensitive areas such as vernal pools. This stormwater volume has not been quantified by the applicant but is likely to have an adverse impact on the wetland areas surrounding the proposed upland development. The project as proposed has clear impacts to the wetland functional values on this site.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The applicant is proposing to clear the majority of trees which make up a completely mature forest on this site. In addition, the applicant has quantified 4 trees to be cut in the 25' no cut buffer and 32 trees in the area from 25-100 feet from the edge of wetland. It should be noted that the applicant did reduce the amount of trees to be cut from 91 to 36 in these areas with a revised design. While there has been some reduction in the amount of trees cleared it has not been clearly demonstrated that the proposal is removing the minimum number of trees necessary.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed application appears to have been designed to maximize the development for this zone. Given the sensitivity of the site, there are certainly challenges to accessing the upland areas on this site without impacting the wetlands. However, if the size and scale of the development were reduced there may be some associated reductions in impacts. The current proposal is not the least impacting alternative for this site.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant is proposing the development in an undisturbed forested and wetland area. There is a landscape plan provided for the developed site but there has been no proposal to mitigate for the impacts proposed by this development with a planting plan or new wetland buffer plantings to offset the impact on this site. The applicant has not proposed adequate mitigative measures to offset the impacts to this site.

Recommendation: Staff recommends denial of the applicant as proposed as it does not meet any of the criteria for approval as listed in Article 10 Section as described in section 10.1017.50.