



# CITY OF PORTSMOUTH

Community Development Department  
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## Memo

TO: Conservation Commission Members  
FROM: Peter Britz, Environmental Planner   
DATE: June 6, 2019  
SUBJ: June 12, 2019 Conservation Commission Meeting

### 150 Brackett Road

This is an amended application where the location of the stairs was changed. This application is to amend the location of the stairs on the plan provided.

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 change of stair location does not amount to any significant change in impact. The new location is in a lawn area just off the proposed deck.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* There is an elevated deck and stairs need to be built to access the deck. The proposed location is as good as the prior location. There was simply a miscommunication with the contractor and designer about the location.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The new stair location will not cause any change in impact from the prior approved location.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is only a small portion of lawn proposed for removal with the new stair location.
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 not change the impact to the wetland buffer.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* This is a minor change the project site plan. No additional plantings are proposed

**Recommendation:** Staff recommends approval of this application as presented

### 145 Lang Road

This project proposed to replace a damaged 18" corrugated metal pipe with a new 15" HDPE culvert pipe.

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 essentially an in-kind replacement of a culvert pipe. There will be ground disturbance to remove and replace the culvert but the replacement is reasonable given the need for the project.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* Given the existing footprint is being utilized the proposed 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 should not create any impacts as long as erosion control measures are in place during construction and until the site is stabilized.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* This is a temporary impact project and no impact should occur to the natural and vegetative state beyond the temporary disturbance.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Given this is an in-kind replacement there should be no new impacts.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* This is an in-kind replacement and the site will be restored to the current condition.

**Recommendation:** Staff recommends approval of this application as presented.

#### **400 Little Harbor Road**

The applicant is requesting conditional use approval to demolish the existing building including the entire house along with existing pavement surfaces. Only a portion of the house is in the tidal wetland buffer where there will be an impact of approximately 1,400 square feet.

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 remove a house from the wetland buffer. The proposal will result in a reduction of impervious surface in the tidal buffer and an increase in open space on this property.
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 a demolition project there is no other location possible.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The project will result in a removal of an impervious area from the buffer. There is potential for temporary disturbance of the site during construction. The applicant has proposed a silt fence to prevent any erosion impact to the wetland area. If the silt fence is installed correctly and monitored during construction and until the site is stabilized any impacts to Sagamore Creek can be avoided
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 not impact existing vegetation. New lawn area is proposed where the house and paved area currently exist.

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 temporary impact to the wetland buffer but will result in a reduction of impervious surface in the buffer.*
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible. The proposal includes new lawn area where building currently exists. The applicant could consider adding new wetland buffer plantings in the tidal wetland buffer.*

**Recommendation:** Staff recommends approval of this application as presented with one stipulation.

1. The silt fence proposed be installed prior to construction and the construction contractor shall insure that the silt fence remain intact and in place until construction is complete and the site stabilized.

### 333-445 Borthwick Avenue

Wetland Conditional Use approval is requested for the replacement of three utility poles adjacent to Borthwick Avenue. The project proposes temporary impact of 2,227 square feet in the wetland area and 4,567 square feet in the wetland buffer.

According to *Article 10 Section 10.1017.60* the applicant must satisfy the following conditions for approval of this project.

1. *The proposed construction is in the public interest.*  
The poles are in need of replacement and are necessary to support transmission lines that provide electric power to the region.
2. *Design, construction, and maintenance methods will utilize best management practices to minimize any detrimental impact of such use upon the wetland and will include restoration of the site as nearly as possible to its original grade, condition and vegetated state;*  
The project is utilizing wooden construction mats to support machinery, revegetating areas where vegetation is impacted, smoothing rutted areas, and contractors will be required to follow best management practices to control invasive species.
3. *No alternative feasible route exists which does not cross or alter a wetland or have a less detrimental impact on a wetland;*  
Given that this project is specifically designed to replaced aging infrastructure this is the only alternative that works for this project.
4. *Alterations of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.*  
The project will have temporary impacts to the wetland and buffer but those impacts will be restored upon project completion.

**Recommendation:** Staff recommends approval of this project as presented.

### 123 Sparhawk Street

The application is requesting conditional use approval to construct a 140 square foot shed, level the back yard and remove an existing rock wall.

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 installation of the shed and regrading of the yard will have a temporary impact on the rear yard and will accommodate storage for the property owner. There is plantings proposed with this project which should offset any temporary impacts of the yard levelling. The new shed in the buffer is proposed with rain barrel collection system and stone bedding underneath which will allow for infiltration and reduce any impacts from the new impervious surface.
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 improvements to the rear yard of their property and as such does not have another location. Given nearly the entire lot is in the wetland buffer there is no other location here the shed can be located outside of the wetland buffer.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The project will result in some temporary impacts when the yard is being levelled but erosion control measures can reduce the impact from this work. The new shed is being installed with raingwater infiltration and collection so any impacts from the new impervious surface will be reduced.
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 have a temporary impact on the lawn but a new lawn and proposed new vegetation should offset those impacts in the buffer.
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 taken care to reduce impacts in the buffer with the pervious surface under the shed and new plantings. The design of this project is sensitive to the wetland buffer however it appears to lack any erosion control measures.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The proposal includes new plantings in the wetland buffer.

**Recommendation:** Staff recommends approval of this application as presented with one stipulation.

1. That the applicant install a silt sock or other erosion control measure to reduce any temporary impacts during the levelling of the yard.