



Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner
DATE: March 5, 2021
SUBJ: March 10, 2021 Conservation Commission Meeting

375 Banfield Road

The applicant has requested that this application be postponed to the April meeting of the Conservation Commission.

1 Clark Drive

This project is the subdivision of land where there is a single family home which will be replaced with a new cul-de-sac road and four new house lots to include the demolition of an existing home and swimming pool portions of which are in the 100 foot wetland buffer. This application was postponed at the February meeting of the Conservation Commission with a request that wetland buffer plants be included in the project proposal and more information about the siting of the homes.

1. The land is reasonably suited to the use activity or alteration. The rear portion of the new house lots are partially within the 100' wetland buffer. The application is providing stormwater treatment in the lawn area at the rear of these houses and completely within the 100' wetland buffer. The applicant has stated that this is the only area on the site where effective stormwater treatment can be done. The applicant should provide a detailed maintenance schedule for the stormwater treatment area and consider a deed restriction to protect this area from future changes by property owners.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration. Given the area is currently lawn and is the low point on the properties it is the most feasible location for the treatment. However, as it is not clear how the future property owners will treat this area it is important they understand there are important inspection and management requirements and long-term protection of the functionality of this stormwater treatment system.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties. Given that the proposed work is in a lawn area and will reduce the velocity of flow it should have a net improvement on stormwater quality. The applicant has provided a buffer planting plan to enhance some portion of the 100' wetland buffer. Both the stormwater treatment and the planted buffer area should be protected from future impacts. In particular to insure the stormwater treatment system is maintained and remains in place there should be inspection requirements as well as deed restrictions placed on this approval or within the homeowner's association documents.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. The existing lawn will be regraded and replaced with a vegetated rain garden.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section. The proposed project should reduce velocity of stormwater from the site and with plantings could represent an enhancement. However, it is important as stated above that the applicant secure a

monitoring and maintenance program for the long-term efficacy and protection of the proposed stormwater management system. Additionally, the applicant should demonstrate that this is the furthest from the wetland edge this treatment system can be installed and that the lawn area is not being maximized. It should be described how the treatment system has been placed as far from the edge of wetland as possible.

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

The revised plan shows landscape buffer plantings in areas that are currently lawn. The applicant has planted the area that is lawn waterward of the proposed treatment system.

Recommendation: Staff recommends approval of this project with three stipulations:

1. The applicant provide a stormwater maintenance plan and deed restriction to be recorded at the registry of deeds or within the homeowners association documents for the property.
2. The buffer plantings should be monitored for success and if they are not at least 80% successful at least one year after planting they should be replaced to insure they achieve an at least 80% success rate.
3. According to section 10.1018.40 permanent wetland boundary markers shall be shown on the plan submitted with an application for a conditional use permit and shall be installed during project. The applicant shall provide the location for these markers in an appropriate location on the site and shall describe type of marker and the method of installation for Conservation Commission review.

500 Market Street

The applicant has requested that this application be postponed to the April meeting of the Conservation Commission

0 Sagamore Avenue

This application is a City of Portsmouth application to upgrade the area to sewer. Currently the area is all on septic systems. The new system installation will create temporary impacts as low pressure sewer lines are installed under roadways and in yards of existing homes.

1. The land is reasonably suited to the use activity or alteration. There are 7860 square feet of temporary impact on private property and in City right-of-way and 32 square feet of impact in the previously disturbed tidal buffer zone. Within the undisturbed 100' wetland buffer zone there are 350 square feet of temporary impact. Given this project will replace aging septic systems with City sewer the proposed impacts are warranted to achieve an improved water quality for Sagamore Creek.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration. Given that sewer needs to follow the road network there is no alternative location for this project.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties. The proposed 35 square feet of wetland buffer impact is all within a previously disturbed wetland buffer area mainly in front lawns of house. This temporary impact consists of new sewer covers and will not create an adverse impact to the wetland functional values in the adjacent wetland areas.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. The project is mainly in City right-of-way or lawn areas. Where there are potential impacts with trees or other vegetation the route has been selected to reduce these impacts.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section. The proposal is not proposing any new impacts in undisturbed buffer areas and as such 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 applicant has worked to reduce impacts to natural vegetation.

Recommendation: While section 10.1018.40 calls for wetland boundary markers given the fact that this project is mainly in the right-of-way and lawn area the ability to install meaningful wetland boundary markers is limited therefore staff recommends that this standard be waived for this project. Staff recommends approval of this project as proposed.

239 Gosport Avenue

This application is an after the fact application that the current owners of the property are submitting as a result of past work done on this property.

1. *The land is reasonably suited to the use activity or alteration.* The land behind the house was filled to create a level lawn area behind the house. While it is not directly adjacent to the wetland area the addition of lawn in this area has led to the loss of natural wetland buffer vegetation. The land where the work has been completed is not reasonably suited to the activity.



2020 Aerial

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* This is an after the fact application in an area that is not suited for this type of fill and new impervious surface.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The impacts to this area have been done by the previous owner. There is clearly loss of natural wetland buffer habitat.



2000 Aerial

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* Alteration of the natural vegetative state was completed by the previous property owner and the area is currently lawn and garden with a retaining wall where there was previously natural buffer area.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposal is not the least adverse impact but the work has been done.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*
The area within the buffer has been altered and a retaining wall constructed.

Recommendation: It is unfortunate that this work was done without a permit. Given there is a retaining wall which would require considerable disturbance and expense to remove it is not clear that trying to restore it to its original condition would result in a net benefit, at least in the short term. Staff recommends that this project be approved as presented with no further work in the 100' tidal buffer zone with one stipulation:

1. According to section 10.1018.40 Wetland Boundary Markers Permanent wetland boundary markers shall be shown on the plan submitted with an application for a conditional use permit and shall be installed during project construction. Given this is an after the fact permit the applicant shall show locations for wetland boundary markers on their plan which will, hopefully, aid in preventing future unpermitted impacts to the wetlands and wetland buffer zone on this property.