



Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner
DATE: June 11, 2021
SUBJ: June 16, 2021 Conservation Commission Meeting

Raynes Ave and Maplewood Ave Mixed Use Project

This project includes removing three buildings and impervious surface in the wetland buffer to be replaced with two new buildings parking a public access waterfront trail and landscaping. Overall the project has reduced impervious surface impacts in the first fifty feet of the tidal wetland buffer by 3,787 square feet. Overall the net reduction amounts to 3,800 square feet of impervious surface removed from the 100 foot tidal wetland buffer.

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 is located in an area along the North Mill Pond that is currently private and not open to the public. The current property is being improved to include a bicycle and pedestrian trail made of porous pavement and a new landscaping plan which enhances what is there today and provides public access along the water consistent with the North Mill Pond Greenway plan. The overall project reduces the amount of impervious surface. For these reasons the land is reasonably suited to the proposed alterations.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The location of the property is primarily within the 100' wetland buffer. The applicant has removed the majority of the impacts from the first fifty feet of the wetland buffer. Given the small amount of developable area outside of the wetland buffer there is no alternative location that is reasonable for a project in this area.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed development is significantly further from the edge of wetland and there is a reduction in impervious surface with this proposal. The proposal also seeks to improve the treatment of stormwater on the site with a treatment and detention system. The pedestrian trail that is proposed is planned for porous pavement. This project provides community space that will allow people to walk along the pond on a safe accessible trail and proposed a landscape plan which is an improvement over the existing pavement and small area of vegetation currently in the buffer.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The proposed project has plans to remove a good deal of building and impervious surface from the buffer. The plans include a landscape plan which will provide adjacent wetland habitat and an amenity to the public using the greenway trail.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* This application propose to provide enhancements to the tidal buffer zone over what exists today. The project will provide enhanced landscaping over what exists today and will provide public access this portion of the North Mill pond where none exists today. Given these improvements and the reduction of impervious surface and treatment of stormwater on the site staff believes this project has worked to provide an application which reduces the overall impacts.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant provided a landscape plan which includes plantings around the proposed building and within the 100' tidal wetland buffer. The use of native plantings within the 100 foot buffer and removal of invasive species on this site will provide a benefit over the vegetation in buffer which exists today.

Recommendation: Staff believes this application represents a reduction in impacts to the tidal buffer zone and provides public access through a location that has been private. Since the last submittal the applicant has enhanced the wetland buffer plantings has provided additional detail on reconstruction of the pier and ram in-kind which will while currently private will provide additional public access to the water in this location. In addition the applicant has complied with section 10.1017.24 which requests the removal of impervious surface in the buffer to below what exists. Staff recommends approval of this application as presented.

3 Curriers Cove

This project is to construct a patio and small portion of a pool in the 100' inland wetland buffer. There is a freshwater wetland adjacent to the tidal buffer therefore while this project is well outside the 100' tidal buffer it still falls within 100' of the edge of a freshwater wetland. This project was previously approved but the approval has lapsed.

1. *The land is reasonably suited to the use activity or alteration.* This project is to install a patio and pool at the back side of the house furthest from the edge of the wetland immediately adjacent to the house. This is a reasonable location for this work.
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 house is closer to the wetland this is the most reasonable location for the proposed patio and pool.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The construction of the patio and pool can be constructed to prevent any erosion and/or sedimentation to the area and wetland from which this buffer is defined.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The patio and pool are proposed in the developed portion of the property where there is not currently vegetation.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* TGiven that the pool and patio are going where a pool previously existed and they are located on the opposite side of the house from the wetland this is the least impacting location for the pool and proposed patio.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The plan provides for the addition of nine new trees on the outside of the proposed fence.

Recommendation: Staff recommends approval of the project as presented.

0 Patricia Drive

This application was previously before the Commission in October of 2020 and proposed to restore a portion of an existing roadway including new stormwater treatment in the wetland buffer to access two new proposed home sites. The applicant is proposing to change the stormwater treatment from a detention area and vegetated overflow into the Prime Wetland buffer to a series of treatment catchbasins.

1. The land is reasonably suited to the use activity or alteration.

It is not clear from the design how the site grading will direct flow to the proposed new treatment units and where these units will be installed. The treatment units specified on the plans are for industrial application which this is not.

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

Given this was previously a paved roadway this is the most feasible and reasonable approach to the proposed home sites. However, more details are needed to better understand the stormwater treatment change proposed and how it will work to reduce impacts to the adjacent wetland.

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

The applicant changed the stormwater design but has provided insufficient detail to understand how water will be adequately treated with the proposed change.

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

Impacts to natural vegetation in the 100' prime wetland buffer has been reduced with this application.

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

The proposed project has not provided sufficient details to know where the new treatment units will go, how the stormwater from the roadway will get to them and why these units will work in this environment when they are proposed as industrial treatment systems. Additionally, it is not clear how the longterm maintenance will be provided in these proposed units especially as this is a residential private roadway.

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

This applicant proposes a reduction in impact to the vegetated buffer as they have substituted surface treatment in the buffer for a subsurface catch basin system.

Recommendation: Staff recommends this application be postponed until the applicant can provide sufficient detail on how the proposed treatment units will work in this application, how the water will be directed to the proposed systems, how the system is suited to handle the volume of water from the site, and how the longterm maintenance of these units will be insured.

3400 Lafayette Road

This application is to construct a 50 unit multi family residential development. The majority of the proposed development falls outside of the wetland buffer however there is stormwater treatment area and site drainage proposed to go into the wetland area.

1. The land is reasonably suited to the use activity or alteration.

The size and scale of this development adjacent to what is intended to be a highly functioning wetland system does not appear to be appropriate. A portion of the stormwater treatment is within the wetland buffer which will require over 7000 square feet of disturbance in the wetland buffer. All of the runoff water will go into the adjacent wetland system. It is staff's understanding that this wetland system was constructed as mitigation for the Portsmouth Regional Hospital construction.

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

The applicant appears to have maximized the residential development on this site which could have longterm impact to the wetland area adjacent to it.

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

While the stormwater from the site will be treated it is not clear how this treated water and new volume of water will impact the functioning wetland mitigation which was created to offset wetland impacts in a different part of the city. The longterm impact of stormwater in this wetland could have an adverse impact on the created wetland system.

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

The area proposed for development is currently being used as a wood processing area therefore a portion of the natural vegetation has been impacted. The introduction of 50 housing units in this area will require removal of all the natural vegetation outside of the buffer and some of the vegetation in the buffer at least as a temporary impact.

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

While the applicant has kept all of the proposed housing and roadways out of the wetland buffer the proposed impacts to the wetland buffer for stormwater treatment are not the least impacting alternative and the runoff from the development while proposed for treatment still will have longterm impacts to the adjacent wetland system.

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

The applicant is proposing temporary impacts in the wetland buffer but it is not clear how these will be restored when the project is complete.

Recommendation: This is an intensive development bordering a conservation area. Some of the stormwater treatment is proposed in a Natural Resource Protection zoning district and over 7,000 square feet of temporary impact is proposed in the wetland buffer. The longterm impact of all the stormwater from this site could have significant impacts to the adjacent wetland system. Staff recommends that the applicant redesign the project to be less intensive and treat all of the stormwater outside of the buffer and consider alternate locations other than the adjacent wetland as an outlet to protect the integrity of this mitigation area. The applicant should also provide the mitigation plans which were developed for the adjacent wetland area and demonstrate how this development is compatible with those plans.