




CITY OF PORTSMOUTH

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Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner 
DATE: August 5, 2021
SUBJ: August 11, 2021 Conservation Commission Meeting

0 Shearwater

The Conservation Commission reviewed an application for Wetland Conditional Use at their June 9, 2021 meeting. This application was postponed at the request of the applicant to the August meeting. At the June meeting the Commission requested the applicant provide information from the applicant pertaining to proposed plantings, signage and management of the site.

3400 Lafayette Road

This application was first presented to the Commission in June and postponed in July to the August 11 meeting. The applicant proposes to construct a 50 unit multifamily residential development. The majority of the proposed development falls outside of the wetland buffer however there is stormwater treatment area and site drainage and sewer line construction proposed to go into the wetland and wetland buffer area.

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

Given this area is intended to be a highly functioning wetland system it is critical that the stormwater treatment does not introduce contaminants. The applicant has stated their willingness to avoid the use of salt to treat the driving areas in this development. Additionally, the area to the rear of the site shows a sewer line through a prime wetland and prime wetland buffer. This impact is described as temporary. There is no detail on how that construction will take place. More information is needed to understand how these impacts will be only temporary and how the construction will be protective of the existing prime wetland system.

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 designed a dense residential development on this site which could have longterm impact to the wetland area adjacent to it. The applicant has stated their willingness to reduce stormwater impacts by not using salt in the snow removal process. More information is needed as to how the impacts through the wetland at the rear of the site is being undertaken. If the sewer line were routed from Lafayette Road in front of the development there would be a substantial reduction in impacts.

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

The applicant has stated they will stipulate that snow removal will not include the use of salt. This needs to be documented in a way that can be enforced in the long term. The applicant has moved the trail closer to the development and has provided a fence to reduce impacts to the wetland buffer in this trail area. In addition they have provided a dog park which will reduce the impact of dog waste 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 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. The applicant does have a fairly robust planting plan to restore the current wetland buffer.

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

If the sewer line were not routed to the rear of the site that would be a less impacting alternative, Additionally, to reduce impacts to the wetland the removal of snow should be done without the use of sodium chloride.

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

The applicant is proposing an extensive planting plan for the buffer impacts at the front of the site. The only restoration shown on the proposed sewer line to the rear of the site is planting of a New England wetland seed mix. There should be more thought put into how the direct impact to the prime wetlands will be restored after the sewer is installed through that area.

Recommendation: This is an intensive development bordering a conservation area. There are potential impacts from the stormwater runoff. Additionally some of the stormwater treatment is proposed in a Natural Resource Protection zoning district which is intended to remain in a natural state. The large impact stated as temporary at the rear of the site would be better avoided by moving the sewer to the front of the site. Staff recommends that the applicant redesign the project to be less intensive needing less pavement and less stormwater treatment. The applicant should consider more infiltration of stormwater so less water runs into the wetland. The applicant should provide a mechanism for insuring that any snow and ice removal does not include the use of salt which cannot be removed by stormwater treatment. If the sewer infrastructure remains at the rear of the site plans should detail the restoration of this area. The applicant should provide signage to notify the residents and public of the wetland boundary and also how to access the trail to and from Coach Road.

10 FW Hartford Drive

This application was postponed at the July meeting of the Conservation Commission to this meeting. This is a project proposal to remove trees in the wetland and wetland buffer behind the home at 10 FW Hartford. The applicant has hired an arborist to assess the health of the trees on the property and requests removal of five trees inside the wetland area, two trees on the line or just outside the wetland area and 8 trees outside of the vegetate buffer and limited cut area.

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 trees in the wetland or just outside of the wetland require approval for the owner to cut trees 8-14 as shown in the provided plans. The other trees 1-7 and 15 are not regulated by the City's Zoning Ordinance.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The health of the trees or the threat to property make the decision to remove these trees the only reasonable alternative for this proposal.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* Given the density of trees in this forest and the goal of improving the health of the woodland this project will not have an adverse impact on wetland values.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* This is a project to manage the trees on the site. Removal of the trees is intended to keep the property safe and according to the arborist improve the function of the woodland.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed is intended to improve the health of the forest and make the site safer for people and the adjacent home.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The plan provides for removal of trees but not to change the natural state of the forested area surrounding the home.

Recommendation: Staff recommends approval of this application as presented.

83 Peverly Hill Road

According to section 10.727.22 *The Planning Board shall afford the Conservation Commission an opportunity to comment on the particulars of a proposed PUD, including but not limited to the natural features of the parcel and how these may be impacted by the proposed project.*

The applicant has provided the subdivision plans for this project. The Conservation Commission should provide input to the applicant and the Planning Board based on the plans provided as a recommendation in order to assist the Planning Board in their review of this subdivision application. There are 56 homes proposed in this subdivision which has managed to stay completely outside of the 100' wetland buffer. The applicant is proposing to install a street which will be a public street and access off the street will be provided by a trail through an upland area connecting to the former railroad corridor. Additionally, as part of this project the applicant is proposing to put 71 acres of upland and wetland in to a conservation easement to the benefit of the City.

180 Spaulding Turnpike

This application is to demolish a portion of an existing building and rebuild it expanding it over an existing paved area. There is no increase in impervious surface with this application and all of the proposed work is within the existing development footprint.

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 project currently has pavement and building within the 100 foot wetland buffer. While the ratio of building to pavement will increase there is no change in the amount of 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 proposal is to reconstruct an existing building. There will be no increase in impacts to the wetland buffer.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* Given this area is all impervious surface the only impact will be a reduction of pavement. As a result there could be a slight reduction in contaminants in the runoff from the site.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.*
There is no change to the natural vegetative state proposed with this project.

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

The proposed project does not represent a change to the wetland buffer in terms of impacts.

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

The plan does not call for the removal of any vegetation. The applicant could be asked if there are areas on the site which could be returned to a natural state.

Recommendation: Staff recommends approval of this application as presented.

0 Oriental Gardens

This project is proposing to impact 4,741 square feet of wetland and wetland buffer to provide sewer upgrades and drainage maintenance. The project involves removing the sewer pump station and associated piping and removing vegetation around the outlet of a culvert to maintain an existing drainage swale. This project was approved in 2017 but the work was never conducted and the permit expired.

1. *The land is reasonably suited to the use activity or alteration.* The swale area is an existing drainage swale and the applicant is proposing to add 130 square feet of riprap to the culvert outlet coming from the Starbucks parking lot to reduce the flow velocity and prevent erosion in the swale area. This work is appropriate to maintain proper site drainage.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* Since the drainage swale, tank and pipe are all existing there is no alternative location for the work.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed project should help reduce sediment to the wetland area at the rear of the site where the swale outlets.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The project is proposing to prune existing vegetation along the length of the swale to allow future maintenance.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed project is necessary to maintain the drainage from the site and the addition of rip rap outlet should reduce any adverse sediment impacts. The removal of sewer infrastructure is necessary as it is not needed for the sewer to function.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant is proposing to prune vegetation along the swale but this area will remain naturally vegetated. The lawn area will remain to allow future access to clean out the drainage swale.

Recommendation: Staff recommends approval of this application as presented.