



Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner
DATE: March 3, 2022
SUBJ: March 9, 2022 Conservation Commission Meeting

400 Little Harbor Road

Society for the Protection of New Hampshire Forests, Creek Farm

This application is to construct a bathroom facility located in the 100' inland wetland buffer.

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

The proposed project is to construct a new exterior bathroom facility for users of the site. The new building is proposed partially within the wetland buffer with 303 square feet of permanent impacts for the building and 275 square feet of temporary impact for the work around the building. The location is previously disturbed and the new building is on the far side of the existing building with only a portion in the buffer. Therefore, this appears to be a reasonable location for this structure.

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

According to the applicant this is the most appropriate location for the new structure due to on-site ledge and longer runs of utility lines.

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

The proposed structure will result in a new building in the buffer where there is currently gravel adjacent to a parking lot. Given the structure is proposed with a stone drip edge the impact from the new structure (if adequate erosion protections are provided) should be less than or equal to the existing condition.

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

The new construction on the site is proposed in a previously disturbed area with just lawn and gravel. There is no impact to the natural vegetation or managed woodland 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 building will not create new impacts for the wetland as designed.

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

The applicant is proposing to restore the disturbed area by replacing the lawn. Staff recommends the applicant consider the addition of plantings inside the property line in the area closest to the wetland to enhance wetland buffer habitat and provide additional water filtration for stormwater runoff from the lawn area.

Recommendation: Staff recommends approval of this project as presented.

325 Little Harbor Road

This application is to amend the Wetland Conditional Use permit which the Conservation Commission recommended approval of in November of 2021. The utility impacts from the project were deemed significant enough to warrant TAC review therefore the project never proceeded to the Planning Board. The overall project proposes 195,656 square feet of impact in the tidal buffer zone and 17,189 square feet of temporary impact in the tidal wetland area.

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

The proposed project reviewed in November of 2021 was approved by the Conservation Commission. The proposed changes to the project include work in the 100' tidal buffer zone to repair the bridge. This request is reasonable as it is necessary to safely access the island.

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

With regard to the new impacts not yet reviewed in this application this is the only way to access the island, therefore, this location is reasonable.

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

The bulk of the impacts not yet reviewed by the Conservation Commission are located on an island. There is work proposed in the access road to the island and in Little Harbor Road. Those impacts are under the existing roadbed or shoulder and should not cause new impacts if erosion control measures are installed and monitored during project construction.

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

In addition to the impacts for the pool and home construction there are a great deal of impacts which serve to enhance the tidal buffer zone and upland areas on the island. The applicant is working with a detailed land management plan to control invasive species and provide an extensive planting plan which should result in a net enhancement to the vegetative state and managed woodland on the property.

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

The Conservation Commission previously approved the extensive work to construct the house, caretaker house, swimming pool and associated pool house in addition to the extensive landscaping work. While there is a great deal of disturbance for the overall project, the reduction in invasive species and planned enhancement to the natural and landscaped areas and overall reduction of impervious surfaces result in a reduction of impacts.

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

The applicant is proposing to restore and extensive invasive species removal and buffer enhancement planting plan.

Recommendation: Staff recommends approval of this project as presented.

213 Jones Avenue

This application is to construct a new detention pond on a residential property to accommodate the runoff from a new single family home and accessory dwelling unit as well as a new driveway.

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

The proposed project includes new impervious surface outside the buffer that the applicant is working to reduce the impacts of through construction of a detention pond in the wetland buffer. Given the wetland buffer is meant to provide habitat and water quality protection for associate wetlands putting stormwater treatment or storage systems in the buffer is typically not permitted. The wetland configuration on this site is unique in that the water drains away from the wetland. Therefore the buffer will not serve to provide water quality protection to the wetland adjacent. However, the buffer still can provide habitat enhancements. The applicant has provided an extensive area of planting to work to enhance the habitat.

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

It is not clear from the application that other locations or stormwater infiltration practices have been explored to prevent the construction of a new detention pond in the buffer. There could be ways to allow for infiltration in the yard outside the buffer or under the proposed driveways to reduce the need for a new detention pond in the buffer.

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

As stated above the proposed detention pond will not cause impacts from a water quality standpoint, and in fact will work to reduce water quality impacts from the new impervious surfaces on the site. However it appears as if the site could manage stormwater outside of the buffer or at a minimum provide a detention area that provides habitat benefits by integrating a planting plan and more natural buffer design.

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

It has not been clearly demonstrated that there are not other alternatives outside of the buffer which could manage the stormwater from the site without the use of a detention basin.

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

It is not clear from this application that this is the least impacting alternative. Information about the suitability of infiltration or even detention outside of the buffer has not been provided in any detail other than stating this is the only location due to the topography of the site.

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 to enhance the buffer on the site.

Recommendation: Staff recommends the applicant provide additional justification for the size and location of the stormwater detention system. Describing why infiltration outside the buffer or why detention outside the buffer is not possible should be explained in more detail. In addition, it would be helpful to hear about how deep and how long standing water will be detained in the proposed detention basin on this site.

333 Borthwick Avenue

A report will be provided at the meeting about this project.