

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Associate Environmental Planner
CC: Peter Britz, Planning & Sustainability Director
DATE: November 3, 2023
SUBJ: November 8, 2023 Conservation Commission Meeting

**815 Lafayette Road
Prospect North 815, LLC, Owner
Assessor Map 245, Lot 3**

This application is requesting a Wetland Conditional Use Permit for the demolition and redevelopment of a parcel of land along Sagamore Creek. The applicant is proposing the demolition of the existing buildings and the construction of three 4-story, 24-unit multi-family dwellings and ground floor parking. The proposal also includes site improvements such as parking, pedestrian access, utilities, stormwater management, lighting, and landscaping. This application is in the G1 zoning district, which requires 10% community space, which has been proposed as a trail and protected open area. The project proposes a net impervious surface reduction of 11,738 sf within the buffer, leaving no impervious within the 100' wetland buffer.

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

The applicant is proposing to remove all existing impervious from the wetland buffer while introducing a riprap stormwater outlet and will be replacing with native landscaping (including buffer seed mixes), a woodchip walking path and multiple planting beds.

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 to remove all existing impervious from the buffer, this will improve the health of the buffer overall.

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

Applicant is proposing to remove all existing impervious from the buffer and replace with native landscaping, planting beds, and buffer seed mix. Stormwater from the development outside of the buffer will be routed through a jellyfish filter treatment system and will exit into a constructed riprap outlet within the 50-100' buffer, resulting in an unspecified buffer impact.

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

Applicant will be restoring the natural vegetated state and woodland area with new plantings and buffer seed mix.

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

Applicant is proposing the restoration of the buffer with the removal of impervious, improved stormwater treatment, additional plantings, and the elimination of lawn within the buffer.

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 areas previously disturbed in the wetland buffer with buffer seed mix and plantings. The proposed community space within the 25' vegetated buffer is already protected and as such, would not qualify as community space.

Recommendation: Staff recommends approval of this application with the following stipulations.

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.
2. Please relocate the proposed trash receptacle from the 0-50' buffer.
3. Please include locations of signage for public access/community space along path. Please include a detail spec of sign in plan set.
4. Please consider removing the community space from 0-25' vegetative buffer. This area should not be utilized by the public due to its environmentally sensitive nature and it is already considered protected in the Zoning Ordinance through environmental regulations.
5. Please include total project impacts within the 100' wetland buffer – both permanent, temporary, and any proposed ground disturbance for the construction of stormwater structures, grading, etc.
6. If the proposed community space is to include the wetland buffer, a maintenance plan in accordance with Article 10 of the City of Portsmouth Zoning Ordinance will be required to ensure long-term maintenance and protection of this area. This plan should be constructed with input from the Conservation Commission and Planning and Sustainability Department staff.

**60 Pleasant Point Drive
120-0 Wild Rose Lane, LLC, Owner
Assessor Map 207, Lot 13**

This application is requesting a Wetland Conditional Use Permit for the demolition and redevelopment of a residential home that lies within the City's tidal buffer of the Piscataqua River and the State's shoreland and tidal buffer impact zones. The applicant is proposing to place all new infrastructure outside of the 50' buffer, where impervious surfaces currently exist, except for a set of stairs down to the dock and proposed underground utilities. Within the City's 100' buffer, the applicant is proposing a total of 5,368 sf of impervious surface including the dock, two sets of stairs, a pool, patio, cabana, and a portion of the home, this is a reduction of 31 sf from the existing site. The applicant is proposing the addition of pervious pavers for various patios and walkways within the buffer. This application includes a long-term stormwater maintenance plan, an extensive landscaping plan that will add a variety of new plantings on the property and within the buffer, including a plan to restore vegetation on the eroding bank, the replacement of existing lawn with a micro-clover seed mix and the removal of invasive species on site.

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

The existing lot has been used for residential use which already had a significant amount of impervious surface within the buffer. This application proposes to remove all impervious within 50' of the wetland resource while pushing much of the home and associated infrastructure farther back and away from the resource. While there is still impervious within the buffer, the applicant is proposing to restabilize the bank with native vegetation, replace all the grass with an eco-friendly micro clover mix, and there is extensive landscaping to help redirect and infiltrate stormwater on the property to reduce erosion, ponding and impacts to abutting properties.

4. 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 to build the home and other structures outside of the 50' buffer, which will be an improvement from the existing site. The grading of this site does not allow for a lot of room to build without needing to bring in fill and regrade the site. While this proposal does include a large amount of impervious within the 100' buffer, the applicants are proposing to increase the health of the buffer with new plantings, stormwater control and bank stabilization.

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

Applicant is proposing to redirect stormwater, revegetate the bank, increase buffer plantings, and replace grass with an eco-friendly micro clover mix. These additions will help mitigate the impacts of proposed impervious within the buffer.

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

Applicant will be restoring the natural vegetated state of the bank and buffer, which will increase the vegetative state of the buffer compared to the existing site. Applicant has proposed an extensive land management plan which will address buffer health through invasive species removal and native plantings.

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

The applicant is proposing a slight reduction to impervious impacts in the buffer but has implemented a robust landscaping plan which includes an invasive species removal program and revegetation and stabilization of the bank.

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 areas previously disturbed in the vegetative buffer with a revegetation of the bank which will help reduce erosion and stormwater sheet flow.

Recommendation: Staff recommends approval of this application with the following stipulations.

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.
2. Please provide more information on the pool infrastructure, specifically the type of pool and any planned chemicals for use within the pool.
3. Applicant shall provide monthly invasive management updates to the Planning and Sustainability Department once removal begins and until the end of the restoration planting (see *Management Calendar for Treatment and Planting*). These updates shall be a report summarizing the activities performed, the success rates, any proposed plan changes, and any upcoming activities involving the 25' vegetative buffer

on site. If plants have achieved an 80% success rate or less after one year, applicant will replant and report back on planting success after an additional year.