

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Associate Environmental Planner
CC: Peter Britz, Planning & Sustainability Director
DATE: June 7, 2024
SUBJ: June 12, 2024 Conservation Commission Meeting

**50 Andrew Jarvis Drive
City of Portsmouth, Owner
Assessors Map 229 Lot 3 and Map 221 Lot 2A**

Note: This application was postponed at the May meeting of the Conservation Commission to the June meeting.

This application is for the conversion of an existing practice field into a more formalized baseball and softball practice field. This conversion proposes the addition of an 800 s.f. batting cage, and a 40' wide backstop with posts driven into the ground, and the removal of approximately 800 s.f. of existing grass for replacement with an infield mix of clay, sand and silt. All of this work will occur within the 100' wetland buffer, with additional grass removal and infield mix placement outside the 100' buffer.

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

This area is already heavily used as a recreation area for high school students and other recreation leagues. The addition of baseball/softball equipment will allow for more teams to utilize the space.

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

While there is an alternative location in this area that would create minimal disturbance and be outside the buffer, it would create a safety hazard due to its proximity to buildings and parking areas. The chosen location within the buffer is already used as a recreational field and it does not receive any harmful maintenance such as fertilizer or chemical use, only occasional mowing. The conversion to a baseball/softball field will not change how the buffer has been used historically.

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

The infield mix proposed for the new field will be a permeable mix that should not have a noticeable impact on infiltration within this buffer area. The adjacent wetland is well forested and should not see an impact from this field conversion.

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

The only vegetation proposed to be removed is a portion of existing grass lawn. This will be replaced with a permeable sand/silt/clay infield mix.

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

This proposal minimizes impacts to the buffer by proposing a permeable infield mix and minimal permanent equipment. On-site alternatives would require greater disturbance to areas that are not already used as recreational fields.

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

No work is proposed within the 25' vegetated buffer.

Recommendation: Staff recommends **approval** of this wetland conditional use permit to the Planning Board with the following stipulation:

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.

**0 Maplewood Avenue
City of Portsmouth, Owner
Assessors Map 124 Lot 3**

This is an after the fact wetland conditional use permit due to the emergency authorization for this work. The stone wall alongside the North Cemetery is in danger of collapse due to significant erosion along the bank and this application is for the restoration and repair of the wall in-kind which includes installation of new stone, installing non-woven geotextile along the eroded bank, importing structural backfill, and loam and seeding the disturbed areas once finished. Recent inspections of this site concluded that any future storm events or heavy rains could cause significant damage and irreversible harm to the stability of this wall and the contents behind it. Due to this, the City of Portsmouth Department of Public Works has obtained an emergency authorization to perform this work from NHDES and is now seeking a wetland conditional use permit.

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

This work is an in-kind repair job. The wall to be repaired is structurally necessary to keep the cemetery structures and fill contained.

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

There is no alternative location to rebuild this wall in. The safety of the tomb and burials behind the wall is reliant on the structure of this wall and it must be fortified in order to prevent further erosion, or worse, collapse.

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

The applicant is proposing to use professional services to get at the wall from an adjacent property, so as not to disturb the hallowed ground. This may have impacts on the pathway of any necessary construction vehicles. The applicant shall restore any disturbed soils with native wetland buffer conservation seed mix and monitor for establishment.

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

The natural vegetated state will be disturbed in order to get construction equipment onto the site. This area should be stabilized with erosion controls, along with the wall, and should be reseeded at the end of construction with a native wetland buffer conservation seed mix.

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

The alternatives to not repairing this wall would be allowing it, and the fill, historic infrastructure and hallowed spaces to erode and/or slide into the North Mill Pond. The repair of this wall must be done in a fast, safe and responsible manner to ensure environmental health and safety of the historic resources.

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

All areas disturbed within the 25' vegetated buffer shall be reseeded at the end of construction with a native wetland buffer conservation seed mix.

Recommendation: Staff recommends **approval** of this wetland conditional use permit to the Planning Board with the following stipulations:

1. Applicant shall reseed all disturbed soil areas with a native wetland buffer conservation seed mix.
2. Applicant shall place erosion control measures along the bank.
3. Applicant shall monitor the success of reseeded areas to ensure stabilization. If stabilization is not successful within 30 days of seeding, the area will need to be reseeded.

**911 Sagamore Avenue
Debra DuPont, Owner
Assessors Map 223 Lot 33**

This application is for the removal of an existing deck on a single-family home with the replacement of a larger deck. The existing deck is approximately 283 s.f. and the proposed deck would add on an additional 5' x 9' bump out, with a total proposed deck area of 328 s.f. all within the 100' inland wetland buffer. This rebuild will include the installation of new concrete footings. The inland wetland is to the southwest of the property and is approximately 1.2 acres in size, leaving just under 10,000 s.f. of wetland buffer within the applicant's property.

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

There is an existing deck already in this location that will be replaced with a small addition that does not get any closer to the wetland. Applicant should make all efforts to minimize impacts to the buffer with this demolition and reconstruction, this should include ensuring the proposed deck is as pervious as possible, with proper deck board spacing and the placement of crushed stone beneath for stormwater infiltration purposes.

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

While the applicant will be removing the existing deck entirely and starting from scratch, the home entrances are located within these areas and egress must be met. The applicant should make all efforts to mitigate the impacts of the expansion of the deck within the buffer.

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

To mitigate adverse impacts from this new construction, the applicant should commit to a wider spacing for the decking boards, crushed stone underneath the proposed deck, and additional wetland buffer plantings on site.

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 the new deck construction will be a previously disturbed area where the existing deck has already been built. The expansion location will be in a landscaped area. The impacts of removing the current vegetation should be mitigated with additional native wetland buffer plantings on site.

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

This proposal will create additional impacts to the buffer than what currently exists today. To mitigate these, the applicant should install new native wetland buffer plantings, commit to wide decking spacing, and place crushed stone under the new decking area to ensure improved stormwater infiltration.

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

No part of this work will be within the 25' vegetated buffer strip. The applicant should install new plantings as a part of this project, the 25' vegetated buffer could be a good location for this.

Recommendation: Staff recommends **approval** of this wetland conditional use permit to the Planning Board with the following stipulations:

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.
2. Applicant shall construct deck with wide spacing between boards to maximize permeability for stormwater.
3. Applicant shall install crushed stone underneath the deck area to allow for better stormwater infiltration into the ground.
4. Applicant shall install new native wetland buffer plantings within the wetland buffer that are equal to or greater in planting area of the deck addition ('5 x 9' or 45 s.f.)

**100 Durgin Lane
Oak Street Real Estate Capital, Owner
Assessor Map 239 Lot 18**

The application is for the proposal of demolishing the existing Bed Bath & Beyond/Christmas Tree Shop site, removing all existing impervious, and rebuilding on multiple lots to incorporate 360 rental housing units, community spaces, roads, parking, site improvements, stormwater upgrades, lighting, landscaping, etc. This application proposes an overall reduction in impervious surfaces within the wetland buffer by 8,262 s.f. compared to the existing site (13.49% reduction). This proposal includes stormwater improvements and new native buffer landscaping.

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

This application proposes completely removing all existing buildings and impervious area on site and installing 52,983 s.f. of impervious with new rental housing units, community buildings, associated roads, parking lots, site improvements and landscaping. This will likely increase activity within this area such as foot traffic, vehicle traffic and use of existing wetland buffer space. The wetlands on and off site will need more adequate buffer protection due to this increased activity.

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

This is a large project that has many components. There is an overabundance of parking, roadways, and impervious surfaces within the wetland buffers that should be moved elsewhere. In particular, the newly proposed access road and parking along the north side of the site should be removed or relocated from the wetland buffer and buffer restoration efforts should be included in this area.

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

The wetlands on and off site will experience increased impacts from the proposed use which encourages more people, pets and traffic along the very edges of these wetlands and buffers. To minimize adverse impacts, the applicant should make every effort to remove all impervious surfaces from the wetland buffer and restore those areas of previous impervious surface to functional wetland buffer vegetation.

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

This project does propose alteration of natural vegetative state in some locations. In particular, the accessway on the north side of the parcel as it moves west does not appear necessary to achieve construction goals. This accessway and associated impervious surfaces within the buffer should be removed.

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

This proposal is not the alternative with the least adverse impacts. This proposal could be much smaller than what is shown here, and it could remove much more square footage of impact in the buffer.

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

There are no proposed impacts within the 25' vegetated buffer. Applicant should show and describe restoration for the vegetated buffers on site within planting plan.

Recommendation: Staff recommends **postponement** of this wetland conditional use permit.

1 Sagamore Grove
Flippin Bergers LLC, Owner
Assessor Map 201 Lot 8

This application is for the demolition of an existing approx. 1,056 s.f. single-family home and the construction of a new home, attached garage, walkway, patio, driveway and the removal of an existing buried septic tank. The new proposed building coverage (impervious area) will be 2,280 s.f. of impact, which would be an increase of impervious impact to the 100' inland wetland buffer. To mitigate these impacts, the applicant is proposing a permeable driveway, permeable walkway, permeable patio, a stone drip edge along the home, a vegetated swale in the front lawn, the restoration of the 25' vegetated buffer on site and additional wetland buffer plantings.

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

This project proposes an expansion of a previously disturbed area within the wetland buffer with a larger home and attached garage. However, the applicant also proposes a complete restoration of the 25' buffer and controlled infiltration of stormwater where none exist today.

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

Due to the constraints associated with this lot, it is difficult to rebuild this home anywhere else on the property that is further from the inland wetland with less impact in the buffer. For the purpose of this review the existing septic system is an existing impact in the buffer. Applicant should consider reducing the size of the proposed home and associated garage.

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

Although the amount of impervious area will increase within this buffer, the applicant is proposing mitigation through restoration of the 25' no cut buffer, plantings, stormwater controls and permeable paths/patios/driveways. The applicant should commit to proper maintenance and long-term care for the 25' buffer to ensure that future homeowners do not disturb, cut or mow the area.

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

While the applicant is intending to expand the footprint of the existing impervious area, they are also proposing to restore as much of the vegetative state on site as possible.

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

This proposal increases impervious impact to the wetland buffer and attempts to offset and is committing to restoration of the 25' buffer, additional plantings, stormwater controls and pervious materials. While the buffer enhancements will help to mitigate these impacts, consideration should be made for a smaller permanent impervious footprint.

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

The applicant has committed to return this area to a natural state. Applicant should ensure all future property owners are aware of the no-cut conditions to this area.

Recommendation: Staff recommends **approval** of this wetland conditional use permit to the Planning Board with the following stipulation:

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.
2. Applicant consider reducing the footprint of new construction to reduce permanent impacts in the buffer.
3. Applicant shall provide a planting and maintenance plan for the proposed 25' enhanced buffer area.