



CITY OF PORTSMOUTH

Community Development Department
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Planning Department
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Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner
DATE: June 5, 2015
SUBJ: Conservation Commission Meeting for June 10, 2015

200 West Road

This project is a drainage improvement project for West Road.

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 proposal is to impact 4,600 square feet of wetland and 3,900 square feet of wetland buffer to restore the drainage for West Road and prevent roadway and property flooding. The project area has been used for stormwater drainage since construction of West Road in the 1980's. The drainage way has not been adequately maintained and as a result this project is necessary and reasonable to achieve more appropriate drainage.
- 2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* Given that this area was created in the 1980's to convey stormwater and lack of maintenance caused the formation of wetlands in this area it is feasible and reasonable to utilize this area to provide for the current conveyance of stormwater.
- 3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.* This project will not create an adverse impact on the functional values of surrounding properties. The goal of this project is to reduce flooding on surrounding properties and the roadway. The principal functions of this wetland are sediment/toxicant/pathogen retention. Construction of this project is in keeping with restoring and enhancing those functions through the use of an updated engineered system.
- 4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The impacts from this project are proposed in a shrub-scrub wetland and intermittent stream. The shrub-scrub wetland and intermittent stream will continue to function effectively after the completion of the project.
- 5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The design of the engineered stormwater system is the most appropriate to achieve the stormwater goals of this project. Given this wetland was created to convey stormwater it is the least adverse impact to continue to utilize this area for stormwater conveyance.

Recommendation: Vote to recommend approval of the application as presented.

1163 Sagamore Avenue

This project is a condo development off of Sagamore Avenue in the location of the Moose Lodge. The proposal is to demolish the existing 7,300 square foot building on the site and construct 11 residential units. The rear property line is roughly coincident with the 100 foot wetland buffer. The area behind the rear property line is owned by the City of Portsmouth and is the southern portion of the Sagamore Headlands parcel. The shoreline to the south of that is owned by a private property owner in Tucker's Cove. The applicant is seeking to create a development of homes each with its own lawn and driveway. The access to the homes is from a private driveway which comes off of Sagamore Avenue. The applicant is proposing grading and the installation of two rip rap areas on the City's property to dissipate the energy from overflow water from the storm water system on their property. Given these areas are in the wetland buffer an application must come from the City or jointly between the developer and the City. More information about this application will be provided at or before the meeting on June 10, 2015.

Eversource (Formerly PSNH)

This project is to complete a minor amendment to a Conditional Use Permit approved at the November 25, 2015 Planning Board Meeting.

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 proposal is to modify a large utility project previously approved with a new impact of 10 square feet of wetland buffer.
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 highly technical engineered project and the addition of the proposed equipment is necessary to assure optimal functionality of the newly installed equipment. Given the small size of the proposed amendment this is a reasonably and feasible request.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* This project will create a small additional impact in the wetland buffer but will not have an adverse impact on the wetland functional values of the site or surrounding properties.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The small size of this project in the wetland buffer will not create an impact to the natural vegetative state beyond achieving the construction goals.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Given the small size of this project there should not be any additional adverse impact to areas and environments under the jurisdiction of this section.

Recommendation: Vote to recommend approval of the amended application as presented.

Hillcrest Estates

This project is to install five new Manufactured homes in an areas where five manufactured homes have been removed with a total wetland buffer impact of 25,038 square feet. The table below shows the proposed work as presented by the applicant. The table calculates change in amount of impervious surface and provides the percent increase of impervious surface.

| Unit # and Street | Existing | Proposed | Change | % Impv. Increase | Temp Buffer Dist |
|-------------------|----------|----------|--------|------------------|------------------|
| 429 Striped Bass | 1,158 | 3,154 | 1,996 | 63% | 4,594 |
| 229 Mackerel | 2,117 | 2,719 | 602 | 22% | 3,452 |
| 150 Codfish | 549 | 734 | 185 | 25% | 5,420 |
| 180 Codfish | 2,140 | 3,766 | 1,626 | 43% | 3,063 |
| 171 Codfish | 1,962 | 3,102 | 1,140 | 37% | 3,432 |
| Total | | 13,475 | 5,549 | 41% | 19,961 |

Note: all numbers shown in square feet except for %'s

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.* With this application the applicant is grouping together 5 new replacement homes so that he does not have to come before the commission with each new home. While there are some similarities a table has been provided stating the impacts for each home which are unique and need to be considered individually.

- 429 Striped Bass has the largest impacts, in terms of new impervious surface and seeks to expand the unit with a larger home, a new two car garage and much larger paved surface. Some plantings have been provided to offset the buffer impacts. The increase in impervious surface will result in a much greater amount of stormwater leaving the site into the surrounding wetland and making its way to Berry's Brook. If every home were expanded to the degree proposed the volume of stormwater for the park would more than double. While an expansion to the home is reasonable the degree of expansion proposed here will have uncertain impacts to the adjacent wetland system. An expanded home without an expanded driveway or new garage would reduce the impacts to a more reasonable level.
- 229 Mackerel proposed a 22% increase in impervious surface area to allow for a larger unit. It is not clear why the pavement must be extended to the entry way of the home and a development with a porous pathway or much smaller walkway to the entrance would reduce the impacts even further on this site.
- 150 Codfish proposes a larger home and a garage and new pavement leading up to the garage. This site is able to keep the garage and new pavement out of the buffer and results in a 25% increase in impervious area. The site calls for a great deal of grading in the rear with no details. More information and details about this grading needs to be provided on this and every site.
- 180 Codfish proposes a 43% increase in impervious surface. This is another site with a larger home and a new two car garage and associated paving to get to the garage. There is no justification provided for the garage and this high percentage of increase in impervious surface will have cumulative detrimental impact on the surrounding wetlands.
- 171 Codfish has a larger home and a greatly expanded paved area. The amount of paving appears to be beyond what is needed for two cars and is not clearly justified on the plan. In addition a very large shed is proposed within twenty feet of the wetland. It appears that a smaller shed could be placed further from the wetland on this site.

In addition to the specific comments above there are some overall concerns with the proposed development. There is no clear definition of the extent of the temporary disturbance. No information is provided about the volume of new fill, the size and number of trees to be removed in the buffer and the final proposed elevation of the homes. All of this information would be beneficial in reviewing this application. Staff believes the expansion proposed for some of these units in particular 429, 180, and 171 is not reasonable given the amount of new impervious surface proposed.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The existing home sites are being used as the limiting factor for where new homes can go. While this is the preference for the owner of the park it is possible that the same number of homes could be configured through a master planning process with the net result being a site with fewer impacts in the buffer. Given the potential for large cumulative impacts if each home is expanded as proposed staff recommends a more comprehensive site plan approach to managing the wetland buffers on the site. In the case of 429 and 180 a larger home with no garage would clearly reduce the buffer impacts to a more reasonable level and in the case of 171 the buffer impacts would be greatly reduced if the amount of pavement were reduced.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* This site all drains into the Berry's Brook wetland system. This is one of the largest and most high value wetland systems in the City. In fact units 429 and 171 are within the State's Prime wetland buffer and will most likely require a State Wetland Permit for the proposed expansion. Given the amount of increase in impervious surface there will be more stormwater making its way to Berry's Brook wetland system which will mean transport of pollutants and other water quality impacts. Overall the total increase in impervious surface could have a cumulative adverse impact on that wetland system. The applicant is proposing plantings which could help to filter some of the new stormwater but a more comprehensive approach is warranted given the likelihood of more expansion of this nature throughout the park within the wetland buffer.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The impacts from the larger project will have an impact to the natural vegetative state. In an effort to keep sap off the proposed homes quite a few (not clearly listed in application) established large trees will be cleared to install the proposed homes. These can be replanted but given the expanded footprint of the homes the amount of space available for trees is being limited due to the larger site size of the proposed homes, and homesites.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The applicant has proposed alternatives which reduce impacts in some locations but overall staff does not believe that this plan goes far enough to reduce the impacts in the wetland buffer.

Recommendation: Vote to recommend denial of the application as provided, or work on an amended plan which either reduces the impacts on a number of the units. In particular reductions in the amount of impervious surface could be proposed for units 429, 180, and 171 or come up with a more comprehensive approach to wetlands protection in the park. Given the large size of this property, that nature of the previously filled land and the proximity to the Berry's Brook wetland system a comprehensive plan for wetlands protection is warranted on this site and may provide a path forward to the park owner with the flexibility needed to conduct the expansion proposed.