


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: February 5, 2016
SUBJ: February 10, 2016 Conservation Commission Meeting

3201 Lafayette Road

This is an application for Conditional Use requesting approval of a Wetlands Protection Plan. Article 10 of the Zoning Ordinance has been amended to allow for the creation of a "Wetlands Protection Plan". The Portsmouth City Council on January 25th adopted Zoning Ordinance amendments to Manufactured Housing Parks and Wetland Protection Plans. Attached is the memo that went to the City Council as well as the adopted changes to the Zoning Ordinance specific to the dimensional regulations for manufactured housing parks and wetland protection plans. According to section 10.1016.10 activities and alterations that are consistent with an approved Wetland Protection Plan are now permitted uses in wetlands and wetland buffers. In your packet, is the proposed wetland protection plan for Hillcrest Estates, which if approved, will provide pre-approval of impacts within the wetland buffer as described on the plan. The approval of the plan is a conditional use which follows the same process as a wetlands conditional use application. Simply, the Conservation Commission reviews the plan and makes a recommendation to the Planning Board. The Planning Board then decides whether to approve or deny the proposed plan.

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.* Hillcrest Estates is an existing manufactured housing park with 213 units. The park was located prior to the adoption of the City's Wetland Protection Ordinance and appears to have created drainage channels to make the land more suitable to site the mobile homes which were first located there in the 1950's. The resulting park has wetland channels which all drain to the upper reaches of Berry's Brook one of the City's Prime Wetlands. Some of the units border this Berry's Brook wetland and many of the units border the linear wetlands which connect the park to this wetland. As a result the majority of the units in the park fall within the City's Inland Wetland Protection District. Over the years the Conservation Commission and Planning Board have reviewed a number of permit application for impacts in the wetland buffer and have often felt that there could be a more coordinated way to review permits given they are all located on the same lot. This Wetland Protection Plan is an effort to coordinate the permitting on the site, which will allow the owner of the park a means to continue to improve the park, while at the same time considering and enhancing the wetlands which exist on the site. Given that the wetlands on this site are all related and ultimately connected to the Berry's Brook wetland at the Eastern boundary of the site, this site is ideally suited to a Wetlands Protection Plan.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The application before you shows over 90,000 square feet of wetland protective measures through the creation of rain gardens, wetland buffer shrub and tree plantings. These

improvements are shown in the wetland buffer and are intended to offset future impacts in the wetland buffer. Depending on whether the impacts are proposed 50-100 feet from the wetland or 25 to 50 feet from the wetland the applicant is required to install these enhancements versus impacts at a ratio of 2:1 or 3:1. Given that this plan is intended to offset impacts with enhancements in the wetland buffer on this property these location are the most reasonable locations for the proposed wetland protective measures.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties. The overall purpose of the wetland protection plan is to insure that future site impacts are offset by wetland protective measures. The approach of creating a wetlands protection plan is a means to consider the entire site in the context of their overall wetland functions and values rather than the former approach for this site which resulted in piecemeal development impacts. Article 10 Section 1017.824 also requires that the applicant complete the required square footage of wetland protective measures prior to or concurrently with future proposed impervious surface impacts thereby keeping ahead of any wetland impacts with the goal of enhancing the overall function of the Berry's Brook wetland system.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. The wetland protection plan anticipates future impervious surface impacts in the park. The owner is making a concerted effort to reduce the new imperious surface area and potential impacts by the creation of the wetlands protection plan. Porous walkways and drip edges around new homes are proposed to further reduce impacts. The intent of this plan is to enhance the natural vegetative state of the site by requiring plantings and water quality treatment in the wetland buffer area.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section. It is the intention of the Zoning Ordinance Change allowing the use of a Wetlands Protection plan to reduce future adverse impacts to the site by mitigating the impacts of piecemeal development which has occurred on this site over the years. This coordinated approach should result in a net improvement to the site and the adjacent Berry's Brook Prime Wetland.

Recommendation: Vote to recommend approval of the Wetlands Protection Plan as presented.