



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner 
DATE: November 9, 2018
SUBJ: November 14, 2018 Conservation Commission Meeting

43 Whidden Street

This application has been postponed at the request of the applicant.

105 Bartlett Street

This application is to construct a private road along the North Mill Pond where a driveway currently exists. The new roadway and improvements will create an impact of 37,733 square feet in the 100' tidal buffer zone.

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 new roadway is proposed in an area of existing pavement. The applicant proposes the addition of new drainage on the site, landscaping along much of the roadway and reconfigured parking and driveway entrances off of the proposed roadway. In concept the application propose beneficial improvements to the site, however the details of those improvements are not provided to conduct a complete review of the application.
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 is an existing driveway to access existing businesses and the proposed lots the location is reasonable. Also given the site does not have adequate drainage sidewalks and very little landscaping this alternative seems feasible. The lack of detailed information about the stormwater outfalls and their impact on the saltmarsh, the lack of sidewalk detail, and the lack of information about the proposed demolition make it difficult to complete review on this project.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed access road new landscaping and new drainage features have the potential to reduce impacts to the tidal buffer. However, the proposed design does not clearly describe how the drainage outfall will impact saltmarsh areas, there is no driveway shown on the plan, and there is not sufficient detail on the demolition of the turntable and building to evaluate the impact to the buffer.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is some bank and shoreline work needed to install the proposed drainage, there will be work in the buffer where the buildings are demolished which could impact

existing vegetation. It is not clear what natural vegetation will be impacted with the stormwater outfall or if the demolition work will impact the vegetation in the buffer.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Overall this project could provide a benefit on stormwater treatment and future access to the North Mill Pond. However given the information provided more details are needed to evaluate this proposal.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant is removing a section of pavement adjacent to the North Mill pond where a driveway entrance is being reconfigured near the large building along the pond. While there is some landscaping shown along the road there is no plantings along the bank shown in this area.

Recommendation: Given this application is being submitted for approval concurrent with a subdivision application staff recommends postponement of the application so that more information can be provided about the drainage outfall impacts, the demolition of the building and turntable impacts, and so that landscaping improvements can be clearly describe along the bank of the north Mill Pond. It is important that the conditional use permit application is consistent with the approved subdivision plan.

120 Spaulding

This application is to expand an existing building over a paved area, create new landscape islands and conduct grading of slopes in the wetland buffer.

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 proposed building addition is in a paved area of the site. The removal of some paved parking area and new landscape islands is an improvement to the buffer. The proposed porous paved parking area is outside of the buffer but will require grading around the perimeter to construct the lot. This area is within a powerline corridor and the disturbance should create only temporary impacts in the buffer.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The area for the proposed development has been limited by site constraints and board of adjustment approvals.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed project has fairly limited impacts in the wetland buffer. Given the nature of the buffer in this area is powerline corridors the only impact outside of the developed site has been limited to the fill slopes required for the porous pavement parking areas. This graded area will return to natural vegetation once the project is complete. The removal of pavement in the buffer where there is currently parking should provide additional and more functional buffer area to the adjacent wetland.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The proposed construction of the fill slopes for the parking area will be disturbed. The plan calls for a conservation seed mix in this graded area which should restore to natural vegetation over time.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Overall this project should have a minimal impact given the disturbed nature of the powerline corridor. There may be short term impacts but after construction is complete the buffer should restore to its current state with some change in grade.

- 6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*
The applicant is removing some pavement in the buffer. This area should be planted with a conservation seed mix to stabilize the soil until natural vegetation can establish itself.

Recommendation: Staff recommends approval of this application as presented.

350 Little Harbor Road

This application is a revised application from the application reviewed at the October 9 meeting of the Conservation Commission. Since that meeting city staff determined that the applicant's contractor placed 3,770 square feet of fill material, including stone and wood chips, in the wetland buffer to improve a temporary construction access road which was not shown on any plan. This activity was a violation of the City's 100' wetland buffer regulations. The current application includes a restoration plan to remove this fill and return this area to a mown grass path as shown on the plans provided. Therefore, the applicant is requesting approval to remove the 3,770 square feet of after the fact disturbance within the wetland buffer. The additional items on this application include the 12' wide security gate on the western side of the lot, installation of 255 feet of buried electrical conduit and 740 feet of buried irrigation line to provide water to proposed landscape areas and dock. These items excluding, the after the fact fill were reviewed at the October 9, 2018 Conservation Commission Meeting where a motion to approve all of these items failed to pass by a 3-3 vote. At this meeting the Commission is being asked to provide a recommendation and either reaffirm the vote from the previous meeting or provide a new recommendation speaking to all the items on this application. Below please find a staff review and recommendation for the proposed restoration work as well as the result of the prior recommendation from the Conservation Commission.

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 area where the fill was placed is along the temporary construction entrance. Removing the fill and replacing the stone and wood chips with the organic soil that was pushed aside at the time the new stone and woodchips were installed along with planting of new grass along this area should, after time, allow the area to restore to the prior grass path state. As long as erosion control measures are property installed this should not have a long term impact.
- 2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* This is an after the fact approval so no alternative location is possible.
- 3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The restoration if done effectively as described above should not have any long term adverse impacts.
- 4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* Other than grass there was no clearing of managed woodland or other natural vegetation to install/remove the stone/woodchip access road.
- 5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* This is a project to restore an impact in the buffer so no alternatives are available.
- 6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*
The applicant is proposing the restore the buffer to the grass path which existed prior to the installation of the access road.

Recommendation: Staff recommends approval of the restoration of the temporary construction entrance to bring the site back to its prior condition or a grass path before the work was conducted and as shown on the approved plan. The result of the prior Conservation Commission meeting was a recommendation to approve which failed by a 3-3 vote. The Commission forwarded a further recommendation that there was overall support for the installation of irrigation with the primary objection of those voting against the motion objecting to the electrification and lighting of the gate as well as the overall size of the gate.