



# 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: December 11, 2018  
SUBJ: December 12, 2018 Conservation Commission Meeting

---

### 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 54,879 square feet in the tidal buffer zone. The project seeks to upgrade the site with stormwater treatment where there is none, with new wetland buffer plantings, with a landscape plan, and some new vegetated areas where pavement currently exists. The overall plan is intended to improve access to the site for future development and is proposed to provide enhancements to the North Mill Pond in terms of stormwater and buffer vegetation. The stormwater improvements include new outfalls into the pond and associated structures as well as new sand filters, rain gardens, and infiltration areas. In addition, the applicant is proposing to remove a railroad building which is nearly completely collapsed, located in the 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 applicant proposes the addition of new drainage on the site which requires new outfall structures to be located adjacent to the highest observable tide line. While new outfalls are essential to improve the overall treatment of stormwater on the site, it does not represent a significant impact on the tidal resource. The proposed locations of the new outfalls are shown on the plans and a general detail is provided. It is not possible to determine the specific impact each structure will have on the saltmarsh adjacent to each structure. More evaluation of the specific outfall locations is necessary to insure the impact to the saltmarsh and shoreline is minimized. In addition, a monitoring effort should follow the installation of these new outfalls to insure that impacts are minimized over the long term. Also, with regard to the stormwater treatment of the site, the design proposes infiltration in many of the practices on the plan. While this is desirable and represents good engineering practice for stormwater, there are concerns with regard to the quality of the sediments on the site and if contamination exists below grade, would the infiltration of stormwater in the soil under the site cause it to mobilize any contaminants that may exist. The state of contaminants on the site is also a concern for the demolition of the old railroad building. Finally, with regard to the wetland buffer plantings, the specific plantings proposed along the bank appear appropriate and, if planted correctly, will enhance the buffer along the shoreline of the North Mill Pond. However, more detail is needed in this buffer planting approach to insure a successful outcome.
- 2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The proposed location is reasonable and represents a potential improvement when the project is completed. However, as stated above, more detailed information is necessary to insure that there are no unintended impacts from the proposed 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 if constructed carefully after the site has been evaluated for contaminated soils.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The applicant has provided a good deal of buffer planting and landscape area plantings on the site. In addition pavement has been removed in some areas to provide additional plantings. Overall this plan represents a net improvement. However as stated above it is important that more detail is provided on the bank buffer plantings to insure the appropriate plants are located in the appropriate areas.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The design of this project has the potential to provide a net improvement for the North Mill Pond. Staff believes that if done with care and after careful evaluation of existing site conditions, along with follow-up monitoring the site will be improved in both the short and longterm.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant is proposing to remove some pavement to install buffer plantings and landscaping. Overall this is a previously disturbed site which the applicant has taken positive steps to restore native shoreline vegetation and install landscaping to enhance the overall site.

**Recommendation:** Staff believes the overall concept on this project represents an enhancement to the tidal buffer zone along the North Mill Pond. However, the application does not have sufficient detail to demonstrate that there are not unintended consequences with the design as proposed. Staff recommends additional detail on the planting areas, specific detail on each outfall location with follow-up monitoring of these areas, and soil testing to insure the infiltration practices and the proposed demolition do not have unintended consequences during and after project construction. Staff recommends the Conservation Commission postpone the application to allow the applicant to provide the necessary additional information.

### 910 Sagamore Avenue

This application is to replace an existing septic system in the wetland buffer with a new enhanced system.

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 septic is in a location of an existing system. While there is not room on the property to relocate the system outside of the wetland buffer the design of this system reduces impacts to the wetland buffer that the current system creates.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The proposed location is the only feasible location on this property for the septic system.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.*

The proposed project represents a reduction in impacts from the existing system through the use of an enhanced treatment system with sealed tanks that treat effluent more completely before allowing the effluent to move into the soil.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The design calls for the removal of one pine tree but other than that is proposed in a lawn area which will be returned to lawn when completed.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* Overall this project is the least impacting alternative to upgrade the septic system. This project represents an overall improvement from the existing system.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has shown an areas which is currently lawn which will be left unmown and allowed to return to a more natural state.

**Recommendation:** Staff recommends approval of this application as presented.