


CITY OF PORTSMOUTH

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Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner 
DATE: June 8, 2018 (**revised June 11, 2018**)
SUBJ: June 13, 2018 Conservation Commission Meeting

175 Gosport Road

This application was last heard at the Conservation Commission Meeting on April 18, 2018 and has been postponed to this date. The applicant has provided new plans which show changes in response to comments by the Conservation Commission and a design change shifting the location of the pool house area which is outside of the inland and tidal 100' buffer zones.

This application is to construct a new parking area, patio expansion, deck expansion, removal of existing driveway area in the 100 foot inland wetland buffer with an associated swale and installation of a new pervious paver parking area. While the parking area was on the previous plan it was not shown having pervious pavers. The application also changes the configuration of the dock to reduce the size and distance from shore.

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 parking area is located within the 100 foot inland wetland buffer zone and is sloped away from the freshwater wetland area. The grading plan clearly shows the water making its way off this area across porous pavement and into a constructed swale to help move the stormwater away from the parking area providing treatment of this water before it reaches the tidal buffer zone. The application has been updated to include pervious pavers for the parking area which will help reduce the amount of stormwater flowing to the swale. The applicant has also revised the application to include buffer plantings along the border of the freshwater wetland area, plantings in the bioswale and plantings along the backside of the existing retaining wall structure. The plans no longer call for replacement of the waterfront retaining wall.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The dock replacement is an allowed use according to Article 10 section 10.1016.10 *Permitted Uses* where number (3) states: "*The construction of piers or docks, provided that all required local state and federal approvals have been granted.*" The applicant is applying for a state wetland permit concurrent with their wetland conditional use application. Given the location of the existing dock it appears as if the proposed dock crosses the extended property line of the abutting property. This will be an important component of the review of the state wetland permit application. This applicant has shown reductions to this area which are believed to address concerns that relate to the State Wetland permit. Regarding the parking it is not clear if there are other places where the additional parking can be provided without impact to the inland wetland buffer. However, the use of pervious pavers, buffer plantings and a lengthy treatment area for stormwater runoff from the proposed parking area should offset the impact from the new imperious surfaces.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The grading proposed for the parking area has been designed to reduce stormwater impacts to the freshwater wetland and the addition of the swale will also reduce impacts to the tidal wetland areas. The loss of buffer area near the freshwater wetland has been offset with additional buffer plantings and pervious pavers.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The location where the expanded parking is proposed is within an area that is currently paved. While there will be some new pavement a portion of that pavement is replacing existing pavement to create this new parking area. The change to pervious pavers further reduces the impacts from new impervious surfaces in this area.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The applicant has taken steps to reduce the impact in the buffer. The design of the parking area with pervious pavers and associated swale will help reduce the stormwater impacts from the new project. Since the original application was submitted the applicant has proposed additional wetland buffer plantings bordering the freshwater wetland and pond area in the stormwater swale and along the shoreline behind the existing retaining wall.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has provided an area near the freshwater wetland which will be planted with additional buffer vegetation, an area of planting in the proposed bioswale and plantings along the shoreline all locations where lawn is currently located.

Recommendation: The application shows an impact of 4,258 square feet of impact in the inland wetland buffer. Of this impact some is proposed in areas of existing structure and pavement. The applicant has provided an effective means of treating stormwater from this inland wetland work and has provided porous pavers and additional buffer plantings to enhance the freshwater wetland area. Staff recommends approval of the application as presented.

390 New Castle Avenue

This application is to convert an existing gravel parking area to a porous pavement parking area.

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 parking area is located within the 100 foot tidal buffer zone and is currently gravel. The replacement of the gravel with porous pavement is appropriate in this area as it is currently a parking area.

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 very small lot and the proposal is simply a conversion from gravel to porous pavement. There is no area on the lot further from the wetland resource.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The change from gravel to porous pavement represents an improvement in reducing runoff from the exiting parking area. If the silt soxx is install as shown on the plan any temporary impacts from this project should be addressed.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no change in vegetation proposed on the site.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed change to porous pavement represents a reduction in adverse impacts.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The proposed area is an existing parking area. The application in a previous application has provided a buffer planting area where lawn currently existed.

Recommendation: Staff recommends approval of the application as presented.

220 Walker Bungalow

This application is to remove and replace an existing house, garage, driveway, septic system and install a rain garden all completely within the 100 foot 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 project is completely within the 100' wetland buffer. While the previous home was existing the replacement home has increased in footprint area by nearly 50%. While the applicant has demonstrated a reduction in impervious surface the increase in the size of the home within the buffer has not been clearly justified.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* There is a very small area on the lot outside of the wetland buffer. However, it does not appear as if there was any effort to locate the home further back from the wetland. It appears as if there is room on the lot to locate home further from the edge of the tidal wetland.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* Given that this application is completely located within the wetland buffer it appears as if there are additional steps the applicant could take to reduce the footprint of the home and garage and move it further from the edge of the tidal wetland. The size of the home and the inability to use the septic area and raingarden as functional buffer area for enhanced buffer planting leaves very little room on the site for improvement to provide a functional buffer. The applicant did provide a buffer planting area of between 10-15 feet along the frontage of the site. This will help to offset some of the impacts in the buffer on this project.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* It appears as if the areas outside of the developed area will remain lawn and of the four trees shown on the plan three do not appear on the proposed development plan.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* There are clearly alternatives for this property that would represent less impacting alternatives. These include reductions to the footprint area to the home and garage, moving the house further back from the edge of tidal wetland and including buffer plantings to enhance the buffer function on the property.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* There a buffer planting plan provided in an area adjacent to the water which will help restore some buffer function to that area.

Recommendation:

Staff recommends that the applicant consider treating this application as a work session in order to get feedback from the Conservation Commission, with the intention of providing an amended plan at a future meeting to include a home more consistent with or smaller footprint than the existing home. In addition, a reduction in the size of the garage should be considered along with additional wetland buffer plantings beyond just the strip provided in the first 10-15 feet along the shore.

198 Essex Avenue

This application is to install a garden shed on the property located completely within 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 shed is proposed to be located in an area that is partially lawn and given its small size of 216 square feet with no foundation the area is reasonably suited to the proposal.
- 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 very small lot and the proposal is simply a conversion from gravel to porous pavement. There is very little area outside of the wetland buffer on this lot.
- 3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed shed should not create any adverse impacts to adjacent properties.
- 4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There will need to be lawn and some brush cleared to install the shed.
- 5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed shed if constructed on blocks and constructed where lawn and brush exist can be constructed to not have any greater impacts than the existing lawn.
- 6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has stated they were interested in removing invasive species and planting native vegetation. However, no specific locations have been shown on the plan.

Recommendation: Staff recommends approval of the application as presented.

70&80 Corporate Drive (Lonza expansion)

This application is to expand the Lonza Biologics project to an adjacent property on the Pease Development Authority. This is a Conditional Use Permit application specific to the Pease Development Authority regulations. As such the Wetland Regulations from the Pease Zoning Ordinance must be complied with.

According to *the Pease Development Authority Zoning Ordinance Part 304-A Pease Wetland Protection section 304-A.08 Conditional Use Permitting (f) Criteria for Approval* the applicant must satisfy the following conditions for approval of this project.

- 1. The land is reasonably suited to the use.* This is a very large development proposed on an area that formerly housing for the Pease Airforce Base. Since the removal of the base housing several wetland areas

have formed in the disturbed area on this site. The proposal is to fill some of these wetland areas for construction of the expanded facility to daylight Hodgson Brook which currently is in a pipe under the property.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use.* This site is adjacent to the existing Lonza facility and is the most feasible location for the size of expansion that is being proposed.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* While direct wetland impacts are proposed for this project the overall benefit from creation of a stream channel will result in a better functioning wetland system than what exists today.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is mostly scrub shrub habitat on the site. This will be removed and a new stream channel will be constructed with this proposal. Much of the open space will be replaced with the proposed development.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The applicant has presented this project as a development proposal which includes a loss of existing wetlands and creation of new stream channel. If the project is successful the overall impact of the project should result in an enhancement to wetlands and habitat on the site and overall for the Hodgson Brook system.

Recommendation: Staff recommends approval of this project as presented which includes the proposed monitoring and further recommends that the applicant return to the Conservation Commission one year from the date of project completion to report on the outcome of the project.

Martine Cottage Road

The applicant has requested a work session and would like to come the Commission to get feedback on a possible path forward.