



## Memo

TO: Conservation Commission Members  
FROM: Peter Britz, Environmental Planner   
DATE: January 4, 2019  
SUBJ: January 9, 2019 Conservation Commission Meeting

### **Banfield Road Improvements and Culvert Construction**

City staff will be present at the meeting to describe the Banfield Road improvement project where there is work proposed on City property and work in wetland buffer areas. Attached please find a memo and figures providing background on the work proposed on City conservation properties which requires City Council approval.

#### **449 Ocean Road**

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 but will be elevated out of the water table and utilize an innovative treatment system which reduce impact to groundwater.
- 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 and groundwater.
- 4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The design does not call for the removal of any trees and is proposed in a lawn area which will be returned to lawn when the project is complete.
- 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 proposed project is in a lawn area and the proposal calls for temporary disturbance of that area with replanting of lawn when complete.

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

**E194 and U181 Transmission Line Maintenance Project  
Eversource**

This project proposes to replace transmission line structures which are approximately 68 years old. The proposal is for 7 utility poles to be replaced to prevent power outages to Eversource customers in Portsmouth, Newington, Rye, Greenland and Stratham. The proposed structures would be steel rather than the existing wood structures. The proposed replacement is approximately 2.25 miles north of the Eversource pole replacement which received a permit in 2017.

According to *Article 10 Section 10.1017.60* the applicant must satisfy the following conditions for approval of this project.

1. *The proposed construction is in the public interest.*  
Given this is a utility pole replacement the goal is to limit interruption of electrical service and is in the public interest.
2. *Design, construction and maintenance methods will utilize best management practices to minimize any detrimental impact of such use upon the wetland and will include restoration of the site as nearly as possible in its original grade, condition and vegetated state.*  
The project requires access through wetland and wetland buffer areas to replace the poles. All of the work proposed is temporary and the project will use timber matting before moving equipment through the wetland which will be removed after project completion. While there will be some impact to plants during construction once the mats are removed the wetland and buffer areas will return to a natural state.
3. *No alternative feasible route exists which does not cross or alter a wetland or have a less detrimental impact on a wetland.*  
The applicant has designed the access routes to utilize existing access paths and minimize travel through wetland and wetland buffer areas.
4. *Alterations of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.*  
The applicant is employing best management practices and limiting the amount of travel through wetland and wetland buffer areas to complete the project.

**Recommendation:** Staff recommends approval of the project as presented.

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: November 21, 2018  
TO: PETER BRITZ, ENVIRONMENTAL PLANNER  
FROM: SUZANNE M. WOODLAND, DEPUTY CITY ATTORNEY *Smw*  
RE: AGENDA ITEM FOR CONSERVATION COMMISSION  
BANFIELD ROAD IMPROVEMENTS

The Department of Public Works is in the process of finalizing acquisitions and plans as part of the Banfield Road Improvements Project. That project includes areas of widening and shifting of the roadbed, replacement of culverts, installation of guardrail, and the construction of a pedestrian accommodation from Ocean Road to Heritage Avenue.

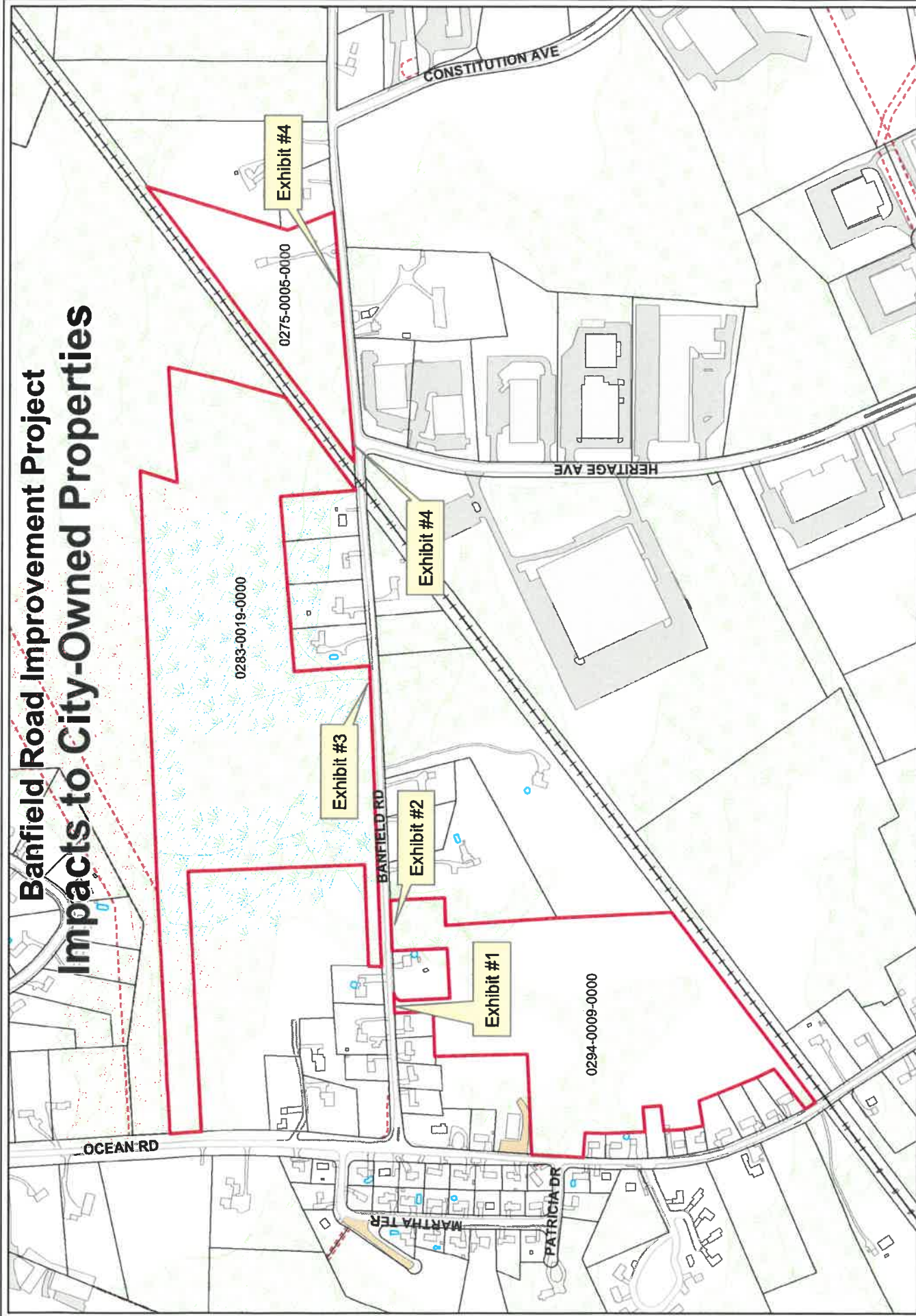
Among the parcels impacted by the project is a City-owned property located on the south side of Banfield Road identified as parcel 0294-0009-0000 on the attached figure entitled "Impacts to City-Owned Properties". That parcel is currently a conservation property as defined and regulated by City Ordinance Chapter 8, Article V, Conservation Ordinance. Pursuant to §8.501 of that Ordinance, any use other than for the purposes of passive recreation must be approved by the City Council by two-thirds (2/3) vote. On November 19, 2019 the City Council referred this request to the Conservation Commission for a review and report back.

For reference, the attached figure also identifies impacts to the two properties acquired by the City in fee the last two years along Banfield Road. Those properties are identified as parcel 0283-0019-0000 (the property purchased from Ferrari Remodeling) and parcel 0275-0005-0000, the so-called "teepee property." The specific drainage impacts to all three of these City-owned parcels are shown in the attached exhibits to the figure. In addition to this specific property request to allow a drainage impact on property restricted by the conservation ordinance to passive recreation, the Department of Public Works will be coming to the Conservation Commission with a conditional use permit application and a DES wetlands permit application for a review and recommendation of the Conservation Commission for the entire project.

**Proposed Motion: Report back to the City Council that the Conservation Commission has reviewed the request to allow drainage improvements on conservation property identified as parcel 0294-0009-0000 as described and recommends the City proceed with the drainage project for the reasons identified during the Conservation Commission meeting.**

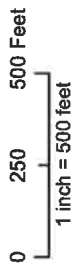
Cc: Peter Rice, Director of Public Works; Ryan Flynn Construction Project Coordinator

# Banfield Road Improvement Project Impacts to City-Owned Properties



The City of Portsmouth provides these Geographic Information System maps and data as a public information service. Every reasonable effort has been made to assure the accuracy of these maps and associated data. The maps and data being provided herein are intended for informational purposes only. No guarantee is made as to the accuracy of the maps and data and they should not be relied upon for any purpose other than general information.

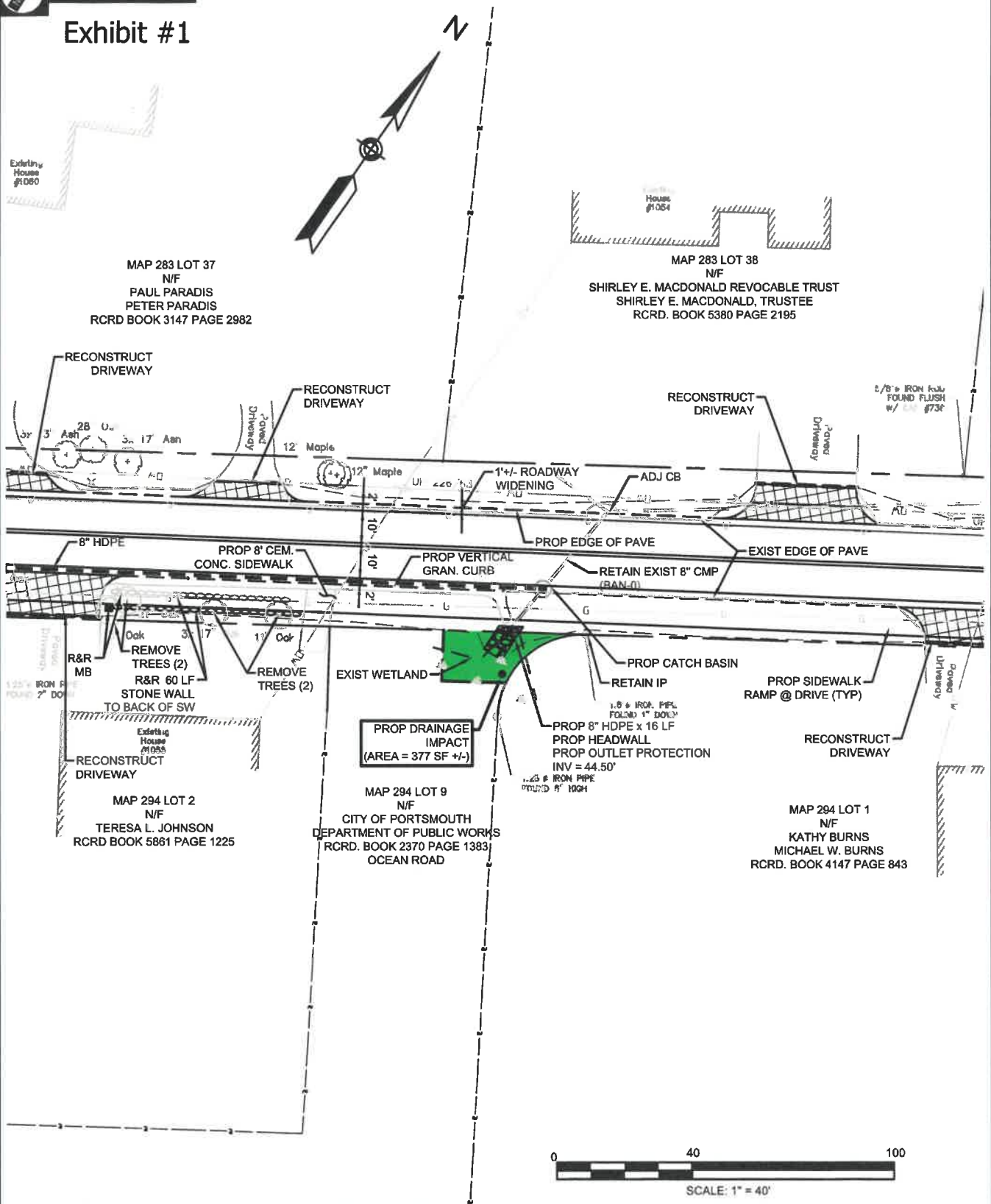
**City-Owned Properties**



Banfield Road Roadway Improvements & Culvert Reconstruction - Portsmouth, NH

Scale: 1" = 40'

Exhibit #1



TEC, Inc.

LEGEND



PERMANENT DRAINAGE IMPACT

Property Impact Exhibit - # 1  
Ocean Road

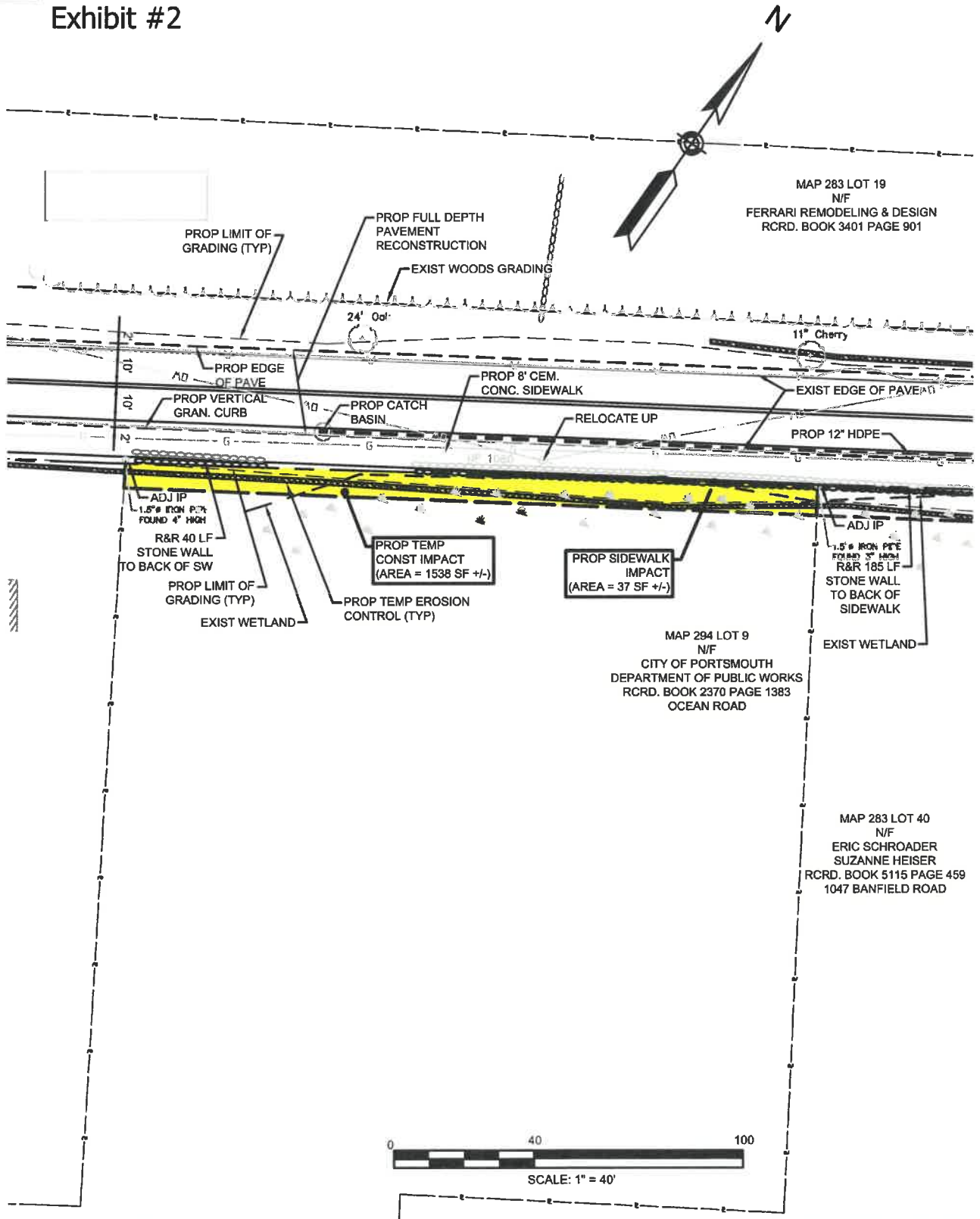
City Portsmouth  
Map 294, Lot 9  
November 14, 2018



Scale: 1" = 40'

# Banfield Road Roadway Improvements & Culvert Reconstruction - Portsmouth, NH

## Exhibit #2



TEC, Inc.

### LEGEND

- PERMANENT SIDEWALK IMPACT
- TEMPORARY CONSTRUCTION IMPACT

Property Impact Exhibit - #2  
Ocean Road

City of Portsmouth  
Map 294, Lot 9  
November 14, 2018



Scale: 1" = 40'

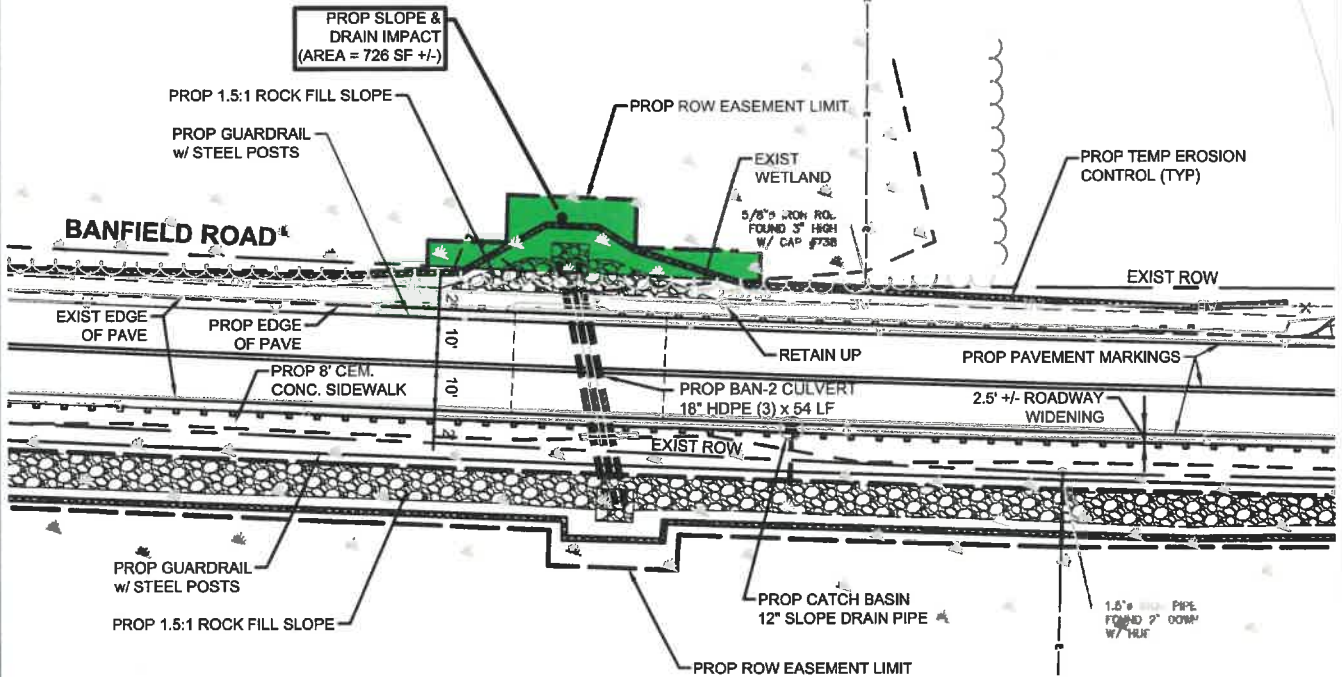
# Banfield Road Roadway Improvements & Culvert Reconstruction - Portsmouth, NH

## Exhibit #3



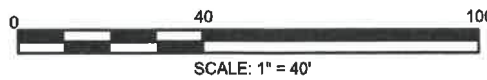
MAP 283 LOT 19  
N/F  
FERRARI REMODELING & DESIGN  
RCRD. BOOK 3401 PAGE 901  
2992 D LAFAYETTE ROAD

MAP 275 LOT 1  
N/F  
DANIEL J. SHAW  
RCRD BOOK 3611 PAGE 0401



MAP 275 LOT 10  
N/F  
ZACHARY C. SMITH  
SARAH A. SMITH  
RCRD. BOOK 5821 PAGE 2643  
969 BANFIELD ROAD

MAP 275 LOT 9  
N/F  
ERROL K. HEBERT  
SUN JA HEBERT  
RCRD BOOK 2888 PAGE 0720  
901 BANFIELD ROAD



TEC, Inc.

### LEGEND



PERMANENT SLOPE & DRAINAGE IMPACT

Property Impact Exhibit - #3  
2992 D Lafayette Road

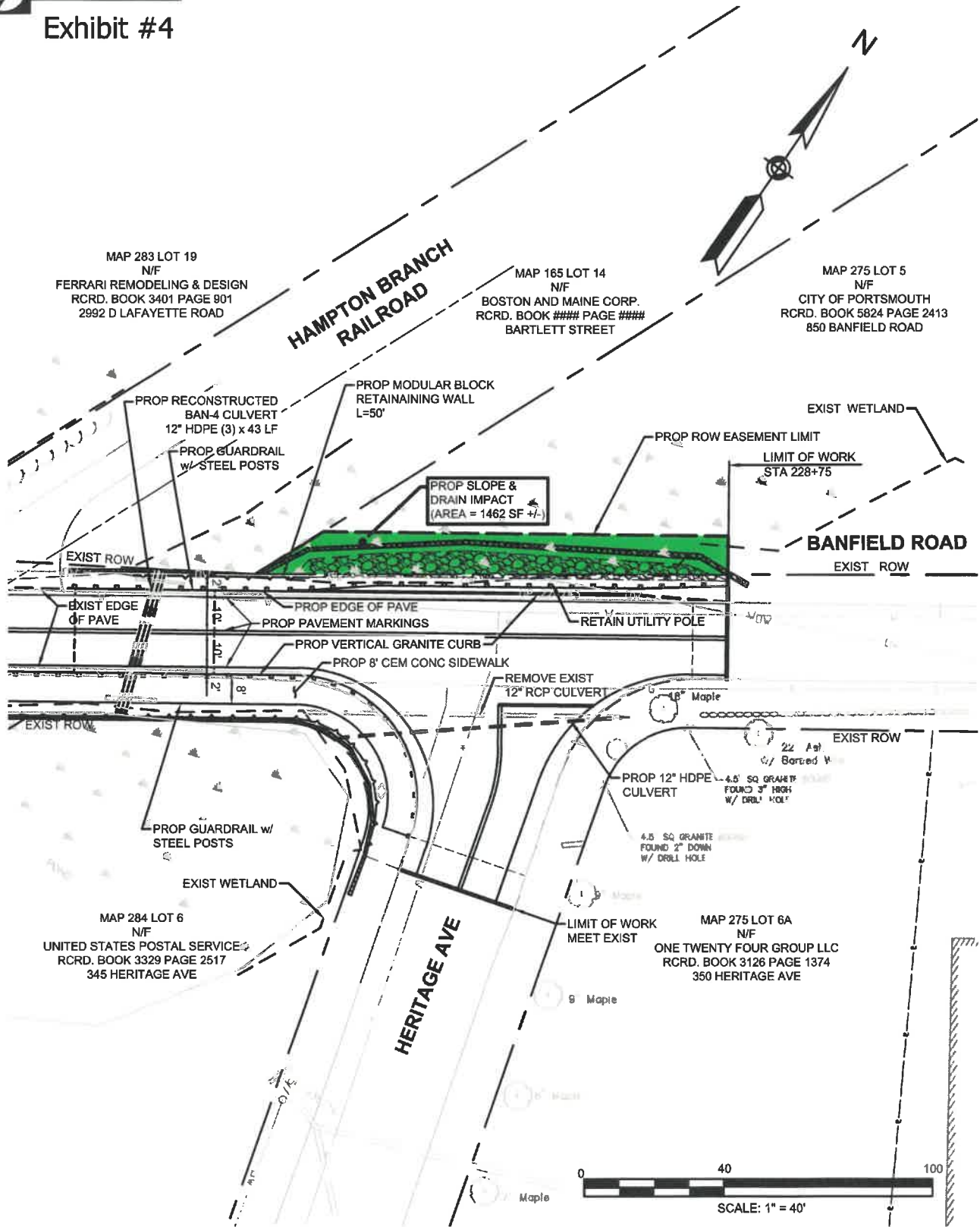
City of Portsmouth  
Map 283, Lot 19  
November 14, 2018



Scale: 1" = 40'

# Banfield Road Roadway Improvements & Culvert Reconstruction - Portsmouth, NH

## Exhibit #4



TEC, Inc.

### LEGEND



PERMANENT SLOPE & DRAINAGE EASEMENT

Property Impact Exhibit - #4  
850 Banfield Road

City of Portsmouth  
Map 275, Lot 5  
November 14, 2018



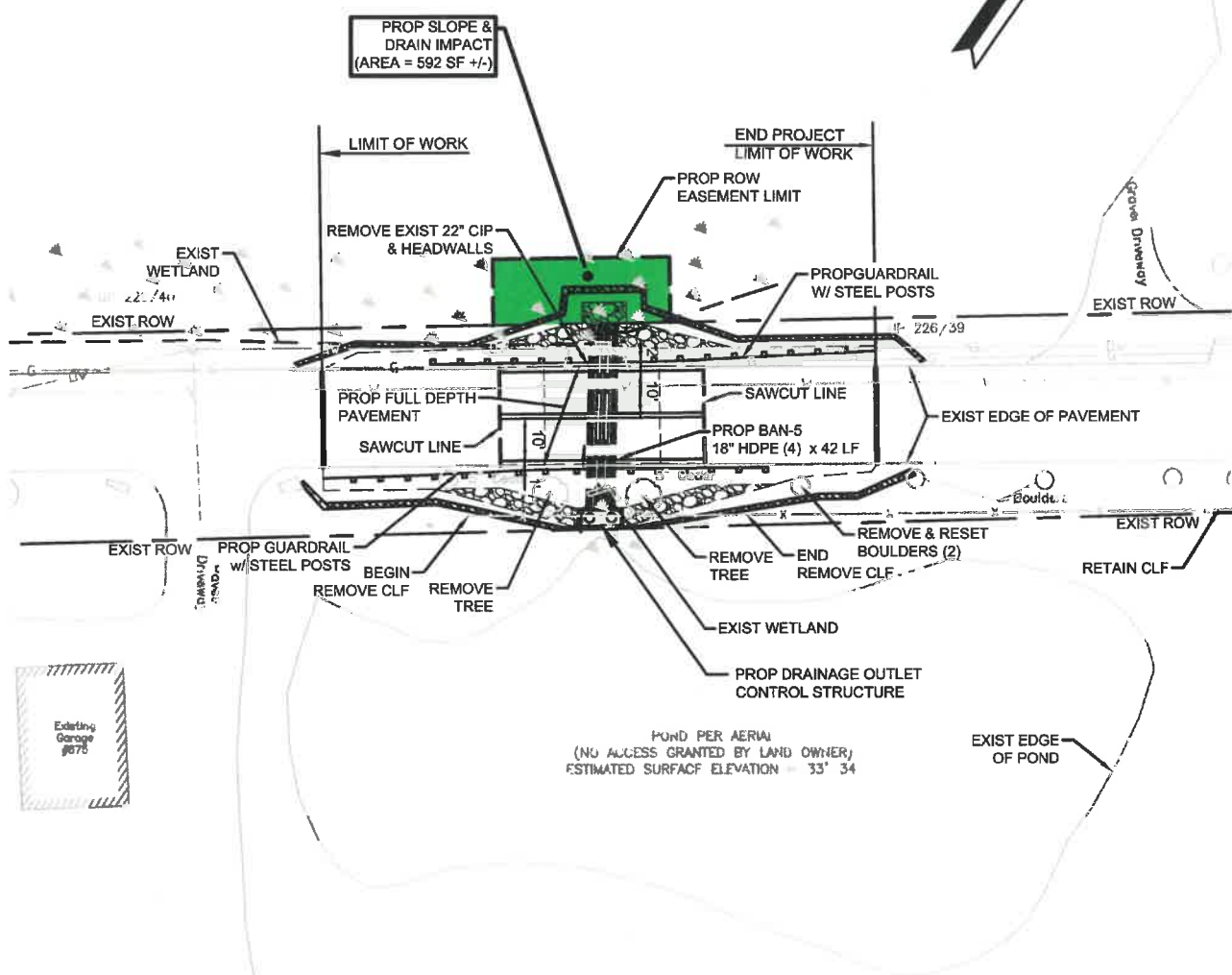
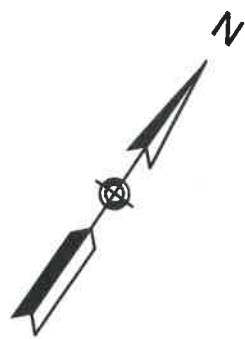


Scale: 1" = 40'

# Banfield Road Roadway Improvements & Culvert Reconstruction - Portsmouth, NH

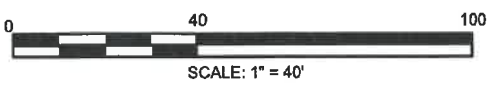
## Exhibit #5

MAP 275 LOT 5  
N/F  
CITY OF PORTSMOUTH  
RCRD. BOOK 6824 PAGE 2413  
850 BANFIELD ROAD



POND PER AERIAL  
(NO ACCESS GRANTED BY LAND OWNER)  
ESTIMATED SURFACE ELEVATION = 33' 34"

MAP 274 LOT 4  
N/F  
KAREN M. ECKER  
DAVID W. ECKER  
RCRD. BOOK 3214 PAGE 0892  
875 BANFIELD ROAD



TEC, Inc.

### LEGEND

 PERMANENT SLOPE & DRAINAGE IMPACT

Property Impact Exhibit - #5  
850 Banfield Road

City of Portsmouth  
Map 275, Lot 5  
November 14, 2018