

Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner
DATE: November 2, 2020
SUBJ: November 4, 2020 Conservation Commission Meeting



105 Bartlett Street

This proposed project consists of two multi-family apartment buildings with basement level parking and one mixed use building with first floor office and upper story apartments. This project was before the Commission at their May 2020 meeting. The Conservation Commission postponed the project at that meeting. The plan provided for this meeting is similar but changes have been which reduce some of the impacts in the wetland buffer along the North Mill Pond. These changes include: Building B has been pulled back further from the North Mill Pond to align with the face of Building C, the parking lot has been reduced to eliminate parking from the 100' buffer, underground stormwater detention has been added which will allow better stormwater treatment and more landscaping has been shown on the plan provided.

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.* This project is located in an area along the North Mill Pond that has long gone without site maintenance and includes derelict structures gravel areas a large amount of trash and a great deal of invasive species. Given that this area has not been maintained and there are opportunities for site enhancement the land is reasonably suited to the proposed use.
- 2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The location has been selected as it an unused railroad area which has not been maintained. The applicant sees this area as ready for redevelopment and has provided a feasible approach for that development and has been able to demonstrate a reduction of impacts in the 100' wetland buffer. Since the last meeting with the Conservation Commission one of the buildings has been pulled back from the highest observable tide line, parking has been removed and a more complete planting plan has been provided.
- 3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.* Overall this plan reduces the derelict site conditions reduces the quantity of invasive species, and looks to enhance the area generally given its current condition. However, there is quite a large amount of impervious surface proposed which must be balanced with the site improvements and protection of water quality and buffer areas of the North Mill Pond. According to the City Zoning Ordinance Article 10 section 10.1017.25 The site plan provided includes a landscape plan which shows conceptually how the buffer will be enhanced. It would be helpful if an existing conditions plan showed the extent of invasive species and degraded areas and then a wetland enhancement plan to show exactly what wetland and wetland buffer enhancements are proposed. The site does have the potential to reduce adverse impacts from what exists today and looks to be moving in that direction based on the current plans.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The proposed project will be impacting natural vegetation but there is quite a bit of invasive vegetation on the site. There will also be enhancements to those vegetated areas and others along the pond. Invasive species along the bank are identified generally for removal. It is important that this removal does not undermine the shoreline or bank. A detailed invasive removal and bank protection plan would help better explain how the bank along the shoreline will be protected.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The applicant has worked to enhance the site and overall impacts from the project. Impervious surfaces have been reduced with the underground parking and with this amended version of the plan, The applicant should again describe any contaminated soils and materials found in site investigations and what protections would be used to protect the public and the site during and after construction.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant provided a landscape plan which includes plantings around the proposed building and within the 100' tidal wetland buffer. The plan calls for removing invasive species along the shoreline. No planting is proposed in this area. However, if there are bank areas that need stabilization the landscape plans should address that with the addition of native plantings.

Recommendation: Staff believes this application represents a reduction in impacts to the tidal buffer zone and provides public access through a location that has been left derelict. Staff believes that the structural integrity of the bank can be addressed in the planting plan. With the addition of more details in the bank landscape planting plan staff recommends approval of this application.

140 Edmond Avenue

The property owner completed improvements to the lot without a Wetland Conditional Use Permit for work done within the 100' wetland buffer. The unpermitted work amounts to an overall reduction of impacts to the wetland and wetland buffer. This application proposes additional work such as a 2' wide infiltration trench and landscaping in the wetland buffer. This work was reviewed by the Conservation Commission at the July 2020 Conservation Commission meeting. Upon review by the Portsmouth Technical Advisory Committee there were concerns about the configuration of parking on the street and on the lot. As a result the plan has been amended by the applicant and is presented to the Commission for their review.

1. *The land is reasonably suited to the use activity or alteration.* The impacts proposed from this project include six parking spaces. These six spaces were reconfigured to add three stacked spaces and remove spaces proposed along the roadway. These three spaces are further from the wetland across the street.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The area converted to pervious pavers has been used for parking since the business has been located here for forty years. By grading into the hill further from the wetland the three additional spaces were created.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The improvements which have been made in the buffer, while made before a permit was granted, overall the reconfigured spaces should not change the project impacts.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* This aspect of the project has not changed.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed project should not cause adverse impacts to the adjacent wetland area or the wetland across the street due to the direction of water flow from the site.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*
The applicant is proposing to install wetland buffer plantings to offset the impact and enhance the wetland buffer area. This landscape work has not yet been completed.

Recommendation: Staff recommends approval of this amended project as proposed.