

Memo



TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner
Kate Homet, Associate Environmental Planner
DATE: April 5, 2023
SUBJ: April 12, 2023 Conservation Commission Meeting

Site Address
500 Market Street
Nobles Island Condos
Assessor Map 120, Lot 2
(LU-23-34)

Description:

This project proposes replacement of existing decks on three buildings on Nobles Island. The decking is at the rear of each building overlooking but not over the water. The proposed deck replacement will maintain the existing footprint but includes new concrete footings to support the decks. This project had previously been approved for a city wetland conditional use permit and a state wetland permit in 2021. The city permit has expired for this project but the state permit is still valid. So this application is a resubmittal of the previously approved wetland permit application for this property.

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.

Given that the current decks are in need of repair and the applicant is not proposing to expand the footprint the land is suited to the activity. The only change to the design is the addition of concrete piers under the replacement deck in an unvegetated area.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.

There is no location outside of the buffer that is reasonable given this is a replacement of the existing decks that are failing in place.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.

As long as erosion control measures are put in place to protect the tidal areas, as described in the submitted plans, the proposed project will not create any new impacts to the wetland or wetland buffer as described by the applicant.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.

The proposed project may have a temporary impact on the small lawn area at the top of the bank but will largely disturb only the area underneath the existing decking.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.

The proposal is replacing an existing condition with a structurally improved condition. Given the work is proposed in a largely unvegetated portion of the buffer with no change in footprint this is the least adverse impact possible for the proposed work.

6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.

The area of lawn at the top of the bank should be revegetated where impacted by construction. Given the narrow width there is not much opportunity to plant shrubs or larger vegetation and allow access behind the buildings.

Recommendation: Staff recommends approval of this application as presented.

Site Address
50 Andrew Jarvis Drive
City of Portsmouth, Owners
Assessor Map 229, Lot 3
(LU-23-32)

Description:

Applicant is proposing a renovation of the existing tennis courts on municipal land. Currently four courts exist and the applicant is proposing a reconstruction of the existing four along with construction of an additional two, totaling six courts. This plan will include regrading, the installation of new fencing, the replacement of light poles, installation of stone along the perimeter, installation of bleachers, handicap-accessible parking and ramps along with new landscaping.

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 proposal would expand on the space that is already utilized for tennis courts and extend further into both the wetland buffer.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.

The four tennis courts that already exist in this location cannot currently be utilized as they do not meet NHA competition standards which require six courts. The alternative would be placing new courts farther away from the existing courts which is not desirable.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.*

The proposed project represents an expansion of impervious surface within the buffer. The applicant is proposing to direct stormwater off the courts through stone and is also planning for additional landscaping.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.*

The proposed impact to the vegetative area will only occur in the areas required to meet construction goals. The applicant is planning to install landscaping around the new courts to help offset the loss of vegetation.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.*

Overall, the applicant has provided an alternative with a small impact to the wetland buffer and associated landscaping and stormwater control.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*

Applicant should provide a planting plan to display areas to be landscaped and replace any impacted vegetation.

Recommendation: Staff recommends approval of this application with two stipulations:

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.
2. Applicant will provide a landscaping plan that specifies the number of plantings and their exact locations to the Planning and Sustainability Department for review prior to submitting to the Planning Board.

Site Address
253 Odiorne Point Road
RTM Trust, Owner
Assessor Map 224, Lot 10-19
(LU-23-36)

Description:

Applicant is proposing to extend two sections of existing rock wall to help divert stormwater from the foundation of the house and into the wetland. The applicant is also proposing granite steps to connect these areas to existing grading. A portion of the existing patio which has been damaged by water has been removed and 12-18" of clay soil is proposed to be dug up and replaced with a 12" of permeable crushed stone base and permeable pavers which sit over two existing French drains, allowing for better stormwater infiltration. The existing clay soil will be placed behind the extended 25' long rock wall along the southeast side of the

property. A fire pit with a diameter of five feet will be placed in the center of the patio and a 10 x 10' concrete slab will be poured underneath the deck to support a hot tub. A French drain with a crushed stone lining will be installed where a natural culvert currently exists but is not effective. The existing back deck will have new support piers reinstalled and the deck will expand which will include a repositioning of the stairs.

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 location is currently inundated during precipitation events and the principal structure along with the surrounding yard suffers from ponding damage and lack of infiltration. The proposed permeable pavers, replacement of clay soil, renovation of existing rock walls and installation of a new French drain should help to divert and better infiltrate stormwater into the wetland behind this home.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.

The entire backyard of this property is within the buffer and retains water during rain events. This area requires better stormwater mitigation and redirection in order to prevent further damage to the existing home.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.

The proposed project will be redirecting stormwater into the wetland and allowing for better infiltration with the loss of the clay soils. Additionally, the applicant is proposing to remove invasive Phragmites from the wetland and will install native wetland plantings which should help with the overall health of the wetland.

4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.

The proposed new areas of impact will only occur over existing lawn. Applicant is proposing to remove invasives within the immediate wetland but will be replacing with native plantings.

5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.

Overall, the applicant has provided an alternative with a small impact to the wetland buffer and will be improving the health of the wetland through invasive removal and native plantings. The redirection of stormwater flow should help to infiltrate and slow stormwater as it reaches the wetland.

6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.

Applicant is proposing to plant winterberry along the wetland edge where invasives currently exist. Additional buffer plantings could be useful surrounding the proposed patio area and along the extended walls to help slow stormwater.

Recommendation: Staff recommends approval of this application with the following stipulations:

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.
2. Please confirm that all construction materials and debris will be disposed of off-site.

3. Applicant will provide a landscaping plan that specifies the number of plantings and their exact locations to the Planning and Sustainability Department for review prior to submitting to the Planning Board.
4. Ensure that the invasives to be removed will be properly disposed of.
5. Please include a detailed spec for the proposed French drain.

Site Address
89 Sparhawk Street
Lisa & Jonathan Morse, Owners
Assessor Map 159, Lot 2
(LU-22-234)

Description:

* Please note that this applicant has also applied for an NHDES Minimum Impact Wetland Permit application which if signed by the Commission would be an expedited application.

Applicant is requesting 2,685 s.f. of disturbance within the wetland buffer for the construction of a building addition which includes a two-car garage and living space above. Applicant is also proposing to remove an existing impervious patio and replace with a larger pervious patio, construct a new pervious driveway, installation of stone drip aprons, construction of pervious and impervious walkways and stairs, construction of retaining walls and new landscaping.

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.

Applicant is proposing a large impervious addition which will require fill and regrading within the tidal, shoreland, and wetland buffers. Additionally, patios, stairs and retaining walls are proposed which will increase the impact in the buffer. Significant offset of impervious impacts is needed to restore and protect buffer areas.

2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.

According to the applicant the addition of the garage is not feasible on the other side of the principal structure. The associated back patio and rear stairs could be relocated to the other side of the proposed addition to be outside the buffer.

3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.

The proposed landscaping provides a good start to protecting the wetland and shoreland through slowing and infiltrating stormwater. Applicant should reconsider the proposed roof drainage that is shown outfalling on the slope of the wetland and could cause erosion.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.*

Applicant is proposing minimal impact to the natural vegetative state, with removal of an existing apple tree and multiple proposed new plantings surrounding many of the new hardscaped areas. Applicant could increase plantings on top of and along the slope of the wetland edge to minimize erosion.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.*

The applicant is proposing a large impervious addition to the buffer which will have significant stormwater and open space impacts. The applicant is proposing native buffer landscaping and pervious hardscaping which can help offset impacts but the additional patio spaces, walkways and stairs are all direct buffer impacts.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.*

The proposal indicates that the 25' vegetated buffer strip will largely remain the same as the existing condition. Applicant should make an effort to bolster buffer plantings in this area to help with stormwater infiltration and the reduction of erosion.

Recommendation: Staff recommends approval of this application with the following stipulations:

1. Applicant shall specify amount of fill being placed in the wetland and/or wetland buffer and should count any areas of fill/grading as impact in the total calculations.
2. Staff recommends that the proposed roof drain be amended to a dry well or French drain closer to the house to prevent erosion of the bank.
3. Please include all new proposed pervious impacts in the impact calculations.
4. Staff recommends the rear patio and stairs at the back of the garage be relocated to the southeast side of the garage, outside of the 100' wetland buffer.
5. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.