

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Environmental Planner; Peter Britz, Director of Planning and Sustainability
DATE: December 4, 2024
SUBJ: December 11, 2024 Conservation Commission Meeting

**39 Dearborn Street
Shawn & Michiyo Bardong, Owners
Assessor Map 140 Lot 3**

Note: This application was postponed at the October meeting of the Conservation Commission.

This application is for the demolition of an existing 216 s.f. shed and the addition of a residential structure with a basement, associated stairs and landings, as well as a window well and a condenser pad. As part of this project the existing gravel driveway will be converted to pervious turfstone. Within the City's 100' buffer area, the applicant is proposing 4,118 s.f. of both temporary and permanent impacts to the wetland buffer. The pre-construction impervious within the wetland buffer will be increasing from 1,945 s.f. to 2,138 s.f. As part of this application, the applicant is proposing to revegetate a portion of the 25' buffer on site with a select few wetland buffer plantings planned for the area. In addition, a French drain leading into a rain garden is proposed to help control stormwater flow.

1. The land is reasonably suited to the use activity or alteration.

A portion of the proposed addition will be located over a previously disturbed area containing a shed. The proposed addition and associated site improvements all take place completely within the buffer.

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 furthest from the wetland resource and there is no space outside of the wetland buffer in which this addition could be located.

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

This addition will increase the amount of impervious surface within the wetland buffer.

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

A portion of the existing lawn will be allowed to naturally revegetate and will include additional new plantings. Staff recommends that the entire 25' buffer should be allowed to naturally revegetate.

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

This proposal increases the permanent impacts within the 100' buffer but proposes the conversion of some lawn area to buffer plantings.

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

Applicant is proposing planting a 25' wide undisturbed area. Staff recommends that this should be the entirety of the 25' wide buffer as undisturbed.

Recommendation: Staff recommends approval of this wetland conditional use permit to the Planning Board with the following conditions:

1. Please change note in current application to reflect that wetland boundary markers will be installed prior to the start of construction and not during. These boundary markers should be installed along the 25' wetland buffer edge to limit disturbance in the new planting area.
2. Applicant should provide planting plan separate from overall site plan (see 10.1017.25)
3. Applicant should ensure that all maintenance plans and guidance are given to homeowner upon completion of the project.
4. Applicant needs to provide the base flood elevations of existing and proposed homes, both the basement and first floor elevations.

**282 Corporate Drive
Shaines & McEachern Company, Owner
Assessor Map 315 Lot 2**

This application calls for renovations to the interior of a building along with construction impacts within a wetland and wetland buffer. The proposed jurisdictional impacts will be for the reconstruction of an existing swale as well as a new rain garden treatment area partially within the buffer. The permanent wetland buffer impacts to occur within the 25' wetland buffer will be 4,983 s.f. while the temporary impacts will be 1,086 s.f. The direct wetland impacts for regrading and constructing the existing swale will be 1,448 s.f.

Note: PDA Zoning Ordinance allows for the use of stormwater treatment within their wetland buffers (see Section 304-A.07 (9)).

1. *The land is reasonably suited to the use.*

This project proposes reconstructing existing drainage infrastructure that has previously been filled in and failing. In addition, this project proposes the removal of an existing concrete pad within the buffer and some impervious surface used for parking.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use.*

This buffer area has already been heavily impacted, and these efforts are meant to improve the stormwater treatment and wetland health of the immediate local resource.

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

Construction will have temporary impacts, but it appears that post-construction will remove a lot of existing debris and harmful buildup in the wetland and buffer and will restore stormwater runoff and water quality within this area.

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

This plan only calls for some re-grading of these areas, with major improvements planned for the overall ecosystem health with the restoration of the existing swale and the installation of a new rain garden on the edge of the 25' wetland buffer. The applicant is also proposing the removal of invasive species as a part of this project.

5. *Potential impacts have been avoided to the maximum extent practicable and unavoidable impacts have been minimized.*

This proposed work will be done in order to improve overall site conditions within the wetland and wetland buffer. While some impacts from construction are unavoidable, the impacts proposed will be for the purpose of improving stormwater quality, infiltration and wetland health on the site.

Recommendation: Staff recommends approval of this wetland conditional use permit to the Portsmouth Planning Board and the Pease Development Authority with the following conditions:

1. Applicant should consider the use of plantings for stabilization of the swale and for further infiltration of the buffer area. If plantings or seed mix is proposed, please provide further information within a separate planting plan.