

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Associate Environmental Planner
CC: Peter Britz, Planning & Sustainability Director
DATE: May 3, 2024
SUBJ: May 8, 2024 Conservation Commission Meeting

**50 Andrew Jarvis Drive
City of Portsmouth, Owner
Assessors Map 229 Lot 3 and Map 221 Lot 2A**

This application is for the conversion of an existing practice field into a more formalized baseball and softball practice field. This conversion proposes the addition of an 800 s.f. batting cage, and a 40' wide backstop with posts driven into the ground, and the removal of approximately 800 s.f. of existing grass for replacement with an infield mix of clay, sand and silt. All of this work will occur within the 100' wetland buffer, with additional grass removal and infield mix placement outside the 100' buffer.

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

This area is already heavily used as a recreation area for high school students and other recreation leagues. The addition of baseball/softball equipment will allow for more teams to utilize the space.

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

While there is an alternative location in this area that would create minimal disturbance and be outside the buffer, it would create a safety hazard due to its proximity to buildings and parking areas. The chosen location within the buffer is already used as a recreational field and it does not receive any harmful maintenance such as fertilizer or chemical use, only occasional mowing. The conversion to a baseball/softball field will not change how the buffer has been used historically.

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

The infield mix proposed for the new field will be a permeable mix that should not have a noticeable impact on infiltration within this buffer area. The adjacent wetland is well forested and should not see an impact from this field conversion.

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

The only vegetation proposed to be removed is a portion of existing grass lawn. This will be replaced with a permeable sand/silt/clay infield mix.

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

This proposal minimizes impacts to the buffer by proposing a permeable infield mix and minimal permanent equipment. On-site alternatives would require greater disturbance to areas that are not already used as recreational fields.

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

No work is proposed within the 25' vegetated buffer.

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

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.

**89 Cliff Road
Francoise and Richard Kinney, Owners
Assessors Map 223 Lot 9**

This is an application for an after the fact wetland conditional use permit for violations within the City's 100' wetland buffer. The applicant had constructed a three-season porch, an outdoor deck and a concrete landing pad without permitting, of which 225 s.f. was built within the buffer. There is 4,875 s.f. of buffer on this property from the wetland that sits across the street. After the applicant was informed of the violation, they proceeded to develop a wetland conditional use application which proposes mitigating their permanent buffer impacts with the installation of a french drain, the planting of native shrubs and bushes, the installation of a rain garden, and the introduction of a micro clover lawn in replacement of grass. The construction of the deck and three-season room also included the addition of crushed stone underneath the deck to improve stormwater flow along with the removal of the septic system to enhance ground water quality on the property.

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

The applicant already constructed these structures without permits. The majority of these additions are outside of the wetland buffer, with just 225 s.f. of permanent impact in the buffer, with plans to control stormwater on site more proactively with adjustments to plantings and drainage in the buffer.

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

While the structure has already been constructed, the majority of the new impervious is already outside of the buffer.

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

The site as it exists appears to infiltrate on site stormwater, if it does not infiltrate, then it likely pools in the low spot of the yard without impacting abutting properties. The new additions will likely increase roof runoff but the installation of crushed stone and the proposal for a french drain and plantings should help to increase on site infiltration.

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

While the 225 s.f. of buffer has already been altered, the applicant proposes transforming the existing lawn into micro clover or a similar groundcover, introducing new plantings along the addition, and installing a rain garden within the buffer which will increase vegetation and improve stormwater quality.

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 to reduce the 225 s.f. of buffer impacts by installing 69 s.f. of shrubs alongside the addition, installing a 134 s.f. rain garden, and converting the entire back lawn to a non-grass groundcover.

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

In this case, the vegetated buffer has not been disturbed, only the area within 75-100' from the wetland.

Recommendation: Staff recommends **approval** of this after the fact wetland conditional use permit to the Planning Board with the following stipulations:

1. The applicant shall provide a cross section, dimensions and exact location of the proposed rain garden, and will also include a list of the plants to go in it.
2. The applicant shall provide a planting plan or list of plants to be installed within the buffer as part of this application. This should include, at the least, plant species, number of each plant, size at time of planting, and location of install.
3. The applicant shall show on plans where the proposed roof gutters will outlet and how roof runoff will enter into the french drain and/or the rain garden.
4. Applicant shall provide dimensions of the french drain.

**346 Pleasant Street
Mark H. Wentworth Home, Owner
Assessors Map 109 Lot 10**

The application is to replace an existing wooden fence, in kind, along the back of the property which bumps up against the South Mill Pond. The existing fence is almost completely within the 100' tidal buffer and portions are within the 25' vegetated buffer. The existing wooden fence will be removed, and the new vinyl fence will be installed with sleeves over steel posts. The post holes will be hand dug and backfilled by hand to eliminate the need for heavy equipment within the buffer. This replacement project will have approximately 200 s.f. of impact within the buffer, with 10 s.f. of permanent impact below ground with the posts and 500 linear feet of permanent impact from the fence.

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

This fence already exists and the replacement would be in the same location. The existing fence is in various stages of disrepair and needs replacement for safety and aesthetic reasons.

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

As residents use this backyard for recreation and other benefits, the area must continue to be fenced in. There is no other feasible area on the property that can accommodate an outdoor space for the residents.

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

This application proposes a complete replacement of the fence by hand, which will greatly reduce impact on soil disturbance and buffer disturbance.

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

No vegetation is proposed to be removed with this construction, only minor pruning if necessary to disentangle vegetation from existing fencing.

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

The applicant could either leave the fence to rot further, but that would only increase the safety hazard. The applicant could also use machinery and/or concrete to install the fence posts which could have a much greater impact to the buffer and pond. The proposal to do this work by hand is the alternative with the least adverse impact to replace the existing fence.

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

While a portion of the fencing will be replaced within the 25' vegetated buffer, the applicant has stated that no vegetation shall be removed as part of this project, only pruned if necessary.

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

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.