

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Associate Environmental Planner
CC: Peter Britz, Planning & Sustainability Director
DATE: February 9, 2023
SUBJ: February 14, 2024 Conservation Commission Meeting

**90 FW Hartford Drive
Amrishi & Andrea Chicooree
LU-23-142**

February 2024 Update:

The applicant came before the Conservation Commission in September and December 2023 to receive an after the fact permit for the unauthorized removal of up to 28 trees within the wetland and wetland buffer, including 1 tree within the wetland, 21 trees within the 0-25' buffer and 7 trees in the 25-50' buffer. After receiving a postponement of their application in September, the applicant was tasked with completing the following conditions:

- 1. A certified wetland scientist shall delineate the wetland on this property. If the property owner chooses not to hire a certified wetland scientist, they must utilize the City's map for calculating their total buffer impact and the resulting necessary mitigation square footage.*
- 2. A restoration plan will be submitted that is done with the aid of a wetland scientist to ensure proper native species are chosen and the correct size of mitigation is proposed.*

In December 2023, the applicant hired a certified wetland scientist to delineate the property and a report on the findings was submitted. The applicant had also submitted a list of potential plants for that update. At the regular meeting, this application had been postponed to the next meeting with a list of conditions to have been met before a resubmittal, including:

- 1. A robust restoration plan be submitted with the approval and stamp of a certified wetland scientist. At the least, this plan must include the following:*
 - a. Planting efforts that address a proper size of mitigation for what was removed*
 - b. All proposed plantings will have their location shown on the plan, along with species, height, size, and age of plant at time of planting.*

- c. Plans for revegetation and restoration of the 25' vegetated buffer with native plantings and proposed management of this zone*
- d. Restoration of the T1 and T2 tree removal sites (note: any stump removal will require a separate wetland conditional use permit)*
- e. Information on existing stumps and any proposed removals*
- f. The location of any proposed mowing lines*
- g. Proposed maintenance plans for the wetland buffer*

In January 2024, the applicant requested a postponement until February.

In February 2024, the applicant submitted an update to their application. The restoration plan submitted appears adequate and includes restoration of the T2 area – this includes the planting of a red maple within the wetland and 21 young trees/shrubs planted randomly and uniformly throughout the T2 area and the vegetative buffer. These will include red maples, white pines and highbush blueberry shrubs.

Additionally, the applicant is proposing that a portion of the 25' vegetated buffer be considered a 'no mow' area.

The applicant is proposing a status report be submitted to the City 30 days after planting is complete. Additionally, they are proposing additional inspection reports as necessary for the first two growing seasons, with a report to be submitted by June 30th of each year to the City.

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

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers. We suggest that these markers are placed along the 25' vegetative buffer at intervals of every 50 feet. These must be installed prior to the start of any construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.
2. All restoration work must be completed by June 30th, 2024.
3. A monitoring report for the first two years after planting will be required to be submitted annually to the Planning and Sustainability Department. The first report shall be submitted after the restoration work has been completed. This report will include an update on all plant health, growth, and establishment. Additionally, it should include invasive management techniques, methods for irrigation and information on routine maintenance practices. The report must demonstrate at least an 80% survival rate of new plantings after the first two years of monitoring, if not, then replanting will be required.

224 Broad Street Unit 3
Perkins Kwoka Joint Revocable Trust
LU-23-179

In December 2023, the applicant requested postponement of this application until the January meeting.

In January 2024, the requested new materials for this application were not submitted on time.

February 2024 Update:

This application is requesting a Wetland Conditional Use Permit for the replacement and expansion of an existing 192 s.f. sunroom and the demolition of a 286 s.f. rear deck, with new construction proposed for an addition of 384 s.f. to the existing sunroom, a new 367.5 s.f. rear deck and regrading of a portion of the site for the installation of a retaining wall and underdrain for stormwater control. Additionally, the applicant is proposing to remove 491 s.f. of existing pavers and asphalt to be replaced with 401 s.f. of new pavers. This proposal includes the removal of the existing lawn to be replaced with a micro-clover seed mix, an extensive planting plan, and a stone drip edge surrounding the new sunroom and deck.

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

The applicant is proposing all work within the wetland buffer and outside the buffer. The existing site has a steep slope which has been directing stormwater into and around the existing home, instead of towards the adjacent wetland. The proposed stormwater controls will involve some regrading of the lawn and the redirection of stormwater away from the home and through an underdrain to outlet underneath the expanded deck. This proposed deck will have ¾" spaced decking and will have crushed stone underneath for infiltration.

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

The majority of this property is within the 100 ft. buffer. The existing home is within the buffer and experiencing impacts of stormwater and ponding on the property. The applicant is proposing to address these issues with new stormwater controls and the addition of plantings, while working to reduce the impervious surface where possible.

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

The applicant is proposing to redirect stormwater directly through an underdrain and into a crushed stone area to slow infiltration. This should improve the flooding conditions for the home while directing the flow closer to the wetland with an option for infiltration into the soil.

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

The applicant is proposing to maintain all existing trees and vegetation. In addition, the applicant will be improving the vegetation on site by planting a native micro-clover lawn in addition to planting beds and multiple trees and shrubs.

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

While the applicant is proposing an expansion of the home within the buffer, the expansion is occurring in the direction opposite of the wetland and will be compensated with a reduction in existing impervious. There are plans for overall improvements to the buffer however details regarding the permeability of the pavers is needed to better understanding the impervious surface calculations.

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

The applicant is proposing to stay completely outside of the 25' vegetated buffer.

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

1. Please consider speaking with your neighbor to address proper signage of the 25' wetland buffer edge located behind your property. These education markers could have an impact on reducing the foot traffic and disturbance in these sensitive areas.
2. Applicant shall provide details of the proposed paver entry and their permeability.

300 Gosling Road
Public Service Company of New Hampshire
LU-24-2

This is a utility structure replacement project with work throughout the Portsmouth transmission corridor between Gosling Road to Echo Avenue and between Borthwick Avenue and the Ocean Road Substation. The purpose of this work is to replace existing wood utility pole structures with steel to increase the long-term viability of the lines. The proposed steel poles will be approximately 5-10' higher than the existing wooden poles. The current application crosses through primarily rural and industrial upland and wetland areas. Work in the right of way is proposed in upland shrublands and wetland emergent and scrub shrub habitats. This project proposes 256,869 s.f. of temporary wetland impacts for equipment access and work pad placement and 79,310 s.f. of temporary impacts within the buffer. An NHDES permit will also be filed for this proposed work.

According to *Article 10 Section 10.1017.650* the applicant must satisfy the following conditions for approval of this utility project.

1. The proposed project is in the public interest.

The project is necessary to maintain existing corridor powerlines with upgraded support poles.

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 to its original grade condition and vegetated state.

The applicant has stated that the work will be conducted in accordance with NHDES Best Management Practices Manual for Utilities in and Adjacent to Wetlands and Waterbodies (NH DNCR 2019). Prior to placement of timber mats, the applicant has stated they will inspect the mats to ensure cleanliness and will clean them off with each reuse. Wooden timber matting will be used to minimize the disturbance of wetlands and sensitive areas and once removed, the areas will be restored and stabilized with seed and mulch. Any areas of soil disturbance will be stabilized with seed and straw mulch.

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 chosen the routes with the least amount of impact to access the replacement poles, but the applicant has selected access designed to utilize existing historical access routes where possible to minimize impacts.

4. Alterations of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.

The vegetation is expected to return to its original configuration after the timber mats are removed. However, there will be some vegetation removed exactly where the structure replacement is proposed to occur.

Recommendation: Staff believes the applicant has provided a work plan which is best suited to the nature of the work required to maintain the utility lines in this corridor and recommends this application be approved as proposed.

50 Odiorne Point Road
Rosemary L. Gardner Revocable Trust, owner
John E. Gardner trustee, co-owner
LU-24-7

This application is for an after the fact wetland conditional use permit. In the summer of 2022, the property owners had been found to be in violation of Article 10 of the City of Portsmouth Zoning Ordinance. The violations on the property consisted of the construction without permits of a 376 s.f. stone wall within a prime and tidal wetland buffer and within an inland wetland and wetland buffer. Additionally, the unpermitted construction of a 776 s.f. stone swale to redirect stormwater directly into the salt marsh. This swale has impacts in the prime/tidal wetland buffer, the inland wetlands and their buffers. In addition to the swale, 444 s.f. of crushed stone had been spread across the buffer area to help reduce erosion. The property owners were asked to come into compliance by submitting a plan for restoration of this area with both the State and the City. The proposed restoration plan within this application is for the City's wetland conditional use permit.

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

The property owner has performed unpermitted work which is not reasonably suited to the wetland habitats on the property. To come into compliance with these criteria, the applicant is proposing to reconfigure the wall with a reduction in height to keep it at 0.5-1.5' tall with a 3-4' base. The gravel will be removed completely, and the swale stones will be mostly removed along with the existing liner to be replaced with vegetation for natural filtration and slowing of stormwater.

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

The installation of the stone swale and the large stone wall have direct impacts on the surrounding wetlands and have a negative impact on stormwater quality entering the marsh. The proposed removal of the majority of the stone swale and replacement with vegetation should help to restore the quality of runoff entering the marsh.

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

The site has been adversely impacted already due to the unpermitted work. The proposed planting and restoration plan is robust and has extensive monitoring proposed which should help to reduce impacts to the wetlands once vegetation becomes established.

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

This proposal aims to restore areas previously disturbed within wetlands and buffers. The planting of vegetation will be positive for improving the inland wetlands and buffers, and all of the vegetative buffers should be maintained naturally to further enhance the quality of the wetlands and the stormwater runoff. The proposed plantings and maintenance are impressive and should result in a successful vegetative buffer.

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

The proposal to restore the areas of disturbance and mitigate the impacts of what is being left behind should have a positive impact on the health of the surrounding wetlands and vegetation.

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

This proposal includes a large amount of live stake plantings to replace the stone swale and work to slow and infiltrate stormwater before reaching the resources. It is critical that applicants retain the first 25' of the buffer as vegetated with minimal maintenance to enhance the quality of the wetland it is buffering.

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

1. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers. We suggest that these markers are placed along the 25' vegetative buffer at intervals of every 50' along the property. These must be installed prior to the start of any construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department.