

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Environmental Planner; Peter Britz, Director of Planning & Sustainability
DATE: July 3, 2025
SUBJ: July 9, 2025 Conservation Commission Meeting

**505 US Route 1 Bypass
Giri Portsmouth 505 Inc.
Assessor Map 234 Lot 5**

This project is for the installation of four new electric vehicle charging stations within the parking lot of the property. This would include creating and/or re-striping eight parking spaces and installing the necessary equipment and utility connections needed. This work will occur within the wetland buffer of Hodgson Brook and includes the removal of 2,135 s.f. of existing asphalt and converting to wetland buffer seeded area. It also includes 173 s.f. of permanent impacts to an existing landscape section within the buffer to install the transformer and concrete pads. In total, this project will create a net impervious of 1,962 s.f. within the 100' buffer.

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

The existing site is asphalt and is reasonably suited for the installation of such infrastructure.

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

The EV chargers have been located as far away from the wetland resource as possible while still being able to maintain the same number of parking spaces. The applicant is removing a significant amount of impervious from the vegetated buffer, planting native species and shifting the new infrastructure further from the brook.

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

The brook is already a heavily impacted resource and bolstering its buffer is critical to its protection. The removal of pavement between the proposed chargers and the brook will help to reclaim part of the wetland buffer. In addition to removing impervious, the applicants are also proposing to establish new plantings within the new pervious areas and maintain the intended existing drainage on the site.

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

This project proposes alterations with the construction of new transformers and concrete pads but plans to remove existing pavement and replant which will help offset those impacts.

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

This proposal has minimal impact to the wetland resource due to the net gain of pervious surfaces within the buffer.

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

The removal pavement from the 40' vegetated buffer strip and the installment of seed mix and plantings will be an improvement.

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

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 permanently installed as a part of this approval.

**135 Corporate Drive
City of Portsmouth on behalf of Pease Development Authority
Assessor Map 303 Lot 6**

The Planning Board is advisory to the Pease Development Authority (PDA) and the applicant has requested the Conservation Commission's recommendation on this WCUP application. This proposal is for the construction of four new buildings and demolition of the existing Control Operations Building and associated site improvements including utilities, parking, electrical, and stormwater infrastructure at the Pease Wastewater Treatment Facility (WWTF) that is operated by the City of Portsmouth. This project proposes 2,950 s.f. of new impervious impact to the 100' wetland buffer on the property, with another 500 s.f. of new impact proposed in the buffer off this lot. The project also proposed impacts to previously disturbed areas within the wetland buffer.

Pease Development Authority Zoning Ordinance: Part 304-A.08 (f): Criteria for Approval

1. The land is reasonably suited to the use.

This application requests impacting the wetland buffer in order to upgrade the WWTF, which already lies significantly within the wetland buffer. The new disturbance areas include the new chemical storage building, additional paved accessways, a bioretention system and newly trenched piping areas.

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

A major part of this existing facility falls within one of the wetland buffers on the property and some of the newly proposed areas such as the bioretention facility, pavement and trenching will occur within the wetland buffer. This is a critical facility that needs to be maintained and upgraded to ensure the continued safety of our community and environment, there is no alternative location for these improvements.

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

A significant portion of the 100' wetland buffer onsite remains undisturbed. The construction and upgrades needed onsite will be offset with the introduction of a stormwater system on site where previously none existed. The new bioretention area will retain and treat stormwater coming from the site before discharging into Hodgson Brook. This new treatment will likely benefit the health of the Brook.

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

This project proposes work within areas that were previously disturbed and the applicant has worked to minimize the removal of trees and shrubs on site.

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

This proposal has aimed to largely disturb only previously disturbed areas, with minimal impact proposed for new disturbance areas, and stormwater retention and treatment to help combat impacts from new and existing impervious on site.

Recommendation: Staff recommends approval of this wetland conditional use permit to the Pease Development Authority with the following stipulation:

1. Wetland delineation shall be certified and stamped by a NH Certified Wetland Scientist (CWS).

**137 Walker Bungalow Road
Ryan Leibundgut
Assessor Map 202 Lot 4**

This application is for an after-the-fact wetland conditional use permit for work done within the 100' wetland buffer and 100' vernal pool buffer without a permit. The applicant had previously removed a 6 x 12' rear deck from the home on site along with the existing footings. In its place, new concrete footings were poured and a new 6 x 12' deck was built. The applicant is proposing crushed stone underneath the new deck to help with stormwater runoff, a set of stairs and a 5 s.f. concrete landing to be placed at the bottom of the new deck, and the addition of new plantings within the buffer area.

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

This property previously had the same size deck in place. The impact from the rebuild is largely from the soil disturbance created to rebuild the deck and pour new footings.

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

The egress already existed within this location of the home and stairs or a deck were needed to access the doorway. This location is reasonable as there already existed the same size structure in its place.

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

The applicant is proposing to help offset impacts from the new build with crushed stone placed below the deck and plantings within the yard to increase the vegetation within the buffer.

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

This project was rebuilt in an already disturbed area and the applicant is proposing the installation of new plantings to bolster the vegetative state of the buffer.

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

This rebuild appears to be almost entirely within the existing impacted area where the previous deck was. Impacts to the wetland resource were offset with the removal of the existing sump pump drainage and removal of the septic system as noted by the applicant. In addition, the introduction of new plantings will help to offset impacts and the crushed stone placement should slow stormwater that is entering the wetland buffer.

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

This project proposes no impact to the 50' vegetated buffer strip. Applicant proposes new plantings within this area.

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

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 50' vegetative buffer at 50-foot intervals and must be permanently installed as a part of this after the fact permit.

2. Prior to submission to the Planning Board, applicant shall provide a detail sheet depicting the profile of the proposed crushed stone for underneath the deck (depth, stone size, material layers, etc.).
3. Prior to submission to the Planning Board, applicant shall provide information on the species, size, quantity and exact location of the five plantings proposed.

**0 Banfield Road
Walter D. Hett Trust
Assessor Map 255 Lot 2**

This application is for the installation of residential driveways, underground utility piping, and at-grade stormwater management BMPs for an undeveloped site that is to be subdivided and developed into five single-family residential properties. This project proposes 6,676 s.f. of permanent disturbance to the 100' wetland buffer.

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

This land within the wetland buffer is previously undeveloped land and is adjacent to a major road. The addition of new impervious surfaces to this buffer will increase the untreated stormwater flow into the wetland across the street. Rain gardens are proposed but it is unclear how the stormwater from the driveway runoff could go uphill into the proposed systems.

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

Applicant is looking to create driveways for future lots. It appears there may be an opportunity to weave one shared driveway between the two 100' wetland buffer lines for Lot 3, 4 and 5.

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

Impacts to the buffer include new impervious surfaces and construction of new utility and stormwater services. Applicant needs to show how stormwater runoff on site will be retained and treated. Current stormwater plans need to be finalized, and an erosion control plan must be provided.

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

The construction of the new services and driveways will likely have impacts on the existing tree line along Banfield and Peverly Hill Road. Applicant should clearly mark the trees to remain and to be removed on the plan set.

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

This project proposes impacts to a previously undeveloped area. It is not the proposal with the least adverse impacts.

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

A planting plan is needed to determine this.

Recommendation: Staff recommends postponement of this application to give the applicant time to address the following issues:

1. Wetland delineation shall be certified and stamped by a NH Certified Wetland Scientist (CWS).
2. Applicant should explore alternative plan with one shared driveway entering Lot 3 between the buffer setbacks to provide access to Lots 4 and 5.
3. Exact dimensions, location and a detail sheet are needed for the proposed rain gardens.

4. Erosion and sediment control plans must be included in this application, not just the building permit phase.
5. Application checklist is not complete, please address how this application complies with the following sections in the City of Portsmouth Zoning Ordinance:
 - a. 10.1017.24
 - b. 10.1017.25
 - c. 10.1018.31
 - d. 10.1018.32
 - e. 10.1018.40
6. Applicant should propose buffering or protection along each of the lots that protects the natural vegetated state of the prime wetland and its 100' buffer to the rear of the site.
7. Applicant shall include a planting plan in the plan set. This should also show vegetation to remain and to be removed.
8. Applicant must clearly define and address areas to be filled and areas to be regraded on the plans.