

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Environmental Planner; Peter Britz, Director of Planning & Sustainability
DATE: March 7, 2025
SUBJ: March 12, 2025 Conservation Commission Meeting

**185- 187 Wentworth House Road
Sea Level LLC
Assessor Map 201 Lot 14**

This application is for the required remediation of PCBs by the EPA and associated impacts within a tidal wetland and previously disturbed wetland buffer. As part of this remediation, the applicant is proposing to remove 175 s.f. of sediment from existing salt marsh down to a depth of 1 ft as well as an adjacent section of 235 s.f. of fill to be removed down to a depth of 6 in. To restore these excavated areas, the applicant is proposing to add 6 in of sand in the first removal area with the addition of saltmarsh bulrush plugs. In the upper portion of the marsh area and above the HOTL, salt tolerant grass mix is proposed as well as boulder armoring and stone riprap for bank stability. Additional proposed impacts to the buffer include the removal of 0.5 cubic yards of soil in two different buffer locations down to 1 ft in depth, with one of these areas proposed to be covered with a geotextile liner and 5,000 s.f. concrete cap. All other areas impacted by PCBs in the wetland buffer will receive 6 in of clean topsoil and vegetation. Other buffer work includes the reuse of existing gravel for boat storage activities and the plugging of an existing storm drain.

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

A majority of this work is proposed for previously disturbed areas that need remediation done to remove contaminants from the wetland system. The existing salt marsh is not a suitable site for excavation work but the necessity of removing the PCBs and the associated replanting of the marsh should create a better outcome for the health of the wetland resource in this location if it can be properly maintained.

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

This is EPA-mandated remediation work that must occur to reduce existing PCB levels on site. It cannot occur anywhere else outside of the buffer.

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

This proposal aims to remove existing toxins from the wetland and buffer system that currently exist and bring in clean topsoil and seed for the growth of the marsh. While the temporary impacts may be harmful, the outcome will create a healthier environment for all. To minimize impacts from construction, significant erosion controls are needed as part of this project.

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

This remediation project only proposes the removal of vegetation to the extent necessary to remove the impacted soil and cap.

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

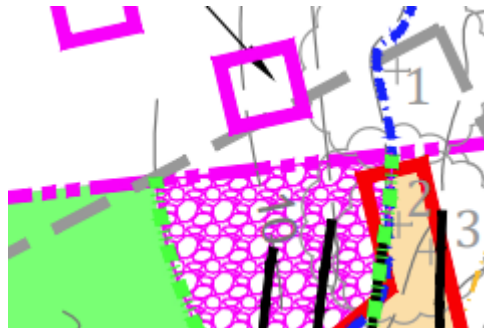
This proposal appears to be the most efficient way to clean up the PCB contaminants currently in the soils of this wetland and buffer resource. Without remediation, this site will continue to be adversely impacted from the contaminants. Applicant should ensure that any contaminated soils are properly covered if left on site at any time during the project period or afterwards.

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

While riprap is proposed for the bank immediately above the HOTL, the area between the bank and the proposed concrete cap will be loamed and hydroseeded as well as planted with a variety of trees and shrubs. Applicant should ensure that a wetland buffer seed mix is used through the 100' wetland buffer for seeding, not just wildlife-compatible mix.

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

1. The applicant should consider extending the erosion controls to completely enclose the proposed mixed stone/riprap area (see area below). Additionally, the applicant should consider extending erosion control to encapsulate all edges of the newly restored upland site (green area).



2. Applicant shall use an appropriate wetland buffer seed mix for any areas to be seeded within the 100' buffer.
3. Applicant shall receive all necessary permissions from NHDOT and the contributing abutting landowners as applicable prior to plugging or abandoning any of the existing 15" drainage pipe. Further, please provide a drainage plan and calculation analysis for the rerouting of flow entering this pipe. This shall occur prior to Planning Board approval and may need review from TAC.
4. Grass-lined drainage swale is mentioned in the maintenance manual but not shown on plans. Please revise plans to show exact location, dimensions, elevations and plantings within swale.
5. 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.

**56 Ridges Court
Rainboth Revocable Trust
Assessor Map 207 Lot 63, 68 and 69**

This application proposes work across three parcels which is to include the demolition of an existing garage, shed, and deck, the removal of paved walkways, existing landscaped steps and the removal of vegetation for the purposes of construction. Proposed new development includes a home addition, a reconstructed driveway, new decking, new permeable walkways, a shed and a garage. The existing impervious coverage within the 100' wetland buffer over all three lots is 2,715 s.f. and this application proposes a final impervious cover of 2,653 s.f., a decrease of 62 s.f.

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

This project proposes the removal of existing structures and pavement from the wetland buffer with the installation of new structures and a driveway within the buffer but further away from the resource. A majority of the work is within 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.

A majority of this work is proposed within the 100' wetland buffer and includes new structures in the buffer but an overall reduction in impervious surfaces. Since the previous application, applicants have moved the proposed shed and deck slightly further from the wetland but not outside of the buffer.

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

This project proposes the removal of four existing trees and one shrub within the buffer and the addition of six highbush blueberries and an 1,100 s.f. naturalized area in a portion of the 25' no-cut buffer. Some improvement to the wetland functional values as they exist today appear to be proposed. Proper care and maintenance of the wetland and wetland buffer would prevent adverse impacts. This should include no longer mowing the wetland resource. In addition, applicant should come into compliance with the City's 25' no-cut vegetative buffer regulations.

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

This project proposes the removal of some existing vegetation to achieve construction goals and proposes replacement with blueberries and a small portion of the 25' no-cut buffer to be naturalized. Property owners have historically altered the vegetative state of a portion of the wetland and the entire 25' buffer through regular mowing. Staff suggest this practice ends to come into compliance with our vegetative buffer strip standards.

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

This proposal is not the alternative with the least adverse impact. The proposal requests the continued mowing of some of the most sensitive ecosystems on the properties.

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

This appears to be feasible, but it is not proposed. Only a portion of the vegetated buffer strip is proposed to be re-naturalized. The applicant should commit on the plan set to no longer mowing all the way to the vegetated buffer strip to come into compliance with the City's Zoning Ordinance.

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

1. Proposed impervious area within the 100' buffer appears to be calculated incorrectly. Total proposed should be 2,653 not 2,633 s.f.
2. If lots are to remain separate, please remove notes on plan stating otherwise.
3. It is recommended that the applicant discontinue the practice of mowing the wetland and come into compliance with the City's no-cut vegetative buffer strip regulations.
4. It is recommended that the applicant discontinue all practices of mowing the wetland resource.
5. 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.

**200 FW Hartford Drive
Tracey & David Foster, Owners
Assessor Map 270 Lot 33**

This application is for the removal of six trees within the 100' buffer of a wetland towards the rear of the property at 200 FW Hartford Drive. These trees include four pines and two maple trees, one of which is diseased according to an ISA Certified Arborist. The applicant is proposing to leave the stumps in place and plant two new red maple trees and four new winterberry bushes close to where the existing trees are proposed to be removed.

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

This work proposed removing six trees from within the 100' wetland buffer which is a forested wetland.

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

These trees are all located within the wetland buffer and while they serve as a vital function within the wetland buffer, the applicant is proposing a replacement of plantings in lieu of the trees to be removed.

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

The removal of these large trees will have an adverse impact on the wetland functional values as they serve as great habitat and carbon capture for this ecosystem. The installation of new plantings will help to boost this ecosystem, but it may not be sufficient to compete with the trees to be removed. Applicant should consider planting a greater ratio of trees to shrubs.

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

This project calls for the removal of six trees, all within the wetland buffer and most within the 25' no-cut buffer. A certified arborist has stated that only one of the proposed trees to be removed is diseased and unless the other five are a significant risk, the removal of the healthier trees does not seem necessary at this time.

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

This proposal appears to have some adverse impact at the removal of five healthy trees that are serving multiple functions within the wetland buffer. The proposed plantings will help to offset the impacts felt from removing those trees but it may be necessary to substitute more trees instead of or in addition to the winterberries to equate the loss of those six trees.

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

It appears that most of the trees to be removed are located in the vegetated buffer strip and proposed plantings will be in this general vicinity.

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

1. The applicant should consider planting a greater proportion of trees compared to the shrubs.
2. 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.