

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Environmental Planner; Peter Britz, Director of Planning & Sustainability
DATE: February 7, 2025
SUBJ: February 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 improve the overall health of 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 or restore these areas.

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

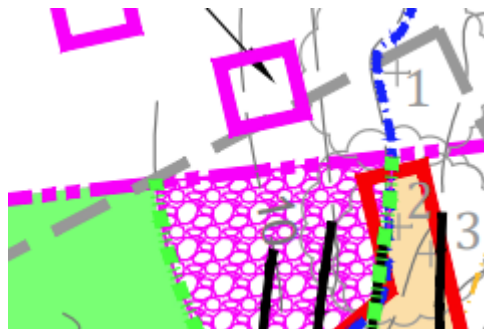
This proposal appears to be the most efficient way to clean up the PCB contaminants currently in the soils of this wetland and buffer resource. Without remediation, this site will continue to be adversely impacted from the contaminants.

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 protective coir log 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.
1. Applicant shall receive all necessary permissions from NHDOT and the contributing abutting land owners 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.

**56 Ridges Court
Rainboth Revocable Trust
Assessor Map 207 Lot 63**

This application proposes the merging of three adjacent lots, one of which is already developed, 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 3,175 s.f., an increase of 460 s.f. within the wetland buffer.

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

One of the three existing parcels has existing structures on it that are within the 100' buffer. These additional structures would increase impervious surface within the wetland buffer and put a new structure (shed) within 53.5' of the wetland.

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. An addition to the structure could be done further from the wetland source or completely outside the wetland buffer if the applicants sought variances.

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

This proposal aims to increase impervious surfaces within the buffer and is replacing trees to be removed with the same quantity of trees. No improvement to the wetland functional values as they exist today appears 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 and the 25' vegetated buffer.

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 in-kind replacement (quantity-wise).

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. This proposal increases impervious and has no visible increased benefit to the health of the wetland resource and its buffer.

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. 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 postponement of this wetland conditional use permit to the March meeting for the applicant to provide more information, some of which is outlined below:

1. Property owners should place a restriction within their deed prior to the issuance of a building permit which states the requirement that the proposed combined parcel shall not be developed further. Applicant and property owners shall consult with City staff on the final language of this restriction.

2. Applicant must merge all three lots prior to receiving a building permit or performing any site work.
3. A net gain of impervious surface is proposed with this application. Due to this, the application must comply with Section 10.1017.25 and provide a wetland buffer enhancement plan. This plan should include compliance with our vegetated buffer standards (no mowing and a revegetation of the wetland and 25' wetland buffer).
4. The proposed Stormwater Inspection & Maintenance Manual (page 3) mentions the use of fertilizer. This should be removed as fertilizer is prohibited at all stages of landscaping within a wetland and the first 50' of a wetland buffer. After the limited cut area and up until the 100' buffer edge, only slow-release nitrogen and low phosphate fertilizers are allowed (Section 10.1018.24)
5. The proposed 310 s.f. of new pavement that falls within the wetland buffer triggers compliance with Section 10.1018.31 and 10.1018.32. This area of pavement shall be porous, and a related pavement maintenance plan should be included.