

# Memo

TO: Conservation Commission Members  
FROM: Peter Britz, Environmental Planner  
DATE: February 5, 2021  
SUBJ: February 10, 2021 Conservation Commission Meeting



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## 105 Bartlett Street

This project includes the removal of existing impervious surfaces and buildings, construction of 3 stormwater outlets, repaving of an existing access drive and parking lot, construction of a linear waterfront trail and community space, and construction of three new multifamily building with a total of 152 dwelling units. This application has a more detailed landscape plan and includes a porous pavement pathway for pedestrian and fire access. The project as proposed will result in a net overall reduction in impervious surfaces of 28,792 square feet from the current site. This project was most recently before the Commission at the December 9, 2020 meeting. The Conservation Commission postponed the project after providing feedback and recommendations for the applicant.

According to *Article 10 Section 10.1017.50* the applicant must satisfy the following conditions for approval of this project.

1. *The land is reasonably suited to the use activity or alteration.* This project is located in an area along the North Mill Pond that has not been maintained and has not been accessible to the public. While public access was not allowed by the former owner there were numerous camps a large amount of trash and other debris and a mix of invasive and opportunistic vegetation. Also there was an active business with a large gravel parking area, a number of abandoned buildings and a site access road paved to the bank of the pond with no stormwater treatment throughout the site. It is reasonable for this area to be redeveloped and the project is consistent with City Zoning for this location.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The location has been selected as it is an unused railroad area which has not been maintained. The applicant sees this area as ready for redevelopment and has provided a feasible approach for that development and has been able to demonstrate a reduction of impacts in the 100' wetland buffer.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The buildings are no closer to the edge of wetland than existing buildings and the design has been modified to reduce the amount of building area in the wetland buffer. The amount of pavement and other impervious surfaces has been reduced by over ½ an acre in this proposal, stormwater treatment has been added to the design, the public is being brought onto the site with a proposed porous pavement trail and an extensive invasive species removal and native planting program has been proposed. The project provides community space that will allow people to walk along the pond on a safe accessible trail. Since the last meeting with the Conservation Commission building volume has been reduced in the 100 foot buffer parking has been pulled back from within the 100 foot buffer, and a more complete planting plan has been

provided. Overall this plan reduces the deteriorated buildings and site conditions as well as the quantity of invasive species, and the proposal will enhance the area generally given its current condition. This design is an improvement from the current site conditions as it reduces impervious surfaces, provides community access, treats stormwater, and reduces the amount of invasive species.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The proposed project will be impacting some natural vegetation on the site especially in the footprint of the new buildings. The applicant has provided an invasive species removal approach and extensive planting plan for the entire site that includes the removal of invasives provides the opportunity for re-establishment of existing native vegetation and planting of new native vegetation.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The applicant has worked to enhance the site and overall impacts from the project. Impervious surfaces have been reduced with each subsequent revision of this project to a total reduction of 28,792 square feet from what exists on the site today. The applicant has made the site resilient to climate change by elevating the structures above the floodplain provided an extensive native planting plan and detailed and effective stormwater treatment plan and has provided community space to invite the public onto and through the site.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant provided a landscape plan which includes plantings around the proposed building and within the 100' tidal wetland buffer. The use of native trees and plantings within the 100 foot buffer and removal of invasive species on this site along with a protected 15' vegetated buffer will provide an enhancement to the buffer of the North Mill Pond.

**Recommendation:** Staff believes this application represents a reduction in impacts to the tidal buffer zone and provides public access through a location that has been left to deteriorate. The applicant has complied with section 10.1017.24 which requests the removal of impervious surface in the buffer to below what exists. Staff recommends approval of this application as presented.

### 375 Banfield Road

This project is to construct an industrial building outside of the 100' wetland buffer. This application has changed since the last meeting to include a stormwater treatment swale in the wetland buffer to address remediation concerns. As part of the project the applicant is removing an area of pavement for the proposed front parking area on the site which was presented at the January meeting.

1. *The land is reasonably suited to the use activity or alteration.* The prior application was proposed to remove pavement from the wetland buffer and revegetate the same area. While that is a suitable activity in the buffer the amended proposal is for 4000 square feet of new stormwater treatment swale to be constructed in the wetland buffer almost to the edge of the existing wetland area. It was stated by the applicant that this swale needed to be constructed here to stay away from waste. It needs to be demonstrated why no location outside of the buffer could be used for this.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The proposed pavement to be removed from the buffer this is the appropriate location for this work. However, the proposed stormwater treatment swale and stone check dam are not appropriate for the buffer. While it does not make sense to route stormwater through contaminated soil as the applicant has said would occur with the previous location it is also not clear given the site is being completely demolished to construct the building why another location away from the waste and out of the buffer could not be used.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.*

This pavement removal will result in a reduction of impervious surface in the wetland buffer but the stormwater treatment swale and stone check dam are all new impacts to the buffer. The new swale will have impact to the wetland buffer that may be avoidable if a different location outside of the buffer could be used.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The removal of pavement from the buffer will result in an expansion of the natural vegetative state of the buffer. The addition of the new swale will remove some natural vegetation in the buffer as the swale while vegetated will still need to be maintained, thereby not providing the same buffer function as the natural vegetation in this location.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed pavement removal will reduce the amount of impervious surface in the wetland buffer but the new swale does not appear to be the least impacting alternative. While they cannot discharge stormwater through the fill if the site design were different it may be possible to avoid this area of impact.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The plan provides for removal of pavement in the buffer to provide a planted area and the proposed swale will be vegetated so it will be vegetated over much of its area but the maintenance will now allow for as robust a planting as would be if this were undisturbed buffer.

**Recommendation:** There are still answered questions about this project regarding the swale location and the need to impact the buffer for this location. Given there is a site walk on Monday February 8 more questions may be answered at that time.

### 1 Clark Drive

This project is the subdivision of land where there is a single family home which will be replaced with a new cul-de-sac road and four new house lots to include the demolition of an existing home and swimming pool portions of which are in the 100 foot wetland buffer. As part of this project the applicant is proposing a vegetated rain garden and grass access road where lawn currently exists.

1. *The land is reasonably suited to the use activity or alteration.* The rear portion of the new house lots are partially within the 100' wetland buffer. The application is providing stormwater treatment in the lawn area at the rear of these houses. Given the area is currently lawn the proposed treatment will improve the quality of runoff from the site. An addition of plantings along the rear of the rain garden would help enhance the buffer quality of this site.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* Given the area is currently lawn this is the most feasible location for the treatment as it will intercept the flow before it reaches Cutts Cove.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* Given that the proposed work is in a lawn area and will reduce the velocity of flow it should have a net improvement on stormwater quality. However, given the area will be disturbed erosion control measures will need to be maintained and buffer plantings would help to improve buffer function.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The existing lawn will be regraded and replaced with a vegetated rain garden.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed project should reduce velocity of stormwater from the site and with plantings could represent an enhancement.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The plan does not show any landscape plans but staff recommends the applicant consider an area of new shoreland buffer planting be considered by the applicant waterward of the rain garden.

**Recommendation:** Staff recommends approval of this project with a stipulation that buffer plantings be added at the rear of the raingarden.

### **315 Banfield Road**

This application is to install a 6 foot tall chain link fence in the wetland and wetland buffer on this property. The fence will have footings including 5 square feet in the wetland area and 10 square feet in the wetland buffer area.

1. *The land is reasonably suited to the use activity or alteration.* The applicant is putting up security fence for the school.

2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* Given that the fence is along the property line this is the appropriate location.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The proposed fence will have a minimal impact on the wetland functional values.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The project does not propose to impact vegetation.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposal is only putting concrete where the fence needs added support as such this is the least impacting alternative.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant is not proposing any impacts to natural vegetation.

**Recommendation:** Staff recommends approval of this project as proposed.