

# Memo



TO: Conservation Commission Members  
FROM: Kate Homet, Associate Environmental Planner  
Peter Britz, Environmental Planner  
DATE: July 8, 2022  
SUBJ: July 13, 2022 Conservation Commission Meeting

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**Site Address**  
**70 Pleasant Point Drive**  
**Katara, LLC, Owner**  
**Map 207, Lot 15 (LU-22-112)**

## Description:

Applicant is proposing to demolish existing house, remove existing staircase within the 25' buffer, and build a new home further back from the water with an updated stormwater treatment plan in place. They are also proposing a new staircase down to the shoreline that is farther from the edge of the saltmarsh and a connected dock that extends out into the entrance to Little Harbor. The majority of this property is located within the 100' tidal wetland buffer which includes wetland and salt marsh habitats along the shoreline.

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

Applicant is proposing to rebuild in area that was previously developed and is proposing to build farther from shoreline.

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

The wetland buffer takes up a large amount of the already developed property, and the buildable property. The proposed project is making efforts to reduce previous stormwater impacts to the buffer and build in a reasonable manner for the site.

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

The proposal will be removing all invasive species from buffer area and replanting with native wetland and conservation seed mix and plantings. Previously untreated stormwater entering the river will now be treated. The project should result in an overall increase in buffer and shoreline health.

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

The applicant has extensive landscape upgrades proposed to the vegetation in the buffer which includes removing invasive species and replanting native species where appropriate.

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

Applicant's plans show they are working to move development farther from water's edge and away from the 25' vegetated buffer. The applicant is taking steps to minimize bank disturbance by removing invasive species and replanting the bank and adjacent shoreline areas. While the applicant is enhancing native vegetation and removing invasive species additional vegetation along the edge of the patio or reduction of patio width could enhance this site.

6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* Applicant proposes removing invasive plants from the vegetated buffer strip and will help aid in the stabilization of the bank through the use of the Greenloxx vegetated wall & slope system.

**Recommendation:** Staff recommends approval of the project with two stipulations:

1. According to Section 10.1017.26 of the Zoning Ordinance, when a *proposed project involves a use, activity, or alteration in a tidal wetland or tidal wetland buffer, the application shall include a living shoreline strategy.* It appears as though these plans show proposed restoration of the shoreline buffer and the bank erosion. Please further describe how your work along the shoreline and bank of the property would meet the standards of a living shoreline strategy.
2. In order to ensure the continued protection and maintenance of the shoreline habitat, staff recommends requiring the applicant plan for at least two years of monitoring and maintaining the buffer planting health. If after one year the plantings do not have at least an 80% success rate, replanting will be required.

**Site Address**  
**1169/1171 Sagamore Avenue**  
**John & Colleen Herbert, Owners**  
**Map 224, Lots 14 & 15**

Description:

Applicant is applying for a Wetland Conditional Use Permit to construct a culvert into a wetland off of Sagamore Avenue. The proposal calls for stormwater and related runoff from the development site and the city sidewalk and roadway to be diverted into a jellyfish treatment system which filters runoff before entering the wetland across the street from the proposed development site. Previously, there was no filtration of any surface runoff on the site or into the wetland.

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

Proposed wetland buffer impact will be from the construction of the culvert and riprap outlet area. Given the need for the sidewalk along Sagamore Avenue the culvert is a reasonable alteration to the wetland buffer. This wetland conditional use permit is located on City property to allow overflow of on-site stormwater and public sidewalk and city street overflow into a filtration device to treat all stormwater before entering a city culvert.

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

In order to create the outlet for the culvert given the grade of the site the location of the small on-site wetland and the proposed sidewalk the culvert is necessary in the buffer.

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

Along with treating the stormwater, applicant is also proposing to remove a section of invasive species within the buffer on the other side of Sagamore Avenue where the culvert outlets. Wetland health should see no adverse impacts from this proposal.

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

Construction impacts will be minimal within the buffer, with permanent impacts being only the outlet pipe (which will allow for grass regrowth on top) and riprap which will be a small footprint.

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

Given the need for the stormwater overflow from the development site and an outlet for stormwater from the new sidewalk the proposed jellyfish filter and culvert outlet should result in minimal adverse impacts.

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

Staff recommends in addition to the New England conservation/wildlife seed mix called for in the area designated for invasive species removal the applicant replant the disturbed area around the proposed culvert also with a New England conservation/wildlife seed mix.

**Recommendation:** Staff recommends approval of the project with one stipulation:

1. Applicant needs to include a one-year long monitoring plan of the invasive species within the wetland across the street from the development site where invasive plants are to be removed and culvert installed. New shall have a greater than 80% success rate after one year. If not applicant shall replant.

**Site Address**  
**0 Patricia Drive**  
**Hemlock Way Realty Investments, LLC, Owner**  
**Map 283, Lot 11**

Description:

Applicant is applying for a new wetland conditional use permit in an area where a wetland conditional use permit had been previously approved but expired. This proposal calls for a subdivision of one lot into two, the reconstruction of a previously paved road, and the construction of two homes. A prime wetland is located within the property lines and the 100' buffer extends into the area where new roadway paving, tree removal, and the construction of a detention pond are proposed.

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

Existing roadway was already partially located within wetland buffer. This plan proposes to reduce the amount of impervious in the buffer by narrowing the road and restoring areas of existing pavement to be loamed and seeded to grass.

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

Due to existence of road, this plan has no other reasonable location to repave.

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

Given there is an existing roadway the addition of the stormwater treatment appears to be the least impacting alternative on this site.

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

The applicant is reconstructing the roadway in the existing pavement alignment and is only proposing to remove brush in areas where stormwater treatment is proposed.

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

The proposal will be reducing the amount of impervious surface near the buffer and within the buffer, and installing stormwater treatment to reduce impacts in the wetland buffer.

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

There appears to be no impact to the 25' vegetated buffer for this proposal.

**Recommendation:** Staff recommends approval of the project as presented.