

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Associate Environmental Planner; Peter Britz,
Director of Planning and Sustainability
DATE: August 1, 2024
SUBJ: August 14, 2024 Conservation Commission Meeting

**100 Durgin Lane
Oak Street Real Estate Capital, Owner
Assessor Map 239 Lot 18**

Note: This application was postponed at the July meeting of the Conservation Commission to the August meeting.

The application is proposing to demolish the existing Bed Bath & Beyond/Christmas Tree Shop site, removing all existing impervious, and rebuilding on multiple lots to incorporate 360 rental housing units, community spaces, roads, parking, site improvements, stormwater upgrades, lighting, landscaping, etc. This application proposes an overall reduction in impervious surface within the wetland buffer by 10,071 s.f. (16.44% reduction) compared to the existing site. This proposal includes stormwater improvements and new native buffer landscaping.

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

This application proposes completely removing all existing buildings and impervious area on site and installing 51,174 s.f. of impervious surface with new rental housing units, community buildings, associated roads, parking lots, site improvements and landscaping. This will likely increase activity within this area such as foot traffic, vehicle traffic and use of existing wetland buffer space. Rendered drawings show a fencing in a 'wetland buffer park', please delineate all proposed fencing on site plans.

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

This is a large project that has many components. the applicant should consider removing or relocating the newly proposed access road and excess parking along the north side of the site from the wetland buffer and provide buffer restoration in this area. Applicants were previously requested (July 2024) to look into providing a plan showing an alternative with less wetland buffer impact, this has not been shown.

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

The wetlands on and off site will experience increased impacts from the proposed use which encourages more people, pets and traffic along the very edges of these wetlands and buffers. To minimize adverse impacts, the applicant should make every effort to remove all impervious surfaces from the wetland buffer and restore those areas of previous impervious surface to a functional wetland buffer.

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

This project does propose alteration of natural vegetative state in some locations. In particular, the accessway on the north side of the parcel as it moves west does not appear necessary to achieve construction goals. The applicant was asked to remove this and stated they would study the issue. There has been no information provided as to the necessity of keeping the roadway in the buffer.

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 impacts. While the applicant has provided some reductions in the buffer there appears to be areas where more impervious surface could be removed as well as areas where the buffer could be made more natural with increased plantings of native vegetation and less lawn area which would result in much more functional buffer areas.

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

There are no proposed impacts within the 25' vegetated buffer. In order to reduce impacts in the vegetated buffer heavy native plantings or simple fencing such as split rail fencing could be provided. foot traffic within the vegetated buffer. Applicant should consider a method for deterring foot traffic in these areas such as a split rail fence.

Recommendation: Given there are areas which were not addressed in this submission and to give the applicant time to complete the plans for the site staff recommends **postponement** of this wetland conditional use permit application.

**913 Sagamore Avenue
Hogswave LLC, Owner
Assessor Map 223 Lot 27**

This application is for the demolition of an existing residential structure and the construction of a new home, reconfiguration of the existing gravel driveway, the addition of a pervious paver patio, deck, removal of impervious surfaces, grading, utility connections and landscaping. The existing conditions within the 100' wetland buffer include a one-story residential structure with 1,110 s.f. of impact and approximately 900 s.f. of impervious pavement. This application proposed the removal of the 1,110 s.f. of building impact within the buffer and the removal of 914 s.f. of pavement. The applicant is proposing to impact 2,719 s.f. for the new residential structure, garage, drip edges and walkway. This application proposes 5,269 s.f. of temporary impact proposed due to construction, landscaping, hardscaping, grading and utility connections.

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

This area is a previously disturbed area within the tidal buffer with an existing residential structure. The proposal looks to remove the old structure and construct a new, larger structure. Regrading of the land within this tidal buffer is concerning due to the proximity to resource and the existing runoff conditions and slope. In addition, applicant must show compliance with Article 10 Section 10.1017.22 (3).

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

It appears there is space further upland and outside of the 100' wetland buffer where this construction could occur. This alternative should be explored.

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

There are a large amount of temporary impacts to the wetland buffer with this proposal but also an overall decrease in permanent impacts to the 100' wetland buffer. To ensure no adverse impacts occur, a more dense, natural vegetative buffer is needed to help infiltrate stormwater and keep sediments and nutrients out of the waterway. Additional plantings and green stormwater infrastructure should be considered to reduce sheet flow to the Creek. Additionally, the existing gravel driveway along the shoreline is proposed to be removed but it is unclear what is proposed for that space (native wetland seed mix, plantings, stormwater retention, etc.).

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

The applicant is intending to decrease the overall impervious surface impact within the 100' buffer. The restoration of the 25' vegetated buffer is necessary to protect the adjacent wetland and additional plantings and stormwater control should be considered to help offset impacts from the proposed construction. If the immediate 25' vegetative buffer is not feasible, the applicant should look into a dense vegetative buffer between the access road along the shore and the retaining wall. In addition, the applicant should consider making some open space areas within the 100' wetland buffer as wetland conservation seed mix areas – this could be shown in a separate planting plan.

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

This proposal decreases overall impervious impact to the wetland buffer, but it appears that more efforts could be made to address the vegetated buffer, stormwater controls and other alternative locations.

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

Unable to confirm which areas are within the vegetated buffer strip as the first 25' of the wetland buffer is not delineated. Plantings are proposed for the edge of the wetland, but it is unclear what areas are to receive seeding or grading, if proposed. The applicant should provide an updated set of plans which include a separate planting plan and the 25' and 50' wetland buffer delineated on all plans.

Recommendation: Staff recommends **postponement** of this wetland conditional use permit application in an effort to provide the applicant with time to provide additional details on this application such as a more detailed planting plan.