

Memo



TO: Conservation Commission Members
FROM: Kate Homet, Associate Environmental Planner
DATE: July 3, 2024
SUBJ: July 10, 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 June meeting of the Conservation Commission to the July meeting.

The application is for the proposal of demolishing 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 surfaces within the wetland buffer by 10,071 s.f. compared to the existing site (16.44% reduction). 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 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. The wetlands on and off site will need more adequate buffer protection due to this increased activity.

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. There is an overabundance of parking, roadways, and impervious surfaces within the wetland buffers that should be moved elsewhere. In particular, the newly proposed access road and excess parking along the north side of the site should be removed or relocated from the wetland buffer and buffer restoration efforts should be included in this area.

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 functional wetland buffer vegetation.

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. This accessway and associated impervious surfaces within the buffer should be removed.

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. This proposal could be much smaller than what is shown here, and it could remove much more square footage of impact in the buffer.

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. Applicant should show and describe restoration for the vegetated buffers on site within the planting plan and should discourage foot traffic within the vegetated buffer. Additionally, all areas within the wetland buffer should be seeded with a native wetland conservation seed mix. Please indicate on the planting plan where the proposed native meadow mix seed will be located. Applicant should consider a method for deterring foot traffic in these areas such as a split rail fence.

Recommendation: Staff recommends **postponement** of this wetland conditional use permit.

**1 Sagamore Grove
Flippin Bergers LLC, Owner
Assessor Map 201 Lot 8**

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

This application is for the demolition of an existing approx. 1,056 s.f. single-family home and the construction of a new home, attached garage, walkway, patio, driveway and the removal of an existing buried septic tank. The new proposed building coverage will be 1,758 s.f. of impact, which would be an increase of impact to the 100' inland wetland buffer. The proposed impervious surface within the wetland buffer would be 2,376 s.f. where the existing impervious impacts appear to be approximately 1,616 s.f. The proposed new construction would be approximately 40' from the wetland edge. To mitigate these impacts, the applicant is proposing a permeable driveway, permeable walkway, permeable patio, a stone drip edge along the home, a vegetated swale in the front lawn, the restoration of the 25' vegetated buffer on site and additional wetland buffer plantings.

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

This project proposes an expansion of a previously disturbed area within the wetland buffer with a larger home and attached garage. However, the applicant also proposes a complete restoration of the 25' buffer and controlled infiltration of stormwater where none exist today.

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

Due to the constraints associated with this lot, it is difficult to rebuild this home anywhere else on the property that is further from the inland wetland with less impact in the buffer except for in the front

setback. The applicant should reduce the total proposed impervious impacts within the wetland buffer to be the same as what is there today, or less. This can be done through reducing the structure footprint. It is recommended that the proposed structure be built further from the inland freshwater wetland edge and moved closer to the front of the lot.

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

The amount of impervious area will increase within this buffer which will have an adverse impact on the human activity, footprint and stormwater runoff entering this sensitive area. The applicant is proposing mitigation through restoration of the 25' no cut buffer, plantings, stormwater controls and permeable paths/patios/driveways. The applicant should commit to proper maintenance and long-term care for the 25' buffer to ensure that future homeowners do not disturb, cut or mow the area.

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 expand the building footprint of the existing structure as well as the overall impervious surface impact within the buffer. The restoration of the 25' vegetated buffer is necessary to protect the freshwater wetland on site and additional plantings should be considered to help offset impacts from the proposed construction.

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

This proposal increases impervious impact to the wetland buffer. The applicant is attempting to offset some impacts with the restoration of the 25' buffer, additional plantings, stormwater controls and pervious materials. While the buffer enhancements will help to mitigate these impacts, a smaller permanent impervious footprint is necessary to mitigate adverse impacts.

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

The applicant has committed to return this area to a natural state. Applicant should ensure all future property owners are aware of the no-cut conditions to this area.

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

1. Applicant shall reduce the impervious surface impacts within the 100' wetland buffer to be equal to or less than the existing impervious impacts. Updated plan sets reflecting this shall be reviewed and approved by Planning and Sustainability Department staff prior to submission to the Planning Board.
2. Applicant shall make every effort to move the proposed structure further away from the inland wetland and further into the front setback.
3. Applicant shall remove all fertilizer details and notes from the plan sets. If using fertilizers, applicant must show adherence to Section 10.1018.24 of the Zoning Ordinance.
4. Silt soxx shall be made of compostable materials, including netting.
5. Applicant shall provide a maintenance plan for the permeable paver driveway and permeable patio. Please provide a cross-section of the proposed permeable driveway, if

different than the patio paver construction. The maintenance plan shall be given to the property owner(s) upon issuance of a Certificate of Occupancy.

6. Applicant shall provide a maintenance plan for the 25' no-cut vegetated buffer. This shall be given to the property owner(s) upon issuance of a Certificate of Occupancy.