

# Memo

TO: Conservation Commission Members  
FROM: Peter Britz, Environmental Planner  
DATE: August 7, 2020  
SUBJ: August 12, 2020 Conservation Commission Meeting



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## 18 Dunlin Way

This application is to construct a 16 x 16 foot addition, 12 x 12 foot deck and associated stairway and porous paver patio where a 12x12 foot porch currently exists. The applicant has developed a design which incorporates stormwater infiltration and new buffer plantings to offset the impacts from the proposed addition.

- 1. The land is reasonably suited to the use activity or alteration.* The proposed addition is within a lawn area at the rear of the house.
- 2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The applicant is proposing to utilize the most appropriate portion of the site for the proposed addition. All of the structure is within the 100' wetland buffer.
- 3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The applicant has proposed a thoughtful design which incorporate stormwater infiltration and wetland buffer plantings which should reduce any impacts of the proposed expansion to below what is occurring today.
- 4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no alteration of the natural vegetated state. There will be some loss of lawn area with this proposal. The applicant has proposed wetland buffer plantings to offset the impacts from the project.
- 5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed project has been designed to reduce the impacts from the proposed addition. The proposed buffer plantings and infiltration strip has been designed to reduce any adverse impacts from the proposed addition.
- 6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant has proposed plantings at the rear of the yard beyond the existing fence within the 25 foot vegetated buffer strip to offset the impacts of the project.

**Recommendation:** Staff recommends approval of this application as presented.

## 0 Banfield Road

At the request of the applicant the Planning Board voted at the July meeting to refer this application back to the Conservation Commission for review of the revised Wetland Conditional Use Permit application and for input on the Open Space Planned Unit Development (PUD) Conditional Use Permit. According to the

requirements of the City's Zoning Ordinance, the Conservation Commission shall be afforded an opportunity to comment on the particulars of a proposed PUD, including but not limited to the natural features of the parcel and how these may be impacted by the proposed project. Since the last meeting the applicant has completed the septic system design for the project, revised the stormwater system design, and has received approval from the Department of Environmental Services for the Alteration of Terrain permit and Wetland permit. In addition, the road design has been modified so they were able to reduce the height of the proposed retaining wall and increase the height of the wildlife passages under the roadway. The number of homes has not changed since the last time this was reviewed by the Conservation Commission. The redesigned stormwater treatment system includes a combination of techniques for stormwater treatment which will require long-term monitoring and maintenance by future owners. There is a direct wetland impact of 2,963 square feet a temporary impact of 1,135 square feet and a wetland buffer impact of 14,390 square feet.

*1. The land is reasonably suited to the use activity or alteration.* This is a very challenging site. Not only is the entire site surrounded by wetland; there are ledge outcrops and steep slopes making road construction and site work difficult. While the project has made considerable progress with respect to confirming that the stormwater treatment and ecopassages will function properly, there is still a significant wetland and wetland buffer impact from this project and an associated loss of upland habitat to the proposed housing. The applicant has taken measures to minimize the impacts, but there has been little done to offset the direct impacts to the wetland and wetland buffer such as plans for wetland buffer enhancement, expansion of existing wetland areas, control of sitewide invasive species or clearly defined meaningful long-term protection of existing open space areas.

*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 develop this parcel, the applicant has chosen the least impacting route for access to the upland areas on the site. Alternative routes to the site have been explored and it appears that the wetland crossing proposed has the least amount of direct impact to the wetland.

*3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.* There will be direct impact to wetlands and loss of at least 2,963 square feet of wetland area. The design has not suggested any enhancements to the site to offset or mitigate these impacts. There has been provisions made to allow passage of wildlife through the ecopassages, which addresses some of the greatest wetland impacts identified (i.e. to wildlife) but does not eliminate the impacts all together. According to section 10.1011 (3) of the zoning ordinance the purpose of the Wetlands Protection section is "to protect and where possible improve, wildlife habitats and maintain ecological balance." Experts consulted by the applicant state that the impacts from this project will be small compared to the overall size of the wetland resource on the site yet there remain direct wetland impacts and wetland buffer impacts from this project.

*4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The applicant has made a concerted effort to reduce impacts in the wetland buffer and has proposed extensive landscaping on the site. To construct the 22 homes proposed a significant amount of forest will be cut and grading will be performed to construct the roadway and site the houses driveways and septic systems. A longterm easement or deed restriction beyond what currently exists for the utility corridors would insure that the remaining forest and vegetation will remain undisturbed.

*5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed project has been designed to access an upland area with the least amount of direct wetland fill necessary to access the site. The addition of stormwater treatment along the roadway has created additional wetland buffer impacts along the roadway connecting the two lobes of the site. Efforts to offset the impact of the direct wetland impacts through creation of expanded wetland areas, long-term permanent protection or a combination of both approaches could help to reduce overall adverse impacts.

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

The entire site is undeveloped, therefore there is little to no opportunity to return any portion of the wetland buffer to a natural state. However, additional efforts could be made to offset the impact of this project as stated above.

**Recommendation:** It is clear that the applicant has made efforts to reduce the impact to wetlands and the 100' wetland buffer and has been able to document these efforts with experts and additional analysis since the last time the Conservation Commission reviewed the application. After reviewing the above criteria it is up to the Conservation Commission to balance the impact of this project against the criteria of our Zoning Ordinance. At a minimum staff believes that to be successful with this application the applicant should offer additional ways to offset the impacts of the project through wetland creation or permanent longterm land protection to compensate for the loss of wetland and wetland buffer from this proposal.

Section 10.727.22 of the Zoning Ordinance states that "The Planning Board shall afford the Conservation Commission an opportunity to comment on the particulars of a proposed PUD, including but not limited to the natural features of the parcel and how these may be impacted by the proposed project." Information from the PUD section of the Zoning Ordinance is provided below as a context for the Commission's review of that section.

### **Open Space Residential PUD**

10.721.11 *An open space planned unit development (OS-PUD) permits the clustering of residential dwelling units so as to preserve natural features and create usable open space.*

The applicant has proposed building 22 homes on a portion of the property. However, a detailed mechanism to make useable open space which includes meaningful public access and longterm protection should be more clearly defined by the applicant.

10.725.44 *Linear open space that connects or contributes to other public or private open space is encouraged.* This property connects to larger open space tracts. While some of the abutting land has some level of conservation protection it is largely private with no ability to create connecting trails. The applicant has not stated if any of the undeveloped portion of their site is to be made available to the public. Staff believes that details about the longterm protection of the remaining open space on their property will need to be more clearly defined for this project.

10.725.45 *Regulated public access to the common open space is encouraged. Suitable controls governing such public access shall be considered as part of the conditional use permit review.* As stated above staff believes that public access and overall open space protection needs more definition in this application.

10.727.311 *The site is appropriate for an OS-PUD or RDI-PUD, as applicable.* The applicant has made the case the case that the direct wetland impact and wetland buffer impact is necessary to construct 22 homes on the site. The Conservation Commission should provide its input to the Planning Board as to the appropriateness of the site for the 22 units of housing, driveways, roadway, septic systems, associated landscaping and common open space as proposed.

10.727.312 *The anticipated impacts of the proposed PUD on traffic, market values, stormwater runoff or environmental factors will not be more detrimental to the surrounding area than the impacts of conventional residential development of the site.* The applicant has not provided a specific comparison of a conventional subdivision for this site. From the Conservation Commission's standpoint this analysis would be looking at the benefits or negative impacts of this open space PUD over a conventional subdivision. Some of the features the applicant has pointed out is the reduction in roadway width, reduction in wetland impacts and the amount of wetland and open space that has been left undisturbed on this site through the design of this development on only a portion of the available land.

**180 Greenleaf Avenue**

This application is to construct a 180 square foot shed on a concrete pad with associated drip edge, remove a 220 square foot structure and restore the site to a lawn area.

1. *The land is reasonably suited to the use activity or alteration.* The proposed addition is within a fenced in lawn area which currently exists on the site.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The applicant is proposing to replace an existing shed and remove an additional shed reducing the overall impact on the site. The location of the shed is where a storage building currently exists with access by an existing concrete walkway which is not going to change.
3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The applicant has proposed to restore the site to lawn once the shed has been removed and the new shed has been constructed. The installation of the stone drip edge should reduce the overall impacts from what exists today.
4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* There is no alteration of the natural vegetated state. There will be some additional lawn area when the project is completed.
5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed project will result in a net reduction in impervious surface on the site.
6. *Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.* The applicant is proposing to replace areas of impact with lawn. There is an opportunity for the applicant plant the wetland buffer but none has been proposed.

**Recommendation:** Staff recommends approval of this project as presented with the additional recommendation that the applicant consider installing wetland buffer plantings either inside or just outside of the fenced area on the site.