

# Memo



TO: Conservation Commission Members  
FROM: Kate Homet, Environmental Planner; Peter Britz, Director of Planning and Sustainability  
DATE: October 4, 2024  
SUBJ: October 7, 2024 Conservation Commission Meeting

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

**Note: This application was postponed at the September meeting of the Conservation Commission to the October meeting.**

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, reconstruction of a retaining wall, 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 permanently impact approximately 7,727 s.f. of the 100' wetland buffer, compared to the existing condition of 7,743 s.f. of permanent impact.

*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 seeks to remove the old structure and construct a new, larger structure. Given the proximity to resource and the existing runoff conditions and slope, the proposed regrading should be performed carefully. Appropriate erosion control measures are proposed, and the monitoring of these controls should be performed regularly during the construction season. The applicant is proposing stone drip edges and crushed stone beneath the rear deck, a rip rap swale at the toe of the slope, and a large vegetative buffer to help with existing sheet flow of stormwater on the property.

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

Applicant has explored an alternative location further from the wetland resource but due to ledge, it is not feasible without blasting or drilling.

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

The proposed replanting of the 25' vegetated buffer should have a positive impact on the wetland functional values on site where sheet flow over gravel previously existed. In addition, efforts to slow

down and control the sheet flow onsite with a swale and drip edge should enhance existing stormwater conditions.

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

The proposed restoration of the 25' vegetated buffer will help to protect the adjacent wetland.

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

This project will be increasing the building impact within the 100' wetland buffer but the applicant is making strides to offset these impacts with stormwater filtration and vegetated buffer enhancement.

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

Applicant is proposing to revegetate a large portion of the 25' buffer.

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

1. Please update the impervious surface area within the 100' tidal buffer zone table to reflect the accurate total area of proposed impact (should be 7,727 s.f.).
2. Applicant shall provide a report back to the Planning and Sustainability Department one year after the proposed landscaping area has been planted, demonstrating at least an 80% survival rate of new plantings within the wetland buffer.
3. Applicant must demonstrate compliance with Article 10 Section 10.1017.22 (3).
4. Please update the planting plan to reflect a greater proportion of salt-tolerant native plants within the 25' buffer planting areas.
5. Please explain how the pier is losing 1 s.f. of permanent impact post-construction
6. Consider adding plantings to sod area.
7. Landscape Plan Note #3 should include inspection and maintenance of erosion controls at regular intervals during the construction period.

**39 Dearborn Street  
Shawn & Michiyo Bardong, Owners  
Assessor Map 140 Lot 3**

This application is for the demolition of an existing 216 s.f. shed and the addition of a residential structure with a basement, associated stairs and landings, as well as a window well and a condenser pad. As part of this project, portions of the existing gravel driveway will be removed and converted to lawn. Within the City's 100' buffer area, the applicant is proposing 1,361 s.f. of temporary impacts and 391 s.f. of permanent impacts. A site visit of the property revealed a current violation of Article 10 of the Zoning Ordinance due to stone material fill being placed within the wetland buffer.

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

A portion of the proposed addition will be located over a previously disturbed area containing a shed. The proposed addition and associated site improvements all take place completely within the buffer.

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

The proposed location is the furthest from the wetland resource and there is no space outside of the wetland buffer in which this addition could be located.

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

This addition may increase the amount of impervious surface within the wetland buffer (exact dimensions of driveway to be removed within the 100' buffer have not been provided). The removal of part of the gravel driveway will help to remove impervious. More information is needed on the two proposed rain gardens to determine if appropriate for stormwater control on this site. In addition, temporary impacts to the 100' buffer from the proposed sewer connection should be provided.

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

The area currently has a shed, part of the gravel driveway and lawn.

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

This proposal increases the permanent impacts within the 100' vegetative buffer with no real plans for enhancement of the buffer area and protection of the wetland resources, including the salt marsh. Applicant needs to provide more details on the rain gardens, provide a planting plan for the restoration of the 25' vegetated buffer surrounding, and a maintenance plan for the vegetative buffer and caring for a salt marsh should be provided to the property owner for understanding best practices for marsh health and migration.

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

The 25' vegetated buffer strip is not clearly delineated on the plan set but it appears as though the existing raised garden bed will remain and the current lawn is to remain. Applicant should consider planting a 25' wide native plant buffer to protect the salt marsh and provide further protection from flood impacts to the property.

**Recommendation:** Staff recommends **postponement** of this wetland conditional use permit application in an effort to provide the applicant with time to address the comments, questions and concerns listed below:

1. Remove pile of stone fill from driveway. This was not permitted through the wetland conditional use permit process and is considered an active violation.



2. Applicant shall provide a planting plan. This should include native, salt-tolerant plants within the 25' vegetated buffer and the specific seed mix planned for all proposed lawn areas.

3. Applicant shall provide topography on site plans.
4. Applicant should provide elevations for the proposed addition.
5. Applicant shall provide detail sheets of the proposed rain gardens, including their proposed final elevations.
6. If bulkhead door is proposed for new basement addition, please point this out in site plan and provide dimensions/impact amount.