



MEETING NOTICE POSTING & AGENDA

TOWN OF HULL

Pursuant to MGL Chapter 30A, § 18-25 all Meeting Notices must be filed and time stamped in the Town Clerk's Office and posted at least **48 hours prior to the meeting** (excluding Saturdays, Sundays and Holidays). Please be mindful of the Town Clerk's business hours of operation and make the necessary arrangements to ensure this Notice is received and stamped in by the Town Clerk's Office and posted by at least **30 minutes** prior to the close of business on the day of filing.

TOWN
CLERK'S
STAMP

Board or Committee	Conservation Commission
Date & Time of Meeting	TUESDAY, June 28, 2022 at 7:30 P.M.
Meeting Remote Location	Remote Call-in meeting with Zoom: https://zoom.us/j/98297406486?pwd=UkpjQUs4TmVoNTZHCcFN1Z3pMUk5tdz09 Meeting ID: 982 9740 6486 Passcode: 311731 Or Dial: +1 929 205 6099 or +1 301 715 8592
Requested By:	Chris Krahforst, Conservation Administrator

This meeting is being held remotely by telephone as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 Suspending Certain Provisions of the Open Meeting Law. You are hereby advised that this meeting and all telephone communications during this meeting may be recorded by the Town of Hull in accordance with the Open Meeting Law.

Members Present: Paul Paquin, Chair, Tammy Best, Katherine Jacintho, Sam Campbell, Lou Sorgi

Members Absent: none

Staff Present: Chris Krahforst, Conservation Administrator, Renee Kiley, Conservation Clerk

Staff Absent: none

Minutes:

Consideration of Minutes of 5/24/2022. **Motion by Paquin 2nd by Sorgi to approve the minutes as amended, 2nd by Sorgi Roll call: Sorgi-aye Jacintho- aye, Campbell- aye, Paquin-aye, Sorgi-aye, Best-aye.**

Consideration of Minutes of 5/27/2022. **Motion by Paquin to approve the minutes as amended, 2nd by Sorgi. Roll call: Jacintho- aye, Paquin - aye, Campbell- aye, Best-aye, Sorgi-aye.**

AGENDA

7:30 Call to order

Review of Agenda, Meeting Procedure, and approved permit guidance
Minutes

7:35 50 Wyola Rd., Map 39/Lot 120. (SE35-17XX) Continuation of a Public Hearing on the Notice of Intent filed by Quaile for work described as remodel driveway, replace existing front walkway with stone pavers. Resource Areas: Resource Areas: Buffer to a Coastal Bank (storm damage protection, flood control, wildlife habitat) Site visits done: 6/10-6/14.

Representatives: Quaile (applicant)

Abutters/Others: None

Documents: None

Krahforst stated that DEP has not issued a permit number yet for this project. Quaile confirmed that an incorrect fee amount was sent to DEP. That issue has been addressed and should be resolved prior to the next meeting, requests a continuance.

Motion to issue to continue to the first hearing in July by Sorgi, 2nd by Campbell. Roll call: Jacintho-aye, Paquin-aye, Campbell-aye, Best-aye, Sorgi-aye.

7:40 160 Samoset Ave., Map 21/Lot 012. (SE35-1690) Opening of a Public Hearing on the Notice of Intent filed by

Douglas & Debra Roberts for work described as **remodel driveway, replace existing front walkway with stone pavers**. **Notification:** proof provided. **Resource Areas:** **Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10'** (storm damage and pollution prevention, flood control). **Site visits done: 6/26-6/28**. Representatives: Douglas Roberts
Abutters/Others: None

Documents: Proposed Site Plan

Roberts: We had a pre-existing driveway. We would like to modify it by widening the existing driveway using 6 inches of crushed stone and install a cobble stone (apron) and edging. The crushed stone base will be installed by Riverstone. To the right of the driveway is an existing 3 foot wide flagstone walkway. To the left is a proposed 3 foot buffer or setback. The goal is to put down 6 inches of gravel and 3 inches of crushed stone in the whole area and covering with cobble stones. We are putting shrubs in on the left hand side. We propose to replace the existing walkway with permeable pavers. The base (of the walkway) will be crushed stone. A hand-annotated site plan is shown. Commissioner: The front landing is flagstone. What is the driveway made of? Roberts: The existing walkway is a 3 ft. wide flagstone walkway and an existing pea stone driveway. I would like to widen the driveway so that it is 18 feet wide which goes all the way to the border. I talked to Bartley Kelley (Building Commissioner). The 3 foot buffer will have plantings and will always remain as such. The rectangle showing this driveway (and buffer) will all be permeable gravel and crushed stone. It will have an apron after the sidewalk into the driveway. I would like to do a 6 foot cobblestone apron. Commissioner: The blue circle area (highlight during meeting presentation) is owned by the Town. Roberts: It is located on the property before the sidewalk. Commissioner: I don't want to belabor the 3 foot buffer, but it is to keep cars off from parking immediate to the boundary of the neighbor's lot (from the Building Dept.'s perspective). The Commission wants the buffer to mitigate stormwater runoff to the neighbor's lawn. If the entire driveway area is crushed stone, runoff won't be a problem. Roberts: I just don't want to mow a 3 foot strip of grass. Commissioner: I would like some hand annotated plans clearly showing the 3 ft buffer and apron. Roberts: The driveway is gravel and then ¾" crushed stone. The walkway is an 8'x8' area and will be stone underneath and permeable pavers.

Motion to issue to an order of conditions by with the special conditions no stone must be used, that the driveway be preamable crushed rock, that the buffer be vegetated, that the driveway be made of gravel, that the apron going in to the driveway be approved by DPW and Conservation by Sorgi, 2nd by Campbell. Role call: Paquin-aye, Campbell-aye, Best-aye, Sorgi-aye Jacintho-aye

7:59 189 & 193 Nantasket Ave. & 0 George Washington Blvd., Map 37, Lots 002-004 (SE35-1614) Continuation of a Public Hearing on the **Notice of Intent** filed by **Nantasket Dune Holdings, LLC** for work described as demolish existing building and construct five-story building, after-the fact clearing of 0 George Washington Blvd., and construction of a parking lot; demolish golf course and construct parking lot. *The scope of work the Notice of Intent has been amended to only include: construction of a parking lot.* **Notification:** proof provided. **Resource Areas:** **Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10'/X'** (storm damage and pollution prevention, flood control). Site visit done: many times. Representatives: None
Abutters/Others: None
Documents: None

Applicant's representative submitted earlier today a request to continue to the 1st meeting in July. Commissioner: Is it to continue the peer review? Krahforst: The peer review is stalled. The review has required additional material and the account established of paying for the peer-review has been exhausted. Commissioner: Are they (applicant) not paying for the extended peer review? Krahforst: I don't know if the applicant does not want to pay any additional funds to complete the review. I reached out to the applicant's representative about 2 weeks ago and have heard nothing back on this matter. Krahforst noted that the applicant's representative (Brodsky) is on-line and if they wanted to comment. Brodsky: We continued because the peer review was not completed. Mr. Krahforst informed me about the lack of funds approximately 2 weeks ago. I immediately communicated to my client that the funds needed to be replenished. I haven't heard back from the applicant and thought this was taken care of. I learned today that that was not the case. Today I resent an email to the client to replenish the funds. It was our intention to present this evening in hopes that Mr. Chessia had completed his review.

Motion to continue to July 12 or the 1st date in July by Sorgi 2nd by Best. Roll call: Campbell-aye, Best-aye, Sorgi-aye, Jacintho-aye, Paquin-aye

7:50 52 Samoset Ave., Map 25/Lot 120 (SE35-1691) Opening of a Public Hearing on the **Notice of Intent** filed by **Kayla Melville** for work described as **proposed deck, addition, & house elevation**. **Notification:** proof provided. **Resource Areas:** **Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10,** (storm damage and pollution prevention, flood control). **Site visits done: 6/26-6/28**. Representatives: Kayla Melville, Julie Buckley, Chris Rand, David Ray
Abutters/Others: Paul and Tandy Newman
Documents: Proposed Site Plan

Melville: Chris Rand is our contractor. Ray will represent us on this project. Ray: We propose taking a FEMA non-complaint house and make it FEMA compliant. The owners have experienced flooding and want to address this problem. We are going to jack up the house, fill the basement to grade, and install foundation flood vents. There will be a new deck and stairs and a permeable driveway with a heating system underneath. Commissioner: There appears to be a shed located on the railroad bed. Ray: I surveyed this property years ago. At that time I pointed this out to them and at that time they went to the BOS. Melville: For the record, we had permission before we installed the shed. Commissioner: The driveway is currently ½ paved and now will be made completely permeable. Will there be a roof gutter system and dry wells? Ray: I haven't reviewed the (relevant) drawing. The front property will essentially be a dry well because of the permeable paver system. Chris Rand: We want to keep water off the pavers. Most likely we will do a gutter system with a drywell. Ray: If there are gutters in the rear of the home, there should be a dry well. A properly built permeable paver driveway in the front will act as a giant drywell. Commissioner: What is the heating technology proposed for the heated driveway? Ray: I propose an electrical system with timers. Commissioner: The front of the driveway looks like it is on Town property. You just need the Town's permission Ray: You don't need permission to have a driveway. You just need a curb cut approved by DPW. Paul Newman, 33 Manomet: We are the rear neighbor. We are in support of the project. Is there any proposed lighting plan? We currently have a light pollution issue. Rand: We haven't gotten that far with the lighting. Ray: Lighting is something that should be addressed with the Building Commissioner. Newman: Can there be a condition that lighting not shine into the neighbors? Krahforst: I'm sorry but that is outside of the purview of the WPA. Newman asks for more detail about the proposed back extension. Ray: The proposed house will be set back 56.3 ft. from the rear property line. Currently the existing house is 53.3 ft. from the rear. The new footprint will 3 feet further away from the lot line. Tandy Newman: How will runoff and debris be handled during construction? Ray: The Conservation Dept. will determine where erosion controls will go. Newman: Will we get water runoff because the home is being raised or from construction during digging? Ray: The runoff will be identical to what it is now. Because the home will be raised there will be less runoff. Krahforst: How will the house be raised? The property is tight on either side. Ray: Did you look at 233 Beach Ave.? This project is similar. Gordon House Movers will put I-beams under the house and jack it up. Then they build a new foundation. Then they lower the house. It all stays in the same place. Recall for 118 Cadish Ave we did the same thing but rolled that house back 10 feet. Krahforst: Is everything being done from the front? Ray: Most of work is done from the front. No machinery use is proposed in the back area of the lot.

Motion to issue to an order of conditions with the special conditions that the home requires gutters and all leaders empty to a dry well system, and that the permeable driveway remains permeable in perpetuity by Sorgi, 2nd by Best. Roll call: Campbell, Paquin-aye, Campbell-aye, Best-aye, Sorgi-aye Jacintho-aye

7:55 67 Hampton Cir. Map 36/Lot 172. (SE35-1692) Opening of a Public Hearing on the Notice of Intent filed by Jamey Conway & Kelly Lynch for work described as underway proposed patio installation. Notification: proof provided. **Resource Areas:** Coastal Bank (storm damage protection, flood control, wildlife habitat), **Buffer to a Coastal Bank** (storm damage protection, flood control, wildlife habitat). **Site visits done: 6/26-6/28.**

Representatives: Jamey Conway & Kelly Lynch

Abutters/Others:

Documents: Proposed Site Plan

Lynch: We removed a grassy area in the rear area of our home and we would like to replace it with permeable pavers. Commissioner: Was the wall new? Lynch: The contractor added a layer of cinder block to the top. Conway: We had to level the ground from the home to the wall and correct the pitch. Commissioner: How much fill was brought in? Conway: About 2 truckloads of crushed stone fill. Commissioner: It now tapers toward to the neighbor's property. Lynch: We didn't know that we had to pull a permit for existing space. We will add a retaining area so there is no drain off to the neighbors. Commissioner: What will the retaining material be? Lynch: It may be a layer of cinder block and they will be stepped down. We will replace the planting that we removed. Commissioner: A concern is that you are so close to the neighbors. Lynch: The 2 spots where our lawn meets the neighbors should be as level as they were in the beginning. Most of the leveling was for the center of the project area. Commissioner: What is the proposed surface? Lynch: It will be permeable pavers. Commissioner: Where is the top of the coastal bank? Krahforst shows a Nantasket Survey Plan from a file of an earlier project. Krahforst: I'm not sure where the top of coastal bank is. Lynch: Do you see the steps into the water, in the middle? There is a line that is where the wall is. Krahforst: A manmade wall doesn't determine the top of a coastal bank. However, it appears all proposed work is in the buffer to the top of the coastal bank. Krahforst: There is also a new walkway proposed. Lynch: Where the walkway is proposed exists a grassy area and we are making a new walkway with permeable pavers. No additional fill is proposed.

Motion to issue to an order of conditions by with the special conditions that the permeable pavers stays in perpetuity, no stone dust, if there is runoff to the neighbors' property the applicant comes back and file an amendment by Sorgi, 2nd by Campbell, Sorgi-aye Jacintho-aye Paquin-aye, Campbell-aye, Best-aye,

8:36 Adjacent to 27-53 Beach Ave., Maps 25 & 27. (SE35-1684) Continuation of a Public Hearing on the Notice of Intent filed by the Town of Hull for work described as proposed primary frontal dune restoration and nourishment. Notification: proof provided **Resource Areas:** Barrier Beach (storm damage protection, flood control, wildlife habitat); Coastal Dune (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: VE 14 and ae 12',** (storm damage and pollution prevention, flood control). **LiMWA. Site visits done: 6/10-6/14**

Representatives: Mitchell Buck
Abutters/Others: Adam Brodsky
Documents: Proposed Plan

Buck: We presented the project at the June 14th meeting. We needed to continue because we hadn't received comments from Natural Heritage (re: piping plover habitat). We now have received our letter from Natural Heritage and the condition they require concerns the dates of when the work can be done (as well as other NHESP conditions). The Order of Conditions should include those. We listened to the resident's requests but we will not be making any changes to the proposed plans as presented at the last meeting. Commissioner: There is a letter from the abutters for the record. Krahforst: When the Commission opens this discussion to the public that issue will be raised. Brodsky: I am here representing Robert McEvoy of 33 Malta St. The Trust owns the house lot and the adjacent beach lot. I was recently retained. I understand that the project proposes to remove a concrete patio. The patio belongs to the Trust and has been in existence for decades, close to a hundred years. The patio is outside of the improved portion of Beach Ave but within the 50 foot layout of Beach Ave. The letter that was sent to the Chair states the position that the Trust actually owns the fee and this portion of Beach Ave. We recognize that this portion has been developed as a street. 310 CMR 10.05(4)(a) wetland regulations requires the signature of the landowner. The Town does not have the consent of my client. My client opposes the removal of the patio but that is a different issue. The Commission is on record requiring all landowners to consent in the filing of a NOI. The Commission will remember the NOI filed by John Ferrara of 169 Beach Ave. The project was in an unimproved section of Beach Ave. Mr. Ferrara believed that he owns the fee in the road. The Town believes that they own the fee of the road. One of the conditions that the Commission denied Mr. Ferrara was that they failed to get the consent from the landowner. If Mr. Ferrara needed the consent of the landowner of Beach Ave then the Town needs to request the consent of the Trust on this Notice of Intent. As an aside, I represent a number of owners on Beach Ave. My clients have reached out to meet with the Town. It may be the Town's best interest to open up a dialog instead of steamrolling along. There are wetlands issues and property issues. I would be happy to have a conversation with the Town. This filling is incomplete without the landowners consent. Buck: This is the way in which we have permitted the 133-145 Beach Ave. project. The Town claimed ownership, it was appealed, and the Town received a Superseding Order of Conditions from DEP. This project is similar. The Town demonstrated that they have ownership. Commissioner: I'm acting as a Commissioner faced with this discussion from an attorney of an abutter making the same claim as up the street where we issued an OOC. It went through many legal steps. I think that we should ask the Town to continue and send this correspondence to Mr. Lampke (Town Counsel) to comment on before we issue an Order of Conditions. Commissioner: I agree. I would like Town Counsel to review the letter. Commissioner: We need permission from the Town to continue. Krahforst: This issue of ownership is outside the Commission's purview. This project before the Commission has a title of ownership. This project is to restore a coastal dune and to remove hardscaping. I will defer to the Commission with respect to continuing. Commissioner: I know that we have color of title. It would seem to me that to take 2 weeks and get guidance from Town Counsel would be prudent. The Town has precedence. Commissioner: We need permission to continue. Krahforst: If the Commission wants the applicant to continue then I will represent the Town and ask for a continuation.

Motion to continue by Sorgi 2nd to July 12 or the next hearing 2nd by Campbell Jacintho -aye Paquin-aye, Campbell-aye, Best-abstain, Sorgi-aye, Jacintho

8:53 Best recused.

8:52 47 Kenberma St., Map 24/Lot 027. Opening of a Public Hearing on the Request for Determination of Applicability filed by **Tammy Best** for work described as **install 8'x8' hot tub foundation. Abutter Notification:** RDA, not needed. **Resource Areas: Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10** (storm damage and pollution prevention, flood control). **Site visits done: 6/26-6/28.**

Representatives: Tammy Best
Abutters/Others: none
Documents: Proposed Site Plan

Best: A brick paver patio exists behind the house and in the middle of the property. The proposed hot tub area will be adjacent and it will be gravel compacted and then a smart deck placed onto the compacted ground. Commissioner: How will water disposal from the hot tub be handled? Best: I will have a dry well installed. Commissioner: Is it a cartridge filter system? Best: There are 2 filters. There is no back washing. But 3 times a year you need to put new water in and the need for a dry well.

Motion to issue a negative determination by Sorgi, conditioned that the water be emptied into a drywell, 2nd by Campbell. Roll call: Paquin-aye, Campbell-aye, Sorgi-aye Jacintho-aye.

8:57 Best returns

8:57 Beach Ave., Maps 12, 13, 15, 17, 19, 21, 23, 25, and 27 (SE35-1661) Continuation of a Public Hearing on the Notice of Intent filed by **Town of Hull** for work described as ***maintenance of pedestrian dune crossings and removal of sand encroachment on existing Beach Ave roadway for public safety purposes. On 06/23, the Town of Hull has requested a continuance to the first meeting to be scheduled in Sept. at a time TBD.***

Representatives: None

Abutters/Others: None

Documents:

Motion to continue to the 1st meeting scheduled in September by Sorgi 2nd by Campbell Campbell-aye, Best-abstain, Sorgi-aye, Jacintho-aye, Paquin-aye

Certificate of Compliance Requests

25 Beach Ave. (SE35-1541) (abandon septic, connect to Town sewer, the remaining proposed not to be done)

Krahforst: The work under this permit is partially completed (abandon septic system, connect to Town sewer). What is not going to be done is repair/replace a concrete area in northwest side of lot as well as fence work. The applicant is seeking COC for the work completed.

Motion to issue a certificate of Compliance by Sorgi, 2nd by Campbell. Roll call: Campbell-aye, Best-aye, Jacintho-aye, Sorgi-aye, Paquin-aye

547 Nantasket Ave. (SE35-1552) (swale/trench for runoff control)

On Sunday there was a ditch, we had had issued it because we asked for crushed rock in the ditch. Another

Commissioner: There was no puddling or runoff to the neighbors. Some of the weeding in the ditch had grown up.

Commissioner: I was concerned that the ditch wouldn't stay a ditch once they received a Certificate of Compliance..

Motion to issue a Certificate of Compliance by Best, 2nd by Campbell. Roll call: Best-aye, Sorgi-aye, Jacintho-aye, Paquin-aye, Campbell-aye. The Commission voted not to issue a COC. Commissioners need to meet on site to make it clear on what they want.

933 Nantasket Ave. (SE35-1494) (blue stone parking area, concrete walls not in original permit)

Commissioner: I think that we were concerned about the stone dust in the driveway. Commissioner: I'm concerned about the 2 walls that weren't permitted. Krahforst: Does the Commission want a new NOI or an amendment?

Commissioner: That depends on what the original Order was for. Commissioner: I think that they need a new NOI.

Commissioner: What was in the original NOI? Krahforst: Changes are 10 square feet larger; porch is 9 square feet less. Existing retaining walls were modified, the walls are different, the driveway was added with fine stone and stone dust.

Motion to not issue a Certificate of Compliance based on the walls and stone dust use, 2nd by Campbell. Roll call: Sorgi-aye, Jacintho-aye, Paquin-aye, Campbell-aye, Best-aye.

38 E St (SE35-1675) (asphalt driveway completed)

Commissioner: Did anyone notice the 3 foot buffer? It was asphalt so it didn't matter

Motion by Sorgi to issue a Certificate of Compliance, 2nd by Campbell. Roll call: Jacintho-aye, Paquin-aye, Campbell-aye, Best-aye, Sorgi-aye.

105 Atlantic Ave (SE35-1668) (pea-stone driveway, completed)

Motion to issue a Certificate of Compliance by Sorgi, 2nd by Campbell. Roll call: Paquin-aye, Campbell-aye, Best-aye, Sorgi-aye, Jacintho-aye.

27 Manomet Ave (SE35-1601) (No work was/to be done. Selling property, seeks closure.)

Krahforst: There is an open Order of Conditions. No work has been done. Owner is selling home and would like to close out the OOC with a Certificate of Compliance. Commissioner: The Order of Conditions is no longer valid.

Motion to issue a Certificate of Compliance for no work done under the WPA permit by Sorgi, 2nd by Campbell. Roll call: Jacintho-aye, Paquin-aye, Campbell-aye, Best-aye, Sorgi-aye.

Continued and New Business

Schedules of Meetings and Submittal Deadlines (July-December, 2022)

Krahforst proposes August 16th meeting instead of the traditional 2nd & 4th Tuesday evenings for the month of August

Motion to modify the schedule to hold a meeting on 8/16 and except the remaining schedule as proposed by Sorgi, 2nd by Campbell. Roll call: Campbell-aye, Best-aye, Jacintho-aye Paquin-aye.

Violations and Compliance issues

None

9:25 Motion to adjourn by Sorgi, 2nd by Campbell. Roll call: Paquin-aye, Campbell-aye, Best-aye, Sorgi-aye, Jacintho-aye.

ADDITIONAL NOTES FOR REMOTE MEETINGS

1. All or any of the members of the public body may choose to participate in a public meeting via remote access. Meetings may be virtual, in their entirety. All members who participate remotely must be clearly audible.

2. If due to special circumstances members of a Board are meeting in person, for everyone's safety, the public will not be allowed into a Board/Committee meeting, even where there are any members of the public body and/or Town staff or official(s) physically present at the meeting location during the meeting. Remember also that Town Hall is closed to the general public.
3. However, the public will be provided with alternative access through which they can watch or listen to meetings "in real time," and meeting notices will specify the manner in which members of the public may access audio or video of the meeting as it is occurring.
4. If, despite our best efforts, our technological capabilities do not adequately support public access to virtual or remote meetings, the Town will ensure that an audio or video recording, transcript, or other comprehensive record of the proceedings at the meeting is posted on the Town's website as soon as possible after the meeting.
5. Notices for public hearings will contain additional information about how the public may participate via electronic/technological means.
6. For executive session meetings, public access to the meeting will be limited to the open session portion(s) of the meeting only. Public access to any audio, video, internet or web-based broadcast of the meeting will be discontinued when the public body enters executive session.
7. Where individuals have a right, or are required, to attend a public meeting or hearing, including executive session meetings, they will be provided with information about how to participate in the meeting/hearing remotely.
8. Meeting notices will still be posted at least 48 hours in advance (not counting Saturdays, Sundays, or legal holidays), unless it is an emergency meeting as defined under the Open Meeting Law. Minutes will still be taken.