

TOWN OF HULL  
CONSERVATION COMMISSION  
Meeting Minutes  
October 24, 2023

AGENDA

**Members Present:** Paul Paquin (PP), Chair, Lou Sorgi (LS), Katherine Jacintho (KJ) Sam Campbell (SC), Tammy Best (TB)

**Members Absent:** Danielle Dolan (DD)

**Staff Present:** Ian MacDonald (IM), Administrator, Chris Krahforst (CK), Director, Renee Kiley (RK), Clerk

**Staff Absent:** None

1. Call to Order
  - a. Review of Agenda, Overview of Hearings Procedure

2. Notices of Intent

- a. **15 Clifton Ave. Map 31/Lot 71 (SE35-1805) Opening** of a Public Hearing on the **Notice of Intent** filed by **Elisa/Marie Ferrara-Jordan, TRS.** for work described as: **Demolish existing deck and rebuild new deck. Abutter Notification:** *proof provided.* **Resource Areas: Land Subject to Coastal Storm Flowage: VE 13'** (Storm damage, pollution prevention, flood control). **Adjacent to ACEC (Weir River) In Chapter 91. Jurisdiction. Site Visits Done: 10/22**

Representative: Jed Hannon

Abutters/Public: Kathleen McCarthy 13 Clifton Ave

Documents: Proposed Plan, Photos of deck

Hannon: This house has been in the family for generations. The deck is unsafe. Stairs are unsafe as well. Deck members are rotted. Proposed project includes replacing deck in the same footprint, additional sono tubes need to be installed. Project is upland from the mean high tide water line. Erosion control line is shown on the plans. Commissioner: It says that it is in chapter 91. Is the dotted line the chapter 91? Hannon: The deck is above the high water line but the high water mark is under the deck. Another Commissioner: I believe that it may need a license. IM: We may not need a license. We just need a letter stating if one is needed or not. CK: Is the flood zone marked on the plan? Hannon: The flood zone is labeled at the upper most line near the house. CK: And the flood zone is a VE Zone? CK: There is a FEMA regulation that may be applicable. If it is part of the house, there may be a FEMA requirement. Hannon: In VE zone, they want free flow under the structure. We're doing that with the sono tubes. CK: There are FEMA regulations for a VE Zone. If the foot print of the house is in the V Zone. No fill is allowed in the V zone and solid wall foundations are not allowed in the V zone. Hannon: FEMA requires free flow under the deck. The family is planning to do some work on the house and there will be substantial improvement but the deck is a repair. CK: It's the 3<sup>rd</sup> bullet that concerns me, if a portion of the house is in VE zone; it is required to be built to flood zone standards. I'm trying to avoid a FEMA flag for the commission. Commissioner: Are you implying that a repair means that the entire deck needs to be brought up to par? CK: I don't have a clear answer. Commissioner: If the deck is before 1978 it wouldn't have been permitted. CK: I think that 1978 rule pertains to costal banks; I don't think that it pertains to all WPA regulations. Commissioner: Anything built before 78 wouldn't have to follow CMR 310. Another Commissioner: I agree, if they were building a new deck, if it's a repair, no obstruction, no fill, no increase of water flow. I wouldn't want to see any change. I don't think that there is a regulation that a deck that is 30-40 years old needs to be taken down. Another Commissioner: I support Lou's point of view. They should check into chapter 91. Is this allowed to be built on sono tubes in the same location? (Photo Shown). Commissioner: Are you going to support the cantilever with supports on the dirt side. Kathleen McCarthy 13 Clifton Ave: This deck is in dire need of replacement. It would be nice to allow them to make this safe.

Commissioner: Are you going to run posts under the deck? Hannon: Below the deck is grass, the

nearest one is set on the asphalt. Commissioner: Are you going to be installing the new post towards the water side of the deck? Hannon: That would be the safest. We could do a cantilever knee based bracket. Commissioner: If they can replace it the same way that would be best. Another Commissioner: Posts are allowed in the V zone. Cantilevers do a number on the house, pilings are the safest. Commissioner: Are you going to install them onto pavement? Hannon: Yes. Another Commissioner: I don't see an impact to the resource area. Commissioner: We have approved decks in the VE zone; we can craft a special condition which states that it has to be open underneath to allow for the flow of water.

Motion to issue orders of conditions with the special condition, that the applicant apply for chapter 91 license or exemption, the supports to be built in addition are built onto the pavement, and under the deck be left open for free flowing water by LS 2nd SC. Roll call: KJ-aye, LS-aye, PP-aye, Sc-aye, TB-aye

- b. **243 Nantasket Rd. Map 32/Lot 34 (SE35-1803) *Opening*** of a Public Hearing on the **Notice of Intent** filed by **Nancy & Norman Aborjaily** for work described as: **Replace concrete driveway with pavers, and rebuild concrete steps. Abutter Notification: *proof provided*. Resource Areas: Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10'**. (Storm damage, pollution prevention, flood control); **Adjacent to ACEC (Weir River) Site Visits Done: 10/3**  
Representative: none  
Abutters/Public: none  
Documents: Proposed plan

IM: Last meeting the applicants were dealing with medical issues. We continued because the applicants weren't available. Commissioner: Replacing the driveway with pavers in the exact same place, IM: They are planning on adding some additional space. Commissioner: Rebuild the steps along the building. IM: it is in a VE Zone.

Motion to continue until 11/14 by LS 2<sup>nd</sup> by SC, LS-aye, PP-aye, SC-aye, TB-aye, KJ-aye

- c. **69 Hampton Cir. Map 36/Lot 173 (SE35-1801) (Requested to Continue) *Continuation*** of a Public Hearing on the **Notice of Intent** filed by: **Lawrence Bartlett** for work described as **Replace steps, stone walls and concrete pad Abutter Notification: *proof provided*. Resource Areas: Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10'**. (Storm damage, pollution prevention, flood control). **Site Visits Done 9/05**  
Representative: Jed Hannon  
Abutters/Public: none  
Documents: Proposed Plan, wall section plan, photos of site, past existing conditions plan.

Hannon: At last hearing commission members had concerns about the middle terrace retaining wall being installed, we asked the neighbors, the abutters endorsed the project, and we did reduce the scope of the project. We're removing and replacing the top wall, and removing and replacing the bottom wall; pavers are being replaced at the bottom of the steps outside the chapter 91 jurisdiction, and replace the stairs. Erosion controls will be put in place. We will remove and replace the walls, install gravel behind and the walls will have weep holes, Commissioner: We had questions about the middle wall. I would make a special condition with the least amount of vegetation be removed. Another Commissioner: Question about the existing conditions? I thought that last time there were 3 walls? Commissioner: the existing conditions that were shown before had the 2 existing walls. Hannon: I'm not aware of the existing walls. IM: I think that the drawing was misleading. Commissioner: I appreciate the updated plan. Another Commissioner: IM: There will be no terracing at all? Hannon: Just at the top & bottom. Commissioner: The bottom wall, will it be up the hill or down below? Will you bring in fill? Hannon: I can talk to the builder. It will be back filled if its good loam or it will be removed from the site. Commissioner: Should we require an erosion control line? Hannon: We do have erosion control proposed, as indicated on the site plan.

Motion to issue an order of conditions with the special that the bank be untouched as little as possible 80% of the coastal bank will stay the same, and any disturbance be re vegetated by LS 2<sup>nd</sup> by SC Roll call: PP-aye, SC-aye, TB-aye, KJ-aye, LS-aye,

3. Amendment to Order of Conditions

a. 20 Sunset Ave. (SE35-1744)

IM: The plan is to replace the pavers that are no longer pervious and replacing with asphalt. JS: In our original permit there was an extension of the pavers, during the construction re realized that the pavers are no longer working; the pavers were not properly prepared. We thought it would be easy to pave, we've added 2 drywells to catch the rain water, and the driveway pitches down. Commissioner: Request to remove pavers and pave. Commissioner: Building Department requires 3 feet of clearance on both sides of the driveway. JS: It is an existing driveway.

Motion to issues an amended order of conditions allowing the paving of the driveway in the same footprint by LS 2<sup>nd</sup> by SC. Roll SC-aye, TB-aye, KJ-aye, LS-aye, PP-aye

4. Certificate of Compliance

a. 143 Nantasket Rd (SE35-1697)

IM: The applicant annotated the plan to note the additional paving and noted that the driveway is 2 feet narrower.

Motion to issue a COC by LS 2<sup>nd</sup> by SC. Roll call: TB-aye, KJ-aye, LS-aye, PP-aye, SC-aye

b. 67 Pt. Allerton Ave. (SE35-1754)

IM: Commissioner: Was an as built submitted? Com Did you look at the proposed as on the ground? Commissioner: It was very close to exactly as proposed.

Motion to issue a COC by LS 2<sup>nd</sup> by SC. Roll call-KJ-aye, LS-aye, PP-aye, SC-aye, TB-aye

5. Violations

a. 3 James Ave (SE35-1760)

IM: A contractor had started some construct on the coastal bank. (Photos shown).

The contractor is aware of the mistake and engineered plans will be needed. We did issue an enforcement order. Commissioner: Is the retaining wall new? Robert Caratolla: I apologize; we were unaware of the permitting process and apologize for not filling. I thought that if I didn't touch the seawall it would be okay to stabilize the bluff. Commissioner: Please be aware that 80% of the town is in the resource area. It appears that it might be on town property and in the chapter 91. Have you removed the back hoe? Caratolla: Yes, we removed the back hoe & cleaned up the area. The bank is going to erode quickly if there is rain. Another Commissioner: Cease & desist. Enforcement order says remove & replace. Install an Erosion control blanket. Commissioner: I agree. Another Commissioner: Erosion control blanket install and coil toe slope stabilization installed. Commissioner: Hay bales stake, and crushed stone Another commissioner: A coir fiber log will be a better stabilization. Can the erosion control plans be provided to the commissioners? Another Commissioner: Has the area eroded? Google images appear to show that it has. Another Commissioner: If the home is pre 1978 they have certain rights.

Motion to ratify the enforcement order by LS 2<sup>nd</sup> by SC. LS-aye, pp-aye, SC-aye, TB-aye, KJ-aye

b. 51 Harborview Road (SE35-1516) Commissioner: Did the interim project start?

IM: The applicant requested a continuance. Staff had a preconstruction for the interim measures. The building commissioner did attend the site visit.

c. 78 Lynn Ave, Addition of fill. We issued a letter of non compliance. They are aware of the issue they are going to file an additional NOI. Doherty We thought that we were covered under the last NOI. The fill that we removed was not good quality. We'll have the new NOI for the next meeting.

6. New Business

a. 7 Richards Road Project Questions (SE35-1785)

Commissioner: Garage near straits Pond Nancy: The project was approved in July, we found that the ledge extends further; we would like to extend the rear wall 3-4 feet toward the pond. We're finding it difficult to get the foundation in. The set back that was approved was 78 feet it will be 74 feet, extending. Commissioner: You will have to file an amended order of conditions. IM: The applicant will have to cease work beyond the permitted line. Any other work that was permitted can continue. Commissioner: Are there erosion control on site? Nancy: Yes.

- b. Phipps street property: The neighbor's fence is being rotted. What is the status of this? IM: The property owner is still in litigation with land court.
- c. 547 Nantasket Ave-Fill piled up against the neighbors property, wooden fence. No COC has been issued.

Motion to issue non-compliance letter by PP 2nd by LS. Roll call: SC-aye, TB-aye, KJ-aye, LS-aye, PP-aye.

7. Minutes

- a. Motion to approve Minutes for October 10th, 2023 as amended, by LS 2<sup>nd</sup> by SC. Roll Call: TB-aye, PP-aye, SC-aye, TB-aye, KJ-aye, LS-aye

8. Motion to Adjourn at 8pm- by LS 2<sup>nd</sup> by SC. Roll Call: TB-aye, KJ-aye, LS-aye, PP-aye, SC-aye