

TOWN OF HULL
CONSERVATION COMMISSION
Meeting Minutes
August 15, 2023

AGENDA

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

Members Absent: Katherine Jacintho (KJ)

Staff Present: Ian MacDonald (IM), Administrator; Chris Krahforst (CK), Director

Staff Absent: Renee Kiley (RK), Clerk

1. Call to Order

- a. Review of Agenda, Overview of Hearings Procedure

2. Notices of Intent

- a. **16 Lewis Street. Map 19/Lot 078 (SE35-1791) *Opening*** of a Public Hearing on the **Notice of Intent** filed by **James & David Frasier** for work described as: **12' X 8' front porch, replace existing decking on side porch. Abutter Notification:** *proof provided*. **Resource Areas:** Coastal Dune (storm damage protection, flood control, wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10'** (Storm damage, pollution prevention, flood control). **Site Visits Done:** 8/8
Representative: none
Abutters/Public: none
Documents: Proposed plan.

IM: The applicant is proposing to install a 12'x8' front porch replacement and install new deck.
Commission: The project is away from the property line. Don't expect to see any adverse effects from this project.

Motion to issue order of conditions by LS 2nd by DD. Roll call: LS-aye, PP-aye, TB-aye, DD-aye.

SC-Joined the meeting

- b. **163 Samoset Ave. Map 21/Lot 024 (SE35-1795) *Opening*** of a Public Hearing on the **Notice of Intent** filed by **Richard Orlandi** for work described as: **Revise single family home, fill foundation and add new decks. 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:** 8/8
Representative: Jim
Abutters/Public: none
Documents: Proposed plan

Commission: What do we have going on with this project? IM: Rehab of home, most will be within the existing envelope of the home. Basement will be filled in to make it FEMA compliant and installing new decks. Commission: Changing the decks? Jim: No, not changing the decks. If the footings don't pass code we will need to install new footings. At the moment the integrity of existing footings is unknown.

Motion to issue order of conditions by LS, 2nd by SC. Roll call: DD-aye, TB-aye, SC-aye, PP-aye (Chair did not recognize Commission Sorgi).

- c. **125 Atlantic Ave. Map 53/Lot 018 (SE35-1786) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Stephen & Doreen Smith** for work described as: **Raze and rebuild existing single family home. Abutter 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, pollution prevention, flood control). **Site Visits Done: 7/24**
Representative: James Garfield, Stephen & Doreen Smith
Abutters/Public: none
Documents: Proposed Plan, photos shown

The project is to raze & rebuild of a single family home to be FEMA compliant. Home will be on 18" square concrete piers. Applicant is proposing a paved driveway. Proposing erosion control during work. No work proposed in the vegetated wetlands. Work in the buffer zone. Commission: We noticed unpermitted patio area and unnatural debris. Another Commission: Garfield: I was unaware that the patio was unpermitted and the applicant is planning to remove the patio and replace it with loam and seed. Smith: The shed will also be removed. Commission: The area behind the house needs to be cleaned up; there is a pile of cobblestone that needs to be removed. There is also someone's cobble driveway at the side of the house. Smith: There is a driveway that will be removed. The pile of debris is from removing the wall for the curb cut. I plan to remove it. Commission: Do you know whose boat is in the wetlands? Smith: It is mine, and will be removed. Commission: What will the driveway be made of? Another Commission: Bituminous concrete. Commission: We would prefer permeable pavers. Another Commission: The driveway appears close to the neighbors. You might want to consider making it pervious. Commission: Are you requesting or requiring a permeable driveway? Smith: The driveway is currently stone. Commission: That is being removed and you're moving the driveway to the front? Smith: Correct. Another Commission: Would you consider using turf stone for your new driveway? Smith: Yes.

Motion to issue an order of conditions with the special conditions: shed and patio removed, and replaced with loam and seed, cobble stone driveway removed loam & seeded, clean up debris adjacent to the wetlands, remove the boat, driveway shall be turf stone rather than bituminous concrete which will have to be marked on the plan by LS, 2nd by DD. Roll Call: TB-aye, SC-aye, PP-aye, LS-aye, DD-aye.

- d. **94 Salisbury Street Map 45/ Lot 105 (SE35-1793) Opening** of a Public Hearing on the Notice of Intent filed by **Sandra Butler** for work described as **Extend existing deck, install new footings, and remove pool. Abutter notification: proof provided. Resource Areas: 100' buffer zone to Coastal Bank. Site Visits Done: 7/24**
Representative: Sandra & Paul Butler
Abutters/Public:
Documents: Proposed Plan, Existing Conditions, Existing and Proposed conditions.

Butler: Plan shown. Pool is being removed, and the deck below will be removed. The deck that is there now will not be extending any further to the Coastal Bank. All work will be done by hand. Commission: The issue is that it is in the buffer zone, under the WPA, there is a buffer zone of 100' off the coastal bank. In this scenario that is the jurisdiction that this project falls under.

Motion to issue an order of conditions with the special conditions that the removal work is done by hand, and no equipment be brought onto the coastal bank by LS, 2nd by SC. Roll Call: SC-aye, PP-aye, LS-aye, TB-aye.

- e. **49 P Street Map 13/Lot 145 (SE35-1790) Opening** of a public hearing on the Notice of Intent filled by **Bruce Frazer** for work described as **Demolish existing house and construct new 2-story house. Abutter Notification: proof provided. Resource Areas: Coastal Dune** (storm damage protection and flood control, likely wildlife habitat) **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: 8/8**

Representative: David Ray, Bruce & Joanne Frazer
Abutters/Public: none
Documents: Existing & Proposed plan

Ray: An existing home that will be torn down and rebuilt. ZBA approval has been completed. Removing garage. The new house will be on a FEMA compliant foundation on driven piles. The house is located in an AO2. The house will be 5 feet off the ground. There will be 3 feet of free board. Commission: With removing the garage but increasing the house what is the net increase? Ray: Going from 36% to 39% but it is a small lot at 3,568 square feet. Another Commission: We would like to see down spouts into drywells. Ray: There is no problem with that. Commission: What is the parking plan? Ray: Just street parking where the garage was. In general the client will park in the street in front of the house. Commission: Are you planning any impervious driveway. Ray: No, the client would like to keep the rock and sand as is.

Motion to issue an order of condition with that down spouts and drywells be installed and any debris removed from the property and out of town by LS, 2nd by SC. Roll Call: PP-aye, LS-aye, DD-aye, TB-aye, SC-aye.

- f. **52 F Street Map 17/Lot 117 (SE35-1792) Opening** of a public hearing on the Notice of Intent filled by **Scott Assetta** for work described as: **700 ft² additon. Abutter Notification: proof provided. Resource Areas: Coastal Dune** (storm damage protection and flood control, likely wildlife habitat) **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: 8/8**
Representative: Scott Assetta
Abutters/Public: none
Documents: Plan of Land

Assetta: Extending by 16 feet to add 2 bedrooms. Commission: It appears that you are squaring off the house. Assetta: Yes Commission: Great, sounds good. Any questions or comments? Commission: No, all set.

Motion to issue order of conditions by LS, 2nd by SC. Roll call: LS-aye, PP-aye, SC-aye, TB-aye, DD aye.

- g. **111 Edgewater Road Map 30/Lot 012 (SE35-1789) Opening** of a Public Hearing on the Notice of Intent filled by **Lenny Russell** for work described as **Elevate house, add small addition, and deck. Abutter Notification: proof provided. Resource Areas: Land Subject to Coastal Storm Flowage: AE 10'. Abuts Area of Critical Environmental Concern.** (Weir River) **Site Visits done: 8/8**
Representative: Lenny Russell, David Ray
Abutters/Public: none
Documents: Existing and Proposed

Ray: In 2018 this house flooded 5 times and in December of last year it flooded again. We are going to raise the house and put a new foundation that is FEMA compliant with smart vents. The garage will be elevated to elevation 10'; the remainder will have flood vents. Expanding the rear deck and stairs and doing a 10 foot by 5.9 foot porch addition with a set of stairs. Replace the driveway, it will be filled in and repaved and will slope out towards Edgewater Road. That will be the only grade change. There will be two small retaining walls. He would like to move the back stairs and keep the original door. IM: This isn't the most updated site plan shown and the updated plan will be the plan of record. Commission: Would you consider a pervious driveway? Ray: This location is north facing and going out to Edgewater Road. Pervious there wouldn't work because the water wouldn't have anywhere to go. It makes more sense to pave it, direct it to Edgewater Road. There are 2 catch basins right there. IM: An abutter at 113 had questions about the height & setbacks and wanted it on record. I informed him that those are not under the conservation jurisdiction.

Motion to issue order of conditions by with the special condition that an updated plan is dropped off LS, 2nd by SC. Roll Call: DD-aye, TB-aye, Sc-aye, PP-aye, LS-aye.

- h. **126 Newport Road Map 26/Lot 075 (SE35-1794) Opening** of a Public Hearing on the Notice of Intent filled by **Kristin & Joe Smith** for work described as **after the fact installation of fill. Abutter Notification: Proof provided. Resource Areas: Coastal Dune** (storm damage protection and flood control, likely wildlife habitat) **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: 8/8**

Representative: Kristin & Joseph Smith

Abutters/Public: none

Documents: Proposed Plan, Photos

Smith: We did landscape, brought in loam and are planning on seeding it. Commission: Is this After-the-fact? Smith: We started adding loam and received a cease and desist letter from the Conservation Department; I haven't touched the area since. Smith: We have 3 loads of loam that we haven't spread. Commission: Do we have any pictures of the property before the fill was added. IM: GIS data layer before. Commission: There is no sign of wetlands before. There was a depression in the area. It was overgrown with trees and bushes. Another Commission: if this was brought to us before, I would say that it only be raised to grade. Commission: The neighbor's property is lower. His property would have to slope. Smith: We wanted to bring in loam to seed it, it is all sand. I don't think that there will be excess run-off to the neighbor's property. Commission: There is quite a lot of vegetation in between the property and the neighbor on Newport. Smith: There is town owned land between our land and the neighbor on Russell. Commission: He's not bringing anymore fill. Another Commission: He said that he hasn't spread it yet. If there is excess fill we wouldn't want it above grade. Commission: There was an existing grade on the boundary line. The line shouldn't be altered. It appears that he's spreading fill in the center of the property to fill depressions. Smith: The reason that we brought the fill in is because we had a heavy infestation of vines in the yard. I don't want to change the grade. Commission: Is there risk of bringing in invasive plant species? Where is the dirt from? Smith the loam is from Cohasset. IM: What was the actual amount of the fill? Smith: I'm not sure. IM: I see 50 cubic yards from the Notice of Intent. Smith: That is correct.

Motion to issue an order of conditions with the special condition that any additional runoff to the neighbor's land the homeowner will be responsible, the fill permitted is only the fill that is there at the date of the hearing, and that the fill level is to be the prior grade of the abutter's property 2nd by TB. Roll Call: TB-aye, SC-aye, PP-aye, LS-aye, DD-nay

- i. **141 Samoset Ave. Map 21/Lot 104 (SE35-1788) Opening** of a public hearing on the Notice of Intent filled by **Robert & Jamie Menn** for work described as **Demolish existing home, construct new single family home. Abutter Notification: proof provided. Resource Areas: Coastal Dune** (storm damage protection and flood control, likely wildlife habitat) **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: 8/8**

Representative: Robert Menn, James Garfield

Abutters/Public: none

Documents: Proposed Plan

Garfield: Raze and rebuild. Proposing to rebuild at elevation 12', 2 feet over the 100 flood plain. Constructed on a concrete foundation which is FEMA compliant with breakaway panels. We are proposing a paved driveway. Stake mulch stock as erosion control and all proposed work is in previously disturbed area. Commission:

Motion to issue an order of conditions by LS, 2nd by SC. Roll Call: SC-aye, PP-aye, LS-aye, DD-aye, TB-aye.

- j. **36 Ocean Ave. Map 3/Lot 47 (SE35-1782) Continuation** of a Public Hearing on the **Notice of Intent** filed by **James Russell** for work described as: **After the fact gravel Driveway. Abutter 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, pollution prevention, flood control). **Buffer to Salt marsh.** **Site Visits Done:** many times
Representative: James Russell
Abutters/Public: None
Documents: Proposed Plan, video, photos, Google image from 2022

IM: We did receive an updated plan. Russell: We are proposing to remove some of the crushed stone close to the salt marsh and repair it. We are planning to plant bayberry and make the driveway a 2 car driveway. Commission: I'd like to ensure that there is no grade difference between the neighbors' property (e.g., that the grade of the area of proposed work matches the existing adjacent properties' grade.) Another Commission: 20 feet wide and 40 feet deep, are you planning tandem parking. Russell: Yes. Commission: What is going to prevent water from going up against the neighbor's foundation? Russell: It is going to go up against it anyway. We suggested bringing the crushed stone going to her property. She didn't think that the rocks will stop the water; and they won't. The water has always flooded the area. Commission: What are we protecting? CK: There is an overwash area. Are the plans acceptable? I don't know if crushed stone will last long in the area. Commission: We're supposed to protect the overwash to feed vegetation to the salt marsh, we're to protect the salt marsh, does this work. Another Commission(s): Yes. I think that scaling it back and then adding the plantings will help. We're concerned with the amount of stone. Commission: At 16 feet wide there will still be a lot of water against the neighbor's property. Russell: A cement slab at 34, when the water flows through it will force the water onto our property. They could have put it somewhere else. Commission: I don't think that crushed stone has enough redirect power to redirect or increase storm damage. They have also shown that they are moving it 7 feet from the property. Another Commission: Are we going to allow crushed stone to go into the salt marsh. Commission: That is why they are moving it back and vegetating the area. Another Commission: That will catch some of it. Commission: Driveways are permissible and CZM recommends pervious. Commission: It will be 7 feet off of the lot line. Russell: 7 feet from the structure to the driveway. 2 feet off of the property line. IM: The survey shows 25.3 ft between the house at 36 and the property line. Commission: The problem is there is poor documentation. The driveway will be 7 feet from the structure, 20 feet wide and bayberry behind the driveway. It is hard to tell from the plan. Another Commission: If they are moving the gravel, how are they doing it? I want to ensure that there aren't more gullies between the properties. Commission: Google image shown. Another Commission: The mitigation in the back makes a lot of sense. I am concern about the area along the side. In regular storm events, it is starting to river in-between the properties. Commission: Would the applicant consider continuing to next week with a more comprehensive plan. Russell: Yes

Motion to continue by LS, 2nd by DD. Roll call: LS-aye, PP-aye, LS-aye, DD-aye, TB-aye, SC-aye.

- k. **51 Harborview Rd. Map 56/Lot 028 (SE35-1735) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Thomas P. Fitzgerald** for work described as: **Complete slope stabilization project for a portion of the northerly slope.** **Abutter Notification:** *proof provided.* **Resource Areas:** **Coastal Bank:** (Storm damage prevention and flood control); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA VE 20'** (storm damage and pollution prevention, flood control). **Site visits done:** many times
Representative: Tom Fitzgerald, Matthew Watsky, Tony Sousa, Karlis Skulte
Abutters/Public:
Documents: Proposed plan

Watsky: I'd like Tony or Karlis to give an update on the NOI and understand the status and to talk about the interim measures. Sousa: We had a site visit with GZA and discussed the slope stabilization, we did a soil boring. GZA sent out a memo of their findings. They requested some items from us, some calculations regarding the soil nail technology, some information on the stone revetment at the bottom of the wall, info regarding the sewer line, proposed sea wall. We had sent a concept plan for

the soil nail system and details. GZA wanted design calculation and a typical cross section analysis from the top of the slope to the bottom, and greater detail. We are in the process of providing that information to GZA. Lately, a lot of the attention has been to the top of the slope. There is water from the top that is penetrating the pavers and seeping below the pile retaining wall. Watsky: Let's tie things together. What are the deliverables and the timeline? Sousa: They are looking for calculations for the soil nail wall technology. And they are looking for a cross section of the slope. And they want to know more about the typical soil nail technology, and erosion control methods. Watsky: You have delivered the soil samples, and you delivered the technical details. CK: What is the timing on the deliverables? Sousa: We are planning to get it done the week of the 4th. Watsky: Is that enough time for GZA to review before the next meeting. CK: I am not aware. I encourage communication between GZA and the team at 51 Harborview. I will schedule a zoom meeting. There is a concern that the commission voted to implement the mitigation measures quickly to give us time to review the presented solution. The slope is deteriorating due to the wet season. One temporary solution was to intercept the water and move it to the street side. DPW needs to be aware; the water cannot collect on the road and freeze. Simply placing tarps over the deck and pumping the water back to the street. The discharge pipes need to be extended, any of the elements need to be implemented to prevent the potential of failure. Commission: Why wasn't anything done? Watsky: The concept was put out there through CEC. Several contractors have come to the property, as I understand it. None were comfortable with putting in tarps and the like. The biggest problem with the tarps is if you lay the tarp on the deck there is no way to create a positive flow and it's subject to intense winds. There was a question on how long it would last. There was a question, if it would function? The problem with putting tarps under the decks is that all the pilings are there. The bid or proposal that we have is to pick up the pavers, all done by hand. Change the slope of the patio to slope back to the house, collect it, and pump it to the front of house. Commission: It has to be proposed to us and the plan so we can decide on it. Sousa: With any type of temporary solution, tarp or French drains, we've had several different ideas or concepts except this contractor that proposed re pitching. Commission: Do you have a drawing or a narrative? CK: I have a scope and a series of bullets. Commission: It falls under the emergency; GZA could do a memo on it. CK: Neither the commission nor the department can declare an emergency certification. A public official would have to recognize a public human health hazard. Watsky: I just needed to note there remains an open order of conditions on the patio; this could be a minor modification on the order of conditions. Commission: Except that the commission would need to look at it. CK: You said an existing order of conditions, because you are in violation, it's no longer valid. Watsky: We put in a new NOI for the slope stabilization. The order of conditions that allowed the patio construction is still in effect, it did not expire. CK: Was the order of conditions recorded? Watsky: Yes, it was. Commission: We need to do a site visit and look at what is being proposed. Watsky: Chris Krahforst has noted that there needs to be coordination with DPW. Can there be clarification on who needs to be doing the coordination? And who do we need to contact. CK: I talked to Tony about reaching out to DPW director Chris Gardner. Commission: Does this plan seem to make sense. Slope to the house, gathered in the southeast corner, and sub pump it out. Are you ready to do this project quickly? Sousa: Yes, it can be done quickly. The contractor would be happy to meet you out there. CK: What would be the outcome of the site visit? A public meeting would have to be posted. Commission(s): we will schedule a site meeting on Friday at 5:30 followed by a public meeting.

Motion to continue the hearing until 08/18/2023 by LS 2nd by DD. Roll call: SC-aye, TB-aye, DD-aye, LS-aye, PP-aye

3. Request for Determination of Applicability

- a. **24 Spring Valley Road Map 49/Lot 053 Opening** of a Public Hearing on the **Request for Determination** filed by **Amelia Ansermoz** for work described as: **Construct additions to single family home. Abutter Notification: proof not required. Resource Areas: Isolated Vegetated Wetlands. Site Visits Done: 8/8**
 Representative: none
 Abutters/Public: none
 Documents: Proposed Plan

Commission: If it is an isolated vegetated Wetland it not under our jurisdiction.

Motion to issue a negative determination by LS 2nd by SC Roll Call: TB-aye, PP-aye, LS-aye, DD-aye, SC-aye

- b. **Knotweed Treatment- Beach Ave Dunes *Opening*** of a Public Hearing on the **Request for Determination** filed by **Hull Conservation Department** for work described as: **Remove and dispose of all knotweed in the dunes. Abutter Notification:** *proof not required*. **Resource Areas:**); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA VE 20'** (storm damage and pollution prevention, flood control). **Site visits done:** 8/8
Representative:
Abutters/Public:
Documents: Locus Map

IM: The scope is as follows: to apply herbicide (glyphosate) to the knotweed using a cut & drip method this is the same method and locations as last year's RDA which received a negative determination. The knotweed has returned this year – as expected - and we'd like the commission to consider this and possibly a next year application. Natural Heritage has identified a time of year restriction and we will continue to respect that restriction. Commission: How long does it take for the solution to kill the knot weed and take it away? CK: It is applied in a manner that they drip it into the stalks. Residents can apply this herbicide on their own, but certain regulations require municipalities to use an appropriately licensed professional to use this method of control.

Motion to time issue a negative determination as well as respect the of year restriction and allow this to be a 2 year project by LS, 2nd by SC. Roll Call: DD-aye, LS-aye, PP-aye, SC-aye, TB-aye.

c. **Certificate of Compliance**

- d. 14 Driftway Ave. (SE35-1655)

Motion to issue a certificate of compliance by LS, 2nd by SC. Roll call: LS-aye, PP-aye, SC-aye, TB-aye, DD-aye.

- e. 160 Samoset Ave. (SE35-1690) & (SE-1732)

Motion to issue a certificate of compliance for (SE35-1690) by LS, 2nd by SC. Roll call: PP-aye, SC-aye, TB-aye, DD-aye, LS-aye.

Motion to issue a certificate of compliance for (SE35-1673) by LS, 2nd by SC. Roll call: SC-aye, TB-aye, DD-aye, LS-aye, PP-aye.

4. **New Business & Inquiries**

- a. Special Town Meeting

- b. CK: The Conservation Bylaw before Town Meeting is to do 3 things, to add the procedures that mimics the state, to add a local fee structure, and to consider local wetland bylaws that require the Commission to consider cumulative effects on protected resources and to ensure the stormwater control of wetlands remain protected. Commission: This (also) doubles the fees for after-the-fact applications..

- c. Emergency Certification for corner of Cadish Ave. & M St Seawall.

IM: An emergency certification was granted for a temporary solution for the seawall. There was a public safety issue and **the** determination was made by the Hull Fire Department for concern of injury or death.

5. **Minutes**

- a. Motion to approve Minutes for July 25, 2023 as amended by LS, 2nd by SC. Roll call: TB-aye, DD-aye, LS-aye, PP-aye, SC-aye.

6. **Motion to Adjourn by LS, 2nd by SC. Roll Call: DD-aye, LS-aye, PP-aye, SC-aye, TB-aye.**