



HULL CONSERVATION COMMISSION

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TUESDAY, September 14, 2021

Held virtually via GoToMeeting

Members Present: Paul Paquin, Chair, Lou Sorgi, Tammy Best, Sam Campbell, Katherine Jacintho
Members Absent: Jen Stone
Staff Present: Chris Krahforst, Conservation Administrator, Renee Kiley Conservation Clerk
Staff Absent:

6:02 Call to order

P. Paquin read aloud the charges of the Conservation Commission. The chair asked whether there were any hearings that an applicant requested to continue. Krahforst reported that 67 D requested a continuance, in addition, the applicants' representatives for "**189 & 193 Nantasket Ave. & 0 George Washington Blvd**" projects were seeking continuances to Oct. 12th. The Chair noted for participants who may be present for these two hearings that the Commission will vote to continue them to the dates requested.

6:05 394 Nantasket Ave., Map 27/Lot 091 (SE35-1635) Opening of a Public Hearing on the **Notice of Intent** filed by **Tom Maguire Francis and Frances Leonard** for work described as **replace existing stairs and extend landing area of stairs to become a 12' 5" x11' 7" deck.**

Applicant: Francis Leonard

Representatives: None

Abutters/Others: No one spoke

Documents: Deck Plans dated 05.04.2021, 394 Nantasket Ave Site plan date 02.12.21, photo of existing stairs and landing.

Francis Leonard owner of the property present the project. There is a current asphalt driveway, wooden steps and a landing to a side door. The wood has become unsafe, he would like to replace, and add 3 additional footings to support the deck. Commissioner: Any comments or questions from the commissioners? Commissioner: No comments now that I see the plans. Commissioner: The elevation drawing was a mirror image of the current stairs. Frances are you aware? Frances Leonard: I am not. Commissioner: the stairs go off to the right. It is not a big issue. We can see what will be constructed from the drawings. Any other comments/questions from the commissioners? Anyone from the public that would like to speak about the project? No one spoke. Open it back to the commissioners: Frances are you leaving the asphalt as is? Frances Leonard: Yes, that would be the objective. We want to disturb as little as possible. It will only be where the supports go in. Commissioner: Okay. I will request the motion please.

Upon a **motion** by L. Sorgi, **2nd** by S. Campbell and the below roll-call **vote of 5-0:**

It was **voted** to:

Close the Public Hearing and have the Department **issue** an Order of Conditions.

Jacintho – aye;

Sorgi – aye;

Paquin – aye;

Campbell – aye;

Best – aye;

Chris Krahforst: Shared a list of next steps with the property owners.

6:14 67 D St., Map 17/Lot 080 (SE35-1631) Continuation of a Public Hearing on the **Notice of Intent** filed by **Tom Maguire** for work described as **install 14'x14' shed; enlargement of existing concrete patio; stone walls and granite blocks. 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: AO (Depth 2')** (storm damage and pollution prevention, flood control). **Site visit** done 9/13. **On 09/07, the applicant's representative requested a continuance to Oct. 12th at a time TBD.**

Upon a **motion** by L. Sorgi, **2nd** by S. Campbell and the below roll-call **vote of 5-0:**

Jacintho – aye; Sorgi – aye; Paquin – aye; Campbell – aye, Best – aye;
It was **voted** to:

Close the Public Hearing and issue a Continuation.

6:16 75 Hampton Cir., Map 36/Lot 176 (SE35-1625) Continuation of a Public Hearing on the **Notice of Intent** filed by **Edward Wiessmeyer** for work described as **construct new house, with decks, parking, and utility platforms. Abutter Notification:** proof provided. **Resource Areas: Coastal Bank** (storm damage protection and flood control, likely wildlife habitat), **FEMA X Zone. Site visit** done 9/13.

Applicant: Edward Wiessmeyer

Representatives: David Ray

Abutters/Others: None spoke

Documents: Proposed and existing site plan dated 08.27.21, Foundation plan dated 08.24.21, Coastal Bank Letter for CZM dated 06.21.21, photos labeled delineation A, B, C, Picture of recent coastal bank blow out from Harborview Rd.

Edward Wiessmeyer: David Ray will be representing us. Commissioner: Welcome David. David Ray: Can we please have the plans shown. Since we last met we revised the location of the coastal bank there is blue flagging in the field showing the location, moved foundation of house back 7 feet. Cantilever the 1st floor deck with 5 support beams screwed into the bank with minimal impact to the bank. We are planning on vegetating the entire coastal bank. This coastal bank is a coastal bank it is not an erosion coastal bank because it is protected by the seawall. It goes almost up to the flood elevation. We addressed the parking area, making them non-permeable. Also added in 4 dry wells to take care of runoff. Commissioner: David can you take us through the 1st floor cantilevered deck and the balcony? What will it look like from the side? We don't have an elevation. David Ray: It will be down near ground level. It is above ground level with some support. The 1st floor level deck will be about 25 feet above elevation. On the 2nd floor there will be a balcony that will be approximately at elevation of 35 and will be about 12 feet off the ground. At the back of the house it is 10 feet off the ground. Commissioner: I'm not quite sure. Are you saying that there are 3 levels of this house? David Ray: There is a basement, and then 2 levels. Commissioner: So the basement level at the water side is at the same level of the ground. David Ray: Yes, except for the deck that will continue out at the ground will slope below. The 1st floor is 10 feet above that, and the 2nd floor is 10 feet above that. Commissioner: Does everyone in the commission understand? David Ray: This house has been extremely redesigned and shrunk up. Commissioner: Okay, So, it is 3 decks, 2 that will be supported right at the coastal bank. David ray: The posts will be about 2 feet back from the coastal bank. Commissioners: Any issues at the site visit? Commissioner: I have a question about the pilings? What will they be? David Ray: Our preference will be helical, which are screwed in the ground. : Commissioner: The 1st floor deck will be supported by to pilings. The deck will be supported by cantilevers supported by the foundation. I'm concerned about banks washing away. I know the area and what the bank below is. I want to make sure that the house and the first floor will be supported by the foundation. David Ray: That is correct. The house is supported by the foundation. Lou Sorgi: The cantilever is above the deck. Is there a deck on the ground? That deck goes from 10 feet past the coastal bank to the coastal bank. David ray: Yes, it goes to the coastal bank. Katherine Jacintho: Do you have a cross section of the house? David Ray: I do not at this time. Commissioner: That is okay. I think that I follow it. Commissioner: The coastal bank is actually in behind the slope down. David Ray: it is right at the transition point. If you head back behind the wooden beam, the coastal bank is to the left of the coastal bank. LS. The deck will hang over the coastal bank. What is supporting it? David Ray: Correct, 2 feet behind the coastal bank and it is tied into the house and there are 5 helix supports 2 feet behind the coastal bank. Commissioner: So the deck is cantilevered over the coastal bank? Chris Krahforst: For clarification, it shows on this foundation plan. Sorry. This is incorrect. David Ray. If you go back to the last plan and zoom in. You will see 5 helical, and it says beam below. Commissioner: Do they extend past the coastal bank? David Ray: Yes, they extend 5 feet past. Commissioner: Does the deck extend past the bank? David Ray: Yes, the flat part of the bank. The Decking material will allow ample light. Commissioner: I'm a little concerned with the sloping bank under the deck. The helical are past the bank. Are we concerned with the bank underneath? David Ray. The go flow decking will allow 70% of light pass through at 2-3 feet off the ground. Commissioner: How high will the deck be off the ground? David Ray. It will be 2 feet up to 4-5 feet off the ground and we will heavily vegetate with bearberry. Chris Krahforst: I just wanted to make the commission aware of how water will be collected and discharged? David Ray: There will be 4 dry wells 2 upper and 2 lower? David Ray: There will be 2 upper and 2 lower go into the dry wells into the soil at a slow place. Commissioner: Can they all go up? I'm a little concerned about dumping water so close to a coastal bank. David Ray: we cannot defy the laws of physics. We can try to move them. Chris Krahforst: I can show a picture of a recent coastal bank blowout. I'm asking permission of the commission. Commissioner: Please show the picture. David Ray: That bank was improperly vegetated with invasive. Commissioner: That is what we are concerned with. Commissioner: I'm okay with the helical. But do they have to be that close to the coastal bank? Can they be moved back? David Ray: I don't think that they can be moved back. There is a mathematical equation. Any further back and it could compromise the deck. Commissioner: If you were to proceed with this project, Can we add a condition that the helical are screwed into the ground before the foundation is poured; this is a very tight lot. David Ray: Yes, before or during. Commissioner: Any comments from the public? No one spoke.

Commissioner: Who takes responsibility that this deck arrangement will not cause the land bank to cave in. David Ray: The landowner, the architect, and myself. If I didn't think it would work. I wouldn't present it. Commissioner: Should there be a geotechnical engineer certify the plans? Commissioner like at 75 Point Allerton. Commissioner: I would like it to be certified. David Ray; Please let me remind the Commission that the cost for the geotechnical certificate for 67 Point Allerton cost the owners \$7,500. This bank has no sign of erosion like the one at 67 Pt. Allerton. That may be an overstep for this bank. Commissioner. I would like it added to the record.. Commissioner : I noticed at a site visit there are a lot of trees. Is there is concern about the removal of trees; there is an extensive tree root system. David Ray: A lot of it is invasive Norway maple which is not great for a bank. We will try to save some: Most at the left is the neighbors. We are more than happy to plant some more appropriate trees on the side. . Commissioner: All the retaining walls and stairs are staying? David Ray: Yes, as I can find it is all from the 1950's. The retaining wall and stairs date pre-1978.

Upon a **motion** by L. Sorgi, **2nd** by S. Campbell and the below roll-call **vote of 5-0**:

It was **voted** to:

Close the Public Hearing and have the Department **issue** an Order of Conditions with the Special Condition: That the helical will be installed before or during the foundation all heavy equipment is above the coastal bank.

Best – aye;
Campbell – aye;
Jacintho -aye
Sorgi – aye;
Paquin – aye;
Campbell – aye;

6:43 189 & 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., construction of parking lots; demolish golf course. On 08/23, the applicant's representative requested a continuance to Sept. 14th at a time TBD.

Applicant: Not present
Representatives: Not present
Abutters/Others: Not present
Documents: No documents presented

The applicant has requested a continuance to Oct 26th.

Upon a **motion** by L. Sorgi, **2nd** by S. Campbell and a **vote** of 5-0

It was **voted** to:

Continue the hearing to Oct. 26th, 2021 at a time TBD.

Campbell - aye
Jacintho - aye
Sorgi - aye
Paquin - aye
Best – aye

6:44 Paul Paquin left & returned

Certificate of Compliance Requests

5 Vernon Ave (SE35-1493) J. Mitchell is representing this request. . Commissioner Newly planted grass was added. The grade has not been changed. Jack Mitchell: We added a vegetated Buffer; it pitches right to left and bermed the property up to the surrounded area, so that runoff will go back and left. The property was a bowl area before. All gutters go into drywells front and back of the house. After a recent rain, he visited the site and did not see any runoff in the neighbor's property. Chris Krahforst: We do have a site plan. It was proposed and approved that fill will be brought in. Jack Mitchell: The site in the rough was a giant bowl. Chris Krahforst: There was a low area on this property. It was a little bowl. Elevation previously low spot not shown on the as built plan. Jack Mitchell. We graded the land, so it does not run off to the neighbors. Commissioner: Can we add a special condition to the COC that if there is any runoff as a result of this project, it will be addressed. Chris Krahforst: Yes, you can add a special condition. Jack Mitchell: I have no problem with that condition. Paul Paquin: We noticed that the FEMA flood vents are not installed. Picture shown: Jack Mitchell: Flood vents are installed that is packing material that needs to be

removed. The vents are one piece vents that are installed when the foundation is poured. David Ray signed off on all 6 vents and one in each the garage doors.

Motion, Sorgi, 2nd Campbell, following roll-call vote of 5-0; Paquin aye Sorgi – aye; Jacintho – aye; Best – aye Campbell – aye; to have the Department **issue** a Certificate of Compliance with a special condition that that the current homeowner will repair any runoff in the future.

161 Beach Ave (SE35-1204) Site Plans, Photo of vegetation. Shown Frank Frazier representing this request. Commissioner: We asked to see what? Frank Frazier: You asked to see vegetation plans and it is migrating under the deck. Photo provided. The vegetation is under the deck. I feel that all conditions have been met. Commissioner: We had a fully functional dune that has been replaced by landscaping. Frank Frazier: I'm not certain where you are seeing that. Previously, there was vegetation and shrubs. I replaced it with like plants, Rosa rugosa; that is allowed by the regulations.

Motion, Sorgi, 2nd Campbell, following roll-call vote of 5-0; Best- aye; Campbell- aye; Jacintho – aye; Sorgi- aye; Paquin aye to have the Department **issue** a Certificate of Compliance

64 Central Ave (SE35-1622). Commissioner: I have an issue with the fence. . Commissioner: The fence was not on the original Order of Conditions. Commissioner: there was fencing under the pool. Commissioner: The fence was existing; Lou Sorgi: Was the fence permitted?

Motion, Sorgi, 2nd Campbell, following roll-call vote of 5-0; Campbell- aye; Jacinto – aye; Sorgi- aye; Paquin aye, Best- aye, to have the Department **issue** a Certificate of Compliance

14 Montana Ave (SE35-1385, amended) Gregory Koelsch owners: Site plans shown. Photo of 2 retaining walls. Issue with two retaining walls. It is possible that it sticks out into neighbor's property. Do we need an as-built plan? Gregory Koelsch: Henry Holmes is the builder. 1st wall was built with a shed proposed down below on the lower wall. We had to be able to reach the electrical panel. The lower retaining wall is covering a buried cement retaining wall. The Driveway is a right of way spilt between 8/12 Montana Ave. I can ask the neighbors if it acceptable for it to jut out. Commissioner: We cannot permit something on someone else's property. . Commissioner: Do we know it is on someone else property? We need either a plan showing it isn't on someone else property or a license from the property owner. . Commissioner: There is a note in the plan for a permeable patio. Did you decide to not build that?) Gregory Koelsch: That is correct. No action taken.

0 & 78 Clifton Ave (SE35-1522) As Built Plan, photos from site visit. Representatives Jeff Couture from Site Tech and Dr. Peter Rosen a coastal geologist. Chris Krahforst had a phone conversation with Mass DEP and the following points were shared: A Berm usually has a front and back, this doesn't. They used cobbles as chink stones rather than placed with other material to create a berm. (Strategically placed – implies “engineered”) Regulations 310 CMR 10:23 regarding engineered structures, this seems to meet that definition Coastal Engineering Structure which means, but is not limited to, any breakwater, bulkhead, groin, jetty, revetment, seawall, weir, riprap or any other structure that is designed to alter wave, tidal or sediment transport processes in order to protect inland or upland structures from the effects of such processes. Submit an Operation and Maintenance Plan with the Application - The Commission requests that the applicant submit a plan for maintenance, monitoring, and mitigation as part of their application to address any impacts associated with the proposed work. Annual nourishment should be based on estimated erosion rate or beach elevation surveys. Maybe propose adding gravel as nourishment; which is an important component of the beach (i.e. use compatible material). Up-bank stabilization is good. The project appears to be built as designed and approved. The as-built should include a measured bank profile. It currently includes a “typical” cross section, not an as-built profile. . Commissioner: If the structure isn't what we thought it would be, it appears to be permitted as it was built. Chris Krahforst: Ongoing conditions can be added as additional special conditions to be associated with the CoC. . Commissioner: I disagree- we permitted a cobbled coastal berm. This is not a coastal berm. This is an armament of an embankment, an armored shoreline. It is not made of “like” beach material. We don't have an annual plan for maintenance. Move to put this off for 2 weeks. We need the minutes and what was proposed and permitted. It is poorly built. It will haunt us for a long time. Is there a 2nd. Katherine Jacintho.

Jeff Couture confused, we reviewed the plan, there were 3 hearings in early 2020, it was looked at quite closely, and there is a compliance report. There was an approved site plan, and it was built to plan. This is a request for a Certificate of Compliance. Commissioner: This doesn't look like a coastal cobbled berm; it looks like an engineered structure. This looks like a serious error. Dr. Peter Rosen, representative: This was designed to be a mobile structure. You don't like the look of it because it isn't an engineered structure. It is built of natural size material, as it is a dynamic beach, large material is moved. It is a gravel dune and was piled, not set. It is designed to move. Regular operational maintenance will be needed because the material will move. Some years there might not be much maintenance needed. It might not be pretty but it is constructed consistent with Wetland Regulations. It is made of compatible sediment. It must be monitored and maintained. It a dynamic dune not a properly engineered structure. This is adjacent to a coarse sediment beach to the north sunset point area. It was piled not set. It will not gain sediment but as sediment it blown away nourishment material will be added. I am pleased to be saving a house while preserving the Act.

Motion, Paquin, 2nd Katherine Jacintho. Following roll call vote of 2-3 to continue to 10/12 hearing.

Paquin –aye; Sorgi- no; Jacintho- aye; Campbell – no: Best-no.

Motion, Sorgi, 2nd Campbell, following roll-call vote of 3-2; Paquin-no; Sorgi – aye; Campbell – aye; Best – aye Jacintho – abstain - to have the Department **issue** a Certificate of Compliance with a special condition an operating and maintenance plan be filed with the Commission and the project be maintained each year with compatible material that includes gravel and based on observed erosion data or beach profile.

7:35pm Lou Sorgi leaves the meeting

5 minute recess

7:40pm meeting resumed

7:42pm Roll Call of returning Commissioners

Best aye, Paquin aye, Campbell aye, Jacintho -aye

9 Arthur St (SE35-1357) No discussion

Motion, Campbell 2nd Best, following roll-call vote of 4-0; Paquin aye, Jacinto – aye; Campbell- aye; Best- aye to have the Department **issue** a Certificate of Compliance

101 Central Ave (SE35-1630) Photo of fence reviewed earlier, complete and connect fence, saved tree

Motion, Campbell 2nd Best, following roll-call vote of 4-0; Best- aye; Campbell- aye; Jacinto – aye; Paquin aye, to have the Department **issue** a Certificate of Compliance

Continued and New Business

HRA & Nantasket Resort Parking Lot. Photo of site Chris Krahforst: Nantasket Beach Resort, who leases the parking area from the HRA, asked about installing a fence to control parking. I suggested that putting a parking lot in an AC/EC required a NOI about 6 months ago. However, they built a post and beam fence without going through the NOI process. Does this after-the-fact activity need an RDA or an NOI or administrative approval? Commissioner: This has always been used for parking. Chris Krahforst It is now considered a parking lot. The commission requests a RDA for the fence across the street. Commissioner: if we are requiring the town to do a RDA we should have the resort do it. Chris Krahforst: The HRA owes the land. The fencing across the street was for pedestrian safety. This is for parking. . Commissioner: I thought that the fencing was part of the gazebo plan. Chris Krahforst: You are correct. However, most of the fencing is new and not part of the gazebo permit. . Commissioner: We request the HRA to submit an RDA

51 Harborview Rd Bank Collapse (SE35-1516) Krahforst: You have received the photos. Some portions of the plan, which is currently under an open Order of Conditions, appear to have not been followed. Paul Paquin: CZM point that this event is a sediment source to adjacent beaches. . Commissioner: It seems that there was a conversation years before to stabilize this bank. I don't recall it being in the record. Krahforst: There is an Open Order of Conditions. 10 feet of patio was to be removed. They have not done this with the project. As it existed now, it was not completed as proposed. We should review the minutes and order of conditions. Commissioner: Is the date incorrect on the letter. Krahforst: I think that is the date of the site visit. I will double check.

Straits Pond Sediment Survey by WHG- there is an effort to consider enhancing tidal flushing of the Pond in the area of a restriction near the tide gates. They will be doing a sediment survey to evaluate the feasibility of removing this material. Is it a basement ledge? It may be that a preliminary survey does not need to be permitted but there may be heavy equipment that will be used to launch equipment. Any work proposed will be shared with the Commission.

COC procedures [310 CMR 05(9)(b)] For COC's, the Regs suggests that you contact the applicant prior to a site visit. Since this is not hearing you can (and possibly should) engage with the home owners. We will not schedule around home owners but we will give them notice of the site visit. You are free and able to engage for a COC

Has Jen Stone resigned? She has not but she has missed a year of meetings. She took a new job and is off at sea. We have an opening for a commissioner. She might be back and she gets all correspondence.

Violations and Compliance issues

8:46 Upon a **motion** by S. Campbell and **2nd** by T. Best and the below roll call **vote** of 4-0;

It was **voted** to: End the Open Session. Jacinto – aye

Best- aye Campbell-aye

Paquin – aye