

**Hull Conservation Commission
Meeting Minutes
Tuesday, April 26, 2022
Meeting held online, via GoToMeeting**

Meeting Remote Location	Remote Call-in meeting with Zoom:
	https://zoom.us/j/94606573656?pwd=VS90bS9QdXRxd1ljVWVQ3Q2Z4dTNRdz09
	Meeting ID: 946 0657 3656
	Passcode: 907815
	One tap mobile: +13017158592 Or Dial: +1 929 205 6099

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 4/12/2022: Motion by Best to approve the minutes as amended, 2nd by Campbell Roll call: Campbell- aye, Best-aye, Jacintho- aye, Paquin-aye, Sorgi-abstain

AGENDA

7:30 Call to order

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

9:32 189 & 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.* **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'/X'** (storm damage and pollution prevention, flood control). Site visit done: many times. **On 04/12/2020, the applicant has requested a continuance to May 10th at a time TBD**

Motion to continue by Sorgi 2nd by Jacintho Sorgi-aye, Jacintho-aye, Campbell-aye, Paquin-aye, Best-abstain

7:43 125 Main St., Map 02/Lot 005 (SE35-1672) Opening of a Public Hearing on the **Notice of Intent** filed by **125 Main Street Hull Trust** for work described as **maintain parking and boat storage**. **Abutter Notification:** proof provided. **Resource Areas:** **Coastal Dune** (storm damage prevention, flood control, wildlife habitat); **Coastal Beach** (storm damage protection, flood control, wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA VE 14' and AE 10'** (storm damage and pollution prevention, flood control). **Subject to Limit of Moderate Wave Action (LiMWA); Site Visit done:** 4/24.

Representatives: Adam Brodsky, Stephanie Aprea, Michael McDewitt

Abutters/Others: Ann Driscoll, Brendan Kilroe, Scott Miller, Jean English, Jim Reichart, Randy Gould

Documents: Proposed reconfigured lot, Flood Zone FIRM, Photos shown, Commission's charge shown.

Brodsky (Environmental & land use lawyer) representing 125 Main Street Trust. This filing is to settle a long standing dispute between the town and the commercial marina operations. The client has the opportunity to sell the building and the western portion of the site. They would like to retain the eastern part of the site. The NOI seeks to authorize and reduce in size the operations of the commercial marina; it includes boat storage, fencing, and to authorize the existing parking along Main Street. There are 5 proposed designated parking spots. We would like to store boats in the area shown on the plans on metal stands and wood blocks. No improvements are proposed within the existing parking area. This lot is in Commercial Rec Zone C and commercial marinas are allowed in the area. Zoning requires the fencing for the boat storage are. If we are unable to get an order of conditions we will have to resolve the issues through litigation. From a regulatory perspective it is readily permissible. Resource areas are a Coastal Beach along the shoreline, coastal dune, and land subject to coastal storm flowage. The land is in a FEMA VE 14 and AE 10 flood zones. No structures are proposed. The current containers on the lot will be removed. We are proposing 2 box trailers on wheels to be stored in the areas shown on the plans are for storage. Stan Humphreys (coastal geologist expert for the applicant) delineated the resource areas in 2019. There was a disagreement on the landward limit of coastal

dune. We believed that the land wasn't a coastal dune. I'm going to suggest that the site is a coastal dune because the project meets the standards of a coastal dune. No dredging or filling is proposed; we will not alter the dune or remove any vegetation. The project won't interfere with any wave action. Boats will be stored on metal stands allowing water to flow through. We are reducing the scale of the marina and limiting it to the eastern portion of the site. If the sale goes through, the owners will be required to remove any boats on the western portion of the site (which is not part of this NOI). No work proposed on the coastal beach. There are no performance standards for land subject to Coastal Storm Flowage. I ask the Commission to be practical. The operations will be reduced and will resolve the conflict with the town. Commissioner: In your filing you propose to maintain parking and boat storage. This is an after the fact filing. Brodsky: That is a difficult question to answer. These activities have been going on for decades. I believe that they predate the Wetlands Protection Act. Commissioner: Since we bought up the Resource Area Delineation disagreement, I wanted to review the area and the 310 CMR 10 regulations. Would you outline the FEMA critical zones? We're looking at a VE zone. When we saw the plans the 1st time there was more than 2 lots. Brodsky: There are 4 lots in common ownership. The plan is to reconfigure the land into 2 lots. Commissioner: They are proposing to do this after the lots have been changed. Brodsky: We agree with the flood plain location. There are no performance standards for land subject for coastal storm flowage. In the interest to protect storm damage, the site will flood during major flood events. Nothing we are proposing will change that. Commissioner: Are you saying that the entire eastern lot is in a coastal dune. Brodsky: The delineations of the resource areas are also shown on the proposed conditions plan. The landward limit of the coastal beach is shown. The limit of the beach is shown on the plan. We believe that none of the proposed activities are in the coastal dune. However, the activities we are proposing with comply with the performance standard for a coastal dune. Commissioner: What are the performance standards in a coastal dune? Brodsky: No interference with wave action, no disturbance to vegetation, no modification of dune, no interference with landward movement of the dune, no interference with mapped protected habitat. Another Commissioner: Right now there is marine storage and heavy equipment on the entire parcel. It's been that way for years. For Parcel A, it is proposed to remove all marine activity and equipment from that parcel and to limited marine activity to parcel B. How many boats can be stored on parcel B.? I see 9 boats, 2 storage units, and 5 parking spots. And the rest of Parcel B will not be used for marine operations. Brodsky: We are not proposing any activity in that area. Commissioner: If we were to issue an Order of Conditions for this project, we would have to add a special condition that prohibits storage in the empty area (shown on the plans). If we grant this activity on parcel B what would change if the deal for Parcel A falls through? Brodsky: That is a possibility. Commissioner: What is being proposed is that the applicant remove all marine operations from Parcel A. Brodsky: Parcel A isn't involved the in the Notice of Intent. Commissioner: We're reducing the operations restricting marine operations to Parcel B. Brodsky: Other parcel is still under WPA jurisdiction. I can't say that a real estate transaction will close. I can say that a condition of the sale be that the area is cleaned up. My clients have a unique opportunity that would achieve mutual goals. Commissioner: Is the parking area (9x20) planned to be asphalt or sand and dirt. Brodsky: It will stay as existing. Commissioner: Can you say more about marina operations for this site? What operations are proposed? Brodsky: There is a commercial pier where vessels are tied up. There is a Chapter 91 license for the property. The Lot is zoned for Commercial Rec C marine operations. Commissioner: If the desire is to proceed this way. Why wouldn't they supersede regardless if they sell it. Why would we leave it as is? Brodsky: We believe that we have the legal right to use the entire area. The clients are reducing the scope of the marine operations. The clients propose to operate the marina over the entire area. There were no issues until recently. The marine operations were allowed for decades. Commissioner: We had assumed that it was appropriately permitted. Commissioner: Would we allow these proposed activities if this lot was vacant? We don't know what impact has occurred from previous marine operations. There is pea stone (fill) that appears to have been brought in. What is there now is something different from what was. Brodsky: I'm sure that area has been filled. I'm not sure when it has happened. Can the activities be permitted? The Act doesn't recognize that grandfathering but it does recognize that historical fill may have been brought in. Another Commissioner: It seems that the proposed activities are an improvement to the current/recent use. Commissioner: Would you let heavy equipment and trucks on the dune? What you let containers be put on the dune? This property has been modified; it's been scraped. For marine operations, are the standard operational procedures? Can they paint or remove paint from the boats in this area, or change oil in the area? The containers were arranged in a way that marine operations couldn't be seen. Commissioner: Those are two different things. Are we allowing people to do what they have been doing? Brodsky: We are proposing to remove the containers. The operations proposed are Boat storage not marine operations. There is no evidence of marine operations happening; these are not under consideration for this NOI. Another Commissioner: When Woods Hole Group tried to get on the property to do a Resource Area Delineation (RAD), they were refused access. Brodsky: That was to evaluate the landward extent of the coastal dune. The commissioned disagreed with our RAD and the access to the site was prohibited because WHG wanted to collect sediment cores which we felt was not necessary for an accurate RAD. Commissioner: The Wetlands Protection Act states (310 CMR 10.28 Section 1 preamble) when a coastal dune is likely to be significant to storm damage prevention and flood control, or the protection of wildlife habitat the following characteristics are critical to the protection of the interests: C. dune form, D. vegetative cover. Further, 10.28 3B states. With respect to coastal dune performance standards, any alteration of a coastal dune or a structure within 100 feet of a coastal dune may not cause an adverse effect on the dune by disrupting the vegetative cover of the coastal dune. Storing boats in that location will affect vegetation in the area that is disputed as coastal dune. We have to know where coastal dune boundary is located. Brodsky: The NOI narrative states that the proposed project meets the performance standards. There is no vegetation in the area. Commissioner: No vegetation is there because of past marine operations and the proposed boat storage would limit the light to the vegetation. Brodsky: Our coastal geologist disagrees.

Commissioner: I think that there should be an agreement where the resource areas are. Krahforst: The resources on the area are: barrier beach which consists of either a coastal beach or a coastal dune. If you look at the submitted plans the RAD shows the landward limit of the coastal beach, and to be consistent with 310 CMR 10, everything landward of that must be a coastal dune. The question becomes: how functional is the dune? Note that in the Town of Hull there are a lot of houses that are built in the dune resource area which is no longer functioning as a dune. The area of this NOI has been heavily altered through marine operations. In the photo shown you can see that in the area just in front of the boats has a vegetated coastal dune because it wasn't used for past marine operations. Brodsky: In the proposed boat storage area there isn't any vegetation. The existing conditions plan shows this is not in the area of a coastal dune. Commissioner: I don't think that the plans accurately delineate the beach from the dune. Brodsky: The applicant disagrees that this is a coastal dune. Commissioner: Is there a limit of coastal dune on the plan? Krahforst: The proposed and existing conditions plan shows where the coastal dune is which seems to be inconsistent with 310 CMR 10.28. Anything landward of a coastal beach in LSCSF has to be one the resources defined in 310 CRM 10. It could only be a coastal dune. How is this coastal dune functioning? Brodsky: The limits of the coastal dune were shown in our previous hearing on 125 Main St. They are shown as hatched areas. The resource area delineation was not transferred to the current proposed plan. Another Commissioner: Is the Woods Hole Group still being retained. Krahforst: They are not being retained for this NOI. Commissioner: I do not feel comfortable rendering a decision without the RAD issues resolved. Commissioner: This NOI proposed areas where no operations will be done. Will the dune be restored or improved? Brodsky: I haven't discussed it with the clients. But I will ask them. Ann Driscoll, 7 Channel St: The boats on parcel B never seem to move. Why are they there and will they be removed? For at least 5 years the boats have been there. What are they there for? Commissioner: That's not a Conservation question. Brodsky: I have no knowledge to which boats will be stored on the property. Commissioner: We have seen boats break apart, have been cut up, or damaged and falling into the soil on the property in the past. Brendan Kilroe: I walk the beach every day. My wife picks up trash and Mike (owner/applicant) has helped out with the clean up. I have a high opinion of the owners. What is the goal of the committee? I'm a conservationist. This building has been there for years. We are a densely populated community. We're doing our best preserve the dunes. I don't think that the owners need to be made an example of. There has to be a peppering on common sense. Our dunes must be preserved but you can't make an example of them. We have to forge ahead and meet at some middle ground. Commissioner: In general you ask what the goal of the conservation is. The bottom line is there are areas called resource areas defined by the law and they are to be protected for all the members of the Commonwealth. Scott Miller: The boat yard has been there for decades. Mike & Stephanie are great to the community. Why can't they just go forward? James Wally: The question is what the coastal dune is. 12500 years ago it was glacial. It caused melt water to pulse and raised global sea levels. The area of the town was all coastal grass land and the hand of man totally paved over the land. All the Marinas in town are totally paved. Mike has retained what could be viable dune. Over time the earth will reclaim everything. Jean English: I'm the proposed buyer of the other lot. My intent is to preserve that part of Hull. I feel like Stephanie and Mike are trying to go along and do their best. They want to keep their business. It's ¼ of the entire lot. This appears to be progress for that area of town. We've been working on this and I hope we can move forward. Commissioner: Our charge is only to the Wetlands Protection Act. Jim Reichart: Just to clarify, The McDevitts are looking to consolidate operations to that corner lot and the coastal dune area. If the real estate transaction was not to occur would there be any infractions? Commissioner: A little bit has been permitted. They are looking to legitimize the action. They propose to maintain operations. There are no permitted marine operations for this area, or parking or storage or landing boats on the town beach Brodsky: That is the opinion of this conservation commission not the past commissions. Reichart: I look forward to them cleaning up the area. They are a nice family in town. Commissioner: This operation may predate the wetland protections act. The stuff that they are doing may or may not be right. I need more information to understand the affect on that parcel. We are being asked to legitimize the action on that little piece. Commissioner: I agree that my issue is not with the use. I'm not comfortable permitting on the area that shows the limit of the recourses. Mr. Brodsky please speak to your client about mitigation planting. Commissioner: I agree with the plan but restoring the area and agreeing on the boundaries would make me more comfortable. Krahforst: I have a suggestion. If you look at the proposed plans the yellow area that is proposed as no use could be considerate a restoration area. Rather than engaging a peer review, if the parties agree that this is a dune area could that portion be restored? The parking area appears to be in a non-functioning dune area. Could the area where the boat storage is proposed be allowed if the non-use areas are restored? Commissioner: That is a practical approach. They need the space to operate and agree to restore. Commissioner: Practically speaking can you operate the boat storage area without needing to use the no-activity area? Brodsky: We are only purposing activities in the areas as on the plan. I will bring that idea back to the client, if the commission would entertain that idea. I would ask for a continuation. Commissioner: I agree with that. Another Commissioner: We have to delineate the area. Otherwise we are basing our judgment on unknown Commonwealth Resources. Are the activities Marine operations and marina operations? Commissioner: Are they storing boats or are they proposing marine operations? Brodsky: There is a RAD submitted. The commission has questioned it. There are no Commonwealth resources; this is private property. The commission does not regulate operations. The operations won't affect the wetlands. Randy Gould: This was a public hearing. Were abutters are notified? Commissioner: We were presented that abutters where notified. Randy Gould: Houses were not notified. There was no sand on that beach when I got married. The dune is only 40 years old. In one storm, 5 feet of sand has come in. When the wind blows the sand into the street it is cleared up. McDevitt was there before the dune was there. It's a marine operation. The old ugly boats are the problem. He moves things and cleans things up. He's a good neighbor. When can people address the marina on the other side? Where can people get more information? What is the town getting back to the issues of the marina on the other side?

Commissioner: It's a separate issue for town manager and town counsel. I feel bad for the people behind them.
Gould: What can we do about finding out the legality if that's a dune or not. Commissioner to Krahforst: Is it possible to pull-up the existing conditions plan. Where do those plans say where the dune is? I'm just saying we delineate it.
Commissioner: Can we point out on this plan. Brodsky: The dune delineation in shown by the dashed blue line.
Brodsky: Let's just assume that it is coastal dune. Commissioner: The Town's consultants were not granted access to conduct a RAD on the property. Based at looking at the area this is coastal dune. Brodsky: Woods Hole wanted to do soil boring because of alteration to the site. Commissioner: If we were to propose that this was a coastal dune would you look at this differently? Commissioner: Work proposed is for storage not marine operations Can we do a special condition regarding the operations? Commissioner: Would you allow someone to come in and permit marina operations without a plan? Brodsky: We are not asking you to authorize the marine operations. We are asking for you to authorize the activities that are within your jurisdiction. Commissioner: We ask the applicant to consider a continuation and ask Mr. Brodsky to go back to his client to presuming that the entire area is a coastal dune and to come up with a plan for dune plantings/restoration.

Motion to continue by Sorgi 2nd by Jacintho Sorgi-aye, Best-aye, Campbell-aye, Jacintho-aye, Campbell-aye, Paquin-aye

9:26 recess

- 9:32 1060 Nantasket Ave. Map 08/Lot 010 (SE35-1660) Opening** of a Public Hearing on the **Notice of Intent** filed by **Pat Shaffer** for work described as **construct new 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 13'** (storm damage and pollution prevention, flood control). **Site visit** done 3/5-3/8.
Representatives: Pat Schaffer
Abutters/Others: Robert Plocker
Documents: Proposed plans
Shaffer: This is an existing home with a lot of wear and tear. We originally wanted to repair it but the cost would be too much. The owner knocked down the house. The original proposed house was moved to better conform to the property boundaries. We are proposing to enclose an existing porch.
Commissioner: It's on town property. Schaffer: We have asked the town manager and they would issue a license to allow for this. We will have to go through zoning. Commissioner: Will the house be FEMA complaint? Schaffer: We are proposing the house to be 7 ½ feet above BFE. Robert Plocker, 1058 Nantasket Ave., asked that the following be recorded for the record: 1. what fail safes do you have in place to protect the structure at 1058 Nantasket which is on 160 year old cedar pilings? 2. What consideration can be made to the construction of the footings? Vibration and soil sediment are of concern. 3. Can a professional Vibration study be done during the building process? 4. How much contract liability will be held? Commissioner: The original house had some area in between the houses for unobstructed flow of coastal storm flowage. Commissioner: The proposed home is on piles and it will allow more flowage. Schaffer: We have had this conversation. I discussed this with the homeowner. The homeowner doesn't want to pay for a certified engineer to confirm that the neighbor's house is structurally safe. The pile driver will carry the insurance. Commissioner: All those questions are subject to the building department. Commissioner: Are there storm drains or dry wells. Commissioner: Water on the street just rushes through. Schaffer: Would lattice be allowed to enclose the piles? Commissioner: No the velocity is too high. Krahforst: The area south to the property is in a VE Zone. Most of the proposed house is in an AE Zone.

Motion by Sorgi to issue order of conditions with the special conditions that the piles be left open and nothing be stored underneath 2nd by Campbell Best-aye, Sorgi-aye, Jacintho-aye, Paquin-aye, Campbell-aye

- 9:47 105 Atlantic Ave., Map 53/Lot 007 (SE35-1668) Opening** of a Public Hearing on the **Notice of Intent** filed by **Louise & Michael Kuhlman** for work described as **create 12'x18' driveway using gravel. 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', 11', and 15'** (storm damage and pollution prevention, flood control). **Site visit** done: 4/24.

Campbell rescued himself

Representatives: Louise Kuhlman
Abutters/Others: none
Documents: proposed plans
Kuhlman: We are installing a parking spot. We want to add on to the spot and put gravel down. Commissioner: What is on the adjoining property is pea stone. Gravel means everything some pebbles to softball sized. Kuhlman: Pea stone sized gravel is what we'd like to use.

Motion to issue order of conditions by Sorgi with the special condition that the gravel remain pea stone 2nd by Jacintho Jacintho-aye, Paquin-aye, Best-aye, Sorgi-aye

9:52pm Campbell returned

- 9:52 **38 E St., Map 16/Lot 201 (SE35-1675) Opening** of a Public Hearing on the **Notice of Intent** filed by **Douglas Brander** for work described as **replace existing driveway (24'x35') with asphalt driveway of same dimensions. 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 and pollution prevention, flood control). **Site visit** done: 4/24.
Representatives: Douglas Brander
Abutters/Others: none
Documents: hand annotated proposed conditions

Brander: I just want to pave my driveway. Krahforst: Do you accept the hand annotation by me on the plans to reflect that detail? Brander: Yes. Commissioner: Will it be asphalt all the way to the street? Brander: Yes.

Motion to issue order of conditions by Sorgi 2nd by Campbell Paquin-aye, Campbell-aye, Best-aye, Sorgi-aye, Jacintho-aye

- 9:57 **8 Montana Ave., Map 51/Lot 005 (SE35-1670) Opening** of a Public Hearing on the **Notice of Intent** filed by **Francine Capuzzo** for work described as **install paver driveway (500 ft²) in rear. 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 and pollution prevention, flood control). **Coastal Bank** (storm damage protection, flood control), **Buffer to a Coastal Bank** (storm damage protection, flood control) **c.91 jurisdiction** intersects property. **Site visit** done: 4/24.
Representatives: Francine Capuzzo
Abutters/Others: none
Documents: Proposed plans

Commissioner: The proposed area is out of chapter 91 jurisdiction. The paved driveway only ½ will be paved at the end. Any adverse effect to the ACEC. None noted. Capuzzo: They will not be permeable pavers but there will be 4 inches of grass between pavers. Another Commissioner: between each paver in the same line Capuzzo. There will be grass in between each paver

Motion to issue order of conditions with the special condition that no stone dust be used by Sorgi 2nd by Campbell Best-aye, Campbell-aye, Sorgi-aye, Paquin-aye, Jacintho-aye

- 10:04 **93 Manomet Ave., Map 23/Lot 126 (SE35-1674) Opening** of a Public Hearing on the **Notice of Intent** filed by **Kyle Patitpas** for work described as **renovation and reconfiguration of existing front (13'x34') and back (7'7" 4'6.5") porches; installing 8 supports, removing 6 existing supports. 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 12'** (storm damage and pollution prevention, flood control).
Representatives: William Hiete, Kyle Patitpas
Abutters/Others: none
Documents: Proposed plans

Commissioner: Small addition in the back and changing the front? Any changes? Hiete No changes to the plan.:

Motion to issue order of conditions by Sorgi 2nd by Campbell Campbell-aye Best-aye, Sorgi-aye Jacintho-aye Paquin-aye, Campbell-aye

- 10:08 **317 Beach Ave., Map 13/Lot 055 (SE35-1673) Opening** of a Public Hearing on the **Notice of Intent** filed by **Robert Fraser** for work described as **rebuild a 38 ft² part of existing rear deck to accommodate hot tub. 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: VE 15'** (storm damage and pollution prevention, flood control). **LiMWA. Site visit** done: 4/24.
Representatives: Robert Fraser
Abutters/Others: none
Documents: Proposed Plan

Fraser: No changes to the application. Commissioner: There is all stone under the deck.

Motion to issue order of conditions by Sorgi 2nd by Campbell Best-aye, Sorgi-aye, Jacintho-aye, Paquin-aye, Campbell-aye, Best-aye

- 10:11 **53 Highland Ave, Map 05/Lot 073 (SE35-1671) Opening** of a Public Hearing on the **Notice of Intent** filed by **Jason McCann** for work described as **construct 20'± parking area supported by retaining walls. Notification:** proof provided. **Resource Areas:** **Buffer to a Coastal Bank** (storm damage protection, flood control), **c.91 jurisdiction** intersects property. **Site visit** done: 4/24.

Representatives: Chad Wolfe, Josh Green

Abutters/Others: none

Documents: Proposed Plan

Wolfe: No changes to the plan from the application. Commissioner: The way the wall is proposed to be built. I don't think that you want to slope the wall towards the neighbor. We don't want this to slope toward your neighbor Wolfe: Highland Ave slopes so the wall is following the grade of land that is there. Commissioner: What will the parking area be paved with and how will it slope? Green: It grades north to south and towards to 41' contour. Commissioner: You may want to consider a dry well.

Motion to issue order of conditions by Sorgi 2nd by Campbell Jacintho-aye, Paquin-aye, Campbell-aye, Sorgi-aye, Best-aye

10:17 42 Wyola Rd., Map 39/Lot 121 (SE35-1669) Opening of a Public Hearing on the **Notice of Intent** filed by **Katherine Mary Mason** for work described as **proposed retaining wall, new fence, and grading. Notification:** proof provided. **Resource Areas: Coastal Bank** (storm damage protection, flood control), **Buffer to a Coastal Bank** (storm damage protection, flood control). **Site visit** done: 4/24.

Representatives: Katherine Mary Mason, Jed Hanlon

Abutters/Others: Scottie Miller 33 Wyola Road

Documents: Proposed Plan,

Katherine Jacintho rescued herself

Hanlon: We conducted the topographic survey several months ago. There is a bank that down slopes towards the wetlands area. The elevations change from 40' to 8' along the bank. For safety, the owner wants to install a retaining wall with a fence running along the rear and side of the house. We propose adding a little bit of loam and then seed. It's a safety issue for the homeowner. Commissioner: Can you describe the wall? Hanlon: It is a stone wall is a 1 foot by 3 feet, with 1 inch holes at the base to allow water to percolate. Commissioner: What pins the wall to the ground? Hanlon: There will rebar anchorage to the ledge and also a cement footing. Jacintho: It will be doweled into the ledge. Commissioner: The wetlands area is at the bottom of the area. It drops way off Hanlon: We are far away from the coastal bank. Scottie Miller Abutter. I think that it will be a good thing. It will keep their family safe.

Motion to issue order of conditions by Sorgi 2nd by Campbell Paquin-aye, Campbell-aye, Best-aye Sorgi-aye, 10:23 Katherine Jacintho returned

Certificate of Compliance Requests

187 Atlantic Ave (SE35-1466) Commissioner: Good job with planting. Foundations issues seen

Motion to issue Certificate of Compliance by Sorgi 2nd by Campbell Campbell-aye, Best-aye Sorgi-aye, Jacintho-aye, Paquin-aye

Continued and New Business

Dune Invasive species Krahforst: Japanese Knotweed is growing in the Alphabet area. (Picture Shown) DPW has been bush whacking the growth back. I have asked them to stop planting in this barren area. There is some expertise on the Commission which I am seeking. What can we do to remove the knotweed? I don't want the knotweed to overtake the frontal dune. Commissioner: The control may require using powerful and dangerous chemicals and applying it by hand to the vegetation. Krahforst: DPW thought that they might be able to excavate the area. Frequent mowing has worked to clear knotweed from other areas in town. Commissioner: If the goal is to have a lawn, mowing works well. It could be cut to 6-8 inches. Another Commissioner: A mechanical method worked in a riverfront area. It is a sensitive area and mechanical might not be the best approach. Commissioner: Cutting has worked in the past but cutting may also cause it to spread even more so. Leaving the area barren areas may cause it to run rampant. Repeated treatment of herbicide can be affective. We could plant a hardier plant to try and take control of the area. If we don't do anything it will go wild. Another Commissioner: Switch grass or blue grass or a native grass might be a good idea. Site visit planned.

Violations and Compliance issues

Newport Road: Someone is eroding the land in front of s neighbor's house. Commissioners: What do you think that we should do about this? Commissioner: It seems like it is on town property. Could DPW put a storm drain in? The truck parks ½ in the street and the yard. Another Commissioner: It is a land use issue. Another Commissioner: Issue an order to the town to remedy. Kendell Wright: They are supposed to be paving Newport Road soon. Commissioner: I think that DPW will pave with proper grading. Wright: The cuts that the town made may help with the erosion. Commissioner: If he's parking on the mud and grass on town property then it's up to the town to deal with it. Commissioner: Chris can you talk to DPW. Krahforst: I think that it is up to the property owner to reach out to the town.

10:31pm- Motion to adjourn by Sorgi 2nd by Campbell. Best-aye, Sorgi-aye, Paquin-aye, Campbell-aye, Jacintho-aye.