

**Hull Conservation Commission  
Meeting Memo  
Tuesday, March 22, 2022  
Meeting held online, via GoToMeeting**

<b>Meeting Remote Location</b>	<b>Remote Call-in meeting with GoToMeeting:</b> <a href="https://meet.goto.com/324360133">https://meet.goto.com/324360133</a> <b>OR:</b> <b>By Phone:</b> (408) 650-3123 <b>Access Code:</b> 324-360-133
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Field Code Changed

**Members Present:** Paul Paquin, Chair, Tammy Best, Katherine Jacintho, Lou Sorgi, Sam Campbell  
**Members Absent:**  
**Staff Present:** Chris Krahforst, Conservation Administrator, Renee Kiley, Conservation Clerk  
**Staff Absent:** none  
**Minutes:** Consideration of Minutes of 3/08/2022: Motion by Sorgi to approve the minutes as amended, 2<sup>nd</sup> by Campbell. Roll call: Campbell-aye, Best-aye, Sorgi-aye, Jacintho- aye, Paquin-aye

**AGENDA**

**7:30 Call to order**

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

7:34pm Sam Campbell joined the meeting

**7:36 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:** none  
**Abutters/Others:**  
**Documents:**  
Krahforst: The main reason the hearing was not opened at the last meeting was because there was not proof of mailing and no representative was present. The current proposed construction of the new home extends onto town property and needs Town signature on the NOI application. Commissioner: We cannot open the hearing because of an incomplete application. No action taken.

**7:40 49 Edgewater Rd., Map 29/Lot 015 (SE35-1663) Opening** of a Public Hearing on the **Notice of Intent** filed by **Kerry Adams** for work described as **repair or replace existing wooden retaining wall with poured concrete, reconfigure hot tub area to include deck level with adjacent paver patio adding walkway to existing southern deck on house, add helical piling to existing deck, revise stairs to beach area, replace stockade fence, install new stockade fence, and add hog wire fence to front of property. Abutter Notification:** proof provided. **Resource Areas:** **Coastal Beach** (storm damage protection, flood control, wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA AE 10** (storm damage prevention, flood control), **Coastal Bank** (likely storm damage prevention, flood control). **Possible c.91 Jurisdiction Site visit done:** 3/20  
**Representatives:** Kerry Adams  
**Abutters/Others:**  
**Documents:** Proposed Plans  
Paquin recuses himself. He is an abutter.  
Adams: There is an existing hot tub that is behind an existing wooden retaining wall. The retaining wall is made of wooden railway ties which is rotting. The plan is to replace the retaining wall with poured concrete and reinforced with rebar. The wall will be the same size as existing. The hot tub wooden platform also needs to be replaced. The new platform will be raised to be level with the proposed deck and walkway connecting the hot tub area to the house as shown on the plan. There also is an existing set of stairs going down to the beach. We would like to move the stairs further to the left (west) to accommodate the new deck/walkway. There is an existing cantilevered deck along the waterfront which we propose to add helical posts. There is also an existing stockade fencing on the east side which is proposed to be replaced in kind. We will also propose to extend the stockade fence further towards the waterfront and add a new stockade fence along the western property boundary. Commissioner: There is existing rip rap stone under the deck. Will that be altered? Adams: No. Commissioner: Are the helical piles to be placed in the riprap? Adams: They will have to move part of the rip rap during the helical work. Commissioner: Will there be any machinery on the

beach? How will this project be staged? Adams: I'm unsure; I don't think that they will bring machinery on the beach. Commissioner: How will they get the helical machine down? Commissioner: We would need to know how the helical piles will be installed. Commissioner: The plan says that the helical piles would be driven in. Commissioner: Are there 2 retaining walls? Are the other levels shown on the plan being removed? Adams: The retaining wall goes through the entire property. Commissioner: Are you pulling out everything? Adams: There is a little rock wall in-between the deck and the hot tub. That will be removed. Commissioner: Will they do the helical work from the top side? Adams: They will do the top ones from the top. The company said that they would not need to access the beach. Commissioner: I'm not sure how it would be done from the top. Another Commissioner: Is the house above the high water mark? Commissioner: It looks like part of this project is within c.91 jurisdiction. Commissioner: Does the high water mark extend to under the deck? Krahforst shares GIS map showing c.91 jurisdiction for the property. Krahforst: The retaining wall was originally permitted and DEP Waterways had determined at that time a c.91 license was not needed. However, the plans do not appear to show enough detail about the proposed wall. How deep will the footing be? How will construction be done or who is going to do the work? Is there any engineering design? Commissioner: The permitted wall was a timber wall, it's in an FEMA AE zone, and located on the coastal bank. Commissioner: The map is showing that much of the house is within c.91 jurisdiction; what does it mean? Krahforst: The deck was permitted as a cantilevered deck and received a c.91 license. The current GIS c.91 jurisdiction data layer appears to be in contradiction to the early c.91 jurisdiction assessment. I'm not sure if changing the cantilever deck to be supported by helical piles is captured under the current c.91 license. Chapter 91 clarification will be needed. This is a coastal beach with cobble. If heavy equipment is proposed to be used on the beach there may be a need for Marine Fisheries review and comment. I can assist the applicant with that. I'm unsure what material will be used and how it much of the project would be constructed. Commissioner: I think the proposed project is premature. We don't have any engineering. We also need clarification on c.91 issues. Would the applicant consider a continuance? Adams: Yes.

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

8:10pm Paquin rejoined

**8:10 14 K St., Map 14/Lot 045 (SE35-1616) Opening** of a Public Hearing on the request to **Amend the Order of Conditions** filed by **Michael Judge** for work described as **construct new 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 and pollution prevention, flood control). **Site visit done:** 4/25/21  
Representatives: None  
Abutters/Others:  
Documents: new proposed foundation plans  
Krahforst: Foundation plans were reengineered but within the same footprint and doesn't change any of the flooding issues considered under the original OOCs. New plan shown. This is more of a building department issue. The layout was approved last April. Amendment was sought to update record file with new proposed plan of record.

Motion to amend the Order of Conditions by Sorgi 2nd by Campbell. Best-aye, Sorgi-aye Jacintho-aye, Paquin-aye, Campbell-aye

**8:16 189 & 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.* **Resource Areas:** **Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10'/X'** (storm damage and pollution prevention, flood control). Site visit done: many times.

Representatives: Adam Brodsky  
Abutters/Others: John Chessia Peer Reviewer Sam Siegel Horizons Resident  
Documents:

Brodsky: We would like to continue until 4/12. Krahforst asked for an update on the peer-review. Chessia: We dug test pits on Friday to confirm soil conditions. While out there I did some investigation relative to the existing features that were shown on the existing plan. The existing conditions plan does need additional work. Some information wasn't consistent with observations in the field. There were some inaccurate contours. The other issue is they had an assumed a storm drain connection that was not visible during my site visit. When we opened storm drain covers to look for the connection that didn't appear to exist and we found a storm drain pipe that wasn't on the plan that drained across George Washington Blvd. out into the bay. They are going to have to locate both ends of the pipe and determine the elevations. We found evidence of a railroad bed as well as a salt marsh that was been buried in the middle part of the area. That area would not be suitable for installing a drainage system. On either end we found suitable sandy soil for a storm water drainage system. The biggest issue with the site is that it drains into the bay and to clam (soft shell) habitat. Water quality is an important consideration. However, this project isn't going to cleanup of

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the bay as there are many other existing drains that may not have much clean up in the broader region. Every new drain properly designed should incrementally address stormwater pollution so that over time the bay may get cleaner. The applicant's engineers are exploring other options. The water table was visible in the test pits at high tide and evidence of (soil) staining such that we have a better understanding of where the stormwater systems need to be located elevation wise. There is concern of water backing up into the design during an extreme high tide. The maximum ground water elevation observed was lower than the high tide elevation because it takes time to filter through the ground. From the one pipe that we found that connects to the bay we could see water come into the storm drain structure and was at least 2 ½ feet above the ground water level of the test pits. Chris was on the site and tested the groundwater for salinity. Most test pit water was fresh. The most important thing is the quality on the runoff, treatment of the runoff, and the ground water recharge, which is a requirement and consideration for the construction phase. Silt loading to the pipe is important since there is a direct connection to discharge into the bay. Krahforst noted that the representative's engineers were on site and working closely with Chessia and taking notes of the findings. Commissioner: Will over wash from the Atlantic side during coastal storms fill the parking lot up? Chessia: The proposed design will need to be changed. If it does receive over wash, this would then drain through the stormwater drainage pipe. There isn't an outlet other than the pipe discharging to the bay. I suggested some type of tide gate to prevent flooding their system from high water in the bay. I don't know what the final plan for the drainage will be. Commissioner: How much time is really needed to develop the design to address these concerns? Should this be continued to April 12<sup>th</sup>? Chessia: There might be more time needed. We just dug the test pits on Friday. Some survey will need to be done in the field. Brodsky: When will your 2nd meeting be in April? Commissioner: 4/26. Brodsky: It may need to be continued to 4/26. Siegel: My neighbors are very concerned. Hard topping everything will be a disaster in the making. The Horizons parking lot has flooded. This project needs very close scrutiny because I think that it is going to be disastrous. Commissioner: That is why we have a professional reviewing the plan.

Motion by Campbell to continue to April 26<sup>th</sup>. 2<sup>nd</sup> by Best. Sorgi-aye (by hand), Jacintho-aye, Paquin-aye, Campbell-aye, Best-aye

**8:31 Beach Ave., Maps 12, 13, 15, 17, 19, 21, 23, 25, and 27 (SE35-1661) Opening of a Public Hearing on the Notice of Intent filed by Town of Hull for work described as *maintenance of pedestrian dune crossings and removal of sand encroachment on existing Beach Ave roadway for public safety purposes*. 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, AO (Depth = 2'), VE 15** (storm damage and pollution prevention, flood control), LiMWA. **Site visit done:** 3/20. ***This project is being reduced to only include "removal of sand encroachment on existing Beach Ave roadway for public safety purposes"***.

Representatives: Chief Russo, Chris Gardner DPW

Abutters/Others: Tillman Hyne, 21 Manomet, Casey Callahan, Adam Brodsky, Charles Schaffer, Susan Mann 109 Manomet Ave, Debby Monoson, Marc Gladstone 117 Beach Ave, Susan Short Green 71 B Street

Documents: Proposed plan. Topographic map of the project site

Chief Russo: This NOI addresses a need that is a matter of public safety. We are looking to gain width on Beach Ave. There are sections of Beach Ave that have been reclaimed by the primary dune migrating onto the road. The fire apparatus must be able to move down the avenue for emergency services. We want to be very careful and only reclaim what is needed. Under 527 CMR 1.00, a 20 foot width is required for emergency apparatus. The highway department has marked this off in areas along Beach Ave. I was on Beach Ave with some of the residents and I understand the concern, but free access is needed. We also have issues of access coming from the perpendicular side streets off of Manomet Ave into Beach Ave without having to make 3 point turns and backing up. It is truly about the response time to provide proper emergency services. Commissioner: You don't intend to do the entire length of Beach Ave? You are going to take away part of the dune were it intrudes into the roadway? Chief Russo: That is correct. There are areas on the corners of perpendicular streets coming into Beach Ave that is the most important concern. Some areas of Beach Ave have widths of nearly 22 feet. We also looked at the problem of cars parked on the side of the avenue that impact fire apparatus access. We do not necessarily want to impact current parking practices. Krahforst: In some cases some projects that are proposed to the Commission may not meet the performance standards for wetlands resources. In this proposed case the dune would not be allowed to freely migrate as is required by the performance standards for a dune in WPA regulations (310 CMR). Mechanically removing dune sand is also usually not permitted. However, there are provisions in 310 CMR that allow the Commission to consider some projects as limited projects for the reasons that the Chief has explained. In doing such, the Commission can condition a project that may not necessarily meet these performance standards but minimize the impact to the resources. I will work with DPW to better define the proposed area of work and what will happen to the removed sand. The sand could be used for dune maintenance or if there is a blowout of the dune due to coastal storms. Under 310 CMR 10.24 - for limited coastal projects - there are provisions in the regulations that allows maintenance and some improvement to a public road to be considered as limited project. DPW has asked the Commission to consider this as a limited project because it is not clear that meeting of the performance standards of the resource is attainable. The coastal dune is a WPA protected resource located in the proposed project area that is Land Subject to Coastal Storm Flowage, though LSCSF currently has no performance standards. I think that it is important for the Commission to

consider the coastal dune performance standards even though this project is proposed as a limited project. Limited project status provides the commission to allow for discretion when considering critical performance standards under the WPA. Commissioner: What I saw on the site visit looked like a lot of areas were marked. Is it possible to better identify which areas will be addressed? Chief Russo: We could more carefully delineate the areas in question. We are not proposing a 3 foot-wide swath down the entire Beach Ave. We will be back out with DPW and Chris Krahforst to mark off and measure the points out from the telephone poles. Krahforst: We currently have a very accurate topographic map of the dune. I will work with DPW to provide the annotations and what is being removed. I can make a crude estimate of how much sand will be removed. We can do a better job identifying the area. Chris Gardner DPW joined call. Commissioner: I heard Chris say that the sand would be stockpiled. What about vegetation being removed and what will be the planting plan? Gardner: The sand removed will be stored at the landfill. We will carefully remove what is needed to be removed. We want to have the least amount of impact to the dune. Commissioner: Is there intent to plant areas that are mitigated? Gardner: We anticipate this will become a periodic maintenance activity. We will restore the vegetation to impacted areas to the best of our ability. Commissioner: Is there any maintenance work plan in place? Krahforst: Historically, in 2008-2009 the dune had reached this level of encroachment and they worked with the conservation agent to reclaim that part of Beach Ave. I reached out to DEP and concluded this activity should be permitted and conditioned. There is a draft project narrative in process that will detail what procedures need to be followed to do this work which will be shared with the Commission to help condition this proposed project appropriately. In addition, we do not have comments back from Fish and Wildlife. This area is located in protected habitat for piping plovers. At this point we would like to continue this project until Fish and Wildlife comments, a detailed DPW maintenance plan is prepared, and the exact places of where the dune will be cut back is received. Tillman Hyne 21 Manomet: At the southern end of Beach Ave there are canyons where sand have been washed away. I've shoveled sand away from the house back onto the beach. Can sand be used in the damaged area at the southern area of Beach Ave? Krahforst: That is part of the plan. Nantasket Beach sand is a precious commodity. It will be used for restoring weaknesses in the dune. We will have to identify these areas periodically. Casey Callahan: It sounds like there is a draft of a plan which doesn't have all information needed. It sounds like there is a recommendation to move forward. I'm not trying to say that is the right or wrong thing but that is what is being done. Commissioner: Chris Krahforst has asked for a continuation, not that the project should move forward without addressing the issues raised. Callahan: I thought that it meant to continue the project. Also, I take an issue with the project being called reclamation of Beach Ave. It sounds like the town is taking over Beach Ave. It should be documented that it is Beach sand removal for necessary safety. Commissioner: The language is unclear. It has been stated that this project is for sand removal. It may be that the road is being reclaimed for human use. Krahforst: The proposed project was re-advertised with the current language: *removal of sand encroachment on existing Beach Ave roadway for public safety purposes*. Should the commission issue an order of conditions I will recommend they will not use the word reclamation. Judy Haas: I would like to see it well documented in the beach plan. Commissioner: After the proposed mediation, the dune will slope and will keep sloping onto the road. Haas: The dune should be replanted with grass. Commissioner: Instead of ripping out the vegetation, I would like to see the roots to be retained. They are trying to clear the road while protecting the people to the west. Haas: And protect the dune. Commissioner: They will have to continue maintenance. Haas: The dune is constantly moving. Debby Monoson: I am worried about the vegetation. My dad planted pine trees and bushes in the dune 30 years ago. Because of such, there is usually less sand in front of our house. Last year they came through and ½ of the vegetation was gone. There was a problem coming down Coburn and fire trucks couldn't come down. You could have a "don't park" zone 10 feet of a corner. Commissioner: Thank you for maintaining the vegetation. We do have to have fire services until we have to retreat, I don't think we are close to that need yet. Adam Brodsky representing Charles Shaffer of 121 Beach Ave: I have provided a letter with Shaffer's comments. I'm glad to hear that the town is going to supplement the NOI with a detailed narrative. The Commission wouldn't allow a home owner to alter the dune without more information. Heavy equipment may not be the best choice for the project. Why does this qualify for a limited project with a restoration plan? It was unclear what the public safety issue is. The town may not proposed this work because it is in front of or on their property. The Shaffer's are good caretakers of the dune. They don't want to risk the destabilization of the dune in front of their home. They believe that the roadway is wide enough for public safety vehicles. The dune does not migrate in front of their home. We don't know how wide the roadway is. This is a primary frontal dune and any activities will prevent that dune from providing storm damage protection and flood control. Not all land owner's, including Mr. Shaffer, have signed the NOI (as landowners). This is in violation of the WPA. It doesn't meet the regulation if the town is going to do work on their land if the Shaffer's don't sign the NOI. Commissioner: The town asserts that the town owns the land where the dune work is proposed. Susan Mann, 109 Manomet Ave: What is going to happen to the sand that is removed? Commissioner: It will be stockpiled. Mann: Sand should be stored in a safe place and it must be sifted according to the Beach Management Plan. It's not good practice for citizens to shove it back on to the beach. I have seen DPW scrape the street and put it along the entrances. It puts a huge burden on the fencing at the primary dunes. There must be more care in placing sand on the dune. The sand should be sifted and cleaned. Commissioner: Everyone has to follow the Beach Management plan. Mann: I'd like to see a weekly or monthly Beach Ave cleaning by DPW. Charlie Shaffer: You're basically saying that the stakes are inaccurate and starting all over again. Commissioner: No, it was agreed to more closely identify where the street needs to be widened. Shaffer: I will rephrase my question. The stakes may or may not be accurate. Commissioner: They may or may not be. The Chief will measure from the telephone poles. There will be a more thorough plan submitted for this project. Shaffer: Most everywhere on Beach Ave is 20 feet wide. You are proposing to cut a couple of feet into the dune from Revere to Adams. The maps include A Street –XYZ Street. Commissioner: That may be a possible error in the filing.

Shaffer: Some of the sand they scoop up will leave a wall of sand that will fall back into the street. The other problem that allows this to happen is because you can't plant because sand is placed on top of it. Colburn Street is the worst. Susan Short Green, 71 B Street, corner of B Street and Beach Ave spoke about a previous Beach Ave incident where sand was removed for drainage and the sand was piled on top of the dune which included a cinder block and asphalt material not removed. Commissioner: Sand removed for this project isn't being proposed to get dumped back onto the dune. Marc Gladstone, 117 Beach Ave: If the intent is as stated to make sure that public safety vehicles can come through Beach Ave, the plan is like killing a fly with an elephant gun. There is no problem in my area between Warren and Colburn. There may be problems at the turning at the corners (of perpendicular streets). Strip mining the dune in the project area is overkill. Never mind who owes Beach Ave and the dune. Commissioner: It was stated that in most cases it will be at the street intersections on Beach Ave. The town will document the proposed work area more exactly. Gladstone: During the No Name Storm in 1991, the Army Corp. of Engineering haphazardly replaced the dune in front of 117 Beach Ave. and the neighbors took the sand from their backyards to the dune and planted beach grass. The town represented that the ACOE would replace the dunes. Beach Ave drainage has since worsened. If the dune is destroyed it will get the same treatment that the drainage has received since 1991. Commissioner: It has been a long time since 1991 and we are more sensitive to what is to be done and have faith that things are getting better.

Would the applicant request a continuance? Chief Russo: Yes.

Motion to continue until 4/12 by Sorgi 2nd by Campbell Jacintho-aye, Paquin-aye, Campbell-aye, Best-aye, Sorgi-aye

9:28 recess

Return at 9:35pm.

- 9:35 27 James Ave., Map 06/Lot 076 (SE35-1647) Opening** of a Public Hearing on the request to **Amend the Order of Conditions** filed by **Shady Bishay** for work described as **demolish existing house and construct new single family home. Abutter Notification:** proof provided. **Resource Areas: Land Subject to Coastal Storm Flowage: FEMA VE 12; LiMWA** (storm damage prevention, flood control); **Possible c.91. Site visit done 12/02/21.**  
Representatives: David Ray, Shady Bishay, Steve Meyers  
Abutters/Others:none  
Documents: Proposed Plan, ZBA decision  
Bishay: I'm being represented by David Ray & Steve Meyers  
Ray: In December 2019, the plan was approved but it was suggested to move the house out of c.91 jurisdiction. We went to MA Waterways (c.91) and the plan as proposed did need a c.91 license, so we propose to move the house back 3 feet out of c.91 jurisdiction. We already received a variance from the ZBA for this amendment. What is proposed is outside of c.91 jurisdiction. We also proposed to change the stairs to open up the access way a little bit more from previous. Meyers: The designs essentially stay the same, foundation is the same. The wood framed stairs are a little smaller. Commissioner: What is the 1st floor elevation? I think that it is 15 ft. Ray: The house is located in a FEMA VE 12 zone.

Motion by Sorgi to issue an amended Order of Conditions 2nd by Campbell Paquin-aye, Campbell-aye, Best-aye, Sorgi-aye, Jacintho-aye

- 9:45 26 Stony Beach Rd., Map 51/Lot 037 (SE35-1665) Opening** of a Public Hearing on the **Notice of Intent** filed by **Paul O'Brien** for work described as **demolish existing house & construct new two-story house. Abutter Notification:** proof provided. **Resource areas: Coastal Barrier Beach** (storm damage prevention, flood control, wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA AE 17 and VE 20** (storm damage and pollution prevention, flood control); **Subject to Limit of Moderate Wave Action (LiMWA); possible c.91 Jurisdiction. Site visit done: 3/20**  
Representatives: David Ray, Paul O'Brien, Carol O'Brien, Adam O'Brien, Adam Brodsky  
Abutters/Others: Marie Fleming 24 Stony Beach Road  
Documents: Existing and Proposed Condition  
Ray represented the project to propose construction of a new home. There is an existing front foundation wall that serves to support Stony Beach road. The road is raised. The existing house will be demolished, and the existing foundation wall will be cut to just below the grade of the road and continued to be used for the road's support. Construction of a new house is located in an AE 17 Flood Zone on a concrete foundation with flood vents and is located outside of the VE zone. The proposed house will have a basement. The 1st floor elevation will be at 18.5'. We are getting rid of the concrete behind the house. Dry wells will be located in the backyard to control runoff. Commissioner: The one side on the house will be much closer to the property line than the existing home. Brodsky: This home has received a special permit from the zoning board. Commissioner: Will the long walls where the house is be removed? Ray: The wall will be below the adjacent grade. Commissioner: There is retaining wall on the right side, adjacent cobble material at grade, and the walkway. How is the grade being married to the proposed project? Ray: The new house will be located to where that wall was/is. The wall will be cut down to grade. We are going to bring the area back up to the adjacent grade. The wall will be removed except were the new house is being built and will be back filled. Krahforst: Will the wall be used as part of the new foundation? Ray: No. Commissioner: Was there a narrative submitted. Where neighbors notified? Ray: Yes, and the neighbors participated in the ZBA meeting.

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Commissioner: Will the wall with wooden boards remain? Ray: That wooden wall will be removed and there will be no impediments for water moving to the rear in that location. Commissioner: This is located in a LiMWA. The house is being widened and will exacerbate flood water deflection to the neighbors. Ray: There will be flood vents that will allow for water to flow through. Krahforst: Training through MACC indicates that deflection of flood waters be consideration in new projects. This is not an entirely new structure with respect to coastal storm flowage since there is an existing house to be demolished. Even though the footprint is expanded, bringing a new home that is FEMA compliant would most likely reduce the existing impact to the area. This area experiences over wash. However, the seawall has recently been elevated by 3 feet and has shown significant reduction in over wash impact to the area. The proposed structure is an improvement to the site. Ray: I would like to point out that the LiMWA ends at the VE zone and we are pulling it further away from that area. Commissioner: Can you comment about drainage to the park in the rear? Another Commissioner: They are putting in drywells. Ray: They are talking about maintaining or adding gravel in the rear but it may be impermeable pavers. Krahforst: The FEMA flood maps shows the LiMWA goes past the wall. Ray: I agree but we are pulling the house out of that. O'Brien: We will either repurpose the soil or add material that is native to the site. We are reducing about 9-10% of the impervious surfaces. O'Brien: If you look at the front of the house, the stones haven't been compacted. In the back of the house the stones are compacted. Chris and I have had a conversation; how do we address getting more water into the ground? We want to get this property back to where it was naturally. Commissioner: It didn't look like there was a 2<sup>nd</sup> egress? (Not a Conservation issue.) O'Brien: There is a covered stairway under the house. Ray: This house is a green design which will heat and cool more efficiently with Adam O's design.

Marie Fleming 24 Stony Beach Road: We're excited to have a new house next to us. When would construction start? O'Brien: we would like to start in September. We can't get a lead time for many materials, so much depends on that availability.

Motion by Sorgi to issue an Order of Conditions 2nd by Campbell Campbell-aye, best-aye, Sorgi-aye, Jacintho-aye, Paquin-aye.

#### **Certificate of Compliance Requests**

1133 Nantasket Ave (SE35-1507), applicant is not ready for COC

#### **Continued and New Business**

Request to extend SE35-1380 OOC for Permitted Pedestrian Path maintenance

Krahforst: The original was a 2009 Order of Conditions that included Town-maintained pedestrian openings from Malta to L Street, but not including A Street. The OOC has been continued and is about to expire. It is one of reasons that the maintenance part was removed by from the new NOI for the DPW Beach Ave project heard earlier this evening. Natural Heritage of Fish & Wildlife had commented on the NOI and was conditioned as such in the OOC. Commissioner: We have to do this to maintain the dune paths. Commissioner: We heard issues regarding the DPW Beach Ave project earlier. Do we know how they clear the paths? What about what happens to the grass from this maintenance activity? Krahforst: This maintenance follows the BMP but we need tighter oversight for better adherence to the BMP. In some case there needs to be more finesse when using heavy equipment. Leadership at DPW has changed and there is better communication. Commissioner: Do you think we should attach BMP to the OOC Extension? Krahforst: I think that we would have to have to start a new NOI since this is a request to extend an existing OOC. Commissioner: By next year, we should think about moving the paths away from the storm drains. Commissioner: I hear everyone's concern about extending the OOC. Should this be extended for 3 years since and we aren't implementing well the BMP for care of the dune? Another Commissioner: We can extend it for only 1 year. Commissioner: I don't know that they are maintaining the dune in the correct way. The Beach Management Plan was adopted by the Town. Is it enforced? Clean fill should be placed on the dune. Krahforst: I think that guidance from the experts regarding placement of sand on the vegetated dune is being followed. Krahforst shared e-mail from Woods Hole Group regarding depth of sand placed sand over grass doesn't damage beach grass if kept between 1 – 1.5 ft in depth. The impact should be minimal even with today's practice. Commissioner: We did discuss a work plan and putting it to paper. There is nothing that is giving DPW the guidelines. There is no work plan. Krahforst: They do have a narrative on how the work it will be done and references the BMP. This is an extension request for an already permitted activity. Commissioner: Could we extend it for one year and then try to improve dune path maintenance? Commissioner: I think that would be acceptable. Casey Callahan: I think that the extension should be conditioned. Commissioner: There is a narrative and a detailed plan. When it was conditioned there was a thorough review. Callahan: The plan should be more transparent. It should be published publicly. You'll get miles further. Commissioner: The narrative that was shared and created with The Beach Management is very thorough and allows the Conservation Agent to oversee all actions. It has been conditioned that the town contact the administrator before the DPW conducts any of the maintenance activities. Susan Mann: Vice Chair BMC, stated that it is important to continue the permit. I don't know what would happen to the paths if the OOC was not continued. The paths need to be re-graded and re-sloped. We are quickly running into the plover season. I do agree that the plan needs to be improved and we need to think about how the Mobi mats will be installed. I hope that the Mobi mats have been ordered. The paths at the intersection are the most impacted, fire trucks have trouble turning. Mobi mats may help the situation. We do need a permit to do basic work on the paths. Susan Short Green: What happened in front of my house DPW dug out the dune to expose the catch basin, I was upset and called Chris. If you see something say something. They didn't take too much care of the dune, and they tore out the *Rosa rugosa*. Chris said that it was less

than a foot. There needs to be accountability. It can't grow through cinder blocks and asphalt. We need to hold people accountable. Casey Callahan: I'm in support of the project. Krahforst: Mobi Mats are 4 feet wide and as such if installed may significantly impact the dune's ability for storm damage protection and flood control even though they may be very useful providing improved access for less mobile beachgoers. N Street is targeted for a Mobi Mat, but that path isn't part of this permit.

Motion by Sorgi to extend DEP SE35-1380, Paths from Phipps to L Street except A Street until April 1, 2023, 2<sup>nd</sup> by Campbell Sorgi-aye, Best-aye, Jacintho-aye, Paquin-aye, Campbell-aye

#### **Violations and Compliance issues**

Notices of non-compliance HRA Parking Lot, Map 33/Lot 066

A non compliance letter went out to the HRA and the owner of the hotel the deadline for the NOI is 4/25/2022, if no correspondence is forth coming the department will issue an Enforcement Order and start issuing tickets.

Motion to adjourn by Sorgi 2<sup>nd</sup> by Campbell Jacintho-aye, Paquin-aye, Campbell-aye, Best-aye, Sorgi-aye