

**Hull Conservation Commission
Meeting Memo
Tuesday, March 08, 2022
Meeting held online, via GoToMeeting**

Meeting Remote Location	Remote Call-in meeting with GoToMeeting: https://meet.goto.com/293088997 OR: By Phone: (408) 650-3123 Access Code: 293-088-997
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Members Present: Paul Paquin, Chair, Tammy Best, Katherine Jacintho, Lou Sorgi, Sam Campbell

Members Absent: none

Staff Present: Chris Krahforst, Conservation Administrator, Renee Kiley, Conservation Clerk

Staff Absent: none

Minutes: Consideration of Minutes of 2/22/2022: Motion by Sorgi to approve the minutes as amended, 2nd by Jacintho. Roll call: Best-aye, Sorgi-aye, Jacintho-aye, Paquin-aye

AGENDA

7:30 Call to order

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

7:40: S. Campbell joined the meeting

7:40 2A Marina Drive Map 60/Lot 900 (SE35-16XX) Continuation of a Public Hearing on the **Notice of Intent** filed by **Spinnaker Island & Yacht Club Association** for work described as **repairs to Spinnaker Island Causeway Bridge**. Notification: proof provided. **Resource Areas: Land Subject to Coastal Storm Flowage: FEMA VE 12.**
Site Visits done: 2/7 and 2/8

Representatives: Danielle Goudreau, Ryan McCoy

Abutters/Others: none

Documents: Division of Fisheries & Wildlife Determination 02/24/22

Goudreau: No changes from previously presented project are proposed. A draft of special conditions for the Commission to consider was sent to Krahforst that includes review from MA Marine Fisheries and MA Division of Fisheries & Wildlife (F&W). F&W doesn't believe that this project will result in a prohibited Take of state-listed rare species. Requests we received from town departments require coordination with the contractor prior to and during project construction. The Hull Municipal Light Plant has requested coordination of existing utilities beneath the causeway and that will be dealt with separately for this application. Krahforst: I have reviewed the applicant's proposed special conditions language and recommend the Commission to walk through them here. The proposed special condition #4 does not appear to be necessary as this intent is captured in the Hull standard conditions. Overall, the proposed special conditions provide a great deal of thoroughness. Commissioner: Has anyone from the public commented on this project? Krahforst: The office hasn't received any comments. Motion by Sorgi to issue an Order of Conditions with the proposed special conditions submitted by the applicant as amended and outlined in this hearing. 2nd by Campbell. Jacintho-aye, Campbell-aye, Paquin-aye, Best-aye, Sorgi-aye

7:47 189 & 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. **On 03/02, the applicant's representative requested a continuance to March 22 at a time TBD.**

Representatives: none

Abutters/Others: none

Documents: none

Krahforst: Commissioner: The peer-review has been received and shared with the Commission. The reviewer was unavailable for this hearing and will be available to guide the Commission on this report on March 22nd. The applicant has requested a continuance to March 22 at a time TBD. Commissioner: A continuation benefits the town. Another Commissioner: The peer reviewer will help me understand the information. Commissioner: This has dragged on for too long. We would like to know what they did regarding the building and the boardwalk. Krahforst: I will put together the activities that have taken place.

Motion by Sorgi to continue to 03/22/22. 2nd by Campbell. Campbell-aye, Paquin-aye, Best-aye, Sorgi-aye. Jacintho-aye.

7:52 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 **not** 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: Robert Platka, Polly Feinberg, Eric Bradlee

Documents: Existing and Proposed Conditions Plan.

Krahforst: This application was incomplete. I worked with the applicant to get this signed in order that it was properly completed. I also submitted the NOI to DEP to ensure a permit number was issued in time for this hearing tonight. The submission to DEP is the responsibility of the applicant or the applicant's representative. I also haven't received any proof of mailing. This project does need the applicant or representative to present this project. It appears there is no representative present here tonight. Briefly, they are proposing a larger building and part of this is outside the property lines. It also appears to be larger than what was recently demolished under a separate permit and appears to be more non-conforming than the original structure. It has a set of stairs up to a deck and needs to go before the ZBA. These are a few of the many issues that only the applicant can speak to. Commissioner: We don't have all the applicants here. The town would have to be a participant in the hearing. This house cannot exist the way it is. Another Commissioner: Have the abutters been notified? Commissioner: Are you comfortable continuing? Krahforst: My request is not to open the hearing until notification had been provided. The Commission decided not to open this hearing.

7:59 21 Pt. Allerton Ave. Map 10/Lot021 (SE35-1662) Opening of a Public Hearing on the **Notice of Intent** filed by **Laurie & Jay Trilling** for work described as **replace building walls & proposed deck on helical piles. Abutter Notification:** proof provided. **Resource Areas:** **Buffer to a Coastal Bank; Land Subject to Coastal Storm Flowage; FEMA VE (21'), AO (Depth = 3'); X Zone. LiMWA. Site visit** done 3/5-3/8.

Representatives: Jay Trilling, David Ray

Abutters/Others:

Documents: Proposed and existing conditions, photos of home

Ray: We propose to remove existing rear deck and construct new deck on helical piles to make it FEMA compliant. There are some issues with the upper rear walls at the deck levels that will be repaired and replaced. Commissioner: Will the existing side stairs be replaced? Ray: No. Commissioner: Are the helical piles going to go in the same place. Ray: In general. Another Commissioner: There should be no heavy equipment on the oceanside of the retaining wall. Krahforst: The rear deck and rear of the house are located in a V zone. Motion by Sorgi to issue order of conditions with the special condition that (1) the deck will not be enclosed and (2) nothing will be stored underneath. 2nd by Campbell. Paquin-aye, Best-aye, Sorgi-aye, Jacintho-aye, Campbell-aye

8:08 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 reclamation of Beach Ave roadway. Location of proposed project is Beach Ave and town-permitted pedestrian accessways along Beach Avenue from Phipps to XYZ Streets. 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 many times. *This hearing is postponed and will be re-advertised as: maintenance of pedestrian dune crossings and removal of sand encroachment on existing Beach Ave roadway for public safety purposes.*

Postponed until 3/22.

Representatives: C. Krahforst

Abutters/Others: Tillman Hine

Documents: None shared.

Krahforst: Abutters will be notified

8:11 Floor to Judith Van Hamm

Van Hamm request to present a Power Point Presentation. Krahforst: Everything shared needs to be received to the office. Van Hamm agrees to submit presentation and shares presentation on solar personal rapid transport for Hull. Commissioner: What do you want from us? Van Hamm: I would like to bring a brief statement to be voted on at town meeting saying that we are interested in having solar rapid transit coming to Hull. That's enough of a commitment to go forward. Another Commissioner: Judith should present a sample letter. Van Hamm: I verbally gave you the motion, it's too late to do a citizens petition. Would you be willing to use those words? Krahforst: Are you presenting on behalf of a for profit company? Van Hamm: Yes, I am. Another Commissioner: I think that Judith is trying to put something on the town warrant. Van Hamm: That is it correct. Commissioner: Someone has to propose building it before we vote on it. Commissioner: The Conservation Commission could recommend something to the town. We have asked the town to support a continuous dune. Recently, we went to the town and recommended that they support dune restoration efforts. Another Commissioner: We don't have a lot of information about this project (Solar personal rapid transit)

though it sounds thoughtful and interesting. What is the harm in supporting it? I'm uncertain regarding the political aspects of this project. Van Hamm: Normally, I would wait a year. To get this company here I have to have some expression of interest. Krahforst: This is a request of the Commission to support a warrant that hasn't been written or reviewed. It also has a specific commercial interest. I don't think that a town body can support a warrant that is of a sole enterprise. It would be similar to issuing an order of conditions without having a review and comment form a required government body. Van Hamm: Can I ask for an endorsement of the idea at town meeting? Commissioner: We have never officially done an endorsement of a warrant in this way, especially since it is presented here with inadequate time for review and for us to request for more information. No action was taken.

Certificate of Compliance Requests

None

Continued and New Business

Conservation Commission 2021 Annual Report to the Select Board

Motion to approve by Sorgi. 2nd by Jacintho. Sorgi aye, Jacintho aye, Paquin aye, Best aye

Summary of observations from MACC conference attendance (e.g., c.91 coordination, managed retreat, etc.) was shared by Krahforst (on managed retreat and considering c.91 issues for relevant hearings when drafting Orders of Conditions), Paquin (A new modeling program that takes into consideration not only flooding but wave action and developing bylaws that limit development in flood plains, and possibly requiring real estate agents to inform potential buyers what flood zone they are in and what flooding they may expect.)

Violations and Compliance issues

Continuation of HRA Parking Lot, Map 33/Lot 066

Krahforst: The HRA submitted an RDA for after-the fact installation of fencing and for the use of parking. The Commission issued a positive determination and HRA submitted a NOI. The Commission approved the fence but not the parking lot aspect. The Commission asked for clarification about the historic use of the lot for parking and whether that use was now vested and thus exempt from consideration under the WPA. Lampke: Chris and I have discussed the parking lot on the HRA land. The question that I was presented with was if parking has taken place for so long is it vested and does it need a permit? This activity is not vested and the operation is currently a violation under the wetlands protection act. My recommendation is to 1st try to discuss it with the hotel owner and the HRA. You do have full authority to enforce the WPA with respect to this matter. The Commission agreed that the HRA needs to properly address the parking use before the Commission and instructed the administrator to communicate that with HRA and the Hotel owner.

125 Main St:

Lampke: We have had several discussions with the attorney representing this matter for 125 Main St. They are waiting for David Ray to finish a plan outlining on what they want to do and where. The owner wants to sell off the larger portion of the land. They are hopefully going to come up with a plan of marine operations on the property. Commissioner: If resolution of these violations does not happen in a timely manner then the public doesn't feel that justice isn't being done. Lampke: We have a court order filed against them. Everyone has rights even someone who we think is in the wrong. We have to prove that they are doing something wrong. Krahforst: The office is continuing to issuing tickets. Lampke: We have a status conference in court scheduled in late March or Early April. Litigation is extremely time consuming. We are trying to bring things to conclusion.

9:08 motion to adjourn by Sorgi 2nd by Campbell. Sorgi-aye, Jacintho-aye, Paquin-aye, Best-aye