

**Hull Conservation Commission
Meeting Memo
Tuesday, December 14, 2021
Meeting held online, via GoToMeeting**

Meeting Remote Location	Remote Call-in meeting with GoToMeeting: https://global.gotomeeting.com/join/616697045 OR: By Phone: (224) 501-3412 Access Code: 616-697-045
--------------------------------	---

Members Present: Paul Paquin, Chair, Tammy Best, Katherine Jacintho, Lou Sorgi, Sam Campbell
Members Absent: Jennifer Stone
Staff Present: Chris Krahforst, Conservation Administrator, Renee Kiley, Conservation Clerk
Staff Absent: none
Minutes: Minutes of 11/23 Motion made to approve the minutes as amended. Motion by Sorgi
2nd by Jacintho Best-aye, Sorgi-aye, Jacintho-aye, Campbell-aye, Paquin aye,

AGENDA

- 6:00 Call to order**
Review of Agenda, Meeting Procedure, and approved permit guidance
Minutes
6:05pm Campbell Arrives
- 6:05 10 Malta St., Map 25/Lot 175. Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Steve Buckley** for work described as **after-the-fact shed installation of shed. Abutter Notification:** Not required, RDA. **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** multiple times in November & once in December
Representatives: **Steve Buckley**
Abutters/Others: None
Documents: Property plan. Photo of shed.
Commissioner: Is the property outside of the Flood Zone because of a Letter of Map Revision by FEMA? Krahforst: The shed is located in FEMA AE 10 flood zone. Commissioner: This is an after-the-fact installation of the shed.
Buckley: I talked to Bart Kelley, Building Dept. ten years ago, and a 8x10 shed did not need a building permit. The shed was previously not in the flood zone. I have a LOMR for the property. The building is FEMA compliant. The shed is for maintenance needs. Many properties in the area have sheds within 10 feet of this shed.

Motion to issue a Negative Determination. 2nd by Campbell. Sorgi-aye, Campbell-aye, Paquin-aye, Best-aye Jacintho-aye
- 6:11 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** 8/9.
Representatives: **Tom Maguire**
Abutters/Others: None
Documents: Existing and Proposed Conditions, Minutes from 8/10 shown.
Maguire: This project has been continued because the original plans submitted were incomplete and didn't include all the work. The Commission requested an As-Built Plan. The As-Built Plan took 15 weeks to complete. I am now a full time resident without storage facilities. Krahforst: Minutes from 8/10 are available for your review. Commissioner: Was a COC issued on this property? Krahforst: There was an application for the shed and through that process the Commission became aware of unpermitted work. Maguire: I built the house in 2010 and went through the Conservation Commission. Commissioner: Are all the concrete things properly delineated on the As-Built Plan? Krahforst: Yes. The existing plan appears to have all the elements. The applicant is asking to include all the other elements in the NOI. Another Commissioner: The shed on the railroad bed needs a license from the town. Maguire: I'm requesting a license from the town. I would like to pave the driveway. Commissioner: Please note that paving the driveway is not part of this application. Maguire: Yes, I understand. Commissioner: Are we permitting the shed on the railroad bed and the dirt parking? Krahforst: Historically, an Order of Conditions has been issued conditioning that the elements that are on town property should receive a proper license from the town. The NOI asks for a new shed and other concrete work. The NOI does not include the previous shed. I don't know about the dirt driveway. Maguire: The

dirt driveway has been there since the house was purchased in the 1970's. Commissioner: The shed and parking area are not on the applicant's property and it's not part of this NOI application. Krahforst: The shed on town property has become part of the NOI process. Commissioner: Is the shed part of the NOI? Krahforst: It could be considered part of the NOI as discussion of the shed was included in the 8/10/21 minutes that were shared early. Commissioner: In the past when I have prepared an NOI and proposing work on property not owned by the applicant, there needs to be a signature from the owner. Should the property owner (the town) sign off on this NOI? Krahforst: In regard to the way the town has managed the use of the railroad bed, the town manager has stated that it is appropriate for the Commission to issue an order of conditions with the special condition that the applicant must receive a license from the town. If the applicant doesn't receive a license from the Selectboard the shed would have to be removed. Commissioner: So will the applicant need to submit a license prior to issuing the COC. Krahforst: Yes. A COC wouldn't be issued if the license wasn't obtained. Commissioner: We know that many applicants do not ask for a COC until they sell the property or die. Can we ask for a date for the license? Krahforst: It could become an enforcement issue. I'm unsure what the grounds for enforcement would be.

Motion by Sorgi to issue an Order of Conditions including the shed on the Railroad bed subject to the applicant receiving a license from the town and excluding the noted dirt driveway on the railroad bed. 2nd by Campbell. Jacintho- aye, Campbell-aye, Paquin- aye, Best- aye, Sorgi- aye.

- 6:32 16 Gun Rock Ave., Map 52/Lot 068 (SE35-1644) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Lindsey Gillooly** for work described as **construct new home. Abutter Notification:** proof provided. **Resource Areas: Barrier Beach** (storm damage prevention, flood control, likely wildlife habitat), **Coastal Dune** (storm damage prevention, flood control, likely wildlife habitat), **Land Subject to Coastal Storm Flowage: FEMA VE 21 and AE 17** (storm damage prevention, flood control); **LiMWA. Site visit done 11/21 & 11/22.**

Representatives: Lindsey Gillooly, Pete Venturn, Paul Townsend

Abutters/Others: Lou Sorgi

Documents: Plot Plan, Foundation Plan, Elevation plan, Photo of seawall

- 6:34** Sorgi recused himself

Townsend: We have updated the NOI plans to include the piling support plan. Commissioner: These are driven piles? What are they made of? Townsend: Yes, driven piles that are wooden. Krahforst: What are the differences between the new and old site plans? The flood zones labeling appears to be missing on the new site plan. Townsend: The only difference is that we deleted all impervious surfaces. The zones were removed but we would be happy to add them to the new plans. Another Commissioner: Where the proposed impervious surfaces were removed from the plans, will the site stay natural or will pavers be used. Townsend: No we are not planning to add any surfaces. We will retain the natural gravel/dirt that is there. Commissioner: In the eastern corner of the lot against the seawall there was a large washout area. Should that continue to get worse, how would the applicant deal with it? Townsend: I'm not sure. I'm guessing the revetment was part of the neighbors' plans. We would be happy to continue the revetment. We need to get approval from the Commission in order to move purchasing property along. Commissioner: This wall is privately owned. Sorgi: The seawall is located in an easement from the town and the state. The neighbors have an easement/permit for this revetment going to the east. It was permitted to hold the wall up. The construction did not extend past the neighbors property. Commissioner: What is the label behind the pink line? Townsend: Can you overlay with the previous document?. Sorgi: It's an AE 15- AE 17 marker. Commissioner: Has the applicant gone to zoning? We don't know if planning or zoning has ruled this as a buildable lot. Another Commissioner: The applicant has stated that they are looking for clarification that the lot is buildable. We only deal with the WPA. It is not our place to permit this as a buildable lot.

Motion by Paquin to issue Order of Conditions. 2nd by Best. Paquin- aye, Campbell- aye, Jacintho aye, Best –aye

6:45pm Sorgi returns

- 6:45 3 E St. Map 16/Lot 078 (SE35-1648) Opening** of a Public Hearing on the **Notice of Intent** filed by **Patricia Davis** for work described as **construct addition on FEMA-compliant foundation to existing 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 12/2.**

Representatives: Patricia Davis

Abutters/Others: None

Documents: Proposed Plans

Commissioner: It looks like you are going to square off the building and add decks, stairs, and landings. Is the shed and shower permitted? Davis: We bought the house as a summer house and now we need a little more space. We moved here full time. Commissioner: On the proposed deck in the back, are there stairs? Davis: No stairs are proposed. We'll get to the deck from the inside. Commissioner: Is the shower pre-existing? Davis: The shower was there and the shed is a premade shed. Krahforst: I can research it. Commissioner: No it is not part of the application. Sorgi: Motion to Issue Order of Conditions that does not include the shed or shower 2nd by Campbell. Campbell-aye,

Paquin-aye, Best- aye, Sorgi- aye, Jacintho-aye

6:53 Parcel 53-029 Atlantic Ave. Map 53/Lot 029 (SE35-1646) Opening of a Public Hearing on the **Notice of Intent** filed by **Bill Oliver** for work described as **construct new home on piles. Abutter Notification:** proof provided. **Abutter Notification:** proof provided. **Resource Areas: Barrier Beach** (storm damage prevention, flood control, likely wildlife habitat), **Coastal Dune** (storm damage prevention, flood control, likely wildlife habitat), **Land Subject to Coastal Storm Flowage: FEMA VE 21 and AE 15 and 11** (storm damage prevention, flood control); **LiMWA. Site visit done 12/2.**

Representatives: Bill Oliver, David Ray

Abutters/Others: None

Documents: Proposed Plan

Ray: What is proposed is a 20 x 33 foot living structure on pilings with a porch and rear deck. 1st floor is located at elevation 19; Base Flood elevation is 15. There is a LiMWA designated on this property. A permeable driveway is proposed to be out front and the material is already on site, which is natural gravel. The project has gone through Zoning. Commissioner: At the north east corner there is proposed a lower deck and a 100 square foot upper deck. Is that correct? Is the lower deck at the 1st floor level? Ray: Yes. Commissioner: What will the driveway be? Ray: It will be a gravel driveway likely the same material that is already there.

Motion by Sorgi to issue an order of condition with the special condition that the driveway stay in the natural state gravel may be brought in. 2nd by Campbell. Best-aye, Sorgi aye, Jacintho aye Campbell aye Paquin aye

7:00 27 James Ave. Map 06/Lot 076 (SE35-1647) Opening of a Public Hearing on the **Notice of Intent** filed by **Shady Bishay** for work described as **demolish existing home, construct new home on pile driven foundation. Abutter Notification:** proof provided. **Resource Areas: Land Subject to Coastal Storm Flowage: FEMA VE 16; LiMWA** (storm damage prevention, flood control); **Possible Ch 91 (porch appears to extend into jurisdiction). Site visit done 12/2.**

Representatives: David Ray, Shady Bishay

Abutters/Others: None

Documents: Proposed plans, Foundation and Pile layout plan, deed

Bishay: Bought the house is 2016. In 2018 the house flooded 3 times. We had about 2 feet of water in the house. We have spent close to \$50,000 on repairs. We recognize it is time to put the house up on pilings. We had 2 100-year events in one year. Ray: It was probably a 50 year event at best. We want to raise the home and put the house almost in the same footprint on pilings, there is a slight shift to the south. This project has been approved through the Zoning Board and will be elevated on piles. Its elevated in excess of 4 feet of extra... 1st floor 15 VE 12, so the home will be 3 feet above, lowest horizontal member will be 2 feet above the VE zone. Commissioner: What will be under the house? Ray It will be backfilled with gravel. It does have a basement now. Some fill will need to be brought in to bring the existing basement space to meet the existing exterior grade. Gravel is the most logical material to use. It will create an infiltration area underneath the house. Commissioner: Will the existing concrete features on the existing plan remain?. Ray: If they are not impacted by the house they will remain. Another Commissioner: The house is sitting in a public way. Ray: It is a way that is shared between the lot behind it. It is not intended for vehicles. The proposed project will make the pedestrian walkway more open. The house will be elevated 7 feet above. Krahforst: The lowest horizontal member will be greater than 2 feet but lower than four. Ray: "The lowest horizontal member has to be over 2 feet above base flood VE zone 12. The lowest has to be 12 the ground is at 8. The house will be a foot above that. So you are looking at roughly 7 feet. I misspoke the house is actually at a 6. The horizontal member sitting on top is at 7. Krahforst. You don't have 7 feet of clearance underneath the walkway. Ray: Yes, it will be 7 feet up. Krahforst: I spoke to the building department about this 8 foot wide way and what does the commission have to do with this. Is there an ownership issue that needs to be addressed? The Order of conditions should reflect important issues concerning the right of way. Bishsay: We located at the deed and the way is on both deeds. The lot was split in the 1950's. The owners had an agreement that they could walk down to the beach on the walk way. The land court deed states that. I have a letter of support from the abutter at 109 Spring Street. Commissioner: It will be hard to walk through where the stairs are proposed. Is it a commission issue? Commissioner: It's not a WPA issue but it is an application completion issue. If we're permitting work on property not owned we need to make sure that the application is complete. Krahforst shows the deed. Another Commissioner: That deed gives a vested title to Lot A. Ray: That is correct. Commissioner: the Commissioner is right and Lot A is a title holder and they need to be a participant since the house is being proposed in the right of way. Ray: The neighbor's participated in the zoning decision and were notified about this hearing before the Commission and they have chosen not to participate. If the neighbor finds it difficult to walk underneath they can be granted another right of way. Commissioner: The easement can easily be altered to accommodate the burdened property. Commissioner: That is an accurate statement as long as the function of the easement is preserved. Commissioner: Are the structures or fill located Chapter 91 jurisdiction? Another Commissioner: This will require a Chapter 91 licenses. Krahforst: Is there any plan to modify this plan to remove the area from Chapter 91 jurisdiction? The Chapter 91 license can take a while. Commissioner: How will they deal with roof and water runoff? Ray: If the Commission would like it we can put roof leaders it drains under the house. The water will now go under the house.

Sorgi motion to issue order of conditions special conditions stated that a chapter 91 license be applied, foundation be filled to grade, and roof runoff be moved to the gravel and under the house be pervious in perpetuity. 2nd Campbell Sorgi-aye, Campbell-aye Jacintho-aye Paquin- aye, Best-aye.

7:23 189 & 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. **On 12/03, the applicant's representative requested a continuance to Jan. 11th at a time TBD.** Sorgi motion to continue, 2nd by Campbell. Jacintho aye, Campbell aye, Paquin aye, Best, aye, Sorgi aye.

Certificate of Compliance Requests

6 Vernon Ave (SE35-1448) Krahforst: This is a Certificate of Compliance. There was a wall not on the original plan and stairs were moved. The plan has been annotated to reflect these components on this plan. Commissioner: Is this new plan now sufficient? Krahforst: yes.

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

Continued and New Business

Beach Management Committee request

Commissioner: I received an email asking a commissioner to be on the BMC Committee. Do we want a Commissioner to be on the BMC? We do not report to them. Does anyone wish to serve on the committee? Commissioner Campbell- I will sit on the committee. Commissioner: Does anyone object to Sam serving? The BMC was formed to come up with Beach Management plans and report to the Selectboard.

HRA Property. We permitted the fence. What about the parking? Commissioner: We issued an Order of Conditions for the fence. We can issue an enforcement order for the parking? Krahforst: I will do it this week. Commissioner: This parking area is next to the ACEC

7:32 Motion to adjourn Sorgi. 2nd Campbell Paquin –aye, Best- aye, Sorgi- aye, Jacintho-aye, Campbell- aye

Violations and Compliance issues