

**Hull Conservation Commission  
Meeting Memo  
Tuesday, November 23, 2021  
Meeting held online, via GoToMeeting**

<b>Meeting Remote Location</b>	<b>Remote Call-in meeting with GoToMeeting:</b> <a href="https://global.gotomeeting.com/join/879184637">https://global.gotomeeting.com/join/879184637</a> <b>OR:</b> <b>By Phone:</b> (872) 240-3212 <b>Access Code:</b> 879-184-637
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**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 11/09 Motion made to approve the minutes as amended by Best  
Motion by Best 2<sup>nd</sup> by Campbell Jacintho-aye, Campbell-aye, Best-aye, Sorgi-aye,

**6:02 Call to order**

**Best –Aye Jacintho-Aye, Campbell- Aye, Sorgi-Aye**

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

**6:05 36 J St., Map 14/Lot 031-A. Continuation of a Public Hearing on the Request for Determination of Applicability** filed by **Carolyn Muraca** for work described as **install 8'x10' 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** 11/21 & 11/22.

Representatives: **Carolyn Muraca**

Abutters/Others: None

Documents: Updated plot plan, photo of lot

C. Muraca presented an updated drawing of plan showing the shed located to be 3 feet from the property line.

Krahforst: The original shed plan did not have enough detail. This plan shows the shed in relation to the house and lot line and with the original plan provides enough information for the file.

Motion for a negative determination of applicability by Best, 2<sup>nd</sup> by Campbell. Jacintho-aye, Campbell-aye, Best-aye, Sorgi-aye

**6:08** Krahforst: Since the next hearing is scheduled for 6:15 may I recommend the Commission review the 11/09 meeting minutes as amended and consider moving 16 Gun Rock Ave hearing to after the HRA project hearing given that one of the Commissioners is enroute and may be necessary for a quorum to open 16 Gun Rock Ave.

**6:18 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. **On 11/17, the applicant's representative requested a continuance to Dec. 14<sup>th</sup> at a time TBD.**

Motion to continue to 12/14 by Best, 2<sup>nd</sup> by Campbell. Jacintho-aye, Campbell-aye, Sorgi-aye, Best-aye

**6:20** Commission discusses reasoning for moving 16 Gun Rock Ave to after the HRA Parking Lot hearing. Sorgi recuses himself and because so, a quorum is not available. P. Townsend, representative agrees to agenda change.

**6:32 HRA – Nantasket Resorts Parking Lot, Map 34/Lot 083. (SE35-16XX) Opening of a Public Hearing on the Notice of Intent** filed by the **Hull Redevelopment Authority** for work described as **after-the-fact install post and rail fencing. Abutter Notification:** proof provided. **Resource Areas:** **ACEC, 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 AO (Depth 3') and AE 10** (storm damage prevention, flood control). **Site visit done:** 10/10

Representatives: Bartley Kelly, HRA

Abutters/Others: None

Documents: Final Fence plan

Commissioner: Has there ever been a permit for a parking lot? Kelly: No, but it has been used for parking for 50 – 60 years. Commissioner: There is an issue for parking in the zone without any controls for debris and discharge in the

area. Or a permit from the town allowing for use as a parking lot? Krahforst: There is no WPA permit for parking in this area. Commissioner: Is there evidence that it predates the act. Is it necessary that the Town issue a permit for parking area? Kelly: It has always been a parking lot. They don't charge for parking so the town doesn't issue a permit. Commissioner: Is it correct that a permit from the Town is not needed? Kelly: Correct. Commissioner: I have no problem with the fences. Commissioner: Now that we have NOI in front of us and the question is about storm water runoff and discharges to the ACEC and onto the resource areas. High use parking lots are generally considered areas with a potential high pollutant load. Now that there is a NOI in front of us it should be subject to the storm water standards. There isn't a lot of information provided to us. How should this be maintained with respect to pollution control? Commissioner: There are no answers. Another Commissioner: Right now there seems like there is a free flow of contaminated runoff. Kelly: Currently, all the contaminated runoff comes from the street. All the storm water runoff drains into that area. There is no control coming out of that neighborhood. There has always been a curb cut and it has been used as a parking lot since the area has been cleared. The usage has not changed. A NOI was filed for the fence only. Commissioner: It is our responsibility to review it under the WPA and the storm water standards. A 2nd Commissioner: I agree. A 3rd Commissioner: We should be doing better. Another Commissioner: We can do 1 of 3 things: We can ask the applicant for a continuation and adequately address storm water issues, 2. We can vote to deny issuing an Order of Conditions, 3. Consider the fences only and then ask for more from the applicant. Does the fence have any effect on the WPA? It is a permit for after the fact installation for fencing for parking. Commissioner: It is for the fencing but the bigger questions about the parking on the resources remains. Another Commissioner: I don't think that we can forcibly alter the NOI for only the fence to include the parking. Krahforst: That approach kicks it down the road and gives the opportunity for the applicant to revise the NOI. It makes the process longer. Commissioner: It has become part of a private entity. They don't charge for parking but technically they factor that charge into the cost of room rental. Krahforst: The HRA leases the lot to the Nantasket Beach Resort. Commissioner: If we aren't going to just talk about the fence. Kelly: The HRA decided to move the leased parking from the water street lot to the Bay St lot. Historically, the Bay St parking was used for beach parking and now it is used for hotel parking which is less use than historically. We are here tonight for the fence only. If the Commission wants to issue an Enforcement Order for the parking use, that is your prerogative. Storm water runoff that is there now is going into the ground. The fence was installed to organize the parking. The hotel thought that they could put in the fence and it is not a big deal. Commissioner: I think that we can vote on the fence only and then move to address the other issues through an enforcement action. It is a compromise. Commissioner: I think that I agree about the fence and that in the future that it's made clear that work done in the resource area has to come before the commission. Another Commissioner: I think that the applicant has to be responsible for protecting the resource even if historically it has been used in a certain way.

Motion by Campbell Issue an Order of Conditions for the after the fact with a special condition limiting the work specifically to the fence, motion 2nd by Jacintho. Jacintho- aye, Campbell- aye, Best -aye, Sorgi- aye

#### 6:51 Paquin arrived

6:51 **16 Gun Rock Ave., Map 52/Lot 068 (SE35-1644) Opening** 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.**  
**Sorgi rescued himself.**

Representatives: Lindsey Gillooly, Paul Townsend

Abutters/Others: None

Documents: Plot Plan, Elevation Plan, Photos of site, Site plan

Townsend: Proposed new home on pilings on a vacant site with no asphalt. We still need to engineer the Piling system. It is not completed. Lot was approved as a buildable lot in 2019. Home will meet zoning and FEMA requirements. We are requesting to build home on this site. Commissioner: Who approved this as a buildable lot? Townsend: I thought that it was the planning board; it might have been the zoning board. The signatures are from the Town of Hull Planning Board 12/4/2019. Kiley: Could have been an ANR. Commissioner: We are concerned about how the house touches the ground and the effects on the resources. Do you have a foundation, grading, or piling design? Townsend: Grading won't change. I don't have an engineered plan for the pilings. It could be wood or concrete. The site plan has asphalt parking and we understand that should not be approved. We would like to keep the cobble and no impermeable materials. Commissioner: Do we have enough documentation for this site to make a decision on the property? Or do we need to see engineered plans for the foundation? Another Commissioner: I would like to see the engineered piling plan. Another Commissioner: There is severe scouring against the landward side of the seawall. The adjacent revetment doesn't continue onto this property. Do you plan to do anything with the space? Townsend: We don't have any plans to alter this area. Commissioner: Are you willing to continue? Townsend: This property is under agreement to purchase and has a timeline with contingencies to purchase the property. We would like a comment from the Commission that this home will be able to be built on this lot and the engineered plans are acceptable or that we would be approved. Commissioner: We are in no position to give you an official answer. We would have to vote with the information we have now and we don't have enough information to provide you with a decision. Townsend: Not official; just some message that the property is in a go forward position if you are provided with the proper documentation. Commissioner: If the lot is a buildable lot by the town then this lot could be built on

with a proper piling plan. Another Commissioner: We are here to administer the Wetlands Protection Act; we don't deal with hypotheticals. We can't say whether or not a lot is buildable. Commissioner: I'm just saying that when presented with an acceptable pile plan that it could be built. I do not see any reason why it can't be permitted. Will you accept a continuation? Townsend: We accept the continuation. Another Commissioner: Please have the plans changed to correct the asphalt driveways to pavers or gravel.

Motion to continue to 12/14 by Best 2nd by Campbell. Campbell- aye, Jacintho- aye, Paquin- aye, Best- aye

7:08 Sorgi returns

**7:08 1-2 Marina Drive, Map 60/Lot 900. Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Spinnaker Island and Yacht Club Association** for work described as **reconstruction of timber wall and lawn area. Abutter Notification:** not required, RDA. **Resource Areas: Land Subject to Coastal Storm Flowage: FEMA VE 18; LiMWA** (storm damage prevention, flood control); **Buffer to Coastal Bank** (storm damage prevention, flood control, potential sediment supply). **LiMWA Site visit done:** 11/21 & 11/22

Representatives: Danielle Goudreau, Collins Engineers

Abutters/Others: None

Documents: photos shown, site plan

Representative: Goudreau: There is an existing timber retaining wall about 5-6 foot tall that is failing. The scope of the project is to replace timber wall with a concrete wall. It will last longer and will resist the elements. The timber wall is going to be replaced in the same footprint. There will not be an increase in size. In order to construct the wall, the bricks, stone, and loam will be replaced in kind. There will be some excavation. There will be a crushed stone drainage layer behind the wall. There will be no change to the stormwater management at this site. There is an existing storm water drain. There will be inlet protection during the construction. Best management protection will be used; silt socks, and silt fencing will be installed. There won't be a change in the flood map as the wall will be replaced.

Commissioner: Why is there a Block wall construction and a Poured concrete construction on the plans? Goudreau: There is a supply chain issue so we have provided both options on the plans. The pavement in front of the wall will be removed and replaced in kind. Commissioner: I would like some specificity as to which option (poured or block) will be used to replace the wall. Also, as you drive in the entire left hand side of the driveway has the timber walls all around the island. Is this a precursor to replacing all these timber walls? Goudreau: I'm not speaking for the association as to the number of walls but there are other walls that will be replaced. Krahforst: These two designs could be decided as being acceptable and thus the specific alternative used may not be a pertinent issue. This project could be conditioned that both options could be accepted. Another Commissioner: The loam and seed on the left hand side looks like it goes broader. Goudreau: The quantity of the loam and seed looks bigger on one side. It may be that the entire area may need to be loamed and seeded. Commissioner: The poured concrete does involve a bigger hole in the ground; if there is a rain storm you will be eroding into the tide lands. The best practice would be to wait for the stone. You can see that by doing the poured concrete you'll have to take part of the street. This might have to be conditioned that this is done during a dry period. Are you going to seal off the storm drain. Goudreau: No, we will put a silt sock in the drain to contain the silt from the storm drain. We will be onsite to control the erosion during construction. We would protect the slope during a rain event or winter event. Commissioner: I haven't seen one with so much soil and a storm drain so close to it. The embankment will cave in on top next to the storm drain. Goudreau: We would excavate the area closest to the building. We don't plan to open ground next to the storm drain. We wouldn't have an open hole next to the storm drain. Goudreau: A seven day window might lead to significant construction delays. We may never have a time that have seven days in the window. We don't want to leave an open slope for a long period of time. The Commission considered a motion for order of conditions with specials. Kiley: This application is for an RDA. Commissioner: I think that this should be an NOI. Krahforst: This is an existing wall with a replacement within the existing footprint. The commission has historically considered this as an RDA and, specific to this project, it is well removed from protected resources; there is a street separating this from the resource area.

Motion to issue a negative determination by Sorgi 2nd by Campbell. Jacintho -aye, Paquin -aye, Best -aye, Campbell -aye, Sorgi- aye

### **Certificate of Compliance Requests**

547 Nantasket Ave (SE35-1552) Commissioner: We had to look into the grading of the properties. The grading has been worked on. It is better than it was. It flattens out by the fence. Krahforst: There is still some concern about the grading. They may install something more swale like. They understand the concerns of the commission. Commissioner: Our conditions were that the lot be graded in a manner that stormwater does not discharge into adjacent properties.

6 Vernon Ave (SE35-1448) Commissioner: The plan of record doesn't show the wall next to the driveway and the stairs aren't on the plan. Krahforst: I wanted to know if the applicant would accept the hand annotated plans. Commissioner: What about the wall. The wall might have been there already but it doesn't show it on the plan. Commissioner: I would like to see the retaining wall on the plans. This matter is to be continued to Dec. 14.

10 Malta St. (SE35-1170) LOMR for Structure Commissioner: The only thing different from the site plan, is that it indicates where there is to be grass has been paved. The parking areas do have gravel. Another Commissioner: On the plans

it shows 6-8 inches unpaved buffer along the property line, there is no place for the water to infiltrate. The gravel looks like stone dust. The water (in the parking area) does not percolate. Another Commissioner: The shed was not on the as built or proposed. Commissioner: The grass on the SE corner of the lot is still a paved area. The potential problem exists because the Commission looks to get 3 feet of clearance between the driveway and the neighbor's property. Buckley: Over the past 10 years the gravel for parking and the puddles dissipates after 24 hours. We created a berm to control runoff. There was existing asphalt before the new building paved to the fence. The driveway is too small for a plow. We haven't had a problem with drainage. Commissioner: You proposed this parking solution for the building. Buckley: I had to match the zoning for an 8 unit building. Commissioner: The As-Built doesn't match what is on the ground. You can make the as built as it is. Krahforst: One thing that you can consider is this As-Built acceptable as it is proposed. The applicant can apply to amend the order of conditions. What I note is: the area in the rear that is paved should be grass. The area in the front that was proposed to be gravel is asphalt. The driveway extends to the boundary. This property has a LOMR that removes the structure from the flood plain. The elevation of the property is above a ten feet NAVD. Is there an impact to the resource area? Can the commissioners accept this condo plan as an As-Built plan? Buckley: I got the shed permitted from the building department. Krahforst: The shed should have been permitted through Conservation. Buckley: The building department didn't tell me that it needed to be permitted. Buckley: The property wasn't in the flood plain before 2012. 90 percent of the property is above the flood plain. Commissioner: The documentation must match what is there. The documentation doesn't match what is there. Krahforst: I disagree. The difference is the As-Built is different from the proposed plan. The area may be asphalt but it is outside the AE 10. Commissioner: The one in front what is there is not what is on the as built. Another Commissioner: The gravel driveway isn't marked accurately. Another Commissioner: It's not clear where the asphalt starts and ends. Another Commissioner: Does this affect the resource area? Commissioner: Is the As-Built a good representation of what is there now. Buckley: The parking blocks are asphalt so people don't drive on top the grass. Commissioner: The plan is acceptable if we can exclude the shed. The COC can be issued after the applicant submits an annotated plan that removes the shed.

Motion to issue a certificate of compliance excluding the shed by Sorgi 2nd by Campbell. Roll Call Jacintho- aye, Paquin -aye, Best- aye, Campbell-aye, Sorgi-aye

### **Continued and New Business**

Meeting Schedule Jan-June, 2022

Commissioner: The schedule lists June 22 which is a Wednesday. It should be June 28. Motion to accept with the change to June 28: Motion: Best 2<sup>nd</sup> by Campbell; Jacinto-aye, Campbell-aye, Best-aye, Sorgi-aye

Emergency Certification 162 Cadish Ave Krahforst: The Building Department had determined that the egress structure was failing and was a human safety issue. The commissioner can only issue an emergency certificate when it involves human safety. If it's an unoccupied building and things are failing off that is not appropriate. The work that is allowed is repair. That may include removing the egress structure and replacing it. The emergency certificate started on 11/22/2021 and it can't go any longer than 30 days. I have spoken to the contractor and they felt that they can meet the time frames.

A motion to ratify the emergency certification by Best, 2<sup>nd</sup> by Campbell; Jacintho-aye, Best- aye, Campbell-aye, Sorgi- aye

### **Violations and Compliance issues**

7:54: Motion to adjourn Sorgi 2nd Campbell Paquin- aye, Campbell- aye, Best- aye, Sorgi- aye Jacintho- aye