

**Hull Conservation Commission**  
**Meeting Memo**  
**Tuesday, November 09, 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/194729149">https://global.gotomeeting.com/join/194729149</a> <b>OR:</b> <b>By Phone:</b> (872) 240-3311 <b>Access Code:</b> 194-729-149
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**Members Present:** Paul Paquin, Chair, Tammy Best, Katherine Jacintho, Lou Sorgi, Sam Campbell  
**Members Absent:** Jennifer Stone  
**Staff Present:** Chris Krahfurst, Conservation Administrator, Renee Kiley, Conservation Clerk  
**Staff Absent:** none  
**Minutes:** Minutes of 10/26 Motion made to approve the minutes as amended by Best Sorgi 2<sup>nd</sup> by Jacintho Paquin- aye, Best- aye, Campbell-aye

**6:00-6:04pm**            **Call to order.** Chair Paquin read aloud the charges of the Commission  
Roll call vote to open the meeting Paquin: aye, Best-aye, Sorgi-aye, Campbell- aye

**6:04**    **Call to order**  
Review of Agenda, Meeting Procedure, and approved permit guidance  
Minutes

**6:06**    **70 Central Ave. Map 14/Lot 057 Continuation** of a Public Hearing on the **Request for Determination of Applicability** filed by **Matt Wood** for work described as **install 12'x16' shed**. **Abutter Notification:** not required, RDA. **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 AE 10**. **Site visit** done 10/24 and 10/26.

Representatives: Clancy Wood

Abutters/Others: None

Documents: Plot plan, proposed plan, photos of sheds.

C. Wood: I was able to get the assessors map and make it to scale and plot the shed. It is 2' 6" from the property line. I would love to not have to move the shed. Commissioner: Have you gotten a building permit for the shed yet? C. Wood: No. We have to be approved by Conservation Commission first. Commissioner: You may need to be 3 feet away from the property line to get a permit from the building dept. Commissioner: During our last hearing, we asked the applicant to provide better drawings: What is the foundation made of? Wood: Crushed stone and shed lifted off the ground. Krahfurst shared a photo of shed. Commissioner: It looks like it is sitting on the crushed stone. It doesn't look like it would affect the neighbor's property. Commissioner: My issue was: Is it on the property line? I encourage you to get a survey of your property. Krahfurst shared a view of the property's assessor's map. Commissioner: We're still unsure where the property boundary is near the upper right hand corner of your plan. We don't know how far to the right the dimension of the shed is from the edge of the property. Krahfurst: The area of where the shed is shown on the assessor map is conservative estimate of this boundary. Wood: The whole house is the property line. Commissioner: The applicant has made an assumption that the shed is on her property. She's representing that the shed is less than 3 feet from the boundary. The building department may not accept the plan. Setback issues reside with the Building Dept. and not the purview of this Commission

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

**6:20**    **36 J St., Map 14/Lot 031-A. Opening** 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 11/07.

Representatives:

Abutters/Others: None

Documents: Proposed shed plan, photo of shed location

Krahfurst: The applicant has submitted an RDA to put a shed on her property. It doesn't appear that the shed as sized will fit where it is proposed. Commissioner: We should have someone here to show where the shed should be.

Commissioner: We need a plan with dimensions on it. This is not sufficient. Is there a new fence? Also, we need to know where the property boundary lines are.

Motion to continue by Sorgi until 11/23 2nd by Campbell. Roll Call vote Paquin-aye, Best- aye, Sorgi- aye, Campbell-aye

**6:27**    **133A Manomet Ave., Map 19/Lot 137. Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Brian McGreevy** for work described as **install 540 ft<sup>2</sup> permeable paver driveway**. **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 12** (storm damage and pollution prevention, flood control). **Site visit done 11/07.**

Representatives: Brian McGreevy

Abutters/Others: None

Documents: Proposed plan

Commissioner: Did we get an updated drawing? McGreevy: Yes, and it has been corrected and submitted to the Conservation Dept. Commissioner: Is this drawing accurate? Krahforst: I was unable to visit the site. Commissioner: For the record, note that the shed in the backyard is on town property.

Motion by Sorgi to issue a negative determination 2<sup>nd</sup> by Campbell. Roll call vote- Best-aye, Sorgi-aye, Campbell-aye, Paquin-aye

**6:32 154 Cadish Ave. Map 13/Lot 080 (SE35-1642) Opening** of a Public Hearing of a Public Hearing on the **Notice of Intent** filed by **Peter Jerome** for work described as **proposed deck and connecting cottage with garage. 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 11/07.**

Representatives: Peter Jerome, David Ray

Abutters/Others: None

Documents: Photo of cottage, existing and proposed site plan

Ray: What is being proposed is the removal and replacing of an existing small cottage listed as 8 S Street. The cottage is not FEMA compliant. We will rebuild and put a garage below. The project has been approved by the ZBA. The new cottage/house will be moved further back. The proposed house will be on a FEMA compliant foundation with flood vents and the decks will be supported by sono tubes. Commissioner: On the survey plan there is a chain link fence indicated but now there is a new vinyl fence there. Ray: I believe that the fence is owned by 152 Cadish.

Commissioner: Will there be parking under the house? So part of the foundation will be raised up and then there will be room for a car underneath and the rest of the house will be FEMA compliant? Ray: That is correct.

Motion by Sorgi to issue an Order of Conditions with a special condition that all debris is taken off the property and out of the town 2<sup>nd</sup> by Campbell. Roll call vote: Sorgi- aye, Campbell- aye, Paquin- aye, Best- aye

**6:38 Gun Rock Beach Seawall, Map 55/Lots 024, 025, and 035 (SE35-1636). Opening** of a Public Hearing on the request by **Town of Hull** to Amend the Order of Conditions for work described as **reconstruction of ~130 linear feet of seawall adjacent to Gun Rock Beach; installation of concrete beach access stairway. (New Plans). 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 20** (storm damage and pollution prevention, flood control). **Site visit done: 10/11/2021**

Representatives: Daniel Ciaramicioli

Abutters/Others: Maureen Koelsch

Documents: Existing and proposed plan

D. Ciaramicioli: The following new changes to the project are proposed: The resource area between the coastal beach and coastal bank has been revised to better reflect resources at the site. The wall cross section has also changed. The battered wall will go all the way to the bedrock. There will be a crushed stone landing pad at the top of the stairs. Commissioner: This more closely aligns with how we thought it would look like. Commissioner: Did all the suggested changes to how the project will be conducted get eliminated? Are we back to the original construction method? Another Commissioner: It was proposed that all work would be done at low tide and no water control would be necessary. Daniel Ciaramicioli: No changes are proposed to the construction method. Work will be done during low tide cycles. The site will be cleaned up every day. With the very coarse granular nature of the soil at the site; cobble sized or larger, there will not need to be any dewatering. Water should flow right thru the stone and off site. Commissioner: There is a significant amount of water coming right up against the work site during some of the high tides. I question how much time this will allow for the work to be completed. Koelsch (abutter): How are the landing and stairs going to work? Is the (street-level) landing size the same or bigger? Daniel Ciaramicioli: The landing will be smaller than it is now. The newly added landing will be about 6 foot wide by 6 foot landing with stairs and a 4 foot landing at the bottom. Maureen Koelsch: Will it be safe for the little ones and families? It will be essentially opening onto the street. Ciaramicioli: I believe as part of the reconstruction on Atlantic Ave, the cross walk will be moved to meet the new stairs and the crush stone pad area. Maureen: Where is the pad, the dark area (on the map)? Commissioner: Why is the landing made of crushed stone? Daniel Ciaramicioli: To keep it permeable. Commissioner: Might there be some way to make it a permeable pad maybe made of a through-flow plastic? Ciaramicioli: We can modify. Krahforst: I did talk to town manager about the landing. The town has acquired the area next to the crushed stone pad. There is an area for people to collect themselves. I don't know how important it is for the pad to be permeable. It is located above rock outcrops and not on soil. The plans have been adjusted with safety in mind and beach-goer friendly. Commissioner: Koelsch, your (safety) concerns are not conservation issues but you should take your ideas to town manager. Another Commissioner: If we approve the plans as shown with the dense grade crushed stone pad they will have to come back for an amendment. Commissioner: We can require only that the pad be permeable, not necessarily that it be constructed with dense-graded crush stone.

Motion by Sorgi to approve the amended NOI with the condition that the pad at the top must be permeable but does not need to be crushed stone 2<sup>nd</sup> by Campbell Roll Call vote Campbell- aye, Paquin- aye, Best- aye, Sorgi- aye

**6:30 71 C St., Map 17/Lot 072. (SE35-1643) Opening of a Public Hearing of a Public Hearing on the Notice of Intent** filed by **Roger Lipsett** for work described as **convert existing structure to cabana.** . **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: 10/11/2021

Representatives: Rodger Lipsett

Abutters/Others: none

Documents: Proposed site plan

Lipsett: This is an existing structure built as a garage over 100 years ago. It was used for storage and we want to put in a shower and a toilet. We will need to cut a trench from the shed to the house for water, electric, and sewer.

Commissioner: Do you know when the structure was constructed? Lipsett: I don't, but I believe it was constructed at the same time as the house. Krahforst: We think it was built at the turn on the century. Commissioner: You are requesting to put a trench in the ground. Krahforst: This came before the commission recently as an RDA and the Commission requested a NOI so the abutters would be properly notified. Another Commissioner: Actually, we've never seen anything about a conversion. All we saw is where they are going to put a pipe in the ground. Is all work inside? Lipsett: Windows will be installed, no foundation work. Commissioner: Are you changing outside or adding decks? Lipsett: No. Commissioner: Is the paving new? Do we have a permit for that? Krahforst: That is a separate issue. What is before you is just the utilities connections.

Motion by Sorgi to issue an Order of Conditions but the order is limited to the installation of a sewer, water pipe, and electrical. 2nd Campbell, Roll Call vote: Paquin- aye, Best- aye, Sorgi-aye, Campbell- aye

**7:00 189 & 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. **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.

Representatives: Brodsky, Chas Boggini, Karlis Skulte, Connor McCormick, Chris Lucas

Abutters/Others: Dillon Brown, Norwell Bloomenthal, Rhoda Kanet, Susan Breviglia, Susan Short Green, Alex Grey, Cheryl Tully Stoll, James Murphy

Documents: Storm water management plan, landscaping plan, proposed parking lot, CZM definition of a linear project,

Brodsky: I represent Nantasket Dunes. We revised the NOI to withdraw the entire 5 story residential component. This NOI is for the parking lot only. The resource areas are Barrier Beach and Land Subject to Coastal Storm Flowage, there is no coastal dune in this parking lot project. Formally this location was of a go-kart area that was overgrown with invasive plant species. We are proposing the parking area, screening, and landscaping. We think that the area will be improved significantly. Commissioner: I'm unsure of one thing. Is this a new NOI? Brodsky: The original NOI had the residential building and parking lot. We've withdrawn the residential component of the NOI. We've submitted revised plans and a document noting that. Karlis Skulte: This is a modified design. There is no residential component. We want to connect the parking area from Rockland circle to the retail area. The access to G. Washington Blvd is not great. We have an updated landscaping plan and an updated storm water report. The work is contained to the 0 George Washington Blvd parcel. We are proposing 111 parking spaces behind the Paragon Boardwalk property. Proposed is restriping the concrete area and installing new pavement. The idea is we create egress access behind Paragon Boardwalk to exit onto Rockland circle. It should help with traffic circulation. We've included parking and additional landscaping plans. We've provided a more generous buffer between the DCR parking area as well as introducing a more generous buffer and bio-retention basins that meet the Zoning requirements for the interior landscaping requirement. In addition, we propose reconstruction of the damaged chain link fences, as well as providing security and a visual buffer to the residential areas. Any fencing we install will have the bottom 3 feet above grade to allow the flood waters to flow through. We also show grading drainage and erosion control plans. We will try to match existing grading throughout the property. We will install erosion controls and provide a full stormwater plan. We are installing a decentralized drainage system. Currently, everything will drain to some localized depressions and catch basins on the site. We are installing many bio-retention areas overflowing into a central drain. Runover will go through water quality treatment that will flow through additional storm water infiltration systems located at a central portion of the site. Previous test pits and soil quality tests were done and show ground water to be 70-80 inches below grade so the system was designed to have the 2 foot separation. Once it passes through the bio-retention chamber and the water infiltration system it will (ultimately) connect to drainage system in the DCR parking lot and into the municipal system. We are proposing a significant amount of landscaping that includes a robust area of vegetation with addition screening through the residential buffer and DCR parking lot. Each bio-retention basin will break up the storm water flow. We're trying to work with nature to provide more landscaping. The landscapers have chosen what will work and thrive in this area, as well as native plants. Commissioner: How many spaces are being proposed? Do we have a maintenance plan? Karlis: We have an annual and regular maintenance plan. The parking area will have 111 spots. Another Commissioner: During a rain event will all water stay on the property? Karlis: It's designed to drain into a bio-retention basins. Yes, we are proposing a wavy surface to keep all the run off contained within the parcel and meet matching grades to adjacent lots. Karlis: The stormwater system will be designed to handle up to and including a 100 year storm event. Commissioner: On the fencing, you're proposing a chain link with privacy slats. Should it be a 50% flow through plus the 6 inches at the bottom? Is the entire property in the AO Zone? We are in AO and AE 10

Karlis: We installing the fence with 3 feet open at the bottom. Commissioner: Who will be responsible for the landscaping? Karlis: That will be the ownership team. The bio-maintenance will have to be kept up. Commissioner: Will the parking only be available during the business hours? Karlis: I don't have a times but it will only be open during business hours. Brodsky: That is a zoning issue not a conservation issue. Commissioner: Water flows out into the DCR property. Karlis: We plan to use the connection not the overflow. Commissioner: We can't allow people to park in the parking lot when a storm is predicted and results in stormwater overflow. Karlis: If there is a storm planned people shouldn't be parking in the lot. Brodsky: This is for the businesses. No one should be parking there if the business is closed. Commissioner reading from the chat: Is it a rubber covered chain link or plain chain link? Karlis: I'm unsure. The lower portion we would recommend a vinyl coated chain link but the details have not been finalized. Sorgi: Is the pavement going to be asphalt? Karlis: If there are permeable pavers it would defeat the purpose of the (designed) drainage system. What we planning to install is above and beyond what is required. Commissioner: reading from the chat: Paragon cut back a lot of vegetation 2 years ago and now the area floods. The new vegetation is proposed to repair the removed vegetation. Brodsky: There was no wetland vegetation in the area that was removed. It was invasive plants that were removed. We are improving conditions. This NOI will address this. Commissioner: Are you removing any buildings. Karlis: There is a small building that will be removed at the southerly area that is not being used. It is a small unused shed. Another Commissioner: Can you show where that building is located? Karlis: It is at the southern end and not being used. (Location Shown). Public: Karen McSweeney Abutter 15 Park Ave: We never see any notification of any meetings. Commissioner: Do we have proof of notification for the original NOI. Krahforst: We do. I know that there is a question that has been raised about abutter notifications that is different matter and relates to linear projects. For continuations of a hearing, we don't notify abutters. We publish and notify for opening hearings on projects only. It is the duty of the public to stay on top of continuations. Continued hearings are in our posted agendas. We announce early in each meeting of a request to a continuation so the public doesn't have to endure the hearings prior and wait. Karen McSweeney: We don't receive notification for a continuation? Commissioner: That is correct. K. McSweeney: To whom, may I ask? We have an attorney on record, Dillon Brown. He has asked to receive notifications from Con Com and they haven't. Abutter Cheryl Tully Stoll: We were notified through the Hull Times that the applicant was withdrawing the entire project. We wouldn't have known about the hearing since it was publically withdrawn. We were notified by our management company. It's tough for the Town of Hull to notify people and for residents to know. Commissioner: A story is not a notification. Cheryl Tully Stoll: I'm with you Paul and I understand a hundred percent. Perhaps the municipality should notify people that it wasn't legally withdrawn. I'm sophisticated enough to know that is how the process works. The average person doesn't. Going forward, this continuation was a surprise. We need stronger communication going forward. Commissioner: I agree with you. There is no desire of the citizen's change to notification system. It is a good idea. And I'd like to see it come up at town meeting. Krahforst: To help clarify, this NOI has never been withdrawn from the Conservation Commission. I believe that what has been withdrawn is the request for a special permit with the Town through planning and zoning. Those may have been withdrawn. This NOI has never been withdrawn. McSweeney. Paragon cut down some vegetation and they had an order to reinstate the natural vegetation and habitat. My main concern going forward is they don't maintain what vegetation they have now. It is growing onto the Sunset Place parking area. They can tell us that they are going to maintain it but that doesn't mean that it will be maintained. Commissioner: That is true of any applicant. McSweeney: It all will go right through the chain link fence and I asked the Commission to consider this as they make their decision. Mike Boyle (laptop) Abutter: 111 parking spaces are a lot. Will the parking be exclusively for the arcade and beer garden or for the public? Brodsky: I do not know the nature of the parking but that is not an issue for the Commission. Brodsky: It is private parking lot for the business uses. I don't know if it will be opened for the public. Boyle: Are there any plans for retail, ice cream shops etc. Brodsky: Parking for business. There is a current ice cream operation. Dillon Brown, attorney representing Sunset Place Condo Trust: Sunset Place is a direct abutter located at 15 Park Ave. The Trustees main concern is for the landscaping proposed. It appeared that there will be a vegetated buffer and fencing that is going to divide the condo and proposed parking. A vegetated buffer serves to block one property from another. It unclear as to what type of landscaping will provided. We haven't seen a landscaping plan. There should be a landscaping and maintenance plan for perpetuity. The 2<sup>nd</sup> issue is that this parking lot has flooded; cars discharge pollutants/toxins and that this flows onto condominium property which is also a concern. So I ask that those items are taken into consideration. Susan Short Green 71 B Street, abutter at 9 park street unit 601. I have brought up the issue regarding proper notification about this project several times since this project is in access of 1000 linear feet. According to the Wetlands Protection Act abutters within 1000 feet of the project should receive notification. This came up in 2020 when the applicant wanted to put together a temporary parking lot and the commissioner made them go back and send out notifications. I spent 2 occasions at town hall going through the files and it doesn't seem to me from notifications (on file), that there was given proper notification to those within 1000 feet. I hope that the commission would look into that before a ruling happens. Also, the applicant states that this lot is only going to be used during business hours. My speculation is that the end goal will be a residential development. If the parking lot becomes part of a residential development the Order of Conditions should stipulate that cars will have to be removed from the lot. We should make sure we can manage that too. I'm sure that you have seen the unpermitted mini skate ramp structure was been moved to the 0 G Washington Blvd parcel. It should not be stored at 0 G. Washington. Karen McSweeney: How high is the proposed fence? If there is a 3 foot space at the bottom, would the owners consider a vinyl fence to help manage vegetation growing through the fence? Commissioner: How big the vegetated buffer space? Karlis: 3-4 feet of space, we are proposing upright type vegetation. We want the water to be able to flow through. We'd like to have the screening as well to allow for water flow through. With the southern exposure the vegetation will thrive. Commissioner: Whatever you put there will grow to the 3-4 feet pretty quickly. Karlis: The difference between what we are proposing vs. what is there already, the

vegetation that is there now is invasive. We are planning new vegetation intended to provide screening that will be able to be pruned; there will be a maintenance plan which includes picking up leaf debris. Brodsky: The owners have been hesitant to cut or remove vegetation since they are under the Conservation's thumb. There is some unsightly vegetation there now. The vegetation that is there is invasive and hard to control. We have provided a detailed landscaping plan. Commissioner: With the fence on the boundary and with the vegetation right on the fence how do you control (growth) on the other side? Brodsky: We will clear the vegetation on our side of the fence. The fencing and vegetation is a zoning issue not a conservation issue. Karen McSweeney: A lot of plants are grasses and they die in the winter. What will absorb the flooding? We have a flooding issue here. Commissioner: Grasses do a good job of absorbing water. We will make note. Rhoda Kanet: Are you not demolishing the arcade but the building next to it and the mini golf course? Commissioner: The mini golf is not going to be demolished. Just a small shed in the proposed parking lot near the lights at GW Blvd. Commissioner: The mini golf and arcade are not part of this project. Kanet: The mini golf will remain? Could the parking lots be used by owners & employees during storm events? It would be difficult to control. Any impact to the carousel? Commissioner: I don't know, but this is not near the carousel. Jim Murphy 15 Park Ave Sunset Condo: I see the bio-retention areas on the west side of the proposed parking lot. With the parking lot be tilted east to west and the lights of the cars will go towards the condos. Commissioner: The lights in the parking lot are not conservation issue. Murphy: Once a plan is approved it will move forward. Can the bio-retention areas be moved to the east? Commissioner: People can park either way. It is a good point but it's not a conservation issue. Cheryl Tully Stole: What species of plants are planned to be planted? Commissioner: Plans are in the conservation office and online. Krahforst: Chat is not monitored and is not able to be a part of this public process. There has been a question raised whether this project has properly notified the abutters - that a 1000 linear foot project must notify abutters within 1000 feet of the project. Part of this issue is understanding what the definition of a linear foot project is as defined in the WPA regulations. A project that is defined as a Linear-shaped Project, for purposes of 310 CMR 10.05(4), means: a project that is substantially longer than it is wide and is a project for the construction, reconstruction, or substantial enlargement of facilities that will be used in the service of the public to provide electric, gas, sewer, water, telephone, telegraph and other communication services, a project by a public agency or authority for the construction, reconstruction, expansion, repair or maintenance of public roads, bike paths or other paths for pedestrians, or public railways. It is a public entity project requirement. I know that the office had researched this in the past and that this project does not meet the WPA regulation definition of linear shaped project which requires the extended abutter notification. Brodsky: This is not a utility project. All of the notifications have complied with the wetlands protection act rules of public notice. Note from a participant: You can disable the chat feature. Krahforst: I only recently saw that the skate ramp was moved and is being stored behind fencing and it is in disrepair. McSweeney: How tall will the fence be? Karlis: 6 foot tall fence.

7:58pm recess. Reconvene at 8:05pm

8:05 Roll Call Sorgi- aye, Paquin-aye, Best-aye Jacintho- aye

Commissioner: We considered sending this out to peer review. Another Commissioner: Flooding is not new. We need to better understand what was there before, what is there now, and how this project will improve/impair the site. Is what they are proposing going to improve the site? We need an answer from an engineer. Commissioner: Is the grade going to change? Karlis: There won't be a big grade change. Commissioner: The basins are on the west side. Will the site pitch? Karlis: Yes, it will pitch towards the drainage. Commissioner: Do you need a vote from us for a peer review Krahforst: Yes. Brodsky: We were expecting the Commission to request a peer review

Campbell motion to send out to peer review of the storm water management report, NOI, and the NOI plans, 2nd by Sorgi.

Roll Call vote: Best- aye, Sorgi- aye, Campbell- aye, Jacintho- aye, Paquin aye. Date to continue maybe the 1st meeting in December. 12/14. We can check with the applicant if we need to continue

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

### **Certificate of Compliance Requests**

220 N. Truro St. (SE35-1378) only for the street extension and rain garden. Sorgi: It looks to be working and as proposed.

Commissioner: The vegetated edge was clearly defined. Motion by Sorgi to issue a Certificate of Compliance 2nd Campbell. Sorgi-aye, Campbell- aye, Jacintho- aye, Paquin- aye, Best-aye

14 Montana Ave (SE35-1385) Krahforst: Off Straits pond. In the past the commissioner noticed that the wall was not on the owner's property. It was surveyed and the wall was cut. Motion to issue Certificate of Certificate by Sorgi 2nd by Campbell, Roll Call Vote: Campbell-aye, Jacintho-aye, Paquin-aye, Best-aye, Sorgi- aye

114A Atlantic Ave (SE35-1619) Krahforst: This property is on Atlantic Ave. Commissioners any issues? Another Commissioner it matched the as built and the proposed plan. Motion by Sorgi for a Certificate of Compliance 2nd Campbell. Roll call Best-aye, Paquin-aye, Best-aye, Sorgi-aye, Campbell- aye

547 Nantasket Ave (SE35-1552) Commissioner: As currently graded, stormwater will flow down from Nantasket Ave backward. The boundaries were supposed to be graded to match the grade of the abutting properties. The area was loamed in a timely manner. However, the grading didn't match the proposed topography. That was a clear special condition that the grading be done in a manner that doesn't allow stormwater runoff to flow into the abutting

properties. Commissioner: We were never notified of the excavation before construction of the home began. This property was filled with trash. Greg Grey: I think I have an email letting Chris know we were digging. Commissioner: The property is graded so that it is higher than the abutting neighbors. Grey: It shows on the as built the grade matches the neighbors. Commissioner: They only match by drifting into them. Grey: The property is graded. Building code say it has to slope away 10 inches. Grey: I don't have a single spot on my property that has an elevation of 14. The neighbor dug out the area to move his fence. Commissioner it looks like the property drains into the neighbors. Grey: What should I do? Commissioner: The building code says 10 inches not 5-10 feet. Grey: I can't get a Certificate of Compliance? Commissioner: We don't find you in compliance. We aren't the engineers who work on this project. Grey: You're telling me that I can't slope toward the neighbors but building code says I have to slope away from the home. The As-Built labels the slope. Krahforst may be able to review the paperwork. Krahforst: The photo (shown) looks like it drains into the abutting property. Some re-grading may have to be done. A swale might be constructed such that stormwater runoff drains onto the street. Commissioner: Next meeting is 11/23, we do site visits on the Sunday before. Grey: I would like some guidance. Commissioner: The commissioner is not charged with creating a solution. If we do a site visit on Sunday and the grading is sufficient then we will issue a Certificate of Compliance. Another Commissioner: A meeting should be made between Krahforst and the building department to go out and look at the site to coordinate special condition #1 and the building code. A swale would fix it. No vote required no action.

Casey Callahan (sp?)- Question for Executive Session. I know that the potential litigation is with a resident that has been trying to comply with the environmental regulations and has just received approval from the state. I'm curious about what the Town's strategy is? For other residents who might be in similar positions that share the same goal with the Town's environmental and flood protection (efforts) but maybe the town subjectively doesn't not agree with the methods of those goals. Are those residents going to be subject to lawsuits even if they get state approval? Commissioner: We cannot speak on this situation. Calhan- I'm asking about potential litigation. There have been multiple attempts for residents to collaborate with the town to avoid litigation. Why is the town not wanting to collaborate if there is going to be multiple litigations? Commissioner: I'm sorry we can't speak on it.

Motion to retire to executive session by Sorgi 2nd by Best. Roll Call Vote Tammy Best I'm in favor, Louis Sorgi I'm in favor, Katherine Jacintho I'm in favor, Paul Paquin I'm in favor

Motion to end public meeting by Sorgi 2nd by Paquin Best-aye, Sorgi-aye, Paquin-aye, Jacintho-aye

## **Continued and New Business**

### **Violations and Compliance issues**

#### **Executive Session**

**To discuss strategy with respect to litigation where an open session may have a detrimental effect on the litigating position of the body: Subjects to include: Appeal of DEP Superseding Order of Conditions (DEP File # 35-1558) for work at Beach Avenue and 169 Beach Avenue**