



## HULL CONSERVATION COMMISSION

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**TUESDAY, February 23, 2021**

**Members Present:** Paul Paquin, Chair, Sean Bannen, Paul Epstein, Tammy Best, Lou Sorgi, Jennifer Stone  
**Staff Present:** Chris Krahforst, Conservation Administrator; Sarah Clarren, Assistant Conservation Administrator  
**Minutes:** Minutes of 2/9/2021 prepared, but not reviewed.

**6:00** Call to order

P. Paquin read aloud the charges of the Conservation Commission.

**6:10 6 Gunrock Ave., Map 52/Lot 062 (SE35-1598) Opening** of a Public Hearing on the **Notice of Intent** filed by **John Driscoll** for work described as install **50% flow through fence 6" off the ground, along property line.**

Representatives: John Driscoll

Abutters/Others: Mary and Bill Germaine (4 Gunrock Ave)

Documents: "Example of Fence to Be Used" – n.d.

"6 Gunrock Ave" – Skinner Overlook – 5/6/2019, annotated 2021

"Certified Plot Plan 4 Gunrock Avenue" – McKenzie Engineering Group, Inc. – 7/31/2020

"Tonight's hearing and opposition to application...[email]" – Mary Germaine – 2/23/2021

"[Aerial image of overwash fan]" – n.d.

"[video of overwash]" – n.d.

J. Driscoll presented the project as described above. He relayed that the proposed fence would meet the Commission's guidance on height and flow through. The Commission asked how close the proposed fence would be to the property line, to which J. Driscoll said it would be 4" from the line. The Commission said that the proposed plan shows an area described as vegetation, but looks to be boulders, to which J. Driscoll responded that the plan shows vegetation, not boulders, and is as such annotated on a landscaping plan.

B. Germaine of 4 Gunrock Ave relayed that earlier in the day he and his wife sent an email that included a description of the issues that they think the project will cause/impact the neighbors and Straits Pond. He noted that the area is a high velocity zone and stated that there aren't fences in the area. He suggested that fences in the area would be mobilized and could cause damage. He noted that his house is 7' from the proposed location and alleged that the fence would cause channeling to his foundation. A Commissioner asked if the Germaines have any evidence they would like to submit regarding these statements and what is suggested in the letter, to which B. Germaine said that he's seen decks, stairs, lobsters, etc. be mobilized in the area during storm events. A Commissioner asked B. Germaine how the project would not comply/violate the WPA. B. Germaine asked what the flood zone is, to which the Commission said it is an AE 10' and it's within the LiMWA (limit of moderate wave action). B. Germaine alleged there is a dispute with the applicant's survey, to which a Commissioner relayed that property disputes are not handled by the Commission and suggested that if that is the case, the surveyors of the conflicting surveys (the Germaines submitted a separate contemporary survey) should discuss and come to a decision. M. Germaine reiterated the earlier suggestion that the fence would channel water and will impact their foundation. She then suggested that the fence would cause a wind tunnel effect. A Commissioner noted that many of the Germaine's concerns are conjecture and suggested providing evidence.

C. Krahforst relayed that when speaking with Rebecca Haney of CZM earlier in the day on another abutting project (Atlantic Avenue reconstruction), it was noted that the area is a coastal dune with limited function and that there is a natural overwash fan in Straits Pond due to sediment transport from this area. C. Krahforst then showed a short video from 2017 of a nearby area and the heavy overwash that can occur during storm events. He questioned if installing a fence in an active sediment transport area is permissible. He also noted that the neighborhood experiences overwash and the mobilization of debris. He relayed that per Haney of CZM, installation of a fence in this area does not make sense. J. Driscoll appreciated the video of a storm event in 2017, but added that since then, the seawall height has been raised and that such events aren't impacting the site like they used to and suggested showing a video proving that. J. Driscoll added that his site has been surveyed, to which Krahforst noted that when comparing Driscoll's survey to Germaine's, the lot lines appear similar. A Commissioner suggested that the Commission have and uphold standards as related to FEMA designation of flood zones, to which another Commissioner added: each site may be distinctly unique such as this site because of overwash frequency and which is also subject to the LiMWA.

The Commission asked J. Driscoll if they could continue the hearing to allow time to review the Germaine's letter sent earlier in the day and to review the regulations further, to which J. Driscoll agreed. He asked for a copy of the email, to which Krahforst relayed he would forward it along shortly.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0  
It was **voted** to:

**Continue** the Public Hearing to March 9<sup>th</sup>, 2021 at a time TBD.

Bannen – aye  
Paquin – aye  
Stone – aye  
Epstein – aye  
Best – aye  
Sorgi – aye

**6:39 50 B St., Map 17/Lot 026 (SE35-1597) Opening of a Public Hearing on the Notice of Intent filed by Jonathan Lipsky for work described as new deck and outdoor shower.**

Representatives: Jonathan Lipsky

Abutters/Others: No one spoke

Documents: “Existing and Proposed Conditions Plan” – Nantasket Survey Engineering, LLC – 7/27/2020  
“New Deck” – Bob Pahl – 7/16/2020

J. Lipsky presented the proposed project as described above. The Commission expressed concern over the outdoor shower and its proximity to the lot line; they asked how it would be drained. J. Lipsky relayed that they are replacing a pre-existing shower. The Commission asked if a drywell could be installed to collect the water, to which J. Lipsky agreed. The Commission then noted that there is an unpermitted fence that does not allow for water to flow through; C. Krahforst suggested that the bottom 6” of the fence be removed to allow water to flow.

One Special Condition was added as follows:

- 1) A drywell shall be installed to adequately collect water from shower and shall be maintained in good working order in perpetuity.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0  
It was **voted** to:

**Close** the Public Hearing and have the Department **issue** an Order of Conditions.

Paquin – aye  
Stone – aye  
Epstein – aye  
Best – aye  
Sorgi – aye  
Bannen – aye

**6:44 8 P St., Map 14/Lot 125 (SE35-1599) Opening of a Public Hearing on the Notice of Intent filed by Virginia Hershman for work described as new deck & porch.**

Representatives: Virginia and Warren Hershman; David Ray (surveyor)

Abutters/Others: no one spoke

Documents: “Existing and Proposed Conditions Plan” – Nantasket Survey Engineering, LLC – 1/27/2021  
“Renovations [4 pgs] – Duxborough Designs – 1/26/2021

V. Hershman presented the project as described above. A Commissioner asked if there are stairs, to which V. Hershman noted that the stairs are shown in the plan and are all around the perimeter of the proposed deck. D Ray then noted that the site used to be designated a FEMA Zone C and alleged that it should be a Zone X.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0  
It was **voted** to:

**Close** the Public Hearing and have the Department **issue** an Order of Conditions.

Stone – aye  
Epstein – aye  
Best – aye  
Sorgi – aye  
Bannen – aye  
Paquin – aye

**Certificate of Compliance Requests**

**67 Pt. Allerton Ave (SE35-1591):** The Administrator relayed that during a site visit, he saw that fill had been brought to the site, which he noted was not part of the permitted demolition. Krahforst noted that per the projects conditions, no changes to existing drainage nor addition of fill is permitted and noted that it appears like the area where the demolished foundation had been filled to grade with possibly sand. Krahforst added that during the last meeting the CoC for this project was being entertained and the Commission noted that a pile of concrete had still been left onsite; Krahforst questioned if that had been removed or had been buried. D. Lincoln (representative) said that she was told by legal

representation that they had to fill the hole left by the removal of the foundation as it was a liability and relayed that the concrete had been removed. The Commission relayed that they need to know what the fill is and requested an affidavit from the appropriate professional that the concrete was removed and not covered with fill. D. Lincoln alleged that a contractor spoke to a member of the Commission or Conservation staff onsite regarding the sand and gravel fill from PA Landers, to which all members of the Commission and Conservation staff said that they did not speak to any contractor on site. S. Clarren asked if the sediment could be mobilized during severe weather events and questioned if it could be stabilized given the season, to which the Commission said they didn't think so. No action.

161 Beach Ave (SE35-1204): Commissioners relayed that the plan was not consistent with what is currently onsite. It was noted that the plan shows the area under the porch to be a dune, but it is a driveway. Krahforst relayed that in examining the file, he found correspondence from the owner and the previous Conservation Administrator about the logistics of having a vegetated dune under a porch. The Commission requested to visit the site again with further plans. Krahforst then noted that the owner has submitted an RDA for a generator which is included on the plan submitted with the request for a CoC. No action.

(new) 7 Vernon Ave (SE35-1492): Epstein **Motion**, Bannen **2<sup>nd</sup>**, following roll-call vote of 6-0; Epstein – aye; Best – aye; Sorgi – aye; Bannen – aye; Paquin – aye; Stone – aye; to have the Department **issue** a Certificate of Compliance.

### **Continued and New Business**

Important FEMA regulations for construction in V Zone: Krahforst relayed the following FEMA regulations for building in a V-Zone 1) needs to be located landward of the reach of mean high tide; 2) elevated on pilings and columns, (note: cantilevered portions of a structure that extends into a V-Zone is considered as such that the structure is within V-Zone), 3) have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework\* Note: Mass State Flood Plain management and Regional FEMA consider obstructions to include walls, fire pits, etc in the V Zone (not necessarily confined to below the footprint of proposed new structure).

### **Violations and Compliance issues**

#### **Possible Executive Session**

Enforcement Orders and litigation re: 0 George Washington Blvd and 179-197 Nantasket Ave.

**7:20** Upon a **motion** by P. Paquin and **2<sup>nd</sup>** by P. Epstein and a roll call **vote** of 6-0;

It was **voted** to: 1) Go into Executive Session to discuss strategy with respect to litigation, and that the Chair declare that an open meeting may have a detrimental effect on the litigating position of the body, 2) go into Executive Session to comply with, or act under the authority of the Attorney-Client privilege, and 3) go into Executive Session to consult with legal counsel and obtain legal advice pursuant to the Attorney-Client Privilege. The following subject will be discussed in the Executive Session: Enforcement Orders and litigation re 0 George Washington Boulevard and 189 Nantasket Avenue.

Paquin – aye

Stone – aye

Epstein – aye

Best – aye

Sorgi – aye

Bannen – aye

**7:23** Upon a **motion** by P. Epstein and **2<sup>nd</sup>** by L. Sorgi and the below roll call **vote** of 6-0;

It was **voted** to: End the Open Session.

Bannen – aye

Paquin – aye

Stone –

Epstein – aye

Best – aye

Sorgi - aye