



HULL CONSERVATION COMMISSION

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TUESDAY, February 9, 2021

Members Present: Paul Paquin, Chair, Paul Epstein, Tammy Best, Lou Sorgi, Jennifer Stone
Staff Present: Chris Krahforst, Conservation Administrator; Sarah Clarren, Assistant Conservation Administrator
Minutes: Upon a **motion** by Epstein, 2nd by S. Bannen and the below roll-call **vote** of 6-0;
Bannen – aye, Paquin – aye, Stone – aye, Epstein – aye, Best – aye, Sorgi – aye
It was **voted** to: Approve the Minutes of 10/13/2020 as amended.
Upon a **motion** by Epstein, 2nd by S. Bannen and the below roll-call **vote** of 6-0;
Epstein – aye; Best – aye; Sorgi – aye; Bannen – aye; Paquin – aye; Stone – aye;
It was **voted** to: Approve the Minutes of 1/26/2021 as amended.

6:00 Call to order

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

6:12 36 R St., Map 13/Lot 098 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Rick Hulverson** for work described as **construct 4'x11' porch extension**.

Representatives: No one present

Abutters/Others: No one spoke

Documents: "Porch Plan – 11/25/2020

No one was present to describe the proposed project. Krahforst presented the project as described above.

- 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** a Negative Determination of Applicability.

Best – aye

Sorgi – aye

Bannen – aye

Paquin – aye

Stone – aye

Epstein – aye

6:15 7 Mildred St., Map 01/Lot 034 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **John Hollingsworth** for work described as **install 88 linear ft. fence at a minimum of 6" off ground to allow for water flow through**.

Representatives: No one present

Abutters/Others: No one spoke

Documents: "Proposed Fence" – n.d.

No one was present to describe the proposed project. Krahforst presented the project as described above.

- 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** a Negative Determination of Applicability.

Sorgi – aye

Bannen – aye

Paquin – aye

Stone – aye

Epstein – aye

Best – aye

Bannen recused himself as he missed the prior hearing.

6:20 0 Nantasket Rd., Map 32/Lot045-A (SE35-1594) Continuation of a Public Hearing on the **Notice of Intent** filed by **Mark and Jennifer Cope Goodman** for work described as **proposed sea wall repairs, timber staircase, spilt rail fence, and invasive species management**.

Representatives: Mark and Jennifer Cope Goodman; Nate Jones (Coastal Engineer)

Abutters/Others: No one spoke

Documents: "Plan Showing Proposed Seawall Repairs and Site Improvements" – Coastal Engineering Co. – 2/3/21

N. Jones said that since the last hearing, they have addressed many concerns raised by the Commission; a revised plan has been submitted which includes a 5' x 7' timber platform adjacent to the proposed stairs. The plans also now show Bayberry instead of *Rosa rugosa*. Through-flow grated decking is proposed for the stairs as well as the decking. N. Jones relayed that the dilapidated portion of the wall will be repaired to what it was, which would be a vertical wall. The Commission asked if there is evidence that there was a solid, vertical wall in that portion, to which N. Jones relayed that they found toe stones. A Commissioner expressed concern over creating end effects, to which N. Jones said that the abutting property is armored with a rock revetment. C. Krahforst noted that the plan shows existing timber rails and asked if there was any plan to address them, to which M. Goodman said they can be removed. The Commission suggested that they should be removed as if they ever become loose they would act as projectiles and could harm the structure. The Commission noted that at the last hearing they requested documentation of the existing walls dimensions, to which N. Jones relayed that the plan indicates that the top of wall elevation is 9.3'. S. Clarren suggested that the sand proposed to be placed on site for access should be approved by the Commission or their designee. The Commission asked what the sand would be used for to which N. Jones said it is proposed to temporarily regrade a portion of the bank to allow machinery access. He relayed that they can provide a sieve analysis, if needed, to ensure sand is beach sand compatible and the Commission indicated that the sand should be removed when the work is completed.

Six Special Conditions were added as follows:

1. The existing timber rails noted on the plan shall be removed.
 2. As indicated in the narrative, no herbicide shall be used to remove the invasive plants. Beach grass shall be planted on the coastal bank. The top of the bank shall be planted with Bearberry. The beach grass and Bearberry shall be planted successfully and viable, and maintained in good health in perpetuity in order to stabilize the coastal bank. This condition does not expire at the end of three years, nor with the issuance of a Certificate of Compliance.
 3. Prior to commencing proposed work of the wall on the coastal bank, pictures and exact dimensions of the existing structure shall be provided to the Conservation Commission. This shall include the wall's height, depth to grade, and if below-grade work is needed, depth of footings (e.g., footings). Top of wall survey elevations shall be provided at either end of the property. The dimensions of the wall shall not change from existing conditions. Repairs to the areas where the wall has collapsed shall mimic the dimensions of the intact portion of the wall
 4. Any material (i.e., sand) to be placed on the bank for machinery access shall be approved by the Conservation Administrator and shall all be removed when work is completed.
 5. The salt marsh on the site shall not be negatively impacted by any activities associated with construction, nor post-reconstruction. This condition is ongoing and will not expire at the end of three years.
 6. A portion of the property may reside within the jurisdiction of the Waterways Regulation Program and may require a Chapter 91 License. Prior to any work, the applicant or owner must provide evidence if this is or is not needed. If a Chapter 91 License is required, the applicant or owner must obtain a valid Chapter 91 license prior to beginning any work.
- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 5-1-0 (Bannen recused);
It was **voted** to:
Close the Public Hearing and **approve** an Order of Conditions.
Paquin – aye
Stone – aye
Epstein – aye
Best – aye
Sorgi – aye
Bannen – recused

S. Bannen returned.

Certificate of Compliance Requests

67 Pt. Allerton Ave (SE35-1591): The Commission relayed that a lot of material still needs to be removed and therefore work has not been completed. C. Krahforst relayed that the homeowner had hoped the material would've been removed prior to the meeting, but agreed the CoC request could be continued to the next meeting. No action.

20 Park Ave (SE35-1392): Epstein **Motion**, Bannen **2nd**, following roll-call vote of 6-0; Stone – aye; Epstein – aye; Best – aye; Sorgi – aye; Bannen – aye; Paquin – aye; to have the Department **issue** a Certificate of Compliance.

185 Spring St (SE35-1324): The Commission relayed that the work was done in accordance to SE35-1324, but expressed concern over the site; they determined that the Department should examine other permits issued to the property, especially if one was granted for the construction of the home. As the work was done in accordance to the Order, a CoC could be issued. Epstein **Motion**, Bannen **2nd**, following roll-call vote of 6-0; Sorgi – aye; Best – aye; Epstein – aye; Stone – aye; Paquin – aye; Bannen – aye; to have the Department **issue** a Certificate of Compliance.

Continued and New Business

Annual Report: Epstein **Motion**, Bannen **2nd**, following roll-call vote of 6-0; Best – aye; Epstein – aye; Stone – aye; Paquin – aye; Bannen – aye; Sorgi – aye; approve the Annual Report, as drafted.

50 GW Blvd expand outside seating: C. Krahforst relayed that Jakes is proposing exterior changes in seating areas due to COVID restrictions. The proposal would include expanding the seating area onto a pre-existing paved parking area. The work would involve pouring concrete over the existing pavement to make it even with existing platform and to move the fence further into parking area. A Commissioner questioned if this would impact the public walking area, to which C. Krahforst said no. The Commissioner indicated that a revised plan be submitted which details the entire site, including the public walking area. Krahforst noted that the public walking area may be outside the Commission's purview, but the project will have to go through the Planning Board and the Commission could write a letter requesting the Planning Board review such information. Multiple Commissioners indicated that if the work is over existing impervious surfaces it likely won't impact the natural resource areas, but the proposed plan should be documented. A Commissioner expressed some concern that the work could redirect water from the parking lot into the Bay, but that was likely occurring before. Epstein **Motion** to request a determination of applicability for this project; Bannen **2nd**, following roll-call vote of 6-0; Epstein – aye; Stone – aye; Paquin – aye; Bannen – aye; Sorgi – aye; Best – aye; request an RDA for the proposed work.

45 Newport Rd, WBZ Tower: Krahforst relayed that FEMA is working with the Building Department on a communications improvement project which would involve relocating a module inside and installing a new one. He added by noting that it is all over pre-existing impervious surface, but it is close to the marsh system. Multiple Commissioners indicated that due to the project's proximity to a vegetated wetland, a permit application should be filed, to which Krahforst noted there is a utility exemption and that this project falls under said exemption. Clarren then read the following exemption from the WPA: "activities conducted to maintain, repair or replace, but not substantially change or enlarge an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other communication services, provided said work utilizes the best practical measures to avoid or minimize impacts to wetland resource areas outside the footprint of said structure or facility. A project proponent claiming that work to remove, fill, dredge or alter an area specified in 310 CMR 10.02(1) does not require the filing of a Notice of Intent has the burden of establishing that the work is not subject to Regulation under M.G.L. c. 131, § 40." Krahforst noted that the project will be FEMA compliant. Members of the Commission still expressed a desire for a permit to be filed, but noted that due to the exemption, their hands are tied. Peddocks Island Mooring Usage data: Krahforst relayed that in compliance with an OoC to install a mooring field, DCR has submitted annual use information; From May 22-October 11, 2020, DCR received 680 mooring reservations. (new): Meeting tomorrow: Krahforst noted that the Board of Selectmen invited the Commission to attend a presentation for a proposed project, which has not yet been filed, for work at 0 George Washington Boulevard and 189 Nantasket Ave. The Commission agreed they would attend.

(new): Krahforst relayed that DEP has upheld the Commission's denial on issuing an Order of Conditions to 125 Main St. The Commission thanked staff and Town Counsel.

(new) after-the-fact bylaw: A Commissioner asked about the status of the proposed bylaw mentioned at the last meeting. Krahforst relayed that it has been submitted to Town Counsel and Town Manager for review and he will follow up with them to confirm that it is filed appropriately.

Possible Executive Session

0 GW Blvd and 189 Nantasket Ave correspondence: Krahforst relayed that Town Counsel had expressed interest in joining the Commission for an Executive session, but as Town Counsel was not present, the Commission determined no executive session should take place without Counsel..

Violations and Compliance issues

7:26 Upon a **motion** by P. Epstein and **2nd** by S. Bannen and the below roll call **vote** of 6-0;

It was **voted** to: Adjourn.

Stone – aye

Paquin – aye

Bannen – aye

Sorgi – aye

Best – aye