



## HULL CONSERVATION COMMISSION

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**TUESDAY, January 12, 2021**

Held virtually via GoToMeeting

**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:** Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll-call **vote** of 6-0;  
Best – aye, Bannen – aye, Epstein – aye, Paquin – aye; Sorgi – aye,  
It was **voted** to: Approve the Minutes of December 15, 2020

**6:03** Call to order

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

**6:12 35 Massasoit Ave., Map 25/Lot 067 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **James August** for work described as **construct 3'x5' utility platform**.

Representatives: No one present

Abutters/Others: No one spoke

Documents: "35 Massasoit Ave" – n.d.

No one was present to present the proposed project, so C. Krahforst read the file. A Commissioner questioned how the Town can ensure that a platform is constructed according to code, to which C. Krahforst relayed that 1' above BFE in an AE zone is a FEMA requirement and added that it is not within the Commission's purview.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to:

**Close** the Public Hearing and have the Department **issue** a Negative Determination of Applicability.

Bannen – aye

Epstein – aye

Paquin – aye

Sorgi – aye

Best – aye

**6:18 42 L St., Map 15/Lot 049 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **James August** for work described as **construct 3'x5' utility platform**.

Representatives: No one present

Abutters/Others: No one spoke

Documents: "42 L St" – n.d.

No one was present to present the proposed project, so C. Krahforst read the description provided in the application. He noted that it is the same applicant as the previous hearing.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to:

**Close** the Public Hearing and have the Department **issue** a Negative Determination of Applicability.

Epstein – aye

Paquin – aye

Sorgi – aye

Best – aye

Bannen – aye

**6:21 168 Newport Rd., Map 26/Lot 046 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **James August** for work described as **construct 3'x5' utility platform**.

Representatives: No one present

Abutters/Others: No one spoke

Documents: "168 Newport Rd" – n.d.

No one was present to present the proposed project, so C. Krahforst read the description provided in the application. He noted that it is the same applicant as the previous hearing. A Commissioner noted that during site visits, they saw newer looking, unpermitted fences that would likely divert water during a flood event. It was determined that a letter of violation be sent to the property owner/s regarding the fence.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to:

**Close** the Public Hearing and have the Department **issue** a Negative Determination of Applicability.

Paquin – aye

Sorgi – aye

Best – aye

Bannen – aye

Epstein – aye

**6:26 39 Hampton Cir., Map 36/Lot 159 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **James August** for work described as **construct 3’x5’ utility platform**.

Representatives: No one present

Abutters/Others: No one spoke

Documents: “39 Hampton Circle” – n.d.

No one was present to present the proposed project, so C. Krahforst read the description provided in the application. He noted that it is the same applicant as the previous hearings.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to:

**Close** the Public Hearing and have the Department **issue** a Negative Determination of Applicability.

Best – aye

Bannen – aye

Epstein – aye

Paquin – aye

Sorgi – aye

**6:30 157 Samoset Ave., Map 21/Lot 021 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **James August** for work described as **construct 3’x5’ utility platform**.

Representatives: No one present

Abutters/Others: No one spoke

Documents: “157 Samoset Ave” – n.d.

No one was present to present the proposed project, so C. Krahforst read what was provided in the file. He noted that during site visits, it appeared that a flood vent may be obstructed by the platform, but he would work with the applicant to ensure that doesn’t happen. A Commissioner questioned what the height would be and how they could ensure it is constructed to code, to which C. Krahforst reiterated that constructing utility platforms 1’ above BFE is a FEMA requirement. He added that he spoke with the Building Commissioner on the matter, as the Building Department enforces code regulations. Krahforst added that the burden is on the applicant to determine the required height.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to:

**Close** the Public Hearing and have the Department **issue** a Negative Determination of Applicability.

Bannen – aye

Epstein – aye

Paquin – aye

Sorgi – aye

Best – aye

**6:38 127 Newport Rd., Map 26/Lot 124 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **New England Generator CO** for work described as **construct 50”Lx30”Wx48”H generator platform**.

Representatives: No one present

Abutters/Others: No one spoke

Documents: “127 Newport” – n.d.

“127 Newport” – n.d.

No one was present to present the proposed project, so C. Krahforst read what was provided in the file. The Commission noted that the drawing is not consistent with the structures onsite. The Commission noted that there were flags onsite, but the “front / street” as indicated on the plan does not reflect where the flags were. The Commission determined that they need a revised plan that accurately shows the site and the proposed work.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to:

**Deem** the application incomplete and return to the applicant so they can provide a more adequate plan.

Epstein – aye

Paquin – aye  
Sorgi – aye  
Best – aye  
Bannen – aye

**6:49 21 N St., Map 14/Lot 113. Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **New England Generator CO** for work described as **construct 50”Lx30”Wx48”H generator platform.**

Representatives: No one present  
Abutters/Others: No one spoke  
Documents: “21 N St” – n.d.

No one was present to present the proposed project. Krahforst said its same applicant as the previous hearing. He noted that the owner reached out and he worked with her to develop a better plan than the one that was submitted with the application.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to:

**Close** the Public Hearing and have the Department **issue** a Negative Determination of Applicability.

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

**6:55 12 Crest Rd., Map 03/Lot 108. (SE35-XXXX) Opening** of a Public Hearing on the **Notice of Intent** filed by **Rick Hulverson** for work described as **construct 23’x44’ deck and 7’x36’ porch.**

C. Krahforst noted that the required abutter notice was not mailed in a timely manner per the Wetlands Protection Act and therefore could not be opened. He added that there is also no DEP file number.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to:

**Continue** the Public Hearing to January 26, 2021 at a time TBD.

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

**6:57 179 Samoset Ave., Map 19/Lot 105. (SE35-XXXX) Opening** of a Public Hearing on the **Notice of Intent** filed by **Sami Plotkin** for work described as **construct a one-story addition on rear of house, construct open deck on side of house.**

Representatives: Sami Plotkin; David Ray (Surveyor)  
Abutters/Others: Arnold Freeman (179C Samoset Ave)  
Documents: “Existing and Proposed Conditions Plan” – Nantasket Survey Engineering, LLC – 10/30/2020  
“[Photo of the passageway]” – n.d.  
“Foundation Plan” – Timothy Burke Architecture – 11/18/2020

S. Plotkin introduced the project as described above. She noted that the work entails extending the existing deck. The Commission expressed concern over the proximity of the proposed work to the paved passageway, though aesthetics of that are outside their purview. D. Ray noted that the pavement that exists in the field doesn't match up exactly to what it should be and that the deck will extend to approximately where the passageway is paved. S. Plotkin added that she has spoken to all immediate abutters who seem to be in favor of the project. A. Freeman of 179C Samoset Ave said that he is in support of the application.

- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 5-0;

It was **voted** to:

**Close** the Public Hearing and **approve** an Order of Conditions.

Best – aye  
Bannen – not present  
Epstein – aye  
Paquin – aye  
Sorgi – aye

**7:07 7 Vernon Ave., Map 24/Lot 143. (SE35-1492) Opening** of a Public Hearing on the Request to Amend the Order of Conditions filed by **Jack Mitchell** for work described as **revised retaining wall, revised decks, revised stairs front and rear, add AC pad, add pad for gas, revise driveway material, and revised walkways.**

Representatives: Jack Mitchell; David Ray (Surveyor)

Abutters/Others: Pam Lindberg (3 Vernon Ave)

Documents: "Site As-Built" – Nantasket Survey Engineering, LLC – 12/14/2020

"Existing and Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 6/12/2019

"[Photo of vegetated buffer] – n.d.

"[4 photographs of the drywell] – n.d.

J. Mitchell presented the after-the-fact changes to the approved Order of Conditions. He relayed that there is actually no A/C pad; instead it is a suspended deck attached to the house. He then said that in speaking with the Fire Captain, he was told he needed to put the two propane tanks on cement, which he did. He then stated that the original set of stairs in the front of the home did not change, but the ones in the rear were moved. He then said that walkway in the front changed as the grades noted in the original plan were too steep. The walkway is permeable pavers set in stone dust. The retaining wall was shown on the original plan, it just wasn't labeled. He then said that the intent of the project was to stay consistent with the neighborhood, most of which contain retaining walls with asphalt driveways. He relayed that he submitted pictures showing this. He alleged that in the original hearing he said the driveway would be asphalt. He noted that in many cases the Commission requires permeable pavers and french drains, but this driveway is pitched from the house to the right and back to the front. He added that there is a catch basin at the front of the driveway and there is 120' between the houses. Because of the space on the property, water should not be an issue. He said that all surface runoff will run to the street. J. Mitchell then said that there has been some discussion regarding the vegetated buffer and that the site has been loamed and seeded. An abutter requested more and he therefore planted some bushes along the rear of the property. He then added that the new owners hope to put in fence and more plantings (at a later date). A Commissioner relayed that they thought the vegetated buffer was supposed to extend the entire rear of the property. Another Commissioner was alright with the length of the buffer, but noted that because impervious driveways can redirect water, the project should be conditioned so that if there are any issues, they would be mitigated. J. Mitchell said that he would be willing to take that on instead of putting it on the owner. Pam Lindberg of 3 Vernon Ave asked if the hearing was just on 7 Vernon Ave, to which the Commission said it is.

Two new Special Conditions were added as follows:

- 1) Any drainage issues that emerge need to be addressed. If there is any runoff to the abutting properties, the property owner is responsible for installing, at minimum, a buffer zone to mitigate the problem.
  - 2) An annotated plan shall be provided to the Conservation Department showing the vegetated buffer.
- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and the following rollcall **vote** of 5-0;

It was **voted** to:

**Close** the Public Hearing and **approve** an Amended Order of Conditions.

Bannen – aye

Epstein – aye

Paquin – aye

Sorgi – aye

Stone – recused

Best – aye

**7:27 5 Vernon Ave., Map 24/Lot 140. (SE35-1493) Opening** of a Public Hearing on the Request to Amend the Order of Conditions filed by **Jack Mitchell** for work described as **revised retaining wall, revised decks, revised stairs front and rear, add AC pad, add pad for gas, revise driveway material, and revised walkways.**

Representatives: Jack Mitchell

Abutters/Others: Pamela Lindberg (3 Vernon Ave)

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 6/12/19, rev. 12/24/20

J. Mitchell said the after-the-fact work follows what was done on 7 Vernon Ave almost exactly, except for the fact that the deck on the left extends out differently. He noted that the grades slope up and then slope down as they tie into the abutting properties. He said that 3 Vernon Ave will be higher than 5 Vernon Ave. P. Lindberg of 3 Vernon Ave relayed that she appreciated the clarification on the grading. She then expressed concern running from the driveway to the street, as the catch basin in front of her house is having issues as is. J. Mitchell relayed that the driveway is 150' from that catch basin. The Commission relayed that any issues with drainage on the street should be directed to the DPW. P. Lindberg then asked about the gutters, to which J. Mitchell said that all downspouts lead into 55 gallon drywells.

One new Special Condition was added as follows:

- 1) Any drainage issues that emerge need to be addressed. If there is any runoff to the abutting properties, the property owner is responsible for installing, at minimum, a buffer zone to mitigate the problem.
- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and the following rollcall **vote** of 6-0;

It was **voted** to:

**Close** the Public Hearing and **approve** an Amended Order of Conditions.

Epstein – aye

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

**7:38 97 Bay St., Map 35/Lot 026 (SE35-1572) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Carl Turgeon** for work described as **proposed revetment wall**.

Representatives: Stan Humphries (Wetlands Biologist); David Ray (Surveyor)

Abutters/Others: No one spoke

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 8/11/19, rev. 11/10/20  
"Turgeon Residence" – Colonial Home Design – 1/6/2021  
"97 Bay St concept" – n.d.

S. Humphries relayed that since the last hearing, they have developed a plan that would involve removing the existing structure and constructing a new one. He added that they still believe that a gabion system is the best option for the site. 5' from each property line would be a simple sloping mattress that would be covered with soil and vegetation. He added that there would be some commitment to repairing adjacent properties, if needed. D. Ray then asked how the Commission would like to entertain the demo and rebuild of the structure. He suggested that the NOI could be withdrawn and they could submit a new NOI with a house and engineering structure. The Commission agreed that would be permissible and noted that with the application, information should be submitting providing evidence that the WPA supports the grandfathering of constructing coastal engineered structures on lots containing a pre-1978 house, once that dwelling is demolished. C. Krahforst relayed that he spoke with DEP, which reaffirmed that it is allowed as long as the dwelling is not significantly larger.

A Commissioner suggested further conversations with the neighbors about any potential end effects and documents on that should be submitted with any new application. Another Commissioner stated that they are still concerned with using a gabion system on the site, to which S. Humphries briefly reiterated from a previous hearing that what is/would be proposed is a high density polyetherine grid and suggested that the Commission look into Triton gabion literature and looking at 204 Nantasket Road. The Commission noted that they will, but evidence should also be submitted with the application when filed. D. Ray then requested to withdraw the NOI without prejudice, to which the Commission agreed.

**7:53 45 D St., Map 17/Lot 087. Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Cheryl Tarara** and **Rita Carapellucci** for work described as **proposed 2-story addition**.

Representatives: Patrick Roseingrave (engineer); Steve Meyers (architect)

Abutters/Others: No one spoke

Documents: "Proposed Elevations, Floor Plan, Foundation (4 sheets)" – Studio-Meyers Architecture and Design – 10/6/20  
"Proposed Addition" – CCR Associates, Inc. – 8/10/20, rev. 12/827/20

The Commission questioned why an RDA was filed for an addition and relayed that projects of such scale always come before the Commission as an NOI unless the project is in a buffer zone. C. Krahforst relayed that he informed the applicant of that fact. The Commission then relayed that the survey does not show all structures onsite and that it appears a new solid fence has been installed. The Commission said a NOI should be filed for the work as the project will clearly alter land subject to the Act.

S. Meyers said that the shed is intended to be demolished and removed, so the lot can remain within the allowed 30% coverage. P. Roseingrave asked to present the project, to which the Commission said he could, but a NOI will need to be filed and the other structures (gazebo, bar, shed(s), fence) will also need to be permitted. P. Roseingrave said that Quincy accepts RDAs for similar work. The homeowners expressed concern over the Commission not entertaining the RDA, to which the Commission relayed that the work would likely be able to be permitted, it would just need to follow the proper permitting process. The Commission suggested the applicants and/or their representatives discuss the matter further with the Conservation Department.

- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 6-0;

It was **voted** to:

**Close** the Public Hearing and have the Department **issue** a Positive Determination of Applicability.

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

**Certificate of Compliance Requests**

(new) 96 Nantasket Rd. Krahforst said Commission wanted a revised plan showing the differences (location of stairs). Said plan has since been provided. Epstein moved to issue CoC. Bannen second.  
Sorgi – aye; Best – aye Bannen – aye; Epstein – aye; Paquin - aye

### **Continued and New Business**

Extension Request for SE35-1401. DCR - Peddocks Island mooring project: P. Epstein **Motion**, S. Bannen **2<sup>nd</sup>**, following roll-call vote of 6-0; Sorgi – aye; Stone – aye; Best – aye; Bannen – aye; Epstein – aye; Paquin – aye; have the Department issue a 3-year extension.

Parking at Berkley Place Condominium: Per a request from a Commissioner at the last hearing, Krahforst provided the Commission with Condo Documents regarding Berkley Place to show that they do note that cars should be removed during coastal storm events. The Commission noted that the condition should be reworked on any similar, future applications to ensure that the building manager has keys to ensure that the cars be removed.

125 Main St.: Krahforst relayed that town worked with property owner and a property owner in Chatham to ensure that the building was removed from the site. He noted that no Notice of Intent was filed for the work as removing it was in compliance with the Enforcement Order. He added that they were in compliance with the Building Department and Health Department on removal. He concluded by stating that there is still a second Enforcement Order regarding the various unpermitted activities onsite that still needs to be resolved.

(new) Eroding Bank: A Commissioner relayed that they have been informed that there is a significant amount of erosion on the Northside of Harborview Road. The Commission suggested conducting a site visit.

### **Violations and Compliance issues**

Paragon Boardwalk and 0 GW Blvd: Attorney Adam Brodsky of DTM Law was present. C. Krahforst relayed to the Commission that Town Counsel is working with Brodsky to ensure compliance on this matter. He noted that there is an internal meeting on the matter on Thursday morning to catch Brodsky up to speed. A. Brodsky added that Chris Iannuzzi from EBI Consulting was also present and that EBI Consulting is working on developing status reports to give the Commission an idea of the progress that they have made and continue to be making.

P. Epstein **Motion**, S. Bannen **2<sup>nd</sup>**, following roll-call vote of 6-0; Stone – aye; Best – aye; Bannen – aye; Epstein – aye; Paquin – aye; Sorgi – aye; ratify both Enforcement Orders (0 George Washington Boulevard and 189 Nantasket Ave).

**8:36** 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.

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