



HULL CONSERVATION COMMISSION

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TUESDAY, August 25, 2020
(held remotely via GoToMeeting)

Members Present: Paul Paquin, Sean Bannen, Paul Epstein, Tammy Best, Lou Sorgi
Members Absent: Jennifer Stone
Staff Present: Chris Krahforst, Conservation Administrator, Sarah Clarren, Assistant Conservation Administrator
Staff Absent: None
Minutes: Upon a **motion** by P. Epstein **2nd** by L. Sorgi and the below roll-call **vote** of 5-0;
P. Epstein – aye; T. Best – aye; L. Sorgi – aye; S. Bannen – aye; P. Paquin – aye
It was **voted** to: Approve the Minutes of June 23, 2020
Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll-call **vote** of 5-0;
T. Best – aye; L. Sorgi – aye; S. Bannen – aye; P. Paquin – aye; P. Epstein – aye
It was **voted** to: Approve the Minutes of July 28, 2020

6:00 Call to order with the following roll-call; P. Paquin– aye; P. Epstein– aye; L. Sorgi–aye; T. Best – aye; S. Bannen– aye

6:06 115 Atlantic Ave., Map 53/Lot 013 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **John Loupos** for work described as **RDA Generator Platform**

Representatives: John Loupos

Abutters/Others: No one spoke

Documents: "Google Maps 115 Atlantic Ave (annotated)" – 8/4/2020

J. Loupos presented the project as described above. He said he would mount the generator on concrete footings or a solid concrete pad, whichever the Commission would prefer. C. Krahforst said the Building Department has no preference, but the platform needs to be elevated to BFE, plus one foot.

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

It was **voted** to:

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

P. Paquin – aye

P. Epstein – aye

T. Best – aye

L. Sorgi – aye

S. Bannen – aye

6:10 115 Manomet Ave., Map 21/Lot 071 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **James August** for work described as **construct free standing 3' x 5' pressure treated platform generator platform in rear of house.**

Representatives: No one present

Abutters/Others: No one spoke

Documents: "Mortgage Loan Inspection (annotated)" – 4/14/1994

No one was present to describe the project or answer questions. C. Krahforst and the Commission stated that the plans are unclear. A Commissioner noted that the plan appears to have the platform in the middle of the yard which may result in further ground disturbance in order to run lines to the house.

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

It was **voted** to:

Send the application back to the applicants to submit a revised plan; **Continue** the Public Hearing to 9/8/2020 at a time to be determined.

P. Paquin – aye

T. Best – aye

L. Sorgi – aye

S. Bannen – aye

P. Epstein – aye

6:19 15 Atherton Rd., Map 39/Lot 181 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **James August** for work described as **construct free standing 3' x 5' pressure treated platform generator in rear of house.**

Representatives: no one was present

Abutters/Others: no one spoke

Documents: "Addition Site Plan (annotated)" – 4/24/1995

No one was present to describe the project or answer questions. C. Krahforst said that the plans are essentially the same as the previous filing as it was submitted by the same applicant. He expressed concern that the plan indicates an addition where the platform is proposed. S. Clarren noted that the annotated plan was in a previous filing for an addition which was never constructed. The Commission noted that there were unpermitted items onsite, but that should be handled via another application.

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

It was **voted** to:

Close the Public Hearing and **issue** a Negative Determination of Applicability, contingent on the platform being constructed in accordance with Building Code.

T. Best – aye
L. Sorgi – aye
S. Bannen – aye
P. Paquin – aye
P. Epstein – aye

P. Paquin recused himself.

6:31 8 A St. and 0 Bay Ave. East (Map 18/Lots 085 & 103) (SE35-1567) Opening of a Public Hearing on the **Notice of Intent** filed by **Hull Bay Avenue LLC** for work described as **spread 3-6” of woodchips on lot and install fence on 8 A St.**

Representatives: Arthur Augenstern

Abutters/Others: Charles Gould (61 Halverson); Louise Carselonie (condos); Stephen Mann (3 Prospect Ave); P. Paquin (28 Bay Ave East)

Documents: “Assessors Maps (annotated)” – n.d.

A. Augenstern presented the proposed project as described above. He said that the lot in question is on the side of the hill and as it is vegetated with trees. He said that in order to prevent trash from continuing to accumulate on the site he placed a layer of woodchips which cuts down on the brush and makes trash more visible and easier to clean up. A Commissioner noted that by spreading woodchips on the ground, it prohibits growth and could de-stabilize the area. Two Commissioners suggested that a landscape plan be provided. He then said that a fence is proposed at 8 A St where posts would be placed on the north and south side of the lot. The fence itself would be chain-linked, with panels to prevent people from looking in. The Commission suggested that the fence be 50% flow through and elevated a minimum of 6” off the ground. One Commissioner noted that the proposed fence would be perpendicular to the Bay. A. Augenstern noted that the area has never flooded.

C. Gould of 61 Halverson Ave. said that he is in favor of the woodchips and cleaning up the area. L. Carselonie of the condos said that she wants to talk about the clearing of vegetation by George Washington Blvd., to which the Commission said she is inquiring about a later hearing. S. Mann of 3 Prospect Ave said that he is in favor of the woodchips and the Commission should note that the bank is shaded out by trees, so there is no ground cover. He added that the woodchips won’t move. C. Gould of 61 Halverson reiterated that he’s in favor of beautifying the area. P. Paquin of 0 Bay Ave East noted that the Commission traditionally only requires fences in AE zones to be elevated 6” off the ground.

C. Krahforst said the jurisdiction of the Commission on 0 Bay Ave. East is not extensive. He added that he originally received a complaint about a large pile of woodchips being dumped onsite and therefore issued a violation letter as there is a prohibitive dumping bylaw and that the work is in a resource area and therefore requires a permit. C. Krahforst said that since the letter went out, the woodchips have been spread out; he then agreed that the vegetation is dense onsite and that the canopy cover may stop the rain and mobilization of the woodchips. S. Clarren noted the prohibitive dumping bylaw and expressed concern over the elevation of land in a flood zone and about the possible nutrient loading that would occur as the woodchips decompose.

A. Augenstern said that he could remove some of the chips, but a landscaping plan would not work onsite as there are too many Norway Maples and rocks. He added that he wants to keep his project as low-cost as possible. He noted that he’s already removed 3-4 pickup trucks of woodchips and that if the rest remain onsite, they will degrade into loam. C. Krahforst noted that the Commission is tasked with if the work will impact the resource area(s). He asked them to consider the impacts, if the woodchips would move (into the stormwater system and/or bay). He said that in the short-term, the woodchips are likely not to be mobilized. He noted that the Prohibitive Dumping Bylaw is outside the Commissions jurisdiction, but resource areas remain onsite.

- L. Sorgi **motioned** and S. Bannen **seconded** to **approve** the fence, but not the woodchips, with one Special Condition that the fence be one the property and elevated a minimum of 6” off the ground.

The Commission discussed the motion and it was suggested that another site visit be made.

- Upon a **motion** by S. Bannen **2nd** by L. Sorgi and the below roll call **vote** of 4-0;

It was **voted** to: **withdraw** the previous motion

- S. Bannen – aye; L. Sorgi – aye; T. Best – aye; P. Epstein – aye.

A. Augenstern said that he was hoping to place more, but won’t and that he can eliminate some chips that are currently on the site. The Commission suggested that A. Augenstern work with the Conservation Department to develop an adequate plan that shows the proposed ‘landscaping’ by installing woodchips.

- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and the below roll call **vote** of 4-0;

It was **voted** to:

Continue the Public Hearing to 9/8/2020 at a time to be determined.

L. Sorgi – aye
S. Bannen – aye
T. Best – aye
P. Epstein – aye

P. Paquin returned.

P. Epstein recused himself.

7:34 95 Manomet Ave., Map 23/Lot 127 (SE35-1559) Continuation of a Public Hearing on the **Notice of Intent** filed by **Shelley Krug Irrevocable Trust** for work described as **after-the-fact installation of an above ground pool and fence; installation of a shed**

Representatives: Neil Krug

Abutters/Others: Lisa Campbell (107A Atlantic Ave)

Documents: "Site Plan of Proposed Deck 14 Warren St" – 9/15/2003, last rev. 10/2/2003, annotated 8/20/2020

N. Krug said that a revised plan has been provided as per the Commission's request. He said that although the shed and fence were included in the application, the shed won't be installed and the fence was pre-existing; the only thing in the application to be permitted is the pool.

L. Campbell of 107A Atlantic Ave asked if the pool was the only thing that would be permitted, to which the Commission said yes. She then asked if the pool was on the Railroad Bed, to which the Commission said no.

- Upon a **motion** by S. Bannen **2nd** by L. Sorgi and the below roll call **vote** of 4-0;

It was **voted** to:

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

P. Paquin – aye
L. Sorgi – aye
T. Best – aye
S. Bannen – aye

P. Epstein returned

7:38 6 R St., Map 13/Lot 120 (SE35-1568) Opening of a Public Hearing on the **Notice of Intent** filed by **Michael Letourneau** for work described as **remove and replace existing fence; construct 260 sq. ft. deck; install 1420 sq. ft. patio; remove and replace shed.**

Representatives: Ruth Rosenberg

Abutters/Others: no one spoke

Documents: "KR Architecture & Interiors" – 7/3/2020
"Annotated Survey" – n.d.

The Commission asked if the plans have changed, to which R. Rosenberg said she didn't think so. The Commission asked if the plan would involve paving nearly the entire rear of the lot, to which R. Roseberg said yes. She added that she is disabled and that hardscape is easier for her to walk on than lawn. She said that the rear of the lot will be graded (except for next to the garage).

The Commission said that they noticed that there is a natural, sloping grade onsite and the plans provided do not show proposed grade changes. R. Rosenberg said that next to the garage there is a retaining wall and on the other side, the lot will be graded level. She noted that there is another plan which better shows the project. The Commission expressed concern over the plans for the project and over the increased lot coverage. C. Krahforst noted that the additional plan does not have elevations or contours on it. The Commission also said that the additional plan is not a survey (like the original plan that was submitted) and the actual property boundaries will need to be marked onsite before any work begins. The Commission added that the buffer between the proposed will likely not be sufficient; the smallest buffer they can recall allowing was 3'. R. Rosenberg said that a 2' buffer is proposed and noted that the backyard would be "like a swimming pool." The Commission noted that it is an AE 10 zone and that the whole backyard will impact the permeability of the site. The Commission said that even permeable pavers are semi-impervious and over time, if not maintained, can become impervious which would impact the abutters and the resource areas. The Commission expressed concern in the differences between the annotated survey and the 3D Drawings.

The Commission discussed what they would need to make a determination on the project. It was determined that they would need 1) contours/spot grades of the existing and proposed conditions, 2) a larger buffer, 3) narrative about the permeability of the pavers and how water will be infiltrated onsite, 4) mitigation for any reduced permeability of the ground. They reiterated that it is important to know the existing conditions. R. Rosenberg asked what would need to be on the plan, to which the Commission said that it should be a topographical plan that shows the contours and the proposed work. The Commission noted that work has begun and it may be helpful to do another site visit.

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

It was **voted** to:

Continue the Public Hearing to 9/8/2020 at a time to be determined.

L. Sorgi – aye
S. Bannen – aye

P. Paquin – aye
P. Epstein – aye
T. Best – aye

8:02 0 George Washington Blvd., Map 37/Lot 002 (SE35-1561) Continuation of a Public Hearing on the Notice of Intent filed by William Smyth for work described as after-the-fact clearing of vegetated area to be used for temporary auxiliary parking. **On 8/24, the applicant's representative requested a continuance to 9/8 at a time TBD.**

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0;
It was **voted** to:

Continue the Public Hearing to 9/8/2020 at a time to be determined.

P. Paquin – aye
P. Epstein – aye
T. Best – aye
L. Sorgi – aye
S. Bannen – aye

Certificate of Compliance Requests

9 Pt Allerton Ave (SE35-1500): Brendan Sullivan from Cavanaro Consulting was present. C. Krahforst noted that an as-built was submitted and that the project was conditioned to be FEMA compliant. He noted that floodvents were stacked on each other and there was some question as to if that was FEMA compliant and that the Building Department is looking into it. He added that there was an unpermitted generator platform. B. Sullivan said that the way the floodvents are installed are compliant and that he has submitted an elevation certificate and added that the basement has been filled. P. Epstein **Motion**, S. Bannen **2nd**, following roll-call vote of 5-0; S. Bannen –aye, P. Paquin – aye, P. Epstein – aye, T. Best – aye, L. Sorgi – aye; issue CoC.

27 Beach Ave (SE35-1474): Stephen Rider, Esq. was present to represent Marjorie MacCleod of 18 Manomet Ave. He said that he has submitted materials detailing three reasons why they object to the Commission issuing a CoC which go as follows 1) in the course of doing work (work parallel to property line) workers dumped cement sludge on clients property; 2) the wall appears to be raised by one block and was extended; 3) 18 Manomet Ave owns a portion of the property by adverse possession and therefore the project doesn't comply with the special condition. He therefore suggests that the Commission not issue a CoC until the matter is resolved in Land Court and also suggested that an Enforcement Order be issued for the cement sludge. The Commission noted that they did see some cement. The Commission then asked C. Krahforst to review the photos and speak to the height of the wall in question. C. Krahforst said that when the Notice of Intent was filed, the applicant sought to remove and replace the wall as it was at that time; pictures show that although the third level of cement blocks weren't mortared, there was a third level. He noted that minutes note that the applicant requested to extend the [third tier of the] wall, which the Commission approved. A Commissioner recalled that the wall was supposed to be the same height of the grade behind it and it was determined that was a separate wall. The Commission then discussed the third point regarding holding up a CoC for a land court decision. A Commissioner noted that no matter the Commission's decision on the CoC, it has no bearing in land court.

P. Epstein **Motion**, S. Bannen **2nd**, following roll-call vote of 5-0; P. Paquin – aye, P. Epstein – aye, T. Best – aye, L. Sorgi – aye, S. Bannen –aye; issue CoC.

The Commission took a brief recess, returning at 8:51pm.

Continued and New Business

Phipps St drain: C. Krahforst relayed that the DPW has been servicing the drain at Phipps St and that the Conservation Department will work with DPW to better permit such items.

Tern/Bird Habitat – Spinnaker Island Follow-up: C. Krahforst said that he is continuing to look into the tern platform by Spinnaker Island and discovered an old permit was pursued as mitigation for removal/replacement of old pier. He questioned if the platform is still suitable tern habitat and the Commission suggested that he contact Mass Audubon.

Emergency Certification – Seaweed: C. Krahforst relayed that the Health Department issued a Health Emergency for a large accumulation of seaweed up by XYZ St and therefore the Conservation Department issued an Emergency Order for seaweed removal in accordance with the Beach Management Plan.

(New) DEP Site Visits 8/26/20: 25 Beach Ave 9 AM (cancelled 8/25/20); 125 Main St. 10:30 AM: C. Krahforst relayed that the appellants of 25 Beach Ave have withdrawn their appeal and therefore there will be no site visit on that matter.

(new) Utility Platform: A Commissioner asked staff to ensure that each application for a utility platform note what type of generator is proposed, where exactly it will be, and how it will be connected to the platform. The application should also note that it needs to be one foot above BFE. The Commissioner suggested drafting guidance for applicants.

(new) Meeting Schedule: The Commission reviewed the prepared meeting schedule. P. Epstein **Motion**, S. Bannen **2nd**, following roll-call vote of 5-0; P. Epstein – aye, P. Paquin – aye, T. Best – aye, L. Sorgi – aye, P. Epstein – aye, S. Bannen – aye; approve prepared meeting schedule.

(new) Walking Trail Surveys: T. Best, Commissioner noted that in a Community Preservation Committee meeting, a member of the public inquired about a walking trails survey and who produced it. P. Paquin, Chair noted that the Open Space and Recreation Committee put out a "survey" regarding Open Space and Recreation. S. Clarren noted that the draft Open Space & Recreation Plan has been uploaded to the Planning Board's webpage.

Violations and Compliance issues

125 Main Street: No new information

189 Nantasket Avenue: No new information

85 Highland Ave: C. Krahforst relayed that unpermitted vegetation removal was reported at 85 Highland Avenue. The owners will be filing for a permit for the work which should be on the next agenda.

(new) 15 & 19 Atherton Rd: C. Krahforst noted that during site visits, the Commission pointed out a large amount of pavers installed on both properties. He relayed that he will be following up by sending a violation notice to the property owners.

9:15 Upon a **motion** by P. Epstein and **2nd** by S. Bannen and the below roll call **vote** of 5-0;

It was **voted** to: Adjourn.

P. Paquin – aye

P. Epstein – aye

T. Best – aye

L. Sorgi – aye

S. Bannen – aye