



HULL CONSERVATION COMMISSION

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Hull, MA 02045

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TUESDAY, July 28th, 2020
(held remotely via GoToMeeting)

Members Present: Paul Paquin, Sean Bannen, Paul Epstein, Tammy Best, Lou Sorgi, Jennifer Stone
Members Absent: None
Staff Present: Chris Krahforst, Conservation Administrator, Sarah Clarren, Assistant Conservation Administrator
Staff Absent: None
Minutes: Minutes of 6/23 drafted, but not reviewed.

6:01 Call to Order; Paul Paquin read the Commission's charges aloud.

6:08 9 Long Beach Ave., Map 48/Lot 020-A (SE35-1556) Opening of a Public Hearing on the **Notice of Intent** filed by **Ana Broyles** for work described as **replace existing retaining wall, walkway, patio and driveway; extend existing fence around remaining unfenced portion of the site.**

Representatives: Ana Broyles; Chris Sanderson (representative)

Abutters/Others: No one spoke

Documents: "Site Plan" – Merrill Engineers and Land Surveyors –

C. Sanderson presented the project as described above. He noted that the retaining wall that is currently onsite is compromised and the proposed one was designed by a structural engineer to be installed in the same location. He added that the maximum height of the wall would be 5' and it would slope towards the driveway/street line. He then said that the proposed fence would wrap along the southern side of the property and tie into the existing fence. He said that the two deteriorating patio/brick walkway areas would be removed and replaced with permeable pavers. He concluded by stating that the project would not result in any new impervious areas and during work, a silt sock would be used. A Commissioner asked if the retaining wall currently runs to the lot line, to which C. Sanderson said that will be extended slightly to the property line. Another Commissioner asked what type of fence is proposed to which A. Broyles said that it would match the existing one on site (picket fence).

Two Special Conditions were added as follows:

1. All proposed work shall be confined to be within the property boundary, particularly with respect to the extension of the replacement retaining wall.
 2. The permeable walkway and patio shall be maintained in such manner as to ensure permeability in perpetuity. This condition will not expire at the end of three years, nor with the issuance of a Certificate of Compliance.
- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and the below roll call **vote** of 5-0;
It was **voted** to:
Close the Public Hearing and **approve** the Order of Conditions.
P. Paquin – aye
P. Epstein – aye
T. Best – aye
L. Sorgi – aye
S. Bannen – not yet present

S. Bannen arrived.

6:23 18 Q St., Map 13/Lot 152 (SE35-1557) Opening of a Public Hearing on the **Notice of Intent** filed by **Gerald Padilla** for work described as **remove existing 12' x 12' patio and replace with 14' x 14' patio.**

Representatives: Gerry and Patty Padilla

Abutters/Others: No one spoke

Documents: "Mortgage Inspection Plan" – Reney, Morgan & Tivnan Registered Land Surveyors –

This hearing is for after-the-fact work. G. Padilla presented the project as described above. He noted that when he was doing the work, he found a sewer manhole which was filled in. The Commission reminded Padilla that any proposed work on his property will likely require a permit.

One Special Conditions was added as follows:

1. The permeable patio shall be maintained in such manner as to ensure permeability in perpetuity. This condition is ongoing and will not expire at the end of three years, nor with the issuance of a Certificate of Compliance.
- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and the below roll call **vote** of 6-0;
It was **voted** to:
Close the Public Hearing and **approve** the Order of Conditions.
P. Epstein – aye
T. Best – aye

L. Sorgi – aye
J. Stone – aye
S. Bannen – aye
P. Paquin – aye

6:30 150 Cadish Ave., Map 13/Lot 082 (SE35-1560) Opening of a Public Hearing on the **Notice of Intent** filed by **George Boylen** for work described as **remove and replace pre-existing fence; construct 18' new fence.**

Representatives: George Boylen

Abutters/Others: No one spoke

Documents: "Site Plan (annotated)" – John J. Monahan

G. Boylen presented the project as described above. The Commission discussed that the proposed fences in the LSCSF needed to be elevated, be 50% flow through, or both. G. Boylen noted that the fence in the rear is to keep his small dog on his lot and elevating 6" off the ground would be difficult, to which the Commission suggested that chicken wire be used.

Two Special Conditions were added as follows:

1. The lowest horizontal member of the proposed fences shall be elevated 6" off the ground.
 2. The proposed fence located in the front (the red x's on the Plan of Record) shall be (and continue to have) 50% flow through and the fence pickets can extend to the natural grade. This condition is ongoing and will not expire at the end of three years, nor with issuance of a Certificate of Compliance.
- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 6-0;
It was **voted** to:
Close the Public Hearing and **approve** the Order of Conditions.

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

P. Epstein recused himself.

6:20 95 Manomet Ave., Map 23/Lot 127 (SE35-1559) Opening 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: no one spoke

Abutters/Others: no one spoke

Documents: "95 Manomet Ave" – n.d.

S. Clarren, on behalf of the applicants, presented the project as described above. The Commission expressed concern over the plans and said that they were unable to access part of the site. S. Clarren presented an annotated survey that she had prepared, based on the submitted plans, showing the location of the pool. She relayed that the applicants agreed the annotated plan is representative of the work, but that the pool is more to the left. The Commission relayed that they need an accurate plan prior to voting and closing the hearing.

- Upon a **motion** by S. Bannen **2nd** by L. Sorgi and the below roll call **vote** of 6-0;
It was **voted** to:

Continue the Public Hearing to 8/11/2020 at a time to be determined.

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

P. Epstein returned.

P. Paquin recused himself.

6:57 46 Edgewater Rd., Map 29/Lot 064 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Susan Ray** for work described as **proposed walks and driveway in the front and left of the house.**

Representatives: David Ray

Abutters/Others: no one spoke

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 07/13/2020.

D. Ray presented the project as described above. He said that the project would involve re-doing driveway, adding a walkway, reconfiguring the existing brick walkway and putting in an extended parking area with 2' high walls. C. Krahforst noted that the RDA asks the Commission to determine if site is within WPA jurisdiction to which it clearly is and thought the applicant meant to ask if the proposed work is subjected to the WPA. D. Ray agreed and said that the 100' buffer to a coastal bank extends

approximately 40' into his property and he meant to ask the Commission if he needs to file a NOI for the work. The Commission determined that the work would have no added adverse impact to the resource area.

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

It was **voted** to:

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

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

P. Paquin returned.

7:09 59 Mountford Rd., Map 29/Lot 134 (SE35-XXXX) Opening of a Public Hearing on the **Notice of Intent** filed by **Ryan Johnson** for work described as **proposed garage and deck; permeable paver driveway**.

Representatives: Ryan Johnson; David G. Ray (Surveyor)

Abutters/Others: no one spoke

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 07/13/2020
"Proposed Ground Level Floor Plan" – Rockwood Design, Inc. – 6/16/2020

Prior to the presentation of the project, C. Krahforst noted that no DEP file number has been issued and therefore the hearing cannot be closed. D. Ray then presented the project as described above. He relayed that the project involves an addition to a pre-existing home, with a garage underneath the addition. The project will be FEMA compliant. He then added that the proposed driveway would be permeable.

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

It was **voted** to:

Continue the Public Hearing to 8/11/2020 at a time to be determined.

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

7:15 Spinnaker Island, Map 60/Lot 900 (SE35-XXXX) Opening of a Public Hearing on the **Notice of Intent** filed by **Elvis Plokhooy** for work described as **construct 11' x 5' sidewalk connecting Spinnaker Hill Lane to the pre-existing stairs to Marina Drive**.

Representatives: Elvis Plokhooy

Abutters/Others: no one spoke

Documents: "Picture Showing Location of Proposed Sidewalk" – n.d.

The project was presented as described above. The Commission relayed that they saw no issue with the work, but as no DEP File Number had been issued, the hearing could not be closed.

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

It was **voted** to:

Continue the Public Hearing to 8/11/2020 at a time to be determined.

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

7:19 0 George Washington Blvd. Map 37/Lot 002 (SE35-1561) Opening 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. The applicant requested a continuance to 08/11/2020 at a time TBD**

C. Krahforst relayed that due to the size of the project (1000 linear feet or greater) the abutters list isn't defined by the traditional 100' buffer to the property of the project, but is instead 1000' as per WPA regulation. Thus the abutter notification is not complete and, therefore the Commission is unable to open the hearing. The Commission agreed that if the WPA says that abutters within 1000' need to be notified, they won't open the hearing. A Commissioner noted that the delay shouldn't hold the applicant up as the work has already taken place.

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

It was **voted** to:

Continue the Public Hearing to 8/11/2020 at a time to be determined.

P. Paquin – aye

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

Certificate of Compliance Requests

None.

Continued and New Business

Incomplete Application: 169 Beach Ave: C. Krahforst relayed that the Department received an application without all signatures of property owners. The Commission relayed that they cannot review an application that has not been advertised.
Generator/AC Platforms: C. Krahforst asked the Commission if they would consider a generator/HVAC/Utility platform prescription in lands subjected to WPA jurisdiction that, if followed, could be approved by the Department for streamlining permitting for town residents. The Commission asked that a draft guideline/codification be prepared for the Commission to review.

Violations and Compliance issues

Bay Ave East (East end) – Prohibited Dumping: C. Krahforst relayed that prohibited dumping of woodchips was reported to the Department. Upon investigation, C. Krahforst spoke to the owner who relayed that he is just doing landscape work and the chips aren't running off the site. C. Krahforst then noted that the Town has a bylaw prohibiting the dumping of woodchips and that the material needs to be removed. After the site visit and issuance of a non-compliance letter, the woodchips were partially removed but also some material was spread out across the site. C. Krahforst relayed that he has issued a second non-compliance letter relaying that the material all needs removal; the owner is now intending to file a NOI for the work.
(new) Adams Street: C. Krahforst relayed that he saw unpermitted digging and altering of a resource area. He has since spoken with the contractor/owner and they are filing a NOI for the work.
(new) Spinnaker Island: A Commission relayed that while kayaking by Spinnaker Island, they did not know there was a sign telling people to stay out of a nesting area and asked if the posted sign could be fixed. The Commission asked the Department to examine the original Order to determine the parameters of the sign and details of the tern nesting area designed to mitigate the habitat displacement and how it was to meet the preserve and protection of wildlife habitats.

7:49 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.

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