



HULL CONSERVATION COMMISSION

253 Atlantic Avenue, 2nd floor
Hull, MA 02045

Phone: 781-925-8102

Fax: 781-925-8509

TUESDAY, June 23rd, 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: No minutes drafted

6:02 Call to order with the following roll-call; P. Epstein– aye; P. Paquin– aye; S. Bannen– aye; T. Best– aye; L. Sorgi –aye

6:05 15 O St. Map14/Lot 128 .Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Janet Scribner** for work described as **install generator platform on sonotubes**.

Representatives: Janet Scribner

Abutters/Others: No one spoke

Documents: “15 O Street Sonotube Placement” – n.d.

J. Scribner presented the project as described above. She said that the generator platform will be installed on 4 sonotubes or a cement platform and although she hasn’t decided, she would like the Commission to consider both.

- 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

T. Best – aye

S. Bannen – aye

L. Sorgi – aye

P. Epstein – aye

6:10 60 N St. Map 15/Lot 135.Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Alfred Fraumeni, Jr.** for work described as **install new footings and repair existing porch**

Representatives: Alfred Fraumeni, Jr.

Abutters/Others: No one spoke

Documents: “60 N St” – n.d.

A. Fraumeni, Jr. presented the project as described above. He relayed that there is an existing porch onsite and it was determined that the pre-existing footings are prohibited per building code. New footings that will be done by hand are proposed. A Commissioner expressed concern over the filing of an RDA on the project and relayed that disturbance is greater than the Commission generally sees under an RDA. The Commissioner requested that an NOI be filed so that conditions can be issued for the project. A. Fraumeni said that there would be less hard structure on the ground than there is currently, to which a Commissioner said that is less impact to the resource areas. A Commissioner asked if lattice would be installed along the deck, to which A. Fraumeni said yes. The Commissioner expressed concern how lattice would impact the dune system and noted that the application doesn’t mention the lattice. C. Krahforst noted that the dune is developed and may not function as a dune in the area where the deck is proposed. A. Fraumeni noted that the area underneath the deck doesn’t allow water to flow through and the lattice would.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 3-2;

It was **voted** to:

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

P. Paquin – nay

T. Best – aye

S. Bannen – aye

L. Sorgi – nay

P. Epstein – aye

6:26 166 Cadish Ave. Map 13/Lot 046.Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Mary Roche** for work described as **landscaping of land bordering Hull Bay**.

Representatives: Mary Roche

Abutters/Others: No one spoke

Documents: “Existing and Proposed Conditions Plan (annotated)” – Nantasket Survey Engineering, LLC – 9/22/2016

“Massachusetts Quitclaim Deed (Book 46861, pg. 59)” – 4/15/2016

The Commission expressed concern that the survey does not indicate that the landscaping area is part of 166 Cadish Ave, to which M. Roche said her deed relays that it is. The Commission reviewed the deed and agreed that it appears to be part of 166 Cadish Ave. M. Roche noted that the site does have a valid Ch. 91 License for the seawall.

A Commissioner expressed concern that the area would be used for parking, to which M. Roche said it would not. The Commissioner asked what the area will be used for, to which Roche said it would be used as an area to sit.

- 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.

S. Bannen – aye

L. Sorgi – aye

P. Epstein – aye

P. Paquin – aye

T. Best – aye

6:37 25 Beach Ave., Map 27/Lot 010 (SE35-1541). Continuation of a Public Hearing on the **Notice of Intent** filed by **Siobhan McGurk** for work described as **abandon septic system, repair associated existing concrete patio, replace existing stockade fence with new shadow box fence (6" off grade), and install new sewer line connection to Town sewer.**

Representatives: Siobhan McGurk; Eric Kozol (attorney for McGurk)

Abutters/Others: Joel Rudy (14 Manomet Ave); Susan Short Green (71 B St); Scott Martin (attorney for 16 Manomet Ave)

Documents: Annotated "Existing and Proposed Conditions Plan (received 6/23/20) – Nantasket Survey Engineering, LLC-8/12/05

S. McGurk said that since the last hearing, an updated annotated plan and proposal has been submitted. She relayed that the difference in the new submittal is that they won't be trenching to run the lateral line; instead, they will utilize horizontal drilling technology which will involve boring underneath the ground from the street side. The proposed work will minimize impact to the resource areas. She added that Mr. Rudy has verbally agreed to the work as proposed and they are working on a written agreement; any determination that the Commission grants would be subject to execution of such an agreement. The proposed project now does not need to include work on the eastside fencing, but the fencing on the northern portion of the site will be disturbed and will be replaced with a shadowbox fence that will be elevated 6" off grade. A Commissioner asked if the septic tank has been pumped, to which S. McGurk said no. The Commission noted that there was discussion in past hearings regarding 16 or 26 Manomet and therefore asked if they would be impacted with the revised plan, to which S. McGurk said no. A Commissioner asked if the 5' right of way falls on 14 Manomet's land, to which S. McGurk said yes. That Commissioner then said that work cannot begin until a written agreement between 14 Manomet Ave and S. McGurk can be reached.

J. Rudy of 14 Manomet Ave attested to the fact that he did speak with S. McGurk and they are working on an agreement, which would include having S. McGurk cover any damage to his property, should it occur. A Commissioner asked if J. Rudy is agreeable to the Commission approving the work and conditioning his approval, to which J. Rudy said that is acceptable. E. Kozol (attorney for S. McGurk) said he is preparing a utility easement which will need to be signed and recorded at the Registry of Deeds. J. Rudy then said that S. McGurk has agreed to replace the fence between 14 and 16 Manomet Ave, which was previously discussed. C. Krahforst, Conservation Administrator said that the fence should be annotated on the plan, which can be done after the Commission renders its decision.

S. Short Green of 71 B St expressed curiosity about the underground easement and asked if the electricity could also be run underground so there would be no need for the utility pole in the dune. The Commission said that is not the request before the Commission. S. McGurk said it was a good idea, but she hasn't considered it. S. McGurk asked the Commission that if she intends to run the electricity under the ground would she need to return to the Commission, to which the Commission said that running an additional line may increase the size of the drilling and may therefore may require an amendment. The Commission also noted that it is likely against code to run a sewer line and electricity line in the same hole. C. Krahforst, Conservation Administrator, said that for clarification, the pole S. Green is referring to serves 26 and 25 Manomet Ave and is therefore still needed as the work extends beyond the scope of the project. S. Short Green said that she reached out to the Commission about the project in the first hearing and said that she's disappointed to hear that it wasn't discussed with the applicant. The Commission relayed that applicants are welcome to propose whatever they want and the Commission votes on what is before them. The Commission said that the fence should be clearly marked on the plan.

- P. Epstein **motioned** and S. Bannen **seconded** to;

Close the Public Hearing and **approve** the Order of Conditions with the following Special Conditions:

- 1) Prior to commencement of any work related to the sewer line horizontal directional drilling, an agreement for the utility easement as shown on the Plan of Record be formally established and a copy of said agreement be submitted to the Conservation Dept.
- 2) The proposed fence shall be constructed to allow for 50% flow through and the lowest horizontal member of the fence be elevated 6" above grade to allow for passage of flood water

S. Martin (attorney for 16 Manomet Ave) said that he was unable to get into the virtual meeting. He asked that the Commission not close the matter as he hasn't reviewed the plan and said that any construction will impact his clients. He added that he wants an agreement between McGurk and his client that McGurk will pay for any damage to his clients'

property as a part of the work. A Commissioner asked S. Martin how his concerns fall under the Commission's jurisdiction in regards to the WPA, to which S. Martin says the Commission is not allowed to make rulings where there are land disputes. He added that he hasn't seen the plans nor spoken to the contractor to ensure that there will be no impact to 16 Manomet Ave. He said that the plans state that there is land under dispute. He said that he doesn't appreciate not being extended the courtesy of an email with the revised plan. A Commissioner noted that many of the concerns are not within the Commission's jurisdiction. A Commissioner noted that the Commission is able to render a decision as long as the applicant has submitted information showing a colorable claim. S. Martin said no color of title has been provided, to which E. Kozol (attorney of 25 Beach Ave) said that J. Rudy has verbally agreed to change the existing right of way over his property to allow a recorded utility easement. E. Kozol noted that they have spoken with S. Martin numerous times and determined to not go with the existing utility easement over 16 Manomet Ave and work with J. Rudy instead. E. Kozol added that the utility easement won't impact 16 Manomet or 26 Beach Ave, to which S. Martin asked if there was a contractor on the line to attest to that. E. Kozol said that when the easement is drafted, S. Martin can review. A Commissioner noted that S. Martin cannot ask for something; that is the Commission's role; the work is proposed within the right of way that is located on J. Rudy (14 Manomet Ave)'s property and that J. Rudy has verbally agreed to the work, pending a signed agreement. S. Martin then said that he objects that Chris Krahforst (Conservation Administrator) participated in the hearing as he has a relationship with the applicant. The Commission said that Krahforst is the Conservation Administrator. S. Clarren, Assistant Conservation Administrator said that C. Krahforst did speak to the utility pole and that he is managing the on-line screen, as S. Clarren is experiencing connection issues. S. Green said that C. Krahforst had recused himself from the discussion on the utility pole and S. Clarren led that discussion. A Commissioner reiterated that unless there is a dispute between 16 and 14 Manomet Ave in regards to the 5' right of way, it is clear from the plan the right of way is on 14 Manomet Ave; the Commission is conditioning their approval based on receipt of a written agreement between the two parties. A Commissioner asked if S. Martin is asserting ownership on behalf of his client of the 5' right of way, to which S. Martin said no.

S. Martin said that he was told by the Sewer Department that the work would require digging up part of 16 Manomet Ave. A Commissioner said that at the last hearing, the plan was different—it previously included the digging of a trench. S. Martin said that in the previous hearings, numerous plans/ideas were presented. He added that he was not informed by the Conservation Department that the plans have changed. A Commissioner said that a representative of an abutter cannot request a continuance and added that S. Martin hasn't provided a reason, within the WPA, for reason(s) to continue. S. Martin said that the Commission isn't asking questions about the project and that he doesn't know if it violates the WPA as he hasn't seen the plans. E. Kozol (attorney of 25 Beach Ave) said that the proposed project has been discussed; the plan is to do horizontal drilling under the 5' right of way which belongs to 14 Manomet Ave. E. Kozol added that he is working on a written agreement between 25 Beach Ave and 14 Manomet Ave; the work is not on 16 Manomet Ave. S. Clarren, Assistant Conservation Administrator said that all comments should be directed to the Chair of the Commission. S. Martin asked if the work does have an impact on 16 Manomet, would 25 Beach Ave pay for it, to which a Commissioner said that agreement is outside of the Commission's purview and should be handled outside of the Public Meeting. J. Rudy said that he has agreed to the utility easement, but the general easement has been fenced off for years. E. Kozol said that there is a colorable title with an easement over 26 Beach Ave, but that is not being pursued at this time.

L. Sorgi amended the above motion to include the additional special condition

- 1) All sewer line work, other than utility work on the Manomet Avenue layout, be confined to the easement in (1) and as shown on the Plan of Record.

- 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 **approve** the Order of Conditions with three Special Conditions:

- 1) Prior to commencement of any work related to the sewer line horizontal directional drilling, an agreement for the utility easement as shown on the Plan of Record be formally established and a copy of said agreement be submitted to the Conservation Dept.
- 2) All sewer line work, other than utility work on the Manomet Avenue layout, be confined to the easement in (1) and as shown on the Plan of Record.
- 3) The proposed fence shall be constructed to allow for 50% flow through and the lowest horizontal member of the fence be elevated 6" above grade to allow for passage of flood waters.

L. Sorgi – aye

P. Epstein – aye

P. Paquin – aye

T. Best – aye

S. Bannen – aye

7:12 10-16 Milford St., Map 18/Lots 145 & 149 (SE35-1550) Opening of a Public Hearing on the **Notice of Intent** filed by **Gerald Salvatori** for work described as **replace pre-existing rear decks and siding on an 18 unit residential condominium property.**

Representatives: Gerald Salvatori

Abutters/Others: No one spoke

Documents: "Site Plan" – R. Vaisey – 9/27/1983

"Site of Construction Plans (9 pgs)" – BERDI Consulting – n.d.

G. Salvatori presented the project as described above. He said that a staging system will be utilized to work on the decks and that no footings will penetrate the ground. He noted that netting will be temporarily installed underneath the work area to ensure that no construction debris leaves the site. A Commissioner asked if the proposed footprint will be the same as the pre-existing one, to which Salvatori said yes.

One Special Condition was added as follows:

- 1) During construction and any repair work associated, no equipment, including but not limited to staging, shall be located in the tidelands.

- 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 **approve** the Order of Conditions.

P. Epstein – aye

P. Paquin – aye

T. Best – aye

S. Bannen – aye

L. Sorgi – aye

7:19 Beach Ave Layout opposite 183-185 Beach Ave and 76 A St. Map 19/Lot NA. (SE35-1549) Opening of a Public Hearing on the **Notice of Intent filed by the **Town of Hull** for work described as **perform proposed coastal dune restoration and install walkover structure. The applicant requested a continuance to 07/14/2020 at a time TBD****

On behalf of the Town, C. Krahforst spoke to why the continuation was requested. He relayed that as a portion of the project falls within Priority and Estimated Habitats, the project needs to be reviewed by MA Heritage; the Town is still awaiting MA Heritage's review.

- 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 7/14/2020 at a time to be determined.

P. Paquin – aye

T. Best – aye

S. Bannen – aye

P. Epstein – aye

L. Sorgi – aye

Certificate of Compliance Requests

16 P St (SE35-1525): P. Epstein **Motion**, L. Sorgi **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.

196 Atlantic Ave (SE35-1464): C. Krahforst relayed that he spoke with Mitchell who has dug out and installed a drywell for the downspout. P. Epstein **Motion**, L. Sorgi **2nd**, following roll-call vote of 5-0; S. P. Paquin – aye, T. Best – aye, S. Bannen – aye, L. Sorgi – aye, P. Epstein – aye; issue CoC.

Continued and New Business

Floodplain Fences (continued): continued to next meeting

Meeting Schedule (July-Dec): continued to next meeting

MACC Unit 105: T. Best provided a brief overview over MACC Unit 105: Writing effective Order of Conditions. She relayed that they provided numerous examples for inland resources, but a couple of good things to consider were 1) Commission should condition where stockpiling occurs, 2) noting where drywells are, 3) pool dewatering. S. Clarren relayed that she will forward the Unit's materials to the Commission.

Emergency Certification for 1093 Nantasket Ave: C. Krahforst relayed that he will be issuing an Emergency Order for a collapsed foundation wall. The Commission asked what the work would entail, to which Krahforst relayed that the Building Department is working closely with the owner who has relayed that the stones would be removed from the beach and re-installed. The Commission relayed that the work should be conditioned to minimize impacts to the resource areas. .

Beach path closures (non-permitted): C. Krahforst relayed that one charrette was held and a second one is scheduled for Thursday to discuss the work that has been done under a CZM grant to increase the resiliency of the North Nantasket Beach Dune System by closing unpermitted openings.

(new) Commission Vacancy: The Commission discussed the vacancy which has been open for months. The Commission determined that they should submit a letter to the Selectmen requesting that it be filled.

(new) Mosquito Jo signs: A Commissioner relayed that they have spotted signs around Town that they are spraying for mosquitos and asked if that falls under the Commissions jurisdiction. The Department will investigate and report back.

(new) Railroad Bed: A Commissioner asked if the Department could get guidance from Town Counsel regarding the railroad bed so the Commission can review for any applications abutting the railroad bed.

(new) Hull Times: A Commissioner noted that they see ads in the local newspaper regarding personal wells in Hull. The Commission agreed to review the ad and regulations regarding wells and discuss at their next meeting.

(new) Site Visits: Move to the evening? Commission decided to move to Monday evenings, right before the meeting.

(new) Pools: A Commissioner asked who alerts homeowners on how to deal with de-watering a pool. The Commission requested that they get a written statement from DPW to give to all applicants for pools.

Violations and Compliance issues

125 Main St: No discussion

189 Nantasket Ave: C. Krahforst noted that unpermitted work has occurred onsite and he will therefore be issuing a compliance letter. The Commission reviewed the letter as drafted and made no changes. S. Short Green asked if the turf grass is in the letter, to which C. Krahforst said it is.

8:00 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.

Paquin – aye

T. Best – aye

S. Bannen – aye

L. Sorgi – aye

P. Epstein – aye