



HULL CONSERVATION COMMISSION

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Hull, MA 02045

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TUESDAY, April 23, 2019
Meeting held at Hull Town Hall, 2nd Floor

Members Present: Paul Paquin, Chair, Paul Epstein, Sean Bannen, Lou Sorgi

Members Absent: Chris Oliveri

Staff Present: Chris Krahforst, Conservation Administrator; Sarah Clarren, Assistant Conservation Administrator

Minutes: No minutes prepared

7:30 Call to Order.

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

7:35 110 Main St., Map 02/Lot 039 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Michele O'Leary** for work described as **construction of a generator platform**.

Representatives: Michele O'Leary and Gerard T. Lydon.

Abutters/Others: no one spoke

Documents: "Mortgage Inspection Plan [annotated]" – Dacelle Burke – 5/10/2017

G. Lydon presented the proposed project. He said the generator platform would be above elevation 10' and that it would be level with the existing deck.

Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 4-0;

It was **voted** to:

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

7:40 543 Nantasket Ave., Map 23/Lot 004 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Kevin Breen** for work described as **construction of a fence along Nantasket Ave frontage and perpendicular to rear of property, remove and replace asphalt drive with same**.

Representatives: Kevin Breen

Abutters/Others: no one spoke

Documents: "Work Plan" – n.d.

K. Breen presented the proposed project as advertised. He stated that the proposed project would include an after-the-fact permitting of a stockade fence along both sides of the property. He noted that the topography of the lot slopes down and that the fence is relatively high off the ground. He originally intended on grading the property, but was advised otherwise; the height of fence will remain elevated to allow water for flow-through. He noted that the back fence is flush against the ground and he will grade the property so it is 6" off of the ground; this grading will be done because there is a non-natural grading near the trees which will be returned to the original grade of the property.

He stated that the project also involves repaving the existing 10' x 57' asphalt driveway.

A Commissioner noted that there are downspouts that appear to be directed to the neighbor's property and therefore suggested the installation of drywells, to which K. Breen agreed.

Three Special Conditions were added as follows:

- Drywells shall be installed at all downspouts
- Fences shall be 6" off the ground
- Grading can be returned to the natural grade

Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 4-0;

It was **voted** to:

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

7:45 14 Lewis St, Map 19/Lot 077 Opening of a Public Hearing on the Request for Determination of Applicability filed by **Gary Stilphen** for work described as **construction of deck extension**.

Representatives: Gary Stilphen (contractor)

Abutters/Others: no one spoke

Documents: "Plot Plan of Land" – Hoyt Land Surveying – 12/28/2018

G. Stilphen presented the proposed project as described in the notice. He added that the deck expansion would be over a pre-existing impervious pad.

Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 4-0;

It was **voted** to:

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

7:53 4 Atlantic Ave, Map 55/Lot 007 Opening of a Public Hearing on the Request for Determination of Applicability filed by Ed Johnson for work described as construction of a generator platform. **The applicant has withdrawn their application.**

The Commission noted that the applicant withdrew their application.

7:55 Nantasket Beach State Reservation, Map 37/Lot 010 (SE35-XXXX) Continuation of a Public Hearing on the Notice of Intent filed by **MA Department of Conservation and Recreation** for work described as **Operations and Maintenance Plan for Nantasket Beach State Reservation**.

C. Krahforst stated that he had received an email from the DCR saying that a continuance may be requested, but one was not formally requested. Given that there were no representatives present, the Commission determined that it would be best to continue the hearing until the next meeting at a time to be determined. C. Krahforst mentioned that he provided the DCR with a plan they had provided during the hearing process for a revetment which includes the Mean High Water (MHW) line.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 4-0;

It was **voted** to:

Continue the Public Hearing to May 14, 2017 at a time TBD.

8:00 163 Nantasket Ave. Map 38/Lot 024 (SE35-1460) Continuation of a Public Hearing on the Notice of Intent filed by Steve Austin for work described as construction of new ~7300 sf mixed use building. **The applicant has requested a continuance until May 14, 2019 at a time TBD.**

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 4-0;

It was **voted** to:

Continue the Public Hearing to May 14, 2017 at a time TBD.

L. Sorgi recused himself

8:05 187 Atlantic Ave., Map 51/Lot 007 (SE35-1466) Continuation of a Public Hearing on the Notice of Intent filed by **Collins Civil Engineering Group, Inc.** for work described as **construct a single family house with Bed and Breakfast**.

Representatives: David Klenert (Engineer)

Abutters/Others: Richard Powers (39 Gunrock)

Documents: "Wetland Delineation for #187 Atlantic Avenue" – Pinebrook Consulting – 4/10/2019

"Single Family Residence: Bed and Breakfast (3 sheets) – GEV Design, Inc. – 2/9/2019

"Proposed Building Plan" – Collins Civil Engineering Group, Inc. – 2/19/19, last rev. 4/16/19

"Phragmites: Questions and Answers" – n.d.

D. Klenert stated that since the last hearing, they have submitted a revised delineation which was conducted by the individual who did the original delineation. He stated that in the wetland biologist's opinion, there was little, if any change to the wetlands line. She did not use phragmites as an indicator species, but it was noted that there is phragmites that goes up to the road. Other changes to the plan include raising the slab elevation to 11' and the slopes around the house to 3:1. He stated that all roof runoff runs into downspouts on site and over all, the plan hasn't really changed since the last hearing. C. Krahforst noted that the Commission/Conservation Department had not received a revised plan. C. Krahforst said that since the last hearing, he requested three quotes for a peer review and received one quote for \$750 to conduct a wetlands delineation. He stated that he is not a wetlands biologist, but expressed concern about how close to the road phragmites is and included an informational sheet about phragmites and wetlands in the Commissions' packets. He expressed concern about the proximity to Straits Pond, as with the

increasing of King Tides, if the tide gate fails, many of the homes in the area may experience flooding and therefore it is essential that property owners plan ahead for potential flooding events. D. Klenert stated that the basement slab will only house utilities and asked if the area has flooded, to which the Commission said it has, on multiple occasions. C. Krahforst stated that he believed that a slab on grade is only allowed for commercial properties and therefore questioned if it is FEMA compliant. R. Powers said that the foundation will be filled with gravel and if water comes across the street, it will go through the flood vents, foundation, and then flow out.

The Commission questioned the purpose of grading and fill onsite. D. Klenert stated that there is a steep grade from the street which will be re-worked to be a 3:1 slope. C. Krahforst stated that such a manipulation will change the way the water will flow on the property and questioned if it would direct any additional water to abutting properties than the existing contours allow. D. Klenert said that they are directing a little water, but there will be a swale. The Commission expressed concern that the water would be accelerated and it will be concentrated. D. Klenert stated that there would be no increased runoff from the project. He stated that he hasn't done an analysis, but from his experience, grass is a much better cover and provides better infiltration than the vegetation that is onsite.

C. Krahforst said that flood vents do not relieve the structure from redirecting water; they only allow the structure to be hydrostatically sound. He stated that there will be channeling, as the project involves installing a structure that is perpendicular to LSCSF. D. Klenert said that there are devices to present such things, including installing a raingarden and collecting all runoff.

The Commission questioned why the proposed building isn't on pilings. R. Powers responded by stating that piles are ugly and no one wants them. He then suggested that there would be no difference between the channeling of water around pilings to that around the proposed filled foundation. R. Powers then added that no water goes on the property unless it's a big storm, to which the Commission agreed but responded that homes must be constructed to withstand storm events and comply with building standards in wetlands. A Commissioner expressed concern that a project isn't conforming to standards because of aesthetics.

D. Klenert stated that level spreaders can be installed to create a more natural flow and that the grass slope will be sufficient to prevent erosion. The Commission expressed concern over the difference of the current slope (7:1) to the proposed slope (3:1) and how it will affect the flow of water. R. Powers said that there is no water, to which C. Krahforst stated that the entire property is 'Land Subject to Coastal Storm Flowage' and therefore, even if it hasn't happened, doesn't mean it won't. C. Krahforst then stated that the fact that the property is within a floodplain shows that there is a chance of flooding. D. Klenert said he doesn't see how water would go uphill to the abutter, but would have a hydrology report conducted. He stated that he believes the proposed project to be a substantial improvement to existing conditions.

R. Powers of 39 Gunrock Ave asked the Commission if the building is constructed on piles if the water flow issue and other issues would be resolved, to which the Commission responded by stating it depends on the plan. S. Clarren stated that the Commission and applicants had not discussed the projects' effects on wildlife habitat, to which D. Klenert said that he can provide a mitigation plan which will include plantings.

The Commission stated that it is a unique piece of property that will change drastically with the proposed project and therefore, at minimum, there needs to be a plan presented that shows no adverse effects. D. Klenert stated that he felt confident about a peer review on the project. R. Powers stated that the Commission can proceed with the \$750 peer review on the wetlands delineation.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 3-0;
It was **voted** to:

Continue the Public Hearing to May 14, 2017 at a time TBD.

Certificate of Compliance Requests

None.

Continued and New Business

(new) 86 Main Street – Amended Order?: no discussion

Violations and Compliance issues

79 Pt Allerton Avenue: Amir and Cameron Shahbazian were present for discussion. A. Shahbazian stated that he hired a landscaper to clean up his property under the permit (RDA) that the Commission issued. The landscaper used a bobcat to clean up rocks and stated that some were put on the revetment, some on the border of his property and that of DCR. He said that the objective was to pile the rocks up and then to remove them. He received a letter from the

Conservation Department that said the work went above what the Commission permitted; as the letter requested, he installed a silt fence and haybales. C. Shahbazian said that he has been trying to get approval from DCR about the revetment since October; the seawall belongs to the state and therefore they are unable to fix it themselves. C. Shahbazian said that he spoke to Dan Cushing to try and get the material removed, but nothing has happened. He added that he has a meeting to discuss DCR's inaction with Patrick O'Connor.

The Commission stated that the rocks are overwash and that the work was not done as described during the permitting process; heavy equipment was used to move rocks onto someone else's' land. A. Shahbazian said that he still wants to remove the rocks that have been piled up on site and to do so, a bobcat is needed. The Commission stated that they cannot allow work on someone else's property. A. Shahbazian said that he would have his surveyor mark his property and if the rock pile is on his land, he'll remove it. The Commission said that if the rock pile is not on his land, he must seek permission from the DCR to remove it. The Commission stated that no machinery larger than a bobcat can be used and the area must be sodded immediately. The Commission said that C. Krahforst, Conservation Administrator must be onsite prior to the rocks being removed to ensure they are on A. Shahbazian's property, to which A. Shahbazian agreed. He then stated that he will file a permit to grade and plant.

9:10 Upon a **motion** by P. Epstein and **2nd** by S. Bannen and a **vote** of 4-0;
It was **voted** to: Adjourn.