



HULL CONSERVATION COMMISSION

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Hull, MA 02045

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TUESDAY, November 19, 2019

Members Present: Paul Paquin, Chair, Sean Bannen, Paul Epstein, Tammy Best, Lou Sorgi,
Members Absent: Jennifer Stone
Staff Present: Chris Krahforst, Conservation Administrator; Sarah Clarren, Assistant Conservation Administrator
Minutes: No minutes drafted for review

7:30 Call to order

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

7:35 Town-owned layout of Beach Ave. opposite 131-145 Beach Ave., Map 21/Lot NA (SE35-1521)
Opening of a Public Hearing on the **Notice of Intent** filed by the **Town of Hull** for work described as **proposed public beach access path.**

Representatives: Phil Lemnios (Town Manager); Jim Lampke (Town Counsel)

Abutters/Others: Susan Mann (109 Manomet Ave); Anthony Riley (Counsel on behalf of Galvin & Galvin); Lauren McIntosh (141 Beach Ave)

Documents: "Proposed Pedestrian Access Path, Town of Hull" – Woods Hole Group – 11/05/2019

P. Lemnios stated that the Town is proposing constructing a dune opening/cross over which would be consistent with the other town permitted openings at street endings. He added that an opening is proposed at this location as it is a long stretch with no opening. C. Krahforst, Conservation Administrator stated that a previous Notice of Intent had been filed to restore the primary dune. The Order of Conditions that was issued by the Commission conditioned that a path should be constructed after vegetation is established. Upon speaking with a consultant, the Town determined that a path should be constructed at the same time the dune is restored to protect newly-planted vegetation. The Commission stated that the filing before them is just for the path, to which the Town concurred. C. Krahforst said the path would be consistent with other permitted openings and would be oriented towards southeast, in accordance with BMP and CZM. He added that snow fencing would be installed to delineate the path.

A Commissioner expressed concern with language stating that the path would be 'up and over' as the path would be going through the dune. C. Krahforst said that the path would not be at grade, but may show wear over a season from pedestrian use. The path would be filled in over the winter months and re-established in the spring. The Commission determined that the proposed path would be consistent with other permitted paths.

S. Mann of 109 Manomet Ave. asked about the path and where the piping plovers nest, to which C. Krahforst responded that he reached out to Fish and Wildlife and they noted that the path is located just outside of plover habitat and that they had no issues with the plan. S. Mann later mentioned that there is an Annual Beach Grass Planting Day in March and everyone should join.

A. Riley stated that he is present on behalf of Attorney Galvin who is representing McIntosh-Kiernan; he relayed that his clients are supportive of installation of the beach access path at the same time as the dune. L. McIntosh of 141 Beach Ave. reviewed the plan to see where the path would start and end; she said she had no issues with the location.

B. Hass of 145 Beach Ave. suggested a 3' path as it may deter people from dragging kayaks and buggies, to which P. Lemnios, Town Manager, said that the Town would consider that, but suggested that the proposed 4' width be permitted as it may narrow to approximately 3.5' over time.

Three Special Conditions were added as follows:

1. Annual maintenance is required in order to preserve the dune profile. This maintenance shall be consistent with the Order of Conditions issued by the Conservation Commission regarding public beach access paths (SE35-1380) and any related subsequent Order of Conditions. This maintenance is also outlined in the Town of Hull's Beach Management Plan.
 2. The path shall be oriented to the southeast, consistent with the Beach Management Plan.
 3. The Town is authorized to install signage indicating that no parking, no stopping, no unloading is allowed. The signage should be placed in a manner that minimizes impacting views to neighboring homes.
- 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 **approve** the Order of Conditions. The Order of Conditions was **signed**.

8:00 90 Atlantic Ave., Map 53/Lot 053 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Jon & Roberta Norton** for work described as **install generator platform**.

Representatives: Jon Norton (owner)

Abutters/Others: no one spoke

Documents: "Landscape Layout" – May 2019

J. Norton presented the proposed project as described above.

- 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 **issue** a Negative Determination of Applicability; the Determination of Applicability was **signed**.

8:03 120 Cadish Ave., Map 14/Lot 127 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Rosanne Bush** for work described as **install a 120 linear ft. fence**.

Representatives: Rosanne Bush (owner)

Abutters/Others: Ginger Walsh (118 Cadish Ave.)

Documents: "Monument Plan [annotated]" – 10/28/2015

R. Bush presented the proposed project as described above. C. Krahforst read the description included in the RDA aloud which states that the fence would be 4-6" off the ground. The Commission said that fence should be elevated 6" off the ground to allow water to flow through and R. Bush agreed.

G. Walsh of 118 Cadish asked how high the fence will be, to which R. Bush said 6'. R. Bush added that the last segment and a half of the fence may be tapered down to 4'. S. Clarren, Assistant Conservation Administrator asked if the fence should be 50% flow through to which the Commission said that if the fence was perpendicular to flood waters, it would have to be. C. Krahforst said that it is parallel to flow of coastal waters and that he doesn't believe it will adversely impact resource areas.

- 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 **issue** a Negative Determination of Applicability; the Determination of Applicability was **signed**.

8:14 115 Kingsley Rd., Map 26/Lot 151 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Richard Hulverson** for work described as **construct 16'x10' deck**.

Representatives: Richard Hulverson (representative)

Abutters/Others: no one spoke

Documents: "Hand-drawn plan for deck" – n.d.

R. Hulverson presented the project as described above. C. Krahforst noted that the work began without a building or a WPA permit. The Commission asked if anything would go underneath the deck, to which R. Hulverson said it wouldn't be enclosed.

- 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 **issue** a Negative Determination of Applicability; the Determination of Applicability was **signed**.

8:16 410 Nantasket Ave., Map 27/Lot 085 (SE35-1519) Opening of a Public Hearing on the **Notice of Intent** filed by **Khodor Khalil** for work described as **replace existing fence, add new portion**.

Representatives: Khodor and Fatima Khalil (owners)

Abutters/Others: Edward Quirk (404 Nantasket Ave)

Documents: "DRAFT [annotated]" – Nantasket Survey Engineering, LLC – 10/11/19

"Existing and Proposed Conditions Plan [annotated]" – Nantasket Survey Engineering, LLC – 11/8/19

A Commissioner questioned why a fence was an RDA, to which C. Krahforst said that this is after-the-fact work, work continued after two separate requests by the Conservation Agent to stop work, and contention with abutters regarding property lines. F. Khalil presented the proposed project as described above. She said that she was unaware that they needed a WPA permit and that the neighbors were alright with the project. A Commissioner questioned if there was a fence around the entire property, to which F. Khalil said that two sides existed, two new

sections are proposed. The Commission stated that the fence needs to be elevated 6” off the ground, to which F. Khalil agreed.

E. Quirk of 404 Nantasket Ave. expressed concern regarding the height of the fence and its proximity to the curb cut. Upon discussion, F. Khalil agreed to cut the fence back a section (8’) and the plan was annotated. E. Quirk then alleged that his survey markers were removed, to which the Commission stated that is not within their jurisdiction.

Two Special Conditions were added as follows:

- 1) The bottom of fence shall be 6” off the ground.
 - 2) First 8’ section (nearest Nantasket Ave) of proposed fence along the SE boundary will not be constructed and so annotated in Plan (2).
- 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 **approve** the Order of Conditions. The Order of Conditions was **signed**.

8:35 189 Nantasket Ave., Map 37/Lots 002 & 004 (SE35-1453) Opening of a Public Hearing to **Amend the Order of Conditions** filed by **Chris Reale** for work described as **the demolition of a portion of the existing building and construction of a retail and entertainment facility with concession areas and outdoor amenity and recreation spaces**.

Representatives: Karus Sculte (engineer)

Abutters/Others: Susan Mann (); Susan Green (71 B St)

Documents: “Paragon Boardwalk Nantasket Beach [Set of Plans (4pgs); annotated]” – Civil & Environmental Consultants, Inc. – 11/6/19

“Paragon Boardwalk Redevelopment Set of Plans [Set of Plans (16pgs)]” – Civil & Environmental Consultants, Inc. – 11/20/18

K. Sculte presented the proposed project as described above. He stated that the project had been approved by the Commission and the amendment request includes removing the building commonly referred to as ‘Fascination’ which has been damaged beyond repair over the past few storms. Once demolished, the land will be graded to match existing conditions with clean, like fill. At this time, nothing is proposed in its place and a fence will be installed around the area. He annotated the plan to show the location of the fence. He added that the shipping containers approved under the previous Order will be oriented slightly differently, but will include the same square footage. C. Krahforst expressed concern over any fill material being mobilized during storm events and suggested that this be conditioned.

S. Mann of 109 Manomet Ave questioned why vegetation isn’t proposed where ‘Fascination’ would be removed to which K. Sculte said that the area will not be used. S. Green of 71 Beach Ave. said that she owns property at Horizons asked about the roof of the containers to which K. Sculte said that there will be a rooftop seating area. She then asked if there will be any rainwater irrigation to which C. Krahforst said that a stormwater report was received which shows that there will be more infiltration post project.

Seven Special Conditions were added as follows:

- 1) Inspections of the stormwater management system as a whole, and of the individual components of the system, will be carried out on a routine basis and in accordance with the schedule identified in Section 6.3 of the Operations and Maintenance Plan. Each will be inspected for sediment buildup, presence of oil, color, and structural damage. The results of each inspection will be entered into an inspection log and shall be provided to the Conservation Department. At minimum, the property owner shall provide the inspection log to the Conservation Department at the following intervals: 6 months - with estimates of material accumulation rates, 1 year - with estimates of material accumulation rates, 2 years and 3 years. Depending on performance, the Commission reserves the right to require further inspections to protect the resource areas. As stated in the Operations and Maintenance Plan, records of inspections and maintenance shall be up to date and available for review and inspection. This condition is ongoing and will not expire after three years.
- 2) The property owner shall keep the stormwater management systems in good working order (per the Operations and Maintenance Plan). The Commission and/or designee has the right to confirm, clarify, and require compliance with said Operations and Maintenance Plan. This condition is ongoing and will not expire after three years.
- 3) If the project goes through the Special Permit process and any changes are thus adopted, the project must be reviewed by the Conservation Commission for consideration to amend order of conditions.

- 4) The sand for the recreational area shall be sourced from an approved state vendor and shall meet uncontaminated sand standards.
 - 5) Fill proposed to bring the area where the remaining building is to be demolished (NNE property boundary) shall be no higher than surrounding grade.
 - 6) The quality and type of fill specified in Special Condition 5 shall be reviewed by the Conservation Administrator or designee prior to its application.
 - 7) Proposed fencing shall be 50% flow-through and elevated 6" off the ground
- 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 **approve** the Amended Order of Conditions. The Order of Conditions was **signed**.

9:05 51 Harborview Rd., Map 56/Lot 028 (SE35-1516) Continuation of a Public Hearing on the Notice of Intent filed by Thomas Fitzgerald for work described as Installation of a coastal bank retention system and native coastal bank plantings.

Representatives: Adam Finkle (Woods Hole Group); G. Ferguson

Abutters/Others: no one spoke

Documents: "Earth Retaining System, S-1" – Antonopoulos Company – 11/6/19

"Soil Support Structure" – Antonopoulos Company – 11/6/19

"51 Harborview Road, Hull, MA – Restoration and Revegetation" – Adam Finkle – 11/18/19

S. Clarren read DEP's comments accompanying their issuance of the WPA permit number aloud for the record. G. Ferguson then presented the proposed project. He stated that at the last hearing, the Commission expressed concerns regarding the engineered structure in proposed project would act like a retaining wall; the design has been re-worked and the retaining wall has been pulled back to the top of the slope and 10-12' of the existing patio will be removed. He added that the bank will be revegetated with embankment type native material and the bank will meet existing contours.

Sequencing of the project includes 1) put a sacrificial foundation slab in and every 8' will each have a "soldier" pile which will be driven into the glacial till by means of a mini excavator working from the top of the bank. Once this is done, slabs of wood will be brought in, then filled with appropriate granular material. Once this is done, invasive species management will be done. Access for the work will be done through a small temporary ramp on the south side of the lot.

A. Finkle then presented. In the sections that are eroded from stormwater and also over wash, the intent is to re-establish grades with vegetation. Once grades have been re-established, all vegetation will be flush cut and the invasive species will be treated with a drop or two of wetland approved herbicide. The area will then immediately be blanketed. Once that's done, the areas would be seeded with native salt tolerant and plants would be installed through coir blankets which will be staked into place. .

The Commission asked if invasive species management will occur in areas where the bank isn't currently eroded, to which A. Finkle said that from a coastal erosion perspective, it's important to consider the understory of the invasive species because if you were to remove the woody invasives, some regrading would be needed, as would blanketing, and replanting. He concluded by stating a more aggressive approach could improve stability by evaluating and treating the site as a whole. The Commission agreed that they would be in favor of a more comprehensive invasive species management approach. A. Finkle then said that a single mobilization effort to get the work done would be preferred (referring to vegetation management). The Commission asked A. Finkle if the Woods Hole Group reviewed the engineering structure and if so, what their thoughts were, to which A. Finkle said that he doesn't know and is unable to comment on the engineered structure as he is not a coastal engineer.

The Commission then asked where the drainage for the pre-existing patio would be, to which G. Ferguson said that drains and drywells are proposed to slow runoff (the plan was annotated to show the locations of drywells and drain). The Commission asked where the roof runoff drains, to which T. Fitzgerald said that the gutters drain to the front of property (on the Harborview Road side).

The Commission asked how far down the 8" x 8" soldiers would be socketed into glacial till, to which G. Ferguson said 2-3'. G. Ferguson asked if the project is approved, if it could include work on the wall below, to which S. Clarren said no; the notice would need to be amended in regards to address and project description.

A Commission questioned if there is an alternative to the proposed plan to protect the bank; a Commissioner suggested that the revised plan could serve as an alternative. It was added that more of the coastal bank could be lost if no work is done soon.

Four Special Conditions were added as follows:

- 1) Top of bank (TOB) will be graded so that it gently slopes towards two drywells (approximately 15 ft landward from the TOB) as indicated on Plan (1). The drywells shall be maintained in good working order in perpetuity. This condition is ongoing and will not expire at the end of three years.
 - 2) Patio is to be partially removed so that it resides no closer than 12 ft from the TOB
 - 3) ¾ inch nylon to be used instead of tie rods in the construction of the soil support structure
 - 4) The bank stabilization following the prescription in (3) is permitted to include the whole coastal bank contained within the property boundaries.
- 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 **approve** the Order of Conditions. The Order of Conditions was **signed**.

9:55 80 Atlantic Ave., Map 55/Lot 045. (SE35-1511) Continuation of a Public Hearing on the **Notice of Intent** filed by **Ellen Morrissey and Joan McAuliffe TRS** for work described as **after-the-fact installation of fence**.
The applicant requested a continuance to 12/3/2019 at a time TBD.

C. Krahforst read aloud an email from the abutter expressing concern over the unpermitted fence and the time the applicants are taking to get a survey. The Commission asked C. Krahforst to relay shared concern to the applicants.

- 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 December 3, 2019 at a time TBD.

9:57 86 Main St. Map 03/Lot 022 (SE35-1520) Opening of a Public Hearing on the **Notice of Intent** filed by **Eric Fromm** for work described as **demo existing structure and construct new single family home**.

Representatives: Eric Fromm; David Ray (Surveyor)

Abutters/Others: no one spoke

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 11/1/19, last rev. 11/6/19

The Commission asked if the woodchips have been removed, to which E. Fromm said they had.

C. Krahforst noted that he received correspondence from the Building Department, including correspondence from Julia Parker (architect); sections of the email were read aloud for the record.

E. Fromm said that he submitted a stamped foundation plan to the Conservation and Building Departments earlier in the day. D. Ray presented the proposed project. He stated that the owner had received an Order of Conditions for an addition. However, the home has been demolished. The proposed project includes a new home with a slightly different foundation which will be FEMA compliant. He stated that the proposed project is consistent with the previously approved footprint. C. Krahforst noted that the wetlands as shown on the proposed plan is only an approximation and should therefore be delineated. The Commission noted that the wetland is not too close to the proposed work and did not require more accurate delineation of the bordering vegetated wetlands.

Three Special Conditions were added as follows:

- 1) Wood chips that were placed on coastal bank during tree clearing, including those currently used as erosion control, will be removed prior to completion of construction.
 - 2) The Commission notes that because the Plan of Record includes an 'Approximate Wetlands' line the wetland delineation is not accepted at this time.
 - 3) The permeable driveway shall remain permeable in perpetuity. This condition is ongoing and will not expire at the end of three years.
- 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 **approve** the Order of Conditions. The Order of Conditions was **signed**.

Certificate of Compliance

4 Sunset Ave (SE35-1394): – P. Epstein **Motion**, S. Bannen **2nd**, vote **5-0**; CoC issued.

Continued and New Business

Upcoming Holiday schedule as posted: S. Clarren reminded the Commission about the approved holiday schedule.

Violations and Compliance issues

180 Main St. Tuf field: David Degennaro (School Department) and Margaret Laracy (Gale - Civil Engineer) were present for discussion. C. Krahforst said that this matter has been challenging and there is a need to address it in a timely manner and it hasn't; the wind fence is still elevated above the ground, crumb rubber is being found outside of the field, and the plan proposed to comply with a compliance letter is occurring several weeks after the fact.

M. Laracy said that during the last discussion on the matter, they were asked to clean up crumb rubber, which they allege is only from construction. She stated that this had been done and they then reached out to their contractor to correct the windscreen. The contractor determined that there wasn't a way to secure the windscreen enough if it is extended to the ground. She then proposed two suggestions which include 1) installation of a separate windscreen that overlaps which will involve staking it, which will be \$4,000 or 2) installation of an AZAC paneling secured to back of fence. She stated that the second option would be more sustainable and less costly. The Commission raised issues with both suggestions.

C. Krahforst stated that the purpose of the windscreen was to contain the crumb rubber, which as currently configured, is not. The Commission clarified that it is the applicant and their representative/s that are responsible to determine a solution to the issue. In the meantime, the site should be monitored to ensure no further migration and some sort of temporary action, preferably the boards, should be installed to prevent further migration. A more permanent solution still needs to be determined by the property owner and their representative/s; it was suggested that the school and their representative/s reach out to other sites that may be experiencing the same issue.

S. Mann of 109 Manomet Ave suggested that the contractor fix the issue, to which the Commission said it is up to the school to pursue that type of action.

10:45 Upon a **motion** by P. Epstein and **2nd** by S. Bannen and a **vote** of 5-0;
It was **voted** to: Adjourn.