



HULL CONSERVATION COMMISSION

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TUESDAY, June 11, 2019

Meeting held at Hull Town Hall, 2nd Floor

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

Members Absent: Brendan Kilroe, Jennifer Stone

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

Minutes: Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;
It was **voted** to: Approve the Minutes of April 9, 2019 as amended.

7:30 Call to Order.

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

7:35 27 Beach Ave., Map 23/Lot 004 (SE35-1474) Continuation of a Public Hearing on the **Notice of Intent** filed by **Athanasios Mitropoulos** for work described as **relocate existing wall to property boundaries. The applicant has requested a continuance until June 25, 2019 at a time TBD.**

- 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 June 25, 2010 at a time TBD.

7:40 311 Beach Ave., Map 13/Lot 093 Continuation of a Public Hearing on the **Request for Determination of Applicability** filed by **Nylson Andrade** for work described as **replace concrete patio with geotextile fabric and permeable pavers; repair existing knee wall along Beach Ave.**

Representatives: none present

Abutters/Others: none present

C. Krahforst said that he met with the Town Manager and the representative of the applicant. It was concluded that because there are three portions of the proposed project that are on Town property, the applicant would have to go before the Board of Selectmen for approval. This was supposed to occur the previous Thursday, but C. Krahforst has yet to hear the outcome of the meeting. Because the applicant was not present, it was determined to be best practice to continue the hearing.

- 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 June 25, 2010 at a time TBD.

7:45 185 Beach Ave., Map 17/Lot 015 (SE35-1479) Continuation of a Public Hearing on the **Notice of Intent** filed by **Matt Waldner** for work described as **remove front wall, remove and replace entire driveway, remove and replace front walkway with permeable pavers, install vegetation.**

Representatives: none present

Abutters/Others: no one spoke

Documents: "Existing Conditions Plan" – Cavanaro Consulting – 2/12/2019

"Pricing Plan (Plan of Record)" – Sean Papich – 3/2/2019

C. Krahforst stated that the project had been continued from the last hearing because a DEP file number had been issued.

Three Special Conditions were added as follows:

- 1) No faux turf to be installed, gravel instead, as annotated on the Plan of Record.
 - 2) Curbing for proposed planting beds are to be no higher than 6" from grade.
 - 3) All permeable installations (pavers, parking gravel area, etc) are to be maintained to ensure permeability 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 4-0-1 (T. Best abstained);
It was **voted** to:
Close the Public Hearing and **approve** the Order of Conditions. The Order of Conditions was **signed**.

7:50 26-29 Marina Drive, Map 60/Lot 900 (SE35-1486). Opening of a Public Hearing on the **Notice of Intent** filed by **Jack Grey** for work described as **relocate beam and post for rear decks.**

Representatives: Jack Grey
Abutters/Others: no one spoke
Documents: "Plan of Reconfigured Deck Supports" – Woods Hole Group – 5/24/2019

C. Krahforst said that the work that was needed to be done in conjunction with a project that had already been permitted by the Commission. The project has proceeded at their own risk. The beams and posts are moved closer to the land. He noted that no abutter notification was required, as it only would go to the Spinnaker Island Condominium Association. C. Krahforst read aloud DEP's comment for the record, which the Commission considered including as a Special Condition. One Commissioner noted that given the project description, DEP's statement may not be pertinent.

A Commissioner questioned if in the previous filing it was said if the decks were going to be cantilevered. Additionally, expressed concern that there would be erosion. C. Krahforst stated that was addressed in a previous filing. The Commission noted that water should not be redirected as part of the project.

One Special Conditions were added as follows:

- 1) Scouring pad shall be installed around the footings.
- 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**.

8:00 722 Nantasket Ave, Map 17/Lot 173 (SE35-1489) Opening of a Public Hearing on the **Notice of Intent** filed by **Kiley Clapper** for work described as **elevate existing structure for flood protection**.

Representatives: Kiley and Jim Clapper
Abutters/Others: Jerry Felson of 61 G St
Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering – 3/1/2019
"Set of Plans (6 pages) – Walter A. McKinnon Associates – 6/30/2018

K. Clapper presented the project as described above. She stated that the intent of the project is to elevate the building one story and the project has already been reviewed and approved by the Zoning Board of Appeals. She stated that the long-term health of the home is a concern given the property's proximity to the water. K. Clapper stated that elevating the building would allow for a garage underneath the home. She stated that the project will involve adding downspouts which will allow for infiltration onto a grassy area, which is better than existing conditions. K. Clapper added that the pre-existing concrete patio will be removed and replaced with vegetation. She stated that there will be a new foundation with smart vents will be used to make it FEMA compliant. The Commission requested that the plan be annotated to show that the concrete pad is to be removed. The Commission suggested installing drywells at each gutter downspout.

J. Felson of 61 G St said that he is concerned about the home being elevated as there may be "plumes of dust" and asked if contractors will take weather conditions into consideration during construction. K. Clapper stated that the ground underneath the home is sand and if any hazardous materials are discovered during construction, they are required to notify the Town.

- 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 later in the evening to allow the applicant time to provide proof of mailing.

8:12 79 Pt Allerton Ave., Map 10/Lot 001 (SE35-1483) Opening of a Public Hearing on the **Notice of Intent** filed by **Amir Shahbazian** for work described as **construct two level deck (top - 12'x67'; lower-24'x12') with steps between, level porch, and construct walkway**.

Representatives: Amir Shahbazian
Abutters/Others: no one spoke
Documents: "Existing Conditions Plan (annotated)" – Nantasket Survey Engineering – 9/25/2018

A. Provided proof of mailing at the hearing. He stated that there is a pre-existing foundation that the deck will be constructed on. He stated that the proposed walkway will be permeable. C. Krahforst then asked to add the demolition of the pre-existing deck to the application although it has already been done, to which the Commission agreed. The Commission noted that anything on the ground on the property will likely require Commission approval.

- 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**.

8:20 118 Cadish Ave., Map 14/Lot 021 (SE35-1482) Opening of a Public Hearing on the **Notice of Intent** filed by **Virginia and Edward Walsh** for work described as **repair damaged and collapsed stone wall**.

Representatives: Virginia and Ed Walsh; Ken Hayes (architect)
Abutters/Others: Roseanne Bush (120 Cadish Avenue)

The representative stated that the wall was starting to fail prior to when Aquarion began putting in a new water line. He stated that the footing was washed out with the winter storms, but when the gravel was messed around by Aquarion, it made it worst. He went onsite, excavated, and put up a framework for a new footing. The Commission stated that the work was done without a permit and went above what the Commission had permitted in the past. C. Krahforst noted that he saw the work and issued a cease and desist. The Commission stated that they had issues with the wall that was constructed, as it did not comply with the intent of the Order; the wall was supposed to allow water to flow through. C. Krahforst noted that in order to comply with the Order, the applicants had a portion of the wall removed, which was supposed to remain open in perpetuity. However, C. Krahforst noted that the property owner installed a wooden barrier during storm events, which redirects water, exacerbates erosion, and violates the Order. The Commission noted that the wall is failing as the water hits the wall and is redirected and noted that solid walls exacerbate erosion. K. Hayes noted that the solution to the wall that was constructed was to demolish a portion of it, to which the Commission noted that it is clear the solution is not working. E. Walsh said that structures in the area get undermined because of the water and noted that he helps shore up the light pole at the end of Cadish Avenue, to which the Commission said he shouldn't do work without a permit and should instead call the Town to report work needed on Town property. K. Hayes alleged that dredging in the harbor has caused the beach to be lowered.

A Commissioner said that the wall is exacerbating erosion, which will only continue if the wall remains in place. C. Krahforst said that this area has hardened structure to the north and south and that having a soft structure in between can cause erosion. R. Bush of 120 Cadish Avenue said that she's been there 18 years and her fence hasn't been exposed and that the beach in front of her property hasn't dropped. She then noted that since the abutting wall was installed, her fence has become more exposed and expressed concern about it remaining as it could impact her property.

A Commissioner noted that footings for the wall will impact the resource areas and suggested that the wall be removed. Another Commissioner said that there was compromise during the original hearing—the plan wasn't followed and has caused issues to the natural resources. A Commissioner asked if the previously permitted wall had three sides, with 90 degree angels, to which another Commissioner said no; further unpermitted work was done. A Commissioner said that the Commission had permitted a wall and if one is to be repaired, it should be done so to the approved specs. C. Krahforst said that the original permitted structure would likely not last given projected sea level rise and suggested that other designs should be examined. V. Walsh asked if a chain-linked fence could be installed instead of the wall, to which the Commission agreed as it won't cause nearly as much erosion as the constructed wall.

K. Hayes asked if the Town is looking to install a revetment in front of the homes, to which C. Krahforst said it isn't and suggested that further inquiries regarding such a matter should be directed to Town Management.

K. Hayes asked if they could remove the wall, to which the Commission said they could, or they could continue the hearing and submit an alternative plan. The applicants requested to continue the hearing.

- 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 May 25, 2019 at a time TBD.

8:50 1131 Nantasket Ave., Map 07/Lot 026 (SE35-1481) Opening of a Public Hearing on the **Notice of Intent** filed by **Peter Dewey** for work described as **construct new 2-story house**.

Representatives: Peter Dewey; David Ray (surveyor), Mike Lailer (Builder)

Abutters/Others: John Gilbert (1133 Nantasket Ave)

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering – 5/20/2019
"Foundations Plan" – Paul Bonarrigo – 5/21/2019

D. Ray said that the house that was burned down has been removed. The proposed project involves removing the pre-existing foundation and to construct a new two-story house. The proposed home will be FEMA compliant, with flood vents. A modular home is proposed. He noted that there are wetlands in the rear of the property home, but the work will only be in the front of the property. C. Krahforst noted that the project will be an improvement from the home that had been on the lot. The Commission noted that a permeable paver driveway is proposed.

Two Special Conditions were added as follows:

- 1) Permeable paver driveway will be maintained to ensure permeable characteristics in perpetuity. This condition is ongoing and will not expire at the end of three years.

- 2) The approximate wetlands denotation on the plan of record (1) is not recognized as official, although it has no impact on the decision of the Order of Conditions.

- 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**.

8:58 40 Sumner St., Map 28/Lot074 (SE35-1487) Opening of a Public Hearing on the **Notice of Intent** filed by **Mathew DiGiantommaso** for work described as **new back deck (12'x34') and repair existing side deck and construct connecting deck (3 or 4' x 12')**.

Representatives: Matthew DiGiantommaso (representative) and Irene Coombs

Abutters/Others: no one spoke

Documents: "Mortgage Inspection Sketch of Property" (annotated) – Yunits Engineering Co. – 7/19/1986
"Hand-drawn footing, framing, and railings plans" – Matthew DiGiantommaso – n.d

M. DiGiantommaso presented abutter notification. He stated that since the project was submitted to the Commission, the plan has changed. Changes include no longer requesting to connect the two decks and increasing the size of the proposed back deck to 19' x 34.' The Commission stated that the project cannot result in an increase of runoff.

- 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**.

9:04 722 Nantasket Ave, Map 17/Lot 173 (SE35-1489) Re-Opening of a Public Hearing on the **Notice of Intent** filed by **Kiley Clapper** for work described as **elevate existing structure for flood protection**.

The hearing was reopened from earlier in the evening. K. Clapper presented proof of mailing. The Commission stated that no further discussion is needed.

Two Special Conditions were added as follows:

- 1) No redirection of flood waters due to construction is allowed
- 2) Drywells are to be installed to capture roof runoff from each downspout.

- 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**.

9:05 26 Sunset Ave., Map 16/Lot 005 (SE35-1480) Opening of a Public Hearing on the **Notice of Intent** filed by **Pam Wolfe** for work described as **elevate existing house and add deck**.

Representatives: Pam Wolfe; David G. Ray (Surveyor); Don Dudley (tenant)

Abutters/Others: Joe Rodman(?); no one spoke

Documents: "Existing and Proposed Conditions Plan" –Nantasket Survey Engineering – 5/14/2019
"Foundation and Foundation Modification Plans" – Anderson Structural Engineering – 3/19/19

D. Ray presented the proposed project to elevate the existing home and add a deck. The home will have an excess of 4' of freeboard. He stated that the garage will be filled with clean fill.

- 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**.

9:10 21 Bay St., Map 34/Lot 006 (SE35-1484) Opening of a Public Hearing on the **Notice of Intent** filed by **Peter Prasinos** for work described as **add piers and sono tubes existing house, porch and deck**.

Representatives: Peter Prasinos; David G. Ray (Surveyor)

Abutters/Others: No one spoke

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering – 5/15/2019
"Foundation and Alternate Pile Details Plan" – Rivermoor Engineering – 3/13/2019

D. Ray presented the proposed project. He stated that it is already a FEMA compliant home but the foundation is failing. In order to shore up the foundation, a series of sonotubes under a portion of the home and a series of piles under the other portion is proposed. He stated that all work would be done by hand. He then stated that the foundation in the front of the house is on a wall that is in good condition.

C. Krahforst said there is an open FEMA grant to elevate homes, to which D. Ray said that FEMA grants take a significant amount of time and the work needs to be done in the short-term.

One Special Condition was added as follows:

- 1) No work is to be conducted “while the tide is in”.
- 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**.

9:22 921 Nantasket Ave., Map 09/Lot 004 (SE35-1488) Opening of a Public Hearing on the **Notice of Intent** filed by **Julanne McCarthy** for work described as **replace failing retaining wall**.

Representatives: Ted Dobbins (Representative)

Abutters/Others: no one spoke

Documents: “Existing and Proposed Conditions Plan” – Nantasket Survey Engineering – 5/16/2019

T. Dobbins provided proof of mailing at the hearing. T. Dobbins described the proposed project as described above. The two-tier wall is proposed in order to maintain an existing parking area and that there will be drainage behind the wall. T. Dobbins asked if the driveway could be impermeable to which the Commission said yes. The Commission said the parking area should be constructed in such a way that it doesn’t allow ponding.

- 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**.

9:30 2 A St, Map18/Lot 150 (SE35-1477) Continuation of a Public Hearing on the **Notice of Intent** filed by **Sunset Bay Marina, LLC** for work described as **construction of 840’ of proposed wave attenuator and 800’ proposed finger piers. Reconfigure existing wave attenuators**.

Representatives: David G. Ray (Surveyor)

Abutters/Others: Lizbeth Kinkead (28 Milford St); Kenneth Frammer (16 Milford St); Terri Petrilli (15 Second St), Carol Maguire and Steve Robichaud (8 Central Ave); Irene Mailhiot (16 Milford St); Arthur Augenster (6 A St/7 Bay Avenue East); Terri Petrella

Documents: “Sunset Bay Marina Alterations, 4 pages” – Nantasket Survey Engineering – 4/23/2019

D. Ray stated that the project stemmed from experimentation with wave attenuators over the past few years. The proposed project involves installing 12 new wave attenuators project. The new wave attenuators will be anchored differently from the pre-existing four and will have two 36” driven piles. The four older wave attenuators will be repositioned to the southern end of the property.

Under a previous permit, the applicant was required to install a boardwalk. In order to construct the boardwalk as permitted, the marina would have to be demolished. Given that, D. Ray stated that he spoke with David Hill to come up with an alternative plan for the walkway. The alternative proposal involves creating a boardwalk along the existing shoreline. He stated that it will be the same size as it was before, but wouldn’t be a pier. He stated that this will need to still go through the Hull Planning Board, then MEPA, and then Chapter 91. The Commission asked what the boardwalk would be made up of, to which D. Ray said that it would be a 8’ gravel walkway around the outside of the property.

D. Ray stated that the proposed work will be between \$1.6 – \$2.1 million. He added that eventually (and not within the application before the Commission this evening), the hope is to add 26 additional slips.

He stated that the proposed project was submitted to DMF and C. Krahforst confirmed that DMF had no issues regarding the project.

C. Krahforst noted that the project still has to go before the Planning Board and stated that the Harbormaster will be interested in pumpout considerations of the project. He then stated that if the Commission approves the project, it may have to come back before the Commission if the plan changes.

L. Kinkead of 28 Milford St. said that she has no faith in a walkway because it was permitted back in 2007. D. Ray responded by stating that there was a recession soon after and the marina nearly went bankrupt. He added that the applicant is doing better financially and wants to proceed with the project. K. Frammer of 16 Milford St., asked if the walkway will stop at Waveland, to which D. Ray said it will stop on Town property.

T. Petrilli of 15 Second St. said that she saw pilings being placed in the water back in April, to which D. Ray disagreed and said they were repairing a wave attenuator from the storms. She added that over the past few years the water quality at A St Pier has decreased and questioned the environmental impact that an additional 30+ slips would have. She said that the marina may be good for the economy, but the no wake policy is not being enforced, to which the Commission said that such issues should be reported to the Harbormaster or police. C. Krahforst noted that for fishery impacts, the Commission relies on DMF, who did not have any concerns. D. Ray alleged that the Town is the largest

polluter at Bay Avenue East with its storm drain, but the drainage issue is currently being resolved. T. Petrilli said that even with management, fuel spills can happen and they have impacts on the environment.

C. Maguire of 8 Central Ave questioned if a breakwater located at the end of a public mooring area would cause more wave issues to the public areas, to which the Commission said it wouldn't as wave attenuators purpose it to dissipate wave energy. D. Ray added that no mooring can be within 100' from the docks and added that the Town doesn't own moorings. The area will end at A St. The additional ones will be further south.

K. Framer of 16 Milford St. asked if the wave attenuators will protect homes and decrease erosion, to which C. Krahforst stated that wave attenuators dissipate wave action. I. Mailhiot of 16 Milford St. said that when the wind hits the wave attenuators, it sweeps the waves to the homes and causes an erosion issue. D. Ray said wave attenuators don't change the amount of water and C. Krahforst stated that wave attenuators cut down wave energy. I. Mailhiot of 16 Milford St. asked that with the future growth if there will be need to have another gas tank installed, to which D. Ray said not and that one large tank was installed 10+ years ago. She then asked if clients would be private or commercial, to which D. Ray said they would be private. He added that there may be a transient slip. L. Kinhead of 28 Milford St. asked if the asked if the wave attenuators would be moved further seaward, to which D. Ray said no. A Commissioner asked if there is a maintenance plan for the attenuators, to which D. Ray said that there isn't, as there are no chains—it is a driven pile system.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0-1 (T. Best abstained);

It was **voted** to:

Close the Public Hearing and **approve** the Order of Conditions. The Order of Conditions was **signed**.

A resident asked if when the project goes before the Planning Board if abutters will be notified, to which the Commission said yes. He said he was not notified of the project before the Commission. The Commission noted that they received proof of mailing. S. Clarren stated that Notice of Intents submitted to the Commission only require notification to abutters within 100,' while the Planning Board notification is 300.' She added that condo associations only get one and that address is set up with the Assessor's Department.

Certificate of Compliance Requests

Spinnaker Island SE35-1334 (water main replacement): P. Epstein **Motion**, S. Bannen **2nd**, **vote** 5-0; CoC issued.
100 Clifton Ave: C. Krahforst said that he is working with the property owner on compliance.

Continued and New Business

Meeting Schedule, July – Dec 2019: L. Sorgi **Motion**, S. Bannen **2nd**, **vote** 5-0; Approve drafted meeting schedule.
Upcoming 375th Anniversary Parade: S. Clarren relayed that the 375th Anniversary Committee wanted to know if the Commission would be planning anything for the upcoming parade.

Violations and Compliance issues

3 Damon Park Rd.: C. Krahforst said that the property owners redid their patio with pavers, without a permit. He noted that an NOI has been filed.

38 Clifton Ave: C. Krahforst stated that the homeowners have requested to backfill the hole while they obtain a permit, to which the Commission said no.

93 Beach Ave: C. Krahforst noted that the Town holds a permit for one beach access opening that is not at a street ending, but the abutting property owners opened it. C. Krahforst informed them that in the future they cannot; the DPW and Conservation Department must be contacted.

10:30 Upon a **motion** by P. Epstein and **2nd** by S. Bannen and a **vote** of 6-0;

It was **voted** to: Adjourn.