



## HULL CONSERVATION COMMISSION

253 Atlantic Avenue, 2<sup>nd</sup> floor

Hull, MA 02045

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**TUESDAY, July 24, 2018**

**Meeting held at Hull Town Hall, 1<sup>st</sup> Floor**

**Members Present:** Paul Paquin, Chair, Sean Bannen, Paul Epstein, Chris Oliveri, Lou Sorgi  
**Members Absent:** Elizabeth Fish  
**Staff Present:** Chris Krahforst, Conservation Administrator; Sarah Clarren, Assistant Conservation Administrator  
**Minutes** Upon a **motion** by C. Oliveri **2nd** by S. Bannen and a **vote** of 4-0-1 (abstention);  
It was **voted** to: Approve the Minutes of June 26, 2018 as amended.

**7:35** Call to order

**Local Clean Energy Plan Proposal: 10 minute presentation by Judeth VanHamm, followed by 5 min. Q & A.**  
Although scheduled, no one was present to give the scheduled presentation.

**7:45 1111 Nantasket Ave., Map 07/Lot 033 (SE35-1426) Opening** of a Public Hearing on the **Notice of Intent** filed by **John Struzziery** for work described as **remove underground storage tank and install chainwall platform with 3,000 gallon storage tank.**

Representatives: John Struzziery, Town of Hull

Abutters/Others: none present

Documents: "Chainwall Platform and Elevated Aboveground Storage Tank" – Woodard & Curran – 6/15/2018  
"S-1; S-2; S-3; S-4" – Woodard & Curran – 6/15/2018  
"Fireguard 3,000 Gallon Generator [2 sheets]" – 6/11/2018

J. Struzziery stated that the proposed plan involves removing an underground tank which has been there for 40 years. In order to conduct soil testing, two borings will be done. He stated that a wave analysis was done in order to determine that the height of the new tank should be 7-8' above ground. The tank will service generators and pumps. J. Struzziery stated that the proposed tank is shown in the same location as the pre-existing underground tank, but the orientation may change. The Commission determined that the orientation of the tank will not affect the resource areas.

One Special Condition was added as follows:

1) If the orientation of the platform changes, it must be annotated on the Plan of Record.

- 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**.

**7:50 1 Avalon Dr., Map 40/Lot 005 (SE35-1428) Opening** of a Public Hearing on the **Notice of Intent** filed by **the Estates Apartments, LLC** for work described as **widen existing path from 3' to 6'; install approximately 1" of gravel and 2" of mulch to level path; install rope fence with posts; install solar LED lights at bottom of proposed fence posts.**

Representatives: Deborah Maroney (The Estates); Creanne VanOffera (The Estates)

Abutters/Others: Cathy Vanderweil (1512 Avalon Dr.); Joseph Madden (1521 Avalon Dr.); Clark Frazier (50 Bonnie Brier Cir., Hingham); Will Newell (52 Bonnie Brier Cir., Hingham);

Documents: "Site Plan" [annotated] - HW Moore Associates, Inc.

C. VanOffera stated that the proposed plan is to make a pre-existing path safer for users. C. Krahforst, Conservation Administrator stated that he spoke with DEP regarding a prior Superseding Order where DEP conditioned that there would be no path to the water. He stated that because the prior Order has expired, the proposed project should be treated as a new filing. He added that because the original path was never permitted (he later noted that paths under 3' wide are exempt from permitting per the WPA), that the filing should be treated entirely separate. He then questioned if the notice was accurate, as it should be considered a new, 6' wide path. He then added that under the prior Superseding Order, there was supposed to be phragmites monitoring and questioned if that had been done. He noted that the regional office does not yet have files on the older project as the office changed locations. C. VanOffera asked what phragmites was, to which C. Krahforst stated that it is an invasive wetlands plant. The Commission asked what work is planned near the water's edge, to which C. VanOffera said there are no plans. The Commission then expressed concern over the plan, as it is not clear on where exactly the path is or how wide it is.

W. Newell of 52 Bonnie Brier Cir., Hingham, said that the area is an ACEC and is therefore a sensitive area. He stated that the Estates cleared the path without obtaining a permit and intend to increase the use of the area. He suggested that because the area is an ACEC, there shouldn't be a path allowed.

C. Frazier of 50 Bonnie Brier Cir, Hingham, presented a letter. He then summarized the letter which expressed concern that the gravel/mulch will affect the river area, the proposed lighting will affect wildlife, and questioned where users go when they reach the end of the path.

The Commission raised the fact that a path around the Estates was required in a Conservation Restriction and has yet to be completed. The Commission stated that they should examine the prior Superseding Order and get feedback from DEP regarding reasoning behind the outlined conditions. The Commission also noted that if a path is permitted, it should not be graded towards the water, as it would encourage erosion and runoff. C. Krahforst also noted that the Town has a 'No dumping' bylaw, which includes prohibiting landscape debris (i.e. woodchips), among other items, from being dumped on embankments or in waterways. C. VanOffera stated that the intent of the project is to make the path safe and to formalize one path, so other smaller paths do not get created. The Commission suggested conducting a second site visit.

C. Krahforst noted that there are no stated additional requirements of the standards for permitting a project in an ACEC, but the Commission has the discretion to more closely examine projects in an ACEC. A Commissioner suggested not allowing lights, allowing a 6' path in the area outside of the Commission's jurisdiction, but limiting the path to 3' within all resource areas. Another Commissioner said that the path should not be on the coastal bank.

J. Madden of 1521 Avalon Dr. expressed concern regarding the mulch that is currently on the cul-de-sac by the path. The Commission noted his concern, but relayed that the area is not located within the Commission's jurisdiction. C. Vanderweil of 1512 Avalon Dr. stated that the current path attracts people who drink and leave trash and expressed concern that a larger path will attract more of that activity.

The Commission again suggested conducting another site visit. C. VanOffera of the Estates agreed and asked to be present. The Commission noted they could join, but site visits are only for a short amount of time and the Commission cannot discuss the project on-site; all discussion must occur in an open, public meeting. The Commission also suggested that another plan clearly identifying the resource areas and the path be provided.

- 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 August 14, 2018 at a time TBD.

**7:55 40 Clifton Ave., Map 31/Lot 001 (SE35-1421) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Roger Bearde** for work described as **replace deteriorated seawall and fencing with a cobble berm and new flow through (≥ 50%) fencing.**

Representatives: Roger Bearde (owner/applicant)

Abutters/Others: Fred Shaw (38 Clifton Ave.)

Documents: "Cross section Project Plan" Hand-drawn; "Plot Plan" 5/1/18

L. Sorgi signed a form stating that he had listened to the hearing that occurred on 6/26/2018.

R. Bearde presented a revised plan/sketch. C. Krahforst stated that he followed up with CZM regarding the project; CZM suggests using smaller stone; peastone is now proposed. CZM also suggested plantings on the seaward portion of the 2-3' high berm to dissipate waves. He also relayed that CZM did not foresee an issue with the berm running the entire length of the property. R. Bearde stated that a fence is proposed landward of the berm to stop any larger debris. The Commission suggested that a coastal landscaper be used to select the species, to which R. Bearde agreed. F. Shaw of 38 Clifton Ave. spoke in favor of the project.

One Special Condition was added as follows:

- 1) A Narrative must be provided prior to the start of any construction.
- 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**.

**8:52 243 Nantasket Rd., Map 32/Lot 034 (SE35-1427) Opening** of a Public Hearing on the **Notice of Intent** filed by **Nancy Aborjaily** for work described as **remove and replace existing stairs down to water; repair/rebuild 3' x 1' section of existing seawall.**

Representatives: Nancy Aborjaily (owner/applicant)

Abutters/Others: none present

Documents: "3-page hand-drawn diagrams of stair and wall work";

S. Clarren noted that the applicant was told that abutter notices needed to be mailed certified or certificate of mailing, but the notices were sent via regular mail. N. Aborjaily presented letters she obtained from two abutters stating that they got the notice and stated that she is still waiting on another neighbor. The Commission determined that the hearing can proceed, but some sort of proof must be provided that all abutters are notified. N. Aborjaily presented. She stated that her family has owned the property for the past 100 years. She presented a picture of the steps which had been pre-existing, but were damaged during the storms. She added that she is in the process of obtaining a Ch. 91 License. The Commission noted that aluminum stairs would be significantly lower in cost, to which N. Aborjaily stated that cement stairs are sentimental. The Commission suggested that the hearing be continued to allow for the proof of the abutter notification to be provided, to which N. Aborjaily agreed.

- 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 August 14, 2018 at a time TBD.

**9:03** 27 Beach Ave., Map 27/Lot 004 (SE35-1414) Continuation of a Public Hearing on the Notice of Intent filed by Athanasios Mitropoulos for work described as remove sand from existing beach-front patio, install gate adjacent to Beach Ave, and replace approximately 475 sq ft of existing concrete patio and approximately 110 sq ft of existing cement block walls.

**The applicant requested a continuance to September 25.**

- 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 September 25, 2018 at a time TBD.

**8:10** 21 Beach Ave., Map 27/Lot 008 (SE35-1417) Continuation of a Public Hearing on the **Notice of Intent** filed by **Fulvia Quilici Matteucci** for work described as **construct a seasonal dune walkover using guidance from the FEMA construction manual.**

Representatives: Fulvia Quilici (owner/applicant)

Abutters/Others: Lisa Cuklanz (31 Beacon Rd.)

Documents: "Existing Conditions – D. Ray – 2/27/09

"Design X-section" – hand-drawn – 5/30/18

C. Krahforst stated that since the last hearing occurred, a DEP File Number has been issued and the project had been reviewed by Natural Heritage. He then read the letter provided by Natural Heritage. He then stated that per prior staff conversations, the project must obtain approval from the Selectboard and because the stairs are on Town property, cannot be private access. F. Quilici expressed concern over having the stairs be accessible to the public, as the public would then have the ability to traverse her property to reach the street. The Commission stated that they cannot provide legal advice; C. Krahforst stated that he can put her into contact with other people who have had to enter into similar agreements.

Five Special Conditions were added as follows:

- 1) All work associated with the dune crossing path or structure is prohibited during the period April 1 – August 31 to protect breeding shorebird species, unless a monitoring and protection plan for state-listed species is approved in writing by the Division prior to the start of work and said plan is properly implemented.
- 2) Any changes to the proposed project or any additional work beyond that shown on the plans may require an additional filing with the Natural Heritage and Endangered Species Program pursuant to the WPA and/or MESA.
- 3) No work can commence until the applicant receives permission to construct the walkover from the Hull Select Board.
- 4) The walkway is a seasonal structure. The structure shall not be installed prior to March 1 and shall be removed no later than October 31<sup>st</sup>. If there is an impending moderate (or greater) coastal storm the seasonal structure shall be removed by the applicant. This condition is to remain in perpetuity.
- 5) The structure shall not adversely impact the coastal dune.

- 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**.

**9:23** 119 Hampton Cir., Map 35/Lot 143 (SE35-1423) Continuation of a Public Hearing on the **Notice of Intent** filed by **Boyd Fulton** for work described as **Elevate existing single family home, pave driveway and pour concrete ramp into new garage at first floor, rebuild stair landings and front deck, and install flood vents in existing foundation.**

Representatives: Boyd Fulton (owner/applicant); Mary Tan; David G. Ray (surveyor)

Abutters/Others: Pamela Sanderson (18 Marginal Rd.); Vinny Dolan (15 Marginal Rd.); Frances and Josephine Andruszkiewicz (14 Marginal Rd.); Teresa and Robert Brady (17 Marginal Rd.); Mary and Chris Myers (121 Hampton Cir.); Vinnie Dolan (15 Marginal Rd.); John Smith (10 Marginal Rd.); Ellie Destito (16 Marginal Rd.)  
Documents: "Existing and Proposed Conditions" – D. Ray – 7/4/18

C. Oliveri signed a form stating that he had listened to the hearing that occurred on 7/12/2018.

D. Ray stated that the project was presented at the last meeting, but the Commission thought the Public Hearing Notice was unclear, so the project was re-advertised. He stated that the home will be elevated slightly to become FEMA complaint and floodvents will be added. The first floor in the rear will have 3' of freeboard. The front portion of the home will be a 2-car garage with an entrance off of Hampton Circle. Three sets of stairs and a deck will be rebuilt.

R. Sanderson of 18 Marginal Rd. stated that if work is being done in the rear of the home, then there should be discussion on the grade of the home in the rear of the property. He stated that there were 6 truckloads of fill put behind the home, not in the cellar as indicated in the last hearing. He stated that the last time a project on the property came before the Commission, the Commission indicated that the grade had to be lowered, but the grade has not been lowered.

E. Destito of 16 Marginal Rd. stated that during a meeting held on 8/27/2010, it was stated that no work was supposed to commence before spot grades and contours match those shown on the proposed site plan, dated 4/5/2010. She said this was never done. She asked if the condition was null and void because Conservation Administrators have changed, to which the Commission said no. C. Krahforst stated that the earliest plan of record with elevations for the property on file in the Conservation Department is dated 4/5/2010. He added that a survey showing similar elevations was submitted in 2016. He then stated that the issue may be that there was no survey showing the elevations prior to 2010. He stated that the plans on file show that no fill was brought in since 2010. He then stated that it is clear that the neighboring properties had fill brought in at some point in time and it is the same situation here; it is clear it has happened, but there is no record of when it happened, or how much was brought in. The Commission asked if any abutters had any record of elevations prior to 2010. E. Destito stated that in the prior file there should be photos in the previous file for the property. She then claimed that something may have been awry, as items are missing from the file, including a survey prior to 2010 because everyone has surveys. The Commission stated that was not accurate and asked if abutters had surveys, to which those present said no. E. Destito stated that she stood corrected.

A member of the Commission added that cinderblocks were probably added to the rear of the property at the time of the fill since they would have been placed to support the differences in the elevation. Since they are on top of the fence footings, they were placed after the fence was installed. The Commission stated that the records from 2010 match, but will look into the file further regarding the fill. C. Krahforst stated that even though it is clear that fill was brought in, there is no evidence of when or how much was placed. He again added that such work took place all over town, including on abutting properties, and there are no tools in place to deal with that. R. Sanderson stated that the last 119 Hampton Cir. project that came before the Commission was for a deck and it was conditioned that fill be removed prior to the deck being installed; the deck has been installed and no fill has been removed. The Commission stated that a survey has been provided showing that the elevation has not changed; it is clear that the applicant had to leave the land at the level in which the property was surveyed for. C. Meyers stated that after 2010, he witnessed truckloads of dirt being dumped on-site and the fill was never removed. An abutter said that every neighbor will say the same thing; fill was put in and never removed which has caused flooding to abutting properties. She added that the survey that was done is not accurate. The Commission stated that when a survey is in doubt, it is up to the accuser to present information to support their claim (i.e. conduct a separate survey). D. Ray stated for the filing that is currently before the Commission, he conducted a separate survey which shows comparable grades to the 2010 and 2016 plans. E. Destito asked what would happen if she could get proof that the truckloads came in prior to 2010, to which the Commission said that they would review information that is submitted. The Commission added that the concern is not with the proposed project.

Two Special Conditions were added as follows:

- 1) No fill is permitted as part of this project.
  - 2) Prior to issuance of a Certificate of Compliance, an as-built plan must be provided which contains spot grades in the same locations as those shown in the Plan of Record.
- 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**.

**8:20 353 Beach Ave Map12/Lot 040 (SE35-1424) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Leif O'Leary** for work described as **elevate existing home onto piles and remodel existing**

**house; expand front deck and rear porch; construct two first floor additions; construct two sets of stairs in rear of home.**

Representatives: David G. Ray (Surveyor)

Abutters/Others: none present

Documents: "Existing and Proposed Conditions" - D. Ray – 6/21/18

C. Oliveri signed a form stating that he had listened to the hearing that occurred on 7/12/2018.

Since the last hearing, a DEP file number had been issued. The Commission determined that no further discussion was necessary.

- 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**.

**8:25 118 Atlantic Ave., Map 53/Lot 037 (SE35-1425) Continuation** of a Public Hearing on the **Notice of Intent** filed by **John Griffin** for work described as **install seasonal deck and stairs**.

Representatives: John Griffin (owner/applicant)

Abutters/Others: none present

Documents: "Various photographs of after-the-fact installation"  
"Construction Plan – 2-page narrative, ND"

C. Oliveri signed a form stating that he had listened to the hearing that occurred on 7/12/2018.

J. Griffin presented the proposed project. He stated that since the last hearing, he has started the Building Permit Application. The Commission expressed concern over the drilling of holes in the new capped seawall, to which J. Griffin said the holes were pre-existing. The Commission expressed concern over stairs on the seaward side of the seawall, to which J. Griffin said no stairs are proposed at this time. The Commission said that there is an attachment on the seaward side of the seawall that should be removed.

Four Special Conditions were added as follows:

- 1) The attachment on the seaward side of the seawall must be removed; no stairs in that location are approved.
  - 2) The project involves the installation of a seasonal deck and stairs. They both shall be installed no earlier than March 1 each year and removed no later than November 1 each year. Additionally, the deck and stairs shall be removed and properly stored if there is an impending moderate coastal storm, or greater.
  - 3) The applicant must obtain a building permit prior to the commencement of work.
  - 4) The applicant must obtain approval from the Select Board to attach the seasonal deck to the seawall.
- 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**.

**8:30 Parking lot area adjacent to 133 Beach Ave., Map 21/Lot 006 (SE35-1413) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Joe Mahoney** for work described as **post-storm clean up of sand in parking lot adjacent to 133 Beach Ave.**

Representatives: none present

Abutters/Others: James Canavan (116 Manomet Ave.); Ed Bornstein (57 Coburn St); Paul Schneider (107 Manomet Ave.); Anne Engel (22 Berkley Rd); Susan Mann (109 Manomet Ave); Lawrence Kellem (118 Manomet Ave.)

The applicant requested a continuance to the first meeting in September at a time TBD.

The Commission noted that the applicant requested a continuance to the first meeting in September. Members of the public requested permission to speak regarding the request for a continuance. P. Schneider of 107 Manomet Ave. asked what reason the applicant/s gave for a continuance, to which C. Krahforst noted that the continuance request indicated that the applicants wanted more time to confer with a coastal geologist and town officials. S. Mann of 109 Manomet Ave. expressed concern that summer residents may leave prior to the next hearing. She also expressed concern that there needs to be a continuous dune. C. Krahforst noted that the applications in front of the Commission are for clearing the sand and not constructing a continuous dune. J. Canavan of 116 Manomet Ave. said that when some of the sand was removed by the Town, why was it not reused in the areas where the storms eroded the dune? C. Krahforst stated that the sand was repurposed and the Conservation Department has submitted a grant application to CZM for further dune nourishment.

- 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 September 5, 2018 at a time TBD.

**8:35 Parking lot area adjacent to 143 Beach Ave., Map 19/Lot 164 (SE35-1415) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Arjan Kraan** for work described as **post-storm clean up of sand in parking lot adjacent to 143 Beach Ave.**

The applicant requested a continuance to the first meeting in September 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 September 5, 2018 at a time TBD.

**8:40 Parking lot area adjacent to 141 Beach Ave., Map 19/Lot 163 (SE35-1412) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Sarah Murphy** for work described as **post-storm clean up of sand in parking lot adjacent to 141 Beach Ave.**

The applicant requested a continuance to the first meeting in September 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 September 5, 2018 at a time TBD.

**Certificate of Compliance Requests**

353 Beach Ave (SE35-1268) – P. Epstein **Motion**, S. Bannen **2<sup>nd</sup>**, **vote** 5-0; CoC issued

353 Beach Ave (SE35-1270) – P. Epstein **Motion**, S. Bannen **2<sup>nd</sup>**, **vote** 5-0; Invalid Order of Conditions (CoC) issued.

119 Hampton Cir. (SE35-1110) – The permit was to elevate the home above base-flood level. C. Krahforst noted that the applicant had to comply with the spot grades shown on the first plan showing elevations, which has been done. E. Destito of 16 Marginal Rd. asked if there would be a public hearing for a building permit for the property [not explicitly stated, but referring to SE35-1423], to which the Commission said as long as the applicant complies with zoning, there is no further public hearing process. – P. Epstein **Motion**, S. Bannen **2<sup>nd</sup>**, **vote** 5-0; CoC issued  
119 Hampton Cir. (SE35-1225) – The permit was for a concrete patio and stairs in the rear of the home. E. Destito of 16 Marginal Rd. said that when the project came before the Commission, the Commission didn't allow a concrete patio, but instead allowed a wooden deck. The applicant then constructed a 12' x 26' concrete patio which displaces water. C. Krahforst noted that there is no Special Condition which speaks to that. He then read from the minutes of 8/27/2013 which states that "The new plans call for sonotubes for wood decks in the front and rear of the house and for five sets of stairwells. The plans for solid cement patios in the front and rear of the property were removed." E. Destito of 16 Marginal Rd. said that the original plan called for cement patios which were not allowed. The Commission concluded that a second site visit should take place.

11 Rockland Cir. (SE35-1330) – The Commission stated that during site visits, numerous items were done that went above and beyond the permit and encroached into the wetlands buffer. The Commission stated that the applicant must request to amend their Order of Conditions.

**New Business**

Violations: C. Krahforst stated that since the last meeting, he has issued a first compliance letter to 239 Nantasket Rd. for an unpermitted wall on a coastal bank.

Correspondence: The Commission reviewed their packet for correspondence and determined to take the following action: C. Krahforst will respond to the email sent by B. Lutze regarding a child falling on the beach after being hit by a wave. C. Krahforst will also reach out to R. Moir of the Ocean River Institute to set up a time for him to attend a Commission meeting to discuss over-fertilization.

Sand nourishment: C. Krahforst re-stated that the Conservation Department submitted a grant application to CZM for dune nourishment.

Avalon Drive – path not yet constructed: C. Krahforst noted that this had been discussed earlier in the meeting.

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