



## HULL CONSERVATION COMMISSION

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

Hull, MA 02045

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**TUESDAY, June 26, 2018**

**Meeting held at Hull Town Hall, 2<sup>nd</sup> Floor**

**Members Present:** Paul Paquin, Chair, Sean Bannen, Paul Epstein, Chris Oliveri

**Members Absent:** Elizabeth Fish, Lou Sorgi

**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 4-0;  
It was **voted** to: Approve the Minutes of April 24, 2018 as drafted.

**7:30** Call to order

**7:35 185 Kingsley Rd., Map 24/Lot 182 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Ashley Rand** for work described as **demolish shed attached to home & construct 80 sq. ft. shed**

Documents: "185 Kingsley Rd – Pool Plan [annotated]" – 8/11/2014

Although there wasn't a representative at the hearing, the Commission determined that the proposed plan was clear and they had no questions regarding how the project would impact the resource areas.

- 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 21 Q St., Map 13/Lot 130 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Don Ritz** for work described as **construct elevated 40 sq. ft. platform for A/C condenser**.

Documents: "21 Q St" – Don Ritz – May 2018

Although there wasn't a representative at the hearing, the Commission determined that the proposed plan was clear and they had no questions regarding how the project would impact the resource areas.

- 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 64 B Street, Map 17/Lot 020 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Marylin and David Lite** for work described as **move stair location, add 24'x10' deck**.

Representatives: David Lite

Abutters/Others: none present

Documents: "New Deck" – n.d.

C. Krahforst showed the Commission the plan and picture in the file. D. Lite presented the proposed project.

- 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**.

**7:50 9 Moreland Ave., Map 36/Lot 023 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Jill McElroy** for work described as **remove existing gravel driveway and replace with 500 sq. ft. of permeable pavers**.

Representatives: Jill McElroy

Abutters/Others: none present

Documents: "Foundation As-Built Plan [annotated 6/5/2018]" – Neil J. Murphy – 6/2/2006

J. McElroy stated that there is currently approximately 500 sq. ft. of loose rock in the front of her home. She proposes removing the stone and replacing with permeable pavers. The Commission asked what the pavers would

be set in. McElroy stated that nearly the entire property is currently permeable and she would like the pavers to allow water to filter into the ground; the pavers will be set in sand. The Commission stated that no stone dust can be used, to which J. McElroy agreed.

- 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**.

**7:55 130 Cadish Ave., Map 13/Lot 171 (SE35-1258) Opening** of a Public Hearing on the **Request to Amend the Order of Conditions** filed by **Gregory Howard** for work described as **change location of previously permitted stairs and construct 96 sq. ft. deck with egress stairs**.

Representatives: Greg Howard

Abutters/Others: none present

Documents: "[Section of] Existing and Proposed Conditions Plan – David G. Ray – 1/7/2015  
"Proposed Front Deck and Stairs" – n.d.

G. Howard stated that when the plans were drawn, the plans did not show that the pre-existing deck would remain. He stated that the proposed deck would be the same dimensions that the pre-existing deck was. He stated that the home will be 10' off of the ground and therefore rear egress stairs are needed. G. Howard stated that he is now proposing "switch-back" stairs for the front egress. The Commission asked if there would be a landing from the front stairs, to which G. Howard said there would be a small, cement 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 **approve** the Amended Order of Conditions. The Amended Order of Conditions was **signed**.

**8:01 40 Clifton Ave., Map 31/Lot 001 (SE35-1421) Opening** 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

Abutters/Others: Fred Shaw (38 Clifton Ave)

Documents: "Cross Section Project Plan" – n.d.

R. Bearde presented the proposed project. He said that he is proposing to install a cobble berm instead of the pre-existing seawall. The Commission stated that the 'pre-existing wall' had been removed without a permit and although there is some evidence of a pre-existing wall, it is new territory for the Commission. C. Krahforst added that with approval from R. Bearde, the Commission sought free technical assistance from CZM to come up with a soft solution for the area to maximize storm damage protection. CZM suggested a cobble berm. The Commission asked how high and wide the cobble berm would be, to which R. Bearde said it would be 2' high, but didn't know how wide it should be. The Commission asked if the fence would allow water to flow-through, to which R. Bearde stated that the fence would be elevated. The Commission asked if R. Bearde would entertain continuing the hearing so the Commission could seek further guidance from DEP regarding the proposed cobble berm and fence; in particular to the following 1) is it permissible to have a fence coupled with the cobble berm, 2) how far away should the fence be kept from the neighbors, 3) conditioning maintenance of the cobble berm, and 4) how large the cobbles should be. Members of the Commission suggested that the proposed fence not be installed until there is evidence that it is needed. R. Bearde agreed to a continuance.

- 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 July 10, 2018 at a time TBD.

**8:30 5 Damon Park Rd, Map 52/Lot 003 (SE35-1419) Opening** of a Public Hearing on the **Notice of Intent** filed by **Barry and Heidi Invernizzi** for work described as **repair concrete pad and stairs below back deck; front of house: repair concrete walkways, repair patios that were neglected with gravel and natural stone; repair existing walls, relocate stairs and repair and remodel deck**.

Representatives: Barry and Heidi Invernizzi; Ken DiFazio (Counsel)

Abutters/Others: Fiore (3 Damon Park Rd.); Robert and Joanne McFarland (34 Gunrock Ave.)

Documents: "5 Damon Park [annotated]" – n.d.

"Pictures (7)" – n.d.

"[Google Earth Image]"

H. Invernizzi stated that they did not know they needed to pull permits with Conservation. Allegedly, the Building Department informed the owners that they could repair the walkway. In the process of working on the walkway, they

unearthed bluestone pavers buried underneath the grass; therefore they decided they wanted to install a patio. She added that they thought it was only a landscaping project. The Commission responded by stating the entire property is within the Commission's jurisdiction and anything on the ground would likely require a permit. H. Invernizzi stated that she is aware of that now and it won't happen again.

The Commission then stated that upon visiting the site, it is clear that more work is proposed than just re-doing a walkway; structures have been installed. C. Krahforst re-read the project description. The Commission stated that there is a lot more work included walls, and a large concrete fireplace and pizza oven. H. Invernizzi stated that the walls were pre-existing. C. Krahforst showed a Google Earth view of the property from last year which showed that there was no visible work as H. Invernizzi indicated.

The Commission stated that the project description does not match the work [unpermitted] that has already been done and therefore, improper notification was provided and therefore, the hearing should be continued until proper notification can be done.

The Commission asked if any Conservation permits had been issued for the property; C. Krahforst stated that the Invernizzi's recently received approval from the Commission to construct egress stairs.

H. Invernizzi stated that everything but the chiminea and the pizza oven were included on the plan; C. Krahforst asked about the fountain which was installed. H. Invernizzi stated that a fountain is also proposed. B. Invernizzi asked if the Commission could review everything else and they could come back to obtain permission to construct the items not listed in the Notice of Intent. Members of the Commission expressed concern about continuing in a piecemeal fashion. B. Invernizzi questioned the difference between what they are proposing for the chiminea and pizza oven and a large gas grille one can get from Home Depot. The Commission stated that a large gas grille can be moved; the pizza oven and chiminea had to be installed by crane. K. DiFazio (attorney of the Invernizzi's) suggested that everyone is clear on what is proposed and therefore the notice was accurate and the project can continue as is before the Commission. C. Krahforst stated that four abutters have emailed the office stating that they approve of the project, but multiple neighbors have approached the office and expressed concern about how a large amount of work has been done without a permit and are concerned about the flow of water post-project.

S. Clarren arrived at 8:39PM.

The Commission asked if the masons are working from the proposed plans, to which the Invernizzi's said yes. The Commission said that so much was going on construction-wise that during site visits, it was difficult to understand the plans. C. Krahforst stated that he had issued a verbal cease and desist, after which H. Invernizzi requested that they clean up the walkway to the home in order to have a proper egress. C. Krahforst stated that he allowed that work to continue, but upon visiting the site with the Commission, he was surprised that further work was continuing without a permit. B. Invernizzi stated that the chiminea and pizza oven were installed post issuance of the cease and desist because he had pre-paid the contractor. He added that he thought he didn't need a permit for that activity. The Commission re-stated that the entire property is within the Commission's jurisdiction and anything on the ground will likely require a permit.

The Commission suggested a second site visit; site visits take place at 6:00PM on the Tuesdays that they don't meet.

V. Fiorie stated that the Invernizzi's installed a wall and expressed concern over the pipes. The Commission asked if it was pre-existing, to which V. Fiorie said no. H. Invernizzi said it was, but it's not there anymore; the mason covered it up. V. Fiorie expressed concern over the location of the Invernizzi's deck and how it impacts his view; the Commission stated that views are non-Conservation issues. V. Fiorie stated he wanted a site visit; the Commission re-stated that they will conduct a site visit on 7/3 at 6PM. B. Invernizzi stated that C. Krahforst expressed concern over one of the pipes and they had it removed.

S. Clarren asked if it should be re-advertised. The Commission stated that a notice that is inclusive of all proposed work. S. Clarren then stated that she worked with H. Invernizzi on the Notice of Intent and was clear that anything that is proposed on the ground needed to be included on the plan and the notice; H. Invernizzi provided the project description which was then published in the Hull Times and mailed to abutters. S. Clarren asked H. Invernizzi to revisit what was provided to the Conservation Department and provide a correct notice by 3PM on 6/27, so it can be published in the Hull Times according to the Wetlands Protection Act. H. Invernizzi agreed.

- 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 July 10, 2018 at a time TBD.

**8:58 72 Touraine Ave., Map 22/Lot 018 (SE35-1422) Opening** of a Public Hearing on the **Notice of Intent** filed by **Louis Calisi** for work described as **remove existing asphalt driveway, patio, walkway and replace with permeable pavers; extend patio.**

Representatives: Louis Calisi; unknown [unable to decipher]

Abutters/Others: none present

Documents: "Mortgage Inspection Plan (annotated)" – John S. Laurentani – 4/27/2004

C. Krahforst stated that the Notice of Intent states that the proposed project is 1,000 sq. ft. but the proposed work was re-calculated to be 1,492 sq. ft. L. Calisi then went on to describe the proposed project which involves remove existing asphalt driveway, patio, walkway and replace with permeable pavers. The work also includes extending the existing patio in the rear of the property. The Commission expressed concern over the plan which was not surveyed. It was determined that the area in question is proposed to have broken asphalt replaced with permeable pavers.

One Special Condition was added as follows:

1) The permeable areas must remain permeable in perpetuity. This condition is ongoing and will not expire after three years.

- 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 **approve** the Order of Conditions. The Order of Conditions was **signed**.

**9:09 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 July 10, 2018 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 July 10, 2018 at a time TBD.

**9:10 Town permitted dune openings along Beach Avenue from Phipps to XYZ St. (SE35-1380) Opening** of a Public Hearing on the **Request to Amend the Order of Conditions** filed by **the Town of Hull** for work described as **maintenance of pedestrian dune crossings.**

Representatives: C. Krahforst

Abutters/Others: Rhoda Kanet (Beach Management Committee); Joanne Marshall and Maxine Nash (339 Beach Ave.); Paul Cangiano (107 Beach Ave); Susan Green (71 B St.); Catherine and Casey Mahoney (133 Beach Ave.)

Documents: "Locus Map for Beach Access Path Maintenance" – n.d.

"Narrative" – n.d.

C. Krahforst presented the proposed project as described in the Project Narrative. He added that the amended Order includes street endings further north than A Street. P. Epstein, speaking as a member of the Beach Management Committee (BMC), stated that during the dune analysis that is conducted each year, residents of properties further north often approach members of the BMC requesting that the openings be better maintained; he added that this permit put forth by the Town would allow that. M. Nash stated that there are street endings that do not currently have fencing or a delineated path and asked if they would be installed; C. Krahforst responded by stating that the permit could allow for fencing. M. Nash expressed concern over homeowners are planting on the railroad bed; C. Krahforst asked M. Nash to direct him to the sites, to which M. Nash agreed. R. Kanet, Chair of the BMC, stated that the BMC is in favor of the Notice of Intent.

P. Cangiano of 107 Beach Ave. expressed concern over illegal openings across the dune and ice cream trucks parking on the dunes. The Commission stated that harming the dunes is a violation of the Wetlands Protection Act; unpermitted openings will get filled once the Conservation Department is notified. The Commission asked C. Krahforst to follow-up with the Board of Health regarding ice cream trucks parking in such a way that harms the dune.

- 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 **approve** the Order of Conditions. The Order of Conditions was **signed**.

**9:30 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: Catherine and Casey Mahoney (133 Beach Ave.); James Lampke, Town Counsel

Abutters/Others: Rhoda Kanet (Beach Management Committee)

Documents: "Dear Resident [letter]" – Krahforst – 4/17/2018

“[portion of proposed plan] – n.d.

“Exhibit A Affidavit of Janet Bennett” – James Lampke – 10/27/1986

The Commission asked if anything has changed since the last hearing. Catherine Mahoney presented a letter from the Conservation Department dated 04/17/2018 which was aloud for the record. Catherine Mahoney stated that she just wants to push the sand over the wall. Documents that Catherine Mahoney attached to the letter include a copy of the proposed plan, and an ‘Exhibit A’ which was also read aloud for the record. C. Krahforst stated that the Exhibit A draws into question the ownership of the area of proposed work, to which Catherine Mahoney questioned why it’s only coming up now. /The Commission stated that ownership of the proposed area of work has been in question since the last hearing and that is part of the reason why the hearing was continued. Catherine Mahoney then requested a continuance to when Mrs. Murphy will be before the Commission. Casey Mahoney asked if the area can be cleaned up prior to the next meeting, to which the Commission said no. C. Krahforst added that plovers are nesting in the vicinity and therefore any work also needs to be done in coordination with MA Audubon.

- 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 July 24, 2018 at a time TBD.

**9:40 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.**

Representatives: none present

Abutters/Others: none present

C. Krahforst stated that he didn’t receive official notice of a continuance request from the applicant, but as the applicant was not present, the Commission determined it would be best-practice to continue the hearing.

- 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 July 24, 2018 at a time TBD.

**9:41 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 July 24<sup>th</sup> 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 July 24, 2018 at a time TBD.

**9:42 0 Hull Shore Drive, Map 27/Lots 037 (SE35-1418) Continuation** of a Public Hearing on the **Notice of Intent** filed by the **Hull Redevelopment Authority** for work described as **repair and replace beach-side sidewalk and remove concrete steps.**

Representatives: none present

Abutters/Others: none present

Documents: “ANR, LAND EXCHNAGE, & CONSOLIDATION PLAN (annotated)” – Nantasket Survey Engineering, LLC – 9/12/18

Since the last hearing, a DEP File Number has been issued. The Commission determined that there were no outstanding issues since the last hearing.

- 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 **approve** the Order of Conditions. The Order of Conditions was **signed**.

**9:44 169 Spring St., Map 03/Lot 032 (SE35-1420) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Joseph Lambert** for work described as **add approximately 325 sq. ft. of driveway and remove approximately 150 sq. ft. of existing paved walkway; add stepping stones.**

Representatives: none present

Abutters/Others: none present

Documents: “Drive Extension” – JL Architectural Design – 5/8/2018

Since the last hearing, a DEP File Number has been issued. The Commission determined that there were no outstanding issues since the last hearing.

One Special Condition was added as follows:

1) The Conservation Commission does not accept the wetlands delineation as shown on the Plan of Record.

- 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 **approve** the Order of Conditions. The Order of Conditions was **signed**.

**9:45 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**.

The applicant requested a continuance to July 10<sup>th</sup> 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 July 10, 2018 at a time TBD.

### **Certificate of Compliance Requests**

193 Samoset Ave (SE35-1411) – P. Epstein **Motion**, S. Bannen **2<sup>nd</sup>**, **vote** 4-0; CoC issued.

### **New Business**

Special/Standard Conditions: The Commission reviewed the condensed version of the traditional 'Standard' and 'Special' conditions. – P. Epstein **Motion**, S. Bannen **2<sup>nd</sup>**, **vote** 4-0; approve the 'Standard' and 'Special' Conditions as amended.

Enforcement Order: 5 Damon Park Rd: C. Krahforst reiterated that verbal cease and desists were issued, but the owners continued to do work without the Commission issuing a permit. – P. Epstein **Motion**, S. Bannen **2<sup>nd</sup>**, **vote** 4-0; to ratify the Enforcement Order.

Enforcement Order: 1 Avalon Drive (Hall Estates): C. Krahforst stated that the Hall Estates had begun work to enlarge a pre-existing path without filing for a Notice of Intent. They have since ceased work and are working on a Notice of Intent. – P. Epstein **Motion**, S. Bannen **2<sup>nd</sup>**, **vote** 4-0; to ratify the Enforcement Order.

Emergency Certification: Gunrock Beach Access: C. Krahforst stated that stairs down to the water were in disrepair and he issued an Emergency Certification.

Emergency Certification: DCR Nantasket Beach Access: C. Krahforst stated that the Globe had inaccurately indicated that the Conservation Department/Commission was not allowing DCR to maintain access to the beach. He added that DCR has erred on the side of caution after receiving an Enforcement Order for scraping the beach; C. Krahforst issued an Emergency Certification to allow DCR to maintain the beach access ramps.

Legal issues regarding recusing oneself rules: C. Krahforst stated that according to the Conflict of Interest information provided by the Town Clerk, if a Commissioner has a personal relationship with an applicant, they must see the Town Clerk and file paperwork stating that there will not be a conflict of interest in voting on the matter.

Flapper valve at Moreland Ave.: C. Krahforst informed the Commission that there appears to have always been a flapper valve at Moreland Avenue, but it is unclear as to when the plates were installed.

Conflict of Interest/Open Meeting Law Reminder: C. Krahforst reminded the Commission to complete their Open Meeting Law training and return the certificate to the Conservation Office.

Site Visit Date Discussion (new): S. Clarren stated that site visits are to take place on 7/3, but expressed concern of the holiday on 7/4. The Commission concluded that because they had already told applicants/abutters that a site visit would occur on 7/3, they would still do site visits on that date.

Committee Vacancies – 6/28 (new): S. Clarren stated that the Town advertised for Conservation Commission vacancies in the Hull Times.

22 Chanel St Geoweb Information (new): S. Clarren read an email from Tish Campbell dated 5/24/2018 regarding 22 Channel St and the geoweb material that was recently approved by the Conservation Commission.

CPA Applications – due 8/30 (new): S. Clarren stated that CPA Applications are due 8/30/18.

**10:40** Upon a **motion** by P. Epstein and **2nd** by S. Bannen and a **vote** of 4-0;

It was **voted** to: Adjourn.