



HULL CONSERVATION COMMISSION

253 Atlantic Avenue, 2nd floor

Hull, MA 02045

Phone: 781-925-8102

Fax: 781-925-8509

TUESDAY, May 22, 2018

Meeting held at Hull Town Hall, 1st Floor

Members Present: Paul Paquin, Acting Chair, Sean Bannen, Paul Epstein, Elizabeth Fish, Chris Oliveri, Lou Sorgi
Staff Present: Chris Krahforst, Conservation Administrator, Sarah Clarren, Assistant Conservation Administrator

7:30 Call to order

7:35 64 B St., 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 **remove existing concrete and replace with permeable pavers.**

Representatives: David Lite (owner)

Abutters/Others: unknown, as no one spoke*

Documents: Paver Patio Dimensions – n.d.

“64 B St Survey [annotated 5/22/18]” – n.d.

“Photo” – n.d. [newly submitted]

D. Lite presented the proposed project. He stated that the existing concrete and brick mortar patio will be removed and replaced with a permeable paver patio. He presented a picture of the site. The Commission expressed concern over the clarity of the proposed plan; S. Clarren stated that it was a copy of a previously permitted surveyed plan which was annotated by D. Lite when he applied for a permit. D. Lite annotated the plan to clarify location of the patio.

Two special conditions were added as follows:

1) No stone dust can be used

2) The paver area must remain permeable.

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

It was **voted** to:

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

7:47 96 Atlantic Ave., Map 53/Lot 049 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Andrea Egan** for work described as **install 240 sq. ft. of permeable surface in rear of property.**

Representatives: Andrea Egan and Craig Houston (owner)

Abutters/Others: unknown, as no one spoke*

Documents: Mortgage Inspection Plan – George E. Smith III – 9/16/2015

“Plan of Land in Hull, Mass” – L. G. Brackett & Co. – 10/30/1951

A. Egan presented the proposed project which involves installing 240 sq. ft. of gravel in the rear of her property.

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

It was **voted** to:

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

7:50 40 Clifton Ave., Map 31 Lot 001 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Roger Bearde** for work described as **repair existing concrete and cinder block wall.**

Representatives: Roger Bearde (owner)

Abutters/Others: unknown, as no one spoke*

Documents: “Plot Plan” [annotated] – 5/1/18

R. Bearde presented the proposed project. He stated that he spoke to contractors and the existing wall will either be repaired or decorative stones will be installed. The Commission stated that the proposed plan needs to be clarified and that during site visits, the Commission noted that the wall had been fully removed. R. Bearde stated that Paul Gratta did the work; the Commission stated that the area is in multiple resource areas. The Commission stated that because the wall was removed, a new wall must be permitted with a Notice of Intent. R. Bearde stated that he would work with the Conservation Department to request the appropriate permit.

- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 6-0;

It was **voted** to:

Close the Public Hearing and **issue** a Positive Determination of Applicability. The Determination of Applicability was **signed**.

8:00 37 Central Ave., Map 16/Lot 089 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Kirk Hart** for work described as **construct 15' x 16' deck in rear of home**.

Representatives: none present

Abutters/Others: unknown, as no one spoke*

Documents: "Mortgage Inspection Plan [annotated]" – 12/8/2015, annotated 5/2018

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 6-0;

It was **voted** to:

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

8:05 Peddocks Island Map 61/Lots 111 and 112 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by the **DCR** for work described as **demolish 11 uninhabited cottages**.

Representatives: Raul Silva (DCR)

Abutters/Others: R. Gould (2 Cushing St); unknown, as no one else spoke*

Documents: "Peddocks Island Cottages" – n.d.

"Demolition Contract No. [3 pages]" – n.d.

"OLIVER Map" – n.d.

R. Silva of the DCR presented the proposed project. He stated that there are 32 cottages on the island and 11 of them are uninhabited and have become dilapidated; they are now proposed to be removed. He stated that all of the cottages are outside of all resource areas, but the area will be accessed via the beach. S. Clarren stated that all of them homes are actually within multiple resource areas, including within a buffer to a vegetated wetland, barrier beach, flood zone, and buffer to a coastal bank. She questioned if a Notice of Intent should've been filed as the work may impact the resource areas. R. Silva stated that the debris will be removed from the island and disposed of in an environmentally friendly manner. The work will take approximately 7 or 8 days and is slated to begin in June. C. Krahforst stated that upon speaking with the Health Department, the DCR will need to file for an extermination certificate. R. Silva stated that two dumpsters will be brought in via barges during high tide. Plates and Mobi-mats will be utilized to bring machinery on island. R. Gould of 2 Cushing St. stated that he spoke with an undisclosed summer resident of Peddocks Island who requested the work take place after September.

Four Special Conditions were added as follows:

- 1) No material is to be brought into Hull; all materials are to be disposed of in an environmentally friendly manner.
 - 2) All permits, including an extermination certificate, must be obtained prior to the commencement of work.
 - 3) No work can begin until pictures of all the resource areas & adjacent resource areas, including wetlands, are provided to the Commission.
 - 4) The work cannot adversely impact any resource area.
 - 5) The Conservation Administrator, or their designee, must visit the site PRIOR to the commencement of demolition.
- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0;

It was **voted** to:

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

8:15 169 Spring St and 11 Willow St., Map 03/Lots 031 & 032 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Joe Lambert** for work described as **remove invasive species in the buffer of a wetland and seed area**.

Representatives: Joe Lambert (owner of 169 Spring St); John Chessia (Representative of 11 Willow St.)

Abutters/Others: R. Gould (2 Cushing St); unknown, as no one else spoke*

Documents: "Approval Not Required Plan of Land" – J. Lowell Associates – 10/24/2016

"Knotweed Remediation" – 5/8/2018

J. Lambert presented the proposed project which involves clearing invasive knotweed in an area within the buffer of a wetland that runs in between two properties. He stated that an alternative is to install a driveway in the area. J. Chessia (representative of 11 Willow St) stated that the intent of the project is to use a mini excavator to remove the invasive species. Afterwards, the area will be smoothed out, raked, and seeded. He stated that the area would be returned to the pre-existing grade. P. Loring of 11 Willow St. stated that they would eventually return with a planting plan, but want to ensure that the invasive species are removed. R. Gould of 11 Cushing St. stated that he used to live in the area and the area of the proposed project used to be grass. He noted that the knotweed in the area is spreading.

Two Special Conditions were added as follows:

- 1) Any work other than what is stated in the project description is not permitted; a driveway is not permitted.
- 2) The wetlands delineation is not approved under this Determination.

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

It was **voted** to:

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

8:30 22 Channel Street, Map 02, Lot 020 (SE35-1321) Opening of a Public Hearing on the **Request to Amend the Order of Conditions** filed by **William Baggott** for work described as **landscaping; install Geoweb material and vegetate area**

Representatives: Tish Campbell (representative); Bill Baggott (applicant/owner); David Ray (Surveyor)

Abutters/Others: David Carlon (24 Channel St); David Irwin (3 Town Way); unknown, as no one spoke*

Documents: "Existing and Proposed Conditions Plan" – David G. Ray – 5/10/2016

"First Floor (S-1)" Alan Kearney Architect – 5/16/2016

"Landscape Plan" – Amy Martin – 2/16/2018, last rev. 4/25/2018

"22 Channel St" – n.d. [newly submitted]

"[picture]" – n.d. [newly submitted]

T. Campbell presented the proposed project. She stated that the applicants received an Order of Conditions from the Commission to elevate the pre-existing home. At the time of the original Order, no landscaping was proposed. She then presented a three page packet. She stated that in the Original Order, there was a Special Condition regarding the proposed paver areas. After the multiple Nor'Easters in early 2018, the owners decided to look into an alternative to pavers. T. Campbell provided visual material showing what Geoweb Geocells are comprised of. She stated that the cells help stabilize the soil and can be planted. She stated that cells are anchored to the ground using rebar and is used all over the world. The applicants propose installing Geowebbing from the seawall to the street. The Commission asked where the product is being used in New England, to which T. Campbell said it has been used effectively in Wellesley. The Commission noted that the abutting properties do not have much, if any, grass. T. Campbell stated that beach grass would be planted and some areas will have decorative stone that fills the geocells. She stated that the proposed product will allow water to infiltrate more into the ground than the existing conditions. The Commission expressed concern that the plastic product may end up as debris and suggested helical anchors. The Commission noted that there is loose material, including concrete that abuts the seawall and questioned if the wall is failing in the area. D. Carlon of 24 Channel St. stated that the seawall is from the 1950s and has been capped; the seawall is not failing, the cap is just coming off. T. Campbell stated that the loose material on the ground would be removed and the geowebbing would be placed on top of the ground. D. Irwin of 3 Town Way stated that he would like the project to go forward as it may slow the flow of water that overtops the seawall. T. Campbell stated that some stone may need to be replaced over time as it is carried away by water that overtops the seawall, but the geowebbing should stay in place. The Commission suggested that helical anchors are used to the area closest to the seawall.

An unidentified abutter stated that the pre-existing stairs down to the beach were next to Baggotts house, but the location has moved. C. Krahforst stated that if the location is different from the location shown on the plan of record, no Certificate of Compliance will be issued until the Commission is satisfied the project is completed as permitted. B. Baggott stated that the project went before the ZBA as well and the location of the stairs was discussed with the ZBA.

S. Clarren asked how long the lifespan of the product is, to which T. Campbell said that there is no specific lifespan, but some Geoweb geocells that were installed in the 1970s are still around. A Commissioner stated that products like this last longer when they are not exposed to sunlight.

One Special Condition was added as follows:

S12. Anchors must be used in the splash over area (along the base of the seawall) instead of driven piles.

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

It was **voted** to:

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

8:50 73 Manomet Ave., Map 23/Lot 115 (SE35-1409) Opening of a Public Hearing on the **Notice of Intent** filed by **Kenneth and Donna Kaplan** for work described as **add addition onto home, which includes enclosing a section of the existing porch**.

Representatives: Ken Kaplan (applicant)

Abutters/Others: unknown, as no one spoke*

Documents: "Proposed Addition Plan" – Cavanaro Consulting – 3/26/2018

P. Epstein stated that although he knows the applicants, he can remain impartial in his decision.

K. Kaplan described the proposed project as adding an addition onto their home which includes enclosing a portion of the existing porch. In order to construct the FEMA compliant foundation, there will be excavation 4' deep. There will be no change in grade that would result in additional water runoff due to the project.

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

It was **voted** to:

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

9:05 193 Samoset Ave., Map 19/Lot 090 (SE35-1411) Opening of a Public Hearing on the **Notice of Intent** filed by **Daniel Cohen** for work described as **an after the fact filing for installation of a shed; impervious walkways; construct stairs and a landing from porch; impervious driveway (non compliance with expired WPA permit NE35-782, Special Condition S12).**

Representatives: Adam Brodsky (Counsel for 193 Samoset Ave.)

Abutters/Others: Randy Gould (2 Cushing St); unknown, as no one else spoke*

Documents: Plan of Land – Christopher S. Kelley – 03/09/2018

C. Krahforst began by reading the Special Conditions issued for WPA permit NE35-782. He stated that the Commission was unable to issue a Certificate of Compliance because the existing asphalt driveway was supposed to be removed and replaced with gravel to provide for a pervious surface. A. Brodsky, Attorney of the applicant stated that the applicants received an Order of Conditions in 2001. At that time, the pre-existing conditions included an asphalt driveway. Under the 2001 Order, no work was done to the driveway; the proposed project is to permit the asphalt driveway to remain in addition to a few after-the-fact items. R. Gould of 2 Cushing St. asked if the property abuts the railroad bed, to which the Commission said it did not.

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

It was **voted** to:

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

9:20 0 Main St., Map 01/Lots 001 and 002 (SE35-XXXX) Opening of a Public Hearing on the **Notice of Intent** filed by **the Town of Hull** for work described as **repair existing pier; repair and upgrade ADA compliant access; construct 14' x 20' ferry waiting shelter; repair and upgrade existing parking lot.**

Representatives: Robert (Bob) Fultz (Representative for the Town)

Abutters/Others: Randy Gould (2 Cushing St); Pat Finn [did not sign in]; Dave Irwin (3 Town Way); unknown, as no one else spoke*

Documents: "Pemberton Pier (Sheets C1-C7)" – TEC, Inc. – 3/10/2018

"Proposed Building" – Strekalovsky Architecture – n.d.

B. Fultz presented the proposed project and read from the Narrative [see narrative]. He stated that the proposed work is mostly maintenance and may be able to be considered a limited project. He stated that a 14' x 20' heated/air-conditioned waiting room is also proposed, but added that there will be no increase in impervious surfaces as a result of the project. He then stated that TEC Engineering submitted a stormwater report and checklist, as per DEP's requirement. B. Fultz stated that beach grass is proposed as landscaping.

R. Gould of 2 Cushing St stated that he has no issues with the proposed work, but beach grass should not be installed. He added that although he is not a town employee, he cleans the area and is worried that trash would be caught in the beach grass. D. Irwin stated that installing beach grass as landscaping is foolish, to which B. Fultz stated that beach grass is a native species, provides storm damage protection, and would cost the town less money to maintain. P. Finn stated that he agrees with R. Gould.

R. Gould of 2 Cushing St. then asked if fixing the undermined section of seawall is part of the project, to which B. Fultz said no. R. Gould then asked about other floats, to which B. Fultz directed him to contact the MBTA.

The Commission stated that they have no issues with the proposed project and determined that beach grass did not have to be planted. However, because no DEP File Number had been issued, the Commission could not vote to approve the project at this time.

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

It was **voted** to:

Continue the Public Hearing to 6/12/18 at a time to be determined.

9:24 Parking lot area adjacent to 133 Beach Ave., Map 21/Lot 006 (SE35-1413) Opening 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: Joe Mahoney (family member); Jim Lampke (Town Counsel)

Abutters/Others: Bill Squires (Counsel of 141 Beach Ave.); A. Kraan (143 Beach Ave.); Pat Finn [did not sign in]; Susan Mann (109 Manomet Ave); Dave McDougal (18 Pt. Allerton Ave); Barry and Judy Hass (145 Beach Ave); unknown, as no one else spoke*

Documents: “Plot Plan – 133 Beach Ave” – 5/7/2018 [portion of “Existing Conditions Plan” Survey dated 2/27/2009]
 “[Photos (15)]” – n.d. [newly submitted by applicant]
 “[2 jars of sand]” [newly submitted by applicant]
 “[Photos (3)]” – n.d. [newly submitted by C. Krahforst]

C. Krahforst stated that the Notice of Intent has an asterisk with a note that the Town Manager signed the application “subject to parties entering into satisfactory agreement with Town.” He stated that J. Lampke, Town Counsel can speak further on the matter. J. Mahoney stated that he wasn’t notified until the night prior to the hearing that the Town is requesting an agreement and therefore, it should be dismissed. The Commission questioned if the Notice of Intent was complete, as the Town has asserted ownership of Beach Avenue which includes the area where the work is being proposed. J. Lampke stated that there are disputes over who owns the property; the Town asserts that the Town is the owner and has a deed showing that it is Town property. Lampke added that the Notice of Intent is a state form and requires that the property owner signs the form. The Town has made it clear that it will sign off on the Notice of Intent as long as an agreement is entered into that essentially preserves the status quo of this dispute, at least for this season. A prepared agreement was sent to the applicants. Lampke noted that the cover letter of the proposed agreement indicates that the Town didn’t expect the Conservation Commission to vote on the project this evening and there would be time to amend the agreement as necessary. If the applicants do not agree to an agreement, then the Town Manager will withdraw his signature and the Notice of Intent will not be properly in front of the Commission. J. Lampke read the agreement aloud. He added that whether the applicants sign such an agreement or not, the Commission will need to determine if the proposed project is permissible per the regulations.

J. Mahoney relayed to Bill Squires. B. Squires, Legal Counsel of 145 Beach Ave., stated that the Commission has no jurisdiction of ownership and ownership issues should be dealt with by the courts. He stated that the Murphy’s have asserted ownership of the property for over 50 years. He noted that Sarah Murphy signed as both applicant and property owner because of this issue. He stated that the Commission has every right to vote on the project this evening and if the Town wanted to stop the project from happening, the Town could take it up in the courts. The Commission again questioned if it was a complete application. A member of the Commission asked if there was a ‘color of title’ and if there is, then the hearing could continue. J. Lampke stated that some proof of ownership is required as part of the Notice of Intent form and the Town has not seen sufficient documentation showing proof of ownership [other than the Town’s]. J. Lampke said the Commission could go forward with the hearing, but the Commission, per the regulations would not be able to make a determination without proof of ownership being determined. S. Clarren, Assistant Conservation Administrator, noted that where there have been questions of ownership, the applicants have to obtain approval from the Selectboard prior to beginning work and/or the applicants need to provide a survey showing property lines. She added that the Town has a survey of the area and the survey shows that the area belongs to the Town, as it falls within the 50’ of Beach Avenue.

C. Krahforst stated there are multiple resource areas in the area of question which means they are protected regardless of ownership. The area in question is designated as a coastal dune, which is protected under the Wetlands Protection Act. He added that since the material hasn’t been moved, there is naturally occurring vegetation in the area.

B. Squires stated that 141 Beach Avenue does site the deed information for 141 Beach Ave. He added that this, coupled with the actions of the applicant over the years establishes ownership. He then stated that the project would take place within the wall and sand wouldn’t be removed from the dune or the beach. J. Lampke stated that the information that was submitted with 141 Beach Avenue helps prove the town’s point; there was a land court plan that was filed that corresponds to their certificate of title for their house lot and the beach lot; it shows Beach Avenue as being 50’ and per the 2009 survey done by the Town, the area of question is within the 50’ of Beach Avenue.

P. Epstein, Commissioner stated that he received an email from Amy Lemkin, an abutter regarding the project. He immediately told Lemkin to contact the Conservation Department and forwarded the email to staff. J. Lampke asked if the letter has been provided to each applicant, to which S. Clarren responded by stating that due to the late receipt of the email, she did not email it to the applicants. She then provided copies to the applicants.

P. Finn asked what the order of business is with hearings. The Commission stated that applicants get the opportunity to speak. Catherine Mahoney then presented pictures of the sand that was placed on the area in question and a picture of after the sand was removed. J. Mahoney stated that he has cleaned the area for many years. C. Mahoney said the proposal is to remove the sand that was placed by the Town. J. Mahoney said the dune stops and there isn’t one on the parking lots. He said that junkies use the parking lot area. S. Clarren reviewed the pictures that were presented and noted that there are two types of sand shown in both pictures; she noted that sand that appears to match Nantasket Beach sand is located on the parking lot area. A Commissioner noted that sand does migrate into the parking lot area, to which C. Mahoney agreed. A Commissioner noted that during site visits, it appeared that the sand on the area in question appeared to match the sand on Nantasket Beach. The applicants disagreed. B. Squires stated that before the March 2nd Nor’easters, the town placed sand on the property and some of that sand washed away. More sand was placed due to other impending Nor’easters. He stated he, on behalf of S. Murphy corresponded with the town demanding that the town remove the sand that was placed there. He stated that the Town removed some of the sand, but there is sand remaining. He then presented

pictures showing the area before sand was placed on site, pictures during placement, and pictures of existing conditions. He said that it is not a dune; it was sand placed by the town and is separated from the beach by a pre-existing wall. The Commission asked what proof is being provided that shows the area is not a dune. B. Squires stated that dumping sand does not make a dune; he said there are no characteristics of a dune on site. C. Krahforst read the description of a coastal dune. C. Krahforst stated that a good deal of the sand on the area in question is naturally occurring and there is naturally occurring vegetation, therefore making the manipulation of the area impermissible per the regulations.

The Commission stated that a large portion of the town is designated as a dune/barrier beach. Per the regulations, a dune cannot be altered; in the past, the Commission has reviewed information provided by coastal geologists on the significance of certain sites to help determine the level of protection an area needs. It was added that removing sand from a dune is not permissible as it would damage the dune. B. Squires ensued that if the applicants had placed the sand in the area, the Commission would be requiring a permit to remove the sand. He added that there was no Order of Conditions or Emergency Order issued by the Commission for placement of the sand. He then went on to say if the work took place under the Emergency Declaration that was issued, the parking areas would have needed to be returned to their pre-storm conditions. B. Squires stated that the town had no right to put any sand on the beach lot. P. Finn stated that the town needed to get a permit. C. Krahforst responded by stating that an Emergency Order was issued by the Conservation Department and submitted to DEP. Krahforst then noted that once the town was notified that sand was placed on the beach lot and the owner wanted it removed, the DPW went out and removed the sand to the best of their ability. He added that there is some remaining sand, but expressed concern that the beach lot is designated as priority habitat and after a certain date, no work can take place.

M. Kraan stated that she has an established dune on the beach-side of the parking area and she has submitted an application to remove the sand on the parking area. She stated that her dune held up during the storm and served its purpose. She added that a dune does not have to be created in the parking lot. A. Kraan added that they have been taking care of and growing the dune since they purchased the property. He stated that they have never been required to pull a permit to clear the sand from the parking area. He stated that the Town did not contact any of the property owners that the Town was going to place sand on the parking areas. He expressed concern that Town Counsel only provided the proposed agreement the night before the hearing. He then expressed concern that the Conservation Department submitted pictures of the property without providing them to the applicants. He said that the property rights should be determined once and for all. He added that the project before the Commission is to remove sand that was placed by the town, at the residents' expense. He then said there is 3' of sand that was placed on top of the dune in front of their home. He then alleged that the plovers are not back and it may be because of the sand. He said that he is not against J. Lampke's suggestion on holding off, but he wants the sand removed. A Commissioner asked how much sand the applicants want to have removed, to which A. Kraan said it would be a few truck loads; A. Kraan then stated that the area in front of his home has more sand on it. A Commissioner noted that a continuous dune would provide the best storm damage protection. A. Kraan said that he understands the concern, but over the past years, he has met with neighbors who have said that they haven't been flooded. He added that the bigger issue is the town openings and the storm drains. He stated that the storm drains are easily clogged and then they freeze.

S. Mann of 109 Manomet Ave. stated that she lives between Coburn and Warren Avenue. During the storms, she stated that she saw water flow down the street. She expressed concern that the wooden planks installed by the homeowners along Beach Ave. re-direct water. She stated that she doesn't care who owns the land, but a dune should be constructed in order to protect homes. She stated that a dune is better than a concrete wall. J. Mahoney said that Gun Rock floods and they have concrete walls; flooding is part of coastal living. S. Mann said that dunes need to be protected and enhanced. J. Lampke stated that the Town supports getting all relevant players together to come up with a plan for a strong, continuous dune.

D. McDougal of 18 Pt. Allerton, stated that although he is a member of the Beach Management Committee, but he is present as a resident. He stated that barrier dunes do protect communities. He stated that an ideal situation would be to have a dune and parking lot. However, hundreds, if not thousands of people live behind the dunes and need protection. Gaping gaps minimize the protection the dune provides.

B. Squires stated that a potential solution may be the parking lot, with a dune that runs along the beach lot. However, a denial from the Commission would not further the potential discussion in any way. He added that the area is not a dune.

A Commissioner noted that if the area is a dune, why was some sand removed. It was then suggested that the project be approved and then discussion on a continuous dune can continue. Another Commissioner said that some of the sand is naturally occurring and because it is difficult to differentiate between naturally occurring and the sand that was placed in the parking area, that sand removal be permitted for one time; after the sand is cleared once, it cannot be removed again. J. Mahoney said that the sand that is removed from the parking lots is brought to the Town dump to be used as reserve sand. A. Kraan stated that for 20 years, he has been adding the windswept sand that entered the area back onto the dune to nurture it. He stated that the sand that was placed by the town did nothing.

B. Hass stated that he has been an abutter for 40+ years. He stated that the process is very acrimonious; the applicants should be able to remove the sand and then discussion can continue on a continuous dune. He stated that during the next rainstorm, the sand will end up in the street.

The Commission reiterated the discussion and whether or not the area in question is a dune. S. Clarren added that an email was received at 6PM from Amy Lemkin regarding the project. S. Clarren read the letter aloud for the record. P. Finn expressed concern that the letter was being read aloud at the end of the hearing and it wasn't notarized; a member of the Commission noted that the Board on which P. Finn serves as a member [Zoning Board of Appeals] is also obligated to read letters aloud. It was also added that letters to the Commission do not need to be notarized. S. Mann asked if there was a member of the Commission that could work with the neighborhood on a solution. J. Lampke noted that the Commission is a regulatory board and cannot be involved in fashioning a solution. S. Mann asked if they can create a community group to discuss, to which the Commission said that would work. C. Mahoney stated that she wanted a decision tonight.

- Upon a **motion** by P. Epstein **2nd** by P. Paquin and a **vote** of 4-2;
It was **voted** to:

Close the he Public Hearing and **deny** the Notice of Intent. The Order of Conditions was **signed**.

10:58 Parking lot area adjacent to 143 Beach Ave., Map 19/Lot 164 (SE35-1415) Opening 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: Arjan Kraan (applicant); Jim Lampke (Town Counsel)

Abutters/Others: unknown, as no one else spoke*

Documents: "Existing Conditions Plan" – David G. Ray – 2/27/2009 [annotated 5/8/2018]

M. Kraan stated that the proposed project is the same as what had been discussed in the prior hearing, except that they have a dune in front of the kneewall. J. Haas stated that the sand that was placed on the parking areas is not natural, Nantasket Beach sand and the Town removed most of it, but 99% of what is remaining is unnaturally occurring sand. A. Kraan asked the Commission to think about the future; denying the project will not help formulate a solution. The Commission said that there have been past efforts for a continuous dune; A. Kraan said that he was not involved. M. Kraan said it is possible to have a dune and a parking area. The Commission said that the proposal in front of the Commission is to only remove the sand on the parking area, not build a dune on the seaward side of the kneewall. A. Kraan said that they have a dune on the seaward side of the kneewall. J. Lampke indicated that a continuance would grant time for the applicants and the Town to discuss a potential solution. The applicant agreed that is permissible.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0;
It was **voted** to:

Continue the Public Hearing to 6/12/18 at a time to be determined.

11:13 Upon a **motion** by C. Oliveri **2nd** by S. Bannen and a **vote** of 6-0;

It was voted to: **Reopen** the Public Hearing of **Parking lot area adjacent to 133 Beach Ave., Map 21/Lot 006 (SE35-1413)** 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.**, and **reconsider** the vote.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0;
It was **voted** to:

Continue the Public Hearing to 6/12/18 at a time to be determined.

11:15 Parking lot area adjacent to 141 Beach Ave., Map 19/Lot 163 (SE35-1412) Opening 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.**

Representatives: Bill Squires (Counsel for 141 Beach Ave); Jim Lampke (Town Counsel)

Abutters/Others: unknown, as no one spoke*

Given the discussion of the prior two hearings, the applicant requested a continuance to June 12th at a time to be determined.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0;
It was **voted** to:

Continue the Public Hearing to 6/12/18 at a time to be determined.

11:16 Beach Ave. (paper street) between T and X St., Map 12 (SE35-1406) Opening of a Public Hearing on the **Request to Amend the Order of Conditions** filed by **the Town of Hull** for work described as **pilot project to relocate cobbles along wall seaward and replace with sand; vegetate area.**

Representatives: Chris Krahforst (representative of the Town)

Abutters/Others: Christa O'Leary (353 Beach Ave); Bernie Loftchie (347 Beach Ave); Maxine Nash; Daniel Lehan (351 Beach Ave)

Documents: "X-Section of Cobble Pilot (T – X Street, Nantasket Beach" – n.d.

C. Krahforst stated that the Town received input from the community requesting an Amendment to the Order of Conditions to include a larger area. He stated that to date, three abutters are on-board with the proposed project and one is against the project.

C. O'Leary said that she wanted to know more about the project. C. Krahforst described the project as stated in the project narrative [included as part of the record]. C. O'Leary expressed concern over the word 'pilot,' to which C. Krahforst said he shared the concern, but indicated that it is a trial project. Bernie Loftchie of 347 Beach Avenue asked if a continuous planting was proposed, to which C. Krahforst said yes, with the exception of the openings at the street endings. C. O'Leary then asked who would be liable for any damage to the wall, to which C. Krahforst said it would be the property owners. M. Nash stated that DEP did not come up with the plan, but submitted a letter of recommendation. She questioned why a berm is proposed and suggested leveling it out. C. Krahforst stated that work below the MHW mark would require a Ch. 91 License which is an extensive process. M. Nash then claimed that DEP doesn't recommend beach grass planting in the area. J. Dorner suggested that beach grass destroyed the wall on her property. D. Lehan of 351 Beach Ave., said that vegetation is a highpoint of contention and suggested that it be excluded as part of the project. C. Krahforst stated that vegetation can help stabilize the sand. B. Loftchie of 347 Beach Ave. said he is in favor of any type of nourishment that could take place. C. O'Leary asked if they could just remove the rocks from the beach, to which the Commission said that removing rocks is not permissible. M. Nash stated that the letter speaking to the grant of easement does not reference an end date. C. Krahforst stated that easement questions should be directed to Town Counsel.

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

It was **voted** to:

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

L. Sorgi recused himself

11:55 38 & 40 Gunrock Ave., Map 52/Lots 008 & 009 (SE35-1410) Opening of a Public Hearing on the **Notice of Intent** filed by **Lou Sorgi and Aremin Hacobian** for work described as **repair existing seawall along both properties; fill in pre-existing opening for stairs and install removable stairs at 38 Gunrock Ave.**

Representatives: Lou Sorgi

Abutters/Others: none

The applicant requested a continuance to 6/12/18 at a time to be determined.

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

It was **voted** to:

Continue the Public Hearing to 6/12/18 at a time to be determined.

L. Sorgi returned

Certificate of Compliance Requests

64 B St (NE35-295; NE35-319) – S. Bannen **Motion**, L. Sorgi **2nd**, **vote** 6-0; CoC issued.

196 Atlantic Ave (SE35-1035) – S. Bannen **Motion**, L. Sorgi **2nd**, **vote** 6-0; CoC issued.

193 Samoset Ave (NE-783) – not issued.

New Business

Special/Standard Conditions Discussion: continued to next meeting

DCR Enforcement Order: continued to next meeting

Violation Notices: continued to next meeting

CPC Discussion: continued to next meeting

Technical Assistance: C. Krahforst reminded the Commission that technical assistance will be provided, for free, by CZM.

A site visit has been arranged for 5/23.

Emergency Certification: continued to next meeting

11:57 Upon a **motion** by P. Epstein and **2nd** by S. Bannen and a **vote** of 6-0;

It was **voted** to: Adjourn.

*although a sign-in sheet was passed around, most people did not indicate which hearing/s they were present for.