



HULL CONSERVATION COMMISSION

253 Atlantic Avenue, 2nd floor

Hull, MA 02045

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TUESDAY, April 10, 2018

Meeting held at Town Hall (253 Atlantic Avenue)

Members Present: Paul Paquin, Acting Chair, Sean Bannen, Paul Epstein, Elizabeth Fish, Lou Sorgi

Members Absent: Chris Oliveri

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

Minutes: Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to: Approve the Minutes of March 27, 2018 as amended.

7:30 Call to order

7:34 *P. Epstein arrived.*

7:35 75 H St., Map 15/Lot 063 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Richard Manewal** for work described as **construct 5' by 3' generator platform in rear of home**

Representatives: Richard Manewal

Abutters/Others: none present

Documents: “

R. Manewal presented the proposed project. He state that he wants to install a standby generator for his home, but it needs to be elevated. The Commission suggested elevating the utility deck higher, but noted that it is not a requirement.

One Special Condition was added as follows:

The area below the utility deck may not be enclosed.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to:

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

7:40 215 Nantasket Ave., Map 37/Lot 008 (SE35-1403) Continuation of a Public Hearing on the **Notice of Intent** filed by **the Department of Conservation and Recreation** for work described as **construct 14.6' x 32' materials shed**.

The applicant requested a continuance until April 24th 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 April 24, 2018 at a time TBD.

7:45 Beach Ave. (paper street) between T and V St., Map 12 (SE35-1406) Opening of a Public Hearing on the **Notice of Intent** submitted 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 (Conservation Administrator); Jim Lampke (Town Counsel)

Abutters/Others: Max Horn (367 Beach Ave); John Meschino (34 S St); Joanne Marshall (339 Beach Ave); Vincent DeStefano (18 V St); Jean Mumford (3 X St); Deb Tulksky and unknown (14 W St); Maxine Nash (4 Farina Rd); Bruce Mauer (341 Beach Ave); Gail Plotkin (unknown); Laurie Sprague (26 T St); Jean Marie Flech (3 W St); William Kenerson (323 Beach Ave); Diane and George Nasspolulos (327 Beach Ave); Jim Stearns (55 D St)

Documents: “Project Narrative”

“Pictures” [submitted on 4/10/18]

C. Krahforst presented the proposed project. He indicated that the project narrative was included in each Commissioner's packet. He stated that the pilot project will be approximately 400 linear feet. There are 8 abutting properties with deeded beach lots beyond Beach Avenue. He said there has been interest in doing work in the area since 2006 or 2009 when some homeowners contacted the Conservation Office and DEP about the cobble beach and what could be done. C. Krahforst stated that upon reviewing the existing file, talking with DEP, and talking with the homeowners, the proposed project was developed. He then read from the narrative which is included as part of the record. The trench will only be 3' deep and 5' wide. Road sand will be used to backfill the area where the cobbles were excavated and then finished with Nantasket Beach sand. The area would then be vegetated. There will a cobble berm

located at mean high tide, as the cobbles will not be buried. The Commission noted that when the cobble berm is breached, wave action will erode the sand placed in the cobbles' stead. The Town has indicated that the DPW can complete the work, which is expected to last 1-2 weeks. No work can be done until a temporary easement is granted by the abutters, as the cobbles would be relocated to the beach lots. A Commissioner asked that if abutters grant easements, how soon after could work commence. C. Krahforst stated that the DPW was ready to go, but with the storm damage and summer preparation, exact timing is difficult to determine and realistically, it may happen in the fall.

The Commission stated that when they conducted site visits, work had already commenced. C. Krahforst stated that under the DEP's Emergency Declaration, sand could be returned to the beach without a permit; the work that was done doesn't appear to have involved any excavation. He stated that the area was altered from what it was prior to the storm. A member of the Commission stated that although they are not convinced how successful the proposed project will be, DEP seems to be alright with the proposed project. They added that if the project doesn't work, DEP may allow more leeway in future projects in the area. C. Krahforst stated that he spoke with Jim Mahala of DEP who confirmed that when DEP visited the site in the past, the proposed project was suggested in a letter, but ultimately, it would be the Commission who makes the decision on whether or not to approve the project. He added that at this time, no additional suggestions have been provided by DEP. The Commission asked if a file number was assigned and if any comments were made by DEP, to which S. Clarren stated that a file number was issued with only one comment indicating that a Chapter 91 License may be required. C. Krahforst stated that if all work is completed above Mean High Water, no Chapter 91 License is required. The Commission asked if any comments have been submitted by the Beach Management Committee, to which P. Epstein said no, not recently.

M. Nash of 4 Farina Rd stated that the volume of rocks is too large and 3' of excavation is not enough. She added that the State has said that no dune of any type is meant for this narrow area of beach and vegetation will not last in the area. She then stated that the project should be expanded and many homes do not have access to the beach. M. Nash stated that because of the rocks, no recreation can happen on the beach and it is a safety issue. She stated that a resident group drafted the NOI in 2009 with input from DEP, but DEP doesn't give suggestions, they like getting suggestions for projects. This plan doesn't address long term issues and there is no maintenance plan.

B. Mauer of 341 Beach Ave. stated that he purchased the home because of the beach which is now unusable and taxes are going up because of the beach.

D. Tulskey of 14 W St. stated that she received the notice and surprised that the entire north side of the beach wasn't included as part of the proposed project. She reiterated previous health and safety concerns and expressed concern over the rocks being used as projectiles during storms. The Commission said that DEP will not allow removal of the rocks and although beach scraping is allowed in New Jersey and North Carolina, it is prohibited in Massachusetts.

B. Mauer of 341 Beach Ave. then asked if residents should go to DEP to change regulations.

G. Nassopolous of 327 Beach Ave. asked the Commission to re-explain the project. C. Krahforst stated that it is a pilot project, which is why it is only in a limited area, to see if it can work. C. Krahforst expressed concern about the project's viability, as it may affect the stability of the wall. C. Krahforst stated that DEP and CZM have pushed for coastal towns to let beaches respond naturally to storm wave energy for storm protection because the natural response of the beach provides the best response in regards to wave energy dissipation.

K. Mulvey of 341 Beach Ave. said that during some of the storms, the wall was completely visible 4' down and the next tide changed it completely; vegetation will not survive. He stated that there are currently 18-20' high swells of rocks and there is no beach. He stated that the proposed project is a longer term solution and asked what would be done in the shorter term. He asked if the Commission could grant permission to knock down the height of the rocks so people could access the beach; the Commission cannot.

J. Marshall of 339 Beach Ave. stated that the NOI is not the pilot plan that M. Nash had designed; it is smaller in scope and vegetation is included. M. Nash clarified; HBC Group contacted DEP years ago and asked for help. DEP suggested that they design a pilot plan, which was done, and then submitted to Anne Herbst (Hull's previous Conservation Administrator), then Chris Krahforst altered the NOI to something to what DEP may accept. M. Nash then stated that there is such a thing as an Emergency Certification and she wanted to know why one was not issued for the area in regards to the cobbles. The Commission stated that no application has been submitted until this time. C. Krahforst stated that under the Emergency Declaration, property owners were allowed to return material to the beach post-storm without going through the official permitting process. A Commissioner asked if the Declaration would allow all homeowners to remove all of the rocks, to which C. Krahforst stated that resource areas can and are located on private property and the resource areas cannot be altered without a permit. A Commissioner added that even if an employee of DEP says that something is permissible, a permit is still needed. M. Nash then said that the Town owns Beach Ave and the rocks come from Beach Ave and build up on the properties; she added that the rocks are not natural.

B. Leonard of 19 V St stated that the storms keep on bringing in more stones; it's not coming from the ocean, but from the point [Point Allerton] and a maintenance program to put them back. The Commission stated that a permit would need to be filed and approved for that kind of work. B. Leonard suggested establishing a meeting with DEP, the Commission, and the residents. The Commission stated that an application would still need to be filed.

S. Engeles of 34 Nantasket Ave. said that at the end of last summer, the Town was pouring large rocks on the beach. The Commission stated that was part of a revetment project up at Point Allerton and that it was not the Town, but a project filed and paid for by multiple homeowners. The Commission added that the revetment is on a coastal bank and that the performance standards for that project and the project at hand are different.

B. Kenerson of 323 Beach Ave said that he grew up on Bradford Ave and overtime, has seen the cobble move from the 'Point' to the proposed project area. He suggested that the only solution is to slow the action; the sand that was on the beach has moved to 'Darcy's Beach' and 'Quincy Bay.' He suggested that if the cobble can't be moved from the beach, it should be moved into the corner of the beach. He added that the stairs located at Holbrook Avenue down to the beach are much higher than the current elevation of the beach [indicating that the cobble has moved further south]. The Commission again stated that they cannot design project; applicants must file for permits.

J. Marshall of 339 Beach Ave questioned how many Commissioners visited the site, to which the Commission stated that they visit all sites prior to opening hearings. The Commission stated that the seas are rising and damage is accelerating; J. Marshall stated that they need protection. M. Nash asked about the grant of easement, to which C. Krahforst stated that the Commission doesn't have the power to draft the document. J. Lampke stated that there are multiple drafts of the easement. He stated that if property owners are identified and there is demonstrated interest in granting the easement, then the easement can be drafted in a reasonable timeframe.

J. Meschino of 34 S St. stated that the area has lost protection of a rocky dune that has eroded over the past many years. G. Nasspolulos of 327 Beach Ave provided pictures of the area. He indicated that there is a small area of the beach that is protected and suggested that the cobble be moved to the area.

B. Leonard of 19 V St said that it sounds like the residents should band together and develop a project that is more akin to what they want and which may provide more relief. He stated that he believes the Town's resources would be better spent on fixing potholes than digging a trench. The Commission said that residents can do that and submit a Notice of Intent. A Commissioner suggested that if the residents would like to submit a Notice of Intent, they should reach out to a coastal geologist familiar with the Wetlands Protection Act and what could be permissible. Laurie Sprague of 26 T St asked if the resident plan involved installation of a jetty, where would it be permitted, to which the Commission said it would be permitted locally, as well as with the ACOE. J. Meschino of 34 S St. stated that years ago, the ACOE did a study which said that over time, Nantasket Beach would turn into a rocky beach; sand moves North and around the peninsula and the rocks move south.

B. Mauer said that years ago, he asked the Town Manager who owns the wall in front of his property and has never received an answer. J. Lampke stated that approximately sixteen years ago, a study was done to identify shoreline structures around Hull and the permitting history. C. Krahforst added that the study has many gaps, as the consultant couldn't locate all permitting history. M. Nash stated that it still isn't clear if they need permits to repair the wall, to which the Commission stated that permits are needed when projects are adjacent to or within resource areas.

Three Special Conditions were added as follows:

S12. All work is to be done above mean high water.

S13. Although excavation work will occur on Town land, no work may commence until all abutters with deeded beach rights grant the Town of Hull a temporary easement to complete the "pilot project to relocate cobbles along the wall seaward and replace with sand; vegetate area." This pilot project is to take place between T and U Street.

S14. All work is to be done under the guidance of the Conservation Administrator.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 3-2;

It was **voted** to:

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

Certificate of Compliance Requests

None.

New Business

Special/Standard Conditions Discussion: continued to next meeting

Sustainability Conference—Friday, April 27th in Plymouth from 8am-4pm: Reminder.

Nourishment requirement for SE35-1325 (Holbrook): The Commission briefly discussed the nourishment requirement for the Holbrook Avenue revetment.

Beach Ave (paper street) between T and U St Violation: C. Krahforst stated that this was touched upon briefly during the cobble pilot project. He added that homeowners would be present at the next meeting to discuss the work that was done without a permit at the next meeting.

Special ConCom meeting for DCR nourishment 1st week of May: C. Krahforst stated that the next scheduled meeting is for May 8th, which may be a second night of Town Meeting. The Commission determined that a special meeting could occur on April 30th.

Resignation – S. Connor: The Commission unanimously agreed that Sheila Connor was an incredibly knowledgeable and dedicated Commissioner and will be sorely missed.

9:41 Upon a **motion** by P. Epstein and **2nd** by S. Bannen and a **vote** of 5-0;
It was **voted** to: Adjourn.