

TOWN OF HULL CONSERVATION COMMISSION

Meeting Minutes November 11, 2022

Members Present: Paul Paquin (PP), Chair, Sam Campbell (SC), Lou Sorgi (LS), Tammy Best (TB) Katherine Jacintho (KJ)

Members Absent: none

Staff Present: Chris Krahforst (CK), Conservation Administrator, Renee Kiley, Conservation Clerk

Staff Absent: none

Consideration of Minutes of 10/25/2022: Motion by LS to approve the minutes as amended, 2nd by TB. Roll call: KJ- aye, LS-aye, PP-aye, TB-aye, SC-aye.

Consideration of Minutes of 11/08/2022: Motion by LS to approve the minutes as amended, 2nd by TB. Roll call: LS-aye TB-aye, PP-aye, SC-aye.

6:30

1. Call to Order

- a. Review of Agenda, Overview of Hearings Procedure

6:35 KJ arrives

b. Approval of Draft Minutes:

Consideration of Minutes of 10/25/2022: Motion by LS to approve the minutes as amended, 2nd by TB. Roll call: KJ- aye, LS-aye, PP-aye, TB-aye, SC-aye.

Consideration of Minutes of 11/08/2022: Motion by LS to approve the minutes as amended, 2nd by TB. Roll call: LS-aye TB-aye, PP-aye, SC-aye.

2. Administrative Hearings

- a. **102 Edgewater Rd** re: is a permit needed for reinstallation of driveway (**SE35-1649**)

Requested by: Michael & Cheryl Woolf

Resource areas: **Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: AE (10')** (storm damage and pollution prevention, flood control).

Relevant Conditions: *There was an existing non permeable driveway it was removed during construction. The applicant would like to reinstall the driveway and add fence.*

Commission: The plans show an existing driveway. It was removed during construction. The owners should come before the Commission and have this permitted. Commission suggest they file an RDA. Woolf proposes a 6 foot fence in the back and a shorter fence on the side; constructed of PVC.

Commission: The fence should be 6" off the ground or is open in a way that water can flow through it.

3. Requests for Determination of Applicability

- a. **631 Nantasket Avenue. Map 20/Lot 002 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Edvaldo DaSilva** for work described as **Install 4x4 drywell,**

paved driveway & replace existing wood privacy fence. Abutter Notification: RDA, none required. **Resource Areas:** **Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10**, (storm damage and pollution prevention, flood control). **Site visits** 11/20.

Representative: none

Abutters/Others: none

Documents: Proposed Plan

CK: The applicant has an open (WPA) permit to do an addition. There is some unpermitted construction that has occurred. Commission: They are asking for an RDA for the fence. The fence looks to have been moved. This request does not include a wall (which the fence will sit on top of). Is the concrete (wall and other hardscape) permitted? CK: The patio is on the plan of record for the open permit. The patio looks like it has been extended, the wall appears to be new, and some fill may have been brought in. Commission: This work requires an NOI. CK: Could the wall be permitted? It changes the water flow and abuts the neighbor. Commission: It could be because the bottom is open. The Commission permitted a concrete patio, but there are pavers there now.

Motion to issue a positive determination and require an NOI by LS, 2nd by SC. Roll call: SC-aye, KJ-aye, LS-aye, PP-aye, TB-aye.

- b. **4 T Street. Map 13/Lot 045 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Cary Forman** for work described as **After-the-fact installation of a shed. Abutter Notification:** RDA, none required. **Resource Areas:** **Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10**, (storm damage and pollution prevention, flood control). **Site visits** 11/20.

Representative: Cary Forman

Abutters/Others: none

Documents: Proposed plan

Forman: We installed an 8x10 shed. Commission: Is there a foundation? Forman: There is no foundation.

Motion to issue a negative determination by LS, 2nd by SC. Roll call: KJ-aye, LS-aye, PP-aye, TB-aye, SC-aye.

6:56 PP recuses himself

- c. **51 Edgewater Road. Map 29/Lot 017 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **David Sebestyen** for work described as **Existing deck repair and replacement. Abutter Notification:** RDA, none required. **Resource Areas:** **Coastal Beach** (storm damage protection, flood control, wildlife habitat); **Coastal Bank** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10**, (storm damage and pollution prevention, flood control). **Site visits** 11/20.

Representative: **David Sebestyen**

Abutters/Others: none

Documents: Proposed plan, photos shown

Sebestyen: Proposes replacing the porches as they are original and falling apart. Commission: Are all porches being replaced? Is it within c.91 jurisdiction? Sebestyen: Yes, and I have a license.

Commission: Does this project require an NOI? Sebestyen: I was instructed by the office that an RDA would be okay. Commission: Is all work going to be landward? How will the porch be tied in?

Sebestyen: They would replace the posts 1 by 1 and work from the house side. The existing (sea)wall will not be altered. The existing stairs (to the intertidal) are not being touched. Sebestyen: I plan to file an NOI for the stairs and deck at a later date.

Motion to issue a negative determination, with the conditions that all proposed work be performed from the landward side, no materials are to be stockpiled within the resource area, the existing wall will not be altered, and best practices be used to protect the adjacent intertidal area by SC, 2nd by TB. Roll call: SC-aye, KJ-aye, TB-aye, LS-aye.

- d. **Along Main Street (Pemberton Pt). Map 01/Lot 06 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Mass Department of Conservation & Recreation** for work described as **Install 1,075 ft. water main**. RDA, none required. **Resource Areas: Coastal Beach** (storm damage protection, flood control, wildlife habitat); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: VE 16**, (storm damage and pollution prevention, flood control). **Site visits 11/20.**

Representative: Thomas Valton, Thomas Keough

Abutters/Others: none

Documents: Proposed Plans

Keough: DCR would like to install a 4" water main on paved and unpaved area. The openings/trenches created will be limited in number and (back-) filled each day. There will be erosion control measures installed. There will be no grade changes. Commission: Is this DCR- or Town-owned? Valton: It is a right of way. CK: Is water main new? Valton: It's not new, Weir River (Water Co.) has asked DCR to move the line because of potential cross contamination with saline water. We are removing the backfill and moving it to an above ground structure. It is a new line. The (Town's) DPW preferred the proposed alignment. CK: This is a new line and, thus, might not fall under the utility exception. CK recounts new water main relocated from Dune to RR bed when Aquarion (then Water Co.) proposed to address a water main. Valton: If we follow the old line it would be exempt. Keough cites: 10.02(b)(i) re: existing and new sewer lines in paved areas and recognizes that this project does not meet the letter of the regulations but rather meets the spirit of the regulations. *(Note: this is exemption is for work in a **buffer zone** and incorrectly applied here-noted for the record.)* Commission: Is this a DCR right-of-way? Should the Town sign this application? CK: RDA's can be submitted by others that are not the property owner. Commission: (Since this is on Town property) if the Town issues a road opening permit that would be considered a (Town) approval.

Motion to issue a negative determination, with the conditions that erosion control is put in place and a road-opening permit is obtained from the Town and forwarded to the Commission before work commences by LS, 2nd by SC. Roll call: LS-aye, PP-aye, TB-aye, SC-aye KJ-aye.

4. **Notices of Intent**

- a. **29 Manomet Avenue. Map 25/Lot 101 (SE35-17XX) Opening** of a Public Hearing on the **Notice of Intent** filed by **Gabriel Lortie** for work described as: **removal of covered porch and build new 3 season room and new covered porch area, new footing**. **Abutter Notification:** proof provided. **Resource Areas: Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10**. **Site visits done: 11/20.**

Representative: Gabriel Lortie

Abutters/Others: none

Documents: Proposed plan.

Lortie: Update the front porch and add a 3 season room, add to the porch on the left. There is a small porch on the Malta side. This project has gone through zoning. Propose adding 6 new footings. CK: No DEP permit number has been issued and the DEP Data Portal is down.

Motion to continue to 12/13 by LS, 2nd by SC. Roll call: PP-aye, TB-aye, SC-aye, KJ-aye.

- b. **160 Samoset Avenue. Map 21/Lot 012 (SE35-17XX) Opening** of a Public Hearing on the **Notice of Intent** filed by **Douglas Roberts** for work described as: **Add a rear deck and stairs to existing home**. **Abutter Notification:** proof provided. **Resource Areas: Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 10**. **Site visits done: 11/20.**

Representative: Douglas Roberts

Abutters/Others: none

Documents: proposed plan,

CK: No DEP permit number has been issued. Roberts: Adding a rear deck. 8 10" footings 4 feet down over a flagstone patio. Commissioner: What about the driveway? Roberts: I have a permit for it.

Motion to continue to 12/13 by LS, 2nd by SC. Roll call: TB-aye, SC-aye, KJ-aye, LS-aye, PP-aye.

5. Requests for Certificates of Compliance

a. 4 T Street (SE35-1587)

CK: The Commission had concern about the after-the-fact fence installation. This fence has since been gapped above grade. Commission: It's not 6", but it is flow through.

Motion to issue a Certificate of Compliance by LS. 2nd by TB. Roll call: SC-aye, KJ-aye, LS-aye, PP-aye, TB-aye.

6. Continued & New Business

a. Town of Hingham Office of the Sewer Commission 11/14 correspondence.

Hingham is proposing a bypass rehab project on Nantasket Ave, crossing the Straits Pond Tide gate area. This does qualify, in my opinion, as a utility exception.

b. WPA Fee structure. You have seen the new fee structure and on the lower end of the neighboring communities. Presented for Commission's review

c. Vote on proposed Schedule of meetings and Deadlines, Jan-Jun, 2023 postponed to 12/13

d. KJ and SC express interest in serving as a representative to the newly formed Climate Adaptation Committee.

e. Climate Change Focus Group: CK: We're having focus groups on 11/29 at the Senior Center and a public workshop on the Hampton Circle Climate Adaptation Roadmap on the evening of 12/07 at the Hull High School Exhibition Room.

7:34 SC leaves meeting

7:38 PP recuses himself

7. Violations & Compliance

73 Highland Ave. PP recues himself. The home owner reinstalled the DEP sign and is working to restore the slope. CK: I asked that they stabilize the area for the winter season such that the remaining fill (to be removed in the spring) will not be mobilized during precipitation events.

7:41 PP returns

7:48 Motion to **Adjourn** by LS, 2nd by KJ. Roll call: PP-aye, KJ-aye, LS-aye, TB-aye.