

TOWN OF HULL CONSERVATION COMMISSION

Meeting Minutes January 24, 2023

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 Director, Ian MacDonald (IM), Conservation Administrator

Staff Absent: Renee Kiley (RK)

6:30

1. Call to Order

- a. Review of Agenda, Overview of Hearings Procedure
- b. Approval of Draft Minutes – January 10th, 2023. Motion to approve minutes as amended by LS, 2nd by SC. Roll call: PP-aye, LS-aye, KJ-aye, SC- aye, TB-aye.

2. Administrative Review

a. Nantasket Beach Primary Dune

Applicant: Beach Management Committee

Proposed Work: install signage

Commissioner Sam Campbell spoke on behalf of the Beach Management Committee (BMC). SC: The BMC has received \$4000 of CPA funds to improve signage at all town beach openings. Signs will be removed in the winter or before a predicted storm event. Old signage would be removed all together to provide consistent messaging. I believe that this work meets the performance standard of CMR 310 10.28 3a-f. There are a handful of locations with signage in the dune and anchored into the dune. The BMC propose to remove old posts by saw cutting, but do not plan on removing any subsurface material (e.g., concrete anchors) because of any potential disruption this may have on the dune system. Commissioners: Do we need an RDA, are we changing the process? Removing the posts might need an RDA. I don't believe that putting signs out needs an RDA. CK reminds the Commission that this review is not a hearing and requires no vote and noted that putting signs might be considered part of the maintenance on the existing permitted pedestrian access through the dunes. SC: to clarify, the BMC would like guidance if the work proposed would need a filing. Commissioner: Removing things like cement anchors would need to be permitted. The Commission felt that installing signage at the permitted openings doesn't need to be permitted. Although, any work that would require traversing into the dune or actions that may disturb vegetation would require permitting. Citizen: requested that the signage also be put in at Gunrock Beach as well. The Commission does not have an issue with that. The Commission and members of the BMC discussed signage for paths from M-XYZ Street and because those paths are not formally permitted and thus should restrict signage activity to those paths already permitted. Also, the BMC should coordinate with the Town's DPW for installs at the permitted paths.

3. Notices of Intent

- a. **25 Bay Street. Map 34/Lot 008 (SE35-1735) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Lorraine Shaughnessy** for work described as: **Repair seawall. Abutter Notification:** proof provided. **Resource Areas:** **Coastal Bank** (vertical buffer bank protected by a coastal engineered structure/seawall), **100-foot buffer zone to Salt Marsh & Coastal Bank, Barrier Beach** storm damage prevention, flood control, wildlife habitat); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA AE 10'** (storm damage and pollution prevention, flood control).
Representatives: Jed Hannon

Abutters/Others: none

Documents: Proposed Plan/expanded narrative. Photos of damaged wall

Hannon presented the above project and provided the requested additional detail to the NOI project narrative that includes details about repair locations and intended scope of work. The Commission noted that the proposed work did not include any details about assessing the wall's footing which would require some excavation and some test pits and thus disturbance to intertidal sediment and soils. The Commission noted that this area is within and adjacent to the Weir River ACEC, may have a narrow window for intertidal and base of the wall work because of the timing of and that the project appears to be within c.91 jurisdiction.

Motion to issue an order of conditions with the special conditions: 1. all work to be done in the dry low tide area. 2. No heavy equipment on the water and or beach side of the wall. 3. All sediment control is pulled back upland at the end of each day's work. 4. No fill brought in. 5. Any sediment re-mobilization there has to be notice to the Conservation Commission. 6. No work done until the contractor provided means and methods to the commission and it is approved. 7. An onsite meeting with the contractor and the administrator. 8. All equipment is stored landward. 9. A chapter 91 license is obtained or a letter stating that it isn't needed prior to any work being done. 10. If the work started shows any large scale work such as test pitting, boring, de watering the applicant needs to come back to the commission to file an amended NOI. 11. The engineer, contractor, or authorized agent shall conduct, test pits, exploratory borings, or other sub surface exploratory investigation to determine to if there are footings in the tideland and if they need to be repaired. All proposed test pits, exploratory borings, or other sub surface exploratory investigatory activities must be conducted in dry conditions within the established erosion control measures and the commission must be notified 72 hours prior to mobilization. The engineer, contractor, or authorized agent shall confer with the Conservation Commission if the previously mentioned exploratory work indicates any footings that may exist on site need any work below the surface. All test pits are to be backfilled with material from the tidelands on site,
by LS, 2nd by KJ. Roll Call: SC-aye, PP-aye, TB-aye, KJ-aye, LS-aye.

- b. **126A Samoset Ave. Map 0/Lot 0 (SE35-1739) Opening** of a Public Hearing on the **Notice of Intent** filed by **Gabriel Lortie** for work described as: **Small additional foundation area to improve basement access. Repairs/updates to existing foundation walls approx. 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:**
Representatives: Gabriel Lortie
Abutters/Others: none
Documents: Proposed site plan

Lortie presents above project and noted that the project has gone through zoning. This project is to provide egress to under the house from the inside and to shore up the foundation. The Commission noted for the record that there seems to have been some encroachment into the railroad bed, also noted that is not part of the application.

Motion to issue an Order of Conditions by LS, 2nd by SC. Roll call: TB-aye, PP-aye, LS-aye, KJ-aye, SC-aye.

4. Continued & New Business

- a. Approval of Annual Report (2022) to Select Board.
The Commission recommended adding details about the CPA project the Commission received for the Straits Pond Island Trail. CK will add and update for next meeting's consideration.
- b. Administrative Review (AR) request procedures
CK began this discussion pointing out that other Commissions are doing ARs and stated that this may be a good way to have the public communicate with the Commission but the reasoning for requesting ARs are not clear. Town Counsel would like to draft some language that may be important for these kinds of proceedings which may state that AR discussions are non-binding

and no decision is being made. IM is drafting an AR application form.

Some members expressed concern about engaging in AR which may have some unintended complications and that historically the Commission entertained this type of procedure in the past and ended the practice. The Commission agreed to continue this discussion at the next meeting

c. Fences in AE Zone

The Commission discussed permitting of fences in a FEMA AE flood zone with the goal to advance consistency. Discussions centered on LSCF needs, the idea of not requiring a permit for AE Zone fences, and conditions, if any should be standardized. The Commission concluded that each project may be too site specific for this generalized approach and concluded to proceed as they have regarding fences in the floodplain. One Commissioner stated “It is going to be messy either way.”

5. Violations & Compliance

a. Summary of outstanding violations

IM shared a summary of last year’s violations discussed with the commission, summary shown and noted that only a couple of violations remain that have outstanding issues, many have either filed an NOI or RDA, and that the Dept. will be creating a database to better monitor the status of the existing and summarize past violations.

7:48 Adjourn

Motion to adjourn by LS, 2nd by SC. Roll call: KJ-aye, LS-aye, SC-aye, PP-aye, TB-aye.