



HULL CONSERVATION COMMISSION

253 Atlantic Avenue, 2nd floor

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TUESDAY, August 13, 2019

Members Present: Paul Paquin, Chair, Sean Bannen, Paul Epstein, Lou Sorgi, Jennifer Stone, Tammy Best
Members Absent: Brendan Kilroe
Staff Present: Chris Krahforst, Conservation Administrator; Sarah Clarren, Conservation Assistant
Minutes: Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0;
It was **voted** to: Approve the Minutes of December 28, 2017 as amended.
07/09/2019 – prepared, but not reviewed.

7:30 Call to order

P. Paquin, Chair, read aloud the charges of the Conservation Commission.

7:35 311 Beach Ave., Map 13/Lot 093 Continuation of a Public Hearing on the **Request for Determination of Applicability** filed by **Nylson Andrade** for work described as **replace concrete patio with geotextile fabric and permeable pavers; repair existing knee wall along Beach Ave. The applicant has requested a continuance until Sept. 10, 2019 at a time TBD.**

- 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 September 10, 2019 at a time TBD.

7:40 40 Sumner St., Map 28/Lot074 (SE35-1487) Opening of a Public Hearing to **Amend the Notice of Intent** filed by **Mathew DiGiantommaso** for work described as **new back deck (12'x34') and repair existing side deck and construct connecting deck (3 or 4' x 12') to include 9 new footings and a side stairs and landing.**

Representatives: Matthew DiGiantommaso (representative)

Abutters/Others: no one spoke

Documents: "Mortgage Inspection Sketch of Property" – Richardson – 7/19/1986, Annotated 2019
"Hand-drawn Footing, Framing and Railings Plans" – DiGiantommaso – updated 7/10/19

M. DiGiantommaso presented the proposed project as above. He said that the deck as previously permitted by the Conservation Commission would have to go before the ZBA, so the property owners are proposing changes. In order to construct the desired deck size, it would need to be less than 5' high so it doesn't count as lot coverage. In order to allow for this, footings are needed. He stated that a 4' x 4' landing is also now proposed off the back deck.

- 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 Amended Order of Conditions. The Order of Conditions was **signed**.

7:45 4 Atlantic Ave., Map 55/Lot 007 (SE35-1502) Opening of a Public Hearing on the **Notice of Intent** filed by **Patricia DiTullio** for work described as **remove and replace existing wall bordering property adjacent to 2 Atlantic Ave, and landscape work.**

Representatives: Mike and Patricia DiTullio; Lisa Swanson (Landscape Designer)

Abutters/Others: Daniel Jancaterino (2 Atlantic Avenue)

Documents: "Site Plan" – Grady Consulting – 7/6/2016
"[Landscape Plan]" – n.d.
"[Pictures (7)]" – n.d.

M. DiTullio presented the project. He said that he had not known they needed to pull a permit from the Conservation Commission, so some of the work has begun. He stated that when he was told to stop, he did, and filed the Notice of Intent. The Commission stated that the wall onsite has been removed and questioned the purpose of the solid wall. P. DiTullio presented photographs of the landscaping wall. D. Jancaterino of 2 Atlantic Ave., said that he and his father worked on the wall; until recently, there was a concrete wall closest to a street and then wooden piles from the concrete wall to the seawall. D. Jancaterino of 2 Atlantic Ave., then said that without the wall, there will be more water onsite and the land will erode. P. DiTullio said the goal of the project is to dissipate erosion. The Commission

questioned re-installing the wall and expressed concern that it may exacerbate erosion. D. Jancaterino of 2 Atlantic Ave., said that the water will end up in the same place (Straits Pond), but it will cut down on the flow.

C. Krahforst stated that the property is not a FEMA designated Flood Zone, but it is still designated a barrier beach which is a protected resource. He said that he did reach out to DEP and was given the following guidance: the Commission may consider only permitting the wall in-kind or as an alternative, allowing the creation of a natural berm instead of a wall.

A Commissioner questioned the extent of the project because as described it appears small, but the entire site appears to be under construction and there is a large hole. Another Commissioner said that there is no proper design of the wall and in order for the Commission to consider installation of a wall, it will need to be designed. Another Commissioner noted that the project may redirect water. D. Jancaterino of 2 Atlantic Ave., said the wall had been there for years and he doesn't want their water, to which C. Krahforst noted that the wall wasn't permitted and a Commissioner noted that water doesn't belong to any one person and that the water is runoff/overwash.

A Commissioner said that the wall as proposed will create erosion. If there is a wall in place, it will redirect water and scour the earth. D. Jancaterino of 2 Atlantic Ave., said that two small rivers will create less erosion than one large one.

The Commission said that a revised plan is needed and it should clarify what the applicants are requesting. The Commission noted that a design that replaces what was there is preferred; the entire length of the wall cannot be concrete. The wall should have the same height, length and depth as what was there. L. Swanson asked if the Commission would consider placing boulders and switchgrass or similar vegetation instead of a wall, to which the Commission said that would be preferred. C. Krahforst noted that Rosa Rugosa may not be the best vegetation for the site given its shallow roots and canopy. L. Swanson then asked if owners choose to go with boulders and vegetation, would it have to be permitted, to which the Commission said yes; anything on the ground should go through the Commission. The Commission then noted that a section of the wall appears to be on Town property, so permission by the Board of Selectmen must be granted prior to work commencing. D. Jancaterino of 2 Atlantic Ave., said that he owns the area in question, to which the Commission said that a survey showing such should be provided.

P. DiTulio asked if the hole in the yard could be filled in with clean fill during the permitting process, to which the Commission agreed.

- 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 August 27, 2019 at a time TBD.

8:21 325 Nantasket Ave., Map 33/Lot 066. (SE35-1501) Opening of a Public Hearing on the **Notice of Intent** filed by **Hull Redevelopment Authority** for work described as **construct gazebo and 4' wide by 233' long walkway.**

Representatives: Chris Dilorio (Town of Hull); Bartley Kelly (HRA)

Abutters/Others: none present

Documents: "HRA Two-Way Roadway Design" – Nantasket Survey Engineering – 7/23/19

C. Dilorio described the project as above. He stated that the walkway will be asphalt and will lead to concrete pad for the gazebo. Overall, it will be an additional 1,500 sq ft of impervious surfaces.

- 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**.

8:25 147 Manomet Ave., Map 19/Lot 069 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Thomas Johnson and Joyce Sullivan** for work described as **remove Adams St. driveway asphalt and replace with permeable pavers.**

Representatives: Joyce Sullivan

Abutters/Others: None present

Documents: "Existing & Proposed Conditions Plan" – Nantasket Survey Engineering – 12/27/16, annotated 7/31/19

J. Sullivan presented the project as described above. She stated that she received an email from the Town Manager that indicated that she received a license from the Board of Selectmen for the driveway.

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**.

Certificate of Compliance Requests

None.

Continued and New Business

38 Clifton Ave SE35-1449 - clarification for depth allowed, whether concrete can be used: F. Shaw and Brendan Sullivan present. B. Sullivan wanted clarification on a few points on SE35-1449's Order of Conditions. He asked if the wall could be demolished and buried in place, once broken up. The Commission stated that no manmade materials should be buried in place and the wall must be removed. B. Sullivan then asked if the new wall could be reinforced concrete with stone facing, to which the Commission said the replacement wall must be replaced in kind; the wall shall be stone and mortar. B. Sullivan then asked for clarification on what the bottom elevation of new wall could be. He stated that there has been quite a bit of erosion since the last storm and therefore the elevation of the beach has changed. They believe the original wall to have gone down 1' and because of the erosion, they propose a base depth of 2.3.' B. Sullivan said that they are proposing a 4' high wall starting at elevation 5.7 and going up to elevation 9.7. C. Krahforst said on Delmonico's property, survey shows elevation 9.6 on one end and elevation 10 on the other, so 38 Clifton's plan is more or less consistent. The Commission stated that the wall that was permitted could not go higher than the abutting wall. C. Krahforst noted that the original permit included a vegetation component to dissipate wave energy.

A Commissioner said that they usually require a 10' buffer between properties. C. Krahforst said that its not a request to amend an OoC, and that the Commission had already given an OoC to 38 Clifton to remove and replace the pre-existing wall, which is consistent with DEP guidance. B. Sullivan initialed the plan with the clarifications discussed.

Commissioner IDs: C. Krahforst stated that when all Commissioners submit a photo of themselves, IDs will be provided.

High School inquires (practice field, 12'x20' Shed on slab): C. Krahforst said that the High School should file a NOI or RDA to construct a shed on an impervious slab, to which the Commission determined an RDA should be filed.

6 Gunrock Ave, Wall removal: C. Krahforst stated that the homeowner received permission from the Board of Selectmen for landscaping work which was permitted through the Commission. He also stated that the homeowner has since decided to remove an existing retaining wall from the property, and he asked the Commission if a permit needed to be filed. The Commission determined that an RDA should be filed and asked C. Krahforst to reach out to the abutting properties.

51 Harborview, collapsing coastal bank: C. Krahforst said that the coastal bank at 51 Harborview has become undermined and they are currently in the process of coming up with alternatives to restore it.

Telecommunications installs along Beach Ave: C. Krahforst said that there is a proposal to the Town to remove and replace utility poles along Beach Avenue and install wires and small cellphone antennas. He stated that a resident is concerned about the proposal. He stated that given guidance from the Wetlands Protection Act and DEP, he believes the project to fall under the utility exemption but wanted to let the Commission know about the project and therefore included information in the packet. The proposal letter says that they are proposing to replace existing wood poles and add the cell equipment; the utility company dictates whether the pole will be replaced. If the pole is replaced, one would be replaced in-kind. A Commissioner asked if S. Green wanted to speak on behalf of the Beach Management Committee, to which she said she is present as a resident. She said that she isn't prepared to talk about it at this point in time and was planning on talking about it at the next Commission meeting. She stated that the project is a concern to the neighborhood. She said there are three locations in the proposal; Warren Street/Beach Ave, B Street/Beach Ave, and R Street/railroad bed. On B St, the utility pole is connected by wires to a support pole which is in the dune system. Given that it is attached to something in the dune system, she wants an NOI so the Commission can require conditions on it to protect the dune. The Commission noted that the project is exempt from the WPA because it is a utility. A member of the Commission noted that because of the utility exemption, the best the Commission can do is to keep an eye on the work as its being done. S. Green said that she reads the exemption as something that is being replaced in-kind and that new equipment will be installed on the pole. The Commission reminded S. Green that the Commission's jurisdiction is what is on the ground. S. Green said that there's a chance they do something to the dune. C. Krahforst said that there is no definition as substantial per the WPA. He then noted that utility companies can and have replaced poles elsewhere in Town without a permit, given the exemption. A Commissioner asked Krahforst to request the utility company to speak to the Conservation Department prior to touching the dune and to suggest them to find an alternative way to attach small cells, to which C. Krahforst said he already has requested to be informed when a pole in and near the dune system is going to be removed and or replaced. S. Green said that would not help the situation and wanted to see an NOI. The Commission asked if she'd be alright with the project if the poles weren't removed, to which S. Green said no. She said that Beach Avenue is narrow and it will be hard to maneuver equipment. She said that the antennas are large

even though its called small cells. The Commission noted again that any attachments are outside of the Commission's jurisdiction. S. Green asked about how cost impacts a substantial improvement, to which C. Krahforst said that there is no standards included in the WPA regarding cost/substantial improvements, but when he spoke to DEP, one person at DEP said that when the cost of improving is 10% more than removing and replacing in kind, then he uses this as something that is substantial. However, such language is not in the WPA. S. Green asked what happens if the dune is damaged because of the project, to which the Commission said if that happens, she should call the Conservation Department. S. Green asked if agendas could be changed prior to the meeting, to which C. Krahforst said that items that require advertising (RDAs and NOIs) cannot be changed, but new business can be added.

Violations and Compliance issues

125 Main St, 2nd Compliance Letter: C. Krahforst said that he has sent a second Compliance Letter regarding a floating building that is on the beach at 125 Main Street. The letter states that the building must be removed from the beach by 4pm on Thursday 8/15/19.

169 Beach Ave.: C. Krahforst noted that he issued an Enforcement Order in the past and they were supposed to remove storage bins from the dunes and replant the area and path. However, personal effects are still being stored in the area and the area hasn't been replanted; a compliance letter has been sent. He noted that the property is immediately abutting a legal, permitted path.

1062 Nantasket Ave.: C. Krahforst noted that the property has begun a lot of unpermitted work including ripping up a driveway and begun to install patios. The work has ceased and the owner has hired D. Ray to survey and file a NOI.

(new) Woodchips: A Commissioner asked about woodchips along the bank on Straits Pond which was noted by the Commission during site visits. C. Krahforst met with Acting DPW Director who agreed to have them removed.

9:27 Upon a **motion** by P. Epstein and **2nd** by L. Sorgi and a **vote** of 6-0;
It was **voted** to: Adjourn.