

TOWN OF HULL
CONSERVATION COMMISSION
Meeting Minutes
June 27, 2023

Members Present: Paul Paquin (PP), Chair, Lou Sorgi (LS), Katherine Jacintho (KJ) Danielle Dolan (DD)

Members Absent: Sam Campbell (SC), Tammy Best (TB)

Staff Present: Ian MacDonald (IM), Administrator; Chris Krahforst (CK), Director; Renee Kiley (RK), Clerk

Staff Absent: none

AGENDA

6:57pm (Delayed opening) quorum reached.

1. Call to Order

- a. Review of Agenda, Overview of Hearings Procedure

2. Notices of Intent

- a. **51 Harborview Road. Map 56/Lot 028 (SE35-1735) *Continuation*** of a Public Hearing on the **Notice of Intent** filed by **Thomas P. Fitzgerald** for work described as: **Complete slope stabilization project for a portion of the northerly slope. Abutter Notification:** *proof provided*. **Resource Areas: Coastal Bank:** (Storm damage prevention and flood control); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA VE 20'** (storm damage and pollution prevention, flood control). **Site visits done:** many times.

Representatives: none

Abutters/Others: none

Documents: boring plan

Commissioner: Is this property located within Chapter 91 jurisdiction? IM: This property is not located within c.91 jurisdiction. CK: GZA shared a memo with the Commission recently detailing the current conditions of the site. In the memo, GZA share some immediate recommendations for action at the site (51 Harborview Rd.). The concern is water accumulating in the patio area on the (top) of the coastal bank area. To keep the water from infiltrating into the area, they might consider using tarps and/or plywood to direct stormwater runoff to a collecting area and pumping the water out and onto the front of the property (towards Harborview Rd. rather than down the bank). The applicant's consultant is proposing a test boring to characterize the sediment of the Coastal Bank (as was required by the ERS NOI SE35-1516). They have conducted the requested updated topographic survey and will be shared with GZA. Commissioner: Where are they boring and why? They can't do what they want to on the property. CK: At the request of the Commission any activity needs to be vetted. I'm looking for permission to move the project forward. CEC requested permission, I shared it with GZA and John Struzziery, and I have not received any information back. The purpose was to provide the geotechnical information that the Commission asked for. All activities will be vetted through Admin, GZA, and John Struzziery. The test boring area is away from the coastal bank but near the right hand corner, 5-10 feet back into the patio area. I didn't think that it was too close to the area. Commissioner: The peer reviewer needs to make the decision. What is the method? CK: The peer reviewer has not expressed any concern. It is scheduled for tomorrow. It is an urgent situation, given the rather wet (spring-summer) weather (we are experiencing). GZA will evaluate any activities going forward. The bank is unstable. Commissioner: They do need this information to move forward. Another commissioner: I don't remember. CK: This (geotechnical data) was required and listed the OOC for the ERS (SE35-1516). Commissioner: You are asking us to say okay to something that has very little detail for a complicated situation. Another commissioner: I don't understand how they are obtaining the sample. What size machine and how are they getting the boring? Are they peeling up the patio and how are they getting over there (to do the boring)? We need the preventative measures taken. We don't have enough information on how the boring will be done. Does GZA think that this (boring will provide) the correct

information? CK states that time is of the essence. The Commission agreed that the engineers should speak to each other. In my opinion, I would caution the Commission in delaying. CK shows the boring exhibit (Plan, June 2023) showing boring location adjacent to the house (and well away for problem area). A Commissioner noted that having this plan initially would have saved a lot of time and discussion. CK: Our Dept. overview has been stepped up greatly. This plan was shared with GZA and J. Struzziery of Sewer Dept. The geotechnical assessment was required as part of the original OOC for the ERS. Commissioner: The boring must be done from the street side and at the location that is on the plan.

Motion to approve the boring, as stipulated by LS, 2nd by DD. Roll call: LS-aye, PP-aye, DD-aye, KJ-aye.

We have received a report of review of the site visit. When do we think that we'll get a further review? CK: Yes. There will be a series of these types or report, and will need to provide some opinion of a proposed plan and alternatives? These are all in *draft* form and will continue as such until the peer review is complete.

Motion to allow for immediate action to protect embankment as suggested by GZA's memo by LS, 2nd by DD. Roll call: PP-aye, DD-aye, KJ-aye, LS-aye.

Motion to continue 51 Harborview Rd until 07/11/2023 by LS, 2nd by DD. Roll call: DD-aye, KJ-aye, LS-aye, PP-aye.

- b. **631 Nantasket Ave. Map 20/Lot 002 (SE35-1758) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Edvaldo DaSilva** for work described as: **After-the-fact installation of storm drain system, wall, and fence. Abutter Notification: proof provided. Resource Areas: Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Subject to Coastal Storm Flowage: AE 11. Site visits done: 4/4, 5/9, 6/22.**

Representatives: E. DaSilva

Abutters/Others: John Claffey

Documents: Site As-Built Plan, site photos, Claffey letter to the Commission. Dry Well Plan

DaSilva presents the above project describing a previous permit for an addition, paved the driveway which didn't include the installed wall and fencing and a (below grade stormwater) drainage system to catch water from the gutters. Commissioner: Is what is there acceptable? Yes, the drainage system takes all responsibility for all water on his property. Claffey submits a letter expressing concern about the installed drainage system and possibly displacement of water onto his property. Commissioner: The applicant will need to be held responsible for the water coming off of his property. It should not have a negative effect (to the abutters). DaSilva: Nantasket Survey confirmed that the wall is on my property. CK: What about the portion of the concrete wall on the edge of the property (referring to the proposed plan being shown on screen)? The wall is different from what the Commission has typically approved. Commissioner: it wouldn't have been approved (if not as an after-the-fact project) but as is does not adversely affect the resource. CK: We haven't reviewed the storm water system. DeSilva: The system is to collect (roof runoff) from 3 down spouts. Commission: We have previously. Another Commissioner: Has the Commission dealt with this firm before as there appears to be some typos on the plan? Another Commissioner: it appears to be designed appropriately.

Motion to issue and Order of Conditions with the special condition that the applicant will need to address any flooding issues to the neighbors' foundation, basement, and/or property as a result of this project by LS, 2nd by KJ. Roll call: KJ-aye, LS-aye, PP-aye, DD-nay.

- c. **8 Onset Street. Map 45/Lot 054 (SE35-1779) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Otavio Olivera** for work described as: **Install garage approx 672 ft². Abutter Notification: proof provided. Resource Areas: 100' Buffer zone to coastal bank. Site Visits Done: 6/5**

Representatives: O. Oliveria

Abutters/Others: none

Documents: Proposed Garage

IM: We were waiting for DEP number. This matter was opened and discussed at the previous Commission meeting. We now have a DEP permit number.

Motion to issue Order of Conditions for 8 Onset St by LS, 2nd by DD Roll call: LS-aye, PP-aye, DD-aye, KJ-aye.

- d. **14 Brewster Street. Map 19/ Lot 123 (SE35-17XX) Opening** of a Public Hearing on the **Notice of Intent** filed by **Bunny Aronson** for work described as: **Install new 350 ft² deck, remove existing paved walkway, install paver walkway. 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'**. (Storm damage and pollution prevention, flood control).

Representatives: Bunny Aronson

Abutters/Others: none

Documents: Proposed Plan

IM: The state has not issued the permit number for this project yet. The Commission had no issues with the project. Aronson joins. IM informs that the DEP was unable to issue a permit number in time for tonight's meeting. The Commission stated they have no issues with this proposed project. Aronson agrees to continue.

Motion to continue until 7/11 by LS, 2nd by DD. Roll call: PP-aye, DD-aye, KJ-aye, LS-aye.

- e. **35 R Street. Map 13/Lot 069 (SE35-1775) Opening** of a Public Hearing on the **Notice of Intent** filed by **Kathy Ercolano** for work described as: **Proposed house and porch addition. 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: AO 2'**. (Storm damage and pollution prevention, flood control). **Site visits done: 6/22**

Representatives: David Ray, Joe Ercolano

Abutters/Others: none

Documents: proposed plan.

Ercolano describes the above project: Make an addition on the lot, not increasing any paved area, all proposed work to occur in the rear of property Ray expands on the project: This project proposes a FEMA-compliant foundation, and to make the original house FEMA compliant as well.

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

- f. **114 Cadish Ave. Map 14/Lot 109 (SE35-17XX) Opening** of a Public Hearing on the **Notice of Intent** filed by **Wayne & Judith Rowan** for work described as: **Install fence and pavers, construct fire-pit and install crushed stone. 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'**. (Storm damage and pollution prevention, flood control). **Site visits done: 6/22**

Representatives: Wayne & Judith Rawan

Abutters/Others: Mary Mancini

Documents: Proposed plan, Property FEMA Firmette

IM: No DEP # has been issued for this project. Commission: What kind of fence is being proposed? Rawan presents the project: Commission asks about what kind of fence is being installed. Rawan: It will be vinyl. One privacy fence along the back of the lot and on along O Street we propose a pedestal fence about 4 feet high. Commissioner: This is an AE Zone. Is this property in c. 91 jurisdiction? IM: Yes. CK: In the past, the Commission has required that a c.91 license be obtained a letter from Mass Waterways indicating what they prescribe. Rawan: The back fence is out of the c. 91 jurisdiction and the pavers and fire pit can be moved (so that it is outside of c.91 jurisdiction. Commissioner: If you move the fire pit. The c. 91 folks may allow the fence with just a letter. CK: I strongly recommend that you get a license to deal with any issues to structure.

Mancini: I don't see the dimensions of the fence. IM: The plans says proposed fence and pavers. Rawan:

It's just to enclose the trash. Mancini: I don't see anything about irrigation. Rawan: It is in the NOI.

Commissioner: It is part of landscaping and very seldom an issue with Conservation Commissions.

Motion to continue until 7/11/2023 by LS, 2nd by DD. Roll call: KJ-aye, LS-aye, PP-aye, DD-aye.

- g. **1 Dover Street. Map 22/ Lot 108 (SE35-1776) Opening** of a Public Hearing on the **Notice of Intent** filed by

Stephen Petruzelli for work described as: **Proposed addition in rear of 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'.** (Storm damage, pollution prevention, flood control)

Representatives: David Ray, Stephen Petruzelli
Abutters/Others: none
Documents: proposed plan
Petruzelli describes the above project.

Motion to issue and Order of Conditions by LS, 2nd by DD. Roll call: LS-aye, PP-aye, DD-aye, KJ-aye.

3. Permit Extension Request (2nd)

a. **722 Nantasket Ave (SE35-1489)**

Representatives: Kiley Clapper
Abutters/Others: none
Documents: Existing & proposed plan

Motion to extend the Order of Conditions for 2 years by LS, 2nd by DD. Roll call: PP-aye, DD-aye, KJ-aye, LS-aye.

4. **Certificate of Compliance**

a. **50 Wyola Road (SE35-1700)**

Representatives: Daniel Quail
Abutters/Others: none
Documents: none
IM: Commission had a concern about runoff to the abutter's property. Commissioner: The applicant installed a (asphalt) berm (to divert stormwater runoff away from the abutter).

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

5. **Violations and non- compliance**

126 Newport Ave. Needs to have their DEP number posted (what about the fill???)

36 Ocean Ave. Erosion Controls were put in place. Any guidance from DEP about storm overwash in the area? CK: Massachusetts Association of Conservation Commissioners (per the MACC conference) recommends incorporating local knowledge, underscoring how valuable this local knowledge is. MACC is saying do the best that you can and appeals may happen.

6. **New Business & Inquiries**

a. Emergency Certification (EC) for A St Boat Ramp (ratify)

CK: The Town's Harbormaster declared the A St boat ramp (Boston Harbor side) a public health hazard; especially given that the next weekend is July 4th weekend and boating activities will be in full swing. Our department issued an EC as per 310 CMR 10.06. Our Dept. is seeking the Commission's ratification. Photos shown. It has been in disrepair for a while. CK: As the EC was issued for repair to the ramp, part of the Cadish Ave seawall had been worked on during this EC. Commissioner: Is (the ramp work) above or below the water line? CK: Both, the material they use for below water cures rapidly and performs better in salt water. Work at the end of the ramp is being done at low tide.

Motion to ratify the EC for the A St boat ramp work by LS, 2nd by KJ. Roll call: KJ-aye, LS-aye, PP-aye, DD-aye.

b. Emergency Certification for 670 Nantasket Ave (ratify)

IM: Underground storage tank removal was taking place, no prior notification to our department. Administrator issued a verbal cease and desist to the workers. DEP Bureau of Waste Site Cleanup

contacted our department, apologized and gave us a Release Log Form tracking number (shown). The soils at the site were not contaminated (pers. Comm., FD) and the removal of the Underground Storage Tank was already underway.

Motion to ratify the EC by LS, 2nd by KJ. Roll call: LS-aye, PP-aye, DD-aye, KJ-aye.

7. Minutes

a. Consideration for approval of Draft Minutes –

Motion to approve the minutes of May 23, 2023 by LS, 2nd by DD. Roll call: PP-aye, DD-aye, KJ-aye, LS-aye.

Other business:

Commission asked about the c.91 practices. IM: Reached out to DEP to consider including whether the project is in c. 91 jurisdiction. I will keep the Commission apprised.

PP: Please send in your letter requesting to be reappointed to the Clerk. We also have one vacancy and we need to fill that vacancy.

8. 8:56 Motion to Adjourn by LS, 2nd by DD. Roll call: DD-aye, KJ-aye, LS-aye, PP-aye.