

TOWN OF HULL
CONSERVATION COMMISSION
Meeting Minutes
June 13, 2023

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

Members Absent: Danielle Dolan (DD)

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

Staff Absent: none

AGENDA

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.

Representative: Tom Fitzgerald, Matthew Watsky

Abutters/Others: Barry Fogel

Documents:

Commissioner: Are there any updates to the project that we should be aware of? IM: GZA conducted a site visit On June 7th. We are looking for an acceptance of the peer review. CK: The peer review scope was accepted at the last meeting. We are looking for confirmation of the peer review. Mr. Fitzgerald and Dr. Rosen attended the site visit with GZA. GZA prepared a draft memo late this afternoon. Commissioner: You are looking for support of the published job in the peer review CK: GZA redrafted the scope within accordance to comments from the last meeting. I reviewed it as well as John Struzziery and the final scope was shared with you today. Commissioner: Is the scope acceptable. Other Commissioners: Yes.

Motion to accept the final revised scope for the peer review by LS, 2nd by SC. Roll call: KJ-aye, LS-aye, SC-aye, TB-aye, PP-abstain.

Watsky: We've reviewed the revised scope. The only hesitation with signing the revised scope of work was waiting for this meeting to see if the Commission would find the scope acceptable. We will sign, provide the funding, and allow work to start. CK: This project may need a timely response of review. There may be points in the review proposal that need timely decisions made. I would like the Commission to consider authorizing the administrator to be able make timely responses. Commissioner: Emergency orders can be issued. Another Commissioner: We can't make decisions without circumventing the open meeting law. Fogel: The updated copy of the scope of work only included the site visit. CK: I think that we shared the latest version with you (Commission, Fogel). Fogel: The only change that I saw was the site visit. I didn't see the alternatives analysis included. CK: The Commission reviewed the final proposal including the alternatives analysis that was included in

the NOI. Fogel: The Commissioners wanted to include further analysis. Commissioner: GZA agreed to include a section of alternative analysis in the peer review after the decision. Watsky: How quickly do we think that the peer review will be completed? CK: Suggest continuing 2 weeks.

Motion to continue to June 27th by LS, 2nd by SC. Roll call: LS-aye, PP-aye, SC-aye, TB-aye, KJ-aye.

- b. 8 Onset Street. Map 45/Lot 054 (SE35-17XX) Opening** of a Public Hearing on the **Notice of Intent** filed by **Otavio Oliveria** for work described as: **Install garage approx 672 ft². Abutter Notification: proof provided. Resource Areas: 100' buffer zone to coastal bank. Site Visits done: 6/6**
Representative: Otavio Oliveria
Abutters: none
Documents: Proposed Plan, Photos shown

IM: We have not received a DEP number for this project due to a payment issue with the state. The Commission opens the hearing but states a decision can not be rendered until a DEP # has been assigned for this NOI. Oliveria presents the project: The plan is to remove the pool and construct a garage in the same footprint of the pool. Commissioner: Will you need to bring in fill? Oliveria: I think that I have enough material on site to complete grading without additional fill. The garage is going to be facing the street. We are going to be removing the retaining wall. IM: The check has not cleared through the treasury. We can provide the contact information for the South East Regional Office of DEP to the applicant so they can follow up on the status of payment.

Motion to continue to June 27th by LS, 2nd by SC. Roll call: PP-aye, SC-aye, TB-aye, KJ-aye, LS-aye.

- c. 120 Atlantic Ave. Map 53/Lot 036 (SE35-1774) Opening** of a Public Hearing on the **Notice of Intent** filed by **James O'Sullivan** for work described as: **Replace existing fence and repair existing asphalt driveway. 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 15'**. (Storm damage and pollution prevention, flood control). **Site visits done: 6/6**
Representative: Property owner
Abutters: None
Documents: Proposed Site Plan

O'Sullivan: The proposed project is for repairing the existing asphalt driveway and replacing a fence. Commissioner: What kind of fence? O'Sullivan: Post and rail fence. Commissioner: What is the flood zone? IM: AE 12'. Commissioner: Is it clear where the fence is? IM: Originally, the fence was outside of the property line, the owner is bringing it onto the property.

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

3. Certificate of Compliance

- a. **50 Wyola Road (SE35-1700)** Commissioner: Was the site reviewed and completed as ordered? IM: Yes. Commissioner: It looks like there was material added to the slope on the back left hand corner. The driveway was unfinished. LS: The driveway was completed but it slopes toward the neighbor's property. CK: It looks like some fill was added. Quail: The ledge on site was difficult. We did try to follow the natural topography; it did slope to the side on the property. There is a natural swale on site. We can try to minimize the slope. We (reduced) the driveway by a foot. Neighbor was granted a variance. We are limited with a 90' frontage. CK: Was the grade changed and is there (changes to) runoff? Quail: There was a slight change to grade but not to runoff. There is a lot of ledge on the property; we pulled the driveway off the property line. Commissioner: It is clear that the water goes to the neighbor's property. What is the distance between the driveway and the property? Quail: About 3 feet. Commissioner: You could install a perforated pipe near the driveway. Quail: There is ledge on the edge of the driveway, but I can put in a pipe to redirect water off the property. DQ: If you follow contour 39 there is a natural swale. Commissioner: You can't run water towards your

neighbor's property. Quaille: I would be happy to install pipe and plantings. Commissioner: The project is currently incomplete. Quail: I can also install a Cape Cod berm on the property line to control run off. Commissioner: I think that would be a good idea. Quaille: Is it possible to get a provisional certificate? Commissioner: The home isn't complete. Do you have a certificate of occupancy? Quaille: We're waiting on the prefab railings. My understanding is that I need this portion of the Certificate of Compliance to get the certificate of occupancy. CK: The Certificate of Occupancy is a matter for the Building Dept. and not a matter for consideration by the Commission.

This matter will be included on the 6/27 Conservation Commission agenda.

4. Violations and non-compliance

36 Ocean Ave: IM: Homeowner visited the office and I suggested the Homeowner to speak with Commission on this matter to ensure all issues that needs to be addressed be included on the NOI. The Commission recalled a nearby similar non-compliance (BayView). Another Commissioner: We asked for erosion control to be put in place. Commissioner: Erosion control has to be put in place until they file. James Russell: I guess that I have to apologize for not getting a permit. We asked in 2022 for what we could do. It's been a driveway since 1950 something. I provided photographs to Ian. Paul Gratta installed the driveway. The boulders were removed, gravel was compacted, and then more gravel was installed. If property was maintained as a gravel driveway then it is grandfathered. I provided pictures from 1980. Commissioner: Is there a folder for 36 Ocean Ave? There wasn't anything permitted in the past. Russell: A realtor came to the house and said that we needed a permit. I called Paul Gratta and asked if we needed a permit, I was told that we did not. Commissioner: We have a property where water washes through and empties into the marsh. The concern is that the gravel in the driveway is going to be swept into the saltwater marsh located behind the driveway. Commissioner: I'd like to visit the house. Another Commissioner: It's not repair or replace. We don't know what was repaired. It appears to be new gravel. Russell: We had an asphalt driveway for a long time. Commissioner: I would like to see pictures of what was there before. CK: Nothing was permitted here. I recommend the Commission require an NOI for a new driveway. We have aggressive water flow through area (at times). It receives a good deal of over wash. The grandfathering of a driveway is a zoning (issue). Under the WPA there is not much in the way of grandfathering. Using Google Earth to view the area through previous years the driveway appears to be rubble, and gravel. Russell: Our reason for confusion stems from when we went to conservation in 2021, a gentleman said no hard scape driveway. What about railroad ties?; He did not like that idea. This house has been there since 1934. My parents raised the house over 6' after the 78 storm. Another Commissioner: I see vegetation and rocks. What does the WPA want you to do? It's not a repair or replace. Parking was on "existing conditions". Russell states there once was an asphalt driveway. The Commission requests evidence of an existing driveway. Another Commissioner: Please install erosion control in the meantime. Russell: I believe that there should be some answers also. Commissioner: We require pictures of what was there. File an NOI. The Commission will research the regulations for this area as to what may be done here. In the meantime install erosion controls. IM: Any deadlines? Commissioner: Request erosion control installed within 1 week and NOI within 1 month.

Motion to request erosion control in a week and a NOI filed in a month by LS, 2nd by KJ. Roll call TB-aye, KJ-aye, LS-aye, PP-aye, SC-aye.

5. New Business & Inquiries

- a. Straits Pond WQ Project support letter- Our Dept. is working with Cohasset and Hingham addressing water quality (WQ) issues with Straits Pond. The SP Technical Advisory Committee helped guide and form water quality strategies by increasing the tide gates. It has resulted in some unintended consequence south of the tide gates, such as eroding the marsh system (immediately to the west of the tide gates). CK: (Annual) midge swarms appear in the spring and fall, and dense algae mats accumulate during the summer months. CZM has a new grant program to help communities develop comprehensive restoration plans. We are submitting a joint grant with Cohasset to evaluate nutrient loading in the pond as part of developing a restoration plan. Our Dept. is asking the Commission to

submit a letter of support. Letter of Support shown for Commissioners to read. Commissioner: Can they tell if it's (nutrients) from fertilizer? CK: Not definitively, but based on a DEP nutrient loading model using loading coefficients based on land use. Members of the National Estuary Program (Mass Bays) is meeting at tide gates tomorrow. Good opportunity to work with Cohasset. Chair will sign letter of support.

b. Meeting Schedule: 2nd & 4th Tuesdays of each month. Commission will review for next meeting.

6. Minutes

a. Consideration for approval of Draft Minutes – April 25, 2023, May 9, 2023.

Motion to accept the minutes of 4/25 as amended by LS 2nd by SC. Roll Call: KJ-aye, LS-aye, PP-aye, SC-aye, TB-aye.

Motion to accept the minutes of 5/09 as amended by LS 2nd by SC. Roll Call: LS-aye, PP-aye, SC-aye, TB-aye, KJ-aye.

Meeting minutes for 5/23/23 were discussed but not approved and required further edits.

Commissioner Best is unable to attend the following Commission meeting on June 27th.

7. Adjourn 9:15 Motion by LS 2nd by SC. Roll Call: PP-aye, SC-aye, TB-aye, KJ-aye, LS-aye.