



HULL CONSERVATION COMMISSION

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Hull, MA 02045

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TUESDAY, December 15, 2020
(held remotely via GoToMeeting)

Members Present: Paul Paquin, Sean Bannen, Paul Epstein, Tammy Best, Jennifer Stone, Lou Sorgi
Members Absent: None
Staff Present: Chris Krahforst, Conservation Administrator, Sarah Clarren, Assistant Conservation Administrator
Staff Absent: None
Minutes: Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll-call **vote** of 6-0;
Best – aye, Bannen – aye, Epstein – aye, Sorgi – aye, Paquin – aye, Stone – aye;
It was **voted** to: Approve the Minutes of December 1, 2020

6:00 Call to order with the following roll-call; Best – aye; Bannen – aye; Epstein – aye; Paquin – aye, Sorgi – aye; Stone not yet present.

Paquin read aloud the charges of the Conservation Commission.

6:10 54 O St Map 15/Lot 159 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Fran Tosches** for work described as **permeable pavers replacing gravel driveway**

Representatives: No one present

Abutters/Others: No one Spoke

Documents: "54 O St Work Area Plan" – 12/10/2020

The Commission relayed that after visiting the site, they have no concerns. C. Krahforst relayed that a portion of the work may fall on Town property and the property owner should coordinate with DPW.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 6-0;

It was **voted** to:

Close the Public Hearing and have the Department issue a Negative Determination of Applicability.

Paquin – aye

Sorgi – aye

Stone – aye

Best – aye

Bannen – aye

Epstein – aye

6:13 65 J St., Map 15/Lot 079 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Joseph Basler** for work described as **install equipment pad for backup generator and new gas pipe below ground.**

Representatives: No one present

Abutters/Others: No one spoke

Documents: "65 J St Assessors Map" – 12/10/2020

"Figure 1" – n.d.

C. Krahforst noted that although the agenda indicates that a new gas pipe is proposed, that is not the case. The Commission noted that they saw a concrete pad onsite, but it is likely not high enough. The Commission expressed concern on how such projects are constructed and if there is a way to ensure they are constructed properly. C. Krahforst relayed that utility platforms need to be constructed in accordance with FEMA regulations. The Commission asked who enforces FEMA regulations and asked the Department to provide more information for the next hearing. C. Krahforst relayed that he will try to get an answer.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 6-0;

It was **voted** to:

Close the Public Hearing and have the Department issue a Negative Determination of Applicability.

Sorgi – aye

Stone – aye

Best – aye

Bannen – aye

Epstein – aye

Paquin – aye

6:20 67 Pt. Allerton Ave., Map 10/Lot 005. (SE35-1591) Opening of a Public Hearing on the **Notice of Intent** filed by **Deborah Lincoln** for work described as **raze existing home.**

Representatives: Debbie Lincoln

Abutters/Others: No one spoke

Documents: "ANR Plan" – Nantasket Survey Engineering, LLC – 9/23/2020, annotated

D. Lincoln relayed that they are seeking to demolish the existing home and have received approval to divide the lot [from the Planning Board]. The Commission expressed concern over the proximity of the structure to the property lines and the coastal bank and asked if there was a narrative or description on how the work would be done. D. Lincoln relayed that she submitted a narrative to which the Department relayed that one is not in the file. The Commission determined that they could condition the project sufficiently to protect the resource areas without reviewing the narrative. They relayed that the narrative would have to be submitted to the Department prior to the issuance of an Order. The Commission asked if the driveway and walkway would remain, to which D. Lincoln said they would be removed.

Six Special Conditions were added as follows:

1. Prior to demolition, the top of the coastal bank and the property lines shall be staked.
 2. Prior to demolition, a narrative detailing timelines, equipment used, and debris removal for all work shall be submitted to the Conservation Department for review. The Department shall be given the opportunity to put any additional conditions on the work in order to protect the natural resources.
 3. No heavy equipment is allowed on any other property, nor within 10' of the northern property boundary, nor the top of the coastal bank.
 4. All demolition materials will be removed from the property and legally disposed of outside of the Town of Hull.
 5. No materials shall be buried onsite.
 6. Erosion controls shall be maintained in good working order until the area is stabilized.
- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 6-0;
It was **voted** to:

Close the Public Hearing and **approve** the Order of Conditions.

Stone – aye

Best – aye

Bannen – aye

Epstein – aye

Paquin – aye

Sorgi – aye

6:36 12 O St., Map 14/Lot 106 (SE35-1592) Opening of a Public Hearing on the **Notice of Intent** filed by **Pat Shaffer** for work described as **replace existing 3 season room with 3 new footings**.

Representatives: Pat Shaffer

Abutters/Others: No one spoke

Documents: "[2 pictures of pre-existing 3 season] – n.d.

"12 O St Work Area Plan" – 12/10/2020

"12 O St 1 Floor Framing" – n.d.

The Commission noted that during site visits, they saw that the addition had been removed and there was a wooden platform in its place. P. Shaffer relayed that the pre-existing 3-season room wasn't on a foundation and when B. Kelly (Building Commissioner) inspected it, P. Shaffer was told to demolish the structure and that a new 3-season room would have to be permitted through the Commission. The Commission said that the property is in a resource area and therefore demos and constructions should be permitted. P. Shaffer relayed that he understood and that the project would simply replace the pre-existing 3-season room and would be the same size and footprint.

One Special Condition was added as follows:

- 1) No expansion of the footprint is allowed.
- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 6-0;
It was **voted** to:

Close the Public Hearing and **approve** the Order of Conditions.

Best – aye

Bannen – aye

Epstein – aye

Paquin – aye

Sorgi – aye

Stone – aye

6:30 4 Touraine Ave., Map 22/Lot 032 (SE35-1590) Continuation of a Public Hearing on the **Notice of Intent** filed by **Sean Stewart** for work described as **removal of an existing 700+SF dwelling and construction of a new 1648 SF residence**.

Representatives: Sean Stewart

Abutters/Others: No one spoke

Documents: "Plot Plan" – C & G Survey Company – 7/8/2020

"Architectural Site Plan" – Sean Stewart – 9/1/2020

S. Stewart relayed that since the last hearing, they have obtained a DEP number. C. Krahforst relayed that per MassGIS Oliver, a portion of the property may fall under Ch. 91 jurisdiction and prior to beginning work, the applicant will need to check in with DEP Waterways to confirm if that is accurate and if it is, they need to obtain a license.

1. All demolition materials will be removed from the property and legally disposed of outside of the Town of Hull.
 2. No materials shall be buried onsite.
 3. Erosion controls shall be maintained in good working order until the area is stabilized.
 4. A portion of the property may reside within the jurisdiction of the Waterways Regulation Program and may require a Chapter 91 License. Prior to any work, the applicant or owner must provide evidence if this is or is not needed. If a Chapter 91 License is required, the applicant or owner must obtain a valid Chapter 91 license prior to beginning any work.
 5. The approved plans contain a gravel driveway. Said driveway shall be permeable and shall be maintained to ensure its permeability in perpetuity. This condition is ongoing and will not expire at the end of three years, nor with the issuance of a Certificate of Compliance.
 6. Although drywells and downspouts are not illustrated on the plans of record, roof downspouts discharging to drywells shall be installed. Said drywells shall be maintained per their specifications in perpetuity. This condition does not expire at the end of three years, nor with the issuance of a Certificate of Compliance.
- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 6-0;
It was **voted** to:

Close the Public Hearing and **approve** the Order of Conditions.

Best – aye
Bannen – aye
Epstein – aye
Paquin – aye
Sorgi – aye
Stone – recused

6:55 0 George Washington Blvd., Map 37/Lot 002 (SE35-1561) Continuation of a Public Hearing on the Notice of Intent filed by **William Smyth** for work described as **after-the-fact clearing of vegetated area to be used for temporary auxiliary parking**.

Representatives: Chris Iannuzzi

Abutters/Others: Susan Short Green

Documents: "Existing Conditions Plan" – Nantasket Survey Engineering, LLC – 1/10/2018 (annotated 2020)

C. Iannuzzi relayed that since the last meeting, the applicant has engaged Lucas Environmental to provide detail with former existing conditions so they can provide a complete Stormwater Report. He then noted that this area will become part of a larger scale development and any potential form of mitigation they put forth in a narrative will essentially be null and void because they will be following it up with a larger project which will include more elaborate mitigation and the paving of the entire area. He said that the applicant is working with DCR on permits for the future development. C. Iannuzzi said that progress has been slow on this NOI because people are busy, but again, they have engaged Lucas Environmental to work on pre-existing conditions. C. Iannuzzi then requested a continuance.

A Commissioner expressed concern and said they are against another continuance. They relayed that winter is coming and in past winters, the area has flooded and if that happens again, it may impact the area. They said that the area should be stabilized. They noted that, as in all other after-the-fact projects, they consider if they would've allowed it and indicated that they wouldn't have. They indicated that the entire area should be revegetated and should not be used as parking. C. Krahforst relayed that this filing came about after the Department issued a non-compliance letter regarding unpermitted clearing of vegetation at 0 GW Blvd and unpermitted work at 189 Nantasket Ave. He added that the NOI was filed in June and the Commission is being told that the project is changing. C. Iannuzzi relayed that it is his understanding that they will resolve the non-compliance matters with the Commission. He said that Lucas Environmental is working on gathering pre-existing conditions which will be compared to the non-compliance letter. He relayed that he has not seen a restoration plan and it will take time between Lucas Environmental and EBI Consulting. Another Commissioner expressed concern over the lack of progress on the NOI and said that the devegetation is causing erosion and barriers should be placed onsite. C. Krahforst relayed that erosion barriers have been installed. Another Commissioner expressed frustration that after 6 months, a plan still has not been provided and presented. A different Commissioner agreed. Another Commissioner said that because the plan is allegedly changing, the NOI is essentially no longer accurate. C. Krahforst relayed that if the Commission denies the NOI, it leaves the letter of non-compliance hanging and again noted that erosion control has been installed. A Commissioner noted that the FEMA Flood Zone is AO and may not be a good spot for parking, but again, noted that no accurate plan has been provided and the representative is now saying the goal of the project has changed; the Commission needs to protect the resource areas. C. Iannuzzi said that they are working on a Stormwater Report, a narrative, calculations, and some mitigation, which was not included in the original application. The Commission responded by saying that Iannuzzi has relayed that the intent of the eventual project would be to pave the lot and do further development of an unknown size, which goes above and

beyond the NOI. Iannuzzi suggested that by continuing the hearing, it would allow time to provide preliminary plans and indicated that they are far along with the other development plans.

S. Short Green relayed that the Commission requested information, including a Stormwater Report, months ago and one still has not been developed. She then reiterated a Commissioner's earlier concern about using such a site for parking.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 5-0 (Stone recused);
It was **voted** to:
Close the Public Hearing and **deny** the Order of Conditions as the site was vegetated and is located in a high-flow area. By de-vegetating the large site, the area has been left vulnerable to erosion and reduces storm damage prevention.
Bannen – aye
Epstein – aye
Paquin – aye
Sorgi – aye
Stone – recused
Best – aye
- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 6-0;
It was **voted** to:
Issue an Enforcement Order requiring the revegetation of the area and ensure erosion control methods are in place and remain in good working order. Issuance of fines to be considered at a later date.
Epstein – aye
Paquin – aye
Best – aye
Sorgi – aye
Stone – aye

The Commission took a brief recess.

7:45 9 Main St., Map 06/Lot 159 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by the **Town of Hull** for work described as **regrade existing library gravel parking area along Mt. Pleasant Ave.**

Representatives: Chris Krahforst, Town of Hull

Abutters/Others: No one spoke

Documents: "Work Area Hull Public Library –12/2/2020

C. Krahforst presented the project. He relayed that Mt. Pleasant has been resurfaced. There is a pre-existing parking area for the library which is lower than the street; DPW is requesting to fill in the holes. A Commissioner relayed that they saw erosion onsite and asked if crushed stone is proposed. C. Krahforst relayed that the DPW requested to fill with like-material. Another Commission relayed that they thought the erosion was coming from uphill runoff.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 6-0;
It was **voted** to:
Close the hearing and **issue** a Negative Determination of Applicability.
Epstein – aye
Paquin – aye
Sorgi – aye
Stone – aye
Best – aye
Bannen – aye

6:48 A St. Dune and Ramp Project, Map 19 (SE35-1549) Continuation of a Public Hearing to **amend the Order of Conditions** filed by the **Town of Hull** for work described as **update ramp foundation plan and relocate infiltration basin.**

Representatives: Chris Krahforst, Town of Hull

Abutters/Others: No one spoke

Documents: "Sheet C.03" – Kleinfelder – 5/2020

"Sheet S.01" – Kleinfelder – 12/11/2020

C. Krahforst presented the project as described above. He relayed that a key element of the change is the infiltration basin was placed seaward of the ramp, but as the area is subject to erosion, that is not an ideal location. The proposed change would locate it on the street side and make it compatible with stormwater standards. Additionally, the ramp would be on a driven pile foundation. He added that construction needs to be completed prior to the shorebird nesting season, so the construction schedule is tight.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and the below roll call **vote** of 6-0;
It was **voted** to:
Close the hearing and have the Department **Issue** Amended an Order of Conditions

Paquin – aye
Sorgi – aye
Stone – aye
Best – aye
Bannen – aye
Epstein – aye

Certificate of Compliance Requests

1066 Nantasket Ave (SE35-1515): P. Epstein **Motion**, S. Bannen **2nd**, following roll-call vote of 5-0; Epstein – aye, Paquin – aye, Sorgi – aye, Bannen – aye, Stone (recused), Best – aye; have the Department issue CoC.

179C Samoset (SE35-1505): The Commission said that on site visits, they saw new fences that are directly on the ground, but that is separate from the Order. P. Epstein **Motion**, S. Bannen **2nd**, following roll-call vote of 6-0; Sorgi – aye; Stone – aye; Best – aye; Bannen – aye; Paquin – aye; have the Department issue CoC.

96 Nantasket Rd (SE35-1551): The Commission noted that the site contains a new fence and the stairs have changed. The Commission requested that the applicant file for an Amendment for the changes.

7 Vernon Ave (SE35-1492): The Commission began by stating that on their site visit, they noticed multiple discrepancies from the approved plan. The Commission then reviewed the as-built which was received after their site visit, a letter regarding the changes from the approved plans submitted by the surveyor, a letter from an abutter, photographs of the site, and the Special Conditions listed in the Order of Conditions. The Commission asked if there is any additional information regarding the dimensions of the required vegetated buffer because as it exists now, it does not extend the length of the property. C. Krahforst relayed that the special condition does not include any other specifications and suggested that moving forward, conditions include more detail. A Commissioner relayed that the condition specifies the vegetated buffer needs to be along the rear of the property and the plantings do not expand the entire length; therefore it is not sufficient. The Commission then relayed that they did not see evidence that the conditioned drywells were installed and that if they were, proof should be provided. The Commission then relayed that there were other deviations including installation of an asphalt driveway instead of the proposed permeable one, larger driveway, a larger deck, propane tanks, change in the location of a walkway, and a retaining wall; the Commission concluded that these deviations are significant and the applicant should request an Amendment to their Order of Conditions. No further action on the Request for a CoC.

Continued and New Business

Meeting Schedule: P. Epstein **Motion**, S. Bannen **2nd**, following roll-call vote of 6-0; Bannen – aye, Epstein – aye, Paquin – aye, Sorgi – aye, Stone – aye, Best – aye; approve Meeting Schedule.

27 Beach Ave summons: C. Krahforst relayed that the Department received a summons regarding 27 Beach Ave. No further discussion.

(new) Commissioner Appointments: A Commissioner asked what the status of the interested candidate is, to which C. Krahforst relayed

(new) Covid-19: C. Krahforst relayed that the Department (and Town Hall) will be staffing the office in shifts for the foreseeable future. Krahforst will be in the building Wednesdays/Thursdays and Clarren will be in Monday/Tuesdays.

(new) Condo Agreement: A Commissioner asked the status of the condo agreement requiring the removal of cars in coastal storms. Krahforst relayed that he'd follow up.

(new) Marginal Rd: A Commissioner provided pictures showing the amount of flooding during a recent storm event on a site recently reviewed by the Commission. The Commissioner expressed concern and suggested that they find a way to ensure cars do not sit in salt water.

(new) Wayfinding Signs: C. Krahforst relayed that the Planning Department is interested in placing wayfinding signs throughout the Lower Peninsula. The Commission determined that signs would have such a minor impact on the resource areas, no permitting is needed.

(new) DCR generator: C. Krahforst provided an email requesting permission to conducting utility trenching, with temporary disturbance. The Commission determined that no permitting is needed as it falls under an existing Order for an Operation and Maintenance Plan for the Nantasket Beach Reservation.

Violations and Compliance issues

(new) 125 Main St: C. Krahforst provided a brief update, relaying that the prior week a Superior Court judge granted an extension to 1/1/21.

8:44 Upon a **motion** by P. Epstein and **2nd** by L. Sorgi and the below roll call **vote** of 5-0;

It was **voted** to: Adjourn.

Best – aye
Bannen – aye
Epstein – aye
Paquin – aye
Sorgi – aye
Stone – aye