

TOWN OF HULL
CONSERVATION COMMISSION
Meeting Minutes
July 11, 2023

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

Members Absent:

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:None

Abutters/Public:None

Documents: Proposed boring site.

Commission: Are there any updates for the commission? IM: Since our last hearing one boring was drilled and then subsequently filled. We are working with the applicant to mitigate any further erosion of the coastal bank. Commissioner: The boring location ended up being closer to the road than what was depicted on the plan. IM: Yes. Commissioner: Any updates from GZA. IM: No new information to present to the commission from GZA. Commissioner: Has there been any enforcement orders issued about the mitigating stormwater runoff? IM: None issued. CK: We spoke to Fitzgerald, his consultants, and GZA; we were hoping that actions to prevent erosion were in place today with all the rain we have been experiencing. The homeowner was not comfortable placing tarps or plywood on the top of the deck because of the risk associated with high winds. They will be reaching out to DPW to make sure that the discharge location is acceptable. GZA will need between 2-3 weeks to finish their peer review.

Motion to Continue to 7/25 by LS, 2nd by SC. Roll call: SC-aye, PP-aye, LS-aye, KJ-aye, DD-aye, TB-aye.

- b. **14 Brewster Street. Map 19/ Lot 123 (SE35-1780) Continuation** 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).

Representative: none

Abutters/Public: none

Documents: Proposed plan

IM: The project was previously presented to the commission, although there was no DEP permit number assigned to the project. Proposed deck extension, concrete walkway removed and replaced with pavers.

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

114 Cadish Ave. Map 14/Lot 109 (SE35-1781) Continuation of a Public Hearing on the **Notice of Intent** filed by **Wayne & Judith Rawan** 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, pollution prevention, and flood control). **Site visits done: 6/22**

Representative: Wayne Rawan, Judith Rawan

Abutters/Public: Mary Mancini

Documents: Proposed Plan

WR: Since the last meeting, we have annotated our site plan. We moved the fence and the firepit out of (?) the chapter 91 jurisdiction, and we marked the plan more clearly. Mancini: Where will the fence be on the property line? Judith: It will most likely be 6" off the property line. Commissioner: Has the property line been marked by a surveyor? WR: Yes, the property line has been marked by stakes. Commissioner: What type of fence is going to be installed? Rawan: The fence will be a privacy fence.

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

- c. **7 Richards Road. Map 51/Lot 015 (SE35-1785) Opening** of a Public Hearing on the **Notice of Intent** filed by **Martha M. Clapp** for work described as: **Proposed garage, addition, and landscaping. Abutter Notification: proof provided. Resource Areas: Buffer Zone to Coastal Bank. ACEC (Weir River) Land Subject to Coastal Storm Flowage: AE 10'**. (Storm damage and pollution prevention, flood control). **Site visits done: 7/10 & 7/11**

Representative: Martha Clapp, Nancy Herbert, David Ray

Abutters/Public: None

Documents: Proposed plan

Commissioner: Is there anything different then what is depicted on the plan? Clapp: No changes to the site plan other than some landscape changes; I may plant elderberry or heather. I want to include native plants. Commissioner: We can see the location of the garage and the addition there is a straight line. What is that? Herbert: There is an 8 foot wide breezeway to the addition. There will be a paved area in between the garage and the house. Commissioner: Will landscaping include fill? No. Commissioner: On the site plan there is a 6 foot gravel area to launch kayaks. Commissioner: Does the commission feel that there will be an issue with the gravel? Another Commissioner: The area is heavily grassed. I think that the gravel will ~~say~~ stay in place and runoff should not be a concern to Straits pond. Commissioner: What kind of foundation is the garage going to have? Herbert: the garage is going to be built onto a concrete foundation; it does drop off 8 feet in the rear closest to Straits Pond. The stairs will run down the back. Commissioner: Are you filling in the garage? Herbert: The drop off will be close to the garage floor. Commissioner: What about runoff from the new garage? Herbert: Downspouts and dry wells can be installed. Ray: Please recognize that the proposed garage is 83 feet from the pond. Meaning, any runoff from the roof is going to have a great deal of time to infiltrate prior to reaching the pond. It is a heavy glacier till clay area, putting in drywells could prove to be an issue with overflowing. Commissioner: We still feel the dry wells would be beneficial to protecting the ACEC.

Motion to issue Orders of Conditions with the special condition that no fill be added except for the garage, and downspouts lead into a dry well by LS, 2nd by SC. Roll Call-KJ-aye, DD-aye, Tb-aye, SC, aye,

PP-aye, LS-aye.

- d. **14 Sumner Street. Map 28/ Lot 80 (SE35-1784) Opening** of a Public Hearing on the **Notice of Intent** filed by **Deborah Cannell** for work described as: **Renovate existing front porch, existing roof to remain. 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). **Site Visits done: 7/10**
Representative: Kyle Marder
Abutters/Public: none
Documents: Propped plan

KM: The project includes a new front porch that is going to be within the same foot print of what is currently there, we're keeping the roof. We will have to install four new footings for the porch.
Commissioner: Great, does the commission see any concerns with the project? Commissioners: No, this looks very straight forward.

Motion to issue orders of conditions with the Special condition that all debris be removed off site and out of town by LS, 2nd by SC Roll Call: DD-aye, TB-aye, SC-aye, PP-aye, LS-aye, KJ-aye.

- e. **25 Samoset Ave. Map 27/ Lot 97 (SE35-1777) Opening** of a Public Hearing on the **Notice of Intent** filed by **Susan Natale** for work described as: **Addition in rear of property approx 187 ft². 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).
Representative: none
Abutters/Public: none
Documents: Proposed plan

IM: 11x17 foot addition in the rear of the home. I believe that it is on a concrete foundation.

Motion to issue order of conditions by LS, 2nd by SC. Roll call- TB-aye, SC-aye, PP-aye, LS-aye, KJ-aye, DD-aye.

- f. **36 Ocean Ave. Map 3/ Lot 47 (SE35-1782) Opening** of a Public Hearing on the **Notice of Intent** filed by **James Russell** for work described as: **After the fact gravel 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 10'**. (Storm damage, pollution prevention, flood control). **Buffer to Salt marsh.**
Representative: James Russell
Abutters/Public: None
Documents: Plan, Site photo, historical photos driveway.

Commissioner: Are there any changes to the project since the last hearing? Russell: No change to the project. We installed straw bales and silt fencing. No gravel moved on Sunday during a rain event.
Commissioner: What we have here is a resource area, the salt marsh that needs protection; a man-made revetment appears to be directing over-wash to flow through the street and through the driveway. Commissioner: I have an issue with the after the fact driveway here. Specifically, in this instance where if this project was presented to the commission. It most likely would have been denied and we would not be in this scenario. Another Commissioner: I don't think that this is a long-term solution. Hay bales and the silt stocks are denying the marsh nutrients. Commissioner: Is it the citizen's responsibility to prevent the flooding? (Historical Photos shown). There was an asphalt type driveway previously. Commissioner: Even if the driveway was there historically there is now water

flows through the driveway and into the salt marsh. Another Commissioner: If there was an asphalt driveway here, materials would travel to the marsh. Commissioner: Neighbors say ~~in the past~~ something has changed with the berm across the street, the water used to go west and then pour into the dustbowl and percolate there. If the goal is to protect the marsh, this gravel driveway is not the main issue. Another commissioner: I don't think that the gravel belongs there. An asphalt driveway would also allow runoff to enter the marsh. Commissioner: The gravel should be removed; a vegetated cover might be preferable. Commissioner: There are other materials like pavers or larger stone that allow for a firm surface. Commissioner: I agree, although it doesn't solve our macro problem. Commissioner: I don't think we treat other applicants concerning water that comes from the street. We ask them to contact DPW. CK: I think that the area is revealing itself as a vulnerable area. There has been a change from what has been the case in the past. Commissioner: We're discussing a bigger issue in regards to sea level rise impacts than what we are dealing with this gravel driveway. The rocks don't belong there. There are other ways to fix the driveway. My opinion is not issue orders of conditions, issue a non compliance. The applicants are then to come with a new NOI. The applicant can amend the NOI. Commissioner: It is stable the way it is, what about leaving it until another solution. What about it being DPW's job to keep water off of people's property? Commissioner: Is it over wash or stormwater? I believe that it is stormwater. If the applicant is to remove the gravel, and replace the driveway with large cobbles the water will still be able to keep moving through to the salt marsh. Another Commissioner: I think that the berm across the street has changed. Sewage work was done there and it appears something has been done to increase water to this area. Commissioner: The remediation to mitigate the gravel from going into the salt marsh is there, we can do another site visit. Another Commissioner: Are we sure that the rocks are not on the other person's property? Commissioner: If you look at photos from 2010, there used to be an 8 foot trench behind the wall and now it is filled with crushed stone. Russell: All 4 houses have a gravel driveway. CK: I think that it's important to stay focused on the NOI, are they permitted to do what they proposed. Following the regulations can this be permitted? Can you please read the project description? IM: It is an after the fact gravel driveway. Russell: I would not ignore the commission. I went to the commission over a year ago. He said no tar driveway. He said I don't know. Paul Gratta did the driveway and I asked him. Would I be better off replacing it with a tar driveway or just dirt? Commissioner: I feel pretty strongly that this is a macro problem and we should look to continue this hearing. The applicant requested a continuation until July 25, 2023

Motion to issue a continuation until 7/25 by PP, 2nd by SC. Roll call: SC-aye, PP-aye, LS-aye, KJ-aye, TB-aye, DD-aye.

- g. 40A H Street. Map 16/ Lot 144A (SE35-1783) *Opening* of a Public Hearing on the Notice of Intent filed by Mark St. John for work described as: **Replace concrete walkway with pavers and install paver patio in the rear. 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).**
- Representative:** Mark St. John
Abutters/Public: none
Documents: Proposed Plan

Commissioner: Are there any changes to the site plan that we should be aware of? St.John: No changes to the plan. Looking to remove the concrete walkway in the front of house, remove the paver patio in the rear of the house and install a new patio. Commissioner: the drawing should be marked to show the entire area of the paver patio.

Motion to issue order of conditions by LS, 2nd by SC. Roll Call: PP-aye, LS-aye, KJ-aye, DD-aye, TB-aye, SC-aye.

3. Certificate of Compliance

a. 565 Nantasket Ave (SE35-1701)

IM: Extended porch in the rear.

Motion to issue a certificate of compliance by LS2nd by SC. Roll call: LS-aye, DD-aye, TB-aye, SC-aye, PP-aye

b. 154 Cadish Ave (SE35-1642)

Commissioner: Are the stairs where they belong? IM: The stairs match on the As-Built that was provided earlier today. Commissioner: How is this cottage and not a second home? Another Commissioner: Not a Conservation issue.

Motion to issue a certificate of compliance by LS, 2nd by SC. Roll Call: KJ-aye, DD-aye, TB-aye, SC-aye, PP-aye, LS-aye.

4. Violations and non compliance

- a. 126 Newport Ave-IM Additional fill and landscaping. We have issued a cease and desist.
- b. 9 Manomet Ave. Town manger did not issue a license. They are on the agenda in 2 weeks. COC request before the commission and asked the applicant to go to the town manager. What does all this mean? Please clear up. (Applicant installed pavers into the abandoned RR while working within a WPA permit: SE35-1444. This work was not part of the permit. Applicant applied for a COC – and an RDA for shed 7/12/22. Commission referred applicant to Town Manager to seek a license, which was not granted. See letter from P. Lemnios dated 6.27.23)
- c. 547 Nantasket Ave, New house fill up against the fence. We will check for non compliance and proceed.

5. New Business & Inquiries

- a. Approve July-December 2023 Meeting Schedule.
Motion to accept one meeting Aug by LS 2nd by TB Roll call: DD-aye, TB-aye, SC-aye, LS-aye, PP-aye, KJ-aye
- b. Black Swallow Wort & Japanese Knot Weed (Q St).
IM: We have received calls from residents about removal. Would we allow DPW, or residents to remove the plants? Commissioner: We've had residents remove it improperly. What is the update to the test area? CK: It is more than a dune issue, but a systemic issue. There is a ground swell issue. We are looking at a town wide application; we're required to engage a professional. Commissioner: Publish something in the Hull Times on education?

6. Minutes

- a. Consideration for approval of Draft Minutes – June 13, 2023 & June 27, 2023
Motion to approve the 06/13 minutes as amended by LS 2nd by SC Roll call: LS-aye, DD-aye, TB-aye, SC-aye, PP-aye.
Motion to approve the 06/27 minutes as amended by LS 2nd by SC. Roll call: PP-aye, LS-aye, DD-aye, TB-aye, SC-aye
8:15 KJ left meeting.

- 7. 8:19PM Motion to Adjourn by LS, 2nd by SC. TB-aye, SC-aye, DD-aye, LS-aye, PP-aye.