



## HULL CONSERVATION COMMISSION

253 Atlantic Avenue, 2<sup>nd</sup> floor

Hull, MA 02045

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**TUESDAY, February 11, 2020**

**Members Present:** Paul Paquin, Chair, Paul Epstein, Lou Sorgi, Jennifer Stone  
**Members Absent:** Tammy Best, Sean Bannen  
**Staff Present:** Chris Krahforst, Conservation Administrator; Sarah Clarren, Assistant Conservation Administrator  
**Minutes:** Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 5-0;  
It was **voted** to: Approve the Minutes of January 28, 2020 as amended.

**7:30** Call to order

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

**7:30** Call to order

**7:35** **5 Massasoit Ave., Map 25/Lot 150. Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Dennis Concepcion** for work described as **build new stairway in rear with 2 landings and 4 footings.**

Representatives: Dennis Concepcion

Abutters/Others: no one spoke

Documents: "Mortgage Inspection Plan" – Roney, Moran, & Tivnan – 11/1/2019

The Commission noted that 8 footings are proposed instead of 4. Concepcion annotated the plan and application to state such. Commission reminded applicant that his property is located in the floodplain and is subject to the WPA. Therefore, before conducting any future work, he should contact the Conservation Department to determine if a permit is needed.

- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 4-0;

It was **voted** to:

**Close** the Public Hearing and **issue** a Negative Determination of Applicability; the Determination of Applicability was **signed**.

**7:40** **76 A St., Map 19/Lot 41. Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Danielle Deeb** for work described as **replace existing wood fence with new; add new section.**

Representatives: Danielle Deeb

Abutters/Others: no one spoke

Documents: "Existing and Proposed Shed Plan" (ann. 2/11/20) – Nantasket Survey Engineering, LLC – 12/19/18

D. Deeb described the project as stated above. She said that they are working on permission from the neighbors, to which the Commission relayed that they are unable to grant permission to do work on someone else's property. D. Deeb said that the project would involve replacing only what is currently on her property with one new section; the plan was annotated to show further detail. The Commission asked what type of fence would be used to which D. Deeb said a PVC fence with openings for the wind. The Commission noted that the fence will need to be 50% flow through for water and that it needs to be 6" off the ground, to which D. Deeb agreed.

- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 4-0;

It was **voted** to:

**Close** the Public Hearing and **issue** a Negative Determination of Applicability; the Determination of Applicability was **signed**.

**7:49** **146 Samoset Ave., Map 21/Lot 079. Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Thomas Swenson** for work described as **Install 14'x20' Shed.**

Representatives: Thomas Swenson

Abutters/Others: no one spoke

Documents: "Mortgage Inspection Plan" – New England Land Survey – 11/21/2019

T. Swenson described the project as stated above. He stated that the shed currently onsite would be removed and a larger, elevated one on sonotubes would be installed in its place.

- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 4-0;

It was **voted** to:

**Close** the Public Hearing and **issue** a Negative Determination of Applicability; the Determination of Applicability was **signed**.

**7:52 36 Nantasket Ave., Map 49/Lot 034. Continuation of a Public Hearing on the Request for Determination of Applicability filed by Paul Gratta to determine if whether this area is subject to jurisdiction of the Wetlands Protection Act.**

P. Gratta asked the Commission to continue this hearing at a later time in the evening as he was still waiting on his engineer. The Commission agreed.

**7:55 45 Hull Shore Dr. Map 33/Lot 001C. Opening (SE35-1526) of a Public Hearing on the Notice of Intent filed by Nantasket Hotel Owner, LLC for work described as site improvements to existing developed areas within LSCS, including replacement of asphalt areas with concrete pavers, a timber framed canopy structure, additional landscaping and new stormwater filter strips.**

Representatives: Matt Grosschedl

Abutters/Others: no one spoke

Documents: "Proposed Site Plan for NOI at 45 Hull Shore Drive in Hull, MA" – Outback Engineering, Inc. – 11/21/19  
"Landscape Plan" – Sean Papich, Landscape Architecture – 1/28/2020

M. Grosschedl provided proof of mailing at the hearing. He stated that the area has already been developed and the project includes removing the parking area and replacing with paver blocks and vegetation. The project would also include construction a timber canopy structure. He relayed that in total, there would be a net reduction in impervious area, that filter strips would collect runoff from the canopy roof, and an existing catch basin collects all water from parking area. The Commission asked if there would be any grading to which M. Grosschedl said there would be some; the filled areas would be cut down so everything is graded to the catch basins.

A Commissioner noted that the area in between buildings acts like a wind tunnel during wind events. M. Grosschedl said that the canopy is seasonal and would be removed during the winter. Another Commissioner noted that some of the proposed work is over the property line to which M. Grosschedl said that they are working with DCR on written approval.

M. Grosschedl said that the landscaping will be beach grass and that a privacy screen is proposed to run along the property line to the retaining wall. The Commission expressed concern over a solid privacy fence given that the property is in an AO Flood Zone. After discussion, the Commission determined that a staggered, alternating slatted fence could be allowed as long as it provides for 50% flow through and is a minimum of 6" off the ground (or per building code).

Three Special Conditions were added as follows:

- 1) A gap of 6' shall exist between grade and the privacy fence panels to allow unimpeded flow of flood waters.
- 2) The privacy fence shall be 50% flow-through, using a staggered board design as shown in the Plan of Record.
- 3) Access permit from DCR must be obtained prior to work commencing under this Order of Conditions.

- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 4-0;

It was **voted** to:

**Close** the Public Hearing and **approve** the Order of Conditions. The Order of Conditions was **signed**.

**8:15 36 Nantasket Ave., Map 49/Lot 034. Continuation of a Public Hearing on the Request for Determination of Applicability filed by Paul Gratta to determine if whether this area is subject to jurisdiction of the Wetlands Protection Act.**

Representatives: Paul Gratta (owner); Caitlin Nover (BETA Group); Joseph McLaughlin (BETA Group)

Abutters/Others: Karris North, Dick Avery, Tom Bell, Vin Dunn, Rob Gilman, Betsy Gilman (Straits Pond Watershed Association)

Documents: "Figure 3 Environmental Resources Map" – BETA Group, Inc. – n.d.

"Figure 2 Site Plan" – BETA Group, Inc. – n.d.

"36 Nantasket Ave Resource Delineations" – n.d. (new)

"Statement of the SPWA on the Application HUB Construction" – SPWA – 1/28/20 (new)

"Civil Action No. 98-6292C" – Superior Court – 3/19/2001 (new)

C. Krahforst said at the last hearing the resources weren't shown on the same map as the area where activity would be and therefore the hearing was continued. C. Nover said that on Jan 13<sup>th</sup> she submitted revised figures, including a revised delineation sketch (containing the wetlands line that she flagged on MassGIS Oliver). She added that she recently discovered a layout of the facility from their 2018 application, which was submitted earlier in the day.

J. McLaughlin of BETA Group said that the block wall is the limit of the activity. C. Krahforst followed up by stating that what is before the Commission is if the area of recycling operations is within the jurisdiction of the WPA. With that in mind, he showed the Commission a map which was created using data layers from MassGIS which contains the line of the ACEC and adds a 100' buffer, to which C. Nover of BETA questioned if a 100' buffer for an ACEC is a jurisdiction. C. Krahforst stated that there is no 100' buffer to an ACEC in the WPA, but the WPA designates 100' as a buffer for multiple resources and therefore included it for reference, especially considering that anything proposed in an ACEC allows for greater scrutiny during the permitting process. J. McLaughlin said that the recycling on site has been permitted by DEP and it is an existing business; they are just asking the Commission to review and determine if the facility is within an area

subject to the WPA. J. McLaughlin said that the business includes accepting brick, asphalt and concrete and then crushed into recycling. C. Krahforst noted that there are clearly activities that extend past the areas, but it was questioned if those activities are part of the recycling business.

K. Norris of 146 Atlantic Ave said that she was present on behalf of SPWA. She relayed that the SPWA submitted comments and another map of the resource areas of the site. She expressed concern of the operations on the site and said that it is important to delineate resource areas and the area in question. She then stated that the SPWA doesn't believe the documentation included in the filing is sufficient for the Commission to make a determination as there isn't a delineation that has been overlaid on a surveyed map that is stamped and certified by an appropriate professional. A Commissioner noted that it is usual practice to include a central plan that includes the property and all resource delineations. A Commissioner questioned if a delineation was provided, to which C. Nover said that she did a wetland delineation evaluation which was provided in the RDA. She said that she's flagged the wetlands twice and based on field visits and the distance between the flagged wetland line to retaining wall (limit of recycling operation), it is their opinion that a survey plan would be beyond the scope of what they're asking the Commission to determine.

K. Norris said that they believe that the activities are occurring within ACEC and within 100' to the bvw and expressed concern of other activities onsite which appear to encroach into the wetlands over time, per historical photographs. She then expressed concern that the site may not comply with the Town of Hull's Stormwater Bylaw.

T. Bell of Cohasset and member of the SPWA presented an alternative map of the resource areas. He said that DEP and GIS layers available on Oliver are not valid for permitting process and the applicant's representative included them in the plans for this filing. He said that he disagrees with the boundary of the ACEC, to which McLaughlin of BETA Group said that the founding documents of the Weir River ACEC designate the limit of the ACEC in the area is the MHW. T. Bell said that the ACEC boundary needs to be delineated on the plan. C. Nover said that the ACEC isn't a resource protected under the WPA and therefore is irrelevant in discussion for the application. T. Bell then stated that per the WPA, the pond has a 200' buffer as it is riverfront area, to which C. Krahforst disagreed. He noted that 10.58 of 310CMR says that where rivers flow through lakes or ponds, the Riverfront Area stops at the inlet and begins again at the outlet. Ponds and lakes are considered as such based on designations in USGS topographic maps. Straits Pond is designated as a pond on the USGS topographic map of the area and therefore, per the regulations, the 200' buffer of a Riverfront Area doesn't apply. He said that he re-confirmed that analysis when he spoke with Greg DeCesare of DEP. K. Norris said that she believes there is a colorable argument provided in a court case which the riverfront buffer extends through a pond and she will pull the court case.

T. Bell expressed concern that everything onsite will and does drain into Straits Pond and needs to be accurately mapped and permitted. He said that application is unclear as to what wetlands exist in onsite, specifically the area the application is requesting the Commission to determine if there is WPA jurisdiction or not. He reiterated that resource areas need to be delineated and a plan stamped by a wetlands scientist. Vincent Dunn of Cohasset and the SPWA submitted a contempt action (legal case) which required a survey be done of the site and suggested that said survey should be included in the file. He added that paragraphs 5, 6, & 7 of the Action refer to wetlands onsite and therefore the Commission should take it into consideration. He noted that the Action says the site is within areas subject to the WPA. R. Avery noted that the pond varies in height throughout the year and therefore its buffer zone is subject to change. K. Norris again suggested a new delineation be prepared and presented to the Commission as the SPWA disputes the resource areas. C. Nover responded by stating that the delineation sketch is the delineation of the resource areas. She agreed that there is another wetland area, but it is isolated and therefore isn't protected by the WPA.

P. Gratta said that the site has been permitted through DEP. C. Krahforst said that the delineation provided appears to be more than 100' from the activity area, to which members of the SPWA said that the petitioner needs to provide further, adequate evidence to prove such. A Commissioner said that they've reviewed the documents provided, have visited the site and believes the area in question to be outside of the WPA jurisdiction. Another Commissioner expressed concern over the documentation that has been provided and restated that one plan showing the areal limits of the activities associated with recycling business and all resource areas be provided. Other Commissioners agreed. C. Nover of BETA said that they have GIS equipment and can map the wetlands flags and provide an overall plan, stamped by the appropriate experts. K. Norris noted that MGL requires that a licensed land surveyor and licensed wetlands scientist need to stamp such a plan. Given the discussion, the Commission reiterated that they would like to see a new plan which shows 1) the property lines, 2) area of the ABC Operations, 3) all wetlands boundaries and, 4) such a plan needs to be stamped by the appropriate professionals.

- Upon a **motion** by L. Sorgi **2nd** by J. Stone and a **vote** of 3-0;  
It was **voted** to:

**Continue** the Public Hearing to March 10<sup>th</sup>, 2020 at a time TBD.

**9:35 125 Main St., Map 02/Lots 005 & 003. (SE35-1523) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Stephanie Aprea** for work described as **construct foundation and install boat house on new foundation.**

Representatives: Anthony Panebianco (attorney); Stephanie Aprea; David Ray (surveyor)  
Hull Conservation Commission February 11, 2020

Abutters/Others: No one spoke

Documents: "Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 11/18/19, last rev. 2/6/2020  
"Project Narrative" – n.d.

C. Krahforst said that since the last meeting, the Department received a project Narrative from the applicant's representatives. He noted that the narrative was received earlier this day and therefore there hasn't been adequate time for the Commission to adequately review. He suggested that the applicants walk the Commission through the narrative.

A. Panebianco said that at the previous hearing, the Commission expressed concern over a solid foundation, so the foundation plans have been revised to include 40 timber piles. Additionally, the proposed conditions plan now includes parking spaces and some other items that were raised by the Commission and the Planning Board for site plan review. The Narrative goes into concerns that were raised by Krahforst in his file Memo dated 12/17/19. The Narrative goes into the performance standards of the resource areas. At the last hearing, the Commission wanted a narrative of the use of the building; it will be a boathouse which will be used to store boating memorabilia and boats. He said that a Commissioner previously had expressed concern if there would be work on vessels and Panebianco stated that there will be no vessel maintenance whatsoever. D. Ray said that the boats for the commercial use of the property are tugboats and have to go to commercial boatyards. A. Panebianco added that the storage containers that are onsite will be removed.

He then went on to address coastal dune, coastal beach, and Land Subject to Coastal Storm Flowage (LSCSF). He said that the team doesn't believe that the project will have an adverse effect on any of the resource areas. He said that there is no coastal beach on the site and the *de minimis* coastal dune will not be dredged or altered in any way. He then added that LSCSF has no performance standards, but as shown in the Stormwater Report, there will be no adverse effects on the resources. He noted that the project will only be on Parcel B. A Commissioner noted that the area is subject to wind moving sediment and suggested that the whole area where the proposed building is a coastal dune. Panebianco said that the area is not a coastal dune; only the shaded boarder as shown on the plan is a dune. D. Ray said that there are other dunes in the area including the two behind "Joe's" building on the beach side and a large one to the side of "Joe's" and the project is not in those areas. A Commissioner asked if the areas where the boats are stored are in a dune, as there is photographic evidence that is the case, to which D. Ray said no and Panebianco said that the picture is not of a vessel. D. Ray said he think it may be a wooden walk which are removed and stacked onsite in the winter. Panebianco said that they are not present before the Commission for that matter. He said that they are only here for the one specific parcel. A. Panebianco then went on to say that they believe they've addressed the Commission's concerns from the last meeting by changing the foundation and providing the narrative. A Commissioner asked about the parking areas that are now shown on the revised proposed conditions plan and asked if cars would just park on the sand or would the areas be paved, to which D. Ray said that the Planning Board asked for the maximum amount of spaces (9), but doesn't foresee people using them. He said they would not be paved. Another Commissioner asked how high the building would be elevated, to which D. Ray said that it will be out of the floodplain and will allow water to flow through. He added that similar to a home that was constructed on a dune on Beach Ave, it will allow any sands to move freely underneath. He then noted that the area is not designated as a barrier beach. A Commissioner expressed concern that people have been working on their boats on the site, to which D. Ray said that their boats are worked on elsewhere and S. Aprea noted that most of the boats belong to Mike [McDevitt].

C. Krahforst noted that there still remain discrepancies between the resource delineation by the Town's representative (Woods Hole Group) and the delineation of the resource areas that the applicant presented in the areas where they overlap. A Commissioner noted that there is still a Ch. 91 License issue, to which D. Ray said that they need to receive local permits prior to applying for a Ch. 91 License. A Commissioner expressed concern over not having enough time to review the materials submitted that day. A. Panebianco added that the project will not dredge, change, or alter any version of the dune as presented by their representatives or the Woods Hole Group and therefore is unnecessary to have further review. C. Krahforst said his initial review found the newly submitted Narrative which states that "no portion of the construction will be performed within the coastal dune;" he said he is not a coastal geologist but has reviewed information submitted by WHG which shows that the work would be performed within the coastal dune. He added that there is now a proposal for parking and access, but the Department hasn't received the plans, to which Panebianco said they were sent digitally earlier in the day. He then went on to say that there are two curb cuts so there is access and in total there will be 9 parking spots. The Commission said they need a full-sized plan of the parking or it should be annotated on the larger plan, to which D. Ray said that a full-sized copy of the new proposed plan will be provided.

The Commission asked what the discrepancies are between the WHG and the Humphries delineation to which C. Krahforst said that the WHG didn't get to go onsite, but the areas where they overlap show different areal extents of resources. In particular, particularly that a gap exists between the coastal beach and an adjacent dune. The WPA regulations do not allow for an undefined area between a coastal beach and a coastal dune. They must intersect.

The Humphries (applicant's) delineation show a coastal beach, a gap, and then a coastal dune and as discussed at the last meeting and noted in the WPA, there can't be a gap between a coastal beach and a dune. He added that CZM also believes the area to be a coastal dune and added that a Commissioner had previously noted that there was a lot of sand moving around during a site visit, which is an indicator of a process necessary for a coastal dune existence. He added

that a coastal dune does exist, but it has been greatly altered; it is a difficult one to discern from a surface view. He noted that there are other methods to employ for determining the presence of a coastal dune in a highly altered area for the purpose of delineating resource areas. A Commissioner questioned if the building is an issue now that it's on pilings, to which C. Krahforst noted its how the site is used and accessed. He noted that coastal dunes provide storm damage control. The street in front of the site is protected, to some extent based on the storm event, by the resource areas. The street provides access to the school, MBTA, and homeowners in the area. He said that the Commission needs to understand what the resource areas are and where they are so the Commission can adequately determine if performance standards can be met. A Commissioner asked if it was a dune, would the building be an issue or would the parking be an issue. Another Commissioner said the question is: is it a dune? D. Ray questioned if the parking would even be an issue if it was a dune, to which the Commission said it would matter. A. Panebianco said that the parking spaces won't affect the sand. A Commissioner questioned why the parking is shown in the area on the plan, to which D. Ray said 9 spaces is overkill, but is required by the Planning Board because it is on a separate parcel. A Commissioner said that parking isn't allowed on a dune, to which Panebianco said that their delineation shows that the area is not a dune. D. Ray said that Stan Humphries presented his findings on the resource areas at the last meeting and even had a map from a state website with a delineation in it which was basically in concurrence with the Humphries delineation. D. Ray said that this is a highly altered area. The Commission asked what WHG said, to which C. Krahforst said WHG couldn't get onsite to assess it but said that just because the area contains a highly altered dune doesn't mean that it's not a dune and can't function as a dune. He said that the absence of vegetation could be from vehicles running over the area. He questioned that if that kind of activity stopped, what would happen? He said that we know from historic photographs of the entire site that the area to the west as delineated by Stan Humphries shows a dune that has boats in it. A Commissioner asked if WHG could get onsite and review it, to which C. Krahforst said that WHG is being used by the town in a litigation process and may not be considered an "independent" reviewer. A Commissioner questioned why WHG wasn't allowed onsite, to which D. Ray said the property owners weren't notified. He added that S. Humphries is a reputable coastal geologist. A Commissioner said that the delineation shows what their expert believes to be current state of resources, but questioned if the delineation would have been different before a large building was dragged up the beach and placed onsite, to which Panebianco said no. The Commissioner then asked if there is evidence of that, to which Panebianco said no. The Commissioner then went on to suggest that if activity in the building's location stops, would a dune become more evident. C. Krahforst noted that photographic evidence suggests that storage containers and vehicles have been active in the area as well, so it would've been difficult for vegetation to grow. He added that there is clearly active sand movement in the area, which is a characteristic of a dune. The site was compared to another area in town by Coburn St which is being restored as a dune, to which D. Ray said that site is different because there is a dune north and south and therefore it was obvious that it is and was a coastal dune. C. Krahforst reminded the Commission that CZM suggested the area is most likely a dune to the east and west of the project location. C. Krahforst said that in the past where there are disputing delineations, a peer review has been conducted. A. Panebianco noted that a peer review was mentioned at the last meeting, but before the Commission determined if a peer review should be required, a Narrative was requested and since provided. A. Panebianco said that the applicants have requested a cost estimate for a peer review which has not yet been provided, to which C. Krahforst said that the Commission was asked by the applicant to hold off on cost estimates until the information (narrative) was provided by the applicant. A. Panebianco said that given the court order they are short on time and they do not feel that a peer review is necessary based on their expert. C. Krahforst said that the Department moves through the peer review process as quickly as possible; within days quotes are solicited but also depends on the vendor's timeframe to conduct the work. C. Krahforst noted that the applicants won't be able to get a Ch. 91 license or permit prior to the Court Order's deadline; no work can begin until a Ch. 91 License is obtained. A. Panebianco said that Ch. 91 License aside, they would like to get an Order of Conditions and Planning Board Site Plan approval prior to the April 1 deadline. C. Krahforst noted that the April 1 deadline is outside of the WPA jurisdiction, but the Department works with the Commission and applicant on any peer review process. He added that the Commission has traditionally imposed a condition requiring that a valid Ch. 91 License needs to be provided prior to work commencing, but that would not be possible by the April 1 deadline; he added that even if an Order is issued, the building shouldn't be stored onsite until a Ch. 91 License is obtained. A Commissioner said that they need the information to make the determination and the April 1 deadline will not change that. One Commissioner questioned the need for a peer review as the building won't be an issue if the area is delineated a dune, but the parking would be; it was suggested that the project be reviewed and potentially approved by the Commission without the parking. C. Krahforst said that the Commission needs to know where the resource areas are as they are charged to protect the resource areas. C. Krahforst said that even if the building is permissible, adequate conditions would need to be imposed and it is difficult to determine what those conditions should be as it remains unclear where the resource areas are. A Commissioner said they would consider approving the building, denying the parking, and imposing conditions including but not limited to requiring a Ch. 91 License. S. Clarren said that the Commission needs to know the locations of all resource areas to determine if the project and any imposed conditions would meet the performance standards included in the WPA. A Commissioner said the entire parcel can be conditioned as if it were a dune, to which S. Clarren asked if any mitigation has been presented for placement of a structure on a coastal dune, to which a Commissioner said switching to pilings was mitigation. S. Clarren said that is not sufficient mitigation for the actual resource area and questioned if any mitigation is proposed for a structure on pilings on a coastal dune which could require replanting of vegetation, restoration of habitat, or restoring the dune, etc. A Commissioner said that if they don't understand what and where the resource areas are, they can't condition the project adequately. The

Commission determined a peer review was needed. A. Panebianco said that the project has a Site Plan Review hearing tomorrow and they could ask for the parking to be removed and questioned if that was the case, could the peer review be waived? The Commission said no; they need to understand where the resource areas are.

A Commissioner noted that over the years the area has been recontoured and disturbed by vehicular traffic, and placement of containers/boats and if it is determined that the area is a dune, further activity is prohibited. Another Commissioner expressed concern that a previous Enforcement Order requiring activity to cease have been ignored by the applicant and whether it would be possible to adequately condition anything if requirements are ignored. S. Clarren said that an NOI shouldn't be denied for that type of reason, but if conditions are ignored on an Order, the Commission could issue an Enforcement Order. If an Enforcement Order is not followed, the Commission, per MACC guidance, could revoke the Order of Conditions.

The Commission asked the applicant if they were amenable to solicit quotes for a peer review, to which D. Ray said that they would authorize a peer review given the fee isn't exorbitant. It was determined that if the Commission doesn't have adequate information, the Commission can deny an Order.

- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 4-0;

It was **voted** to:

**Continue** the Public Hearing to February 25, 2020 at a time TBD.

*P. Epstein recused himself.*

**10:37 24 Warren St., Map 23/Lot 130. Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Paul Epstein** for work described as **remove existing garage.**

C. Krahforst noted that the applicant requested a continuance to 2/25/2020.

- Upon a **motion** by L. Sorgi **2nd** by J. Stone and a **vote** of 3-0;

It was **voted** to:

**Continue** the Public Hearing to February 25, 2020 at a time TBD.

*P. Epstein returned.*

**8:10 3 Hampton Cir., Map 36/Lot 029 Continuation** of a Public Hearing on the **Request for Determination of Applicability** filed by **Derick Ohman** for work described as **remove gravel driveway and replace and expand driveway with asphalt.**

Representatives: no one present

Abutters/Others: no one spoke

Documents: "Existing and Proposed Conditions Plan" (annotated) – Nantasket Survey Engineering, LLC – 9/6/2019

C. Krahforst stated that he has tried on numerous occasions to get the applicant to provide further information regarding their project, per the Commission's request. The Commission determined that based on the information provided and lack of representation, a positive determination should be granted.

- Upon a **motion** by P. Epstein **2nd** by J. Stone and a **vote** of 4-0;

It was **voted** to:

**Close** the Public Hearing and **issue** a Positive Determination of Applicability; the Determination of Applicability was **signed**.

**8:15 80 Atlantic Ave., Map 55/Lot 045. (SE35-1511) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Ellen Morrissey and Joan McAuliffe TRS** for work described as **after-the-fact installation of fence.**

Representatives: no one present

Abutters/Others: no one spoke

Documents: "[letter]" – Ellen Morrissey – 2/5/2020

C. Krahforst read aloud a letter submitted by E. Morrissey which outlined the status of the pending survey. C. Krahforst then relayed that he called Morse Engineering (the surveyor) to confirm that a survey will be done and was told that they are working on deed research for the survey. The Commission expressed concern over the time it is taking for a survey to be completed but acknowledged that there is some progress.

- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 4-0;

It was **voted** to:

**Continue** the Public Hearing to February 25, 2020 at a time TBD.

### **Certificate of Compliance Requests**

131 Samoset Ave (SE35-1504): – P. Epstein **Motion**, L. Sorgi **2nd**, **vote 4-0**; Issue CoC.

### **Continued and New Business**

**Beach Grass Planting Team Leaders Request:** P. Epstein, representative of the Beach Management Committee (BMC) said that this year, the BMC is working on re-organizing the event to have a team leader for each block who is responsible

for getting the beach grass and tools for their block. C. Krahforst added that the Town has ordered 50 new tools. A Commissioner suggested that someone remain at A Street until 1 or 2 to ensure that all tools have been returned.  
238 Nantasket Rd (SE35-1353) Extension request for Permit: C. Krahforst relayed that the Department received a request to extend an Order that was granted to **construct driveway and walkway on right side of home.** – P. Epstein **Motion**, L. Sorgi **2<sup>nd</sup>**, **vote 4-0**; Extend Order 3 years.

**Violations and Compliance issues**

85 Nantasket Rd: C. Krahforst relayed that the Department received a tip about unpermitted work which includes storing fill on a property in a wetlands resource. He has spoken with a relative of the owner and they have installed erosion controls up as requested. They are working on a plan to go through the permitting process.

**11:00** Upon a **motion** by P. Epstein and **2<sup>nd</sup>** by L. Sorgi and a **vote** of 4-0;  
It was **voted** to: Adjourn.