



HULL CONSERVATION COMMISSION

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TUESDAY, February 25, 2020

Members Present: Paul Paquin, Chair, Sean Bannen, Tammy Best, Paul Epstein, Lou Sorgi, Jennifer Stone
Members Absent: None
Staff Present: Chris Krahforst, Conservation Administrator; Sarah Clarren, Assistant Conservation Administrator
Minutes: None prepared

7:30 Call to order

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

7:33 *P. Epstein arrived.*

7:35 243 Kingsley Rd., Map 22/Lot 162. (SE35-1527) Opening of a Public Hearing on the **Notice of Intent** filed by **Doherty Customs, Inc.** for work described as **install two new decks, make foundation FEMA-compliant.**

Representatives: Joan MacDonald (owner); Eric Doherty (Contractor)

Abutters/Others: no one spoke

Documents: "Existing and Proposed Conditions Plan" (annotated) – Nantasket Survey Engineering, LLC – 2/7/2020
"House Renovations (16pgs) – Bab Pahl – 2/6/2020

E. Doherty presented the project as described above. He said that new footings would be installed and the foundation will be filled with clean fill, up to grade. J. MacDonald noted that she would like to remove the existing fence and replace with a new one. The Commission noted that the property is within a floodzone and therefore solid fences cannot be allowed; C. Krahforst added that the Commission has been conditioning fences requiring 6" of clearance and 50% flow through. J. MacDonald also noted that she would like to install a driveway. The Commission stated that although the fence and driveway were noted on the plan, it wasn't in the permit application and therefore wasn't advertised. The Commission stated that the fence and driveway should be permitted separately; the plan was annotated to state such.

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

It was **voted** to:

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

7:47 0 Lincoln St. Map 23/Lots 060&061. (SE35-1528) Opening of a Public Hearing on the **Notice of Intent** filed by **Louis Campedelli & Maureen Mahan** for work described as **construct new single family home.**

Representatives: three people present

Abutters/Others: Louis Lawson of 12 Lincoln Street

Documents: "Proposed Location Plan" – Morse Engineering, Co., Inc. – 2/5/2020

"Excel Homes Plans" (5pgs) – Champion Modular, Inc. – 2/11/2020

J. Garfield of Morse Engineering presented the project as described above. He said that the site is currently mostly grass, with the exception of a paved parking area on the left side of the property. Proposing a single family home in the grass area. First floor elevation will be set at 16.5 which is 6.5' above the base flood elevation. It will have a drive under two-car garage which will be equipped with floodvents.

The Commission asked if there are any grade changes proposed with the Notice of Intent, to which J. Garfield said no. The Commission noted that the site is lower than the abutting properties. A Commissioner asked what the gutter situation and downspout would be, to which J. Garfield said he didn't know; the Commission determined they could condition the project to not redirect water.

L. Lawson of 12 Lincoln St said that the proposed house is higher than the surrounding ones, to which the Commission said they have no purview over the height of a building. L. Lawson then alleged that the home would be right up against lot line, to which the Commission noted that the survey notes that the proposed home would be 11' from the lot line.

S. Clarren asked if there is a landscaping plan proposed with the project, to which J. Garfield said no. The area will remain grass. She then asked if any additional groundwork is proposed, such as a fence, walkway, etc. J. Garfield said they are proposing an impervious driveway. S. Clarren noted to the Commission that they can require mitigation for impact to natural resource areas.

Four Special Conditions were added as follows:

1. No fill is to be used to change the topography of lot.

2. The grassy area to the east side of proposed building to remain vegetated in perpetuity. This condition is ongoing and will not expire at the end of three years.
 3. Drywells shall be installed and maintained in good working order in perpetuity in order to collect and infiltrate runoff from the east side roof of the home. This condition is ongoing and will not expire at the end of three years.
 4. The foundation shall include sufficient floodvents to meet FEMA compliant standards for building in the floodplain.
- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0;
It was **voted** to:
Close the Public Hearing and **approve** the Order of Conditions. The Order of Conditions was **signed**.

8:02 18 Clifton Ave., Map 31 Lot 035. (SE35-1510) Opening of a Public Hearing to **Amend the Order of Conditions** filed by **Gene Allen** for work described as **remove existing tree and plant new in new location**

Representatives: Gene Allen

Abutters/Others: No one spoke

Documents: "Existing and Proposed Conditions Plan" – Nantasket Survey Engineering, LLC – 8/8/2019

C. Krahforst said that the Original Order of Conditions noted that the tree was to remain onsite. G. Allen responded by stating that during the construction process, the tree root system was damaged and will therefore likely perish. He is now proposing to remove the tree and plant a new one. He stated that J. Stigliani, Acting DPW Director and Tree Warden said that the tree is not a Public Shade Tree and suggested replanting a 2-4" caliper tree of a similar species.

A Commissioner questioned if site work has expanded beyond what was permitted, to which another noted that the footprint of the permitted home cannot change without first being granted an Amended Order for such activity. It was noted that holes for foundations are often larger than the foundation itself.

G. Allen noted that during construction, the driveway was cracked and he would like to replace it with pavers. C. Krahforst noted that the amendment request didn't include that as an activity and therefore suggested reaching out to the Conservation Department with further information regarding specs and size, closer to when G. Allen would like to work on the driveway.

Two Special Conditions were added as follows:

1. The replacement tree shall be a native species and reviewed with the Conservation Administrator, or designee, for appropriateness
2. The replacement tree shall be of the size = 2-4" caliper and survives into the 2nd growing season
3. Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0;
It was **voted** to:

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

8:12 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. This hearing is continued to 03/10/2020 at a time TBD.**

C. Krahforst noted that at the last meeting, the Commission continued the hearing to 3/10. No action.

8:13 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: Ellen Morrissey

Abutters/Others: No one spoke

Documents: No documents reviewed.

The Commission asked what the status of the requested survey is, to which E. Morrissey said they contracted with Morse in October. They were supposed to be onsite in November, but it was pushed to December. She added that she's meeting with Morse tomorrow.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0;
It was **voted** to:
Continue the Public Hearing to March 10th, 2020 at a time TBD.

S. Bannen recused himself.

8:17 125 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: none present

Abutters/Others: no one spoke

Documents: "Proposal to Conduct a Site Evaluation..." – Jim O'Connell – 2/21/2020

S. Clarren noted that although T. Best, Commissioner, was absent for the last hearing, she listened to a recording of the hearing and submitted an affidavit stating such. S. Clarren noted that S. Bannen has missed two hearings on the matter and therefore cannot vote on said matter.

C. Krahforst said that the applicants are still seeking permits for the building that was placed on the beach without required permits. He added that at the last hearing, the Commission voted, with the applicant's approval, to solicit peer reviews of the resource delineation. C. Krahforst relayed that he reached out to 7 entities, but has only received one response. He noted that other firms declined because of the tight timeframe and relayed that Town Counsel has expressed concern that the Commission may be limiting the quality of responses with such a short timeframe. The Commission asked if the applicant wanted more than one written quote, to which C. Krahforst said that the applicant is open to move forward with O'Connell. The Commission concluded that O'Connell is a reputable firm and that no additional quotes are needed.

- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 5-0;
It was **voted** to:
Grant the Conservation Department permission to contract with O'Connell to conduct the peer review.
- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 5-0;
It was **voted** to:
Continue the Public Hearing to March 10th, 2020 at a time TBD.

S. Bannen returned.

P. Epstein recused himself.

8:05 24 Warren St., Map 23/Lot 130. Continuation of a Public Hearing on the **Request for Determination of Applicability** filed by **Paul Epstein** for work described as **remove existing garage**.

Representatives: Paul Epstein

Abutters/Others: no one spoke

Documents: "Plot Plan" (annotated) – n.d.

P. Epstein stated that the garage on the property is falling apart and he would like to remove it. He noted that the cement underneath it will remain.

- Upon a **motion** by S. Bannen **2nd** by L. Sorgi and a **vote** of 5-0;
It was **voted** to:
Close the Public Hearing and **issue** a Negative Determination of Applicability; the Determination of Applicability was **signed**.

P. Epstein returned.

8:29 Corner of Front St. and Draper Ave. Map 24/Lot 106. Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Town of Hull DPW** to **install deep sump basin into existing stormwater collection system**.

Representatives: Krahforst

Abutters/Others: no one spoke

Documents: "Locus Map" – n.d.

"Proposed New Catch Basin Front St and Draper Ave Site Plan" – 2020

"FEMA Firmette"

C. Krahforst presented the proposed project as described above on behalf of the Town.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0;
It was **voted** to:
Close the Public Hearing and **issue** a Negative Determination of Applicability; the Determination of Applicability was **signed**.

Certificate of Compliance Requests

183 Beach Ave (SE35-1372): The Commission said that they were unsure of the size of the original wall. A picture of the site pre-work was in the file. The Commission decided to conduct a second site visit.

131 Samoset Ave (SE35-1446): – P. Epstein **Motion**, L. Sorgi **2nd**, **vote 6-0**; Issue CoC.

137 Manomet Ave (SE35-1364): – P. Epstein **Motion**, L. Sorgi **2nd**, **vote 6-0**; Issue CoC.

Continued and New Business

C. Krahforst recused himself.

Hull Light Plant RDA application to replace previously-existing utility pole, replace with same, lower Beach Avenue – utility exemption? S. Clarren presented the utility exemption on behalf of the Town. S. Clarren has said that no plan has yet to be prepared as she believes the project to be a utility exemption under the WPA (see 310 CMR 10.02, 2a). The pole has been removed (due to damage) and the Light Department wants to replace it. She relayed that in the past, the Commission determined that removal and replacement of poles was exempt from the Commission's jurisdiction, but that

the Commission requested that any future replacement of an existing pole or support structures be coordinated with the Conservation Department. It was noted that the pole is in the paper layout of Beach Avenue. A Commissioner noted that clearly there is a utility exemption, but expressed concern over sea level rise and climate change; should the pole be located elsewhere. It was noted that there is an air easement issue and S. Clarren read a letter from the Town of Hull Municipal Lighting Plant to the abutting property owners which discusses options to either 1) re-install the light pole in the preexisting conditions or 2) for the property owners to obtain a utility easement. S. Clarren noted that although the letter suggests that Hull Light will file an application with the Commission, the project is exempt under the WPA. A Commissioner expressed concern over installing a pole in the dune, but noted the project exemption. S. Green, member of the public, mentioned that the utility exemption requires that the utility have been lawfully placed and questioned if that was the case, to which the Commission said that anything pre-WPA adoption has been grandfathered in. She then questioned how best practices would be followed if no plan has been submitted to the Commission, to which S. Clarren said that as requested in the past, work would be done in accordance with the Conservation Department; the Commission has no jurisdiction based on earlier discussion. S. Green said that the area is habitat for Piping Plovers, to which the Commission said that is the case, but the project is exempt under the WPA. S. Green said that the exemption for utilities includes language about it needing to be on a paved roadway or right of way, to which S. Clarren said that language Green is referring to is for buffer zones, which does not apply in this situation. The Commission again stated that a permit should not be filed because it is an exempted activity. S. Green then stated that the project proponent is responsible for providing information to the Commission for the exemption, to which S. Clarren said that the Town is the proponent and that she is representing the Town. The Commission asked S. Clarren (and the Conservation Department) to discuss the project with Hull Light to ensure that the resource areas are protected. The Commission then asked if someone from Hull Light could attend a meeting to discuss how the town's infrastructure (in particular poles in resource areas) is being reviewed in preparation for sea level rise and climate change impacts.

Green asked what utilities would be on the pole, to which the Commission said that whatever it would be would be a utility and would therefore be an exempted activity. S. Green said that the Commission should not be granting blanket approval to activities in dunes, to which the Commission said that it is not granting approval; S. Clarren added that the project is exempt and the Light Plant is coordinating with the Conservation Department, as was requested by the Commission and added that she had stopped work replacing a pole because there was no coordination with the Conservation Department. S. Green asked who she go to in order to get a clarification on the utility exemption, outside of the Town of Hull, to which S. Clarren said DEP.

C. Kraforst returned.

Upcoming Fundamental Courses for MACC: S. Clarren relayed that there are multiple upcoming fundamental courses and would email the Commission the dates.

Extension Request: 9 Arthur St (SE35-1357) – construct 30 sq. ft. addition and a 148 sq. ft. deck extension. – P. Epstein **Motion**, S. Bannen 2nd, **vote 6-0**; Extend Order 3 years.

45 Hull Shore Drive, possible modification for ADA access outside of proposed work: C. Kraforst relayed that the DCR asked the owners of 45 Hull Shore Drive to remove granite curbing to make the site more ADA compliant. He asked the Commission if such a change should come back for a hearing. The Commission determined that such a change is not substantial and that the change should just be noted in the file.

NOI or RDA: 60 A St – remove and replace pavers (1000 sq. ft): S. Clarren asked the Commission if they would like to see a RDA or a NOI for a project to remove 1000 sq ft of impervious surface and replace with permeable pavers. The Commission noted that an NOI should be filed, given the size of the work.

95 Clifton Ave (Richardson) planting/landscape plan: C. Kraforst asked the Commission if they would like to see a planting/landscaping plan for a property, to which the Commission determined that if plant species are native and no fill is used, no permit is needed.

Landfill monitoring update: C. Kraforst noted that the Town is moving forward with monitoring of the landfill to close said landfill. The way the work will happen will cause less impact to the marsh system than what was permitted. The Commission determined that the change would not require a new filing.

Sand Source Public Meeting (scheduling): C. Kraforst said that the Town will receive a tech memo from Woods Hole Group on sediment sources for the dune restoration across from 131-145 Beach Avenue shortly. To allow for full transparency and to comply with an Order of Conditions, the Commission will hold a public meeting for the public to be informed of the sediment sampling results. The meeting will be scheduled for 3/10 and will begin at 6pm.

(new) driftwood was installed on beach: C. Kraforst noted that he received a complaint about wood being driven into the beach, which he has since asked the DPW to remove. He noted that digging on the dune is prohibited and that such foreign object can be mobilized during storm and overwash events, which could wreak havoc on the dune system, infrastructure, and homes.

Violations and Compliance issues

None.

9:23 Upon a **motion** by P. Epstein and **2nd** by S. Bannen and a **vote** of 5-0;
It was **voted** to: Adjourn.