



HULL CONSERVATION COMMISSION

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TUESDAY, March 10, 2020

Members Present: Paul Paquin, Paul Epstein, Tammy Best, Lou Sorgi
Members Absent: Sean Bannen, Jennifer Stone
Staff Present: Chris Krahforst, Conservation Administrator, Sarah Clarren, Conservation Assistant

7:30 Call to order

7:35 85 Nantasket Rd., Map 28/Lot 122. Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Maureen & Brian Donovan** for work described as **add approximately 1-2 inches of top soil to lawn areas as shown on submitted monument plan.**

Representatives: no one present

Abutters/Others: no one spoke

Documents: "Monument Plan" (annotated) – Nantasket Survey Engineering, LLC – 5/12/2010

The Commission reviewed the file. C. Krahforst said that he received notice that fill had been placed onsite with no erosion controls. The applicants are proposing to fill in small depressions on their site. The site is located *just* within a flood zone.

One Special Conditions were added as follows:

1. Top soil shall only be placed in the areas indicated on the plan; these areas must match the surrounding grade.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen 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 60 A St., Map 19/Lot 029. (SE35-1529) Opening of a Public Hearing on the **Notice of Intent** filed by **Christopher Wells** for work described as **remove existing walkway and patio and replace with permeable pavers.**

Representatives: Christopher Wells

Abutters/Others: no one spoke

Documents: "Building Location Plan" (annotated) – Environmental Engineering Technologies, Inc. – 3/24/2017

The Commission reviewed the file. C. Wells introduced the project as described above. S. Clarren noted that there are specifications for the proposed pavers included in the file

Two Special Condition was added as follows:

1. The permeable paver areas must remain permeable in perpetuity. This condition is ongoing does not expire after three years.
2. No stone dust is permitted as part of this project.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen 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**.

7:45 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. The applicant requested a continuance to 04/14/2020 at a time TBD.**

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

It was **voted** to:

Continue the Public Hearing to 04/14/2020 at a time to be determined

7:50 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: Kerry Cashman (82 Atlantic Ave)

Documents: "Plan to Accompany Notice of Intent" – Morse Engineering Co., Inc. – 3/9/2020

"Photos of Fencing" – Morrissey and McAuliffe – n.d.

The Commission asked if the applicant was able to obtain a survey, to which E. Morrissey said yes and that she submitted it to the Department earlier in the day. E. Morrissey notes that the fence is on her property. C. Krahforst noted that the newly submitted survey indicates a proposed ADA ramp and walkway, which wasn't included in the filing.

C. Krahforst asked Morrissey to confirm if a stockade fence was installed, to which she said yes. She said that her application includes numerous photos of the fence. She said that the fence has a free open area on the ground and there is a weed barrier below that opening to control any growth. She then stated that when she first discussed filing an NOI with C. Krahforst that she mentioned the ADA ramp to which C. Krahforst said there is nothing in the Notice of Intent application or on the original plan that indicates that there was also a proposed ADA ramp. The Commission agreed that if Morrissey wants to move forward with an ADA ramp, a new application should be filed.

The Commission said that by installing a solid fence in the area, water will be redirected. E. Morrissey said there is flow underneath the fence, to which the Commission said that the pictures show that is not the case—the plastic will stop water from flowing. The Commission said the fencing will reflect waves to abutting properties, it would channel water, and may scour the ground. A Commissioner added that fences have been required to have a clear 6" of flow-through along the bottom and the fence itself should be 50% flow through. E. Morrissey said she was not told this when she went to the Building Department, to which the Commission said that this isn't a building department issue, it is a conservation issue. C. Krahforst said that the Building Department doesn't permit fences if they are less than 6' high; they do not rule on conservation issues. A Commissioner said that the pictures aren't clear if there is flow through at the bottom of the fence, but if there isn't flow through, there needs to be. A Commissioner suggested removing every other panel of fencing to provide for 50% flow through and another suggested staggering panels. E. Morrissey said that the abutting property has had walls that were built. She asked what the Commission is looking for and stated that she is not interested in changing the fence. She said she has lived onsite for 50 years and has never been flooded, except for a little bit of water in her cellar. She said it would be a great hardship to alter the fence. She alleged that at the first meeting the Commission said that they don't require fences to be removed, to which the Commission said that is not the case. The Commission said that they treat properties the same, which include 1) fences should be elevated 6" off of the ground and 2) allow for 50% flow through. E. Morrissey said the fence is elevated 6" off the ground and the weed barrier could be removed, to which the Commission said that it also needs to have 50% flow through that needs to be complied with as the area is subject to coastal storm flowage. E. Morrissey said she didn't know, to which the Commission said that she should always talk to the Department prior to beginning any work. C. Krahforst said that the work was done without a permit and is an after-the-fact filing. He added that when people speak to the Department and the Commission that the property is reviewed and guidance is given how fences should be built in order to not exacerbate erosion and reflect water.

C. Kashman alleged that the fence was installed before her original home was demolished and C. Krahforst had conducted a site visit where he noted that a fence was installed without a permit. C. Krahforst said he does not recall when the fence was installed. C. Kashman asked if 6" is required, could the applicant dig down 6" underneath the fence, to which the Commission said that has not been proposed, but would likely cause more channeling. C. Kashman alleged that the applicant asked Kashman's contractor to dig underneath the fence, to which the Commission said that is outside of their purview.

The Commission determined that the fence as constructed is not in compliance with guidance that has been provided to the Commission regarding fences in flood zones. As the fence is constructed, it will negatively impact the natural resource areas and needs to be removed or modified per the Commission's guidance.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 4-0;
It was **voted** to:

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

C. Krahforst noted that any applicant unhappy with a decision may appeal it to DEP.

E. Morrissey said that there are 3-4" pilings underneath 82 Atlantic Ave which are being used as a barrier wall, to which the Commission said it would be investigated.

8:10 125 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**.

There was no quorum for this hearing, so the applicants requested a continuance to the next meeting.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 4-0;
It was **voted** to:

Continue the Public Hearing to 03/24/2020 at a time to be determined

Certificate of Compliance Requests

183 Beach Ave (SE35-1372) — P. Epstein **Motion**, S. Bannen **2nd**, vote 4-0; CoC issued.

179C Samoset (SE35-1505) — the Commission said the work had not yet been completed.

10 Cadish Ave (SE35-1363) No topo as built. Needed? — P. Epstein **Motion**, S. Bannen **2nd**, vote 4-0; CoC issued.

89 Atlantic Ave (SE35-1307) — P. Epstein **Motion**, S. Bannen **2nd**, vote 4-0; CoC issued.

4 Atlantic Ave (SE35-1371) – no action

144 Samoset Ave (SE35-1358) — P. Epstein **Motion**, S. Bannen **2nd**, vote 4-0; CoC issued.

Continued and new business

0 Lincoln St, slab elevation change request: C. Krahforst relayed that the applicant has requested to elevate the approved slab; the footprint will not change. The Commission determined that such a change is minor and does not require a new filing. The Commission noted that elevating further is better given the projection in sea level rise. A Commissioner suggested that homeowners insulate foundations to provide more insulation.

(new): Climate Change: A Commissioner noted that climate change is a serious issue across the globe and that Hull will be greatly impacted by it. They suggested having monthly workshops or forums on climate change issues for the public where residents give their thoughts what they are willing to do regarding impending sea level rise and climate change. The Commission discussed planting trees as mitigation for increases in impervious surfaces. S. Clarren noted that the Department reached out to Joy Duperault, State floodplain manager, on her workshop on bridging the gap between the WPA and building code when it comes to building in floodplains. The Commission agreed to have a special meeting on 4/21 at 6pm for Joy to give the workshop to the Commission.

Violations and Compliance Issues

125 Main St: C. Krahforst said that he saw heavy machinery moving back and forth on the beach between 125 Main St and a barge. He therefore issued two Enforcement Orders; one to 125 Main St for violating the Wetlands Protection Act and one to the Town of Hull as 125 Main St is using Town owned land. — P. Epstein **Motion**, T. Best **2nd**, vote 4-0; Ratify Enforcement Order.

8:58 Upon a **motion** by P. Epstein and **2nd** by T. Best and a **vote** of 4-0;
It was **voted** to: Adjourn