



HULL CONSERVATION COMMISSION

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February 14, 2006

Members Present: Sheila Connor, Chair, Sarah Das, Vice Chair, John Meschino, Judie Hass, Frank Parker

Members Not Present: Jim Reineck

Staff Present: Anne Herbst, Conservation Administrator
Ellen Barone, Clerk

7:30pm Chair Connor called the meeting to order

Agenda Approved: Upon a **motion** by J. Hass and **2nd** by S. Das and a **vote** of 4/0/0;
It was voted to: **Approve** the Agenda for 2/14/2006

Minutes: Upon a **motion** by J. Hass and **2nd** by J. Meschino and a **vote** of 4/0/0;
It was voted to: **Approve** the Minutes of January 24, 2006 as amended.

Bills: **Approved and signed** by All.

Correspondence:

Letters received in response to dune openings will be put together in a packet for distribution at the 2/28/06 meeting. One letter was asking consideration for handicap access. Ownership issues will need to be addressed by the Town.

Letter received for Request for Certificate of Compliance from Sunset Place. The final outstanding issues were relating to the drainage. D. Nyman of ENSR also received a copy and will perform the final review with funds remaining on the account. The Commission agreed with asking D. Nyman to perform the review.

Other Business:

March 26, 2006 is the date for dune grass planting. The Beach Management Committee is coordinating the project. Commissioners are encouraged to participate as volunteers. The Town has ordered the grass.

J. Hass received an email questioning the status of Hull Shore Drive during the construction of the revetment wall that will be completed by the DCR. After researching, it was confirmed that Hull Shore Drive will be closed during construction. Hull Shore Drive is a state road and does not fall under the jurisdiction of the Town or the Conservation Commission.

A. Herbst informed the Commission that she would be filing an Amended Order of Conditions for 35-901, the Revere and Kenberma Streets dune crossings.

7:40pm 16 Manomet discussion of Enforcement Order – Postponed until 2/28/06

8:10pm 125 Main St, Map 2/Lot 3 (NE35-939) Opening of a public hearing on the Notice of Intent filed by Acushnet Marine, Inc. for work described as extension to existing pier and construction of a dock at the end of the pier.

Representative: Adam Brodsky,
Applicant/Owner: Michael McDevitt, Stephanie Aprea
Abutters/Others: Patrick Finn, Norman Reynolds, Joanne Marshall, Beverly Whit, Paul Sordillo, Joanne Adduci, Sandra Minelli, Ernest Minelli, II

A site visit was conducted by the Commission on February 5, 2006. Mr. Brodsky presented the plans for a 200 foot long, 8 foot wide timber pile and deck structure that leads to a gangway that will be 40 feet long and 4 feet wide and ends on an 8 foot long steel float that is 18 feet wide. The purpose of the structure is to tie up the Owners tugboats. Three sets of existing pilings will be used and 30 new pilings will be installed.

The applicants conducted a pre-application meeting with the DEP concerning the Chapter 91 license that is required for this project. They have also met with the Town Harbormaster and say they essentially received "the green light" to go forward. The filing will be completed after receiving the Order of Conditions, Chapter 91 License, Environmental Notification Form for the MEPA review as well as the Army Corps of Engineer Rivers and Harbor Acts Section 10 Permit. Approval will also be needed by the Zoning Board. Work cannot begin until approval has been received by all agencies. There are approximately 20 Federal and State agencies that must review this project.

Mr. McDevitt plans to dock two tugboats. The deepest water at the end of the docks would be 8 feet at low tide. The Applicant has no intention of building a wave break.

The abutters are concerned about the impacts on the beach as they consider it to be a swimming beach. Additionally, they feel that the property has not been well maintained and there are items they consider to be debris on the property. The public is concerned about fuel leaking into the water. The applicant stated that there will be no fueling on this site and no servicing of the boats on the site. The boats are equipped with oil spill kits on board. The boats are inspected and regulated by Coast Guard and Environmental Police.

According to the applicant, the location of the project will not have any navigational effects on the Coast Guard. During storms the boats will be moved and are typically working. The boats had at times been run up onto the beach. This project will allow the boats to be tied to the dock. The long term plans do not include installing and more piers for additional boats to dock at the location. Night operation will more than likely take place on requests for operation. The Commission questioned whether the Applicant had plans for future use as a Marina. The Applicant stated that he has no plans to utilize the site for a Marina.

One abutter is very much in favor of the dock being rebuilt. He does not feel that there will be any effect to the environment.

A question was raised by an abutter relating to a public site visit. It was explained that the Commission conducted a site visit which is not considered a public hearing; thereby no notification is necessary to abutters. Mr. Brodsky will speak to abutters with questions about visiting the site.

The Commission raised questions regarding the legal authority about licenses. A historical list of licenses is contained within the plans. Mr. Brodsky explained that Chapter 91 licenses are carried over from one owner to another. There is a current license for the pier that is in disrepair, a new license is being obtained for the new design of the pier.

The Commission requests that Mr. Brodsky provide the legal citation that explains the transfer of Chapter 91 licenses. The Commission requests that the specifications of the design be submitted, and provide detail on the type of wave action and winds that this project can withstand to complete the filing.

§ Upon a **motion** by J. Hass and **2nd** by J. Meschino and a **vote** of 4/0/1; F. Parker abstained

It was **voted** to: Continue the hearing to February 28, 2006 at a time to be determined.

8:50pm 101 Kenberma Street, Map 24/Lot 40 (NE35-###) Opening of a public hearing on the Notice of Intent filed by Francesco Esposito for work described as removal of existing garage and replacement with larger garage.

Present:

Owner: Francesco Esposito

Mr. Esposito presented his plans for construction of a larger garage on a slab foundation. The plans submitted did not show complete existing conditions of the property. Mr. Esposito stated the architectural plans are filed with the Building Department. Mr. Esposito will be doing the demolition of the existing garage.

The Commission requests that Mr. Esposito provide a plan showing all of the existing and proposed conditions of the property specifically the driveway.

§ Upon a **motion** by J. Hass and **2nd** by S. Connor and a **vote** of 5/0/0

It was **voted** to: **Continue** the hearing to February 28, 2006 at a time to be determined.

9:00pm 670 Nantasket Avenue, Map 19/Lot 1 Opening of a Public Hearing on the Notice of Intent filed by Tedeschi Food Shops for work described as a 563 sq. ft. addition on the westerly side of the building.

Present:

Representative: Jack O'Leary, Merrill Associates

This filing follows a Positive Determination of a Request for Determination of Applicability. The proposed foundation for the addition is split between an A0 and an A3 zone according to the FEMA maps. The portion of the foundation being constructed in the A3 zone includes an area of 94 square feet. The existing area is paved.

The foundation plan was submitted to the Commission prior to the hearing. An original copy of a letter responding to the comments raised by the DEP was submitted.

§ Upon a **motion** by J. Meschino and **2nd** by F. Parker and a **vote** of 5/0/0;

It was voted to:

Close the Public Hearing, **approve** the project and to **discuss** the Draft Order of Conditions. The Order of Conditions was **signed**.

9:05pm 2 Bluff Road, Map 12/Lot 71 (NE35-###) Opening of a public hearing on the Notice of Intent filed by Susan and David Engelkemeyer for work described as construction of retaining walls, regrading site, construction of walk and landscaping.

Present:

Owner: Susan Engelkemeyer

Representative: David Ray, PLS, Carol Thompson, Landscape Architect

Abutters: Thomas & Linda Caldwell

Mr. Ray presented the plans for the project. A retaining wall is proposed to be built along the south side of the property line then turn following the line of the top bank (not the coastal bank). The wall will be pulled back 10 feet from the top of the bank and a vegetated buffer area will be created. The area inside of the wall will be somewhat leveled out. The existing retaining wall will be repaired. Stairs that turn toward the ocean will be flipped so that you will come down the stairs and turn right into the sideyard instead of left toward the ocean. A notation was made on the plan that the existing steps will be removed. A parking area will be constructed that is not in the jurisdiction of the Wetlands Protection Act. A landscape block wall will be constructed along the property line in a step down manner.

The abutters are concerned that they knew nothing about what was involved in the project. Mr. Ray will review the plans with the abutters.

§ Upon a **motion** by J. Meschino and 2nd by S. Das and a **vote** of 4/1/0; F. Parker opposed

It was voted to:

Close the Public Hearing, **approve** the project and to **discuss** the Draft Order of Conditions. The Order of Conditions was **signed**.

9:27pm 1132 Nantasket Avenue, Map 7/Lot 51 (NE35-###) Opening of a public hearing on the Notice of Intent filed by Genevieve Sartell for work described as tear down existing dwelling and construction of a single family home.

Present:

Representative: John Cavanaro, Cavanaro Consulting

Abutter/Others: Bob Simon

Mr. Cavanaro presented the plans that include demolition of the existing home and constructing a FEMA compliant single family home. Portions of the existing home lie on Town owned property. The first floor elevation will be approximately 19 feet. The foundation will be on piers that will be 4 feet below grade and will include break way panels. The new home will be 5% larger than the existing home. All zoning issues have been approved. The top of the seawall wall is approximately 5 feet below the first floor elevation.

A comment from the DEP that the first floor elevation must be 3 feet above the base flood elevation is believed to be an error. A call has been placed to the DEP to clarify their comments. The DEP also questioned whether soil testing has been done and if the proposed pier system has been designed for scour protection. A structural engineer will review the plans to answer to the questions of pier design.

Mr. Simon would like to see the antique house be saved from demolition and possibly moved to another site. Mr. Cavanaro will look into the possibilities of this and contact Mr. Simon.

§ Upon a **motion** by S. Das and 2nd by J. Hass and a **vote** of 5/0/0

It was **voted** to: **Continue** the hearing to February 28, 2006 at a time to be determined.

9:42pm 7 Delawanda Road, Map 43/Lot 73 (NE35-###) Opening of a public hearing on the Notice of Intent filed by Carol Balquist for work described as construction of a 576 square foot garage, removal and/or relocation of town drain and drainage pipe.

Present:

Representative: David Ray, PLS

Owner: Carol Balquist

Mr. Ray presented the project that includes construction of a garage. Mr. Ray explained the delineations of the coastal bank and the top of the bank indicated on his plans. The top of the

bank is out of the 100 year flood zone. The DEP had questioned if the property is considered riverfront. Mr. Ray indicated that mean high water was approximately 300 feet away.

There is a Town owned drain pipe that goes through the property with no easements and no permits that goes under the proposed garage. Mr. Ray contacted the former head of the DPW who stated that the pipe could be moved. This pipe will be moved and rip rap outlet will be added for better erosion protection.

§ Upon a **motion** by J. Meschino and **2nd** by J. Hass and a **vote** of 5/0/0;

It was voted to:

Close the Public Hearing, **approve** the project and to **discuss** the Draft Order of Conditions. The Order of Conditions was **signed**.

10:00pm 63 Highland Avenue, Map 5/Lot 75 (NE35-930) Continuation of a public hearing on the Notice of Intent filed by Steven Clancy for work described as a pier, ramp, float and wave break for recreational boating.
63 Highland Ave. review of outstanding Enforcement Orders

The applicant requested a postponement until February 28, 2006 to allow time for review of the comments submitted by ENSR for the peer review which was just received. The Commission will be provided with copies.

The Commission recessed for 5 minutes.

10:10pm 9 Moreland Rd. discussion of Enforcement Order

Present:

Owner: Leo & Patricia Marino

Abutter/Others: Gary and Lorraine Willis, Raymond & Dawn Desley, Richard Head, Joe & Geraldine Cerilli

Mr. Marino presented a letter from Coneco Engineering & Scientists that had been received by the Commission that stated that fill on his property would have no impact on the flooding in the neighborhood. It is the opinion of the Engineer that the flooding is the result of tidal action. Mr. Marino also submitted a photograph taken in 2002 and one taken after the most recent rain storm February where flooding occurred during an astronomically high tide.

Mr. Marino stated that his project is not yet complete and doesn't understand why he has even been issued the Enforcement Order. The Order of Conditions stated that no fill is to be brought on to the site regardless of whether or not the project is complete. Mr. Marino admitted to bringing in crushed stone. A survey plan that was previously submitted indicated that grades had been changed. Mr. Marino maintains that the crushed stone was brought in to also protect the sewer pipe that was moved from freezing. A. Herbst reported that Ed Petrilak of the Sewer Department indicated coverage on the pipe would not have an effect on the pipe freezing but would protect it from breakage.

The Commission maintains that any fill brought in has created a change in the grade and elevations of the property and is in fact a violation at this time.

Mr. Marino questioned whether compacting the stone to get back to the original elevation would satisfy the Commission. The Commission reaffirmed that compacting the stone would still affect the way that water drains from the property and would not be acceptable.

After the issue of the fill is resolved, Mr. Marino can bring forward any proposal pertaining to the sewer pipe. Mr. Marino was advised to consult the Conservation Administrator as to whether a new NOI or an Amended Order of Conditions would be appropriate.

The public questioned if the fill would be mixed in with the gravel upon returning the gravel to the property. It would be up to Mr. Marino to return the property to the original grade.

If the gravel is removed, it may be returned to the site as indicated on the plans contained within the Order of Conditions as long as enough fill is removed that will allow the final elevation to be the same. It was explained to Mr. Marino that when the fill is removed the as-built plans must indicate that the grade is the same as the pre-construction plan.

- § Upon a **motion** by S. Das and **2nd** by J. Meschino and a **vote** of 5/0/0;
It was voted to: issue an Enforcement Order to Mr. Marino to remove all fill and gravel to return the property to the pre-construction grade by February 28, 2006. A new survey must be provided by March 14, 2006 indicating the elevations. The spots should be in the same locations as the previously submitted surveys. All fill must be disposed of in an environmentally safe manner.

11 Moreland Rd. discussion of Notice of Violation

Present:

Owner: Gary and Lorraine Willis

Abutter/Others: Leo & Patricia Marino, Raymond & Dawn Desley, Richard Head, Joe & Geraldine Cerilli

While conducting the site visit for 9 Moreland Rd. it was observed that there was no change in elevation between 9 Moreland and 11 Moreland which would indicate that the same crushed stone on site was also added. Mr. Willis agreed that the crushed stone was spread onto the Willis' property by Mr. Marino.

- § Upon a **motion** by S. Das and **2nd** by J. Meschino and a **vote** of 4/0/0;
It was voted to: issue an Enforcement Order to Mr. Willis to remove all fill and gravel that was added by the resident of 9 Moreland Rd.

9:50pm 0 Main Street, Map 1/Lot 2 and 3 (NE35-###) Opening of a public hearing on the Notice of Intent filed by the Town of Hull for work described as occasional clearing of sand from the boat ramp and use of the sand for Nantasket Beach dune repairs.

A. Herbst presented the plans for the project on behalf of the Town. The project proposes the reuse of sand removed due to occasional clearing. The sand will be stored and used for repair and maintenance of the Town dunes. A grain analysis has been completed. The sand is compatible with the existing sand.

As a result of comments from the DEP, a special condition will be added that if necessary the sand will be screened to remove any debris that may be contained within it.

- § Upon a **motion** by J. Hass and **2nd** by S. Connor and a **vote** of 4/0/0;
It was voted to:
Close the Public Hearing, **approve** the project and to **discuss** the Draft Order of Conditions. The Order of Conditions was **signed**.

10:58pm Upon a **motion** by S. Das to adjourn and **2nd** by J. Hass and a **vote** of 4/0/0 the meeting was **adjourned**.

Note: Citizen, Paul Paquin was present for entire meeting

