



## HULL CONSERVATION COMMISSION

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

Hull, MA 02045

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**February 28, 2006**

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

**Members Not Present:**

**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. Meschino and **2<sup>nd</sup>** by J. Hass and a **vote** of 4/0/0;

It was voted to: **Approve** the Agenda for 2/28/2006

**Minutes:** Upon a **motion** by J. Hass and **2<sup>nd</sup>** by S. Connor and a **vote** of 3/0/1 (J. Reineck abstained);

It was voted to: **Approve** the Minutes February 14, 2006 as amended.

**7:45pm 16 Manomet** discussion of Enforcement Order

Abutter/Other: Christian Krahforst

The Commission reviewed a one-page summary of events related to the Enforcement Order issued to Mark Mainini. Mr. Mainini originally was issued a building permit to repair the home after it sustained a fire. The construction that took place was far more than repairing the damage related to the fire, adding a second floor and attic space. The issues relating to substantial improvements are under the jurisdiction of the zoning and building departments. However being in a velocity zone all work to change the foundation and placement of sono-tubes would be under the jurisdiction of the Commission. Mr. Mainini has never contacted the Commission for a permit to allow any activity on this property, nor was it included in the building permit that he obtained.

Mr. Krahforst provided the Commission with a copy of the Coastal Construction Manual on a CD. Mr. Krahforst would like to the Commission to follow all activities that take place on this property. Mr. Krahforst witnessed the removal of the sand from underneath the home and the placement on the dune and discussed this activity with Mr. Mainini. The Commission was shown a picture of the sand on the dune that is a part of the ZBA file. After the sand was removed sono-tubes were installed and the first floor was elevated. Mr. Krahforst questioned Mr. Mainini about the sono-tubes and was told that this was done because the first floor was not level. Mr. Krahforst did not witness the installation of the sono-tubes, however will request that a neighbor who did submit a letter to the Commission.

The Commission will request access to Mr. Mainini's property to view what work was completed. If permission is not granted, Mr. Lampke will be contacted to inform the Commission of what steps can be taken to access the property.

**8:15pm 101 Kenberma Street, Map 24/Lot 40 (NE35-###)** Continuation 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.

The Commission received the requested site plans indicating existing and proposed conditions that specifically included the location of the driveway.

§ Upon a **motion** by J. Meschino and **2<sup>nd</sup>** by J. Hass and a **vote** of 6/0/0;  
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**.

**8:18pm 98 Salisbury Street, Map 45/Lot 100 (NE35-932)** Continuation of a public hearing on the Notice of Intent filed by RJB Development Corp. for work described as the construction of a new single family dwelling including driveway and utilities.

The Applicant **requested a continuance** to March 14, 2006.

§ Upon a **motion** by J. Hass and **2<sup>nd</sup>** by J. Meschino and a **vote** of 6/0/0;  
It was voted to:  
**Continue** the Public Hearing to March 14, 2006, at a time to be determined.

**8:19pm 49 Edgewater Road, Map 29/Lot 15 (NE35-935)** Continuation of a public hearing on the Notice of Intent filed by Adam Russo for work described as reconstruction of a retaining wall and added structural support for an existing deck.

Owner: Adam Russo

Representative: David Ray, PLS

Abutters/ Others: Vinny Harte

At the previous meeting, the Commission was concerned about a deck post that was in the tidelands and that the actual porch was built over the mean high water line.

Mr. Russo submitted plans indicating that the post in question had been removed and a new cantilevered post would be installed. Mr. Ray confirmed that the post was removed.

As requested by S. Das, a special condition will be added that prior to issuance of a Certificate of Compliance a Chapter 91 license must be obtained as is needed for the porch. Mr. Russo agreed to this condition.

§ Upon a **motion** by S. Das and **2<sup>nd</sup>** by J. Meschino and a **vote** of 6/0/0;  
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**.

**8:25pm 53 Edgewater Road** Opening of a public hearing on the Notice of Intent filed by Farouk Youssef for work described as footings for the construction of a garage and front porch.

Present:

Owner: Farouk Youssef

Representative: David Ray, PLS

Abutters/Others: Vinny Harte, Tricia Treannie, Brad Williams, Assunta Perez

The issues before the Commission in addition to the installation of sono-tubes is the requirement for a Chapter 91 License as is needed for the location of the proposed deck.

Mr. Youssef presented his project as indicated on the submitted plans concerning the construction of a garage on sono-tubes at grade that would be open below. The Commission questioned the location of the footings for the porch. Mr. Youssef will submit the plans. The deck that is proposed extends over mean high which requires a Chapter 91 License. The deck will be pulled back toward the house by two feet to avoid the need for a Chapter 91 License. The Commission requested that new plans be submitted to show this change.

Mr. Youssef was informed that no work may begin prior to the Commission's approval.

The Commission was advised that there would be no change in the footprint of the home. Abutting the project is a public access way. The Commission will schedule another site visit.

An abutter questioned the location of the garage. Mr. Youssef explained the location and that the height would be the same as the new second story that will be added. This issue is not one that is of concern to the Commission.

An abutter questioned the location of the porch and the wall that currently exists on the property. Mr. Youssef stated that the porch would actually be closer to the home and the wall would most likely come down during the work for remodeling and demolition.

§ Upon a **motion** by J. Hass and **2<sup>nd</sup>** by S. Das and a **vote** of 6/0/0;  
It was voted to:

**Continue** the Public Hearing to March 14, 2006, at 8:15.

Mr. Youssef returned to the meeting and inquired if the work could begin on the demolition of the house. The Notice of Intent did not clearly show the demolition and reconstruction of the house. Mr. Youssef felt that only the deck and the installation of sono-tubes and construction of the garage concerned the Commission. There will be no excavation work done on the site. A. Herbst will determine what steps Mr. Youssef should follow for the additional work, i.e. new Notice of Intent or amend the current filing. A. Herbst will notify Mr. Youssef.

**8:40pm 64 H Street, Map 17/Lot 187** Opening of a public hearing on the Notice of Intent filed by Chesley Oriel for work described as construction of a one-story addition and deck.

Owner: Chesley Oriel, Judy Cain

Abutters/Others: Arlene Gulko, John Barton

Mr. Oriel presented his plans for an addition to be on the left side of the house that would be constructed on sono-tubes. A deck would also be constructed on the back of the house. The area under the addition and deck will remain open. Existing concrete pads will be removed.

Mr. Parker questioned whom the Architect for the project is. The Architect is Patricia Sietz.

An abutter questioned where the addition was going to be located. Were they planning to go up? The addition will be on the side of the house. Also questioned the size of the deck? The deck will be approximately 4-5 feet. It is shown on the plans.

§ Upon a **motion** by S. Das and **2<sup>nd</sup>** by J. Meschino and a **vote** of 5/1/0 (F. Parker opposed);  
It was voted to:

**Close** the Public Hearing, **approve** the project and **Issue** the Order of Conditions.

**8:50pm 123A/125 Atlantic Avenue, Map 53/ Lots 17A & 18** Opening of a public hearing on the Notice of Intent filed by Marc Fournier and for work described as installation of permeable pavers for a driveway.

Applicant: Marc Fournier

Mr. Fournier presented the plans for the installation of permeable pavers for a driveway to stop overwash of gravel into Straits Pond. The driveway is owned by three owners. Two of the owners would like to make the changes to their portions of the driveway. The Commission questioned the swale that is currently in the rear of the property that also directs the movement of the overwash. The swale was in place prior to Mr. Fournier owning the property.

The Commission expressed concerns about the edges of the driveway after installation of the pavers and the effects it would have on the portion of the driveway that is owned by another owner that will be planted. Mr. Fournier explained that the edges would be wooden to stop any runaway of the pavers and it will be lower than the abutting grass area.

The Commission is concerned about the smoothness of the new pavers increasing the speed of the water flow. Mr. Fournier explained that the pavers are honeycombed in nature and will catch and become filled by some of the sand and rock that flows over the driveway. He does not believe that the pavers will become smoother than the existing gravel.

The Commission requested that Mr. Fournier remove some of the stones in the swale and plant the entire area to help mitigate the flow of the water. Mr. Fournier will also grade the pavers in a manner that will slow down the flow of water and not affect the planted area next to the pavers. Mr. Fournier will submit a planting plan.

§ Upon a **motion** by S. Das and **2<sup>nd</sup>** by J. Hass and a **vote** of 6/0/0;  
It was voted to:

**Continue** the Public Hearing to March 14, 2006, at 8:25.

**9:12pm Weir River Estuary Plan Report** – Judeth Van Hamm requested to be able to speak out of order. Permission was granted by Robert DeCoste, who was to be next on the agenda.

Ms. Van Hamm advised the Commission that a Weir River Estuary Plan is currently being developed by the Committee that will include goals, text, maps, assessment of property and proposed treatment of property. They are hoping that the land that is not yet under the protection of the Conservation Commission which is about 20 acres of undeveloped land along the Estuary, would become the jurisdiction of the Commission. A copy will be provided and a copy will be on the web for review. The Committee is hoping that the Planning Board will adopt it as an attachment of the open space plan. The Committee is requesting the Commission review and provide comment for any changes and approve the Plan.

**9:15pm 137 Samoset Avenue, Map 21/Lot 101** Opening of a public Hearing on the Request for Determination of Applicability filed by Robert DeCoste for work described as installation of 9 footings for a deck and an addition to the house.

Owner: Robert DeCoste  
Abutter/Contractor: Steven Moran

Mr. DeCoste presented his plans to install sono-tubes to support a new deck and for support of an existing 6 ft x 6 ft porch at the back of the house that will be converted into closed space. Eight footings would be necessary for the deck and one for the porch.

Mr. Moran complimented the Commission on the way that they conduct their meetings stating that they were very professional and seemed to suggest ways to help applicants with their project.

- § Upon a **motion** by S. Das and **2<sup>nd</sup>** by J. Hass and a **vote** of 6/0/0;  
It was voted to:  
**Close** the Public Hearing, and **issue** a **negative** Determination of Applicability. The Determination of Applicability was **signed**.

**9:25pm 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 continuance to March 14, 2006 due to receipt to the peer review.

- § Upon a **motion** by J. Hass and **2<sup>nd</sup>** by S. Das and a **vote** of 5/0/1 (F. Parker abstained);  
It was voted to:  
**Continue** the Public Hearing to March 14, 2006, at a time to be determined.

**9:25pm 125 Main St, Map 2/Lot 3 (NE35-939)** Continuation 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.

Present:

Owner/Applicant: Michael McDevitt, Stephanie Aprea

Representative: Adam Brodsky

Abutters/Others: Sandra Minelli, Ernest Minelli, Patrick Finn

Mr. Brodsky submitted the historical list of the Chapter 91 Licenses for the property as requested by the Commission. The Commission reviewed a letter submitted by Mr. Brodsky relating to the legal citation concerning transfer of Chapter 91 Licenses as requested by the Commission. The Commission also reviewed a letter submitted by Mr. Bruce Tobiasson, P.E. of Waterfront Design Associates, the Engineer of the project that was submitted in an attempt to answer the Commission's concern and questions regarding the design specifications of the dock structure.

The Commission found that the letter submitted did not answer their specific questions. In particular, the Commission is not satisfied with the terminology used in explanation such as "in-extremis events", "no specific wind wave climate studies", "nominal annual wind/wave climate". The Commission feels that information pertaining to the design should include information relating to the exact wind and wave action that the structure was designed to meet. Additionally they feel that the design specifications should reflect that the design meets criteria set forth to withstand a specific storm event such as a 100 year storm event. Overall they would like numeric standards of the design specifications and not vague language.

A. Herbst has contacted the Chapter 91 Licensing agency and was informed that the applicant was in the process and heading in the right direction for permitting. Additionally, A. Herbst spoke to the Town of Hull Harbormaster and was informed that he had no issues with the project.

F. Parker questioned the effects that the project would have on the public beach in the area. The beach that Mr. Parker was questioning was not in the area of the project and was Town owned.

An abutter mentioned that a similar project is being conducted in the same area and inquired if it would be possible to use that peer review. As the design and location are different, a separate review is needed.

The Commission has requested that a peer review be conducted for this project in light of the fact that other agencies will be reviewing the project due to the commitment and the responsibilities that the Commission has to the public in the Town of Hull. The Applicant has agreed.

§ Upon a **motion** by S. Das and 2<sup>nd</sup> by J. Meschino and a **vote** of 6/0/0;  
It was **voted** to:  
**Continue** the Public Hearing to March 28, 2006, at a time to be determined.

**9:50pm 1132 Nantasket Avenue, Map 7/Lot 51 (NE35-###)** Continuation 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

Abutter/Other: Robert Simon

Mr. Cavanaro referred to the comments made by the DEP concerning the project. He has responded and clarified to the DEP intentions of the project. The issues raised by the DEP do not affect the project. The letter was addressed to A. Herbst and copied to DEP.

As the result of a question from the Commission, Mr. Cavanaro did consult with a structural engineer and presented new plans for a revision in the type of piers that would be used. The change made was from a rectangular shaped pier to a square pier that would reduce the amount of scouring. The new piers will be installed 6 ft. below grade and incorporate three rows.

A special condition will be added that will include a statement that the house may be relocated and not demolished.

§ Upon a **motion** by H. Hass and 2<sup>nd</sup> by S. Das and a **vote** of 6/0/0;  
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 351 Beach Ave, Map 12, Lot 75 (NE35-###)** Continuation of a public hearing on the Notice of Intent filed by Daniel Lehan for work described as repair seawall, construct patio, reconstruct driveway, walkway and stairs.

Present:

Owner: Daniel Lehan

Representative: Paul Halkiotos

Abutters/Others: Tami Guing

Mr. Halkiotos presented new plans for the removal of the patio and installation of a removable deck system. The stone patio will be saw cut and removed returning the area to the original grade. The removable decking would be installed and removed in conjunction with the summer season and would be removed in the event of storms.

The reconstruction of the driveway included the removal of an impervious surface that was slab concrete and replaced with pavers set in crushed stone that would allow for some water infiltration.

Mr. Halkiotos did not have plans for the construction of the removable deck system. The Commission would like to have a date that the patio would be removed. Mr. Lehan will consult with the Contractor to determine the time frame for removable of the patio. The Commission would also like a condition added that would state a date that the removable decking would be removed.

An abutter was questioned and felt that this was an improvement that would reduce flooding on her property.

Mr. Paquin questioned what portions of the project the Commission would permit had this work not been done prior to the filing.

The Commission is requesting that the applicant provide new plans that include the removable decking system. A. Herbst will contact Mr. Halkiotos if a new filing is needed.

§ Upon a **motion** by S. Das and **2<sup>nd</sup>** by S. Connor and a **vote** of 6/0/0;

It was voted to:

**Continue** the Public Hearing to March 14, 2006, at a time to be determined.

**10:20pm Town Dune Crossings at Revere and Kenberma Streets**, Opening of a public hearing on a request for an Amended Order of Conditions filed by the Town of Hull described as adjustments to protect existing vegetation, work around barriers, and provide improved pedestrian access and flooding protection.

Present:

Abutter/Other: Kathy Johnson

A. Herbst presented the project on behalf of the Town. The request to Amend the Order of conditions is to allow for flexibility of the design of the openings that will better fit each situation of the existing opening.

Each opening would be designed site specific to reduce the amount of change to the existing area of the opening.

The Commission questioned whether additional snow fencing could be placed along the dune openings to reduce the amount of scouring.

Ms. Johnson spoke to the issues concerning fencing at the two openings at Kenberma. She was also concerned about scouring. Ms. Johnson would like to have one of the openings at Kenberma closed and have fencing placed along the street in front of the dunes to discourage people from placing their belongings on top of the dunes when unloading their cars. Ms. Johnson would also like to have grass planted on the dune openings that would be closed.

A. Herbst explained that plan is to put sand in the right hand or south opening and plant with beach grass. The left or north opening will be worked on. A. Herbst also explained that the current angle design is supported by the state and coastal engineers and is effective in the majority of storms. A. Herbst will also ask the Town to install the additional fencing along the street. Ms. Johnson was concerned about the beach grass planting. The Commission advised Ms. Johnson that the Beach Management Committee is the organization that is conducting the planting and that she should contact Marc Fournier.

§ Upon a **motion** by S. Das and **2<sup>nd</sup>** by J. Meschino and a **vote** of 6/0/0;

It was voted to:

**Approve** the Amended Order of Conditions. The Order was **signed**.

**10:35pm Town Dune crossings at Malta, Alden, Warren, Coburn, Adams, B, C, D, E, F, G, H, J, K, and L Streets**, Opening of a public hearing on the Notice of Intent filed by the Town of Hull for work described as maintenance of sand dune openings to provide improved flood protection and pedestrian access.

A. Herbst acknowledged receipt of two letters that the Commission has received from residents. As a result, A. Herbst reviewed the current opening at Adams St. and determined that there was no need to move the opening. The area of 211 Beach Ave. was also reviewed and it was determined that the work would not encroach on that property.

§ Upon a **motion** by S. Das and **2<sup>nd</sup>** by J. Meschino and a **vote** of 6/0/0;

It was voted to:

**Close** the Public Hearing, **approve** the project and to **discuss** the Draft Order of Conditions to include special conditions as provided. The Order of Conditions was **signed**.

#### **Other Business:**

746 Nantasket Avenue **request for Certificate of Compliance** – The requested as-built plans have been received and accurately reflect the existing conditions.

§ Upon a **motion** by S. Das and **2<sup>nd</sup>** by S. Connor and a **vote** of 6/0/0;

It was voted to:

Issue the Certificate of Compliance. The Certificate was **signed**.

**Enforcement Order** for 102 Revere St. – for removal of sand on parking area and placement of sand on dune.

§ Upon a **motion** by J. Meschino and **2<sup>nd</sup>** by S. Das and a **vote** of 6/0/0;

It was voted to:

**Approve** the Enforcement Order.

**Driftway bank issue** was briefly discussed. A statement pertaining to use of heavy duty materials for erosion control will be made and also that the area be planted in the spring. A. Herbst will take action.

J. Meschino asked the Commission if they would be willing to change the night of the meetings from Tuesday to Thursday. It is his feeling that the Commission will be involved with many meetings that their presence would be needed at the Selectmen's meetings. He does not feel that it is right to disrupt the Commission's own meetings. Many Commissioners presently have scheduled commitments for Thursdays. A. Herbst will inquire about the Selectmen's Meeting Schedule to determine if alternating the Commission's meetings from the second and fourth Tuesdays to the first and third Tuesdays would be appropriate.

A. Herbst provided an updated grid of the illegal dune openings with concerns that the Commission should review to be brought up to date. Commissioners should call Anne as soon as possible with any questions as she hopes to have some of the openings filled prior to the next meeting.

**Note:** Citizen, Paul Paquin was present for entire meeting.

**10:49pm** Upon a **motion** by J. Meschino to adjourn and **2<sup>nd</sup>** by S. Das and a **vote** of 6/0/0 the meeting was **adjourned**.