



HULL CONSERVATION COMMISSION

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June 26, 2007

Members Present: Sheila Connor, Chair, Sarah Das, Vice Chair, John Meschino, Judie Hass, Paul Paquin

Members Not Present: Jim Reineck, Frank Parker

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

7:40pm Chair Connor called the meeting to order

Agenda Approved: Upon a **motion** by J. Hass and **2nd** by J. Meschino and a **vote** of 5/0/0;
It was **voted** to:
Approve the Agenda for June 26, 2007.

Minutes: Upon a **motion** by P. Paquin and **2nd** by J. Hass and a **vote** of 5/0/0;
It was **voted** to:
Approve the Minutes of May 1, 2007 as amended.

7:50pm Nantasket Beach Reservation, Opening of a public hearing on the Request for Determination of Applicability filed by Northern Tree Service for work described as application of herbicides.

Applicant: Charles Miller

Mr. Miller presented the request as a contractor for the DCR. The proposed plan calls for a management plan that consists of treating weeds and/or poison ivy in the sidewalk along Hull Shore Drive and Fort Revere. Fort Revere would not fall under the jurisdiction of the Commission under the Wetlands Protection Act. The work would be done by trimming as well as utilizing herbicides. The Commission would be notified 21 days prior to work being done.

The Commission is concerned that no specific information was provided about what and where the activity would take place. The Commission also feels that Hull Shore Drive does not have a situation that needs to be dealt with using herbicides and additionally does not feel that this is a process that should be allowed in such a sensitive area.

Mr. Miller will request detailed plans and investigate further with the DCR on what, where and when work is being proposed.

- Upon a **motion** by P. Paquin and **2nd** by J. Hass and a **vote** of 5/0/0;
It was **voted** to:
Continue the Public Hearing to July 10, 2007, at a time to be determined.

8:00pm 41 E Street, Map 16/Lot 214 Opening of a public hearing on the Request for Determination of Applicability filed by Kenneth McDonald for work described as install concrete pad and walkway for wheelchair access.

Applicant: Kenneth McDonald

Mr. McDonald presented the project to construct a stone walkway for easier travel in a wheelchair that will be 26 inches wide. The Commission conducted a site visit on June 25, 2007 and saw no issues.

- Upon a **motion** by P. Paquin and **2nd** by J. Meschino and a **vote** of 5/0/0;

It was voted to:

Close the Public Hearing, and **issue** a **negative** Determination of Applicability. The Determination of Applicability was **signed**.

8:05pm 12 Summit Avenue, Map 55/Lot 4, (SE35-1009) Continuation of a Public Hearing on the Notice of Intent filed by Arthur Cherry for work described as replace stairs to beach that were removed to allow for bank stabilization.

Abutter/Other: Rob Gilman

The Commission discussed ownership of the property that was brought up at a prior meeting. Mr. Lampke is satisfied with the ownership claims and that ownership is not an issue for the Commission.

The original top deck will be modified to allow light to allow vegetation to grow beneath.

An abutter asked if the fact that previous work was not permitted would have any bearing on the decision and expressed his concern about vegetation growing under the stairs.

The only permission that the Applicant needs from the Town is due to the fact that the Town now has an easement through the property.

J. Hass **Motion**, that top deck be modified to allow vegetation to grow and that the Applicant meets with the DPW and the contractor and A. Herbst prior to reinstallation in order to come up with a plan that allows it to be anchored so that the bank is not destabilized and obtain permission from the Town. S. Connor **2nd** – **discussion** - P. Paquin strongly opposed based on lack of engineering plans and opens up more instances for future permitting problems. S. Connors disagrees that it will be opening up an army of people coming forward. Each filing will be looked at uniquely; looking at this filing with special conditions is anything that will erode the Commission ability to look at each filing separately and on their own merit. J. Hass feels this is a different situation due to the Town project. S. Das is more concerned about not having the final engineered plans for installation. J. Meschino feels that protection the top of the bank is the priority. S. Connor's **2nd** **withdrawn**.

S. Connor **amended** the **2nd** to the motion that prior to installation that a certificate from an Engineer stating that the foundation be sufficient to stabilize the bank. No action on amended motion.

- Upon a **motion** by P. Paquin and **2nd** by J. Hass and a **vote** of 5/0/0;

It was **voted** to:

Continue the Public Hearing to July 10, 2007, at a time to be determined.

8:35pm 88 Atlantic Avenue, Map 53/Lot 054, (SE35-969) Continuation of a Public Hearing on the request to amend Orders of Conditions filed by Ellen Dawson for work described as increasing the size of a proposed deck.

Plans have not been submitted by Applicant.

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

It was **voted** to:

Continue the Public Hearing to July 10, 2007, at a time to be determined.

8:35pm 118 Cadish Avenue, Map 14/Lot 121 Opening of a public hearing on the Request for Determination of Applicability filed by Virginia and Edward Walsh for work described as install asphalt driveway.

Owner/Applicant: Virginia & Ed Walsh

Mrs. Walsh presented the request stating that the existing driveway is dirt and they wish to install an asphalt driveway. The driveway is not in a Flood Zone.

- Upon a **motion** by P. Paquin and **2nd** by J. Hass and a **vote** of 5/0/0;
It was voted to:
Close the Public Hearing, and **issue** a **negative** Determination of Applicability. The Determination of Applicability was **signed**.

8:45pm Discussion of request for Emergency Certification regarding unsafe conditions on Nantasket Beach from L Street to X Street.

Attendees: Phil Lemnios, Town Manager, Charles Manning, Nancy Martens, Nancy Bilodeau, Joan White, Vincent DeStefano, Pete Larsen, Joanne Marshall, Rhoda Kanet, Rob Gilman

This discussion resulted from a letter received by the Commission from Selection Chairman John Silva requesting an Emergency Certificate to allow the Town DPW to:

- Re-grade cobble away from homes in affected areas under the guidance of the conservation Administrator.
- Reduce the height of the cobble to one foot below the wall in area where cobble has over-topped the wall.

Mr. Lemnios updated the Commission on the status of the beach in the area of Beach Ave from L Street to X Street that resulted from the Patriot's Day storm. There is a significant amount of cobble that was deposited in and around people's homes and on the beach adjacent to the homes. There are also areas where the cobble has over-topped the walls in front of people's homes. The concern is that with the upcoming hurricane season the build up of cobble represents a significant threat to persons and property. Mr. Lemnios recognizes that this is something that the Commission will struggle with however they are viewing this request as a preemptive measure.

The Commission asked for clarification on the understanding that this request was not being made due to an immediate upcoming storm. Mr. Lemnios responded that it is ideal to do this without being under the gun of a storm racing up the coast. He would prefer to be able to do this work in a controlled manner so that the outcome is not diminished with the threat of a storm coming upon us.

Mr. Lemnios referred to Ms. Marshall's beachfront property where the cobble has come up to the top of the wall. He feels that if there were a storm of any size, at this point the cobble would now start to inundate that home and property. What they are asking for is for some relief from that potentiality and that if cobble is brought down a foot, it would allow somewhere for the cobble to relocate. Mr. Lemnios expressed that the setting here is beachfront in an urban setting that is different from many areas and that he realizes that the Commission has regulations that they must follow through federal and state agencies as well as DEP and CZM.

The Commission asked how the work would be completed. Mr. Lemnios stated that they would have to consult with Ms. Herbst and Mr. Fournier and that the idea is that you would pull back that material by dragging the material down toward the water either by hand or small equipment. It is not intended to remove the cobble from the beach. The Commission asked if the Town would be willing to put this request into Notice of Intent. Mr. Lemnios feels that this is limited enough in scope to make the determinations and decisions that need to be done without the Town spending the money to involve other consultants. The Commission asked where the request for removal of one (1) foot came from. Mr. Lemnios stated that the one-foot height was an arbitrary number; Mr. Lemnios tried to come up with a number that would give the Commission a starting point that the Commission might feel comfortable with. The Commission asked if the Town was proposing to

maintain the cobble at a one-foot below or for a one-time removal. Mr. Lemnios responded that at this point they would like to reduce to that one-foot level and then discuss other options.

The Commission asked if the Town's Health Agent has declared an emergency in this area. Mr. Lemnios stated that he had not. The Commission referred to Town Counsel's procedures for declaring an emergency.

Ms. Herbst stated that she has had conversations with consultants, she feels that consulting with the agencies, and consultants would cost the Town very little and could result in a real solution to the issue. The Commission added that it is unknown whether reducing the cobble by one foot is a solution to the problem.

The Commission explained that the use of consultants would give the Commission a plan to review, and a measurement to make a decision on. The Consultant or Engineer would supply a plan to approve. The Commission reminded the Town that the Town is currently under scrutiny due to previous scraping on the beach. The Commission stated that if a Notice of Intent was submitted, and presented by an Engineer it would give the Commission the proper information to make a decision and would also provide the right for anyone to appeal a decision that they did not agree with.

Ms. Herbst stated that the Commission has indicated that they would entertain the filing of a Notice of Intent. The Commission also informed the attendees that they could advocate to have the laws changed at the state level.

Mr. Lemnios asked the Commission if they would give the Town guidance in what to request of an engineer. The Commission advised Mr. Lemnios that the points that should be addressed are: what is the amount of regrading that is necessary to provide real protection to the homes, and then from there the Engineer should address what impact the project would have on the resource area.

Mr. Lemnios left the meeting and discussion continued with comments from the public. Ms. Herbst informed the public that she is continuing to meet with the agencies to try to obtain a solution for this issue.

Certificates of Compliance: 14 Driftway - P. Paquin **motion, 2nd** by S. Connor to approve the Certificate of Compliance - **vote** of 5/0/0-**signed**

As previously requested by the Commission, the DCR has included repair of the access stairs in their request for an Emergency Certification for the Pt. Allerton seawall repairs. J. Hass **motion, 2nd** by S. Das - **vote** of 5/0/0 to approve the Emergency Certification.

S. Das left the meeting

10:45pm J. Hass **motion, 2nd** by J. Meschino and a **vote** of 4/0/0; **voted** to Adjourn