



HULL CONSERVATION COMMISSION

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October 23, 2007

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

Members Not Present: Paul Paquin

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 J. Reineck and a **vote** of 4/0/0;
It was **voted** to:
Approve the Agenda for 10/23/2007.

Minutes: Upon a **motion** by J. Reineck and **2nd** by S. Connor and a **vote** of 4/0/1 (S. Das abstained);
It was **voted** to:
Approve the Minutes of July 24, 2007.

Upon a **motion** by J. Hass and **2nd** by S. Connor and a **vote** of 4/0/1 (J. Reineck abstained);
It was **voted** to:
Approve the Minutes of October 9, 2007.

7:41pm **1 Oceanside Dr., Map 59/Lot 100**, Opening of a public hearing on the Request for Determination of Applicability filed by the Atlantic Hill Condominiums for work described as repair and replace decks for Units 1 and 2.

Applicant: Paul Kanita, Warren Wright, Joe Lombardi

Mr. Wright presented the project to replace footings on two decks by pinning to ledge. A new footing will be added to one deck that is 50 feet high.

- 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, and **issue** a **negative** Determination of Applicability. The Determination of Applicability was **signed**.

7:45pm **39 Hampton Circle, Map 39/Lot 159, (SE35-1028)** Continuation of a Public Hearing on the Notice of Intent filed by Cathy Murray for work described as remove existing house, replace with new single family house.

Applicant: Cathy Murray
Abutter/Other: Ray Passenti

Mr. Passenti presented the project that includes demolishing the existing single family home and constructing a new home on the existing footprint. The first floor elevation will be at 14.9. Concrete in the back yard of the property will also be removed.

A special condition will be added regarding proper disposal of materials from the demolition.

- Upon a **motion** by J. Hass and **2nd** by S. Das 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**.

J. Meschino recused himself

7:50pm Offshore Hull, (SE35-1029), Opening of a Public Hearing on the Notice of Intent filed by the Town of Hull for work described as offshore subsurface exploratory borings.

Applicant: Pat Cannon

Representatives: Tom Liddy, ESS Group, Inc., Stephanie Banks, GZA Environmental

Abutters/Others: Joe DiVito, Stephanie Landry, David Irwin, Michael Mello, Josh Goodwin, Robert White, Ed Wiessmeyer, Mike Mello, Sr., Chris Manning (not signed in)

Mr. Liddy presented the project that is to include 12 vibracores, 12 test borings and 12 benthic samples in the ocean floor in the area between Hardings Ledge and Nantasket Beach. Mr. Liddy stated that the Notice of Intent was also forwarded to the Department of Marine Fisheries who commented that they did not have concerns that this work would be damaging to lobsters or other species, and that the frequency of the vibracores would not cause concern with lobsters as they are sensitive to other frequencies. Ms. Herbst also verified that she received the same information from DMF. Mr. Liddy explained that the vibracore sampling is performed from a small boat utilizing a 3-inch diameter barrel that is vibrated up to ten feet below the seabed where a sample of the sediment is obtained. At the same time of the vibracore sampling, a benthic sample is taken of the seabed. The test borings are performed from a work barge by lowering three 12-inch legs to jack up and stabilize the barge. The legs have an 8-foot by 12-foot pad at the bottom. A six-inch casing is drilled down into the bottom of the sea floor up to 100 feet to obtain the sample.

The Commission asked the Applicant when they would like to perform the work. Mr. Liddy stated that if the Order of Conditions were granted, they would like to do the work in November.

The Commission asked how long the barge would be at each site. Ms. Banks stated that the time would be dependent on what was encountered during the drilling. The plan is to drill to a maximum depth of 100 feet however if rock is encountered at ten feet, they will drill only to approximately 20 feet. Generally they would be at each site between six and ten hours.

Ms. Herbst stated that lobster is not included as being a protected shellfish under the Wetlands Act.

Mr. Cannon asked Ms. Banks if the work would be done continuously. Ms. Banks stated they are proposing that the work would be performed 24 hours a day for three to four days total. If the weather or mechanical problems arose, the time may vary. A lobsterman asked Ms. Banks if a timetable could be provided. Ms. Banks stated that they could provide a rough schedule indicating the order and estimated time they are planning to be at each location. If changes are made they can be relayed.

NOTE: For purposes of clarification, comments typically identified as being from "abutters" will be identified as "lobsterman".

A lobsterman expressed that the time and location of the proposed project is crucial to the lobstermen's income and feels that the project may drive away the lobster. He also added that since the water is still warm the lobsters are staying in that area. When the water gets cold, the lobsters move out and become dormant.

Another lobsterman added that the area contained a large amount of egg bearing and juvenile lobsters and would like to see the project pushed off until January or February and is concerned that the size of the pads

may kill the lobsters. Mr. Cannon stated that it would be difficult to contract someone to operate the barge and perform the work due to the risks during the winter months.

The Commission asked how mobile the juvenile lobsters were. A lobsterman stated that they are in groups and are able to move. The Commission questioned if waiting until the water was colder would cause more harm to the lobsters since they would be dormant and would not move out of the way of the legs and platforms of the vessel. Ms. Banks stated that the legs are lowered hydraulically at a slow speed and would cause turbulence in the water that would alert the lobsters. Ms. Banks added that if they could not drill soon, they would prefer to wait until the spring. Mr. Liddy stated that working in the cold weather might cause the projected time for work to be completed in to be extended due to possible freezing that would effect the equipment.

The Commission stated that it was the habitat that is protected and not individual lobsters. The concern of the pad being lowered is understood, however they believe any damage occurring would be minimal. If the work were to be performed during the colder months, the possibility of the work taking longer would have more of an effect. It is preferred that the work be performed quicker and sooner.

The Commission stated that there would be a minimal amount of potential damage when you consider the overall area that the project would take place in.

A lobsterman again stressed that they would like to have the time pushed off as far as possible to allow the lobstermen to do their work and the lobsters to migrate. They do know that there will be some mortality.

The Commission stated that the area in question and the amount of time estimated to complete the project does not eliminate fishing in the area.

The Commission asked how much vibration occurs while drilling. Ms. Banks stated that there is a pounding sound until the casing is deep enough then drilling begins and there is very little vibration.

A lobsterman asked what precautions would be taken to prevent damage to traps. Mr. Liddy stated that buoys would mark all locations of work.

Mr. Cannon stated that he will cooperate and communicate with the lobstermen as best as possible and expects the lobstermen will cooperate with him. Mr. Meschino volunteered to be Mr. Cannon's contact for communicating with the lobstermen.

- Upon a **motion** by S. Das and 2nd by J. Hass and a **vote** of 4/0/0 (J. Meschino recused);

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**.

J. Meschino returned

8:45pm Seawall Boulevard revetment, (SE35-1026) Opening of a Public Hearing on the Notice of Intent filed by the Department of Conservation and Recreation for work described as repair of the existing revetment from 67 to 79 Point Allerton Ave. and expansion of the revetment from 79 Point Allerton Ave. to 64 Holbrook Ave.

Applicant: Kevin Mooney

Representative: Russell Titmuss, Bourne Consulting Eng.

Abutters/Others: Tom Callahan, Attorney, Zeynap Ulver, J. Gerson Bloch, Richard Gilmartin, Janet Gilmartin, Mark Ostroff

Mr. Titmuss and Mr. Mooney presented the project. The existing revetment shows signs of failure and contains large voids. Currently, the waves overtop the revetment and have caused erosion along the bank that allows water to infiltrate behind the apron and displace the stones. The proposed project includes reconstruction of the existing revetment. The top 20 feet would be dismantled, voids would be filled in using the existing stone and a new layer of larger stone would be used to armor the revetment.

Due to projections of coastal erosion, it is proposed to increase the top of the revetment by 6 feet. The Commission asked if the toe could be moved out further into the water. Mr. Mooney stated that federal agencies would not allow it.

The revetment will be expanded at the southern end to include the property located at 64 Holbrook Ave. The stairs would be relocated to this end and a level walkway would be added at the top of the revetment. A cobble berm would be constructed adjacent to the existing natural berm along the southern end to aid in the dissipation of wave energy and provide a buffer to the revetment.

A concrete vertical wall will be constructed one foot above the revetment at #77 to connect at #79 to allow water to drain back into the revetment.

At the completion of the project, the existing fence and gate would be removed.

The Commission requested the Applicant provide a written response to the MEPA comments. The Applicant and Ms. Herbst will meet with CZM to discuss the project. After all information is received, the Commission will determine if the project will be sent for peer review.

An abutter asked if the meeting with CZM would be open to the public and if information discussed would be made available to the abutters. Mr. Mooney stated that he would communicate with Mr. Bloch as he has done in the past. The Commission stressed that the meeting is not considered a public hearing, it is meant to be an information gathering session. Mr. Mooney stated that the Owners of 79 Pt. Allerton have hired a coastal engineer to study this project. The Commission stated that if there was other information that is available from the abutters, they are encouraged to submit it for review.

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

It was **voted** to:

Continue the Public Hearing to 11/13/07, at a time to be determined

J. Hass left meeting

10:05pm Spinnaker Island wave attenuator, (SE35-1030) Opening of a Public Hearing on the Notice of Intent filed by Phillip Donohue for work described as repair 105' of the 400' wave attenuator.

Applicant: Phil Donohue

Representative: David Ray

Mr. Ray presented the project that includes removing 65 feet of the existing wave attenuator components in the deep water end and replacing with four new sections of a design that has been approved by DEP as a suitable substitution. The new sections are a design that is foam totally covered with concrete. Sections that are removed that are not damaged will be used to replace existing damaged sections. The new sections are 15 feet long, 11 feet wide. The existing sections are 8 feet wide and 38 feet long. The new sections will float approximately 3 1/2 to 4 feet off of the bottom and approximately 1 foot above the surface.

At this time, it is proposed to replace 4 of the existing sections that are damaged. Any remaining sections that are sinking will be removed, cut up and disposed of.

The Commission will inspect the current attenuator to determine the existing of condition and determine what sections should be removed. Special conditions will be added that any existing damaged sections are to be removed from the water by December 1. An on going condition will be added that any future damage is to be reported to the Conservation Administrator and removed within 30 days.

- Upon a **motion** by S. Das and **2nd** by J. Meschino 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**.

10:30pm North Truro Road, Map 47/Lot 36, (SE35-1027) Opening of a Public Hearing on the Notice of Intent filed by Frank Dell'Appa for work described as construct a single family home.

Representative: Steve Bjorkland

Abutters/Others: Karen Farber, Louisa Goodwin, Kevin Bell, Kate Emery, Lloyd Emery

Mr. Bjorkland presented the project for construction of a single-family home on an existing vacant lot along the Weir River and discussed the resource areas. Concerning land subject to coastal storm flowage, no work is planned below 11.6, which is the FEMA flood elevation. Mr. Bjorkland presented his interpretation of the Riverfront Area. Mr. Bjorkland stated that project site falls under the criteria in the Rivers Protection Act that allows for disturbance of up to 300 square feet of area and are estimating that they will only be disturbing an estimated 120 square feet which is in the driveway. There is no work proposed on the Coastal Bank, work will only be done in the buffer zone that is a solid rock ledge. Any footings for sono-tubes will be pinned to the ledge. The foundation will be 5' 4" away from the top of the bank at the closest point based on his calculations.

There will be some work that must be permitted by the Town that is in the Town right of way, such as the curb cut for the driveway and the water and sewer line and removal of ledge. The Commission advised Mr. Bjorkland to obtain approval from the Town for this work and submit it to them.

An Abutter expressed concern that any blasting for a foundation would disturb the ledge. Mr. Bjorkland stated that there would be no blasting foundation. The only area that will be hammered out would be for the water line. Another Abutter stressed that they are not happy with the project.

The Commission will visit the site again. Mr. Bjorkland will paint out the area of the top of the coastal bank.

The Commission will send the project for a peer review to delineate and interpret the placement of the line for the Riverfront area.

- Upon a **motion** by J. Meschino and **2nd** by J. Reineck and a **vote** of 4/0/0;
It was **voted** to:
Continue the Public Hearing to 11/13/07, at a time to be determined.

11:32pm 120 Nantasket Avenue, Map 49/Lot 001, (SE35-1025) Continuation of a Public Hearing on the Notice of Intent filed by Elaine Nardo for work described as remove 615 feet of inlet and outlet pipe from low tide to the building.

- Upon a **motion** by S. Das and **2nd** by S. Connor and a **vote** of 4/0/0;
It was **voted** to:
Continue the Public Hearing to 11/13/07, at a time to be determined

11:32pm 35 Manomet Ave, Map 25/Lot 104, (SE35-1016) Continuation of a Public Hearing on the Notice of Intent filed by Carson Lu-Marques for work described as repair and restore existing garage and expand by 5 ft, 3 in.

- Upon a **motion** by S. Das and **2nd** by J. Meschino and a **vote** of 4/0/0;
It was **voted** to:
Continue the Public Hearing to 11/27/07, at a time to be determined

11:37pm J. Meschino motion, 2nd by S. Das and a vote of 4/0/0; voted to Adjourn