



## HULL CONSERVATION COMMISSION

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**July 14, 2009**

**Members Present:** Sheila Connor, Chair, Judie Hass, Vice Chair, John Meschino, Paul Paquin, Paul Epstein, Max Horn

**Members Not Present:** Jim Reineck

**Staff Present:** Anne Herbst, Conservation Administrator

**7:30pm** Chair Connor called the meeting to order

**Minutes:** Upon a **motion** by P. Paquin and **2nd** by J. Hass, and a vote of 6/0/0;  
It was **voted** to:  
**Approve** the Minutes of June 23, 2009 as amended.

**7:40pm** **North Truro St., Map 47/Lot 22 (SE35-1065) Continuation** of a public hearing on the Notice of Intent filed by William Horne for work described as single family home and driveway.

Consultant for the Commission: Brad Holmes

Owner/Applicant: William Horne

Representatives: Adam Brodsky, Esq., Chris Lucas, Wetlands Scientist, David Ray, PLS

Abutters/Others: Kevin Conway, Liz Parkes, Joan Horne, Arthur Horne, Joe Prondak, Jesse Platt

Mr. Brodsky brought the Commission up to date on submittals of requested information from the Applicant.

- National Heritage letter dated June 15, 2009 indicating project will not result in a prohibited "take" of state listed rare species
- Larger scale plan submitted by D. Ray prior to meeting
- Methodology of trenching utilities submitted by D Ray

Mr. Brodsky stated that (the Commission and Consultants) were in agreement with wetlands vegetation also thought there was agreement with respect to hydric soils based on laboratory data and thought they were in disagreement only with the hydrology. Mr. Brodsky stated that he is now in doubt of that based on comments received from the Commission's Consultant Brad Holmes. It was discussed at the previous meeting that perhaps a study of the hydrology would provide enough data to form an opinion. Mr. Lucas installed a groundwater monitoring well and analyzed the data and compiled a report that the groundwater data confirms his opinion with respect to the wetlands line. Mr. Brodsky expressed his thoughts on having Mr. Norm Hayes performing additional reviews of this site. He felt it went beyond what is usually completed during a peer review.

The Commission questioned why Mr. Brodsky was opposed to Mr. Holmes' additional review and testing performed. Mr. Brodsky did not want this to become a big issue; however wanted the Commission to know that no permission was granted for the additional testing and the Applicant was not on site to observe.

Mr. Holmes addressed his purpose for the additional site visit. At the previous site visit with Mr. Lucas, Mr. Lucas' flags were not on site. The only flags on site were those that Mr. Holmes had placed. At the end of the previous meeting it was his understanding that they were in disagreement with the type of soil with one area but when he left that meeting that they were pretty much in agreement with the wetland line. Since that meeting new flags were put in the field because they were not present at the time. He had to submit a new

proposal with the Commission to go out again to review those flags because that had not been done previously. At that time, Mr. Holmes subcontracted another wetland's scientist to visit the site and provide another experienced review. The additional test pits that were done were typical analysis when you are doing a wetland line in the field.

The Commission reminded the Applicant that it was stated at a previous meeting that another professional opinion was recommended.

Mr. Lucas stated that he had contacted the DEP to determine how they would handle the site with the technical criteria. He stated that the DEP would need to have all three criteria met; vegetation, hydric soil and hydrology. He stated that they are in agreement with the vegetation. The DEP was in agreement that the well would be a very good idea and to model at least one full tidal cycle if not two. The well was installed following standard operating procedures. Two full tidal cycles of data were collected. Based on that analysis, groundwater depth from June 3 to June 24; the average was almost 31 inches.

Mr. Lucas stated that yes this site is in a tidal area and there are spring high tide events which could bring the water level to reach close to the surface, but again it is for a few hours a day once or twice a month.

Based on this data, it is Mr. Lucas' opinion that the groundwater is not in the surface or within 12 inches long enough during the year to meet the criteria that the DEP is looking for wetland hydrology. It is Mr. Lucas' opinion that this site contains wetland vegetation but does not contain hydric soils in the area as delineated and does not contain wetland hydrology although it occasionally floods.

The Commission noted the fact that the high tides sampled were nearly a foot below the average high tide level – and that because sampling was often done late, the tide levels were nearly a foot lower on average, amounting to sampling well below high tide. The Commission questioned what effect this had on sampling results. Mr. Lucas responded that other than at spring tides, tide levels had only an effect of an inch or two on groundwater levels.

Mr. Holmes commented that the groundwater monitoring monitors groundwater level, but not soil saturation. Soil saturation would be higher than the groundwater level. Mr. Holmes indicated that he has consistently found hydric soils, hydrology and wetlands vegetation at the location in dispute.

A Commissioner noted that Mr. Lucas had said June was abnormally rainy. He indicated that for the year, rainfall is 1.7 inches below normal. He asked Mr. Lucas if rainfall is below normal for the year, could that affect the groundwater monitoring results. Mr. Lucas said it could.

Mr. Holmes asked for an explanation of how the trench would be dug for the utilities. Mr. Ray stated that in areas like this, if the length is about 9 or ten feet, it can be hand dug. The Commission asked how deep the trench would have to be. Mr. Ray stated that it would be necessary to go at least four feet deep. The Commission asked if it is possible to hand dig to a depth of four feet without support of collapse of the sidewalls. Mr. Ray stated that at the depth of four feet, you would begin to consider supporting the sides to prevent collapse and suffocation of the worker.

The Commission wanted clarification of the distance between the perimeter of the building and the wetlands. Mr. Ray stated that it was within about 3 inches at the closest point and many spots that it is ½ foot but it is less than a foot all the way around. The Commission expressed concern of the impact of construction to the wetland areas. Mr. Brodsky stated that there would be a wetland scientist on site during construction. Mr. Ray stated that the pilings would be three feet from the wetlands boundary. The Commission informed the Applicant that they use guidelines suggested by the DEP and typically require a 10 foot buffer to vegetated wetlands.

The Commission asked to have the area of disagreement regarding the wetland lines pointed out.

An abutter expressed concerns over unanswered questions regarding the frontage of the property. Although this topic does not concern the Commission, he pointed out that the extension of North Truro Street is in a

buffer zone bordering vegetated wetlands. There would need to be a lot of vegetation cut down. Runoff has not been discussed. Currently the water runs down North Truro Street and has gullied out the paper street. Concern was also expressed regarding existing erosion on the site.

A Commissioner read from the WPA Chapter 310 CMR 10.32 “a proposed project in a salt marsh, on lands within 100 feet of a salt marsh or in a body of water adjacent to a salt marsh shall not destroy any portion of the salt marsh and shall not have an adverse effect on the productivity of the salt marsh”. This project is right up against the salt marsh. It would be very difficult to believe that this project could be completed without adverse effect on the salt marsh.

- Upon a **motion** by P. Paquin and **2nd** by J. Hass and a **vote** of 6/0/0;  
It was **voted** to:  
**Close** the Public Hearing and **deny** the project. The Order of Conditions was **signed**.

**8:35pm Rockland Circle and Dump Access Road, Map 43/Lot 001 and Map 38/Lot 044 (SE35-1082)**  
**Continuation** of a public hearing on the Notice of Intent filed by Two A Realty Trust and Town of Hull for work described as wetlands delineation.  
The Applicant requested a continuance to August 11, 2009

- Upon a **motion** by J. Hass and **2nd** by P. Paquin and a **vote** of 6/0/0;  
It was **voted** to:  
**Continue** the Public Hearing to August 11, 2009 at a time to be determined.

**8:40pm 300 Newport Rd., Map 22/Lots 95, Opening** of a public hearing on the Request for Determination of Applicability filed by the David Tilden for work described as replace gravel driveway with pavers.  
Representative: Chuck Canale

Mr. Canale presented the project to consist of removing a gravel driveway and replacing it with pavers. A drain will be installed that will feed two trenches to allow for recharge of groundwater. Information on the infiltration rates was provided.

- Upon a **motion** by P. Paquin and **2nd** by J. Meschino 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**.

**8:50pm 305 Beach Ave., Map 13/Lot 96 (SE35-1088) Opening** of a public hearing on the Notice of Intent filed by David and Wendy Ellison for work described as raze single family home and build flood compliant home.

Owner/Applicant: David Ellison  
Representatives: Al Kearney, Carmen Hudson  
Abutters/Others: Noreen Campedelli

Ms. Hudson presented the project that is to include razing an existing home and shed and replacing with a new single family home that will be flood compliant. The existing home is constructed on a full foundation with a basement. The new foundation will consist of a driven pile system to allow free flow of water. The new structure will be constructed on the same footprint of the existing house. There will be landings and staircases leading to the first floor.

Mr. Kearney, the Architect had proposed utilizing lattice panel to surround the piles. The Commission advised him that they may not be allowed in a velocity zone by the building department. The Commission asked what would be under the house; the response was that nothing would be under the house. The Commission discussed the proposed siding on the architectural drawings that appear to run down to grade level. This will also not be allowed and current building codes must be met.

There are no plans to remove the existing concrete patio on the Beach Avenue side. The only change to the concrete walkways may be an extension of the walkways at the rear of the home where the stairs would meet the walkway.

Parking will be on Q Street. The existing concrete basement and foundation will be removed. The void will be filled and must be at the existing elevation.

Special Conditions were added as follows:

- The Commission finds that the property is located on a coastal dune. The building must be built in compliance with 780 CMR 120.G of the building code in accordance with the requirements for building on a coastal dune.
- Fill material used to fill the void left when removing the current foundation and basement shall be sandy material that matches the nearby beach in grain size.
- Upon a **motion** by J. Hass and **2nd** 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**.

**9:20pm 14 Manomet Ave., Map 27/Lot 6 (SE35-1087) Opening** of a public hearing on the Notice of Intent filed by Joel Rudy for work described as remove existing concrete and asphalt, replace with pavers.

Owner/Applicant: Joel Rudy, Stacey Rudy

Representative: John Boyd

Abutters/Others: Christian Krahforst

Mr. Boyd presented the project by describing the existing site as a 2,500 square foot lot with 1,255 square feet covered by asphalt or concrete. The basically covers the two sides of the house and the rear of the house. The area along Manomet Ave that is grass will remain. It is proposed to remove the asphalt and concrete and replace with pavers.

The Commission asked where the velocity zone is located on the site. Mr. Boyd stated that it looks like it cuts across the back yard. It is a little hard to determine exactly. The sides of the house and the driveways are definitely an AE Zone. The back of the house which is approximately 6 or 8 feet wide it is a very narrow area. It appears that approximately 80% of the site is in an AE Zone.

The Commission confirmed that the vegetated areas would remain and that all impervious materials would be removed and replaced with pavers. Mr. Boyd stated that in terms of the velocity issue, the house is almost completely blocked from the water by two houses on Beach Ave. There is really only a very small corridor between the two houses to the beach. The Commission asked where this corridor that would allow water to rush through from the beach is. Mr. Rudy indicated that it is the back right corner of the property.

Mr. Boyd showed the Commission the type of paver that they were hoping to install. The Applicant stated that he may only replace the driveway and the patio with the proposed pavers at this time and not make a change to the area in the velocity zone. The Commission cautioned Mr. Rudy that if he did make changes in the velocity zone without a permit it would not be acceptable.

The Commission spoke briefly about the adjacent property and the wish to connect to the town sewer system. The neighbors and the sewer department will work this out together.

Special Conditions were added as follows:

- The Commission approves the use of the proposed pavers for the portion of the property that lies within the A flood zone.

- For the portion of the property that lies within the V flood zone (November 2008 draft map), if the applicant chooses to replace the existing pavement, acceptable replacement options include: 1) grass 2) sand 3) gravel, or 4) lattice style pavers of the type utilized at the 99 Beach Avenue driveway (Grasstone II, Pavestone Company) appropriately installed so as not to uplift in storm events. In addition, the applicant may remove the pavement and install a seasonal decking system during the summer season. The decking must be removed between September 30 and May 1 of each year. The applicant should notify the Conservation Department in advance of installation in the event that s/he chooses to replace the concrete with one of the above listed options.
  
- Upon a **motion** by P. Paquin and **2nd** 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**.

**Request for Certificates of Compliance:**

94 Clifton Avenue- P. Paquin motion, J. Meschino 2<sup>nd</sup>, vote 6/0/0 - signed

30-31 Marina Drive- P. Paquin motion, J. Meschino 2<sup>nd</sup>, vote 6/0/0 - signed

**10:45pm** J. Hass **motion**, **2nd** by P. Paquin and a **vote** of 6/0/0; **voted** to Adjourn