



HULL CONSERVATION COMMISSION

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August 11, 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
Ellen Barone, Clerk

7:30pm Chair Connor called the meeting to order

Minutes: No Action

7:35pm **53 Highland, Map 5/Lots 73, Opening** of a public hearing on the Request for Determination of Applicability filed by the Shaffer Construction for work described as replace sonotubes on rear porch.

Abutters/Others: Don Ritz

Ms Herbst presented the project on behalf of the applicant that includes replacing seven sonotubes on the deck at the rear of the house. Mr. Ritz raised questions that were of concern to the Historical District Commission. The Conservation Commission advised Mr. Ritz that the concerns of the Historical District Commission were not relevant to the permitting of this project in accordance with the Wetlands Protection Act. (WPA)

- Upon a **motion** by J. Hass and **2nd** by M. Horn 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**.

7:40pm **19 Burr Road, Map 51/Lot 91, (SE35-1090) Opening** of a public hearing on the Notice of Intent filed by Michael Collins for work described as addition to a single family home.

Owner/Applicant: Michael & Tracy Collins

Representative: David Ray, PLS, Don Ritz, RA

Mr. Ray presented the project to which is to remove an existing deck and construct a 2 story addition at the rear of the home. The addition will also include a porch and deck on the second floor level. A pier system will be used for the foundation and tie in to the existing home. The addition will be compliant with v-zone building requirements.

The Commission questioned the elevation of the existing house. Mr. Ray stated that the rear of the house is at elevation 35 and that there will be a rise from the connection at the house to the back of the addition that will put the rear piers up above elevation 36.

An Abutter (not signed in) made mention of a water pipe that crosses through the Applicant's property and is located where the addition is planned. This is not relevant to the permitting of this project in accordance with the WPA and will be worked out between the home owners.

- Upon a **motion** by P. Paquin and **2nd** by M. Horne 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**.

The meeting was moved and continued in the Selectmen's meeting room to accommodate the large number of residents attending the next hearing.

7:55pm 15 Mt. Pleasant, Map 5/Lot 84, (SE35-1091) Opening of a public hearing on the Notice of Intent filed by John Schindler for work described as remove boulder wall, install post and cable fence.

Owner/Applicant: John Schindler

Representative: Stan Humphries, Coastal Geologist

Town Counsel: James P. Lampke

Abutters/Others: Don Ritz, Pat Selland, Brad Selland, Tina Breen, Elisabet Hayes, Jude Hutchinson, Kathleen Wolf, Michael Glenn, Connie Iannicelli, Deborah McCarthy, Marguerite Kilfoyle, Eleanor Kilfoyle, Andrew Kilfoyle, Ron Recce, John & Beatrice Kelly, Sean Shanahan, Dan Llewellyn, Jacqueline Llewellyn, Eileen Stanley, Barbara Stanley, Rich Kilfoyle, Judy McDonald, William Souza, Jr., John Kelly

Mr. Humphries presented the project. He began by reviewing the resources areas and noted that the coastal beach as indicated on the plan should continue north to elevation 10. The project calls for removal of an existing boulder wall and construction of a timber post and wire cable fence. The fence would be constructed utilizing eight(8) posts that are between eight(8) and ten(10) inches in diameter. A series of cables would connect the posts. The posts will be installed be either boring or auguring them into the ground to a depth between eight and ten feet. The amount of impact to the coastal beach would be approximately 5 ½ square feet for the installation of the posts. The fence will be constructed along the east side of Mr. Schindler's property from the bottom of the stairway running south along the Town owned concrete wall to approximately 6 feet north of the beginning of the existing rip rap along the concrete wall. A path is proposed to run in line with the existing stairs in an area that is now vegetated. This will allow the homeowner to access the beach and his stairs without passing through the abutting property to the west. The Commission asked if the concrete pad at the bottom of the stairs would be removed. Mr. Humphries indicated that it would. The Commission asked if there were plans to bring in any new materials for the path. Mr. Humphries stated no.

The Commission asked if the public still have access to the beach from the Town Parking Lot. Mr. Humphries stated that there is a six foot open area unobstructed between the last post and the boulders that are on the beach. The Commission asked if there was a drop off at that area, and how much. Mr. Humphries answered there is, maybe two to three feet.

The Commission asked if the removal of the boulder wall would improve the flow of water. Mr. Humphries stated that he felt it would be an improvement as water will be able to flow freely through the area. With the boulders there now, arguably they are an obstruction to the movement of material and waves, may even redirect waves; removing them is an improvement.

The Commission asked if the removal of the boulders was to facilitate the flow of water or is that just a secondary act. Mr. Humphries replied that he believed that there was documentation in the file that stated that the boulders do not belong there and also that the removal would allow the Applicants to stay on their own property when accessing the beach. The Commission asked if Mr. Humphries thought that there would be more disruption to the beach by removing the boulders. Mr. Humphries stated no. The Commission asked whether the boulders keep flood waters from the Town Parking Lot. Mr. Humphries indicated no, in his opinion there would be less flooding to the parking lot when the boulders are removed. The boulders may have been of value when the site was considered and AO Zone. Now that the site is a Velocity Zone, they are in violation and should be removed. The Commission asked Mr. Humphries if the area was considered filled tidelands. Mr. Humphries responded that he had not done any research to make that determination.

In reference to the plans, the Commission questioned the placement of the fence to right next to the concrete wall. Are there any setback rules? Mr. Humphries stated that he was not aware of any zoning or building regulations relating to the placement of the fence.

Mr. Lampke asked a series of questions about the project regarding the location, construction and means of access to the beach.

Many abutters and residents commented regarding this project. Statements covered the following concerns:

- Emergency access for Fire Department
- Historical District review process
- Long time area for public swimming lessons
- "Prescriptive Use" rights
- Access point for many years for many residents being blocked
- Plan used was produced for another project
- Anything placed on the beach would change the beach
- Upper boulders could be sand bagged in a severe storm event
- If no opening in wall proposed, people must climb over the fence or the wall

The Commission explained to the residents that they are charged to make decisions based on the Wetlands Protection Act. The Chair polled the Commission to determine if they felt another site visit would offer any additional information. The Commission determined that they were all familiar with the site and another visit was not necessary.

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

The Commission returned to the 2nd floor meeting room.

9:30pm 67 D Street, Map 17/Lot 97, (SE35-1089) Opening of a public hearing on the Notice of Intent filed by Thomas and Sally Maguire for work described as demo and rebuild single family home.

Owner/Applicant: Thomas Maguire

Representatives: David Ray, PLS, Stan Humphries, Coastal Geologist

Mr. Ray presented the project proposing to demo the existing home, fill in the basement and construct a single family home on the existing foundation. The foundation is designed to be built with the first floor elevation five feet above grade. The requirements for this area call for three feet above grade. The foundation will be FEMA compliant with flow through vents.

Mr. Humphries outlined his opinion of the site as it relates to performance as a dune. Mr. Humphries stated that this is his opinion that this site does not meet the requirements under the definition of a functioning dune. The Commission questioned this finding when viewing photographs of the area showing sand on the street. The Commission discussed possibly using piles to allow water to flow through. Mr. Ray stated that the foundation is designed to flood and that the foundation is higher than required. The Commission then discussed adding addition flow through vents. The Applicant was willing to do this. The Commission determined that the dune in this area is not significant to the interests of flood control and storm damage protection.

Special Conditions were added as follows:

- The Conservation Commission finds that the coastal dune in this location is not significant to the interests of flood control and storm damage protection.
- The applicant shall use "stacked" model flow through vents, or their equal in size.

- Upon a **motion** by J. Meschino and **2nd** by M. Horne 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 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.

- Upon a **motion** by J. Hass and 2nd by J. Meschino and a **vote** of 6/0/0;
It was **voted** to:
Continue the Public Hearing to August 25, 2009 at a time to be determined.

J. Meschino recused himself

Discussion of potential violation – 317 Beach Avenue
Owner/Representative: Kevin Karlberg
Abutter/Other: John Meschino

The Commission discussed a complaint by Mr. Meschino that a portion of the railroad bed has been filled in during the construction of the new home at 317 Beach Avenue. Mr. Meschino stated that there appears to be a fine grain material that now is flowing into the catch basin and clogging it as well as running along “S” Street causing rainwater to puddle in front of is property. This water remains still and now growing algae. The railroad bed previously contained an organic garden and a depression that held water and drained without flow to the street or abutting properties.

Mr. Karlberg admitted that the area was filled with excess materials for the site during installation of electrical lines. He estimates that approximately three yards of material was graded on the railroad bed. He also stated that he was aware that vegetation had been destroyed. The Commission will make a site visit to view the site make a determination relating to restoration.

J. Meschino returned

Discussion of potential violation – 73 K Street
Owner/Rudolph Tanzi

The Commission discussed a potential violation of a fence being constructed at the site without a permit. Ms. Herbst will provide information to Mr. Tanzi from the Wetlands Protection Act and will work with Mr. Tanzi to come to a suitable solution.

Request for Certificates of Compliance:

73 Manoment - P. Paquin **motion**, M. Horn **2nd**, **vote** 6/0/0 - **Signed**
204 Nantasket Road- P. Paquin **motion**, M. Horn **2nd**, **vote** 6/0/0 - **Signed**
33 Edgewater Road- P. Paquin **motion**, M. Horn **2nd**, **vote** 6/0/0 - **Signed**
C and D St. housing sidewalks- P. Paquin **motion**, J. Horn **2nd**, **vote** 6/0/0 - **Signed**

11:10pm J. Meschino **motion**, **2nd** by M. Horn and a **vote** of 6/0/0; **voted** to Adjourn