



HULL CONSERVATION COMMISSION

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September 14, 2010

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

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

7:30pm Chair Connor called the meeting to order

Minutes: Upon a **motion** by J. Meschino and **2nd** by M. Horn and a vote of 7/0/0;
It was **voted** to: **Approve** the Minutes of August 24, 2010.

7:35pm 72 Lynn Avenue, Map 22/Lot 178, Opening of a public hearing on the Request for Determination of Applicability filed by Phyllis Lipton-Kurciviez for work described as 15' above ground pool.
Documents: Swimming Pool Plan submitted with RDA

Ms. Herbst presented the project. The Commission had no issues.

- Upon a **motion** by P. Paquin and **2nd** by M. Horn and a **vote** of 7/0/0;
It was **voted** to:
Close the Public Hearing, and **issue** a negative Determination of Applicability. The Determination of Applicability was **signed**.

7:40pm 1A Marina Drive Map 60/Lot 900 (SE35-xxxx) Opening of a public hearing on the Notice of Intent filed by Spinnaker Island and Yacht Club Association for work described as handicap access to pool area.

Owner/Applicant: Melissa Murphy, Bob Botelho, Larry Hibbard

Representative: David Ray, PLS

Documents: Phase 1 Proposed Conditions Plan (Pool) submitted with NOI

Mr. Ray presented the project to include the construction of a handicap accessible walkway. The walkway will be elevated on concrete sonotubes then exit onto a new concrete platform. The area below the walkway will be covered with gravel. Areas where existing pavers are removed will be seeded.

The DEP had not issued a number.

- Upon a **motion** by P. Paquin and **2nd** by M. Horn and a **vote** of 7/0/0;
It was **voted** to:
Continue the Public Hearing to September 28, 2010 at a time to be determined.

7:45pm 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.

Owner/Applicant: Ernesto Caparrotta

Representatives: Peter Rosen, Richard Nylen

Consultant to the Commission: Mark Manganello

Abutter/Other: John Reilly

Documents: Lynch, DeSimone & Nylen, LLP (Richard A. Nylen) letter dated September 7, 2010
LEC Environmental Consultants, Inc. (Mark L. Manganello) letter dated June 9, 2009
LEC Environmental Consultants, Inc. (Mark L. Manganello) letter dated August 13, 2010

Mr. Rosen began the hearing with his interpretation of the existing conditions of the site. He stated that around the opening of the culvert where there is tidal flow, there is a salt marsh community. There is *Spartina patens*, and there is peat formation, which he believes is key to the function of a salt marsh. Mr. Rosen stated that the salt marsh, as delineated by the applicant, is overwhelmingly the *spartina patens*, but the area to the north of it, is all *Distichlis*. It is his opinion that since there is no peat, and *spartina patens* are not dominant in the area north of their delineation, the Applicant's recent delineation of the salt marsh is correct. Mr. Rosen's delineation is at the boundary of *Spartina patens* and *Distichlis*. There was no new plan submitted.

Mr. Manganello reiterated his previously stated findings and his interpretation of the definition of a salt marsh from the Wetlands Protection Act. It is his opinion that the definition does not limit the boundary to areas dominated by *spartina patens* and *alternifloras*. Mr. Manganello also highlighted the portion of the definition referring to the salt marsh extending to the highest spring tide. He also stated that the definition does not refer to the absence of peat as being used in determining the boundary. Mr. Manganello commented that the regulations pertaining to dominant plants is not meant to define the limits of a salt marsh. Mr. Manganello stated that *Spartina patens* do exist up to the high tide line on this site.

Mr. Nylen gave his interpretation of the definition of a salt marsh and that it is his opinion that the *Spartina patens* must be the dominant plants for determining a salt marsh. Mr. Nylen stated that the site does not have a gravity fed high tide and therefore the site cannot be found to have a salt marsh.

Commission members discussed their observations of the site being 3/4 inundated with water at high tide on several occasions.

Mr. Reilly questioned whether the salt marsh is significant.

- Upon a **motion** by J. Meschino and 2nd by P. Epstein and a **vote** of 2/4/1 (S. Bannen abstained)
It was **voted**:
The **motion** to accept the wetland delineation of the Applicant was denied.

8:40pm North Truro St., Map 47/Lot 22 (SE35-1127) Continuation of a public hearing on the Notice of Intent filed by William Horne for work described as single family home on pilings.
The Applicant requested a continuance.

- Upon a **motion** by P. Paquin and 2nd by M. Horn and a **vote** of 7/0/0;
It was **voted** to:
Continue the Public Hearing to September 28, 2010 at a time to be determined.

Requests for Certificates of Compliance:

157 Samoset Avenue – J. Meschino **Motion**, M. Horn **2nd**, **vote** 7/0/0; **signed**
367 Beach Avenue – J. Meschino **Motion**, J. Hass **2nd**, **vote** 6/0/1; **signed** (M. Horn abstained)
A Street dune – J. Meschino **Motion**, M. Horn **2nd**, **vote** 7/0/0; **signed**
671 Nantasket Avenue Fire Station – J. Meschino **Motion**, M. Horn **2nd**, **vote** 7/0/0; **signed**
S St at Railroad bed – J. Meschino **Motion**, M. Horn **2nd**, **vote** 7/0/0; **signed**
67 D Street – J. Meschino **Motion**, M. Horn **2nd**, **vote** 7/0/0; **signed**
767 Nantasket Ave – J. Meschino **Motion**, M. Horn **2nd**, **vote** 7/0/0; **signed**
296 Nantasket Ave – J. Meschino **Motion**, M. Horn **2nd**, **vote** 7/0/0; **signed**
Peddocks Island (need to re-sign) – approved at Meeting of 8/24/2010

9:14pm Upon a **motion** by J. Meschino and **2nd** by M. Horn and a vote of 7/0/0;
It was **voted** to: Adjourn