



HULL CONSERVATION COMMISSION

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January 8, 2013

Members Present: Sheila Connor, Chair, Paul Paquin, John Meschino, 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 M. Horn and **2nd** by P. Paquin and a **vote** of 5/0/0;
It was **voted** to: Approve the Minutes of December 11, 2012 as amended

7:40pm 837 & 839 Nantasket Ave, Map 12/Lot 106 (SE35-1205) Opening of a Public Hearing on the Notice of Intent filed by Kelley's Sunset Marine, Inc. for work described as repair existing docks and pilings.

Representatives: Donna Capone, Paul Parsons

Documents: Correspondence – Donna Capone, Property Manager – Dated 11/12/2012
E-mail from N. Tay Evans, Div. Of Marine Fisheries – Dated 1/08/2013
License Plan No. 3813 Sheet 1– Alvarez, Roebuck – Locations indicated by highlighter
Hand drawn plans Pier A #5548 – dated 11-1-2012

Comments in support of project from Richard & Cecile Lasoff 188 Cadish Ave - read aloud for record
Abutters/Others: Peter Lutze, Bonnie Lutze, Michael Ribeiro, Ann Harris, Susan Ribeiro, Edward Cotter

Mr. Parsons and Ms. Capone presented the project that is to repair two existing piers that will include replacement of piles and decking. Materials to be used are pressure treated wood and galvanized hardware. Michael McDevitt of Onset Marine will perform the work.

The Commission stated that the plans submitted lacked some of the necessary information such as the top of the coastal bank, property boundaries, etc. After discussion it was determined that there is no coastal bank on the site as it is a coastal beach that transitions to coastal dune.

The Commission asked how much of the piers will have to be replaced versus repaired. Ms. Capone stated that a lot of what is shown on the plans is not there anymore. They are only repairing the short piers and not all of the other structures. The pilings and cross struts will be replaced. If the decking is bad, it will be replaced. Some will be reused. The Commission indicated that it appears that the pier on the south end may need to be completely replaced. Ms. Capone stated that it was not 100 percent. Mr. Parsons stated that whatever was bad would be replaced.

Ms. Herbst stated that in reviewing the file, the Conservation Commission issued a permit in 1993 to replace/repair the U St. pier. The Commission had asked that the work be completed using a barge and the DEP issued a Superseding Order stating that they did not want it done using a barge, they wanted it done from the shore or from the pier itself. Mr. Parsons stated that if you brought in cranes, you would have to block off the street. When asked how he was proposing to do this work, Mr. Parsons stated that Mr. McDevitt would utilize his barge and drive the piles. Ms. Capone stated that she spoke to Boston DEP and Division of Marine fisheries and they informed her that because they were replacing fewer than 50 pilings it has a lot less impact and that there is no time of work restriction because it is a small project. When asked how many pilings would be replaced, Ms. Capone stated probably about 20. The Commission stated that they must have an exact number.

The Commission asked what the proposed schedule of work was relating to tides, and any restrictions. Mr. Parsons, not being the contractor was unable to answer the question only that the barge would be brought in and will sit on the mud. The Commission informed Mr. Parsons that they would need to know from the contractor how he proposed to do the work. The Commission requests that Mr. McDevitt attend the next meeting to describe the scope and methods of the proposed repairs.

The question of ownership of the small strip of land on Cadish Street was raised. Mr. Parsons stated that all of the property in question belonged to Sunset Marine. The Applicant has provided copies of two Chapter 91 Licenses. Referring to the Division of Marine Fisheries correspondence, the Commission pointed out that the letter states that maintenance was to be performed. The Commission stated that they feel that one of the piers is beyond maintenance. It appears that one pier is being replaced or reconstructed rather than simply repaired. A. Herbst will clarify the scope of the project with Division of Marine Fisheries.

The Applicant should also verify the length of what is stated in their cover letter for the length of repair of Pier B versus what is indicated by the Chapter 91 license #536.

When asked what materials would be used, Mr. Parsons stated wood treated with formaldehyde is no longer used. Dumpsters will be provided for disposing of materials removed and Mr. Parsons will provide a certificate of disposal.

Abutter Comments:

P. Lutze referenced a 1994 Corps of Engineer report, stating that the ramp in front of 180 Cadish was not functional and could not be used, and asked the Commission whether, before any repairs are done, the ramp could be removed. The Commission stated that the filing before them does not include that work and is not something they can require. Mr. Parsons stated that that will be addressed at a later time.

P. Lutze asked about the purpose of the south pier, because he feels it has been a hazard for so many years. He said he does not see it as a functioning boating pier and if it is, he questioned whether there is adequate parking to accommodate it. Mr. Parsons stated that Sunset Marine is a full operating marina; it has its licenses and mooring fields from the Corp of Engineers. There will be moorings put out, the dock will be utilized for boaters, and they have the right to extend fingers with cross chain moorings and it will be operating with the other marina. It will be functional. There will be no slips; it has extended fingers for docking, etc. He stated the marina has plenty of parking when boats are in the water and there is Town parking at the Daley and Wanzer lot. The fingers will be removed seasonally. The Commission noted that parking is not within their jurisdiction. Mr. Lutze stated that the south pier being repaired will serve no purpose to the neighborhood.

E. Cotter questioned the status of the Chapter 91 License stating that his research only found a license issued to a previous owner. He asked what is the most recent license issued for this property. Mr. Cotter was informed that the issue of Chapter 91 Licenses did not fall under the commission's purview however the Licenses were submitted with the filing and these did not have expiration dates. Mr. Cotter added that the regulations state that if a structure is abandoned for five years or not used then the Chapter 91 is considered expired. Mr. Cotter was advised that there is a venue that handles Chapter 91 Licenses. The Commission issues Wetlands permits and does not have the power to determine validity of or issue Chapter 91 Licenses.

E. Cotter would like the work to be restricted to off-season from October to April if approved. He feels that a barge would be extremely disruptive to the area. He does not have a problem with the north marina pier being repaired. He also questioned the location of the U Street pier as it relates to property rights of an abutter at 2 U Street. Ms. Capone stated that they would like to have the work completed prior to the season. Mr. Cotter requested the numbers of the Chapter 91 Licenses and where would be the best place to address property issues. He was told that if an abutter has a survey that could be presented it could be helpful and to also check with the assessors office or building department. The Applicant was requested to provide the property lines.

The Commission asked how the connection from the U Street pier would be made to the ground. Ms. Capone stated that an aluminum ramp would be installed. Mr. Cotter added that stringers would be used.

S. Ribeiro, representing her mother, asked if this permit has anything to do with floating docks, what they can be used for and what can be done with them and what can they do in the water. She was informed that the Harbormaster controls that. The floating docks are not part of this project. Ms. Ribeiro stated that the address for the project is listed as 837-839 Nantasket Ave. and she would like to know what that is. She was informed that that is the historic address used for the location. She then asked if the pier should be listed as Cadish Ave and shouldn't the Public Hearing Notice have listed Cadish Ave. She was informed that the address for the property is Nantasket Ave. Ms. Ribeiro also asked about the status of the fuel tanks on site. Mr. Parsons stated that the tanks are not in this area and have nothing to do with this project. He stated that he has all the permits and inspections for them. They have been filled and left in place. Ms. Ribeiro was advised that she could contact the fire department with any questions.

Ms. Capone will attempt to locate a survey.

- Upon a **motion** by M. Horn and **2nd** by P. Paquin and a **vote** of 6/0/0;
It was **voted** to:
Continue the Public Hearing to January 22, 2013 at a time to be determined.

P. Paquin recused himself and left the meeting – J. Meschino left to attend the selectmen's meeting
8:35pm 49 Edgewater Road Map 29/Lot 15 (SE35-1200) Continuation of a Public Hearing on the Notice of Intent filed by Ron Zimmerman for work described as stone patio, lawn and stone wall.

Owner/Applicant: Adam Russo

Documents: Site Plan – Outback Engineering – notations by Adam Russo – Dated

Mr. Russo submitted a revised plan. A lawn will be planted where a patio was previously proposed. Mr. Russo proposes to plant a boxwood hedge the length of the existing timber wall on the coastal bank, and plant an arborvitae hedge at the new lawn perpendicular to the coastal bank. The Commission suggested planting vinca as ground cover under the boxwoods. A fence will be installed perpendicular to the coastal bank at the edge of the new lawn. Mr. Russo stated that he would move the shed off of the top of the coastal bank. He intends to add more plantings to the coastal bank. All work done on the site will be done by hand. A bobcat will be parked on the street.

Special Conditions should be added as follows:

- Prior to beginning work, Mr. Zimmerman should meet with A. Herbst.
- Upon a **motion** by P. Epstein and **2nd** by M. Horn and a **vote** of 4/0/0;
It was **voted** to:
Close the Public Hearing and **approve** the project. The Order of Conditions was **signed**.

Requests for Certificates of Compliance

105 Hampton Circle - **M. Horn** Motion, **S. Bannen** 2nd, **vote 4/0/0**; **CoC** issued

8:55pm Upon a **motion** by **M. Horn** and **2nd** by **S. Bannen** and a **vote** of 4/0/0;
It was **voted** to: Adjourn