



## HULL CONSERVATION COMMISSION

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**November 26, 2013**

**Members Present:** Sheila Connor, Chair, Paul Paquin, John Meschino, Paul Epstein, Max Horn, Sean Bannen, Elizabeth Fish

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

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

**Minutes:** Upon a **motion** by P. Epstein and **2nd** by M. Horn and a **vote** of 7/0/0;  
It was **voted** to: Approve the Minutes of November 12, 2013

**7:30pm 7:30 N. Truro Street, nearest Map 47, Lot 22 (SE35-1216) Continuation** of a Public Hearing on the Notice of Intent filed by William Horne for work described as extend roadway.

Owner/Applicant: William Horne

Representatives: Adam Brodsky, Attorney, Steve Bernstein, PE, Dan Armstrong, PE

Abutters/Others: David Nyman, PE, Liz Parkes, Kevin Conway, Paul Gratta (not signed in)

Documents: Roadway Layout, Stormwater & Utility Plan – Strong Civil Design – dated revised 11/20/2013  
Stormwater Engineering Report – Strong Civil Design – SLB Group – dated Revised 11/20/2013  
Comprehensive Environmental Inc. correspondence dated 11/26/2013  
Strong Civil Design correspondence dated 11/20/2013  
Phil Lemnios email dated 11/26/2013

Mr. Armstrong provided a brief summary of changes made to the plans based on the peer review of the Stormwater Management System Design performed by Mr. Nyman. The length of the roadway was decreased by 5'. The width of the snow storage area has been increased from 5' to 10'. The bio-retention area has been expanded. The size of the retaining wall has been increased to 1 ½' feet. Two pretreatment devices have been added. Regarding the calculations being used for new development versus re-development, Mr. Armstrong stated that all new asphalt would be considered as new development.

Mr. Nyman reviewed his correspondence dated 11/26/2013 that provided an update of the items addressed and still outstanding based on his peer review. Mr. Nyman stands by his original comment that the gravel areas should be considered as impervious surfaces because they will become impervious over time due to compaction and fine material clogging pores. The gravel areas have not been included in the sizing of rain garden and although it has some extra capacity, he doesn't know if it is sufficient. Mr. Armstrong disagrees with this opinion. He said there are no fine materials in this area, the turnaround won't be used regularly and that the Stormwater Handbook considers gravel to be pervious. Mr. Armstrong suggested double-washed gravel could be required. The Commission discussed whether regularly testing and replacing the gravel turnarounds might be an option.

Although the retention area has been revised, Mr. Nyman recommends that 2' of media be used. Mr. Armstrong stated that using 2' of media would not be a problem. Mr. Nyman noted that the project does not meet the requirement for recharge. He stated that if the Commission felt the water quality treatment standards were met, he feels the stormwater language is sufficiently broad that the Commission could choose to allow the applicant latitude with regard to recharge.

The Operation and Maintenance Plan states that Town of Hull is the responsible party for maintenance of the road and the bio-retention area. Mr. Nyman suggested that the Commission clarify who the responsible party will be. The Operation and Maintenance plan should also include more specifics such as spill containment, illicit discharge, etc. S. Connor read aloud, an email from P. Lemnios, Town Manager, requesting that the Town's name be removed as the party responsible for maintenance until such time as a meeting has taken place and the Selectmen have made such a commitment on behalf of the Town. Mr. Brodsky stated that the project has been designed as a public way based on previous meetings with the Town and that is why the Town is listed that way. Mr. Brodsky stated that no town would allow a private person to maintain a public way for liability reasons among other things. Mr. Brodsky will contact Mr. Lemnios and the Selectmen for clarification.

A Commissioner raised the question of what would happen to the rain garden in flooding events. Mr. Armstrong stated that the information he had was that this area would not flood. He indicated that 7.7 NAVD would be the low point that would result in overtopping of the rain garden.

Ms. Herbst reminded the Commission and the Applicant that there were other outstanding issues to be dealt with beyond the Stormwater Management, they need to return to the performance standards and review of the exceptions claimed by the applicant. Ms. Herbst questioned the applicant's position that the Fire Department required the gravel turnarounds. Regarding the gravel turnaround areas, Mr. Armstrong acknowledged that he had not spoken to the Fire Department. Mr. Gratta spoke to the issue and stated that he had met with the Fire Department and showed them the plans. He acknowledged that the Fire Department did not require the gravel turnaround areas. Mr. Brodsky referred to a letter from Town Counsel that stated that the road must comply with standards provided by the Town. Mr. Armstrong stated that it would be no problem to remove the gravel turnarounds.

Regarding the snow storage area, Ms. Herbst noted that previously the applicant has estimated the snow storage area would contain a 5" snowstorm. The current calculation indicates it could contain a 2' snowstorm. Mr. Nyman expressed that the concern with piling snow in the rain garden is that it will destroy the rain garden, or by-pass the rain garden. But, he indicated that it won't hurt a rain garden for snow to melt within it and that it can provide treatment of melting snow. He also stated that the landscaping could be damaged by stockpiling the snow, so maintenance of the landscaping should be on-going. Mr. Armstrong stated that he feels that the snow storage area being 160 square feet is an adequate area for snow storage. End of the road markers could be conditioned to indicate where the plows should stop. The snow melt will go over the wall and drain into the 1<sup>st</sup> treatment area. Mr. Nyman expressed concern that the asphalt curbs at the gravel surface will become damaged and an alternative barrier should be considered or regrading the edge to contain a swale along the edge.

The Commission asked what would be done for erosion control during construction since the retention basin cannot be used until the area is stabilized. Mr. Nyman stated that it would be necessary to construct forebays and/or add haybales. Mr. Armstrong stated that there were notes on the plans stating that additional sediment controls may be needed and that ongoing maintenance to erosion control is always necessary.

The Commission asked if removing the gravel turnaround areas would change the project. Mr. Armstrong stated that it would eliminate the debate that the gravel is pervious or impervious. Mr. Armstrong stated that removing the stone and replacing it with grass or another pervious surface would improve runoff conditions. The Commission stated that if the gravel is left in the project, a condition for testing should be added. Mr. Gratta stated that grass pavers could also be used that can be driven on that would allow for drainage.

The Commission expressed concern regarding who will be responsible for maintenance. Mr. Brodsky does not feel that it is the Commission's issue to be dealing with who maintains the roadway. Mr. Brodsky stated that the design standards for the roadway were provided in a letter from J. Lampke dated 3/14/2013 and that the road must contain a turnaround area and that they will have to go to the Planning Board for road acceptance. He stated that the Planning Board will have to accept the final design.

Mr. Brodsky listed what he thought were the outstanding issues as follows: whether the Town going to perform the maintenance, provide a letter from the Fire Department stating that the turnaround area is not required as

well as DPW and Planning Board, depth of the media in bioretention area, concrete curb alternative, snow removal markers, add conditions to the maintenance plan as listed in D. Nyman's letter, Standards 9 and 10.

Ms. Herbst reminded the Commission and the Applicant that there were still outstanding issues that needed to be resolved regarding the project's compliance with the performance standards for the riverfront area. Stormwater is just one aspect of the regulations.

- Upon a **motion** by J. Meschino and **2nd** by M. Horn and a **vote** of 7/0/0;  
It was **voted** to:  
**Continue** the Public Hearing to December 10, 2013 at a time to be determined.

**9:07pm 78 Lynn Ave, Map 22/Lot 175 (SE-1232) Continuation** of a Public Hearing on the Notice of Intent filed by Joan MacDonald for work described as repave existing driveway.

Owner/Applicant: Joan MacDonald

Documents: Driveway Plan – dated 10/30/2013

Ms. MacDonald presented the project that is to include repaving the existing driveway and installation of a stone and cobble stone walkway.

- Upon a **motion** by P. Epstein and **2nd** by M. Horn and a **vote** of 7/0/0;  
It was **voted** to:  
**Close** the Public Hearing and **approve** the project. The Order of Conditions was **signed**.

**7:40pm 56-64 Holbrook Ave., Map 10/Lot 100-103 (SE-xxxx) Opening** of a Public Hearing on the Notice of Intent filed by Jeannie Williams for work described as 175-foot revetment and annual beach nourishment.

**The Commission did not open this hearing due to improper notice to abutters and lack of Owner's signatures for some of the properties where work is proposed.**

**9:10pm 68 Clifton Ave, Map 32/Lot 062 (SE-1230) Continuation** of a Public Hearing on the Notice of Intent filed by Tim Doherty for work described as coastal bank stabilization and seasonal stairs.

**The Applicant requested a continuance to 12/10/2013.**

- Upon a **motion** by P. Epstein and **2nd** by M. Horn and a **vote** of 7/0/0;  
It was **voted** to:  
**Continue** the Public Hearing to December 10, 2013 at a time to be determined.

**9:10pm Atlantic Ave, Map 54/Lot 040 (SE35-1219) Continuation** of a Public Hearing on the **Notice of Intent** filed by Dana Sceviour for work described as **construct single family home**.

Owner/Applicant: Dana & Donna Sceviour

Representative: George Collins, PE – Collins Engineering Inc.

Documents: Proposed Single Family Home Site Plan – Collins Civil Engineering – dated Revised 10/24/13

Mounded Site Plan – Spink Design – dated 11/17/2013

LEC Environmental Consultants correspondence – dated 11/20/2013

Fill Material Description

P. Paquin and E. Fish submitted certification that they listened to an audio recording of the hearing on 6/12/2013 for which they were absent.

Mr. Collins provided the Commission with an explanation of changes made to the proposed project based on the finding that the site is located on an active coastal dune. The home will be constructed on a pile foundation system. The garage floor will be a concrete slab that will also be on piles. A concrete retaining wall will be constructed on the east side of the home that will start at the ground and expand to a height of 3.5' that will hold the soil in place. Fill will be brought in to create mounds and swales that will act as drainage trenches. Roof run-off will be handled through downspouts that will drain into trenches that will have an 18" gravel base

with a perforated pipe. The Commission expressed concern that the trenches may fill up with water and sediment over time and will cease to operate properly.

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.
- The garage slab will be keyed in. Footings are not permitted due to the coastal dune location.
- The proposed fill material must be approved by a coastal geologist.
- The swales must be maintained to prevent runoff from being directed to adjacent properties. This condition is ongoing and will not expire at the end of three years.
- Upon a **motion** by P. Epstein and **2nd** by M. Horn and a **vote** of 7/0/0;  
It was **voted** to:  
**Close** the Public Hearing and **approve** the project. The Order of Conditions was **signed**.

#### **Request for Certificate of Compliance**

137 Hampton Circle – P. Epstein **Motion**, M. Horn **2<sup>nd</sup>**, **vote** 7/0/0; CoC **issued**

#### **Other Business:**

**64 Holbrook Ave** – Deck footings that were not permitted will be removed.

**35 Rockaway** – The site visit with the DEP based on the appeal of the project took place.

**Site visit date** – Sunday, December 8<sup>th</sup>. M. Horn will not be attending.

**Meeting schedule** – The next meetings scheduled are December 10<sup>th</sup> and then not until January 14, 2014 due to the holidays.

**10:05pm** Upon a **motion** by P. Epstein and **2nd** by M. Horn and a **vote** of 7/0/0;  
It was **voted** to: Adjourn