



## HULL CONSERVATION COMMISSION

253 Atlantic Avenue, 2<sup>nd</sup> floor  
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**APPROVED – August 11, 2015**

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

**Members Absent:** Paul Paquin

**Staff Present:** Anne Herbst, Conservation Administrator  
Sarah Clarren, Clerk

**7:34 pm** S. Connor called the meeting to order

**7:38 155 Samoset Ave., Map 21/Lot 91 Opening** of a Public Hearing on the **Request for Determination of Applicability** filed by **Robert Saltzberg** for work described as **construct 8'x25' gravel driveway**.

Representatives: Robert Saltzberg

Abutters/Others: None present

Documents: "155 Samoset with (and without) car (annotated)"

R. Saltzberg introduced the project. Currently, there is a compacted dirt space that is being used for parking. The new buyers requested a gravel driveway. The proposed driveway would be 25' long and will not extend past the house. A landscaper will do the work and no stone dust will be used.

- Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 4-0;  
It was **voted** to:  
**issue** a negative Determination of Applicability. The Determination of Applicability was **signed**.

**7:44** S. Bannen arrived

**7:45 105 Bay St., Map 35/Lot 30 (SE35-1277) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Marlene and Joseph Zizza** for work described as **install 600 sq/ft. permeable paver driveway**.

Representatives: Marlene Zizza

Abutters/Others: None present

Documents: "Monument Plan" – David Ray — 7/13/2015

"Monument Plan DRAFT" – David Ray — 6/23/2015

Introduced: "Letter Regarding Placement of pavers on existing driveway" – Paul Bonarrigo — n.d.

"Email Thread between A. Herbst, S. Clarren, & M. Zizza"

M. Zizza provided a letter from Paul Bonarrigo, a Structural Engineer, stating that the existing retaining wall was inspected and will support the proposed permeable pavers.

- Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 5-0;  
It was **voted** to:  
**Close** the Public Hearing and **approve** the project. The Order of Conditions was **signed**.

**7:46 43 Edgewater Rd., Map 29, Lot 12 Continuation** of a Public Hearing on the **Request for Determination of Applicability** filed by **Jeanne and Paul Paquin** for work described as **replace wood stairs with aluminum, and install seasonal aluminum stairs over revetment**.

Representatives: A. Herbst

Abutters/Others: None present

Documents: "As-Built Plan"—David Ray—6/9/2015

"Aluminum Stairs (specs) – n.d.

A. Herbst introduced the above project. The project will consist of installing two sets of aluminum stairs. One set of stairs will replace an existing set of wooden stairs. The second set of stairs will be seasonal and will be placed over the revetment.

- Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 5-0;  
It was **voted** to:  
**issue** a negative Determination of Applicability. The Determination of Applicability was **signed**.

**7:50 88 Atlantic Ave., Map 53/Lot 54 (SE35-1124) Opening of a Public Hearing on the Request to Amend Orders of Conditions filed by William Izbicki for work described as change previously approved elevation of driveway.**

Representatives: William and Gail Izbicki

Abutters/Others: None present

Documents: "Parking Area Proposed Wall" – David G. Ray — 6/17/2015

Introduced: "Drawing Number S1.0 (annotated)"– SFC Engineering Partnership Inc. – n.d

W. Izbicki introduced the project. David Ray provided a detailed plan showing elevations of the driveway as well as the proposed wall system. The original, approved elevation under the house was 13,' but it is currently 11.' Part of reason for this inconsistency is there was a flood map datum change in the plans which accounts for 0.8 feet. In addition the house is not as high as originally proposed; this is related to the change in the flood zone from a V Zone to a lower A Zone, and the need for 7 feet of clearance for parking. The driveway will be permeable pavers and no stone dust will be used.

W. Izbicki then went on to describe the proposed changes in the wall. Drawing S1.0 was introduced to show the proposed changes which would involve shifting small sections of the previously approved wall. The elevation of the ground outside of the driveway will be equal to that of the wall.

The Commission mentioned that during the site visit, it was noted that the cantilevered deck is extremely close to the seawall. The Commission informed Izbicki that the Town is currently working on a grant to raise that seawall and if the grant is obtained, the deck will likely have to be removed.

Izbicki asked if it was permissible to have downspouts instead of drywells. After discussion W. Izbicki decided to request a change in the plan for drywells.

**8:09 1083 Nantasket Ave., Map 8/Lot 29 (SE35-1271) Continuation of a Public Hearing on the Notice of Intent filed by Dean Doty for work described as new garage, expand kitchen, raise sea wall on bay side porch.**

Dean Doty requested a continuance of the hearing to 8/11.

- Upon a **motion** by M. Horn **2nd** by S. Bannen and a **vote** of 4-0;  
It was **voted** to:  
**Continue** the Public Hearing to 8/11/15 at a time to be determined.

**8:10 19 & 21 Burr Rd., Map 51/ Lot 91&112 (SE35-XXXX) Opening of a Public Hearing on the Notice of Intent filed by Michael Collins/ Paul Mahoney for work described as remove 1,700 sq. ft. of asphalt and replace with 470 sq. ft. of gravel and 1,195 sq. ft. of sod.**

Representatives: Michael and Tracy Collins (19 Burr Rd); Paul and Robin Mahoney (21 Burr Rd)

Abutters/Others: Jim Lampke; Sal Vento (11 Sea View Ave); Rick Kaufman (6 Sea View Ave); Denise and Tim O'Connor (8 Sea View Ave); Fred and Jan White (20 Meade Aven #3); Pam Coffman (41 Valley Beach Ave); Michael Domina (11 Sea View Ave); Peggy Daniels (12 Sea View Ave); Chuck Tuplin (10 Sea View/15 Stony Beach Rd); Glen Kelly (177 Atlantic Ave); Bonnie Murphy (31 C St); Rob Lacy (16 Burr Rd); Jen McCready (16 Burr Road); James Kennedy (26 Meade Ave).

Documents: "Site Plan for 19 and 21 Burr Road" – Ross Engineering Company Inc. — 7/22/2015

Introduced: Burr Road Letter – Joseph Stigliani, DPW Director — 8/10/2015

M. Collins presented the proposed project. M. Collins and P. Mahoney are proposing replacing 1,100 sq ft of asphalt with sod. The sod will be mowed and maintained. There is a sliver of road in this area that is not on their property that will not be changed. Another small section will be replaced with crushed stone. M. Collins then went on to say that emergency vehicles will be allowed to traverse the area.

S. Connor read a letter from DPW Director, J. Stigliani which states that if the project is approved, "...the DPW will no longer plow the private/dead end portions of the road..." which will affect neighbors and emergency vehicles. M. Collins and P. Mahoney responded by saying that the fire chief had verbally approved the proposed project 2 years ago. The Commission suggested that it is good to get such a statement in writing.

A. Herbst stated that the coastal bank line that is shown on the plan is the same line that the Commission has questioned in a case that is currently before the Commission.. She made this known to the applicants prior to the submittal. However, she said the proper delineation of the coastal bank is likely further away from the proposed project than shown on the plan. J. Lampke suggested that if the Commission does approve the project, that a note be made on the plan saying that the Commission does not accept the delineation of the coastal bank as provided on the plan.

The Commission asked how the project would be completed. M. Collins said a landscaper would complete the work and would use whatever would be required (silt sock and hay bales). The Commission then asked about a 10 ft buffer area from the coastal bank and if they would agree to not disturb the buffer to the coastal bank. R. Mahoney stated that they would not disturb the buffer area.

G. Kelly asked if owners on Beach Avenue could start closing off their sections of road. The Commission responded that Beach Avenue questions were not germane to this filing.

Chuck Tuplin on behalf of Jeff Pinkus, presented documents which indicate that the proposed project is actually a public way. J. Lampke stated that no matter how the Commission votes, any land issues must be dealt with in court. The Commission is only examining the proposed project under the jurisdiction of the Wetlands Protection Act. The Commission affirmed that their review would address only issues related to the Wetlands Protection Act.

Due to no number being assigned by the DEP, the Public Hearing was continued to the next meeting.

- Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 5-0;  
It was **voted** to:  
**Continue** the Public Hearing to 8/25/15 at a time to be determined.

**8:55 1 Clifton Ave., Map 31/Lot 64 (SE35-XXXX) Opening** of a Public Hearing on the **Notice of Intent** filed by **Thomas Burns** for work described as **extend previously permitted wall 5' to the south, excavate 15" x 7' x 28' of dirt to place removable permeable mats, and install privacy board on the east.**

Representatives: Thomas and Penelope Burns (owners)

Abutters/Others: Collette and Stephen McElhinney (145 Edgewater Rd)

Documents: "Plan for 1 Clifton Avenue (annotated)" – 7/28/2015

Introduced: Minutes from 10/9/2012

"Request to Amend OoC" – Thomas Burns — 8/29/2012

T. Burns introduced the project and noted that most of the work included in his Notice of Intent had already been completed. This filing is before the Commission because the Commission was notified that unpermitted work was taking place on the property. He has excavated 14" or 15" dirt underneath his deck and installed a privacy board beneath the eastern part of his deck. He also wishes to extend a previously permitted wall 5' to the south.

The Commission noted, and Mr. Burns acknowledged, that he had previously done the same excavation and the Commission had required him to fill it back in because of their belief that excavating behind a revetment in a V zone is detrimental to the stability of the coastal bank. In 2012, the Commission required the excavation to be filled back in.

The Commission told T. Burns that excavating so close to the revetment is likely detrimental to the stability of the coastal bank. T. Burns responded by saying that he doesn't believe it is detrimental and the excavation will not be within three feet of the wall. The Commission indicated that, as before, they felt a 10 ft no-touch buffer between any work and the coastal bank was necessary in order to ensure the integrity of the coastal bank and the revetment, particularly in the event of a 100-year coastal storm.

T. Burns asked if an engineer could determine if the wall was stable and if work could continue. A. Herbst asked if the Commission wanted to consider a peer review for the project. T. Burns and the Commission agreed to the peer review.

Due to no number being assigned by the DEP and a peer review request, the Public Hearing was continued to 9/08/2015.

- Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 5-0;  
It was **voted** to:  
**Continue** the Public Hearing to 9/08/15 at a time to be determined.

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

78 Lynn Avenue – P. Epstein **Motion**, M. Horn **2nd**, vote 5-0; CoC **issued**.

#### **New Business:**

Updates on Enforcement Orders: Two violations from the previous week will be coming before the Commission with filings.

Weir River Woods: it was noted the paths are becoming overgrown and are in need of maintenance.

Affirm violation 126 Samoset

- Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 5-0;  
It was **voted** to:  
**ratify** the Enforcement Order for 126 Samoset Avenue.

September 22<sup>nd</sup> meeting: Due to the conflict with Yom Kippur, the September 22<sup>nd</sup> meeting will be rescheduled to September 29<sup>th</sup>.

**9:47pm** Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 5-0;  
It was **voted** to: Adjourn