



HULL CONSERVATION COMMISSION

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APPROVED – October 13, 2015

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

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

7:30 Call to order

Minutes: Upon a **motion** by P. Paquin **2nd** by S. Bannen and a **vote** of 6-0;
It was **voted** to: Approve the Minutes of September 29, 2015

7:33 E. Fish arrived

7:35 25 Beach Ave., Map 27/Lot 010 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Christian Krahforst** for work described as **replace existing fence**.

Representatives: Christian Krahforst (owner)

Abutters/Others: none present

Documents: "Existing Conditions Plot Plan (annotated)" – David Ray – 8/12/2005
"Fence Details" – n.d.

C. Krahforst introduced the above project. The previous fence is a half-stockade fence. C. Krahforst proposed removing the existing fence and erecting a structure upon which soft panels can be placed. It would be a 6' high fence; with 5' of a thin, split bamboo sheeting, with 1' of clearance from the ground. The sheeting would be removed during storms as well as during the winter to increase its longevity.

Some members of the Commission expressed concern on permitting a fence in a V Zone, but concluded that because the fence will be 1' off of the ground and will be removed during the winter, it is permissible.

One Special Condition was added as follows:

The fence must be removed by November 1 each year and not reinstalled before April 1 each year.

Between April 1 and November 1 the fence must be removed in the event of forecast of a major storm.

This condition is ongoing and will not expire.

- Upon a **motion** by S. Bannen **2nd** by P. Paquin and a **vote** of 4-1 (Paquin);
It was **voted** to:
issue a negative Determination of Applicability. The Determination of Applicability was **signed**.

7:45 19 V St. Map 12/ Lot 079 (SE35-1291) Opening of a Public Hearing on the **Notice of Intent** filed by **Bill Leonard** for work described as **demolish existing home and build new**.

Representatives: David Ray (representative); William Leonard (owner)

Abutters/Others: Butch and Bernie Lofchie (347 Beach Ave.); Carolyn Cohen (10 W St.); Rebecca Lewis (349 Beach Ave.); Vincent Destefano (18 V St.)

Documents: "Existing and Proposed Conditions Plan" – D. Ray – 9/9/2015
"Foundation Plan" – Alan Kearney – 9/11/2015

D. Ray introduced the proposed project. He stated that the property is located in an area subject to coastal storm flowage and is located on what is declared a barrier beach, but S. Humphries, a coastal geologist has submitted a letter that states that although it is located on a barrier beach, the dune does not function for storm damage prevention and flood control.

The existing house is in V Zone and the home will be demolished and then a new home will be erected on the part of the property that is an AO 2' Zone. The new home will have a FEMA compliant foundation, complete with flood vents. The Commission asked if there would be a basement; D. Ray stated that there will be no basement, but there will be a crawl space. He then stated that the home would have 4 feet of freeboard.

R. Lewis asked if the 2' easement to her property would be affected. D. Ray said it would not be. She then went on to ask where the driveway for 19 V Street would be, as she has been parking along the road where the new driveway (tie in to edge of pavement) is proposed. The Commission stated that this concern does not fall under their jurisdiction, but W. Leonard stated that she could continue to park along the road, as long as the curved permeable paver driveway along W Street is not blocked. R. Lewis also asked what the timeline would be, to which W. Leonard said that he hopes to start construction before winter. She then asked about asbestos removal. W. Leonard said he was hiring a professional who would handle the removal according to code.

C. Cohen of 10 W St. mentioned that there is a cesspool around where the new house is proposed. D. Ray said that the cesspool should have been crushed and filled, but if it was not, it would be dealt with according to code. C. Cohen asked about the gas lines; she smells gas, especially on V Street. The Commission strongly suggested calling the gas companies and then request them to follow up. D. Ray said that the gas has been shut off for years, so there should not be a leak. He then said that the utility lines will all be replaced. She then asked about the height of the house. D. Ray said the house will be 2.5 stories.

B. Loftchie of 347 Beach Ave asked the Commission if they believe the current flood zone map to be accurate. A. Herbst mentioned that the HRA will be completing hiring a contractor to conduct a review of the flood maps.

One Special Condition was added as follows:

S12. The Conservation Commission finds that the coastal dune in this location is not significant to the interests of flood control and storm damage protection.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;
It was **voted** to:

Close the Public Hearing and **approve** the project. The Order of Conditions was **signed**.

8:00 10 Milford St. Map 18/ Lot 145 (SE35-1290) Opening of a Public Hearing on the **Notice of Intent** filed by **Waveland Condominium Trust** for work described as **repairs to patios, retaining walls, stairs and drainage.**

Representatives: Greg Morse (Engineer); Don Kidston (Trustee for the Condos); John Chessia (Engineer)

Abutters/Others: none present

Documents: "Plan to Accompany Notice of Intent" – Jeffery M. Hassett – 9/16/2015 (rev. 10/13/2015)
"Scope of Work" – rev. 10/13/2015

Morse presented the proposed project. All of the work is located within the X Zone and the work would involve rebuilding and improving existing portions of the patio, retaining wall, stairs and drainage.

The work on the patio would involve removing the existing brick to re-level and reset in a stone dust base. The existing retaining wall is poured concrete, with a piece of timber that has rotted away. It would involve removing the timber and in its place, put a concrete stone cap. The patios are not even all the way across. The wall and the cap will remain tapered from one side to the other (it will follow the existing contours). Underneath the proposed patio, 4" pvc pipe would be placed to direct roof runoff to leeching drywells in the lawn area. All disturbed lawn area will be restored as lawn surface. All work will be done by hand.

On the side of the building, the asphalt driveway is currently eroding land and steps down to the beach and lawn area below the patios. In order to remediate this, small portion of the asphalt would be removed and a trench drain would be placed in its stead. The drain would be tied in to the drywells. 18" boulders would be placed along the embankment to help shore it up. Additionally, up to 4 concrete steps would be placed along the embankment to act as a path from the patios to the lawn area. The Commission asked if any storm water would be redirected to abutting properties. G. Morse stated that with the drains, all runoff should be directed to the drywells.

The Commission expressed concern over the new fence that was installed since D. Kidston submitted an RDA. The project was given a positive determination, yet work began. There was a pre-existing fence, but the fence was built differently. The original one followed the contour of the driveway and now it is stepped. The Commission believes this may affect runoff, so they requested a small asphalt berm be placed on the driveway to keep runoff on the property.

The Commission asked what kind of drywell would be used. G. Morse said that they will be plastic leeching chambers that requires very minimal maintenance. The trench drain will have a sump in it.

Two Special Conditions were added as follows:

S12. The applicant must install a berm along the length of the driveway to prevent stormwater from flowing to the neighboring property.

S13. The trench drain at the end of the driveway must include a sump.

Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to:

Close the Public Hearing and **approve** the project. The Order of Conditions was **signed**.

8:16 96 Salisbury St. Map 45/ Lot 103 (SE35-xxxx) Opening of a Public Hearing on the **Notice of Intent** filed by **Stuart Benger** for work described as **addition to single family home**.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to:

Continue the Public Hearing to 10/27/15 at a time to be determined.

8:17 Burr Rd., Map 51/Lot 113 (SE35-1245) Continuation of a Public Hearing on the **Notice of Intent** filed by **Jeffrey Pinkus** for work described as **construct single family home**.

Representatives: Jeff Pinkus (owner); Glen Kelly; Stan Humphries (Consultant); David Ray (representative)

Abutters/Others: Mike and Tracy Collins (19 Burr Rd); Paul Mahoney (21 Burr Rd); Robert McCarthy (20 Meade Ave #1); Michael Domina (11 Seaview Ave); Peggy Daniels (12 Seaview Ave); Tim and Denise O'Connor (8 Seaview Ave);

Documents: "Proposed Conditions Plan" – David Ray – 7/8/2014 (rev. 10/6/2014)

"New House Construction (S-1; S-2) – Walter McKinnon – 6/20/2015

"Questions and Answers for Conservation Commission Regarding the Proposed SFH on Burr Rd." – n.d. (introduced)

"Depth to Bedrock" – Anne Herbst – n.d. (introduced)

"Minutes from 8/12/2014" – 8/12/2014 (introduced)

"Minutes from 11/25/2014" – 11/25/2014 (introduced)

J. Pinkus presented a new plan and then read "Questions and Answers for Conservation Commission Regarding the Proposed SFH on Burr Rd." The Commission noted that the plan continues to show ledge close to the delineation of the coastal bank, so they continue to question the validity of the location of the ledge. D. Ray stated that he understands the confusion, but once on site, the coastal bank is apparent. Nantasket Survey Engineering identified the top of bank by walking along it. The Commission responded by saying that if the delineation is correct, the contours shown on the map do not support it because the contours aren't an inch apart; this puts the location of the bank into question. D. Ray stated that contouring rocks is impossible. He suggested setting up a time to bring the Commission and A. Herbst to the site so he can show that the plan is correct. The Commission agreed, but stated that any discovered changes should be shown on the plan.

The Commission asked how and where utilities would be connected to the house. J. Pinkus said they would determine this later, to which the Commission responded that the locations and how they would be connected needs to be determined prior to voting on the project. D. Ray said that this information would be added to the plan for the next meeting.

The Commission also asked where the residents would park. J. Pinkus said they would use either the front or side of the property. He later asked if a stone driveway would be permissible. The Commission stated that they need to be given the specs of the stone and the proposed location of the driveway must be shown on the plan.

In a previous hearing, the Commission had asked about the depth to bedrock. Some commissioners observed at a site visit as the applicant used rebar to check for depth to ledge. A. Herbst presented a non-surveyed plan that she had created that shows where the applicant hit refusal of the rebar and the depths recorded.

The Commission asked if the property experienced wave action. S. Humphries (coastal geologist) and the owner said no, while abutters disagreed. S. Humphries stated that the property is not a continuous sediment source; no waves have been moving sediment on the property. He suggested that after building, the property be revegetated and maintained to prevent erosion. P. Mahoney of 21 Burr Rd. stated that during big storms, sediment is removed from the property. S. Humphries disagreed. P. Mahoney mentioned that previously, the surveyor said that it was difficult to survey and walk the property, so P. Mahoney and other abutters expressed concern over the safety of constructing the house.

M. Collins of 19 Burr Rd. demanded proof of easements for the utilities. The Commission stated that they had no jurisdiction on that matter.

The Commission stated that more information must be provided and included on the plan prior to voting to approve or deny the project.

- Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 6-0;
It was **voted** to:
Continue the Public Hearing to 10/27/15 at a time to be determined.

8:45 M. Horn arrived

9:07 **202 N. Truro St. Map 47/ Lot 36 (SE35-1285) Continuation** of a Public Hearing on the **Notice of Intent** filed by **James Headley** for work described as **construct 75 ft. of block wall along coastal bank.**

Representatives: James Headley (applicant); Stan Humphries (consultant)

Abutters/Others: Robert MacKenzie (207 N. Truro);

Documents: "Site Plan for 202 North Truro" – Paul Mirabito – 8/31/2015 (rev. 10/8/2015)

"Cross section view of proposed wall" – n.d. (introduced)

J. Headley introduced the proposed project. He stated that since the submittal of the Notice of Intent, a few changes have been made. Firstly, A. Herbst had expressed concern that the property lines shown on the plan were inaccurate, the location of the coastal bank was inaccurate, and the location of the exposed ledge was inaccurate. J. Headley submitted a new plan that shows the new, corrected benchmark, which now more accurately reflects the ledge rock. Additionally, the coastal bank was resurveyed. J. Headley also changed the material that the proposed block wall would be made out of, from inter-locking block to stone. He stated that the wall would be +/- 5' from the base of the coastal bank.

The Commission expressed concern over the proposed location of the wall because it is seaward of the coastal bank and directly adjacent to the salt marsh. The Commission then stated that more thorough plans are needed; the current plan only shows the length of the wall, not the dimensions. S. Humphries said that a retaining wall is allowed in this area. This is because the sediment does not come from the coastal bank; it is just functioning as a vertical buffer. The commission commented that they need a plan that is engineered properly and shown on the plan properly.

- Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 6-0;
It was **voted** to:
Continue the Public Hearing to 10/27/15 at a time to be determined.

9:33 1 Clifton Ave., Map 31/Lot 64 (SE35-1280) Continuation 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.**

- Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 6-0;
It was **voted** to:
Continue the Public Hearing to 10/27/15 at a time to be determined.

Request for Certificate of Compliance

47 Beach Avenue (SE35-1021) - P. Epstein **Motion**, M. Horn **2nd**, vote 6-0; CoC **issued**.

New Business:

S. Connor recused herself.

169 Spring St- A. Herbst said she had received a complaint that the owner of 96 Salisbury had started to place a fence in without a permit. In the vicinity is an area mapped by DEP as a fresh water marsh, but no wetlands delineation has been done. Photographs of this work, as well as mowing wetlands, were submitted to the Conservation Department. The Commission determined that an RDA would be required for the fence. They issued an Enforcement Order that the owner cease and desist all activity in the area mapped as wetlands, pending an investigation.

- Upon a **motion** by P. Epstein, **2nd** by M. Horn, and a **vote** of 5-0;
It was **voted** to:
Send a Notice of Violation to cease & desist.

S. Connor returned.

96 Salisbury- While conducting a site visit, the Commission noticed that many of the trees along the coastal bank at 96 Salisbury had been cut down and left on the bank.

- Upon a **motion** by P. Epstein, **2nd** by M. Horn, and a **vote** of 6-0;
It was **voted** to:
Send an Enforcement Order and request a restoration plan.

Town Meeting- A. Herbst reminded the Commission of the special Town Meeting on 10/15.

10:54 Upon a **motion** by P. Epstein and **2nd** by P. Paquin and a **vote** of 6-0;
It was **voted** to: Adjourn