



HULL CONSERVATION COMMISSION

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APPROVED – December 8, 2015

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

Members Absent: Sean Bannen

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

Minutes: Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 5-0;
It was **voted** to: Approve the Minutes of November 10, 2015

7:39 Call to order

7:40 179C Samoset Ave. Map 19/Lot 119 (SE35-1298) Opening of a Public Hearing on the **Notice of Intent** filed by **Arnold Freedman** for work described as **demo home and rebuild in same footprint**.

Representatives: Gabriel Lortie (Representative); Arnold Freedman (Owner)

Abutters/Others: none present

Documents: "Proposed Replacement Plan (annotated)" – Patrick Roseingrave – 09/05/2015

"Foundation Plan and Details New House Addition (S-1)" – Michael Schilling – 12/08/2015

G. Lortie presented the proposed project. He explained that when he began work for the previously permitted project, it was discovered that, structurally, the home is not up to code. The foundation currently only goes 12" into the ground. It was determined that it would cost more to repair the home rather than to demolish the existing one and construct a new one. The proposed new home will have the same footprint as the current home, except for the location of the stairs. Instead of the existing two stairs up to the house, there would only be one set of stairs in the center of the home. Additionally, the first floor of the home will be 24" higher.

The Commission brought up that the plan had an arrow that points to an empty place. G. Lortie said that the arrow is pointing to the existing, vs. the new foundation area and was leftover from the last plan. The new foundation is larger than what is currently existing, but not larger than what was proposed and approved last time. G. Lortie said that the lot coverage proposed is 1.3% larger than the existing, but that is a zoning board issue. G. Lortie wrote on the plan, describing the changes and dated it. The Commission questioned the proximity of the home to the property lines. G. Lortie then said that per regulation, the owner has the right to rebuild and bring the building up to code. The Commission concluded that this is not in their jurisdiction to consider; their biggest concern is the permeability and the ground. G. Lortie said that there are currently pavers and concrete. The concrete will be removed and permeable stone will be put in its place as was proposed in the previously approved permit.

G. Lortie mentioned that when he was examining the home, it was determined that all four houses (179 Samoset Ave. A, B, C, and D) came from Peddocks Island.

- 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**.

7:40 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**.

The applicant requested a continuance to December 22nd.

- 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 12/22/2015 at a time to be determined.

S. Connor recused herself

7:45 169 Spring St., Map 03/Lot 32 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Efstratios Theodorou** for work described as **install new 149' fence and replace approximately 100 feet of wood fence.**

Representatives: Efstratios and Angela Theodorou (Owners)

Abutters/Others: Pam Loring (11 Willow St); John Chessia (Representative for 11 Willow St)

Documents: "169 Spring Street (annotated)" – David G. Ray – 10/18/2015
"DEP Aerial Delineation"

E. Theodorou introduced the proposed project. The first part of the project would be a new 149' fence that would run along a part of the property line as shown on the plan. The fence would likely be chain-link. The second part of the project would be to replace the wooden fence that currently exists and is deteriorating.

A. Herbst said that the proposed fences are close to a DEP delineated marsh area. She introduced an aerial screenshot of the DEP delineation. The area is designated as a Shallow Marsh, Meadow, or Fen. The Commission discussed that, without proper delineation, it would be difficult to determine exactly where the resource areas are. The Commission noted that a wooden fence could restrict water flow. E. Theodorou stated that there is no water on his property. He then listed animals that he has seen in his backyard with the existing fence and said that it would not restrict wildlife.

J. Chessia, representative of 11 Willow St., stated that since his client moved into the abutting property, she has observed and documented the owners of 169 Spring St. filling in their backyard. He stated that if they had been placing fill on the property, they were likely adversely affecting the wetland and turning what once had clearly been a wetland and made/are making it into a grassy lawn. He also stated that a Notice of Intent would be required for a fence in a bordering vegetated wetland.

E. Theodorou stated that his property is his. He stated that he has removed large amounts of trash from the area and wants to continue to maintain his property. He wants a fence along his property to ensure that no neighbor encroaches on his land.

The Commission commended E. Theodorou for removing waste from the area, and stated that in order to determine whether the fences can be installed without a Notice of Intent, they would need to be able to determine if the areas of work are bordering vegetated wetlands. They agreed to revisit the site to see if they are able to ascertain whether one or both of the proposed fences are clearly not located in bordering vegetated wetlands. Alternatively, a wetlands delineation along with a Notice of Intent may be required for the work. The Commission asked if they could continue the hearing until December 22nd so they could return to the property for a second site visit. E. Theodorou agreed. A. Herbst then stated that no work can begin until the Commission comes to an official determination. E. Theodorou agreed.

- Upon a **motion** by P. Epstein **2nd** by P. Paquin and a **vote** of 4-0;

It was **voted** to:

Continue the Public Hearing to 12/22/2015 at a time to be determined.

S. Connor returned.

7:50 202 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.**

The applicant requested a continuance to December 22nd.

- 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 12/22/2015 at a time to be determined.

7:55 22 Gun Rock Ave. Map 52/Lot 070 (SE35-1293) Continuation of a Public Hearing on the **Notice of Intent** filed by **Corina Harper** for work described as **detached garage and driveway**.

The applicant requested a continuance to a TBD date in January.

- 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 a TBD date in January, at a time to be determined.

8:00 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**.

The requested peer review has yet to take place, so a continuance is needed.

- 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 a TBD date, at a time to be determined.

Request for Certificate of Compliance

53 Edgewater Rd. (SE35-1282) - P. Epstein **Motion**, E. Fish **2nd**, vote 5-0; CoC **issued**.

88 Atlantic Ave. (SE35-939) - P. Epstein **Motion**, E. Fish **2nd**, vote 5-0; CoC **issued**.

88 Atlantic Ave. (SE35-1124) - P. Epstein **Motion**, E. Fish **2nd**, vote 5-0; CoC **issued**.

New Business:

2A discussion of power washing violation: The discussion is postponed until January 26th.

96 Salisbury violation update: The owners submitted a restoration plan, as requested. A. Herbst presented the proposed plan and the Commission examined it and made comments. A. Herbst will follow up with a meeting on site.

Question on 1079 Nantasket: The owner of 1079 Nantasket informally asked the Commission for permission to replace an existing footing. The Commission determined that because it is existing, no permit is required.

Appointment with Planning Board re: CPA: Jen Constable from the Planning Board requested a meeting with the Conservation Commission to discuss the Community Preservation Act. The Commission scheduled her appointment for December 22, 2015.

Beach Management Committee: P. Epstein provided a brief recap of the BMC's meeting with the Board of Selectmen. The Board of Selectmen voted to have the DPW fill illegal openings in the dune within 24 hours of discovery.