



## HULL CONSERVATION COMMISSION

253 Atlantic Avenue, 2<sup>nd</sup> floor  
Hull, MA 02045

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### APPROVED – December 22, 2015

**Members Present:** Sheila Connor, Chair, Elizabeth Fish, Paul Paquin, Paul Epstein, Max Horn, 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 6-0;  
It was **voted** to: Approve the Minutes of December 8, 2015

**7:33** Call to order

**7:45** **1143 Nantasket Ave., Map 7/Lot 21 (SE35-1300) Opening** of a Public Hearing on the **Notice of Intent** filed by **Ryan Kimball** for work described as **small additions, and sonotubes for decks related to home elevation.**

Representatives: Ryan Kimball (owner); Gary Kimball (father of owner); Bob Rose (architect)

Abutters/Others: Candace Barone (1149 Nantasket Ave)

Documents: "1143 Nantasket Avenue (annotated)" – Larry G. Dasilva – 11/20/2015  
"Additions and Alterations to Kimball Residence (S-1, A-2, A-3)" – Robert Rose – 11/24/2015  
"Additions and Alterations to Kimball Residence (X-1)" – Robert Rose – 6/9/2015  
"Additions and Alterations to Kimball Residence (S-1, A-2, A-3)" – Robert Rose – 4/2/2015

B. Rose introduced the project. The proposed project includes raising the house five feet, making a FEMA compliant foundation and placing a small addition, with a new footing, on the back of the house. Off of the back deck there is a set of stairs and a cement pad landing in front of the stairs. The front corner of the house would be cut at a 45 degree angle, but the footprint will not exceed the footprint of the existing concrete stairs in the front. A column is also proposed to provide support for the second floor addition.

B. Rose then went on to say that there are currently too many footings holding the foundation; unneeded ones will be removed.

The Commission noted that the proposed plans do not include a driveway. R. Kimball said he does not intend to have a driveway at this point in time, to which the Commission reminded him that if he changes his mind, he must come before the Commission again. R. Kimball agreed.

- 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**.

**7:54** **87 Edgewater Rd., Map 29/Lot 33 (SE35-1299) Opening** of a Public Hearing on the **Notice of Intent** filed by **Allan Bora** for work described as **construction of new retaining wall.**

Representatives: David Ray (representative); Lynn Bora (applicant);

Abutters/Others: Craig Wolfe (89 Edgewater Rd.)

Documents: "Segmental Gravity Wall Design" – Walter McKinnon – 9/14/2014  
"Proposed Conditions Plan" – David Ray – 11/12/2015

D. Ray presented the proposed project. He began by stating that the existing wall is in disrepair. In order to fix a potential problem with the stability of the bank, D. Ray proposes a new wall that ties into an existing abutting wall. A. Herbst voiced a few concerns that she had raised with D. Ray prior to the meeting. She stated that it is unusual to place a wall in the middle of a coastal bank. She then pointed out that the bank is well-vegetated and by the time the proposed work would finish, the vegetation would be compromised.

The Commission stated that during their site visit, they were unsure if it was actually a coastal bank. D. Ray said that he had thought that at first as well, but after further investigation, determined that it is. The Commission then pointed out that the area has changed dramatically over the past 30 years and expressed concern over the fact that the proposed project involves going further into the tidelands. They also stated that they were impressed with how well vegetated the site was and even if going seaward was acceptable, it would destroy a coastal bank that is already well armored by vegetation.

The Commission asked how the project would be completed. D. Ray said that everything would be done from above. A small excavator would dig a trench that would be above elevation 10'. The trench would be 12" deep and 6" of gravel would be put in the trench, with the blocks placed on top of that. Each block is 2'x3'x4', but the blocks are not as heavy as others types because these ones are hollow. After the block is placed, it is filled with gravel. The blocks are able to weep. At its lowest point, the wall is at 10' elevation.

D. Ray then proposed lowering the yard after the wall is complete. The soil would then be placed to slope it back down towards the wall, lowering the yard 2' at its maximum, to 1.5' at its lesser extremes. The Commission asked D. Ray to confirm if he was asking to change the whole coastal bank, to which D. Ray said that he was asking to change the top of the coastal bank.

Some members again expressed concern about the impact this project would have on the coastal bank.

D. Ray asked C. Wolfe of 89 Edgewater Rd. how old the wall that runs down to the water on his property is, to which C. Wolfe said the wall has been there for years upon years. D. Ray then asked how deep the wall goes down, to which he said he does not know, but he suspects it goes down many feet. Following that, D. Ray said that he would feel more comfortable moving the wall further up. C. Wolfe said that water coming up shouldn't be an issue because in his 15 years, water has never been an issue. The Commission reminded him that they must take into account a 100 year storm when making any determinations and in a 100 year storm, the water would hit the proposed wall.

D. Ray mentioned that the owners are also contemplating demolishing and then rebuilding the existing home closer to the street. The Commission asked if it would be better to wait until the owners decide what to do with the house before permitting the wall. D. Ray then said that this had been discussed, but the owners definitely want to fix the wall and demolishing and rebuilding the house is not a certainty.

The Commission asked if it would be possible to build a wall to protect the coastal bank on the landward side of the existing wall. D. Ray said that the wall would be most stable if he tied the proposed wall into another stable wall. The wall on the abutting property is at a lower elevation, so it would be difficult to tie it in to the existing wall if the new wall was built on the landward side of the existing wall. He said that if the wall is built further up than the proposed plan and not tied into another wall, then it would create an erosional niche. D. Ray then said that he did not see any benefit to constructing a new wall on the landward side of the existing wall and then removing the existing wall. The Commission responded that the benefit would be that it would be staying on the upward side of the coastal bank. D. Ray then responded by saying that it would be further landward than it already is and he would rather build exactly where the existing wall is. A. Herbst asked if removing the existing wall before constructing a new one would negatively impact the stability of the coastal bank, to which D. Ray said that it would not. He then said that this would be a relatively short project as it is only a 50' wall.

D. Ray stated that he does not believe that the abutting wall is very deep, but does not want to excavate it so close to the winter. The Commission responded by saying that they do not suggest digging out the wall, but they asked if it was possible to discover how deep the wall goes, to determine if it is stable, before permitting a new wall that will be tied into the abutting wall. D. Ray said that he would go dig around the wall, but stated for the record, that it is a bad idea. D. Ray then requested that rather than excavating the abutting wall now, if he could provide plans that reflect the Commission's comments, but receive permission to turn the wall seaward to join the abutting wall if, at the time of construction, he found the abutting wall did not come far enough landward to make the connection as the Commission suggested. D. Ray then asked if the hearing could be continued and he would come back with a plan that shows a smaller wall (in height), in the location of the

existing wall, because he believes that if the wall must be further up on the bank than the proposed wall, it should be further into the ground.

- 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 1/12/2016 at a time to be determined.

**8:25 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 January 12<sup>th</sup>, 2015.

- 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 1/12/2016 at a time to be determined.

*S. Connor recused herself.*

**8:26 169 Spring St., Map 03/Lot 32 Continuation** 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"

"169 Spring Street letter" – Pam Loring – 12/11/2015

A. Herbst read a letter dated 12/11/2015 submitted from abutter P. Loring.

Since the last hearing on 12/8/2015, the Commission returned to do another site visit. They said that at the site-visit, it was difficult to determine where the wetlands were because the grass was all soggy and felt like a sponge, despite the fact that there had been no rain recently. They said a soil sample could be used to determine if the area is a wetland or not. The other option would be for the owners to stop mowing the grass for a few months/years. Some members of the Commission then said that both fences might be out of the wetlands, but only by inches.

A. Herbst asked the owners if they understood the Commission's discussion, to which the owners said no. A. Herbst then summarized what the Commission had just discussed saying, that although the Commission went to the site twice, they were unable to visually determine if the area of the proposed fences was in wetlands or not. It was concluded that there was wetlands, but they are uncertain of the delineation and are therefore not able to determine if the proposed fences are in wetlands or not. This would mean that a positive determination (denial of the project) would be issued and neither fence could be built. It doesn't mean the fences are definitely in wetlands, but rather that a formal delineation of the wetlands is needed in order to be certain.

E. Theodorou said that the decision was unacceptable. He stated that there were no wetlands on his property. He then stated that it was his property and he should be able to put whatever he wants on his property. The Commission then said that there are laws that regulate what can be put in wetland areas. They continued to say that without a proper delineation, there is not enough information to come to another decision. The Commission then said that E. Theodorou could hire a wetlands scientist to delineate the property and provide the Commission with a proper delineation.

- Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 6-0;  
It was **voted** to:  
**issue** a positive Determination of Applicability. The Determination of Applicability was **signed**.

*S. Connor returned.*

E. and A. Theodorou entered the room again to ask what should happen now. The Commission said the project was voted down and the fences cannot be built. They suggested, again, that he could hire a wetlands scientist to do a wetlands delineation. A. Herbst offered to discuss his options with him at another time.

**9:18 202 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 January 12<sup>th</sup>, 2015.

- 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 1/12/2016 at a time to be determined.

**9:18 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.**

A. Herbst provided a brief update; the peer review has been completed and a letter Russell Titmuss (Bourne Consulting Engineering) was provided. A copy was also sent to T. Burns.

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 1/12/2016 at a time to be determined.

**9:18 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 22<sup>nd</sup>.

- 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 1/12/2016 at a time to be determined.

**Request for Certificate of Compliance**

149 Nantasket Rd. (SE35-1191) - P. Epstein **Motion**, M. Horn **2nd**, vote 6-0; CoC **issued**.

133 Manomet Ave. (SE35-908) - P. Epstein **Motion**, M. Horn **2nd**, vote 6-0; CoC **issued**.

101 Kenberma (SE35-952) - P. Epstein **Motion**, M. Horn **2nd**, vote 6-0; CoC **issued**.

**New Business:**

**Jen Constable – Community Preservation Act (CPA):** Jen Constable, Harry Hibbard, and Joe Duffy came to discuss the CPA with the Commission. J. Constable provided an informational sheet on permissible uses of funds from the CPA. She highlighted the ways the CPA could benefit the Commission in protecting/improving land for recreational use and open space. The three then asked if the Commission would support the CPA when it goes before the Board of Selectmen and then Town Meeting.

- Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 6-0;

It was **voted** to:

**Support** the CPA and come up with project ideas, draft a letter, and the send to the Planning Board by the 3<sup>rd</sup> week in January.

**32 Manomet question:** A. Herbst relayed an update on the status of the OoC. The Commission asked that the owners to provide a date for completing the permitted work.

**109 Hampton Circle:** The Commission reviewed the results of their site visit and concluded that an Enforcement Order should be issued because a wall has been constructed and fill brought in on a coastal beach.

- Upon a **motion** by P. Epstein **2nd** by M. Horn and a **vote** of 6-0;

It was **voted** to:

**Issue** an Enforcement Order.

**Historic District Commission (HDC) letter:** A. Herbst said that she had been asked by the Historic District Commission to be aware of their requirements for project review in areas under their jurisdiction.

**9:55** Upon a **motion** by P. Epstein and **2nd** by M. Horn and a **vote** of 6-0;

It was **voted** to: Adjourn