



HULL CONSERVATION COMMISSION

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APPROVED – WEDNESDAY, March 22, 2017

Members Present: Sheila Connor, Chair, Paul Paquin, Paul Epstein, Elizabeth Fish, Lou Sorgi

Members Absent: Sean Bannen

Staff Present: Chris Krahforst, Conservation Administrator, Sarah Clarren, Conservation Assistant

7:30 Call to order

7:35 4 Vernon Ave., Map 24/Lot 111 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Jeannette Spencer** for work described as **construct 6' x 6' elevator shaft**.

Representatives: Steve Fournier (Builder)

Abutters/Others: none present

Documents: "Proposed Elevator Shaft" – n.d.

S. Fournier presented the proposed project which consists of a 6' x 6' foundation for an elevator shaft in the rear of the home on the left side.

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

It was **voted** to:

Close the Public Hearing and **issue** a Negative Determination of Applicability. The Determination of Applicability was **signed**.

7:45 9 Arthur St., Map 01/Lot 023 (SE35-1357) Opening of a Public Hearing on the **Notice of Intent** filed by **Alyse B. Crane** for work described as **30sqft addition and 148sqft deck extensions**.

Representatives: Alyse Crane (owner)

Abutters/Others: none present

Documents: "Site Plan [annotated]" – Robert Therrien – 08/03/2015

"Sheets A-1, A-2, A-3, A-4 – Robert Therrien – 08/03/2015

"[letter of support]" – Megan Castro – n.d.

A. Crane presented the proposed project. She stated that the 30sqft addition and 148 sqft deck will be on footings. The Commission asked about the shed that was installed on the property. A. Crane stated that it is 10' x 10' and she received a permit from the building department. The Commission stated that because the home is in a flood zone, it should have been approved by the Commission as well as the Building Department. A. Crane stated that the shed is on sonotubes and will not redirect water. The Commission asked A. Crane to annotate the plan to show the shed and sonotubes.

S. Connor noted that the Commission received a letter of support from Megan Castro of 8 Arthur Street. The letter was read aloud and is included as part of the record.

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

It was **voted** to:

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

7:55 23 Beach Ave., Map 27/Lot 009 (SE35-1355) Continuation of a Public Hearing on the Notice of Intent filed by Gary Stilphen for work described as construct new landing and stairs at the rear of the home. **The applicant requested a continuance to March 28, 2017 at a time to be determined.**

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

It was **voted** to:

Continue the Public Hearing to 03/28/2017 at a time to be determined.

7:56 144 Samoset Ave., Map 21/Lot 080 (SE35-1358) Opening of a Public Hearing on the **Notice of Intent** filed by **Ted Kramer** for work described as **14' x 25.5' addition, 10' x 25.5' deck, and extend front porch**.

Representatives: David Ray (Representative)

Abutters/Others: none present

Documents: "Foundation Plan and Details" – Michael K. Schilling – 02/22/2017

"Existing and Proposed Conditions Plan" – David G. Ray – 01/26/2017

D. Ray presented the proposed project. He stated that a 14' x 25.5' addition is proposed in the rear of the home. The addition will be FEMA compliant, with flood vents on its foundation. The front porch and deck will be on sonotubes and will remain open underneath.

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 L. Sorgi and a **vote** of 5-0;

It was **voted** to:

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

7:58 6 L St., Map 14/Lot 071 (SE35-1359) Opening of a Public Hearing on the Notice of Intent filed by Daniel Toland for work described as construct new 2.5 story single family home.

Representatives: Virginia and Daniel Toland (owners); David Ray (Representative); Michael Louler (Contractor)

Abutters/Others: none present

Documents: "Foundation Plans (Sheet S1 and S2)" – Paul Bonnarigo – 02/12/2017

"Existing and Proposed Conditions Plan" – David G. Ray – 03/07/2017

D. Ray presented the proposed project which is a new 2.5 story single family home. He stated that there will be an excess of 4' of freeboard and the foundation will have flood vents. A garage is proposed underneath the home. The bituminous concrete driveway will be removed and a permeable paver parking and overflow area will be installed. The Commission asked if there would be any regrading, to which D. Ray said minor leveling may be done, but it would not redirect the water elsewhere. He added that the only thing that will be brought in will be loam and some material may be removed. D. Ray then stated that a few Norway Maples will be removed. A small walkway on the left of the home is proposed.

Two Special Conditions were added as follows:

S12. No grade change is permitted as part of this project.

S13. 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 L. Sorgi and a **vote** of 5-0;

It was **voted** to:

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

8:05 68 Clifton Ave., Map 32/Lot 062 (SE35-1361) Opening of a Public Hearing on the Notice of Intent filed by Tim Doherty for work described as demolish existing home and construct new 2 story single family home.

Representatives: Tim Doherty (owner) David Ray (Representative)

Abutters/Others: Karen Peters (66 Clifton Ave.); Donna Sullivan (64 Clifton Ave.)

Documents: "Proposed Residence for Time Doherty" – William F. Lee II – 02/03/2017

"Existing and Proposed Conditions Plan" – David G. Ray – 12/30/2017

D. Ray presented the proposed project which involves demolishing the existing home and constructing a new two story single family home. He stated that most of the home will be more than 10' off of the coastal bank, but the cantilevered rear deck is 10' from the coastal bank. A permeable driveway is proposed on the left of the home. D. Ray stated that no fill will be brought in. The pre-existing concrete walk to the coastal bank will remain and at a future time, a new permit will be filed for work to allow access to the water. The Commission noted an existing permit for coastal bank restoration. D. Ray stated that the previous permit will be completed during, if not before, the start of construction of the new home. The Commission stated that the coastal bank work would need to be completed within the year, to which T. Doherty agreed. K. Peters of 66 Clifton Ave. stated that she hired Ross Engineering to provide guidance on whether or not it is wise to construct a home so close to a coastal bank. S. Connor, Chair, read the letter K. Peters presented aloud. Based on P. Mirabito's experience with coastal banks, he believes that building so close to a coastal bank could reduce the bank's stability. It should be noted that P. Mirabito did not visit the site prior to drafting the letter. D. Ray stated that the home complies with the building code and other homes in the area are just as close to the coastal bank. A

Commissioner stated that the bank is fairly steep and with an engineer stating that the stability of the bank could be questionable if the home is constructed, the Commission has the ability to request a coastal bank stability analysis. Other Commissioners stated that Ross Engineering did not visit the site and the statements made in the letter are circumstantial at best. D. Ray stated that the coastal bank is heavy in clay and erodes vertically, but it is stable.

Two Special Conditions were added as follows:

S12. No fill is permitted as part of this project.

S13. Work permitted under SE35-1230 must be completed prior to work commencing under this permit.

- Upon a **motion** by P. Epstein **2nd** by L. Sorgi and a **vote** of 4-0-1 (Paquin);

It was **voted** to:

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

8:50 25 Pt. Allerton Ave., Map 10/Lot 019 (SE35-1360) Opening of a Public Hearing on the **Notice of Intent** filed by **Paul and Diane Norton** for work described as **demolish existing home and construct new single family home**.

Representatives: David Ray (Representative)

Abutters/Others: none present

Documents: "Norton Residence (Sheets S01, S02, S03, S04, S05)" – Zachary D. Jenkins – 01/2017
"Existing and Proposed Conditions Plan" – David G. Ray – 10/07/2015, last rev. 02/03/2017

D. Ray presented the proposed project which involves demolishing the existing home and constructing a new single family home. The property falls within three different flood zones. The new home will be on helical piles and will be elevated so it is 4.5' above the VE Zone. He added that when the flood maps are revised, the property will likely have a less severe flood zone/s. D. Ray stated that there are a few retaining walls proposed on the side of the home, but it is unlikely that fill will be brought in; material will be taken from further down the hill where the existing retaining wall will be removed, the grade will be made to match that around it, and it will be reseeded. D. Ray stated that a one car garage with a permeable grid parking area is proposed.

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

It was **voted** to:

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

9:00 91 Atlantic Ave., Map 53/Lot 002 (SE35-1362) Opening of a Public Hearing on the **Notice of Intent** filed by **Clark Ingoldsby** for work described as **elevate first floor, 16' x 22' addition, and 12' x 30' deck**.

Representatives: David Ray (Representative) Michael Doody (builder)

Abutters/Others: none present

Documents: "Existing and Proposed Conditions Plan" – David G. Ray – 02/06/2017, last rev. 03/13/2017
"Foundation Plan" – Fitzgerald Design – 03/07/2017

L. Sorgi stated that he knows the owners, but it will not impact his decision of the project in any way.

D. Ray stated that the description of the project has changed since it was filed. The entire existing home will be demolished and the existing foundation will be elevated and then built upon. S. Clarren noted that the project was not filed correctly and therefore the fee was incorrect. The Commission then noted that the Public Hearing Notice and the abutter notification did not include the recent changes to the project and therefore should be redone.

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

It was **voted** to:

Continue the Public Hearing until April 13th at a time to be determined.

9:15 19 V St., Map 12/Lot 079 (SE35-1291) Opening of a Public Hearing on the **Request to Amend Order of Conditions** filed by **Bill Leonard** for work described as **construct 10' x 20' utility deck, install granite flag stone walkway, and change location of stairs**.

Representatives: Bill and Amy Leonard (owners)

Abutters/Others: Vincent DeStefano (18 V St.)

Documents: "Existing and Proposed Conditions Plan [annotated]" – David G. Ray – 9/9/15, annotated 3/1/17

B. Leonard presented the project which involves amending a previous Order of Conditions to address a utility deck, walkway, and to change the location of the previously permitted stairs. The elevated 6' x 6' utility deck will hold 3 condenser units. The Commission stated that the area beneath the utility deck could not be enclosed, to which B. Leonard agreed. B. Leonard stated that a utility trench would be dug from the utility

platform to the home. The Commission noted that some of the proposed granite flag stone walkway is in a velocity zone. C. Krahforst stated that if there is a severe storm, it is possible that the stones could move, but they would likely get caught by the fence that is now proposed. The Commission stated that the flagstones should be installed in sand, with no stone dust, nor anchoring, to which B. Leonard agreed.

V. DeStefano of 18 V St. said that he was in support of the project.

Four Special Conditions were 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.

S13. The flagstones must be placed in stone; no stone dust can be used

S14. The Conservation Department must receive a plan showing the utility trench.

S15. As per Building Code, no lattice work or other structure is permitted around the utility deck. This condition is ongoing and will not expire at the end of three years.

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

It was **voted** to:

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

9:26 54, 56, 60, & 62 Holbrook Ave. and 0 Beacon Rd., Map 10/Lots 099, 100, 101, 102, 104 (SE35-1325)

Continuation of a Public Hearing on the **Notice of Intent** filed by **Jonathan Berit-Parkes** for work described as **install a 175' revetment above the high tide line & place 35 cy of annual nourishment**.

Representatives: Jonathan and Ryan Berit-Parkes (applicants); Blake Peters (Engineer)

Abutters/Others: Carlos Peña (Peer Reviewer)

Documents: "Proposed Plan and Sections" – Bourne Consulting Engineering – 11/29/2016

"Project Peer Review [letter] – Carlos Peña – 03/10/2017

"Response to CLE Peer Review [letter]" – Blake Peters and Russell Titmuss – 01/10/2017

"Project Peer Review [letter] – Carlos Peña – 01/13/2017

B. Peters stated that since the project was filed, an additional abutter was added. The project involves armoring the existing slope which is eroding. The project is above the high tide line and it will repair and incorporate into the riprap of 64 Holbrook Avenue, coming up to elevation 23', mainly at a 2:1 slope. The Commission asked if the applicants have permission to tie into 64 Holbrook Avenue's revetment, to which B. Peters said yes. He stated that at the south end, it will tie into Town property.

The Commission asked how the proposed revetment would tie into the existing revetment. B. Peters stated that part of the reason the existing revetment is failing is the way the revetment was ended. The Commission stated that the revetment started bulging in the middle prior to it failing at the end and that the slope is much steeper than it should've been. B. Peters said that the area will be excavated to install an underlayer wrapped in filter fabric. It is likely some of the stones on the 64 Holbrook Ave revetment will be removed and replaced in order to tie in properly. The Commission asked that by doing so, would it make the 64 Holbrook Avenue revetment worse, to which B. Peters said that it will not be made weaker than it is today; if it fails it will not be due to the new revetment. B. Peters said that access to the area will be from X Street, but permission needs to be granted from the Town. All equipment will be removed daily. B. Peters said that there will be a continual re-nourishment aspect to the project. Originally, sand was proposed, but the Commission asked for the nourishment to consist of like material. C. Krahforst stated that courser material that matches the existing material would have a better longevity than sand. J. Berit-Parkes agreed that cobble would be permissible. C. Krahforst stated that there has been some discussion on how important it is to know the coastal bank stability prior to permitting the project, to which B. Peters stated that Bourne did not run that analysis, but it is clear that this area is less stable than the surrounding area. He stated that the stability of the stone and the required stone size was done. The Commission asked if the stones would be larger than the stones of the adjacent revetment, to which B. Peters said they would be roughly a foot larger in diameter. C. Peña said that what is proposed is interlocking stone, so is better than what was done at 64 Holbrook Avenue. C. Peña said that the contractor will be the one who will essentially make the project succeed or fail and a good contractor should be selected. C. Peña said there are three things. There is a LOMAR proposed for the area which could reduce the VE zone for the properties involved in the project. Based on the review, it is a standard design. C. Peña stated that in review of the overtopping calculations, the area directly at the top of the revetment should be vegetated or have a splash pad to prevent future erosion. The Commission stated that someone (an engineer) should be onsite at various times to ensure that the contractor is placing the correct stones where they should go, to

which the applicants agreed. The Commission asked when these times should be, to which C. Krahforst stated 1) making sure the material is correct prior to installation, 2) installation of the toe of the revetment, 3) continuous inspections of the slope of the revetment.

The Commission asked about the current vegetation at the top of the proposed revetment, to which C. Krahforst said there is a large amount of invasives. The Commission stated that although B. Peters would prefer the long-term erosion control to be vegetation, a splash pad would be easier to maintain.

Four Special Conditions were added as follows:

S12. A certified Engineer must inspect the project at critical points of the project, including but not limited to inspection of the materials, the installation of the toe, and the installation of the under layer. The Conservation Administrator must be notified of these inspections prior to their occurrence.

S13. At the top of the revetment, a concrete splash pad must be installed and maintained. This condition is ongoing and will not expire at the end of three years.

S14. The permitted nourishment must be done annually. The Conservation Administrator must be notified prior to re-nourishment. This condition is ongoing and will not expire at the end of three years.

S15. The permitted nourishment is to consist of cobbles and must be consistent with the existing natural beach material. This condition is ongoing and will not expire at the end of three years.

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

It was **voted** to:

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

10:07 Nantasket Ave./Hull Shore Dr., Map 37/Lot 010 (SE35-1348) Continuation of a Public Hearing on the **Notice of Intent** filed by **Mass. DCR** for work described as **toe protection and improved stability to a 2,200' section of seawall along the middle reach of Nantasket Beach. Improvements include cut stone steps within the revetment slope at existing access points and 3 ADA accessible ramps.**

Representatives: Ashley O'Shea (Louis Berger); Bernward Hay (Louis Berger); Michael Riccio (ACOE)

Abutters/Others: none present

S. Connor, Chair stated that although she was absent at the last hearing, she has listened to the recording of the hearing.

B. Hay stated that he and his fellow representatives have nothing new to present, but would like the opportunity to address and answer any remaining questions. P. Epstein stated that his issue is the DCR have declined to pay for the peer review. M. Riccio stated that ACOE is unable to cover the cost. S. Connor stated that through listening to the recording and through the other hearings, she is disappointed that the DCR has not been involved in the process. She stated that it is clear that numerous well-intentioned people working diligently to try to pull something together to benefit everyone and the resource areas. She stated that she was impressed by the lengths that the ACOE went to in order to try and make the peer review happen. She said that she is disturbed by the fact that by not paying the fee for the peer review, in some sense with the DCR's Master Plan coming up, the DCR's future plans with the area. She stated that it is not the fault of the representatives. She then asked if a Commissioner would offer a motion. P. Paquin stated that he wished the applicants would have paid for the peer review. He then said that because the DCR has proposed and permitted revetments on either end of the Reservation and that the Commission has approved similar designed projects before, a peer review may not actually be needed. He stated that if Commissioners have attended courses on shoreline protection, they would know that this style of revetment is kind of thing to do. He stated that this section of seawall is in dire need of stabilization. He added that if the project fails, it will be fixed; the ACOE will not let Nantasket Avenue be compromised. Ultimately, the wall should be removed, but that will not happen. P. Epstein stated that the proposed project is much more complex than the average project that comes before the Commission. He stated that he knows that in 15-25 years, because of the way the wall currently is and without the nourishment, the Surfside area will be gone. P. Epstein stated that other Commissioners do not feel the way he does, but he questions the integrity of the representatives. He added that because of that question, he would like the project reviewed by a third party, whether that be DEP or a peer review. E. Fish stated that if we were to the clock back, that wall would not be there...but it is. The proposed project is what is proposed. S. Connor asked if the Commission is obliged to vote negatively if an applicant does not meet the requirements of paying for a peer review. P. Paquin stated that a peer review is requested when it is clear that the Commission does not understand the project well enough to make an informed decision. If the Commission cannot get a peer review, the Commission should ask themselves if enough information has been provided. C. Krahfrost stated that the question on whether or not each Commissioner feels that the peer review is necessary to make an informed

decision. E. Fish stated that having a peer review would have confirmed the information that has been presented. L. Sorgi agreed and added that a peer review may provide more insight into the alternative analysis, but it is clear that the alternatives are not what we are going to get. He concluded by stating that a negative vote would mean that the wall remains unprotected. E. Fish that beach nourishment is possible in the future; the Commission agreed, but stated that beach nourishment is not included in the proposed project. P. Epstein stated that he does not know what a peer reviewer may say and that is why he would like one done. He added that by not permitting the project, the DCR would have to return to the Commission with a 'plan B' because they are concerned with the instability of the wall. P. Epstein then stated that any other option would be better than the proposed project which would destroy the town. He added that if the project is permitted and then constructed, he will put his home up for sale. S. Connor stated that the Northern and Southern portions of Nantasket Beach Reservation were stabilized under Emergency Orders and had this project come before the Commission as an Emergency Order, things may be different. She added that the NOI contained so much information and a lot of it falls outside the Commission's purview.

- P. Paquin made a motion to **approve** the NOI
S. Connor asked if there were any other motions or further discussion, to which the Commission said no. S. Clarren asked if any Special Conditions should be added, to which the Commission said no.
- L. Sorgi **seconded** the motion to approve the NOI. With a 4-0-1(P. Epstein) **vote**, it was **voted to close** the Public Hearing **and approve** the Order of Conditions. The Order of Conditions was **signed**.

After the project was approved, B. Hay informed the Commission that the previous day the Louis Berger Group received a contract to look into the Piscataqua River to examine the suitability of that sand for Nantasket Beach.

Certificate of Compliance Requests

28 Samoset Ave (SE35-1301) – P. Epstein **Motion**, L. Sorgi **2nd**, vote 5-0; CoC **issued**.

87 Edgewater (SE35-1299) – The Commission noted that a set of stairs shown on the plan had not been installed. The Commission asked C. Krahforst to follow-up with the homeowner.

9 Moreland Ave (NE35-885) – P. Epstein **Motion**, L. Sorgi **2nd**, vote 5-0; CoC **issued**.

New Business

Permitting Threshold: Discussion continued to 3/28

Conservation FAQ: Discussion continued to 3/28

Quarterly Report: S. Clarren stated that the Board of Selectmen recently passed a policy requiring Boards and Commissions to submit Quarterly Reports. The Commission determined that the Conservation Department could draft the Quarterly Report and it could be approved at the next meeting.

Reminders: S. Clarren reminded the Commission that they need to complete a Conflict of Interest 'exam' online and submit documentation to the Town Clerk. The Commissioner also need to review the Open Meeting Law materials. Lastly, all Boards/Commissions have received Town emails and should only use them for Town-business going forward.

Emergency Vehicle Access: C. Krahforst stated that the dune along Beach Avenue has encroached onto Beach Avenue and there is some interest in cutting the dune back. The Commission stated that would likely have a detrimental effect to the dune and the Beach Management Plan addresses steps that would need to happen prior to such an activity occurring. Further discussion will occur at a later time.

Plans: 98 Salisbury St.; 147 Manomet Ave.: C. Krahforst stated that he conducted a site visit to inspect proposed modifications to the patio near the coastal bank. The modification includes taking the patio and moving it slightly further from the bank. C. Krahforst stated that an annotated plan be provided and A. Aizenstadt provided a new plan showing the location change of the patio. The Commission agreed that the plan change as described is minor in nature. P. Epstein stated for the record that A. Aizenstadt had called him to chat about the plan change, but P. Epstein informed him that he should contact the Conservation Department instead. P. Epstein **motion**, P. Paquin **2nd**, vote 5-0; **approve the minor amendment**. S. Clarren stated that the homeowners of 147 Manomet Ave. would like to decrease the size of the permitted garage. The garage will be 10 sq. ft. less than what was approved. The Commission agreed that the modification was minor in nature. P. Epstein **Motion**, L. Sorgi **2nd**, vote 5-0; **approve the minor amendment**.

Beach Grass Planting: S. Clarren reminded the Commission that Annual Beach Grass Planting will be on 3/25.

11:10 Upon a **motion** by P. Epstein and **2nd** by S. Bannen and a **vote** of 5-0;

It was **voted** to: Adjourn