



HULL CONSERVATION COMMISSION

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THURSDAY, April 13, 2017

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

Members Absent: Sean Bannen

Staff Present: Chris Krahforst, Conservation Administrator

Staff Absent: Sarah Clarren, Conservation Assistant

Minutes: Review of the minutes of 2/14/2017, 2/28/2017, 3/22/2017, and the DCR hearing of 3/22/2017 continued to the next hearing.

7:30 Call to order

7:35 62 E St., Map 17/Lot 109 Opening of a Public Hearing on the **Request for Determination of Applicability** filed by **Jane O'Neil** for work described as **remove and replace existing tandem driveway and concrete walkway**.

Representatives: Jane O'Neil (owner)

Abutters/Others: none present

Documents: "Assessors Map 62 E St" – n.d.

J. O'Neil stated that there is a crushed stone tandem driveway on the left side of the home that she would like to replace with asphalt. Maintenance of the crushed stone is difficult in the winter. There is also an existing concrete walkway that is in disrepair and she would like to replace it. No work will be done on the driveway located on the right side of the home. The Commission stated that the elevation of the driveway and walkway cannot be changed and it cannot be paved to direct the water to the abutting properties. The Commission suggested to the homeowner that she should confirm the property lines with her neighbor as there is no official surveyed plan.

- 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**.

7:40 91 Atlantic Ave., Map 53/Lot 002 (SE35-1362) Continuation of a Public Hearing on the **Notice of Intent** filed by **Clark Ingoldsby** for work described as **demolish existing home and construct new single family home within existing footprint; construct addition**.

Representatives: Cathy and Clark Ingoldsby (owners); David Ray (representative)

Abutters/Others: none present

Documents: "Existing and Proposed Conditions Plan" – David G. Ray – 02/06/2017, rev. 3/13/2017

"Foundation Plan" – Fitzgerald Design – 03/07/2017

L. Sorgi stated that although he is friends with the owners, he will be able to remain neutral. D. Ray presented the proposed project. The original plan was to elevate the home, but after a thorough building inspection, it was determined it would be more cost-effective to demolish and rebuild. The project will follow the exact same footprint, with the exception of a small addition. It will be a one-story home. FEMA compliant concrete foundation with flood vents. The Commission asked if there will be standing room underneath the home, to which D. Ray stated that there will be storage space, but no living space underneath the home. A small deck is proposed off of the rear of the home. The only hardscape that is proposed at this time is a walkway in the front of the home. The Commission asked if there would be a walkway from the stairs off of the deck, to which D. Ray stated that there will be a small concrete pad. D. Ray then annotated the plan to show the concrete pad. No fill will be brought in.

- Upon a **motion** by P. Epstein **2nd** by E. Fish 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**.

7:45 137 Manomet Ave., Map 19/Lot 140 (SE35-1364) Opening of a Public Hearing on the Notice of Intent filed by Charles Popkin for work described as landscape work, remove and replace existing walkways, and construct rear patio.

Representatives: Charles Popkin

Abutters/Others: one present, didn't sign in

Documents: "Popkin Property" – March 2017

"Plan of Land Showing Residential Structure" – Henry A. Brawley – 01/27/1988

C. Popkin presented the proposed project. The interior and exterior of the home was recently redone, and now he is interested in re-doing his backyard. C. Popkin stated that the grade of the yard is not even and he wants to level it. Additionally, he no longer wants any grass on the property due to its upkeep. C. Popkin stated that he is working with a landscape architect to determine appropriate plantings for the front and backyard.

The walkway in the front and the driveway are old and deteriorating. The walkway will be done with permeable pavers. Crushed stone will be placed in between the pavers. On the side of the home, there will be a crushed stone walkway from the driveway to the rear of the home. Around the perimeter of the backyard, a variety of plantings and mulching will be done. Additionally, a paver patio is proposed off the rear of the home.

C. Popkin stated that he is not familiar with the process and would appreciate any guidance the Commission could give. Commissioner Epstein stated that in his past experience, removing an area of grass and mulching with various plantings is more work than grass. Commissioner Connor noted that if the homeowners are working with a landscape architect, the landscape architect will provide them with guidance to ensure a beautiful, maintainable property. The Commission directed C. Popkin to CZM's website which suggests plantings for coastal areas.

The Commission noted that the plan appears to increase impervious lot coverage to over 50% and expressed concern of the need to ensure that areas listed as permeable are and remain permeable. The Commission asked for further clarification on the presented plan, and the area that are listed as 'permeable.' C. Popkin stated that permeable pavers and gravel will be used for the walkways. The other areas shown on the plan as being 'permeable' are the areas where there will be mulch and plantings. C. Popkin asked what permeable paver is preferred, to which the Commission said the type of permeable paver is up to the applicant/homeowner; as long as it is permeable, it is permissible. The Commission stated that the applicant should determine what paver is desired and it should be submitted to the Conservation Department for approval.

C. Popkin asked how high the water table is in Town, to which the Commission said it varies depending on where one is and how high the tide is.

The Commission asked how wide the buffer planting zone around the property line is, to which C. Popkin said it was 6-10'. C. Popkin said that he has spoken to many neighbors in the area and no concerns have been raised. The Commission stated that the grade should not be changed as it may affect the water on an abutters property, to which C. Popkin agreed. C. Popkin asked what will happen if the plan changes, as he may consider adding additional drainage. The Commission said that if drainage (i.e. CulTec, french drain, etc.) is not shown on the plan, then it is likely he'll have to file for an amendment. The Commission suggested continuing the hearing to allow the applicant time to consider drainage patterns on his property; C. Popkin stated that he would prefer the hearing closed and if needed, he would file for an amendment.

C. Krahforst asked C. Popkin to highlight the proposed features on the plan; C. Popkin annotated the plan.

Four Special Conditions were added as follows:

1. The yard must remain level and no fill can be brought in.
2. The project must be constructed with permeable pavers and no stone dust can be used.
3. There will be a minimum buffer of 4-6' around the edge of the property between the pavers and the abutters property lines.
4. 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 P. Paquin 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**.

8:25 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.**

Representatives: Gary Stiphen (applicant)

Abutters/Others: Fulvia Quilici (21 Beach Ave.)

Documents: "23 Beach Ave (Sheets A2.1; A2.2; A3.1; A4.1; A4.2; T.1.0) [annotated]" – 30 E Design – February 2017

G. Stilphen stated that the proposed landing and stairs are the smallest one can build (3' x 3'). Originally, there was a stone staircase, without a landing which is not up to code. The Commission stated that part of the deck has been constructed. The stairs will be constructed in front of it. The Commission noted that the plan shows 3' in front of the stair case until one would reach the dune, but on-site, it does not look like 3'. G. Stilphen stated that the plan includes the pre-existing cement pad.

The Commission noted that there is a shower on-site that was unpermitted and because there is no drainage, the water drains onto the abutting properties. G. Stilphen stated that the showers will be removed.

The Commission stated that the owners need to understand that they cannot walk on the dune and that permanent markers delineating the dune should be installed.

F. Quilici of 21 Beach Avenue stated that the neighborhood has been very active in protecting the dune. If the Commission permits projects up to the dune, then other neighbors will follow suit. The Commission stated that they do not do zoning—they enforce the Wetlands Protection Act and ensure that construction does not negatively impact various resources. Every homeowner is welcome to present a project, but the Commission will review each project and site to determine if the proposed work would impact resource areas.

When sand comes up onto the concrete after a storm, it can be moved back to the dune, using hand tools, in a timely fashion. The dune cannot be moved seaward.

Five Special Conditions were added as follows:

1. The outdoor showers must be removed.
2. The area underneath the deck and stairs must remain open. Nothing can obstruct the water from flowing from the ocean to the home. This condition is ongoing and will not expire at the end of three years.
3. The dune will not be affected in any way. During construction, no walking is permitted on the dune. The dune cannot be used as storage space. The dune shall not be impacted by construction nor by use of the deck and stairs post-construction. There can be no human or material contact on the dune. This condition is ongoing and will not expire at the end of three years.
4. No snow storage can be located underneath the deck or on the dune. This condition is ongoing and will not expire at the end of three years.
5. The commission will install permanent markers which will indicate that the dune is a resource area and cannot be disturbed. 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**.

Certificate of Compliance Requests

101 Central Avenue (SE35-1319) – The Commission noted that the work has not been completed and therefore, no CoC can be issued.

193 Samoset Avenue (NE35-782) – The Commission noted that more work was done than what was permitted and requested that the homeowners should file a permit for the additional work.

137 Manomet Avenue (NE35-401) – The Commission requested to do a site visit. Continued to next hearing.

New Business

Letter of Interest for new member: C. Krahforst stated that a letter of interest has been submitted to the Selectmen from a perspective member.

Update on 87 Edgewater Rd CoC: C. Krahforst stated that homeowners have requested a CoC, but at the last hearing, the Commission noted that stairs had not been installed. C. Krahforst spoke to the homeowners who stated that the stairs will be installed. Once installed, the Commission will conduct another site visit and at the next public meeting, vote on issuing a CoC.

Reminders: C. Krahforst reminded the Commission that they need to complete a Conflict of Interest 'exam' online and submit documentation to the Town Clerk. The Commissioners 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.

Conservation FAQ: The Commission suggested creating hyperlinks throughout the document.

Dune Reconstruction lower Beach Ave: C. Krahforst informed the Commission that multiple homeowners at the lower end of Beach Avenue are interested in rebuilding the dune. Sand will be placed and beach grass will be planted on top of it.

Mitigation for Straits Pond: When the Crescent Beach project was permitted, it was conditioned that a mitigation plan be established to mitigate the over wash which currently makes its way into Straits Pond. A plan has been established which involves removing debris by hand. The Commission noted that a wall has been constructed by an abutter on Town land. C. Krahforst will investigate.

Public Access Project: The Commission noted that a Committee had been established by the Selectmen to examine the public access points throughout the town. S. Clarren and C. Krahforst will touch base with the Town Clerk on appointments.

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