



## HULL CONSERVATION COMMISSION

253 Atlantic Avenue, 2<sup>nd</sup> floor

Hull, MA 02045

Phone: 781-925-8102

Fax: 781-925-8509

### TUESDAY, September 12, 2017 APPROVED

**Members Present:** Sheila Connor, Chair, Sean Bannen, Paul Epstein, Elizabeth Fish, Lou Sorgi, Paul Paquin  
**Staff Present:** Chris Krahforst, Conservation Administrator, Sarah Clarren, Conservation Assistant  
**Minutes:** Upon a **motion** by P. Epstein **2nd** by E. Fish and a **vote** of 5-0;  
It was **voted** to: Approve the Minutes of August 22, 2017 as amended

**7:30** Call to order

**7:35 8 X St., Map 12/Lot 041** Opening of a Public Hearing on the **Request of Determination of Applicability** filed by Stephanie Kunigenas for work described as construct roof over existing porch; install 3 sonotubes.  
**The applicant has requested a continuance to 9/26/17 at a time TBD.**

- 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 September 26, 2017 at a time TBD.

**7:40 22 Gun Rock Ave., Map 52/Lot 070 (SE35-1293)** Opening of a Public Hearing on the **Request to Amend Order of Conditions** filed by **Corina Harper** for work described as **gravel drive**.

Representatives: Corina Harper

Abutters/Others: none present

Documents: "Re: Corine Harper and Scott Kleiman [Letter]" – D. Bruce Fitzsimmons, Jr. – 09/11/2017  
"Site Plan" – Jonathan J. Pink and Lawrence P. Silva – 09/10/15, last rev. 07/24/2017

S. Connor began by stating that the Commission received the letter from Bruce Fitzsimmons, Esq, attorney of C. Harper earlier in the afternoon and therefore the Commission did not have enough time to review it. Town Counsel also needs a chance to review the information. C. Harper stated that the work was done already and she is open to whatever the Commission wants to do, except for replacing the area with asphalt. The Commission stated that they would not proceed until having an opportunity to review the information provided.

- 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 October 10, 2017 at a time TBD.

S. Bannen arrived at 7:43

**7:45 6 Brewster St., Map 19/Lot 126 (SE35-XXXX)** Opening of a Public Hearing on the **Notice of Intent** filed by **David & Maria Punchard** for work described as **brick patio, pool, replace stairs in front, and construct deck**.

Representatives: Maria and Katie Punchard

Abutters/Others: none present

Documents: "Proposed plan to install pavers" – n.d.

M. Punchard stated that she would like to install bricks around the pool. The area is currently grass. No concrete will be used, but it will be set in stone dust. She also would like to install bricks in the front, so it can be used as a carport. The Commission stated that the property has a lot of impervious surface on it and the brick should not be set in stone dust, which turns into an impervious surface. The Commission stated that water should be able to percolate into the ground.

The Commission then expressed concern over the plan and stated that at minimum, the contractor should be present at the next meeting. Because the proposed plan does not show actual property lines, work should not be done in close proximity to the property lines. If the applicant would like to do work right up to the un-delineated property line, they must get written approval from the abutters. M. Punchard agreed.

- Upon a **motion** by P. Epstein **2nd** by S. Bannen and a **vote** of 6-0;  
It was **voted** to:  
**Continue** the Public Hearing to September 26, 2017 at a time TBD.

**8:10 301 & 303 Beach Ave. Map 13/Lots 134 & 133 (SE35-1374)** Continuation of a Public Hearing on the **Notice of Intent** filed by **Catherine Gibson** for work described as **install 130' of granite curbing and construct 432 sq. ft. patio**.

Representatives: Mike Gibson

Abutters/Others: none present

Documents: "301/303 Beach Ave Patio" – n.d  
"301/303 Beach Ave Plan" – 6/27/2017

M. Gibson stated that since the last hearing, he met with Phil Lemnios, Town Manager, and then again with the Board of Selectmen. He was granted a license to use a portion of the Railroad bed for the installation of curbing along the property line. He added that in the coming weeks, the property will be surveyed.

Three Special Conditions were added as follows:

S12. As licensed by the Board of Selectmen, the Gibsons are permitted to use a portion of the Railroad Bed for the installation of the curbing along their property line. No more than 12" of encroachment (if necessary) is permitted.

S13. Prior to issuance of a Certificate of Compliance, a surveyed plan showing the exact location of the curbing must be provided to the Commission.

S14. Any future repairs to the permitted work must be done by the property owners of 301 and 303 Beach Avenue. This condition is ongoing and will not expire at the end of three years.

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

It was **voted** to:

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

**8:20 5 Damon Park Rd., Map 52/Lot 003 Continuation** of a Public Hearing on the **Request for Determination of Applicability** filed by **Barry & Heidi Invernizzi** for work described as **install a set of egress stairs from deck**.

Representatives: Heidi Invernizzi

Abutters/Others: none present

Documents: "Plan" – n.d  
"Existing and Proposed Conditions Plan (annotated)" – David G. Ray – 5/14/2014

H. Invernizzi stated that since the last meeting, contractors visited the site and drew up a plan which shows the locations where the egress stairs would be pinned. She also provided a letter from the abutting properties which was read aloud for the record.

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

It was **voted** to:

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

**8:25 82 Atlantic Ave., Map 54/Lot 044 (SE35-1381) Opening** of a Public Hearing on the **Notice of Intent** filed by **Kerry Kashman** for work described as **demolish existing single-family home and construct new**.

Representatives: David Ray; Carry Kashman

Abutters/Others: Ellen Morrissey and Joan McAuliffe (80 Atlantic Ave.)

Documents: "Existing and Proposed Conditions Plan" – David G. Ray – 3/30/2016, last rev. 8/14/2017  
"Pile Plan and Timber Beam Layout" – Peter J. Falk – 8/9/2017

D. Ray began by stating that the project was approved by the Zoning Board of Appeals, but is in the process of being appealed. However, the applicant wanted to continue with other permitting. C. Krahforst stated that he had spoken with Town Counsel on the issue and Town Counsel agreed that it is permissible for the Commission to open and discuss the filing. If the Commission approves the project and as a result of the ZBA appeal, the plans change, the project should come back before the Commission. S. Connor, Chair read a letter from an abutter aloud for the record, which also notified the Commission on the ZBA Appeal.

D. Ray then stated that the project involves demolishing a single-family home and constructing a new one. The existing home sits at street level and has a basement. The basement would be filled in with like material, the lawn would be graded to be even in elevation with the abutting properties. The new home will be built on piles and would have approximately 3' of freeboard. There will also be a rear deck that will be on piles. All utilities will be elevated above BFE. Additionally, two permeable paver parking spots are proposed. Despite being warned numerous times, E. Morrissey of 80 Atlantic Ave. continuously spoke out of turn; the Commission took a short 3-minute recess.

The Commission opened the floor to questions from abutters. E. Morrissey stated that the area was designated as a barrier beach and should be protected. She then stated that many houses in the area are being elevated and the pounding of piles is harming abutting properties. She then inquired as to the lack of a stormwater standard. The Commission stated that according to State Building Code, if an area is designated as a barrier beach, then piles must be driven or be helical piles. D. Ray stated that helical pile contractors are very difficult to come by and therefore helical piles are not proposed. The Commission then stated that single-family homes are exempt from

stormwater reports. D. Ray stated that additional roof runoff will not be created as a result of the project, as the new home is smaller in size than the existing home. He added that roof liters will be installed. The Commission asked if the roof litres can be installed to direct water underneath the home, to which C. Kashman agreed.

E. Morrissey then stated that the proposed home will be 3" from her property. The Commission stated that as long as the work is on the applicant's property, the distance from lot lines does not fall within the Commission's purview. The Commission stated that E. Morrissey can look at the plan, to which she stated that she would examine the plan later in the week. D. Ray gave her a copy of the plan. J. McAuliffe expressed concern of any grading and runoff. The Commission stated that as discussed earlier in the hearing, the basement will be filled in, and the lawn would be graded to be even in elevation with the abutting properties. Additionally, because the proposed home is elevated, it will reduce stormwater channelization.

Four Special Conditions were added as follows:

S12. All utilities must be elevated above Base Flood Elevation. This condition is ongoing and will not expire at the end of three years.

S13. Nothing may be stored on the ground and no enclosures may be constructed underneath the home. This condition is ongoing and will not expire at the end of three years.

S14. The downspouts must be directed underneath the home. No water can be re-directed towards abutting properties. This condition is ongoing and will not expire at the end of three years.

S15. The basement will be filled in as part of this project. The fill must be clean and of like material. Only sand and/or naturally occurring vegetation is permitted underneath the home, at grade. The grade post construction must be level with the abutting land on either side.

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

It was **voted** to:

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

**8:05 Street endings along Beach Avenue from Malta to L Streets (SE35-1380), Opening** of a Public Hearing on the **Notice of Intent** filed by the **Town of Hull** for work described as **maintenance of pedestrian dune crossings**.

**The applicant requested a continuance to 9/26/17 at a time TBD.**

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

It was **voted** to:

**Continue** the Public Hearing to September 26, 2017 at a time TBD.

### **Certificate of Compliance Requests**

*S. Connor recused herself*

9 Montana Ave (NE35-847) – P. Epstein **Motion**, L. Sorgi **2<sup>nd</sup>**, **vote** 5-0; CoC issued.

*S. Connor returned*

156 Atlantic Ave (NE35-257) – P. Epstein **Motion**, L. Sorgi **2<sup>nd</sup>**, **vote** 6-0; CoC issued.

104 Atlantic Ave (SE35-1213) – P. Epstein **Motion**, L. Sorgi **2<sup>nd</sup>**, **vote** 6-0; CoC issued.

87 Edgewater (SE35-1299) – P. Epstein **Motion**, S. Bannen **2<sup>nd</sup>**, **vote** 6-0; CoC issued.

118 Cadish Ave (SE35-1370) – The Commission determined the wall that was constructed was not what was approved. C. Krahforst will follow-up with the homeowners.

9-A Marina Drive (SE35-1030) – continued to 9/26/2017

### **New Business**

**169 Beach Ave, violation:** C. Krahforst stated that he had received a complaint of unpermitted work occurring on the property. After visiting the site, he noted an unpermitted opening, an area of beach grass was cleared for installation of storage chests, a tree was cut, and a telephone pole was removed. J. Ferrara stated that he didn't know work required a permit. He stated that old storage bins were there previously, he just replaced them. Because the old ones were in the line of view, he removed enough sand to make the bins level with the pre-existing seawall. He also stated he trimmed the beach grass along the pre-existing path back. C. Krahforst stated that he has been doing beach transects in the front of the home for many years and never noticed the storage bins. P. Townsend, prior owner stated that the bins and the cleared vegetation have been there for years. He added that he believes he has a surveyed plan delineating the property boundaries. The Commission added that even if something was there, it does not mean they can be there and stated that manipulation of the dune is a violation of the Wetlands Protection Act. P. Townsend stated that he had been on the Beach Management Committee in the early days and had been told that the pre-existing path on the property was the best kind of path for the dune. The Commission stated that over the years, more information has been provided showing the importance of a continuous dune and that any path can harm the dune system. The Commission noted that the path was cleared in such a way that the root structure of

plants can be seen. The Commission determined that the storage bins should be removed and the path and storage area must be replanted in the Spring during beach grass planting season. J. Ferrara stated that he felt he was being singled out and that other properties have openings. The Commission stated that if they receive notification of a violation, it must be investigated. Additionally, when illegal openings are noted, C. Krahforst contacts the DPW to have them filled in. C. Krahforst then noted that even the town requires permits for paths and path maintenance. J. Ferrara stated that he may file a Notice of Intent to keep his path, to which the Commission stated that they are welcome to file, but reminded them there is a legal opening right next door to the property.

12 Sunset Ave: C. Krahforst stated that he received a complaint of work being done at 12 Sunset Avenue. After visiting the site, he noticed a deviation from the plan of record; instead of a deck, a cement foundation had been installed on the seawall. S. Prouty stated that he has submitted plans showing the revised work. He had originally spoken to Dave Johnson, DEP about the project. The Commission stated that the project was permitted by the Commission and therefore any changes must be presented to the Commission, prior to the work occurring. Additionally, the project had already received a minor amendment, so S. Prouty should've been aware of the process. K. Goddard began to explain the proposed changes; the Commission determined that the changes were major and a formal amendment to the Order of Conditions must be requested. S. Prouty agreed to file for an Amendment to the Order of Conditions.

119 Hampton Cir. Violation: Anne Shea Nichols and Sean Myers of 121 Hampton Circle were present. C. Krahforst stated that he issued an Enforcement Order, which should be ratified by the Commission. The property owner is in violation of an expired Order of Conditions and work has begun on a deck. C. Krahforst stated that he and the Building Department have tried multiple times to reach the homeowner. S. Myers stated that work on the deck occurs at night. C. Krahforst stated that he would inform the police; no work can take place without a valid permit. The Commission determined that if the property owner continues to be unreachable, that daily fines should be administered, as permitted under the Wetlands Protection Act – P. Epstein **Motion**, L. Sorgi **2<sup>nd</sup>**, **vote** 6-0; to ratify the Enforcement Order.

9 Arthur St – minor amendment request: C. Krahforst stated that the homeowners would like to change the Plan which would reduce the impact on the resource areas. The square footage would be 27.4% as opposed to 33%. Upon a **motion** by P. Epstein, **2<sup>nd</sup>** by L. Sorgi and a **vote** of 6-0, it was **voted** to **approve** the minor amendment. New Plan of Record: Site Plan – Building Design & Construction – 8/29/2017

Special/Standard Conditions: discussion continued to 9/26/17

**10:43** Upon a **motion** by P. Epstein and **2nd** by E. Fish and a **vote** of 6-0;  
It was **voted** to: Adjourn.