

**TOWN OF HULL**  
**CONSERVATION COMMISSION**  
**Meeting Minutes**  
**February 13, 2024**

**AGENDA**

**Members Present:** Paul Paquin (PP), Chair, Lou Sorgi (LS), Katherine Jacintho (KJ) Danielle Dolan (DD) Sam Campbell (SC), Tammy Best (TB)

**Members Absent:** None

**Staff Present:** Ian MacDonald (IM), Administrator, Chris Krahforst (CK), Director, Renee Kiley (RK), Clerk

**Staff Absent:** None

**AGENDA**

**1. Call to Order**

- a. Review of Agenda, Overview of Hearings Procedure

**2. Requests for Determination**

- a. **6 Gun Rock Ave., Map 52/Lot 062 *Opening*** of a Public Hearing on the **Request for Determination** filed by **John Driscoll** for work described as **install shed. Abutter Notification: *not required*. Resource Areas:** possible **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA AE 15'** (storm damage and pollution prevention, flood control); **Limit of Moderate Wave Action. Site visits done: 2/13**

Representative: John Driscoll

Abutters/Public: none

Documents: Proposed Plan

Driscoll: The plan is to install a small Shed under the house. It will be installed professionally. Commissioner: Possible LiMWA but is behind a new seawall. Driscoll: The seawall has been working well. We no longer need to rake shells. Commissioner: It was probably a VE when it was built but it is now an AE. CK: Do you remember if there was a special condition when it was built? Driscoll: I don't believe so. It is now an AE. Another Commissioner: We did grant permission to make a neighboring house an enclosed garage. Commissioner: What about the new 310 CMR? CK: It hasn't been adopted yet but the regulations are changing. CK: LSCSF is AE, AO, & VE. There are no current performance standards. Another Commissioner: Should we ask for an NOI to review the information. A 3rd commissioner: Is this related to sub section 3? Sheds less than 100 square feet in size are exempt. These have not been adopted yet and this shed would fall within the size restriction. Commissioner: Will there be a foundation? Driscoll: It will be on blocks to allow water to flow under.

Motion to issue a negative determination by LS 2<sup>nd</sup> by SC. Roll call: TB-aye, DD-aye, KJ-aye, LS-aye, PP-aye, SC-aye

- b. **83 Warfield Ave., Map 24/Lot 079. *Opening*** of a Public Hearing on the **Request for Determination** filed by **Francis Kelley** for work described as **install shed on rear of property. Abutter Notification: *not required*. Resource Areas:** possible **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA AE 10'** (storm damage and pollution prevention, flood control). **Site visits done: 2/13**

Representative: Francis Kelley

Abutters/Public: none

Documents: Proposed plan

Commissioner: Where is the shed? Kelley: Shed is looking to be placed the back right hand corner of

the property, fenced in and will abide setbacks. Commissioner: 3 feet from the boundary and on cement blocks. Kelley: 12'x14' on a crushed stone base. If need be we can use earth anchors in case of flooding. Commissioner: Should it be on a flow through foundation

Motion to issue a negative determination by LS 2nd by SC. Roll call: SC-aye, PP-aye, LS-aye, KJ-aye, DD-aye, TB-aye

### 3. Notices of Intent

- a. **55 A St., Map 17/Lot 007 (SE35-1825) Opening** of a Public hearing on the **Notice of Intent** filed by **Gail Whitcomb Richmond** for work described as **Demolish and construct a new house Abutter Notification: Proof Provided. Resource Areas: Land Subject to Coastal Storm Flowage: AE 10'** (Storm damage, pollution prevention, flood control). **Site Visits Done: 2/13**  
Representative: Jed Hanlon, Gail Whitcomb-Richmond  
Abutters/Public: none  
Documents: Proposed Plan, photo of house.

Hanlon: The property is located in FEMA AE 10'; project consist of a raze and rebuild. Structure had fire damage. New foundation will be FEMA complaint, spread footing with flood vents 14.3, well above the regulations in an AE 10, permeable patio, and driveway in front & side. Erosion controls to be put in place before construction. Commissioner: My concern is the storm water run-off given the close proximity of abutters. Whitcomb: We will be alright with installing gutters and drywells. Commissioner: What is the back of the house now? Whitcomb-Richmond: It is dirt. The left side complied with setbacks, right side not within the set back. Hanlon: The ZBA issued a special permit. WR: Grass, & shed, driveways where on both side, driveway on one side. It will be FEMA compliant. Commissioner: A fence is proposed. GWR: There is already a fence there.

Motion to issue an order of conditions with the special conditions that dry wells and gutters installed and all demo material taken out of town by LS 2<sup>nd</sup> by SC. Roll call: DD-aye, KJ-aye, LS-aye, PP-aye, TB-aye

- b. **121 Edgewater Rd, Map 15/Lot 145 (SE35-1826) Opening** of a Public hearing on the **Notice of Intent** filed by **Joanne Golden** for work described as **Install 6 deck footings . Abutter Notification: Proof Provided. Resource Areas: Coastal Bank** (storm damage protection and flood control, likely wildlife habitat) **Land Subject to Coastal Storm Flowage: FEMA VE 13'** (storm damage and pollution prevention, flood control), **Limit of Moderate Wave Action**, possible **c.91** jurisdiction. **Site visits done: 2/13**  
Representative: Joanne and Mark Golden  
Abutters/Public: Sandra Smith 118 Edgewater Road  
Documents: Proposed Plan, Photos of flooding.

Sandra Smith: 118 Edgewater: There is a hill & 4-5 times since 2018 there have been 4-5 foot high floods. I'm concerned that you have 6 footings you have 4 foot flooding in the areas. Commissioner: What are you seeing as bad or worse? The slope on the property is headed to the water. We are fortunate that it hasn't reached Edgewater Rd. Smith: That is what I would like to prevent. Commissioner: How would you prevent that? Smith: 4 feet of water just steps down from the current deck. It is across the street, there is porous material there. 6 footings, 4 foot deep times 6 equals between 12-24 ft<sup>2</sup> of concrete, it could impact stormwater to our property. Commissioner: What does it affect? Smith: It gets closer to my house ever storm. Commissioner: The water is going to rise anyway. There is an infinite ocean. Smith: A house was raised and the water inflow is worse from 2018. The more we build, the worse it will get. Commissioner: There is infinite water out there waiting to come. Smith: The more you convert porous material with concrete will increase impermeability. Commissioner: That is displacement at the movement. Another Commissioner: This deck is off the ground. Another Commissioner: Do we have a plan with elevations? IM: This is the only plan we have. Commissioner: The water is coming up; the difference in height is related to height of storm surge. Smith: I saw him pouring buckets of water out of his basement. Commissioner: If the house was

raised it would seem like more water was coming in but it would be the same amount of water. IM: It is an extension of an existing deck. Golden: It is extending the existing deck at the same level. CK: One of the special conditions should it be built to specifications of a VE Zone. Commissioner: It looks like it is within Chapter 91 jurisdiction and that would have to go through water ways

Motion to issue order of conditions with the special condition that the deck be built to the existing height, that the footings be installed to the building department specifications for a V Zone, and chapter 91 approval be obtained by LS 2<sup>nd</sup> by SC. Roll Call: PP-aye, TB-aye, LS-aye, KJ-aye, DD-aye,

- c. **51 Harborview Rd. Map 56/Lot 028 (SE35-1735) Continuation** of a Public Hearing on the **Notice of Intent** filed by **Thomas P. Fitzgerald** for work described as: **Complete slope stabilization project for a portion of the northerly slope. Abutter Notification: proof provided. Resource Areas: Coastal Bank:** (Storm damage prevention and flood control); **Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA VE 20'** (storm damage and pollution prevention, flood control). **Site visits done:** many times

Representative: Matt Watsky

Abutters/Public: Bryan Stevens

Documents: none

Paul Paquin recues himself.

CK: Additional info for the peer review. A document was provided to the applicant. Watsky: Regarding the water not coming out of the end of the pipe, the interim measure is functioning, water is being collected and directed to the catch basin, the contractor used a perforated pipe not a solid pipe, it is gradually releasing the water. Tony Sousa is having the pipe replaced. There is no functioning problem, water is being diverted from the timber wall. Tony Sousa is working on the document. He has obtained photos from other soil nail projects, alternatives analysis Commissioner: Special is person meeting March 5th. BS: The list on the screen please posts to the website.

Motion to continue to March 5th at 8pm by SC 2<sup>nd</sup> by DD. Roll DD-aye, TB-aye, KJ-aye, SC-aye, LS-aye

Paul Paquin returns

- d. **189 & 193 Nantasket Ave. (Paragon Dunes), Map 37/Lots -002, -003, and -004. (SE35-1827) Opening** of a Public Hearing on the Notice of Intent filed by **Procopio Companies** for work described as **construction of new mixed-use building including landscaping and other site improvements. Abutter Notification: Proof Provided. (Resource Areas: Barrier Beach** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA AO (Depth=3'), AE 10'** (storm damage and pollution prevention, flood control); adjacent to shellfish beds and Weir River ACEC. **Site visits done:** many times previously

Representative: Adam Brodsky David Roche, Michael MODOONO Karlis Skulte

Abutters/Public: Susan Mann

Documents: Proposed plan, presentation, Special condition for parking area

**Brodsky:** We have been in front of the planning board, John Chessia & Tyge & Bond will do a peer review. John Chessia will review the storm water management standards & flood plain protection. MODOONO: Development Company with experience, building mixed use projects. This is a fantastic area to create an extraordinary space. Project goals maintain commercial activity, regional draw, resilient building, walk able, enhance public space, complement beach activity, and create economic benefit. We've been meeting with the DRB & Planning Board to create a better project. Compliant with the NBOD zoning. Skulte: Resource area, previously developed barrier beach, LSCSF AO 3 to AE 10, elevation decrease from ocean to bay. Along the revetment on GW Blvd. within the buffer zone of a bank. Mixed use 132 units & 10000 square commercial, eleven plaza spaces, broken up on the Nantasket Ave side. Site is the paragon boardwalk site. Commercial on Nantasket Ave, courtyard at the street grade, garage open for flood flow, lobby at grade access, public courtyard recessed from the street elevation. Grading and drainage plan shown: The project is being peer reviewed by John

Chessia. The parking area was previously reviewed and approved. The applicant will be reapplying for that parking area as well as the new development. The tidal area to the south and west is an ACEC, providing additional retreatment, deep catch basins, additional, tying into existing drainage structures on site for proposed. We could request relief for peak rate but it is designed to meet the regulations, courtyards, 100 year flood events, the rest of the systems exceed the requirements. Project grading to design, garage in the building allow flood waters to enter, storm water will pass through and it will be above the flood plain, grading in open parking with match at the edges, except run off and enter system. Opportunities to pass through the building, meeting the building code requirements and FEMA, dry flood proof up to & above the AO requirements, dry flood proofing, elevated courtyard, the garage at grade elevation with enter and pass through, free open picket fence style AO zone and above, the back side will be opened up to allow the movement of flood water. Opening in the middle area, the buildings were separated to allow flood waters to pass around the buildings. 1st floor residential at 23.5', 7 feet of additional free board, as the slide slopes, garage is at elevation 11. Utilities, water, natural gas services on Nantasket Ave. building served electric, transformer in the AE zone, critical electric in the building elevated. Working to remove poles and install underground utilizes. Sewer, floor drain system to insure it doesn't aggravate system. Streetscape proposed at Nantasket Ave. Coastal & native landscaping, open space and interior parking space. Lower courtyard space, public space, an additional outdoor space, dog walk area, and connections to the garage. Building incorporates the. Brodsky: Happy to answer questions, relate within the conservation commission jurisdiction. Another Commissioner: We will need to request a continuation. Commissioner: Peer review for conservation. Commissioner: You have an ACEC. What happens to all the cars when a storm comes? Skulte: The depth of the flooding in the garage we don't expect the flooding to be a large amount; we will install drains in parking area. Skulte: The drains will be below the building, drains will be in the sewer system, water oil separator; drain closed in a flood event not to over flow the system. Commissioner: Where there any technical notes from DEP? CK: Not yet. Parking area was permitted. Special conditions: for the approved parking area. I don't know the timing before the commission and receiving the peer review. Brodsky: We are hoping to receive our final review on Feb 28th. IM: No additional comments from DEP at this time. I will report if I get any to CEC. Susan Mann 109 Manomet Ave: Plan to have a generator? Commissioner: Not a conservation issue. Commissioner: Has Mr. Chessia been engaged for a conservation review? Brodsky: Yes, Chessia review for the Planning board does include flood management & storm water. CK: I think that the commission would need to see the review. Weigh in on the resource area and 310 CMR. Skulte: Storm water management reports are the ones that were generated after the 1st review of John Chessia. IM: next meeting is 2/27 or the 1st meeting in March.

Motion to continue to 3/12 by LS 2nd by SC. Roll call: KJ-aye, LS-aye, PP-aye, SC-aye, TB-aye, DD-aye

- e. **23 & 28 Lewis Street, Map 19/Lots 049 & 055. (SE35-1812) Continuation** of a Public Hearing on the **Notice of Intent** filed by: **Steven Wolberg** for work described as: **After the fact excavation of a trench to install underground electrical utilities. Abutter Notification: proof provided. Resource Areas: Barrier Beach** (storm damage protection, flood control, wildlife habitat); **Land Subject to Coastal Storm Flowage: AE 15'.** (Storm damage, pollution prevention, flood control). **Site Visits Done: 11/26**  
 Representative: Steven Wolberg  
 Abutters/Public: Susan Short Green  
 Documents: As built

**Wolberg:** Status of project removed a utility pole went to Hull Light, DPW gave me permit, work was done, and Ian came to the site and stopped the work. I had to apply for an after the fact NOI. There wasn't a form on the electric permit. IM: I think that the town has to receive for a grant of location. We are waiting on town console. Did applicant did provide an as built for the trench. CK: There looks like there was a paved front yard and the commission could issue with a special condition, the pole served 3 locations. Susan Short Green 71 B St: I am in favor of underground utilities; we worked to come up with a plan. We had a go to town manager to get the grant of location. He had a list of things that we had to do. I attempted to do the process. Commissioner: I have gone through the process but it's not part of conservation. Green: The property owner has not signed the application. Wolberg: 23 &

28 there was a connection on his side. Commissioner: in Conservation the property owners have to sign. Commissioner: We're dealing with the trenching across town property. Another Commissioner: The pavers are another issue.

Motion to continue until 2/27 by LS 2nd by SC Roll call: LS-aye, PP-aye, SC-aye, TB-aye, KJ-aye, DD-aye

- f. **3 James Ave., Map 05/086 (SE35-1818) Continuation** of a Public hearing on the Notice of Intent filed by **Kerry Kipp** for work described as **Construction of a revetment structure on a Coastal Bank Resource Areas: Coastal Bank** (storm damage protection and flood control, likely wildlife habitat); Coastal Beach (storm damage protection and flood control, likely wildlife habitat) **Land Subject to Coastal Storm Flowage: FEMA VE 18'**(storm damage and pollution prevention, flood control). **Site visits done: 1/9**  
Representative: none  
Abutters/Public: none  
Documents: none

Motion to continue until 2/27 by LS 2nd by SC Roll call: PP-aye, SC-aye, TB-aye, LS-aye, KJ-aye, DD-aye

#### 4. Extension Requests

- a. Hull WWTF, 1111 Nantasket Ave. (SE35-1631)  
IM: Approval through FEMA prior to receiving funding. Requesting 3 years  
Motion to extend the OOC for 3 years by LS 2<sup>nd</sup> by SC Roll call: SC-aye, TB-aye, DD-aye, KJ-aye, LS-aye, PP-aye

#### 5. Certificate of Compliance

- a. 29 Manomet Ave (SE35-1731)  
IM: construction of a sun room matched the plans.  
Motion to issue a Certificate of Compliance by LS 2<sup>nd</sup> by SC. Roll call: TB-aye, DD-aye, KJ-aye, LS-aye, PP-aye, SC-aye

#### 6. New Business

- a. After-the-fact bylaw Do we want to consider changing the bylaw slightly, after the fact then applying the local fee structure. DD: Can we penalize? CK: We need to establish a fee structure and. CK: Local fee structure. They also incorporated an after the fact. I think that  
Another Commissioner: I agree. KJ: is there push back on the fee structure. IM: There was push back. Susan Short Green: For after the fact. It should be more than financial. Commissioner: We can reject a continuation. Commissioner: Make darn sure that what we have on the warrant is approved by town consoles.

#### 7. Minutes

- a. Motion to approve Minutes as amended for 01/09/24 and 01/23/24 by LS 2<sup>nd</sup> by SC. Roll TB-aye, KJ-aye, DD-aye, PP-aye, LS-, SC-aye

8. Motion to Adjourn by LS 2nd by SC. Roll call: SC-aye, LS-aye, KJ-aye, TB-aye, DD-aye, PP-aye

### **ADDITIONAL NOTES FOR REMOTE MEETINGS**

1. All or any of the members of the public body may choose to participate in a public meeting via remote access. Meetings may be virtual, in their entirety. All members who participate remotely must be clearly audible.
2. If due to special circumstances members of a Board are meeting in person, for everyone's safety, the public will not be allowed into a Board/Committee meeting, even where there are any members of the public body and/or town staff or official(s) physically present at the meeting location during the meeting. Remember also that Town Hall is closed to the general public.
3. However, the public will be provided with alternative access through which they can watch or listen to meetings "in real time," and meeting notices will specify the manner in which members of the public may access audio or video of the meeting as it is occurring.

The listings of items are those reasonably anticipated by the Chair which may be discussed. Not all items listed may in fact be discussed and other items not listed may also be discussed to the extent permitted by law

4. If, despite our best efforts, our technological capabilities do not adequately support public access to virtual or remote meetings, the town will ensure that an audio or video recording, transcript, or other comprehensive record of the proceedings at the meeting is posted on the town's website as soon as possible after the meeting.
5. Notices for public hearings will contain additional information about how the public may participate via electronic/technological means.
6. For executive session meetings, public access to the meeting will be limited to the open session portion(s) of the meeting only. Public access to any audio, video, internet or web-based broadcast of the meeting will be discontinued when the public body enters executive session.
7. Where individuals have a right, or are required, to attend a public meeting or hearing, including executive session meetings, they will be provided with information about how to participate in the meeting/hearing remotely.
8. Meeting notices will still be posted at least 48 hours in advance (not counting Saturdays, Sundays, or legal holidays), unless it is an emergency meeting as defined under the Open Meeting Law. Minutes will still be taken.