

TOWN OF HULL
CONSERVATION COMMISSION
Meeting Minutes
January 09, 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. Request for Determination
 - a. **121 Edgewater Road Map 36/Lot 016 Opening** of a Public Hearing on the **Request for Determination** filed by **Jack Smith** for work described as: **Add new footings to expand existing deck. Abutter Notification: not required. Resource Areas: Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA AE10** (storm damage and pollution prevention, flood control). **Site visits done 01/09/2024**
Representative: none
Abutters/Public: none
Documents: Firmette, proposed plan

IM: The applicant is expanding the existing deck and installing new footings. Commissioner: They will need to file an NOI. CK: Ian's Firmette shows the latest FEMA flood zones. Which, are in the VE zone.

Commisisoner: This project is going to be conducted in the VE zone and should require a formal Notice of Intent to proceed.

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

3. Notices of Intent
 - a. **48 George Washington Blvd ., Map 37/Lot 007 (SE35-1821) Opening** of a Public Hearing on the **Notice of Intent** filed by **Town of Hull** for work described as: **Routine maintenance dredging of approx 16,000 yds³ of material from shoaled areas. . Abutter Notification: proof provided. Resource Areas: Land under the Ocean, Coastal Beaches, Land Containing Shellfish. ACEC Site visits done:01/09/2024 Represented by: Foth**
Representative: Jimmy Hill, Foth Engineering
Abutters/Public: none
Documents: Survey Site Plan, letter from Dviision of Marine Fisheries

Hill: This is a routine maintenance dredging project. This area was dredged in 2013 to the grades shown in the plan. The material will be disposed of off shore, beach nourishment won't be possible. The amount being dredged is 16,000 yd³. The environmental impacts of trucking all that material renders that impractical. We did a phase 1 sample from army corp., got back information from the Army Corp. which will allow us to do biological testing. We are hoping to get a suitability document from the Army Corp so we can dispose offshore. We will follow time of year restrictions. No dredgeing to be conducted from 2/15-9/30, install silk curtain. We will be looking for chapter 91 modification dredging permit, army corp. permits, and CZM review. Commissioner: I think that its

routine and it needs to be done. Commissioner: Will this be land based? Hill: This will be all water based on land based equipment. Commissioner: What are the guidelines? Dredging causes damage to people's shoreline. Hill: This is maintenance dredging; it's not improvement or new dredging. It will restore the navigability. Commissioner: Dredging pulls soil from people's property. Another Commissioner: This is soil that silts in away from people's properties either way. Another Commissioner: This is a natural process that we are disturbing. Commissioner: I would like them place excess soil from dredging to put the soil on people's property if possible. Hill: The soil could be contaminated and is very silty and fine. Commissioner: The Army Corp is to trying to reuse material. Has any other sources been looked at? Hill: It won't stick to a beach or even a salty marsh. The Army Corp, uses the 70/30 rule for 2030. The sites are filling up for disposal of material. The most eco friendly manner is to dispose off shore. Upland reuse could be up to 1000 truck hauling material. Commissioner: As long as they get all their approvals. Another Commissioner: Any other water staging, more anything less in the harbor? Hill: The barge might be outside the staging area. A tug boat could anchor outside the area. Commissioner Can you please walk us through the best management practices. Hill: It will be a closed bucket with mud flaps so when it bites down, it doesn't create a plume operating at a slow speed, deploy turbidity curtain to keep the silt in the area. The means and methods for the project are outlined in the DMF letter.

Motion to issue an order of conditions by LS with the special condition no dredging during time of year restrictions, dredge material barged off site, silt curtain around the area, chapter 91 permission, all permits and approvals obtained before work, any change to the project will need to come back to the commission for approval. 2nd by SC Roll call: SC-aye, TB-aye, PP-aye, LS-aye, KJ-aye, DD-aye

- b. 111 Bay Street, Map 35/Lot 033 (SE35-1817) Opening** of a Public hearing on the **Notice of Intent** filed by **Anne & Christian Butterworth** for work described as **Construct 5'x10' deck**. Abutter Notification: *Proof Provided*. **Resource Areas: Coastal Dune** (storm damage protection and flood control, likely wildlife habitat); **Barrier Beach Land Subject to Coastal Storm Flowage: FEMA AE 10** (storm damage and pollution prevention, flood control). **Site visits done: 01/09/2024 Represented by: Ryan Capital Construction**
 Representative: Anne Butterworth
 Abutters/Public: Mary & Peter Rizzetti: 113 Bay Street
 Documents: Proposed plan

Butterworth: No change to the plan. Mary Rizzetti: 113 Bay Street: Our concern is that the disturbance of the resource areas could affect us. We have a cement wall between the properties. I'm not familiar with depth of footings. How will this affect our land? Commissioner: This deck is on the landward side of the wall? It shouldn't cause any effect. Commissioner: They will install 2 footings. Peter Rizzetti: How high off the ground will the new deck be? Commissioner: Where is the deck? Butterworth: It will be level with the kitchen. The lower level is where the deck is. The height is about 10 feet. Butterworth: It's a 2nd floor deck. Butterworth: It will be the same height as your deck. Rizzetti: Commissioner: There is no right to views. Martizzli: If it doesn't meet the setbacks will have to be moved. It is a building department decision. Another Commissioner: Your deck will be in the same area.

Motion to issue an order of conditions by LS 2nd by SC. Roll call: TB-aye, LS-aye, KJ-aye, DD-aye, PP-aye, SC-aye

- c. 212 Nantasket Road, Map 31/Lot 009(SE35-1814) Opening** of a Public hearing on the **Notice of Intent** filed by **Shawn Quilty** for work described as **Proposed two story house, deck, & permeable driveway**. Abutter Notification: *Proof Provided*. **Resource Areas; Land Subject to Coastal Storm Flowage: FEMA** (storm damage and pollution prevention, flood control). **Site visits done: 1/09/2024 Represented by David Ray Nantasket Survey & Engineering**
 Representative David Ray
 Abutters/Public: Mike Laretto
 Documents: Existing & Proposed plan

Ray: Existing conditions include the FEMA non compliant home will be demolished, centered better on the lot, further from the water, cantilevering over the beach, to not in effect be in the flood zone any longer. There will be a permeable driveway going to a garage, basement will be filled, 1st floor elevation 15', no need for flood vents, crawl space where flood vents could be added if needed. The project is out of historical mean high water line. Another Commissioner: are the pavers in the front outside the boundary line? Ray: Residents have the right to get to the street, there was a railroad, and there is a right to get from the driveway to the house. Commissioner: How much of the wall are you keeping? Ray: The wall will stay in place; the house is getting pulled back from the existing foundation. Mike Laretto: On the northeast corner generator ac/heat pumps, consider relocating to the front, the noise will be forward and to the right towards our house. And also facing the ocean it could lessen the life. The fence at the street, its solid fence & then a spaced picket fence, would they consider extending the solid fence? Commissioner: They are not conservation issues. Quilty: I plan to make sure that I'm neighborly, I don't have room in the front, but I'd be happy to work with them on relocating the AC/Heating pumps.

Motion to issue an order of conditions by LS 2nd by SC. Roll call: DD-aye, KJ-aye, LS-aye, PP-aye, SC-aye, TB-aye

- d. **670 Nantasket Ave., Map 19/Lot 001 (SE35-1819) Opening** of a Public hearing on the Notice of Intent filed by Sam Kramer for work described as Installation of monitoring wells. Abutter Notification: Proof Provided. **Resource Areas: Barrier Beach** (storm damage protection and flood control, likely wildlife habitat); **Land Subject to Coastal Storm Flowage: FEMA** (storm damage and pollution prevention, flood control). **Site visits done: 1/09/2024**
Representative: Maria Johnsenberg
Abutters/Public:
Documents: Proposed and Existing Conditions Plan

Maria Johnsenberg AECOM: 711 building in 2023 underground storage tanks were removed. Monitoring wells are being proposed ensure that no containments were still found in the soil. IM: Were PCB containments found? Johnsenberg: They contained gasoline. We don't have the history of the tank. It is a mapped recourses area but this is a paved parking lot. IM: how often will they be checked and what is the monitoring schedule? Johnsenberg: The time frame and frequency will depend on what they find.

Motion to issue an order of conditions with the special condition all results of the monitoring wells be reported to the commission by LS 2nd by SC. Roll call: KJ-aye, LS-aye, PP-aye, SC-aye, TB-aye, DD-aye

- e. **3 James Ave., Map 05/086 (SE35-1818) Opening** of a Public hearing on the Notice of Intent filed by Kerry Kipp for work described Construction of a revetment structure on a Coastal Bank **Resource Areas: Coastal Bank** (storm damage protection and flood control, likely wildlife habitat); Coastal Beach () **Land Subject to Coastal Storm Flowage: FEMA VE** (storm damage and pollution prevention, flood control). **Site visits done: 1/09/2024**
Representative" Gabriel Padillo Grady Consulting
Abutters/Public: John Schindler, Sharon Haggerty, 23 Mt. Pleasant Phil Maloney
Documents: Proposed & Existing Conditions Plan

GP: House was built in late 1800's the revetment was damaged, the bank started eroding with wave action. The vegetation had been lost. The applicant installed a revetment without a permit. We have seen the work that was done on site. We used the design manual from the army corp. of engineers. The wall is designed under the advised standards for the area. There are erosion controls in the installed area. Commissioner: Who started the work? GP: It was Rockwood customs. Another Commissioner: What is your concern? Commissioner: I'm unfamiliar with the project. I wanted to know what the timeline was. IM: We stopped work on the project; the contractor came in to the office. They needed structural plans and a survey. It's been about 2 months since work has stopped. GP: Project started in late October. Commissioner: When were the erosions issues 1st noticed? GP: I believe in July or August. Commissioner: When was the photo taken? GP: September. Commissioner:

All vegetation was removed by wave action? GP: yes. VE 18 on one side and 12' on the other. GP: There was a king tide that took out a chunk of it. There was some erosion before the king tide. IM: It does seem severe for wave action. Commissioner: I don't know if the documents we have is enough to meet the performance standards. GP: There is existing vegetation that will be kept. There was no man made alteration. Vegetation would be tough with the slope. GP: the slope is close to 1.5 to 1. Commissioner: As a rule it's about a 35 degree angle. As a VE zone this is going to be slammed by wave action. John Shindler: There was vegetation on the slope from last summer. There was tremendous vegetation. I think that it has been cut down by the property owner. 2nd comment, the stairs have been built, on my property. The overview shot from a drone, crossing our property with equipment. Lampke put up a sign no construction vehicles on the parking lot. Not supposed to drive across our property. Sharon Haggerty 23 Mount Pleasant above & to the west. I walk the beach. The vegetation was not cut back. We saw it washed away in a storm. Commissioner: Do we have permission to continue. Normally we don't allow a project all the way to the edge of a property. In order to prevent erosion on the abutters property. Maloney: In 2020 we lost about 3 feet, last year we lost a couple of more feet due to the storms and high tides. I'm for putting up a revetment; I'd like to add my property to the NOI. GP: Permission to continue.

Motion to continue until 1/23 by LS 2nd by SC. Roll call: LS-aye, PP-aye, SC-aye, TB-aye, DD-aye, KJ-aye

- f. **23 & 28 Lewis Street (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 Requested Continuance to 1/23/24**

Representative: none

Abutters/Public: none

Documents: none

CK: It's currently an incomplete application.

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

- g. **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: none

Abutters/Public: none

Documents: none

CK: The peer review is still ongoing. There needs to be time to review. CZM has reviewed the draft peer review memo and had commented on it. The applicant's consultants are still talking to GZA. I've expressed concern about the recent 2-3" of rain. Is the commission interested in having a special meeting on just this project? Kevin Mooney also looked at the project and he submitted a memo on the project as well.

The Commission is willing to schedule a special meeting in person

Motion to continue to a time to be determined by LS 2nd by SC. Roll call: LS-aye, PP-aye, TB-aye, DD-aye. KJ-technical difficulties

8:04pm – Commissioner Sorgi left meeting

4. Certificate of Compliance

- Peddocks Island (SE35-1401)-Moorings shown. IM: typical cross section shown.

Commissioner: They work well.

Motion to issue a certificate of compliance by SC 2nd DD. Roll call: PP-aye, SC-aye, TB-aye, DD-aye, KJ-aye

- 94 Salisbury St (SE35-1793) filing was for the additional footings. Commissioner: please have as built revised.
- 102 Edgewater Rd (SE35-1649) two orders of conditions, 1st was for the driveway and the 2nd was the house. Commissioner: The stairs were angled a different way on the plan. Motion to issue a certificate of compliance upon annotation of the plan by SC 2nd by DD. Roll SC-aye, TB-aye, DD-aye, KJ-aye
- 16 Burr Rd (SE35-870) Motion to issue a certificate of compliance by SC 2nd by DD. Roll call- TB-aye, dd-aye, KJ-aye, PP-aye, SC-aye
- 103 Newport Rd (SE35-1719)
IM: Construction of a sunroom on existing deck. Motion to issue a certificate of compliance by SC 2nd DD. Roll call-DD-aye, KJ-aye, PP-aye, SC-aye, TB-aye

5. New Business

- a. HRA Electrical Pole competition May 2024

IM: Does the commission feel that HMLP need any permitting to hold the competition. They will be installing temporary poles. CK: Utility exemptions are for existing not new. Commissioner: I think that it should be permitted.

6. Minutes

- a. Motion to approve Minutes for November 14, 29, & Dec 12.

Motion to approve the minute 11/14 by SC 2nd by DD Roll call: KJ-aye, PP-aye, SC-aye, TB-abstain, DD-aye

Motion to approve the minutes for November 29th by SC 2nd by DD. Roll call: PP-aye, SC-aye, TB-aye, DD-aye, and KJ-aye

Motion to approve the minutes for December 12 2nd by DD. Roll call. SC-aye, TB-aye, DD-aye, KJ-aye, PP-aye

7. Town Meeting-Wetlands Bylaw

8. Motion to Adjourn at 8:22pm by SC 2nd by DD. Roll call PP-aye, SC-aye, TB-aye, DD-aye, KJ-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.
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.
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.