

TOWN OF HULL
CONSERVATION COMMISSION

Meeting Minutes

March 20th, 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. Notices of Intent
 - a. **51 Harborview Rd. Map 56/Lot 028 (SE35-1743) *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: John Lentini, Barry Fogel, Karlis Skulte, John Struzziery, Yolanda Dimuzio, Russell Titmus, Kevin Mooney, Russ Morgan, Bin Wang
Documents: Proposed Plan, GZA Peer Review Slide

IM: Peer review has been completed for the soil nail stabilization NOI. Property owners involved and associated engineers have been communicating with the town.

Commissioner: Status of NOI? Is the NOI complete? CK: Yes, there is an issue of communication, and adjacent properties. This NOI is valid. Commissioner: Should we vote on the current NOI or hear the new plan? Another Commissioner: We should listen. Watsky: NOI that is pending hasn't changed. CEC submitted the response prior to the last meeting. The NOI hasn't changed. We haven't received anything from GZA. We have had meetings between CEC & the town about what would be the next step with the 2nd

NOI. The question presented what about the stabilization of the toe. The toe is on Tom's property, the towns, Mr. Lentini's, and Mr. Stevens's property. The wall at base is in failure. It makes sense for work to be done. Karlis has prepared a conceptual plan. All parties will have to sign the NOI and participate in funding. Mr. Fitzgerald will participate in the work on his property. Struzziery: The town proposed the toe stabilization plan. We have an approach that the commission could review. The toe stabilization plan would be a separate NOI. Commissioner: You have verbal support from the town. JS: Yes. Fogel: Mr. Stevens is not in agreement with a proposal tied into the soil nail. He doesn't support the soil nail technology. The neighbors not agreeing with everything is not true. We're still looking for an alternatives analysis. The performance standard for an engineered structure is that there needs to be an alternatives analysis. Mr. Steven's believes that a terraced structure might be a better plan. Mr. Steven's firmly believes that the deck should be removed. Level the vegetated area, remove the deck closest to 53 Harborview and install a terraced area. He objects to the soil nail. He would support a terraced slope, with the toe project. Commissioner: Will the soil nail technology cross to the neighbor's property. Commissioner: If you stop at the property line it will cause more erosion. JS: There would be a portion of the soil nail that would transition over. See if the rest of the embankment on 53, stone rip rap on the edge and that will be vegetated. For that to work, the soil nail would have to extend. Lentini: I thought that hat we were going to be more forward at this meeting. I need more information on this project. I'm prepared to go along with the upper bank, the town has been aware of the toe problem. The wall is continuing deteriorate. It's not the seawall. I see that it extends on to my property. CK: A retaining wall is a better description. JL: It looks like its taking place of the sea wall. Watsky: He wasn't gotten details because this is a concept plan and if the town with participate. Much more detail would be provided when the NOI would be prepared. Fogel: Where is the sewer line? JS: It is seaward of the pipe. The pipe is 15 feet off the current wall. Fogel: The material slumped would be removed? Karlis Skulte: We looked at the concepts. We agreed that doing work at the toe makes sense. An ideal solution including various property owners would work as well. We did discuss alternatives; a more shallow slope. There were problems, the performance standards dictate the amount of work on the slope or stepped wall, we would be disturbing more earth and create a larger valley and direct more water to the area. Soil nails at the top will use smaller equipment, have less impact. Then the plan is to install rip rap all the way up the slope, minimizing the soil nail. All while vegetating; approach from the top is the best solution. JS: Adding additional fill is not practical. Karlis: We provided that analysis to GZA, excavate, place a geogrid, 1-2 feet back fill, 12 feet to build the slope back up for that reason was a lot more disturbance. Commissioner: NOI on the table is for the soil nail on this property

only. Watsky: This plan on the screen is the additional work. Fogel: Where are the alternatives in the review? Watsky: In the peer review all the alternatives analyses were reviewed by GZA. Commissioner: The issue addresses the problem, in the boundary lines of the property. Looking at it in a vacuum, is there something in between? The problem is the property line will continue to erode. Are the alternatives looking to address the neighbors? Kevin Mooney: I looked at the beach, we looked at the wall. Russell Titmuss: We looked at the toe stabilization, we haven't looked at alternatives, and Soil nailing is an established technology. We were looking offshore, digging out material, building revetment where the wall is, uniform slope through, and then return the slumped material, back stop within the mound, in conjunction with the properties up top. The transition on the property lines, more difficult onto Stevens property to make a cohesive design across the property line, trying to give a smooth profile, you don't want to create a valley to stabilize the slope. Commissioner: Why would it have to be a valley? You could keep the existing grade, while removing the top. Titmuss: It is a near vertical cut. Water will channel wherever it has an opportunity to. Commissioner: Couldn't they remove the patio and deck and then flatten the area, and re-grade? Titmuss: I don't think that is a great plan. Scooping out the top and you'd still have to transition. Staying in the property lines, you could try filling, to put fill in and make it stable, it would require geo grids; there is a difference between fill and natural glacial till. We do need to tie the geo grid in. It may require thinking about the mound in the middle. De-stabilizing the fill, it will help with stabilizing the toe. There are challenges. Mooney: Fill would have to be brought in, trucks going up & down the beach cause much more disturbance. Commissioner: How much disturbance to the bank, why couldn't one back fill from the top? Another Commissioner: What does GZA think about just this NOI? Morgan: I think that it will work in this location; it can be made to be robust. I've been using it since 1986. It will stabilize the slope. Commissioner: What if we did it and the neighbors said stop at our line? Moore: I think that there would be erosion on the neighbor's side. Commissioner: Continued or additional? Morgan: Soil nail technology doesn't stop precipitation, could still erode. Commissioner: It will hold the top of the bank up, below the nail wall will erode, unless the toe is fixed, it would flow worse. Morgan: It would be the same, it wouldn't make it worse. Commissioner: I can think of 20 ways soil nails fail, bottom erodes away. Another Commissioner: The soil nails are well above the wave action. Commissioner: Wind and rain against the embankment, erode at the bottom, soil nail gets loose. Morgan: It will have a concrete face, weep holes, water that hits the face hit the triangle of rip rap. Commissioner: This is disturbed soil. This is no longer hard compacted soil. We have water wash the bottom out. Another Commissioner: This application is used all over the west coast. Commissioner: I'm not seeing glacier till, its sand. Morgan: In the installation of the technology, it knits the soil together, drill 6

inches and the concrete finds space in the soil. Skulte: Toe condition, 2-1 slope, erosion control matting, and then plant on the slope. It would be the water that is landing on the area. The slope is currently stable and it should be more stable in the long run.

Commissioner: I thought that the response was woefully inadequate. You said that the soil nail will work and it is the best option but it doesn't address the neighbors. Another commissioner: What was the cause of the failure?

Morse: I think that it was the

deterioration of the toe stone, but water was a bigger piece. Bin Wang: This site has a long history, the back yard sticks out due to the elevation, construction and the adverse impacts from the installation of the timber wall, the trenches were back filled with clean crushed stone and that cause challenges behind the wall and pushed out the material.

Commissioner: I'm afraid of that as well. It was faulty engineering of the timber wall that attributed to the collapse of the bank. It was done as a patch. Fitzgerald: We had 8

inches of rain in 6 hours and up to 80 mile per hour gusts. Watsky: The soil nail

application is proposing as much could provide on the land under his control, we understood that the toe slope was in failure. It meets the standard work on a coastal

bank, no adverse effect. You've heard from geo engineer that it will not cause an

adverse effect. Originally we presented the application for Stevens to sign. It will make

this part of the slope stable. We are more than willing to cooperate to stabilize the toe

of the slope. We didn't have control over the towns toe. We are willing to have a special

condition. Commissioner: We have a problem with impact of the neighbor's property.

You want us to vote on these special conditions if the applicant increase damage to

neighbors and below bank? Would you agree, if Stevens bank was damaged would you

fix it? Another Commissioner: Would you put forward a bond. Another Commissioner:

Who would we show that the damage was caused by the soil nails? Commissioner: We

can only vote on the NOI that is before us. Struzziery: We spoke to Stevens about the

plans, alternative plan that isn't before the commission, we did indicate that the soil nail

technology would be installed, vegetate bank, and a stone rip rap. Mr. Stevens does not

what the soil nail on his property, knowing that it has to come back. There could be a

special condition, Fogel: The alternatives have never been evaluated. That alternatives

analysis has not been addressed. The performance standard will not cause instability on

the coastal bank, no analysis that has been addressed. This is not CMZ staying don't, this

is a disturbed bank, pending enforcement order. DEP commented that alternatives

should be considered. You could restore and stabilize the valley by extending the slope

and vegetating. Stevens's doesn't want the soil nail without an analysis. Commissioner:

I'm against. I have no faith in soli nail, why are we protecting the patio? Another

Commissioner: I'm not comfortable with it ending at the property line. A 3rd

Commissioner: I don't like the flat part. Another commissioner: Are we certain that

there isn't drainage on the opposite side? I'm for the coastal toe revetment.3rd

Commissioner: The bottom and the top need to be fixed. Another Commissioner: What you might think it should look like doesn't mean that it won't work. It is a disturbed bank. Sorgi: We don't have enough information. 4th Commissioner: I don't think that I'm ready to approve or deny it. We have a NOI in front of us. The applicant and CEC prefer a vertical buffer bank. The project can't have an adverse effect; costal engineers say that it won't have an adverse affect. Morse: The erosion will have an impact; soil nails alone will not impact the safety of the bank. Commissioner: Two weeks to come up with special conditions. I could be convinced; I understand the neighbors concern. Another Commissioner: What we'd like to see about the neighbors abutting. What is being protected? We want a solution that is not going to adversely affect this area especially when it's also on someone else's property. How do we approve or deny? Another commissioner: We've given everyone ample time. We shouldn't give them more time. I think that we should deny and the neighbors agree. A 3rd Commissioner: If this gets denied it will be appealed and will be out of our hands. Morgan: In a coastal environment, it's hard to separate. The soil nail will provide the support. The disturbed soils will continue to erode. Fogel: If DEP accepts the appeal. The commission will still have the enforcement order. Mr. Steven's is still looking for an alternative analysis. He would join a suitable NOI. Commissioner: I don't want to send them away. And I don't want a patch installed. CK: The timber wall wasn't peer reviewed. This has been reviewed, it is different. Commissioner: It seems like we are replacing a timber wall with cement wall. Another Commissioner: The vegetation will address some of it. Is there an alternative that they are willing to explore? Commissioner: Agree to turn it down or agree to take 2 weeks to put special conditions together. We'll need the peer reviewer to assist with special conditions. A 3rd Commissioner: I will not vote for it with special conditions.

Motion to deny orders of conscious by DD 2nd by LS. Commissioner: I think we've done enough with the proposal and it wouldn't be effective without the neighbors It will not address all of the concerns not, restoring the bank without repairing the toe, If you look at topographic lines this is not natural. The flat space was there before the patio and deck, the bump out is not natural. That will make the soil nail technology dangerous. Another Commissioner: Looking at alternatives, I don't see the valley, revetment in place grow vegetation, take away fill from the top. Another Commissioner: Re vegetating the entire thing to look at the idea. Commissioner: The peer reviewer didn't think that it was a good idea to re vegetate. A 3rd Commissioner: I would like to have a negotiated set of conditions for us to vote on it.

Watsky: An option is to vote to close the hearing and work on a set of conditions.

An alternative motion to continue to 04/09 to negotiate a set of special conditions to vote on and a list of reasons to deny 2nd by SC. Roll call: PP-nay, LS-aye, DD-nay, TB-aye, KJ-aye, SC-aye

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