

## **Frequently Asked Questions**

### **About The Scenic and Recreational River Protective Order for the North River**

#### **What is the Protective Order?**

The Protective Order is a set of regulations adopted in 1978 by the Massachusetts Legislature, acknowledging the significance of the North River as a recreational and scenic resource in Massachusetts. To preserve this valuable natural resource, the regulations identify the North River Corridor (land subject to protection under the Order) and specify allowed, prohibited, and special permitted uses within the Corridor.

#### **What lands are included in the River Corridor?**

The River Corridor includes the North River, marshes, and the 300' wide upland area on both sides of the River. The Corridor includes land in Scituate, Marshfield, Norwell, Hanover, Hanson, and Pembroke. These towns are members of the North River Commission (NRC).

#### **How is land regulated under the Protective Order?**

The Protective Order restricts use and development of land within the River Corridor. It affords the most protection within 100' of each side of the riverbank, where no new development and virtually no vegetative cutting is allowed. From 100' - 300' from each side of the riverbank, development that meets specified site design standards is allowed. The Protective Order defines uses within the Corridor that are allowed, prohibited, or only by Special Permit.

#### **Who should know about the Protective Order?**

Everyone who uses the River or appreciates its value as a natural resource should be familiar with the Protective Order. The Protective Order is also of interest to property owners or those wanting to buy property within the Corridor. Professionals such as realtors, planners, engineers, landscapers and municipal officials should be familiar with the Protective Order because the regulations may impact their properties or projects.

#### **Who administers the Protective Order?**

The NRC carries out the mandates of the Protective Order. The Commission is a division of the Massachusetts Department of Conservation and Recreation DCR and is comprised of representatives and alternates designated by the Board of Selectmen in each member town. The Commission meets monthly to review permit requests, to determine if the Protective Order applies to certain uses and activities, and to discuss related issues. Funding from DCR provides support for NRC.

### **How can I find out if a piece of property is within the River Corridor?**

The Corridor is delineated on a series of maps provided by the Department of Conservation and Recreation (DCR) formerly known as Department of Environmental Management (DEM). These maps are available for viewing at the North River Commission office or on the North River Commission website [northrivercommission.net](http://northrivercommission.net). The Protective Order is also recorded with the Plymouth County Registry of Deeds. A title examination will reveal if land is within the Corridor. You may also contact our office at [northrivercom@gmail.com](mailto:northrivercom@gmail.com) or 781-659-7411 to speak with our administrator.

### **What projects need Commission approval?**

In areas closest to the River (within 100' of the riverbank) cutting of vegetation (including limbing of trees), additions/expansions to existing homes, filling of land and other types of activities require review. Most activities proposed within the sensitive 100' buffer zone are prohibited. From 100' - 300' on either side of the riverbank (the outer limits of the corridor), projects such as new residential construction, driveways, new/upgraded septic systems, professional offices, and subdivision of land are allowed but must meet specific design criteria outlined in the Protective Order.

### **Do landowners need to file applications or forms with the NRC before these projects can be undertaken?**

It depends. Although uses clearly allowed require no prior approvals, banks or governmental authorities often require NRC approval for construction projects. However, many clearly allowable projects include site design criteria that must be met. Upon request, the NRC routinely reviews Requests for Determination (RFD's) to determine if proposed projects are allowed and meet design criteria, are prohibited, or may be allowed by Special Permit. All Special Permit applications required a public hearing and must be advertised in a local paper with prior notice to abutters.

### **What steps should be taken to get the Commission to review a project proposed within the Corridor?**

First, contact the NRC office and request a copy of the Protective Order. Review it to determine if the project is allowed, prohibited, or will need a Special Permit. You may ask to be put on the agenda for a Commission meeting to discuss your project. If you need written documentation from the Commission regarding your project for a local building or conservation department, you may file a Request for Determination. If you review the Protective Order and are sure you need a Special Permit, it is still advisable to meet informally with the Commission to clarify project design requirements before costly engineering or architectural plans have been completed.

### **How long will it take to get action on a proposal?**

The NRC attempts to respond to requests for action or information in a timely fashion. There are prescribed time frames outlined in the Order to guarantee this. From start to finish, an applicant can expect the Special Permit process to take 6-8 weeks. RFD's are usually acted upon within 30 days.

**What costs are associated with getting approval from the Commission for a project?**

There is a Special Permit Application fee of \$100 payable to the Commonwealth of Massachusetts and a \$107 recording fee payable to the Plymouth County Registry of Deeds. There is no fee for filing a Request for Determination. Engineering and design costs associated with a project will be governed by the scope of the project and overall impact of the project on the River. Engineering costs typically include getting a surveyed plan to show the natural bank on the property and other relevant property boundaries (i.e. 100' buffer zone, 300' corridor boundary, building heights/widths, etc.)

**Are there consequences for violating the Protective Order?**

Yes, violations are subject to cease and desist orders, fines, and criminal or civil penalties. The NRC works in conjunction with DCR, Department of Conservation and Recreation and the Attorney General's Office to enforce the provisions of the Protective Order.