

## North River Commission

MA Dept of Conservation & Recreation – Hanover, Hanson, Marshfield, Norwell, Pembroke & Scituate  
188 Broadway, PO Box 760, Hanover, MA 02339 Office Hours 9am – 1pm, Tuesday & Thursday,  
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### Minutes April 22, 2021 - Meeting #559

Present: Hanover, Dan Jones (M), Hanover, John O'Leary (A), Hanson, Jennifer Heine (M), Marshfield, Chris Head (M), Marshfield, Maryanne Leonard (A), Norwell, Tim Simpson (M), Norwell, Robert Molla (A), Pembroke, Gino Fellini (A), Scituate, Joseph Norton (M), Scituate, Adria Gallagher (A)  
Not Attending: Pembroke, Bill Boulter (M),

#### 7:00 - Call to Order

1. Minutes approved for March 25, 2021 meeting.
2. Administrators Report - Administrator Gary Wolcott(GW) reported on...
  - Recent correspondence- a. Letter sent by Commission to Pembroke Planning Board expressing concerns about the proposed cell tower construction at 85 Washington Street that is within the Corridor Viewshed. b. Letter sent by Commission to Lt. Governor, Secretary of Energy & Environmental Affairs, DCR Director of Legislative Affairs and local legislators asking that the suggested committee for securing a permanent funding mechanism for the Commission be convened. c. The Commission was cc'd on a letter from local legislators to the Pembroke Zoning Board of Appeals regarding the River Marsh 40B project. d. Letter and email follow-up to 142 River Road, Hanover advising that the Commission would be discussing measures including a Cease & Desist Order against their property and inviting them to attend and participate. e. Correspondence received from 87 Edmund Road, Marshfield indicating that surveyors and engineers were extremely busy and that there would be a delay in providing the requested plan and Special Permit application. f. Photographs were anonymously slid under the door of the office purporting to show violations of the order at a Corridor address. g. Call received from consultant working on a project at Widow's Walk Golf Course in Scituate inquiring about North River Commission jurisdiction. Caller was informed that Widows Walk was in an area that the Town of Scituate had pulled back from the Protective Order and Corridor and that there was no North River Commission jurisdiction over the project h. Photos sent from citizen showing activity involving replacement of granite posts at 2205 Main Street, Marshfield
  - Recent filings of Corridor properties with municipal authorities - For projects previously reviewed or currently under review by the Commission - 67 Collier Road, Scituate - Form A Application with Planning Board. Ongoing filings at 85 Washington Street, Pembroke (cell tower) and River Marsh 40B project on Water Street, Pembroke updated.
  - Real estate transactions in the Corridor - New North River Corridor property owners at 250 Damons Point Road, Marshfield. Welcome letter sent.

**7:15 - Special Permit - 31 Islandview Circle, Norwell - Lally** - General Contractor Brian Nihill, Engineer John Cavanaro & Architect Sally Weston representing the applicant. The applicant has met informally with the Commission at an earlier meeting and has added information from that discussion to their application. Mr. Nihill described remodeling the home and two small additions to the existing dwelling. Mr. Nihill explained that the proposed additions will not increase the visual impact in the prevailing view from the river as the additions are contained within the length and width of the existing structure. Mr. Nihill described an increase in the height of a portion of the structure from 30' to 31'-6". He indicated the driveway extension was a means to achieve better access to the existing boat ramp. Ms. Leonard asked that

the applicants provide the Commission with a percentage increase in the addition to the structure, as is the Commission's custom. Mr. Jones seconded this request and would also like additional information regarding the length of roof being altered and the new proposed dormer. Mr. Head asked if Mr. Nihill could calculate a percentage of visual impact increase. Ms. Weston, the architect worked on this calculation as the meeting continued. Mr. Molla commented that the applicant should address the performance standards listed in the Protective Act. GW advised that those issues are included on the Special Permit Application that the client submitted. The Special Permit Application was reviewed regarding these issues. Mr. Jones asked what the connection was between the proposed driveway extension and the existing boat ramp and for clarification on the setback to the Natural Bank and the material of the driveway. Mr. Nihill indicated the applicant would prefer paving. Mr. Jones pointed out that driveways for boat launching need to be of permeable materials and not exceed 15 feet in width, which the proposed considerably surpasses. He further indicated that the minimum setback to the Natural Bank for driveways was 75 feet, not the 53.1' proposed. He advises reconsideration of the design of the driveway extension. Mr. Head reiterates that the extension should be of permeable material, as does Ms. Heine and Ms. Leonard. Mr. Jones questioned whether this extension provides access to the boat launching facility. Mr. Head suggested the applicant revise the driveway extension aspect of the project and come back to a future meeting. Mr. Nihill asked about the possibility of separating the remodel/addition of the dwelling portion of the project from the driveway aspect. Mr. Cavanaro joined the meeting at this point and suggested that the applicant was anxious to get started on the addition/remodel and asked if it would be possible to get approval for the project at this meeting with conditions set for the material and dimensions of the driveway extension. Those conditions were then discussed as well as the characterization of the extension, i.e. driveway, parking lot, access to boat launching facility. The Commission felt that any use within 75' of the Natural Bank must be of permeable material. Mr. Cavanaro suggested conditioning the driveway to be no closer than 75' of the Natural Bank to be of non-permeable material. The Commission was amenable to that. Ms. Leonard suggested the revised plan showing this modification include revised annotation of the driveway extension labeling it as a "driveway" and not "boat access." She also asked for the percentage of visual impact increase calculation Ms. Weston was working on. Ms. Weston indicated the calculation revealed a 9% increase in the visual impact in the prevailing view from the river. A motion was made to grant a Special Permit for the additions to the existing dwelling with the small increase in visual impact noted and for a driveway extension no closer than 75' from the Natural Bank, to be shown on a revised plan. The motion was seconded and it was unanimously decided to grant a Special Permit.

Plans referenced: Engineering-"Site Plan To Accompany Application for Special Permit Form 2 Dated April 14, 2021, 31 Islandview Circle, Norwell, MA 02061, Prepared for Gregory & Kathryn Lally, 31 Islandview Circle, Norwell, MA 02061, Scale: 1"=40', Dated: April 14, 2021, John C. Cavanaro, P.E."; Architectural-Showing Existing and Proposed Front and Rear Elevations - "Lally Residence, Sally Weston Associates, Scale: 1/8"=1'-0", Last Revision Dated: April 16, 2021."

**7:30 - Special Permit - 67 Collier Road, Scituate - Cahill** - Paul Mirabito, R.L.S., Attorney Jeff DeLisi, and Architect Paulette O'Connell, A.I.A. representing the applicant. Mr. DeLisi introduced the applicants, engineer, architect and builder for the project. He described the project as the construction of a tasteful, New England style home, reasonable in size and scope compared to the existing dwelling, which honors the integrity of the existing footprint and that meets the site and design standards of the Protective Order. Mr. Mirabito described the Site Plan, indicating the Natural Bank of the North River, the existing conditions of the dwelling currently on the lot and the existing and proposed principle views from the river which increases from 47.4' wide to 52.5' wide. He described a reduction in the setback to the Natural Bank of 3' from the existing rear deck to the proposed rear deck. He indicated that while the existing dwelling was a one-story structure, the proposed dwelling is two-story, with an overall height as measured from the lowest elevation as seen from the river is 34'-2 5/8", within the 35' standard. Mr. Mirabito described the front and side lot line setbacks of the proposed building and stated the lot has received approval from the

Scituate Planning Board and that the structure is outside the flood zone and meets the state's building code. The only permit yet obtained is from Conservation Commission which is pending. Ms. Leonard asked for a visual impact percentage increase figure for the new dwelling. Mr. Mirabito reviewed the architect's drawing that showed a 30% increase from the existing dwelling. Mr. Mirabito indicated this increase was primarily from the addition of a second floor to the dwelling as the footprint is essentially consistent. There was discussion of where the prevailing view was. The Commission had determined at a previous hearing for this location that it was generally from the south west, from a point inside the "Spit." Mr. Mirabito concurs, stating that he has done many projects in this area and that direction has consistently been determined to be the prevailing view. Ms. Leonard asked for confirmation that the Architect's view shown is the prevailing view. It is. Mr. Jones asked how much taller the proposed roof ridgeline is. Ms. O'Connell, the architect estimates 14', or a little less. Mr. Jones asked for abutter concerns. Ms. Kelly likes the look of the house and welcomed the Cahills to the neighborhood. She asked about the reconfiguration of the lots that were in common ownership. Mr. Molla and Mr. Head feel that this isn't really a question for the Commission, that it is a Planning Board or ZBA issue. Ms. Kelly feels the proposed dwelling is an improvement of the existing. Ms. Leonard asked for clarification of the request for 30% increase in visual impact where it has been the custom of the Commission to try to limit it to 25%. Mr. Molla states that there have been instances of larger increases than 30% and Mr. Head suggested that when the expansion is larger than 25% it has been typically approved when the structure was small or low profile to begin with, when any addition, particularly from one-story to two-story, would be significant. Mr. Jones suggested comparing the proposed reconstruction to what is in keeping with other houses in the neighborhood. Mr. DeLisi suggested that this proposal is smaller than most of the reconstructed dwellings in the area and Mr. Mirabito confirms that in his experience this is so. Mr. Norton noted that the project is similar in scope to others in the neighborhood that he is familiar with. Mr. Molla agrees as does abutter Ms. Kelly. A motion was made and seconded to grant a Special Permit to raze and rebuild the dwelling at 67 Collier Road, Scituate. The motion to grant the Special Permit was unanimously carried.

Plans referenced: Engineering-"North River Commission Special Permit Plan for 67 Collier Road in Scituate, Mass, Scale: 1"=20', Dated: April 12, 2021, Ross Engineering Company, Inc., Paul Joseph Mirabito, R.L.S."; Architectural-Showing Floor Plans, Front and Rear Elevation and Rendering-Existing & Proposed Massing View from North River - "Cahill Residence, OCO Architecture Design, Scale: 1/8"=1'-0", Dated: April 12, 2021, Paulette O'Connell, AIA."

**7:45 - Informal Discussion - Littles Lane, Marshfield - Minchello** - Mike Minchello, representing residents of Littles Lane, Marshfield who have a Right of Way over land at **26 Littles Lane** to access the North River, appeared to discuss getting approval to clear a path through the right of way. Mr. Minchello described clearing low lying vegetation between 200' and 300' from the Natural Bank of the river and presented a plan of 26 Littles Lane showing the Right of Way and photographs of existing conditions in the right of way. Mr. Head asked for additional specifics on the nature of the clearing. Mr. Minchello described that the Right of Way had been clear at one point in the past but that it had not been maintained over the years and was now overgrown with vegetation. Mr. Minchello scrolled through the photographs of the right of way illustrating this growth and describing a clearance of less than the 20' right of way, to regain what they had access to in the past. Mr. Molla inquired about Conservation Commission approval. Mr. Minchello indicated preliminary discussions have been had. Ms. Leonard asked for, and Mr. Minchello provided, clarification that access to this right of way was referenced in the deeds of the residents of Little's Lane. Mr. Head asked after the mechanics of any prospective approval since the property owner was not appearing. Mr. Minchello affirms that he is the applicant but that arrangements have been made with the property owner to secure their signature on any application. Mr. Head asked if any trees would be cut down. Mr. Minchello showed one sapling, roughly 2-3 inch diameter, for cutting, otherwise only low lying vegetation would be removed. Mr. Fellini asked for specific vegetation species, believing that most of what he has seen in the photographs is invasive vegetation that doesn't qualify as a tree. Mr. Fellini additionally

asked what type of ground cover would replace what was being replaced as he is concerned with runoff. Mr. Minchello indicated he needed to confirm with the homeowner but that his preference was loam and grass seed or wood chips, something suitable to be walked on. Mr. Head reminded attendees of the Order's standard that where natural vegetation is removed, it shall be replaced with other vegetation or ground cover which will prevent erosion. Mr. Fellini suggested grass. Mr. Minchello is amenable as it is his intent to maintain the right of way with a lawnmower. Ms. Leonard questioned whether grass seed is a suitable replacement. Mr. Jones asked about the septic system that is proposed in the right of way. The Commission and Mr. Minchello discussed the septic system design and its location in the right of way. Mr. Minchello is addressing this issue with the town and is awaiting information and advice on resolving any legal difficulties that arise that are outside the scope of the Commission's purview. Mr. Minchello asked whether cutting was permissible inside the 200' setback to the natural bank as cutting to approximately 190' would be sufficient to his purposes. Mr. Jones asked for clarification on the width of the clearing, as the abutter has asked that a buffer remain between the project site and her property. Mr. Minchello has worked, and will continue to work with the abutter and the intention is to clear around 10' of the right of way and leave 10' as buffer to the neighbor. Mr. Jones would prefer a more precise request for a width to be cleared. Mr. Minchello rephrased his project as a 10' wide path cleared in the right of way from 190' to 300' setback from the Natural Bank. Mr. Jones will support this. The Commission discussed whether they could act on a **Request for Determination** with the information discussed at this meeting and decided that it could. A motion was made and seconded to determine that the project as described, to clear a 10' path in the right of way between 190' and 300' from the Natural Bank was an "Allowed Use." By unanimous approval the project was deemed an "Allowed Use." Mr. Minchello will follow up with GW on the Request for Determination Application Form.

Plans referenced: "Septic System Upgrade Plan, 26 Littles Lane, Marshfield, MA, Prepared for Lisey Good, Scale: 1"=20', Dated: 8/25/20, Last Revision dated 9/22/20, Brendan P. Sullivan, P.E., R.L.S., Annotated by Applicant 4/15/2021"; Photographs of Right of Way submitted by Applicant 4/15/2021.

**8:00 - Request for Determination - 70 River Road, Hanover - Knudsen** - Robert Knudsen, Homeowner, described a proposed ramp and float system at 70 River Road, Hanover. Mr. Knudsen who had previously been before the Commission informally has made revisions to the discussed project. Mr. Knudsen has reduced the float size from 10' x 20' to 8' x 16' and has reduced the size of a proposed gangway to 4' wide x 16' long. Mr. Simpson believes the proposed is much improved than the original submittal, Mr. Molla agrees. Mr. Jones asked for clarification of where the water line is in relation to the proposed ramp, Mr. Knudsen indicated its location on the plan. The Commission reviewed the photos Mr. Knudsen provided for the proposed location. Mr. Head asked whether there were any other permits sought. Town of Hanover will have to give a permit as well. A motion was made and seconded to determine that the project as described is an "Allowed Use. The motion carried unanimously.

Plans referenced: "Proposed Ramp & Float System, 70 River Road, Hanover, MA, 02339, Prepared for Katie Abercrombie & Robert Knudsen, Scale:  $\frac{1}{4}$ "=1', Dated: April 15, 2021"; Photographs of site and proposed location submitted by Applicant April 15, 2021.

#### **8:15 - General-Old Business**

- **142 River Road, Hanover** - Members discussed whether to issue a Cease & Desist Order against the property for constructing a pier/dock/float without submission to the Commission of a Request for Determination and adequate plan to demonstrate compliance with site design requirements and without copies of required approvals of other applicable local, state and federal agencies. A motion was made and seconded to issue a Cease & Desist Order against 142 River Road, Hanover and approved unanimously.
- **Budget Request/Committee** - Members determined to hold a supplementary meeting of the North River Commission May 6, 2021 dedicated to the funding issue.

- **River Marsh 40B Project** - The Commission discussed the River Marsh 40B project on Water Street, Pembroke now coming under review of the Pembroke Zoning Board of Appeals. GW updated the Commission on the cancellation of the ZBA's April meeting and schedule of the upcoming May meeting.  
Plan Referenced: "River Marsh Village Comprehensive Permit Plan (Assessor's Map E-17, Lot 0 & E-17A, Lot 274), Water Street, Pembroke, Massachusetts, Scale: 1"=40', Dated: September 22, 2015, last revision dated 10/5/2018, McKenzie Engineering Group - Permit Plan Set."
- **2205 Main Street, Marshfield** - The Commission reviewed submitted photographs of an ongoing project removing granite posts in a landscaped area and replacing them with similarly sized wooden posts. The Commission determined that there was no violation of the Protective Order.
- **Call Ins Policy Discussion** - The Commission discussed the Call Ins Policy. GW discussed varying policies of local Municipal bodies regarding submission of information regarding suspected violations. Some agencies will accept information given anonymously while others will only accept information from people willing to identify themselves. The Commission decided that, given our interest in enforcing the Protective Order and in light of how technology today made following up on information so easy, it was preferred to accept any information provided and act on it provided that it could be verified through our own investigation.

Meeting adjourned 9:45 pm

Gary Wolcott, Administrator