

# North River Commission

Representing the Towns of – Hanover, Hanson, Marshfield, Norwell, Pembroke & Scituate  
188 Broadway, PO Box 760, Hanover, MA 02339 Office Hours 9am – 1pm, Tuesday & Thursday,  
Phone: [781-659-7411](tel:781-659-7411) Website: [www.northrivercommission.net](http://www.northrivercommission.net) Email: [northrivercom@gmail.com](mailto:northrivercom@gmail.com)

## Minutes August 26, 2021 - Meeting #564

Present: Hanover, John O'Leary (A), Hanson, Jennifer Heine (M), Marshfield, Maryanne Leonard (A), Norwell, Tim Simpson (M)  
Pembroke, Gino Fellini (A), Scituate, Adria Gallagher (A)

Not Attending: Hanover, Dan Jones (M), Marshfield, Chris Head (M), Norwell, Robert Molla (A), Pembroke, Bill Boulter (M), Scituate, Joseph Norton (M)

### 7:00 - Call to Order

1. Minutes approved for July 22, 2021 meeting.
2. Administrators Report - Administrator Gary Wolcott (GW) reported on...
  - Recent correspondence/communication- a. **Off Indian Head Drive, Assessors Lot 73-18**, RFD Determination of Allowed Use forwarded to Brian Donnelly for his PhD Field Experiment/Research Project. b. **111 Chittenden Lane, Norwell**, RFD Determination of Allowed Use forwarded to applicant's representative, Grady Consulting, LLC for a septic project. c. Responded to an inquiry about whether a 3-person "personal watercraft" was an Allowed Use on the North River. The Commission reviewed the Protective Order, Section 7 Prohibited Uses, Sub-Section (Q) lists as a Prohibited Uses amphibious craft, jet ski and similar craft as may be prohibited by the commission. The Commission confirmed that a 3-person "personal watercraft" was, in fact, a jet ski or similar craft and thus was prohibited. d. Letters to Pembroke Board of Selectmen regarding Fisheries Superintendent position were sent out referencing members service to the North River Commission. e. Information about a rope swing, scaffolding and graffiti under the Route 3 bridge was forwarded to the Massachusetts Department of Transportation. f. Had communications with prospective buyers at 7 Barry's Landing, Scituate and 26 River Road, Hanover who had questions about the Protective Order. Various scenarios were discussed, clarification was given and copies of the Protective Order and links to our website for further information was provided.
  - Site Visits - 7 Barry's Landing, Scituate - Met with homeowner on site to review vegetative cutting standards and invasive species removal so that the information could be provided to a prospective buyer. -38 Hunter Drive, Marshfield - Met with Marshfield Conservation Commission, Harbormaster, Building/Zoning representative and project Engineer to review proposed dock project. Per comments of the Harbormaster, the applicant will move the float and ramp back five feet. The applicant will provide a revised plan to the Commission.
  - Recent municipal filings of Corridor properties - Projects previously reviewed, currently under review or expected to come under review by the North River Commission - Marshfield, 38 Hunter Drive, Conservation Commission and ZBA, Pembroke, River Marsh 40B project, ZBA, 85 Washington Street Cell Tower, Planning Board, Norwell, 111 Chittenden Lane, Board of Health and Conservation Commission, 31 Islandview Circle, ZBA, 70 Kings Landing, ZBA.
  - Real estate transactions in the Corridor - 30 Old Landing Road, Pembroke, 67 Collier Road, Scituate - Welcome letters sent to the new property owners.

**7:15 - Request for Determination - 52 Moorland Road, Scituate - Flanagan -** Jed Hannon, Atlantic Coast Engineering, LLC appeared for the applicant to present a proposed shed, stairs and landscaping project. Mr. Hannon reviewed the documentation submitted, listing an Existing Conditions Plan, A Site Plan of proposed work, the Scituate Conservation RDA submittal and approval, and a list of plant species that the landscape bed will be selected from. He reviewed the existing conditions on the site as shown on the plan, indicating the location of the river, the house and the proposed work. Mr. Hannon illustrated the sloped topography of the rear yard and how two sets of landscaped stairs (wood timbers built into the surface) would help with safe traverse of the slope by the elderly occupants of the property. He also indicated a proposed shed to be built on an existing patio within the confines of the existing visual impact of the dwelling and a six-foot-long planting bed of native species plants selected by a botanist. Mr. Simpson asked if the planting bed will require a retaining wall. It won't but there will be landscape timbers to outline the bed. Ms. Leonard asked what the height of the shed will be. Mr. Hannon indicated the shed would be 8' long x 8' wide x 8' high. Mr. Simpson asked where the 100' setback to the river was. Mr. Hannon indicated the navigable channel of the river was distant and beyond the scope of the plan. GW stated that the Natural Bank of the river was the rearward edge of the marsh and the mean high-water line as shown on the plan and that the work proposed was within 100 ft. of this line. Mr. Hannon demonstrated that the entire lot was inside this setback. Mr. O'Leary confirmed that the existing structure was not being modified or increased in size. Mr. Simpson asked for clarification of the stairs, that they were not part of the dwelling structure. Mr. Hannon described the landscape timber and pervious stone construction of the stairs that located on the surface and not connected to the dwelling or the existing second floor deck. Mr. Fellini asked for the distance from the marsh boundary to the proposed work. It is 30 ft to the nearest work, the landscape bed to the Natural Bank. Mr. Fellini asked if the work as shown on the Existing Conditions plan that was in the Corridor and inside the 100 ft. setback had required variances from any approving authority. Mr. Hannon replied that all the work shown had obtained the required permits. Mr. O'Leary reminded the Commission of instances in the past where deference and accommodation had been given in response to physical challenges of residents. Mr. Hannon reiterated that the proposed stairs addressed the safety issues incident to the topography on the site. Ms. Leonard asked for clarification of the stairs that were being rotated and whether they would replace the co-located existing retaining wall or how it would be navigated. Mr. Hannon indicated the proposed stairs would incorporate and go over the retaining wall which would be retained. Mr. O'Leary asked the Commission if more information about planting quantity should be provided. Mr. Hannon estimates 30 plants. Mr. Fellini asked what was currently on the ground where the landscape bed is proposed. Mr. Hannon indicated there was sparse grass and gravel and that the bed would "dress up" the location. Mr. Fellini asked how the project would affect the drainage pattern onsite. Mr. Hannon stated the project would be landscaped so as not to alter the current pattern. Mr. Fellini asked for clarification of the 20' wide drainage easement shown on the plan. Mr. Hannon does not know what the purpose of the easement is and that no drainage structure or drainage ditch was observed. The proposed work is not in the easement. A motion was made and seconded that the proposed project to be built to the proposed plan was an "Allowed Use." The motion was approved unanimously. Plans/Documents referenced: "Proposed Site Plan 52 Moorland Road, Scituate, MA, Scale: 1" = 10', Dated: May 29, 2021, Prepared for Kathleen Flanagan, Atlantic Coast Engineering, LLC, Joseph E. Hannon P.E., James E. McGrath, P.L.S."

**7:30 - Informal Discussion/Request for Determination - 102 River Road, Hanover - Callanan -** Nancy Callanan, Homeowner & Keith Walo of Harbor Mooring & Custom Docks were present to discuss a dock replacement project of an existing dock with an expiring Waterways Interim Amnesty Approval. GW summarized the prior discussions with the applicant from prior meetings. Mr. Walo reviewed the diagram he submitted for a replacement of the existing platform/ramp/float structure that is failing. The applicant proposes to remove the existing concrete platform and replace it with a wooden platform in the same 6' x 12' footprint and construct a small ramp from the upland to the platform. They propose to maintain the

existing ramp and float. Mr. Fellini asked for clarification that the existing concrete platform and support structure was coming out and that the location of the proposed platform was in the same location. Mr. Walo confirmed that this was so except that the structure would be raised 30" as previously discussed to keep the platform above water at high tide. Ms. Leonard asked what the length of the ramp from the platform to the shore is. Mr. Walo stated it was 8 ft. long and that it was 3 ft. wide as the Amnesty Approved ramp was. Mr. Fellini asked for the dimensions of the ramp from the platform to the float, its construction material and whether it would rise and fall with the float. The dimensions are 12' long x 2' wide, the same as the existing ramp, it is wood and it will rise and fall with the float. Mr. Fellini asked for clarification of the support structure of the proposed platform. Mr. Walo described 8-4" square permanent structure PT ACQ (pressure treated, marine grade) wooden piles. Mr. Fellini asked how deep the piles would be and whether they would be set upon footings. Mr. Walo indicated there wouldn't be any footings and that he would drive the piles with a pneumatic hammer to refusal. Mr. O'Leary asked that the dimensions of the ramp to shore, the ramp from the platform to the float and the float be added to the diagram so that the Commission could make a Determination of a definite structure. Mr. Fellini also asked that the material of the proposed structure be added to plan. Mr. Walo proceeded to add the requested dimensions, the construction materials and a cross-section of the platform to the diagram. A motion was made and seconded to determine that the proposed platform/ramp/float structure as shown on the 8-26-21 annotated diagram was an "Allowed Use." The motion was approved unanimously.

Plans referenced: "Callanan New Platform, drawn by Harbor Mooring & Custom Docks, Dated: 8/18/21, additional annotations added to plan during hearing, Dated: 8/26/21", "Interim Approval Plan - Pier, Ramp, Float, Bulkhead, Wall, Slip in North River at Hanover, County of Plymouth, State - MA, Application by Anthony Massimino, Trustee, Massimino-Hanover Realty Trust, 102 River Road, Hanover, MA 02339, Dated: 9-19-95."

#### 8:00 - General-Old Business

- **Boat Patrol** - Mr. Simpson reviewed his efforts on the Boat Patrol Committee. He has spoken with Jeff Fitzgerald, Norwell Harbormaster who suggests that Marshfield has more resources and that the Commission would be better served talking to Mike DiMeo, Marshfield Harbormaster about contracting some details/patrols. GW relayed that Mr. Head has been working on this approach. Ms. Leonard indicated that she and Mr. Head will try to get a meeting with the Marshfield Town Administrator to move this forward.
- **DCR Funding** - GW reviewed the communications between NRC, the DCR, Senator O'Connor's office and Mr. Head regarding funds disbursement to the Commission. The DCR accountant explained that the way the earmark is written is giving them a challenge on how it should be paid out. He anticipates that working through the NSRWA as they have done in the past shouldn't be a problem but there is documentation that needs to be completed on their end before anything can happen.
- **Annual Meeting** - GW reminded the members that the September meeting is the annual meeting and reviewed items that may be discussed. He indicated that Mr. Head will be stepping down as the Chairman of the Commission and that the position would need to be filled. He asked that members consider any other issues that they might wish to raise at the meeting regarding North River Commission operations.
- **H. 3834** - S. Lynch reviewed a proposed bill in the Massachusetts Legislature offered by Representative DeCoste, An Act protecting scenic rivers.
- **49 Collier Road Appeal** - The Commission reviewed the appeal brief that has been filed with the DCR by the applicants at 49 Collier Road. They are appealing the Commission's determination that construction of a dwelling that is greater than 35' in height is not an "Allowed Use."

Meeting adjourned 9:00 pm

Gary Wolcott, Administrator