

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 Email: northrivercom@gmail.com

Minutes December 16, 2021 - Meeting #568

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

7:00 - Call to Order

7:00 - Informal Discussion - 87 Edmund Road, Marshfield - Stiles - Mr. Stiles appeared to discuss a shed project at his residence. He had a 2017 Special Permit for the re-construction of a shed on his property, that was to be 15' wide x 20' long x 15' high. At an onsite visit by members of the Commission to review a request for a Certificate of Compliance the shed was measured at 23.5' wide (including steps) x 24' long (including steps) and approximately 19' high (including steps). His request for a Certificate of Compliance having not been issued, Mr. Stiles appeared to discuss a path forward. He explained that was caught up in the exuberance of others regarding the construction and regretfully went beyond what the NRC had permitted. The members reviewed the file, including the proposed plan dimensions and the as-built sketch from the NRC field visit. The members reviewed remedies that the Commission and other approving authorities had used. Mr. Stiles suggested that relocation of the shed would be a huge hardship. Mr. Stiles states that the view from the river is the same as before. Mr. Jones feels that the measurement of the sides of the shed away from the river are not an issue, only the side facing the river, including the height. Mr. Stiles was not aware that the height was an issue. Mr. Jones and GW explained that the steps on the front that faced the river which continue downslope from the bottom of the structure are included in the height calculation. Mr. Stiles was asked if the steps could be removed and he stated they could not. Mr. Stiles does not agree with the height calculation and challenged it. Mr. Molla believes the steps are necessary for shed access. Mr. O'Leary asked about an as-built plan. GW reviewed the circumstances, stating that a Mortgage Inspection plan was submitted with the Request for Certificate of Compliance that, coupled with the Commission's own measurements of the structure, was insufficient to issue a Certificate. Ms. Leonard asked whether Mr. Stiles had any suggestions for how to proceed. Mr. Stiles indicated a willingness to file a new Special Permit for the structure that now exists and asked whether there was any room for variances in the North River Protective Act. The Commission seemed more inclined for measures that would bring the structure into compliance with the Site Design Standards. Mr. O'Leary is uncomfortable with allowing a new Special Permit for a project that was not built to the dimensions permitted by the initial Special Permit. Mr. Molla wondered whether a Certificate of Compliance would ever issue under absolute strict adherence to design plans. Mr. Simpson and Mr. Jones believe there is some leeway for expansion when the structure is a pre-existing non-conforming structure. There was some discussion of what the status of the Request for Certificate of Compliance is, whether it was "denied" or merely "not issued" and whether a modification of the Request for Certificate of Compliance or a new Special Permit would ensue. Mr. Molla thinks a Special Permit under Section 4 of the Protective Act would be appropriate. Ms. Leonard stated that he always has the right to file for a Special Permit. Mr. Jones suggested that changing the grade, raising it to effectively lower the height of the structure, as part of a

new Special Permit application is a possibility. Mr. Stiles will review the information discussed. Plans referenced: "Shed Renovation Site Plan, Stiles Shed, 87 Edmund Road, Marshfield, MA 02050, Scale: 1/16"=1'-0", Dated: 10/19/2017, Cole Architectural Services"; "Mortgage Inspection Plan, Stiles, Marshfield, 87 Edmund Road, Scale: 1"=80', Dated: 1-13-21, Paul T. Grover, P.L.S."; NRC Field Sketch, 87 Edmund Road, Marshfield, Dated: 2/17/21."

7:15 - Request for Determination - 35 Misty Meadow Road - Padula - Josh Green of Merrill Engineering appeared, along with the applicant Ms. Padula, to present a project for the construction of a pier, gangway and float at 35 Misty Meadow Road, Pembroke. Mr. Green described the proposed project as a 4' wide x 718' long walkway/pier, a 6' x 8' platform, a 3' x 25' gangway and a 10' x 15' float. The walkway will follow the course of an existing path to minimize disruption to natural vegetation. Mr. Jones asked for clarification of the location of the property. The property was shown to be accessible from Rt. 53, next to St. Thecla's via Misty Meadow Road and has frontage on the river near the confluence of the North River and Third Herring Brook. The property is the first along Misty Meadow Road that has frontage on the river. Ms. Leonard asked how high the dock would be. Mr. Green stated the height would vary but have an average of 5'. Mr. Jones questioned the need for a raised structure pier/walkway when there is an existing surface path. Mr. Green and Ms. Padula explained that "existing path" was perhaps a misnomer, that the path was actually quite marshy, soggy and difficult to walk without getting "up to your knees" in mud. Ms. Leonard asked for confirmation of the total distance of the pier. Mr. Green reiterated a 718' distance. Mr. Boulter asked for additional specificity on the location of the project. The position of the proposed pier was shown to be just downstream from a point at the confluence of the Third Herring Brook and the North River. A Commission member asked what the width of the river was at the pier's location. Mr. Green stated that from the float it was 96.3' to the opposite side of the river. Mr. Simpson asked for details about the float location and whether it sat on the mud at low tide. Mr. Green indicated they proposed the gangway length and float location to keep it in water and above the mud at low tide. A discussion ensued about where the North River Commission jurisdiction extended to up the Herring Brook. GW believes that the orthographic maps used for this determination extend to 75 Misty Meadow Road, some three properties beyond the subject project. A motion was made and seconded to determine that the proposed project was an "Allowed Use." The motion was approved unanimously.

Plans/Documents referenced: "Pier Plan, 35 Misty Meadow Road, PAR. I.D. D13-1S, Pembroke, Massachusetts, Dated: October 11, 2021, last revision dated 11/12/21, Scale: 1"=40', Merrill Engineers and Land Surveyors, Dana Altobello, P.E."

7:30 - Request for Determination - 64 Little's Lane, Marshfield - Armstrong - Terry McGovern of Stenbeck & Taylor, along with the applicant Mr. Armstrong, appeared to discuss an extension of an existing dock at 64 Little's Lane, Marshfield. Mr. McGovern described the project as a modification of a previous Request for Determination that allowed for the current configuration of the dock. Mr. Armstrong proposes to extend the current dock. Mr. McGovern displayed photos that showed the applicant's dock and the abutters' docks. The photos demonstrate that the abutters' docks extend to the water at low tide while Mr. Armstrong's float is on the mud flat at low tide. Mr. McGovern explained that extending the pier 60' would place the float in line with the abutters' floats. They propose to extend the pier while retaining the existing gangway and float. Some discussion was undertaken about the effect of the location of an existing seasonal swim float that was further in the river than the location of the proposed relocated float. The swim float will be relocated. Mr. O'Leary asked why the current proposed length of the pier was not requested with the original application in 2015. Mr. Armstrong indicated there was confusion at the time about where the float would land and how it would affect its use and that since then he has found it

difficult and cumbersome to operate it in the manner he expected, that it is only accessible at high tide. Mr. Simpson noted that merely having frontage along the river does not guarantee access to deep water and is concerned about how the abutters' docks were permitted. Mr. O'Leary asked for information about the abutting docks. GW reviewed the files and indicated that the westerly abutter had a shared dock approved in 1999 and the easterly dock had a dock approved in 1997. Mr. Simpson asked if what was approved in 1997 was what was currently at the site. GW described the details of the 1997 approval. The members feel that there may be some differences in what was approved and what is depicted on the pictures presented. Mr. McGovern indicated that an additional reason for extending the pier so that the float reaches water is so that the project is in compliance with the Department of Marine Fisheries which prefers that floats not rest on and scour mud flats, a shellfish habitat. Mr. Jones thinks that getting off the mud is a good idea. Ms. Leonard asked for the height of the pier. Mr. McGovern stated it would be 9.8'. Mr. Jones asked for confirmation that there would be six new piles driven and Mr. McGovern gave it. A motion was made and seconded to determine that the proposed project was an "Allowed Use." The motion was approved unanimously.

Plans/Documents referenced: "Plan Accompanying Petition of Six Birch Realty Trust for Construction of an Extension of an Existing Dock on Parcel 020-01-40 Little's Lane, Marshfield, MA 02050, Dated: December 10Mr, 2021, Scale: 1"=80', Stenbeck & Taylor, Inc., William J. McGovern, P.L.S."

7:45 - New Business

1. Minutes approved for November 18, 2021 meeting.
2. Administrators Report - Administrator Gary Wolcott (GW) reported on...
 - 76 Carolyn Circle, Marshfield - Is meeting with Marshfield Conservation Commission on December 21, 2021, will be on NRC January 2022 Agenda to review their comments and incorporate them with NRC comments made at the November 18, 2021 meeting.
 - Written Determinations of "Allowed Use" for raze/rebuild at 23 Neal Gate Street, Scituate and tree cutting at 88 Old Bridge Road, Hanover issued and forwarded to applicants.
 - Met with Marshfield Conservation Commission Administrator Bill Grafton to discuss digital scanning of files project for 2022.
 - 31 Islandview Circle, Norwell - Copy of Massachusetts Chapter 91 approval license for dock forwarded to NRC by applicant's engineer.
 - Site Visits - a. **64 Little's Lane** - GW flew drone over river to photograph site and location and size of abutting docks. b. **Roht Marine, Marshfield** - GW flew drone to photograph site in response to anonymous call-in regarding stockpiling of lumber on site.
 - Recent municipal filings of Corridor properties - Projects previously reviewed, currently under review or expected to come under review by the North River Commission. Marshfield, 76 Carolyn Circle, Conservation Commission and ZBA for dock project. Norwell, 35 Blockhouse Lane for pier/dock/float project that NRC had previously approved. Pembroke, River Marsh 40B project, ZBA, Project was denied at December 7, 2021 hearing.
 - Real Estate transactions in the Corridor - 61 Bridge Street, Norwell - Welcome letter sent.

8:00 - General-Old Business

- **River Moorings** - Mr. Simpson reported on his discussions with the Norwell Harbormaster on this issue.

- **Osprey Nest** - Mr. Molla noted the construction of an osprey nest off Stony Brook. GW has dated information from the Norwell Conservation Commission about its construction in conjunction with a project to remove a cottage from town owned land (Assessors Map 16D-Block 62-Lot 69). The cottage removal project was approved while the construction of the osprey nest was noted but to be completed at some time in the future. The location and material nature of the osprey nest were described by a narrative at the time of the cottage project. Mr. Molla noted that these factors have been modified since the initial submission of information. GW will follow up with Norwell Conservation Commission for updated information.

Meeting adjourned 8:50 pm
Gary Wolcott, Administrator