

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,
Phone: 781-659-7411 Website: www.northrivercommission.net Email: northrivercom@gmail.com

Minutes December 19, 2019 - Meeting #542

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, Bill Boulter (M), Pembroke, Andrew Sullivan (A), Scituate, Joseph Norton (M)

Not Attending: Scituate, Adria Gallagher (A)

7:00 - Call to Order

1. Minutes approved for November 21, 2019 meeting.
2. Special Permit signed for 88 Stony Brook Lane, Norwell.
3. Certificate of Compliance request for 116 Old Meeting House Lane, Norwell reviewed by Commissioners, unanimously approved and Certificate of Compliance signed.
4. Administrators Report - Administrator Gary Wolcott(GW) reported on recent correspondence, recent filings of Corridor properties with municipal authorities, real estate transactions in the Corridor and reports of several possible violations of the Protective Order. Violators will be invited in to discuss.
5. The Commission discussed efforts to address the budget increase. Mr. O'Leary reviewed his efforts to communicate with various entities at DCR and the Legislature. Mr. Norton reviewed his efforts with Representative Kearney. Mr. O'Leary suggested that the onus now should be on our Legislative representatives to work on our behalf. GW will research and provide Commissioners with contact information and office hours for our Legislative representatives. Mr. Head asked for additional ideas about how to proceed in a budget request. Mr. Molla suggested a comprehensive itemized request, including items that heretofore had been donated. Mr. Boulter suggested that if an earmark is the way to go, that we should contact the Governor as well. Mr. Boulter suggested additional fees for permitting. Mr. Head discussed NRC owning a boat. Mr. Boulter is still working with Pembroke Fire Department about acquiring a boat that they may declare as surplus property. Mr. O'Leary suggests inviting Legislative representatives to upcoming meetings. GW suggests meeting DCR of Legislative representatives on their terms, seeking appointments and having a willingness to meet them at their locations on their schedules.

7:15 - Request for Determination - 70 Carolyn Circle, Marshfield - Matt Ahl, Homeowner - Mr. Ahl presented a project for the construction of a single family dwelling. Mr. Ahl indicated that he had got some guidance from GW about plan requirements, that those requirements had been added to the plan and he presented the plans for the Commission's review. The Commission asked about the height of the proposed structure as seen from the river. It is 29'-11". Marshfield Conservation Commission and Board of Health have approved the plan. Mr. Norton asked about a "bump out" area. Mr. Ahl said it was the kitchen area. The Commission asked for clarification about the location of the property along the river. Mr. Ahl explained it's position relative to Rt 3A and Roht Marine. The Commission reviewed and discussed the plans amongst themselves. The setback distance to the Natural Bank was reviewed. Mr. Ahl reviewed the Conservation requirements, specifically marker posts. Mr. Head asked about the driveway easement. Mr. Ahl explained which abutting property the easement corresponded with. Mr. Ahl is proposing white cedar shingles. The vegetation between the proposed house and the natural bank was discussed and determined to be wooded. Mr. Head explained vegetative cutting requirements as they relate to Marshfield Conservation Commission. A motion was made to determine that the proposed structure was an Allowed Use. The motion was unanimously approved.

Plans referenced: "Proposed Disposal System, Lot 5 Carolyn Circle(#70), Marshfield, Mass., Scale: as shown, Dated November 1, 2019, last revision dated December 18, 2019, Environmental Engineering Technologies, Inc., Robert C. Crawford, P.E."; "New Home for Brooke & Matt Ahl, Lot 5 Carolyn Circle, Marshfield, MA, Scale: $\frac{1}{4}$ "=1'-0", Dated November 12, 2019, Noseworthy Residential Design."

7:30 - Informal Discussion - 15 Blackthorne Lane, Norwell - Rachel Wollam, Homeowner - Ms. Wollam discussed plans for renovations to an existing dwelling. Ms. Wollam presented plans showing the existing dwelling, a sketch showing proposed renovations and an asbuilt, foundation certification plan showing the current location of the structure on the lot. The renovations are to enclose a screened porch, repair some roof damage and some changes/additions to the configuration of windows on the side of the dwelling that faces the river. There is no proposed change in the height of the building. Mr. Head asked about closing in the screened porch and whether the footprint was changing. Ms. Wollam indicated that was not, except for a bay window. A previous filing to remove damaged trees was discussed as some roof damage was seen on the provided pictures of the dwelling. This part of the roof will be repaired but no change to the height of the building is proposed. The Commission determined that no filing was necessary for this project.

Plan referenced: "Wollam Residence, 15 Blackthorne Lane, Norwell, Massachusetts - Sketch-Proposed View from Rear Yard, Dated 12-9-2019, Sally Weston Associates; As-Built Foundation & Septic System Plan for Lot 4 Blackthorne Lane, Norwell, MA, Dated August 15, 1994 The BSC Group, Edited by Sally Weston Associates 12-9-2019."

7:45 - Request for Determination - 3 Cove Creek Lane, Marshfield - Richard & Joan Curtis, Homeowners - Representative - Attorney Adam Brodsky. Mr. Brodsky presented plans originally discussed at the November 2019 meeting by Terry McGovern. The project is to reconstruct a damaged pier, and reconfigure the pier so that it is straighter and shorter. Mr. Brodsky presented historic, photographic evidence of the pier dating back to the 1970's, prior to the enactment of the Scenic and Protective Order for the North River. A Chapter 91 application is pending with DEP and an Army Corps of Engineers application has been filed. Mr. Head asked for clarification regarding the relationship between the Chapter 91 application and the grandfathering of the existing floats. Mr. Brodsky indicated the float is not the subject of the existing application and no changes have been proposed to the floats. Mr. Brodsky argues that the floats are not required to meet current requirements as they pre-date the Protective Order. Multiple members of the Commission indicate that the floats, as they exist, would not be approvable today. Mr. Brodsky referred to the photographic evidence showing the extensive float system dating back to 1971. Mr. Norton is concerned about navigation of the creek. Ms. Leonard asked why the winged float configuration was necessary. Mr. Brodsky again stated that the floats, as they exist, are grandfathered and an entitled use. Mr. O'Leary suggested that since the floats would not be approvable today, perhaps some compromise from the applicant would be in order. Mr. Brodsky suggested that requiring any change to the floats would exceed the Commission's authority. GW asked how the application meets the standard of Section 4 of the Protective Order which allows for the continuance of lawful preexisting uses that would not meet the requirements of the Order today. Specifically he asked how this particular dock was lawful if no permit had been acquired from any approving authority. Mr. Brodsky indicated that at the time of the construction of the dock and floats there was no filing that was required to make the floats lawful. He indicated that prior to the Protective Order only commercial docks required permits. Mr. Jones and Mr. Simpson pointed out that the photographic evidence Mr. Brodsky presented shows that the configuration of the floats had changed over time. Some photos appeared to show a smaller float system. What constitutes abandonment of a use was discussed. Whether a Special Permit would be required under Section 4 was discussed and it was determined that one wouldn't be as the project was a repair/maintenance project rather than an increase in the size of the pier that would require a Special Permit. A motion was made and unanimously approved as an Allowed Use.

Plan Referenced: "Plan Accompanying Petition of Richard D. Jr. & Joan A. Curtis For Private Boat Dock, Ramp & Float at 3 Cove Creek Lane, Marshfield, MA 02050 for access to Cove Creek, Tributary to the North River, Scale: 1"=150', Dated September 3, 2019, Stenbeck & Taylor, Inc., William J. McGovern, P.L.S.

Meeting adjourned 9:00 pm

Gary Wolcott, Administrator