

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 Website: www.northrivercommission.net Email: northrivercom@gmail.com

Minutes February 24, 2022 - Meeting #570

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

7:00 - Call to Order

7:00 - Special Permit - 26 River Road, Hanover - Phillips - Darren Grady and Dillon Brady from Grady Consulting LLC presented a project for the construction of a septic system within 100 ft of the Natural Bank of the North River. Mr. Brady reviewed the proposed plan, describing the proposed system and the setback to the North River and suggesting the proposed system was a substantial improvement of the current onsite conditions. He further described design efforts to maximize the distance setback to the river and the installation of erosion controls to protect the downslope bank. Mr. Grady indicated meetings were scheduled for the following week with Hanover Board of Health and Conservation Commission. Mr. Jones asked for clarification about whether the retaining walls shown on the plan were proposed new construction. Mr. Grady explained that there was a buried retaining wall and an existing 3ft high retaining wall pre-existing on the site and no new walls were proposed. Ms. Leonard asked for more information about the location of the system and Mr. Grady provided it, explaining the system was tucked into the front, street side corner of the lot, as far from the river as they could propose it. Mr. Fellini asked about the location of the existing system. Mr. Grady explained that due to the steep, unsafe nature of the existing slope they were unable to do any exploratory excavation of the location. He noted that there was an existing plumbing outlet in that area that would be reconfigured to outlet the structure near where the proposed system will be located and the prior outlet would be capped. Mr. Grady recommended that the existing system be abandoned rather than filled as the severe steepness of the slope precludes any excavation in the area, perhaps even by hand. He indicated that there was no danger of collapse from traffic over the area, that even foot traffic was extremely difficult. Mr. Fellini asked for additional clarification of the location of the proposed system and Mr. Brady provided it, distinguishing between the proposed system and the existing driveway on site. As no abutters were present, there were no public comments. A motion was made and seconded that a Special Permit be issued for the project described. The motion passed unanimously.

Plans/Documents referenced: "Septic Repair Plan, #26 River Road, Hanover, Massachusetts, Prepared for Kimberly A. Phillips, 401 Temple Street, Whitman, MA 02382, Dated: November 8, 2021, Scale: 1" =20', Grady Consulting, LLC, Darren M. Grady, P.E."

7:15 - Request for Determination - 22 Salt Meadow Lane, Scituate - McDonough -Mr. McDonough was unable to attend the meeting and had asked if the Commission could act on his request without his presence. GW reviewed the timeline of the project for the Commission, describing how the applicant had cleared some land on the property and had come to the attention of the Conservation Commissions for Norwell and Scituate. The land is located in both Norwell and Scituate. The project is for the construction of a boat storage structure/garage that involved some tree clearing and fill, all of which needed permitting

from the Towns and the North River Commission which had not been obtained. Upon comments from the Towns, the applicant has revised the project so that the structure and grading is now solely on Scituate land. There are still restoration issues to be resolved with Norwell as well. The applicant has submitted the revised plan to the NRC and asked to be placed on tonight's agenda. GW had responded to the applicant that the Commission would likely need documentation of the height of the proposed structure in the form of architectural drawings. He also indicated that he believed the Commission would require the presence of the applicant or his representative to discuss the project and answer any potential questions. The Commission discussed and felt that the applicant needed to be at the meeting, that architectural drawings of the proposed structure needed to be submitted and that a restoration plan for the cleared vegetation should be provided. GW suggested continuing the meeting till the next month. A motion was made to continue the hearing to the March 24, 2022 meeting. Upon discussion, Mr. Jones suggested that without the architectural and restoration information a motion to determine that the project presented was not an "Allowed Use" might be more appropriate. The motion to continue the hearing to the March 24, 2022 meeting was denied unanimously. A motion was made and seconded to determine that the presented project tonight was not an "Allowed Use." The motion passed unanimously.

Plans/Documents referenced: "Proposed Site Plan, 22 Salt Meadow Lane, Scituate, Mass, Assess. Plot 57-2-5C, Dated: September 3, 2021, Last Revision Dated: February 17, 2022, Scale: 1" =20', Environmental Engineering Technologies, Inc., Robert C. Crawford, P.E."

7:30 - Informal Discussion - 47 Collier Road, Scituate -Kerry Johnson, a builder, walked in to informally discuss the Protective Act and how it might apply to a site which she may be developing. She is interested in a raze/rebuild on the site and wanted to discuss what might be possible on the site. Ms. Johnson has been informed that no full foundation will be allowed on this site and they are thinking of putting the house on piers. She asked where the Commission begin its calculation of building height? At the first floor elevation? GW reminded the Commission of a site on Stony Brook Lane where the house was rebuilt on piles to raise the structure above the flood zone elevation. For that scenario the Commission determined that the height would start at the top of the piles. Mr. Jones believes that the situation might be different at this location. The Commission reviewed the Protective Order. Ms. Leonard expressed that she believed the Commission's view is that in the circumstance of new construction, the height was considered from the grading as viewed from the river. Ms. Johnson asked how the height would be determined at this site. Mr. Jones stated, to general agreement from other Commissioners, that the lowest elevation of the height would be considered as the elevation of the piles where they broke the surface. Ms. Johnson asked if a field visit would be considered. The Commission is amenable and suggested coordination with administrator GW. Ms. Johnson will do so.

7:45 - New Business

1. Minutes approved for January 27, 2022 meeting.
2. Administrators Report - Administrator Gary Wolcott (GW) reported on...
 - 25 Washington Street, Hanover- Applicants have completed the Request for Determination Form. The RFD approval letter for the greenhouse project that was approved at the January 27, 2022 meeting was mailed.
 - 87 Edmund Road, Marshfield - Mr. Stiles is working on ideas for resolution of the issues regarding the Certificate of Compliance for his Special Permit. He and GW will continue to communicate to move this forward.
 - 12 Hunter Drive, Marshfield - Had email communications with Mr. DiRico regarding the shed that was built within 100 ft of the Natural Bank. His attempts to relocate the shed were stymied by mud that prevented a truck from getting into the area. Subsequently, a tree

was blown over onto the shed during the October 2021 storm, destroying it. His current plan is to rebuild the shed in a permissible location.

- 49 Collier Road, Scituate - Despite neither the Commission nor the applicant's attorney being able to establish communications with the Department of Conservation and Recreation the applicant was somehow able to get a response from someone in the DCR's General Counsel Office. The applicant was told that DCR believes that the North River Commission is not part of DCR and that they would not hear an appeal of the Commission's Determination that a structure over 35 ft was not an "Allowed Use."
- 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, 64 Little's Lane, Conservation Commission and ZBA for dock project.
Norwell, 22 Salt Meadow Lane, Conservation Commission for restoration plan of vegetative cutting,
Pembroke, 895 Washington Street, Planning Board approved Cell Tower Plan
Scituate, 22 Salt Meadow Lane, Conservation Commission for garage, clearing and fill
- Real Estate transactions in the Corridor - None

7:50 - Old Business

- **Boat Patrol** - Ms. Leonard informed the Commission of her efforts with Town of Marshfield and Marshfield Harbormaster to hire the Harbormaster to do detail patrols of the river this summer. She and GW met with Town Administrator Mike Maresco and Harbormaster Mike DiMeo earlier today to discuss this possibility. The Town has agreed and has suggested that a Memorandum of Understanding between the Commission and the Town be agreed upon to memorialize what the understood parameters of the agreement are. The Commission discussed what their expectations were and those concerns will be forwarded to Mr. Maresco for inclusion in the MOU. Ms. Leonard also informed that Town of Marshfield is very supportive of our efforts to secure permanent funding and will do what they can.
- **Funding for Fiscal Year 2023** - Ms. Leonard reviewed communications with NSRWA Executive Director Samantha Woods regarding federal funding for Fiscal Year 2023 arising from Covid-19 related funding sources. Mr. Molla will continue his informal contacts with various members of the State Legislature to push for permanent funding. He has also contacted attorney Adam Brodsky about legal perspectives of the North River Protective Act and will continue to pursue that as well.
- **Solar Panels** - Mr. Jones raised the issue of Solar Panels and feels that this is something the Commission should be encouraging. Mr. Simpson noted that there is language in the Protective Order prohibiting electrical generation units but feels this is directed at commercial facilities (i.e. solar farms, etc.) and not residential applications. Mr. Molla would limit them to structures with no placement on the marshes.
- **1327 Union Street, Marshfield** - GW reviewed an asbuilt plan and communication from Engineer Jed Hannon regarding the dock constructed. In response to DMF and Marshfield Conservation Commission comments received after the North River Commission approval the gangway was lengthened 10 ft to prevent the float from lying on the substrate of the river. Mr. Hannon asks the Commission to advise on what additional steps the Commission requires. The Commission decided to request that Mr. Hannon provide the Commission with copies of the comment letters from the agencies requesting the revisions so that we have a record of them.