

## 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](http://www.northrivercommission.net) Email: [northrivercom@gmail.com](mailto:northrivercom@gmail.com)

### Minutes February 25, 2021 - Meeting #557

Present: Hanover, Dan Jones (M), Marshfield, Chris Head (M), Norwell, Robert Molla (A), Pembroke, Bill Boulter (M), Pembroke, Gino Fellini (A), Scituate, Joseph Norton (M)

Not Attending: Hanover, John O'Leary (A), Hanson, Jennifer Heine (M), Marshfield, Maryanne Leonard (A), Norwell, Tim Simpson (M), Scituate, Adria Gallagher (A)

#### **7:00 - Call to Order**

1. Minutes approved for January 28, 2021 meeting.
2. Administrators Report - Administrator Gary Wolcott(GW) reported on recent correspondence, recent filings of Corridor properties with municipal authorities, and real estate transactions in the Corridor.

**7:15 - Request for Determination - 89 Neal Gate Street, Scituate** - Justin Hoffman, Homeowner - Kevin Maguire, Representative - Mr. Maguire presented plans for the renovation and modification of an existing dock. Mr. Maguire summarized a letter he had sent that explained the history of the dock on the site and what they were requesting at this hearing. Mr. Maguire described the existing conditions of the site and the location of existing docks at the abutting properties on either side, noting that the Scituate Harbormaster allows docks to protrude into the river consistent with abutting properties. Mr. Maguire pointed out the Natural Bank and the 100' and 300' setbacks to the Natural Bank. Mr. Jones asked for clarification of the line of the bank under the existing pier. Mr. Maguire confirmed that the bank ran under the existing pier. Mr. Maguire presented photos evidencing the location of the existing pier and bank. Mr. Maguire reviewed the existing cross-sections of the existing structures. Mr. Molla asked if the dock is a community dock. It is not, it is a private dock. Mr. Maguire explained the existing pier and the proposed ramp and float. He proposes that some of the piles be replaced with new piles in a slightly different location allowing for construction practices. No increase in surface area of the structure is proposed. Mr. Maguire reviewed the proposed 10' x 32' float and float supports to hold it in place. Mr. Maguire noted that the existing floats in place total roughly 33' in length and they propose 32'. Mr. Molla spoke in favor of the project. Mr. Head asked for clarification of how far into navigable channel the float would be. Mr. Maguire explained that it was roughly determined by location of the abutting floats, whose location is not permanent, but that 28' of ramp and 10' of float is what they are asking for. Mr. Head is concerned about the distance the proposal extends into the open water channel, considering that the pier is already protruding into the channel. Mr. Maguire noted that DMF typically suggests water under the floats. Mr. Jones likes that the reconfiguration of the pier and floats takes the existing structures of the surface in the intertidal basin but believes a shorter float is warranted, considering what is usually permitted. Mr. Maguire believes the abutting (community) float is 36' long. Mr. Jones noted that community floats are permitted at longer lengths in trade for fewer individual docks and floats. Mr. Boulter questioned why the ramp needs to be 28' feet. Mr. Maguire is attempting to get the float in deeper water at DMF's typical recommendation. Mr. Jones appreciates the consistency of float distance among abutting docks. Mr. Maguire asked what smaller size float the Commission would allow, suggesting 28' and also pointed out that there should be some consideration of the pre-Protective Order floats and their length. Mr. Head reviewed what the Commission has on file as permitted docks, describing a 6' x 13' float and an 8' x 16' float. Mr. Maguire stated that the state approval Chapter 91 license included 33' of float perimeter frontage on the

river. Mr. Jones suggested an 8' x 24' float. Mr. Maguire suggests 8' is not practical and that 10' is much more stable and practical. Mr. Boulter likes 10' wide better than 32' long. Mr. Maguire suggests that the size of the structures that predate the Protective Order warrant the length they are requesting. Mr. Jones believes that argument is more convincing when the applicant is proposing to repair/renovate things as they were, not proposing modification or reconfiguration as presented here. Mr. Molla suggested that the Natural Bank has retreated to some degree since the original 91 license. Mr. Head supports the length of the ramp, and notes that a lot of nearby ramps are of similar length. His concern is mainly with the float length. Mr. Jones suggested 10' wide x 24' long float. Mr. Maguire countered with a 26' length. Mr. Boulter is okay with 26'. Mr. Head asked for a motion. Mr. Jones moved that the Commission determine that the project as shown, with a reduced sized float at 10' wide x 26' long was an "Allowed Use". Mr. Boulter seconded the motion. The motion was carried unanimously that the project as described, with a reduced size float of 10' wide x 26' long, was an "Allowed Use."

Plans referenced: "Site Plan A, Plan showing the existing pier, deck, piles, ramp & float and the proposed pile, ramp & float modifications at 89 Neil Gate Street, North River, Scituate, Scale: As Shown, Dated: February 2021, Prepared for: Justin & Andrea Hoffman, 89 Neal Gate Street, Scituate, MA 02066, Owner: Justin & Andrea Hoffman, John A. Capcefalo, P.E."

#### 7:30 - General Business

- **1354 Union Street, Marshfield** - Homeowner - Timothy Lohe, Representative - John Cavanaro, Cavanaro Consulting. Mr. Cavanaro presented a revised plan for a pier, dock, float project whose prior iteration was determined to be an "Allowed Use". The plan was revised in response to comments the applicant received during the Marshfield Conservation Commission's review. Mr. Cavanaro reviewed the changes requested. They consisted of a 3' extension of the dock, an amended gangway/float connection and an amended float location to increase the distance between the float bottom and the sub-strata. A motion was made and seconded to determine the revised plan dated January 5, 2021 was an "Allowed Use". The motion was unanimously approved.  
Plan referenced: "Site Plan to Accompany ANOI, 1354 Union Street, Marshfield, MA 02050, Prepared for Timothy & Cathy Lohe, 1354 Union Street, Marshfield, MA 02050, Scale: As Shown, Dated: 01/05/2021, Brendan P. Sullivan, P.E."
- **34 Island View Circle, Norwell** - Representative - John Cavanaro, Cavanaro Consulting for homeowners Kristin Keefe & Brian Nihill - Mr. Cavanaro presented a revised plan for a pier, dock, float project whose prior iteration was determined to be an "Allowed Use". The plan was revised in response to comments the applicant received from the Department of Marine Fisheries and the Norwell Conservation during their permitting processes. Mr. Cavanaro reviewed the requested revisions. They consisted of shifting the location of the dock so that it was constructed over an existing ditch rather than parallel to it and lengthening the ramp to the float from 24' to 30' to place the float in deeper water and reduce potential impacts to the seafloor. A motion was made and seconded to determine the revised plan dated November 23, 2020 was an "Allowed Use". The motion was unanimously approved.  
Plan referenced: "Dock Plan, 34 Island View Circle, Norwell, MA 02061, Prepared for Brian Nihill, 34 Island View Circle, Norwell, MA 02061, Scale: As Shown, Dated: 10/29/2020, last revision dated 11/23/2020, John C. Cavanaro, P.E."
- **Donnelly Project** - Brian Donnelly, a PhD candidate at Northeastern University presented a project to conduct a field study in a tidal freshwater wetland region along the North River to investigate the influence of sea-level rise and ocean warming on wetland biogeochemistry (nitrogen cycling and carbon storage) and microbial community structure. The area chosen for the study is off Indian

Head Drive in Hanover, near the Hanover Public Launch. Mr. Donnelly showed a PowerPoint presentation of his project which illustrated his methodology and goals. Mr. Donnelly took questions from the Commission about the project and its impact on the river. Mr. Donnelly has yet to acquire permission from the property owner (Commonwealth of Massachusetts) to work on the property so this was an informative meeting only at this point. When he receives the Commonwealth's approval he will return to the Commission for permitting. The Commission expressed its support and encouragement for the project.

- **251 Damon's Point Road, Marshfield** - At the Marshfield Conservation Commission's(MCC) request, the Commission reviewed the Restoration Plan submitted to MCC for mitigation of unpermitted vegetative cutting in violation of both the North River Protective Act and Marshfield Wetland Regulations. The homeowner had previously met with NRC to present a Restoration Plan and had been advised to coordinate as well with MCC for their requirements in any Restoration Plan. The homeowner has done so and the plan reviewed this evening is the result. Commission members reviewed the plan and found that the Plan would adequately mitigate the vegetative cutting. A motion was made and seconded to approve the Restoration Plan. The motion carried unanimously. The Marshfield Conservation Commission will be so informed.  
Plan referenced: "Conservation Plan Proposed Restoration, 251 Damon's Point Road, Marshfield, MA, Scale: 1 inch = 40 feet, Dated: February 5, 2021, Environmental Consulting & Restoration LLC, Brad Holmes, PWS, MCA."
- **87 Edmund Road, Marshfield** - The Commission reviewed a Request for Certificate of Compliance for Special Permit 5 of 2017 for a renovation/modification of an existing shed within 100' of the Natural Bank. The Special Permit allowed a 20' long x 15' wide x 15' high shed. Members who inspected the shed in the field measured the shed at roughly 20' long x 20' wide x 19' high with additional steps protruding on both length and width sides an additional 3.5 feet. A motion was made and seconded to deny the Request for Certificate of Compliance. The motion carried unanimously. GW related a conversation with the applicant that he was willing to submit a Special Permit Application for the shed as it has been constructed. The Commission was amenable, provided a new plan was submitted, with no guarantee that the second special permit submittal would be approved. The Commission indicated that the plan shall show the complete footprint of the shed including steps, with annotated measurements. The plan shall also include an elevation view of the river facing side of the shed with measurements indicating the height of the structure from the bottom of the steps to the roof ridgeline.  
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."
- **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. Pembroke member Mr. Boulter reviewed some of the prior history of the project as this project has long been in planning and permitting sought in prior years. Members and an abutter to the project, Mr. Lynch, explored areas of the plan that should warrant closer examination, primarily the Wastewater Treatment Plant, the Stormwater Detention Basin and the accuracy of the Natural Bank line as it relates to the "emergent vegetation line." Plans were discussed on how to review and further investigate this issue.  
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."

- **Pontoon Moorings** - Mr. Molla initiated a discussion about floating pontoon moorings in the river. He proposed that the NRC should notify harbormasters, mooring masters, etc. in Scituate, Norwell, Hanover and Marshfield that the NRC does not allow floating pontoon moorings in the river. He argued that they are a nuisance to navigation, unsafe and should not be permitted under the North River Protective Act. Mr. Jones advises caution and suggests cooperation with the Towns, suggesting meeting with the Harbormasters to discuss the issue. Mr. Boulter attempted to clarify the structures referenced, describing them as floating piers or docks rather than moorings even though "moorings" is how the town permits them. Mr. Head reiterated Mr. Jones idea about working cooperatively with the Towns. Mr. Boulter inquired about existing mooring/docks. Mr. Molla suggested the motion exclude mooring docks existing prior to 2018. Mr. Molla made a motion and Mr. Boulter seconded that a letter be sent informing the harbormasters and mooring masters that free floating pontoon mooring docks not be permitted in the river, excluding structures built prior to 2018. Pembroke and Norwell voted in favor of the motion, Marshfield and Hanover voted opposed, the motion did not carry. The members agreed to address this issue cooperatively with the Harbormasters.

Meeting adjourned 10:10 pm

Gary Wolcott, Administrator