

# 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 June 24, 2021 - Meeting #562

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

### 7:00 - Call to Order

1. Minutes approved for May 27, 2021 meeting.
2. Administrators Report - Administrator Gary Wolcott(GW) reported on...
  - Recent correspondence- a. **100 Old Meeting House Lane, Norwell** RFD Determination of Allowed Use forwarded. b. **35 Blockhouse Lane, Norwell** RFD Determination of Allowed Use forwarded. c. **21 Damons Point Circle, Marshfield** RFD Determination of Allowed Use forwarded. d. **3 Cove Creek Lane, Marshfield** RFD Determination of Allowed Use forwarded. e. **45 Cedar Point, Norwell** - Received As-Built plans for dock/pier/float project. f. Letters sent to residents of River Road, Hanover who have docks that we have no information on asking that it be provided. g. Call received from **81 Collier Road, Scituate**. They have Special Permit issued in 2007 that was recorded at Registry of Deeds but the project was never completed, nor any fees submitted to extend the Special Permit beyond the customary one year period. Homeowner asks for guidance on how to proceed if she wishes to construct the addition or if she makes alterations to what was initially proposed. The Commission cannot advise on speculative terms but that it is customary for the Commission to review renewals of Special Permits. Administrator shall inform homeowner that a review of the expired Special Permit and specific details of any alteration will be necessary before proceeding with any construction. Homeowner is advised to contact the Commission once specific plans are completed. h. Contacted Norwell Town Hall for information on when in-person meetings will be allowed again. Town Clerks advise that Town Hall is now available for in-person meetings. A motion was made and seconded to resume North River Commission in-person meetings starting with the July 22, 2021 meeting. i. Received a complaint of excessive tree clearing and leave burning at 49 Canoe Club Lane, Pembroke. The on-file Site Plan submitted with the original Request for Determination for the construction of the dwelling does not contain information about the limit of proposed tree clearing. The Pembroke members will follow up at Pembroke Town Hall to see if more information is available. Commissioners do not believe that leave burning is violation of the Protective Order.
  - Recent municipal filings of Corridor properties - Projects previously reviewed, currently under review or expected to come under review by the North River Commission - Off Indian Head Drive, Hanover-Donnelly PhD candidate research project-Hanover Conservation Commission, River Marsh 40B project, Water Street, Pembroke-Pembroke ZBA.
  - Real estate transactions in the Corridor - None

**7:15 - Request for Determination - 49 Collier Road, Scituate - Brown** - Alan Brown, Homeowner presented revised architectural plans showing an increase in the approved roof ridge elevation from an RFD Allowed Use issued July 23, 2020. Mr. Brown is asking that the roof ridge elevation be increased to 37'-1 15/16". Mr. Brown stated the seawall along the oceanfront is failing and he wants to move the house closer to the street for additional safety, which increases the height of the roof ridge as the land slopes away from the street line to the rear of the lot. Members noted that the seawall is in similar condition as it has been for decades. The Commission also noted that the revised architectural profile indicated that the floor to ceiling height had been increased on some of the house levels and that this is what is causing the increased overall height of the structure. Mr. Brown explained his son-in-law is 6'-7" and he wishes to accommodate his height. The Commission, while sympathetic, does not feel it has the discretion to go above the 35' height limit proscribed in the Protective Order. Mr. Brown asked why the town's Zoning Law allowed a 40' height and the Protective Act was only 35'. Mr. Head explained that the Protective Act was separate from the Town Zoning, that the Act was a State Law created by the Legislature, independent of each of the six North River Corridor Town's Zoning Laws. Mr. Brown asked about the possibility of a variance. The Commission stated the Protective Order was explicit and there was no mechanism for granting a variance. Members did not recall an instance where they permitted construction above the 35' standard. A motion was made and seconded to determine that the proposed increase in structure height to 37'-1 15/16" was not an Allowed Use. The motion carried unanimously.

Plans referenced: Engineering: "North River Commission Determination of Applicability Plan for 49 Collier Road in Scituate, Mass., Scale: 1"=10', Dated: May 20, 2020, Last Revision dated June 21, 2021, Ross Engineering Company Inc, Paul Joseph Mirabito, Registered Land Surveyor"; Architectural: " Brown Residence, 49 Collier Road, Scituate, MA 02066, Scale: ¼"=1'-0", Dated: June 17, 2021, 209 Design, Kent Harrington, Architect.

**7:30 - Informal Discussion - 12 Hunter Drive, Marshfield - DiRico** - Jack DiRico, Homeowner, appeared to discuss a shed on his property within 100' of the Natural Bank. A complainant had brought the issue to the Commission's attention by sending photos of the newly constructed shed. Mr. DiRico reviewed site history with the Commission indicating that there was a large fishing shack in the location of the current shed that predated his purchase of the property and construction of his house. He estimates the shack was 40 years old when he built the house in 2000. During the construction of the house the fishing shack was replaced by a considerably smaller shed. That shed was damaged in the fall of 2020 by a falling tree limb and was subsequently reconstructed to its current configuration. The new shed is in the same location as previous iterations except that it was enlarged by several feet compared to the previous shed. The Commission reviewed photographs of the previous shed, the current shed and a proposed vegetative planting to minimize the shed's visual impact. The Commission asked about the possibility of moving the shed beyond the 100' setback to the Natural Bank. Mr. DiRico will discuss this possibility with an engineer/surveyor who will locate the Natural Bank and 100' setback to determine the feasibility of relocating the shed. Mr. DiRico will come back to the Commission when this determination has been made. Plans/Documents referenced: Photographs received from complainant 4-21-21 and photographs received from homeowner 5-21-21.

**7:45 - Informal Discussion - 102 River Road, Hanover - Callanan** - Nancy Callanan, Homeowner, appeared to discuss an ongoing dock project. It had come to the Commission's attention that work had been ongoing on a dock at this location and a photograph provided that showed some inconsistency with the Protective Order's design standards for docks. Ms. Callanan has an Interim Approval from DEP Waterways from 1995 that allows for maintenance of a pier, ramp, float, bulkhead, wall and boat slip and had proceeded under the belief that the changes being made to the existing dock were allowable. Members discussed the Interim Approval and whether the work being done constituted a change in use or a substantial alteration that would require the issuance of a Waterways License and whether the changes

being made to the bulkhead/ramp/float were consistent with the Protective Order. Specifically, the Commission was concerned with the construction of a cinder block structure that was being built on top of the existing concrete bulkhead. Members suggested that such a structure was not in compliance with the Protective Order and that a revision should be considered. Ms. Callahan will address these concerns with her contractor who will follow up with the Commission and submit a plan for the renovation of the bulkhead/ramp/float that is consistent with the Interim Approval and the Protective Order.

Plans referenced: "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 - Request for Determination - 50 Collier Road, Scituate - Sullivan -** Walter Sullivan, Homeowner and Greg Morse, Engineer/Representative. Mr. Sullivan introduced himself and the project. His family are long time owners of the property and are making it their primary residence. They propose to add an addition to the current structure. They have been before the Scituate Zoning Board of Appeals and have obtained the permit required from them. Greg Morse of Morse Engineering presented the project. Mr. Morse described the Site Plan, indicating the location of the Natural Bank, the limit of the 300' Corridor and the 200' Natural Bank setback. He described the dimensions of the existing dwelling and the proposed addition, indicating that the closest point of the addition to the Natural Bank was 216' and that the Section 8 Design Standards of the Protective Order were satisfied. Mr. Morse further indicated that the proposed roofline would not be any higher than the existing roofline which is less than 35' as required. A member asked if there was anything in the location file regarding the prevailing view from the river for this site. There was none although the Commission has consistently determined in the past that the prevailing view of adjacent and nearby properties was from the southwest, along a line inside the inner side of "The Spit." Mr. O'Leary asked that Ms. Gallagher, an abutter to the project, recuse herself from voting on the matter and she was amenable. A motion was made and seconded to determine that the project as described was an "Allowed Use." The motion was passed unanimously.

Plans referenced: Engineering: "North River Commission Site Plan, 50 Collier Road (Assessor's Parcel: 64-9-16-F), Morse Engineering Co., Inc., Scale: 1"=20', Dated: 6/11/21, Gregory J. Morse, P.E." Architectural: Elevation Views "Sullivan, Duxborough Designs, Dated: 6/21/21."

**8:15 - Request for Determination - 70 King's Landing, Norwell - Servant -** Chip Servant, Homeowner, and Rick Servant Surveyor/Representative. R. Servant described the project to add additions to the existing dwelling. He described one addition that increased the size of the existing kitchen and another that will add a bedroom on one level and a sitting room above on the second level. Additionally, an existing deck will be reconstructed and enlarged. R. Servant indicated the location of the Natural Bank and the 100' setback to the Natural Bank. The Commission discussed the Principal View of the structure from the river and agreed with the applicant's depiction. R. Servant reviewed the width of the structure parallel to the river, existing-51.5' and proposed-57.9'. He further reviewed Design Standards of Section 8 of the Protective Order and indicated that the 186' setback to the Natural Bank for a structure of the indicated width and the proposed height of 23' satisfied the requirements. A motion was made and seconded to determine that the project as described was an "Allowed Use." The motion was passed unanimously.

Plans referenced: Engineering: "Location Plan Showing Proposed Addition, 70 Kings Landing, Norwell, MA, Parcel 22A-61-38, Drawn For: Earl Servant, Scale: 1"=10', Dated: 6-16-21, Richard Servant, P.L.S." Architectural: "Proposed Addition to House, 70 King's Landing, Norwell, Prepared for Chip Servant, Scale: As Noted, Dated: 6-18-21, Otis Hathon, Architect."

**8:30 - Request for Determination - 38 Hunter Drive, Marshfield - Jackson -** John Cavanaro, Cavanaro Consulting for the applicant/homeowner. Mr. Cavanaro introduced the project as the construction of a dock with a seasonal, removable gangway and seasonal, removable float for private recreational use on their

single-family residential lot. Mr. Cavanaro described the plan, indicating the existing conditions on the site, the location of the Natural Bank and the corresponding setbacks. He also noted the location of abutting structures including old dock remains, abutting docks and river moorings that influenced the selected location of the proposed dock. He further described the proposed dock as consisting of a 177' long x 4' wide pier, a 30' long x 3' wide ramp and a 15' long x 10' wide float. A member asked for clarification on the dock profile regarding separation to the marsh and it was given. A five foot minimum is proposed, allowing for greater separation where Department of Marine Fisheries requires. Members expressed some concern about the length of the ramp and its effect on navigability. Mr. Cavanaro demonstrated that the location of the float at the end of the gangway was consistent with adjacent and nearby docks and more distant from moorings in the river than other docks. The Commission was reminded that DEP Waterways and Department of Marine Fisheries have been requiring that floats be placed so as not to disturb the substrate surface of the river, resulting in longer ramps to accommodate this. A motion was made and seconded to determine that the project as described was an "Allowed Use." The motion was passed unanimously. Plans referenced: "Site Plan, 38 Hunter Drive, Marshfield, MA 02050, Prepared for Patricia A. Jackson, Scale: As Shown, Dated: June 17, 2021, Cavanaro Consulting, John C. Cavanaro, P.E."

#### 8:45 - General-Old Business

- **Fiscal Year 2021 Budget Review** - GW reviewed the funds that would be available after June expenses at the end of the Fiscal Year 2021 budget, June 30, 2021. The Commission discussed what to do with the remaining funds. The Commission directed GW to spend the funds on updating the office equipment, including a new laptop, monitor, printer, iPad for increased drone performance and other general office supplies.
- **River Marsh 40B Project** - The Commission reviewed the current status of the River Marsh 40B project on Water Street, Pembroke now under review of the Pembroke Zoning Board of Appeals.

Meeting adjourned 10:00 pm

Gary Wolcott, Administrator