

North River Commission

Representing the Towns of – Hanover, Hanson, Marshfield, Norwell, Pembroke & Scituate
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Minutes March 23, 2023 - Meeting #583

Present: Hanover, Andrew Butler (A), Hanson, Jennifer Heine (M), Hanson, Donna Frehill (A), Marshfield, Maryanne Leonard (M), Norwell, Robert Molla (A), Scituate, Adria Gallagher (A)
Not Attending: Hanover, Daniel Jones (M), Marshfield, Mike Dimeo (A), Norwell, Tim Simpson (M), Pembroke, Bill Boulter (M), Pembroke, Gino Fellini (A),

7:00 - Call to Order

7:00 - Special Permit Application - 67 Collier Road, Scituate - Cahill

David and Maria Cahill appeared for a Special Permit Application for after-the-fact approval for a boulder wall constructed within the 100 ft. setback to the Natural Bank of the North River. Mr. Cahill summarized the project status since the Commission's last meeting with them in January. At that time the Commission suggested that they would like to have the Scituate Conservation Commission's comments on the matter. The Cahills have submitted an application with the Conservation Commission and are awaiting return communication from them regarding scheduling. They have not met with the Conservation Commission yet. Ms. Leonard confirmed that the situation hasn't changed since the January meeting, no resolution or feedback from the Scituate Conservation Commission. The Cahills relate, anecdotally from townfolk, that the Conservation Commission has been very busy and scheduling has been backed up as a result. Mr. Butler asked if the Cahills, considering meetings they indicated they had had with consultants, had made any changes to plan. The Cahills have shared the information and feedback from the Commission with their environmental, engineering and landscaping consultants. Mr. Molla believes that North River Commission is the last step for applicants, only after approvals from other agencies has been obtained. He asked if there was any indication from the town when they would hold a hearing. There was not. Ms. Gallagher asked about the process for continuing a Special Permit more than once. She does not remember such an occurrence. Mr. Molla does think there is any reason why a Special Permit hearing cannot be continued more than once. GW said that there is nothing in the Protective Order precluding more than one continuance. He informed the Commission that the Scituate Conservation Commission's next two meetings were April 3 and April 24. Ms. Leonard is looking for additional information about alternatives to the boulder wall being necessary to support the overhead deck. Mr. Cahill stated that that had been part of the discussion they have been having with their consultants. The Commission discussed how best to proceed. The Commission settled on continuing the meeting for one month. If there had been no meeting with Scituate Conservation before the North River Commission's next meeting, and the Cahills informed the North River Commission no later than close of business hours on April 25 (so that any potential revised Agenda could be timely posted), the Commission would be able to continue the April 27 North River Commission hearing another month. Ms. Leonard asked if there were any abutters present who wished to comment. There were not. A motion was made and seconded to continue the hearing to April 27, 2023. The motion carried unanimously.

7:15 - Request for Determination - 34 Turner's Way, Norwell - McKim

Jed Hannan of Atlantic Engineering LLC, on behalf of William and Jessica McKim, appeared to present a proposal for a garage addition to an existing dwelling. The Applicant is requesting a Determination that the

project is an Allowed Use. Mr. Hannon distributed additional copies of the plan for the members to view. Mr. Hannon described the addition as a three-bay garage. The property has been surveyed and wetland resource areas flagged by a wetlands consultant. Mr. Hannon described the existing conditions of the site, indicating the existing structure was 151 ft. to the Natural Bank and that the proposed garage was at the far end of the 300 ft North River Corridor. He indicated that the garage dimensions were 40' x 32'. The proposed garage will be built over existing asphalt (to be removed) so there is no increase in impervious coverage of the lot. He pointed out the 100 ft. setback to the Natural Bank of the North River. Mr. Hannon described additional features of the project, including a second-floor balcony addition to the existing structure, a pervious walkway and a porch. He summarized the project and feels that all the requirements of the Protective Order have been met. Ms. Leonard asked for the height of the garage. Mr. Hannon believes that the height is referenced on the full set of architectural drawings submitted with the application. After much searching of those plans, it was determined that the height was not included in the architectural details. Mr. Hannon will be able to provide the height of the garage addition on a revised plan. Mr. Molla asked if the addition was behind the house as viewed from the river. It is. All of the proposed work is contained within the parameters of the existing structure. GW does not believe that the addition is higher than 35 ft. He suggested that in the past the Commission has approved projects provided that requested information is included on a revised plan. Ms. Leonard and Mr. Molla agreed. Mr. Hannon is amenable. Mr. Butler asked for confirmation that cupolas are not part of any structure height calculation. GW confirmed that, since 1984, the Commission has not considered cupolas or chimneys to be part of the structure when considering building height. A motion was made and seconded that the project was an Allowed Use, contingent upon receipt of a revised plan that demonstrated a building height of 35' or less. The motion was carried unanimously.

Plans/Documents referenced: Engineering: "Proposed Addition, 34 Turners Way, Norwell, MA, Scale: 1"=40', Dated: March 14, 2023, Atlantic Coast Engineering, LLC, James E. McGrath, P.L.S." Architectural: "34 Turner's Way Additions & Alterations, Site Address: 34 Turner's Way, Norwell, MA., Scale: As Noted, Dated: March 13, 2023, Pierce Home Design, Architect"

7:30 - New Business

1. Minutes approved for February 23, 2023 meeting.
2. Administrators Report - Administrator Gary Wolcott (GW) reported on...
 - 51 North River Drive, Marshfield - Forwarded Request for Determination form to property owner regarding his proposal to stabilize his dock/float. Received completed form and sent out approval letter reflecting the Commission's decision at the February meeting that the proposed project was an Allowed Use per the Protective Order.
 - Sent out letter to Attorney Thomas inquiring whether the Commission is an entity that can legally own a patrol boat that the Town of Pembroke may be willing to gift to the Commission. Attorney Thomas believes that the Commission is considered an agency of the Commonwealth of Massachusetts and would need state approval to own a boat. He suggested an alternative approach of creating a trust to hold title to the boat and insure the boat for the benefit of the Commission. He is available to discuss this with the Commission in greater detail should it desire.
 - Communications continued with North and South River Watershed Association about scheduling some agenda time for them to make a presentation to the Commission about removing the dam at Luddam's Ford. They were unable to attend the March meeting but appear set for the April meeting.

- Communications with current hearing attendees about their projects and appearing at this meeting.
- Real Estate transactions in the Corridor - None
- Site Visits - Third Cliff, Scituate for photographs of ongoing projects.
- Recent municipal filings of Corridor properties - None

3. Budget Request

NSRWA has hired a new employee, Becky Malamut as River Restoration Coordinator. She will, as part of her duties, take on helping the North River Commission with its funding. She and Ms. Leonard will be coordinating efforts over the next few months. NSRWA believes that increased coordination with the member towns in the Corridor may be beneficial. Several Commission members described their conversations and efforts with the towns. GW believes that budget funding must come from the State, through the DCR, and that some permanent funding structure (like the one that existed for the first 30 years or so of the NRC's existence) must be established rather than seeking an earmark every year. That will be part of Ms. Malamut's and Ms. Leonard's focus moving forward, as well as the local legislators. The Commission asked GW to draft a letter to the Governor asking for her support.

Meeting adjourned 8:00 pm

Gary Wolcott, Administrator