

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 March 25, 2021 - Meeting #558

Present: 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), Scituate, Joseph Norton (M)
Not Attending: Hanover, Dan Jones (M), Pembroke, Gino Fellini (A), Scituate, Adria Gallagher (A)

7:00 - Call to Order

1. Minutes approved for February 25, 2021 meeting.
2. Administrators Report - Administrator Gary Wolcott(GW) reported on...
 - Recent correspondence- a. Inquiries made about 67 Collier Road, Scituate by prospective buyer, asked to review Commission property file. b. 87 Edmund Road C.O.C. applicant requested copy of Zoom Video recording of February meeting; copy sent. c. Copies of NSWRA comment letters for 85 Washington Street, Pembroke cell tower and River Marsh 40B projects received. d. Letter sent to 922 Summer Street, Marshfield regarding eagle nest in vicinity of dock project with enclosed literature regarding Bald Eagle Management Guidelines and Conservation Measures. e. Inquiry from engineer regarding 52 Moorland Road, Scituate and what is required to close two outstanding Special Permit Applications for the property. Copies of Special Permit and instructions on compliance forwarded. f. Revised plan received for 89 Neal Gate Street Scituate dock/pier/float project. RFD Approval Letter sent. g. Call received from pile driver, work commencing on dock/pier/float project at 2 Washington Street, Pembroke. h. Inquiry made from engineer about where the "view corridor" at 31 Island View Circle, Norwell was. No information on file.
 - Recent filings of Corridor properties with municipal authorities - For projects previously reviewed by the Commission - 49 Collier Road, Scituate - ZBA for raze/rebuild project and 89 Neal Gate Street, Scituate for dock/pier/float renovation/modification project. Ongoing filings at 85 Washington Street, Pembroke (cell tower) and River Marsh 40B project on Water Street, Pembroke updated.
 - Real estate transactions in the Corridor - New North River Corridor property owners at 112 River Road, Hanover, 68 Brigantine Circle, Norwell, 17 Wanton Shipyard, Norwell and 40 Canoe Club Lane, Pembroke. Welcome letters sent.

7:15 - Informal Discussion - 221 River Street, Norwell - David & Karen McPherson, Homeowners - The McPhersons described their plans to install a solar panel on a barn/outbuilding on their property. Mr. McPherson explained that they would like to provide electricity to an outbuilding some 300' from the residence. Solar power is seen as the least obtrusive method for achieving this as the distance and topography suggest against underground trenching. Only one panel (5'-7" x 3'-6") would be needed to collect and provide the power required, which would be placed on the south/southwest facing side of the roof. Mr. Molla asked to view an existing plan on file showing the location of the outbuilding. Review of this plan and the orientation of the outbuilding indicated that the proposed panel will not face the river and have no visual impact. Mr. Norton expressed that this was an area that he expected the Commission would have to increasingly address and that this type of application, one panel with no visual impact, was one that the Commission should be approving. Mr. Molla also expressed support for the project. The Commission reviewed the policy on file for solar panels and the Protective Order. Mr. Molla and Mr. O'Leary suggested a Special Permit to approve the project as described. Mr. Simpson supports the project but thinks the

Commission had typically felt that the prohibition against Electrical Generating Units was geared toward larger scale commercial projects. Mr. Head agreed. Mr. O'Leary suggested a record moving forward of what is approvable regarding solar panels would be helpful to future Commissions and some application should be on the record. Mr. Head asked for ideas on expediting an approval. Mr. Molla suggested a conditional approval followed by submission of the appropriate documents. A motion was made and seconded to approve a Special Permit Application for the installation of one 5'-7" x 3'-6" solar panel on the south/southwest facing roof of the outbuilding with no visual impact on the river. The motion was carried unanimously. Subsequently, on March 31, 2021 the Commission determined that a Special Permit Application was not necessary and that a Request for Determination application was sufficient. A motion was made, seconded and unanimously carried that the project as described was an "Allowed Use."

Plans/documents referenced: "Proposed Septic System Repair, 221 River Street, Norwell, Massachusetts, Scale: 1"=30', Dated: June 4, 1998, CCR Associates, Civil Engineers & Land Surveyors, Patrick Roseingrave, P.L.S., P.E."; Photographs dated March 25, 2021

7:30 - Informal Discussion - 31 Island View Circle, Norwell - Lally, Homeowner - Brian Nihill, Representative-General Contractor - Mr. Nihill, General Contractor for the homeowners, described a proposed project to renovate and modify an existing dwelling. He reviewed architectural drawings of the existing structure and contrasted them with sketches of the proposed modifications. He described two additions to the existing structure on the side of the dwelling facing the river. Mr. Head asked if any change in the roof height was proposed. Mr. Nihill indicated some dormer and gable changes but no roof height changes are envisioned. Mr. O'Leary asked whether the Commission had jurisdiction to review in light of the prior history of this property. GW reviewed this history, that the original owner had sued to keep the property exempt from the North River Protective Order and that the case had been settled, allowing construction of two dwellings on the Island to be compliant with the North River Protective Order Regulations but that no further permitting was required with the Commission for their construction. There was confusion at the time about the inconsistency of these two ideas and what authority the Commission had over the property. Subsequent filings for an addition and septic system have been made by the previous owner, suggesting that the owner felt he was subject to the Order. The original deed for the property, created in 1985 and subsequent to the settled lawsuit, and the current deed both contain notice of the property being subject to the Order. The Commission went on to review the engineer's site plan. Mr. Norton pointed out that the additions do not extend beyond the limits of the existing dwelling and that the visual impact is not increased from any viewpoint. Mr. Molla agrees. Mr. Simpson as well. Mr. Simpson asked for details on the driveway apron extension. Mr. Nihill suggested that the owners would like asphalt. Mr. Norton would rather a permeable surface. Mr. O'Leary also asked for a clearer definition of what the apron extension will consist of. Mr. Head asked whether a tree in the extension area will be removed. Mr. Nihill replied in the affirmative and added the tree was dying anyway and that there were no plans to remove any other trees on the perimeter of the extension. Mr. Nihill asked what type of filing he will be required to make. Mr. O'Leary feels a Special Permit Application is necessary. Mr. Simpson asked for clarification. GW explained that the existing structure as it had been built was non-conforming to the required setbacks. Mr. Head agrees that a Special Permit is the appropriate filing. Ms. Leonard asked that the contractor bring architectural drawings to the next meeting to confirm that the roof elevation will not be increased. The Commission asked that a Special Permit Application be submitted for the project as described.

Plans referenced: "Site Plan 31 Islandview Circle, Norwell, MA 02061, Prepared for Gregory & Kathryn Lally, 31 Islandview Circle, Norwell, MA 02061, Scale: As Shown, Dated: March 3, 2021, Brendon P. Sullivan, P.E."; Builder Documents(Floor Plans, Photos, Architectural Sketches) dated March 19, 2021, submitted by General Contractor Brian Nihill, GreenStar Builders

8:00 – General-Old Business

- **Norwell Selectmen Meeting** - Member Tim Simpson reported on his meeting with Norwell Board of Selectmen regarding their interest in our funding difficulties. Mr. Simpson reported that Senator O'Connor, who attended the meeting, is confident in the Commission receiving funding in the short term but is worried about the long term prospects of continued funding. He reported that DCR is under tremendous pressure to cut expenditures. Mr. Molla relayed that the town is still willing to advocate on our behalf in this matter. Representative DeCoste advised that it might be helpful if the town write a letter urging resolution of the matter under the current circumstances.
- **Budget Request/Committee** - Mr. Head suggested that it was time to write another letter asking for action on the promised committee that was to be formed consisting of representatives from the Legislature, the DCR and the Commission to establish a permanent funding structure for the North River Commission. Mr. Simpson reported that Representative DeCoste is still willing to participate in such a committee. The Commission agreed to send a letter to the parties that originally suggested the committee, the Lt. Governor, the Secretary of Energy and Environmental Affairs, the DCR and the local legislators asking that the committee be formed as time is running out in the current fiscal year and no provisions for future North River Commission funding have been made.
- **87 Edmund Road, Marshfield** - Stiles - GW reviewed correspondence regarding this property. The owner was informed of the Commission's denial of his Certificate of Compliance request and that it would entertain a Special Permit application for the shed as constructed. The owner is scheduling an engineer/surveyor to complete a plan but it will not be ready in time to present at the March 25, 2021 meeting.
- **142 River Road, Hanover** - O'Connor - GW reviewed correspondence regarding this property. Owners have been unresponsive to latest attempts to communicate that the Commission is awaiting a Request for Determination application and plan for a dock/pier/float project that was completed without permitting. Commission advised administrator to send letter to homeowner that the property will be on the April 22, 2021 Agenda and that the Commission will be deciding whether to issue a Cease & Desist Order for the dock/pier/float. The owners are invited to attend the meeting and present information that bears on the subject.
- **85 Washington Street, Pembroke** - Cell Tower - Mr. Boulter reviewed the status of the filing with the town. The town is waiting for a report from the Historical Commission before making a ruling. Mr. Head initiated a discussion about whether the Commission should write a letter expressing concern about the visual impact of the tower on users and residents on the river. Mr. Molla suggests that since it is not within the Corridor the Commission should refrain. Mr. Boulter believes that since it is in the viewshed then it should be our concern. Ms. Leonard thinks that even if we don't have authority to stop the tower it is the sort of thing that our Commission should be expressing an opinion about. Mr. O'Leary and Mr. Head agreed. The Commission agreed to write a letter to the Planning Board expressing our concern.
- **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. The Commission agreed to work on compiling information in areas that may concern the Commission when and if the project comes before the Commission for an official hearing.
Plan Referenced: "River Marsh Village Comprehensive Permit Plan (Assessor's Map E-17, Lot O & 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."

Meeting adjourned 9:00 pm
Gary Wolcott, Administrator