

# North River Commission

Representing the Towns of – Hanover, Hanson, Marshfield, Norwell, Pembroke & Scituate  
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## Minutes May 26, 2022 - Meeting #573

Present: Hanson, Donna Frehill (A), Hanover, Daniel Jones (M), Marshfield, Maryanne Leonard (M), Norwell, Tim Simpson (M), Norwell, Robert Molla (A), Pembroke, Bill Boulter (M), Scituate, Joseph Norton (M)

Not Attending: Hanson, Jennifer Heine (M), Hanover, John O'Leary (A), Pembroke, Gino Fellini (A), Scituate, Adria Gallagher (A)

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

#### **7:00 - Request to Release Cease & Desist Order - 142 River Road, Hanover - O'Connor & Rowland**

Ms. O'Connor and Mr. Rowland appeared to request that the Cease & Desist Order against their property at 142 River Road, Hanover for a dock be released. At Mr. Norton's request GW reviewed the circumstances that led to the Order being issued, the subsequent actions that it precipitated and attempts to resolve the matter. He reviewed the initial abutter complaint about the renovation/reconstruction of a dock, the initial meeting between the homeowners and the Commission, the impasse that arose about what the Commission could and did require for permitting, the completion of a plan by GW from measurements made on site by Mr. Boulter and GW and the most recent communications between the homeowners and the Commission that led to the current hearing. Mr. Norton asked if there had been a dock on-site prior to the current project. GW indicated that there was a dock on-site that previous owners had constructed without permitting and that there was no information on file detailing the dock's components. Mr. Norton asked if the prior dock predated the Protective Order. It does. Ms. O'Connor asked to recuse Mr. Jones, believing him unable to be neutral on the matter, alleging trespass on the property and having a vendetta against the builder of the property. Ms. Leonard replied that Mr. Jones was a valuable member of the Commission and that his opinion was of value to the Commission. Mr. Rowland noted that Mr. Jones had stated to him that Mr. Jones had "a bone to pick with the previous owner of our house." Ms. Leonard asked how long the applicants had owned the property. Ms. O'Connor replied that they bought the property in March 2020. Ms. Leonard inquired if the dock was there when they purchased the property. Ms. O'Connor noted it was but that it was damaged shortly thereafter by a storm that left the float in two pieces. She indicated that they replaced the float with another one and made the ramp safer, stating these were the only things they did. Ms. O'Connor referenced a discussion from the initial meeting about permanent versus non-permanent structures and argued that the dock/gangway constructed was not a permanent structure that was subject to the Protective Order. Mr. Norton believes that the float is a "river structure" that does fall under the Order. Mr. Rowland questioned whether that referred to piles in the river and Mr. Norton does not think it does, as he believes it relates to whether something in the river could be considered a hazard to navigation. Mr. Rowland states he does not believe this to be the case as they are 11.5 miles upstream and the only boats he sees are his neighbors. GW interjected to inform that the discussion of permanent structures came up at the last meeting in the context of what the State's requirements were for a Chapter 91 license. Ms. O'Connor agrees that is how the discussion began but that she believes that the Commission went further, agreeing that their dock was not a permanent structure. Mr. Molla believes that piers are considered permanent structures but floats are not. GW clarified that there wasn't a pier but a gangway from a ramp onshore that landed on the float. Ms. Frehill asked how people got to the gangway and the float. She

wanted clarification of the nature of the controversy, whether it was the float or the dock/gangway that was at issue. Ms. O'Connor reviewed the complaint of the abutter, implying that it was exaggerated. She states that they had not constructed a "monstrosity" and that the work was not being done under cover of darkness; rather they only had the services of a contractor for a day and that the work had begun in daytime hours and continued until its completion after nightfall. Mr. Rowland described the nature of the ramp/gangway/float complex and provided photographs for the Commission's review. The members reviewed the photographs. Ms. Frehill asked if the reconstructed ramp/gangway/float is larger than it was before. Mr. Rowland said it was not. Mr. Jones disagreed. He states that he measured all of the abutting and nearby floats. He found that floats on the Hanover side, beginning from upstream to the west, measured 8 x 16, 10 x 10, 8.5 x 10, 10.4 x 14, 10.4 x 10.4, while the one constructed by the applicants was 10 x 20. Mr. Rowland asked how big is the one on the Hanover side of the bridge that he observes Mr. Jones using. Mr. Jones stated he does not have a dock and the one he uses is a neighborhood dock. Mr. Norton asked what size the float directly across from the abutters was. Records indicate it is 10 x 14 and Mr. Jones' measurements confirm. Mr. Rowland showed another photo of the area and challenged the Commission to point out the "huge" float that is blocking the river. Mr. Jones stated that the Commission is not accusing the applicants of blocking the river. Ms. O'Connor referenced that the complaint did. Mr. Jones explained that he felt that the Commission had the ability to maintain some standards of what was put in the river and that it had for many years reviewed float sizes. He further stated that many other homeowners had gone through a process with the State and the Commission to get their projects approved and that the applicants should also. Mr. Rowland believes that they have done so at the initial meeting. Mr. Jones would prefer a smaller size float. Mr. Norton noted bigger ones had been approved for community use. Ms. Leonard explained that while residents along the river were certainly entitled to have a dock at the residence, it was common practice that filings were made to the Town and to the Commission when projects are proposed along or in the river and that even "Allowed Uses" had design standards that had to be met and that it was important that both applicants and the Commission understood and agreed what those standards were. Further she mentioned that situations that occurred like the current one, where a complaint was filed, could have been avoided by improved communication. Ms. O'Connor stated she reviewed the Protective Order and determined that their project to repair the dock was an "Allowed Use." She suggested that the order should clearly indicate that it is a requirement to apply with the Commission even for seemingly allowed uses. Ms. O'Connor believes that they have taken necessary steps with the Commission to resolve the situation. Mr. Rowland reviewed the measurement of the ramp/gangway/float by GW and Mr. Boulter. It was his belief that there was an agreement with the Commission that this plan would suffice for a Determination of Allowed Use. Ms. O'Connor noted that the other dock/float projects on the Hanover side of the river had not been permitted with the Commission and feels there is a distinction between them and projects on the Pembroke side of the river where pilings were used in the marsh. Ms. O'Connor reiterated that they felt they had done what was required and felt that the Cease & Desist Order should be lifted. Ms. Leonard indicated the Commission's appreciation for them coming to the meeting and acknowledged there had been some misunderstandings. Mr. Norton asked what needed to be done to get the Cease & Desist Order lifted. Mr. Molla thinks the Commission needs to determine that the structure was a permitted use. Mr. Jones agrees that docks and floats are permitted uses but feels some standard of float size is required. Mr. Molla suggests that an application for a Determination of Allowed Use be made and then a Request to Release the Cease & Desist Order. Mr. Boulter stated that the inability of the applicants and the Commission to get together since mid 2020 left the Commission with few choices for resolution of the matter without issuing a Cease & Desist Order. He does not believe that the project is a hazard to navigation. Mr. Boulter stated his only objection is that the float is bigger than the Commission would like to see and asked if there was any way the float size could be reduced. Mr. Rowland stated there is a 24' long boat alongside and asked what difference the length of a float that was shorter than the boat would make. Mr. Boulter acknowledged that float size limitations are not delineated in the

Order. Ms. Leonard asked if there was an application on file for a Request for Determination for the dock. There was. Mr. Molla agrees with Mr. Boulter that there is nothing in the Order that regulates the size of floats. He recommends the Commission accept the plan drawn by GW and the Application for a Determination of Allowed Use and that the Commission act on that application and Request for Release. Ms. Leonard asked for additional comments from the members. Mr. Jones would like a smaller float and disagrees with characterizations that the size of the float is unchanged from the pre-existing float. Mr. Norton and Mr. Simpson note that it is difficult to be certain of the prior float size without any documentation. Ms. Leonard suggested that the Commission review a Request for Determination application and then the Request for Release of the Cease & Desist Order. A motion was made and seconded to Determine that ramp/gangway/float project as depicted on the plan presented was an "Allowed Use." By a 4-0 vote with Hanover member Dan Jones abstaining the motion carried. A motion was made and seconded to release the Cease & Desist Order against 142 River Road, Hanover. By a unanimous 5-0 vote the motion carried.

### 7:15 - New Business

1. Minutes approved for April 28, 2022 meeting.
2. Administrators Report - Administrator Gary Wolcott (GW) reported on...
  - Lots 62-55, 62-56, Stony Brook Lane, Norwell - Forwarded Determination of Allowed Use letter to applicant and/or representative.
  - 224 Water Street, Pembroke - Forwarded Determination of Allowed Use letter to applicant and/or representative.
  - 2205 Main Street, Marshfield - Received a plan from Morse Engineering proposing the resurfacing of an existing asphalt driveway. After consultation with Chair and Vice-Chair, GW sent a letter asking the applicant to appear to discuss the project and ensure that the site design standards were being met. The applicant believes that the project is an "Allowed Use" that does not require any filing or meeting with the Commission. GW reviewed before and after drone photos that show the repaving (now completed) does substantially match the previous pavement. The Commission discussed and suggested that when inquiries of this nature are made in the future it would be best to have plans of the project for the file and all attempts made to have the resident come in to discuss the projects so both the homeowner and the Commission understand and agree what is required.
  - Hanson, Marshfield Alternate Vacancies - Letters were sent to the Towns of Hanson and Marshfield asking them to nominate Alternate Members to the North River Commission. The letters included job description for the position of Commissioner. The information about the openings was also posted to the NRC and NSRWA websites. Hanson has nominated Donna Frehill and she appeared and was introduced at this meeting.
  - 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 for dock project, 64 Little's Lane, Conservation Commission for dock project, 2205 Main Street, Conservation for driveway repaving project, 0 Edmund Road, ZBA for Dock Project, Norwell, Lots 55 and 56 Stony Brook Lane, Conservation Commission and Planning Board for house construction, 77 Kings Landing, Conservation Commission for COC request, 35 Blockhouse Lane, Planning Board for review of Chapter 91 Dock License
  - Real Estate transactions in the Corridor - 7 Barry's Landing, Scituate, 22 Barry's Landing, Scituate - Welcome letters sent.

- Site Visits - 64 Little's Lane, Marshfield - With Marshfield Conservation Commission and Harbormaster for consultation on dock that NRC had previously approved. The Harbormaster requested that the float be located an additional foot further into the river to provide more water under the float at low tide. Plans demonstrating the revision will be forwarded to the Commission.
- Office Relocation - Has been completed.

#### 7:30 - Old Business/General/Open Discussion

- **By-Law Review** - The Commission reviewed the possibility of adding supplemental regulations to the by-laws. Mr. Molla suggested that there is a requirement for public hearings about them with votes to approve/disapprove. Mr. Boulter suggests that increase dock regulations would be helpful and that tracking of floats by a numerical system would be beneficial as well. Ms. Frehill suggests that the width of the river at any proposed dock/float project and boat size should be factors considered for permitting. GW reminded the Commission that there was a list of "guidelines & policies" that the Commission had developed over the years that could be a starting point for consideration of additional regulations. GW will provide it to members for an initial prioritizing review at the next meeting.
- **Funding for Fiscal Year 2023** - Ms. Leonard reviewed recent developments regarding the Fiscal Year 2023 Budget. Sam Woods of NSRWA has been in touch with Senator O'Connor about the status of the funding request and has received assurances but nothing has been finalized yet. Ms. Leonard will follow up.
- **Boat Patrol** - Ms. Leonard updated the status of the Boat Patrol. Although there has been tentative agreement to have Marshfield Harbormaster patrol the river for a fee, nothing has been finalized. Ms. Leonard will follow up. Mr. Boulter reported that Pembroke Police has obtained a new boat and there is a possibility that they will be performing additional patrols on the river as well.
- **Budget Review** - GW reviewed the current budget and reported that all spending and expenses are in line with projections and that only a nominal amount will remain at the end of the fiscal year.

Meeting adjourned 8:0 pm  
Gary Wolcott, Administrator