

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 Email: northrivercom@gmail.com

Minutes November 18, 2021 - Meeting #567

Present: Marshfield, Maryanne Leonard (M), Norwell, Robert Molla (A), Pembroke, Bill Boulter (M), Pembroke, Gino Fellini (A), Scituate, Joseph Norton (M),

Not Attending: Hanover, Daniel Jones (M), Hanover, John O'Leary (A), Hanson, Jennifer Heine (M), Marshfield, Christopher Head (A), Norwell, Tim Simpson (M), Scituate, Adria Gallagher (A)

7:00 - Call to Order

1. Minutes approved for November 4, 2021 meeting.
2. Administrators Report - Administrator Gary Wolcott (GW) reported on...
 - Special Permits signed by Commission members for 134 Riverside Drive, Norwell and 14 Damon's Point Road, Marshfield.
 - Recent correspondence/communication- a. Earmark processing is complete; the allocated funds for the 2022 Fiscal Year budget have been transferred. b. Member Dan Jones has contacted an attorney about providing legal counsel to the Commission in the event that Department of Conservation and Recreation is unable or unwilling to do so. c. **87 Edmund Road, Marshfield**, Communicated with resident at 87 Edmund Road, Marshfield regarding the December 16, 2021 Agenda. Resident has an obligation and asks that the Commission schedule his discussion at 7:00 P.M. The Commission is willing to rearrange the Agenda and hear the Administrator's report after the hearing. GW will inform the resident.
 - Site Visits - a. **61 Bridge Street, Norwell** - GW visited the site to review the homeowner's Request for Certificate of Compliance for two projects' compliance with Special Permits b. **88 Old Bridge Road, Hanover** - Bill Boulter and Robert Molla visited the site to view the resident's proposed tree cutting project.
 - 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.
Pembroke, River Marsh 40B project, ZBA, 85 Washington Street Cell Tower, Planning Board.
Norwell, 16-22 Salt Meadow Lane, Conservation Commission for ongoing clearing and filling and proposed boat storage/garage.
 - Real estate transactions in the Corridor - None.

7:15 - Request for Determination - 23 Neal Gate Street, Scituate - Siegel - Paul Gunn of Morse Engineering Co., Inc. appeared for the applicant to present a project to raze and rebuild an existing dwelling. Mr. Gunn described the project in detail, explaining the existing conditions of the site and the location of the dwelling in relation to the natural bank of the river. There is no frontage on the river for this property. Mr. Gunn described the size of the existing structure and its setback from the river demonstrating its current compliance with the protective order's site design standards. The applicant proposes a 119' long dwelling with a 245.9' setback to the river which is also in compliance with site design standards. The height of the proposed structure is 35'. No removal of vegetation on the site is proposed.

Mr. Norton asked for clarification of the 300' Corridor line and it was given. Ms. Leonard asked Mr. Gunn to elaborate on the location of the existing dwelling in relation to the proposed structure as its location was difficult to discern on the plan shown. Mr. Gunn did so. Mr. Gunn reviewed the architectural plans showing the view of the dwelling from the river. A motion was made and seconded to determine that the proposed project was an "Allowed Use." The motion was approved unanimously.

Plans/Documents referenced: Engineering: "Plan to Accompany NRC Filing, 23 Neal Gate Street, (Assessor's Parcel: 57-2-1A), Scituate, Massachusetts, Scale: 1" =20', Dated: 11-2-21, Morse Engineering Co., Inc., Gregory J. Morse, P.E." Architectural: "New Single Family Residence for Mr. & Mrs. Siegel and Family at: 23 Neal Gate Street, Scituate, MA, Scale: As Noted, Dated: 10-7-21, last revision 11-15-21, Jonathan C. Aprea, Registered Architect."

7:30 - Request for Determination - 76 Carolyn Circle, Marshfield - Gomes - Terry McGovern of Stenbeck & Taylor appeared for the applicant to present a project for the construction of a pier, kayak rack, deck, gangway and float. Mr. McGovern discussed the details of the proposed dock project explaining its proposed location inside an existing treeline along the western property boundary. He explained that the proposed dock would cross a non-navigable creek and the salt marsh on the far side of the creek before accessing the river opposite some seasonal floats associated with Roht Marine. Mr. Roht has agreed to relocate the float directly in front of the proposed location of Mr. Gomes' float. Mr. McGovern noted that the next nearest floats were 56' and 98' respectively from the proposed float and together with the proposed float would not hinder navigation. Mr. McGovern noted that the dock is to be shared with 70 Carolyn Circle and that this is the reason for the proposed 2-8'W x 20'L floats. Mr. McGovern noted that the particulars of the dock design are in compliance with the Protective Order, citing the height and construction materials proposed. He further proposed a canoe/kayak rack near the end of the dock. He reviewed the status with other agencies including Marshfield Conservation Commission, DMF and DEP. Mr. Fellini asked how wide the river was at this location. Mr. McGovern estimated less than 200'. Mr. Fellini asked whether the navigable channel would be affected and Mr. McGovern stated that it wouldn't and that the float was located less than 15' from the mean low water mark. GW indicated that Mass GIS indicates that the width of the river is near 340' at this location. Ms. Leonard noted that the Commission typically preferred floats somewhat less in length that was proposed here. Mr. McGovern explained that the applicant's hope was to match the length of the existing Roht float now directly in front of the proposed Gomes float with the added benefit that it would be closer to the bank than the float currently there. Mr. Norton asked how far the float was from the high water mark and Mr. McGovern estimates 30 ft. Mr. Norton further questioned the 40' gangway. Mr. McGovern explained that some of that length is onshore as the end of the dock is short of the steep edged salt marsh in an attempt to prevent calving and erosion of the salt marsh. Mr. Boulter asked what size boats the dock would accommodate. Mr. Gomes said he had a 25 footer and Mr. Ahl was expecting a similar sized boat. Mr. McGovern stressed that what they were proposing was nearer the natural bank than anything else nearby that was currently in the river. Ms. Leonard asked about the ladders proposed and Mr. McGovern replied that they were a state emergency access requirement. Mr. Boulter asked for clarification about the kayak rack location and it was given. Mr. Norton expressed concern about the 40' gangway and 8' float extending nearly 50' into the river. Mr. McGovern thought that the gangway may be shortened. Mr. Boulter suggested that at 50' at high tide the float would be in the navigable portion of the river. Mr. McGovern acknowledged this but stressed again that the proposed would be inside anything else out there. Mr. Boulter noted that some boaters navigated inside the location of the Roht floats as it was navigable. Ms. Leonard asked whether the structure could be made smaller. Mr. McGovern suspects that Marshfield Conservation Commission will be asking the same thing and that he can consider the request in light of what Marshfield asks. Ms. Leonard asked if they could get to a number tonight that the Commission can vote on. Mr. Fellini asked what size the abutting

docks were. Mr. McGovern noted one had a 60' long float. Mr. Fellini asked for the difference in draft between low and high tide and Mr. McGovern estimates 7 or 8 feet. Mr. Molla noted that all the docks on the river seemed to be getting longer and that there were gang floats on the river as long as 70 or 80 feet. GW looked at abutting docks and found that none of the floats for the six residential docks looked at were shorter than 20 ft. The Commission looked at how far out from the natural bank abutting docks extended. GW reported that abutting floats were located 58', 39' and 79' from the natural bank according to Google Earth measurements. Mr. Norton suggested that Marshfield Conservation comments would be helpful. Mr. McGovern is okay with the Commission putting off any decision until he has had a chance to hear, consider and incorporate the comments and concerns of the other approving agencies. A motion was made and seconded to continue the hearing to a later date. The motion was passed unanimously.

Plans/Documents referenced: "Plan Accompanying Petition of Gabriel & Helene Gomes for Construction of footer and a Private Dock at 76 Carolyn Circle, Marshfield, MA 02050 for Access to the North River, Scale: As Noted, Dated: November 4, 2021, Stenbeck & Taylor, William J. McGovern, P.L.S."

7:45 - Request for Determination - 88 Old Bridge Road, Hanover - Tyack - Peter Tyack appeared to discuss the removal of trees within 100 feet of the Natural Bank of the North River. Mr. Tyack explained that the house was built before the creation of the Protective Order and is itself within 100 ft. of the river. Mr. Tyack described how a stand of oak trees were hanging over his house. Mr. Molla stated that he and Mr. Boulter had visited the site. Mr. Norton asked if the entire stand of oaks was threatening the house or just one tree. Mr. Tyack confirmed that it was only one of the oaks that would need to be removed. He continued to explain that there were 5 pine trees on the street side of the house and a black cherry tree behind his garage that he was advised were a threat that should be removed. In response to Mr. Norton's question about the location of the pine trees Mr. Tyack explained that they while they were within 100 ft. of the natural bank, they were on the street side of the house and that their removal would not change the view from the river. Mr. Boulter noted that some trimming of some branches on two trees near the roadway would be necessary to allow access for a tree removal crane. Mr. Tyack confirmed this. A total of nine trees will be removed/trimmed. A motion was made and seconded to determine that the proposed project was an "Allowed Use." The motion was approved unanimously.

Plans/Documents referenced: "Narrative, annotated site photographs and annotated abstract from on-file septic project plan."

8:00 - General-Old Business

- **61 Bridge Street, Norwell** - GW reviewed the applicant's request for a Certificate of Compliance, the as-built plan and his site visit for the Commission. The two additions were determined to be in compliance with the design plans submitted with the Special Permit Applications. A motion was made, and seconded, to issue a Certificate of Compliance for Special Permit 3/05. The motion to grant the Certificate of Compliance was carried unanimously. A motion was made, and seconded, to issue a Certificate of Compliance for Special Permit 5/07. The motion to grant the Certificate of Compliance was carried unanimously.
- **River Moorings** - Mr. Simpson is coordinating with the Norwell Harbormaster on this issue and will report his findings at the December 16, 2021 meeting.
- **142 River Road, Hanover** - GW reviewed a site visit that he and Mr. Boulter made to measure the ramp, gangway and float at 142 River Road. Members discussed the project and have several questions about whether the project has complied with the Protective Act. Additional analysis will be undertaken.

- **Osprey Nest** - Mr. Molla noted the construction of an osprey nest off Stony Brook. GW has dated information from the Norwell Conservation Commission about its construction in conjunction with a project to remove a cottage from town owned land (Assessors Map 16D-Block 62-Lot 69). The cottage removal project was approved while the construction of the osprey nest was noted but to be completed at some time in the future. The location and material nature of the osprey nest were described by a narrative at the time of the cottage project. Mr. Molla noted that these factors have been modified since the initial submission of information. GW will follow up with Norwell Conservation Commission for updated information.

Meeting adjourned 9:30 pm
Gary Wolcott, Administrator