

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 November 19, 2020 - Meeting #554

(Meeting conducted via Zoom Video Conferencing)

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

7:00 - Call to Order

1. Minutes approved for October 22, 2020 meeting.
2. Administrators Report - Administrator Gary Wolcott(GW) reported on and the Commission discussed...
 - a. Recent correspondence.
 - Thank you letters sent to Legislators, State Executives, Corridor Towns, NSRWA and Trustees for their advocacy on our behalf.
 - 45 Cedar Point, Norwell beginning construction on approved pier/dock/float project.
 - Received As-Built Plan for RFD Dock Project at Tanglewood Club, Edmund Rd., Marshfield.
 - Received complaint about tree cutting on Harbor Lane, address found to be outside the corridor, no violation.
 - b. Real Estate Transactions in the Corridor - Welcome letter sent to new homeowner at 64 Moorland Road, Scituate.
 - c. Municipal filings from Corridor towns that overlapped with past, ongoing and projected future NRC business.
 - d. Field Work - Measurements made at 25 Washington Street, Hanover to plot location of existing fences on plans on file. Recorded Release of Cease & Desist Order for subject property. Inspection of completed Special Permit work at 22 Damon's Point Circle, Marshfield.
 - e. Ongoing Budget matters. Reviewed state of Budget Request.
3. Reviewed Certificate of Compliance Request for Special Permit 1/18 at 22 Damon's Point Circle, Marshfield. The Commission voted unanimously to accept the As-Built plan and to issue a Certificate of Compliance.
4. Committee appointed to review Boat Patrol feasibility and budgeting. Members J. O'Leary and B. Boulter appointed, T. Simpson and R. Molla to assist, GW to provide administrative support.
5. Committee appointed to review Regular Member/Alternate Member voting policy, R. Molla appointed, GW to provide administrative support.

7:15 - Special Permit Hearing - 16 Barry's Landing, Scituate - Gail Meehan - Applicant/Homeowner, Representatives - James Garfield, Morse Engineering Co., Inc., Julie Johnson, Custom Home Designs - Mr. Garfield presented a project to add a sun porch and garage to an existing dwelling, the garage attached to the dwelling by a covered porch. The project will also expand the existing asphalt driveway to service the proposed garage. Mr. Garfield described the location of the additions to the dwelling and indicated the setback distances to the Natural Bank of the river, the sun porch to be 177' from the bank and the garage to be 232' from the bank. He described the visual impact increase as seen from the river as an additional 13.2' for the sun porch and a further 1.5' for the garage which is situated mostly behind the existing dwelling. Mr. Jones asked for clarification on the width of the visual impact of the existing dwelling. Mr. Garfield explained the existing visual impact was 70.5' and the additions would increase this width to 85.3'. Mr. Jones asked where the setback to the river was measured from, suggesting a corner of the deck. Mr. Garfield identified a grayscale line on the plan from the corner of a deck that annotated the setback distance as 171.6'. Mr. Head asked GW if any prevailing primary view had been determined in the past.

Nothing in the file suggests a prevailing view had ever been previously determined. Ms. Leonard asked what the frontage on the river was. Mr. Garfield indicated 118'. Mr. Simpson asked why a Special Permit is sought rather than a Request for Determination. Mr. Garfield is acting under the assumption that an addition within the 300' Corridor required a Special Permit. Mr. Head and Mr. Simpson think a Request for Determination is all that is required. Mr. O'Leary asked whether a comparison of visual impact should be considered and asked Mr. Garfield to expound on the height of the additions. Mr. Garfield asked the architect to answer. Ms. Johnson described the garage and that the peak of the roof was 25'10" from existing grade. She indicated the sun porch was single story with a hip roof. As there is a walkout beneath one portion of the sun porch she described two heights, 18' at the exposed side to the river and 23'1" in the area of the walkout. Mr. Head asked for clarification of the existing elevation on the river facing side of the house. Ms. Johnson explained that the elevation was consistently around el. 34 and el. 35 around the deck facing the river and the easterly and northerly facing sides of the house. It was only around the walkout on the westerly side of the house that the elevation dipped to el. 29 for the access to the basement. She pointed out the existing retaining walls that helped maintain this elevation difference. To Mr. O'Leary's point, Mr. Head explained that the percentage increase analysis was typically applied when the Commission was considering a Special Permit for a pre-existing non-conforming structure. As it was becoming apparent the structure was compliant and that a Special Permit was not required for this application the analysis was not warranted. The Commission then considered whether a Special Permit was required. Mr. Jones asked for the height of the existing dwelling to confirm it was not non-conforming as it currently exists. Ms. Johnson indicated the existing dwelling roof peak was 33' high. The Commission agrees that the house as it exists is compliant and the addition does not require a Special Permit. Mr. Jones moved and Ms. Leonard seconded that a Special Permit was not required. The Commission voted unanimously that the project did not require a Special Permit and that a Request for Determination was appropriate. Ms. Leonard moved and Mr. Fellini seconded that the project as described was an "Allowed Use" under the Protective Act. The Commission voted unanimously that a Determination of "Allowed Use" be issued for the project.

Plans referenced: "Plan to Accompany NRC Filing, 16 Barry's Landing (Assessor's Parcel: 57-2-3-B), Scituate, Massachusetts, Scale: 1"=20', Dated: 10/5/20, Last Revision dated 11/2/20, Morse Engineering Company, Inc, Gregory Morse, Registered Professional Engineer"; "Meehan Garage/Sun Porch, 16 Barry's Landing, Scituate, MA 02066, Scale: 1/8"=1'-0", Dated: October 4, 2020, Custom Home Designs, Julie Johnson, Architect."

7:30 - Informal Discussion - Phragmite Removal - Residents Brendon McCarthy, Damon's Point Road, Marshfield and Monique Souza, Meadowbrook Road, Norwell were looking for information and guidance on phragmite removal from their properties. Members of the Commission acknowledged that phragmite removal is an "Allowed Use" provided that correct practices are maintained during their removal. The residents were advised to contact their respective towns' Conservation Commissions for their requirements. It was expected that the Conservation Commissions and the Department of Environmental Protection would require a Notice of Intent filing. The North River Commission would require a Request for Determination for the phragmite removal once plans and methods had been determined. Members discussed various methods of removal that they were aware of and provided information regarding Wetland Specialists and Companies that were known to provide phragmite removal services.

Meeting adjourned 8:30 pm

Gary Wolcott, Administrator