

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,
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Minutes November 4, 2021 – Meeting #566

(Rescheduled from October 28, 2021 meeting that was canceled due to power outage.)

Present: Hanover, Daniel Jones (M), Norwell, Tim Simpson (M), Norwell, Robert Molla (A), Pembroke, Bill Boulter (M), Scituate, Joseph Norton (M), Scituate, Adria Gallagher (A)

Not Attending: Hanover, John O'Leary (A), Hanson, Jennifer Heine (M), Marshfield, Maryanne Leonard (M), Marshfield, Christopher Head (A), Pembroke, Gino Fellini (A),

7:00 – Call to Order

1. Minutes approved for September 23, 2021 meeting.
2. Administrators Report – Administrator Gary Wolcott (GW) reported on...
 - Recent correspondence/communication- a. Massachusetts Department of Transportation responded to our communication about scaffolding, rope swing and graffiti under the **Route 3 bridge on the Pembroke/Norwell line**. They have removed the scaffolding and rope swing and painted over the graffiti. b. **202 CJC Highway, Scituate**, Email communications with Scituate Conservation Commission about whether the address was in the North River Corridor. It is not. It is in the section along the river that the town of Scituate reserved from the Order at the time of the Order's enactment. Maps illustrating this were provided to the Conservation Commission. c. **Edmund Road, Marshfield**, Information received from Marshfield Conservation Commission about an unpermitted dock between 87 Edmund Road and the Tanglewood Club dock that is owned by 65 Edmund Road, Marshfield which property is, itself, outside the corridor. d. Responded to an inquiry from an across the river abutter to wooden structures sticking out of the bank along **Cedar Point, Norwell**. GW made several visits to the site and recorded some drone imagery and photographs of the site. Additional research and information from local sources indicate that the wooden poles observed may be the remains of "corduroy roads" constructed along this stretch of the river or remains of the harvesting operation at **Cedar Point** where the cedar poles were logged. Similar remains have been witnessed slightly upstream as the bank along the northern shore as it has eroded. The roads were constructed in the 1800's and assisted traction over swampy or marshy terrain for oxen pulling watercraft in the river. e. The applicant for a COC at **87 Edmund Road, Marshfield** has requested to be placed on the agenda of the December 16 meeting. f. **49 Collier Road, Scituate**, regarding the Commission's determination that a structure greater than 35' in height was not an allowed use. GW attempted to contact general counsel at the Department of Conservation and Recreation to get a report on the appeal that the applicant had made to them. No answer at the office phone number as workers are working remotely. Left message which has, to date, gone unreturned. g. Communications received from NSRWA that the earmark process releasing funds for the Fiscal Year 2022 North River Commission budget has begun. NSRWA has received and completed the necessary paperwork and the funding is expected imminently. h. Regular communication between applicants and their representatives regarding scheduling on the Agenda and rescheduling due to postponement of the October 28, 2021 meeting due to a storm and power outage.

- Site Visits - a. **Packets Landing, Pembroke** - Mr. Boulter, Mr. Fellini, Mr. Molla and GW viewed the site. It is a community parcel for the condo association where the residents propose access to the river for Canoe/Kayak launching. Members discussed the required permitting and suggested that there were Conservation Commission issues that needed to be addressed as well. The association will follow up as necessary if the proposal is pursued. b. **16-22 Salt Meadow Lane, Norwell/Scituate** - GW met on site with Norwell and Scituate Conservation Commission agents and members, the applicant and his environmental scientist to discuss the clearing and fill already occurring and the proposed construction of a boat storage/garage. GW informed those present of North River Commission jurisdiction and permitting requirements as they correlate with the Towns' approving authorities. Applicant and his representative will incorporate the items discussed on a plan that addresses the Towns' and the NRC's requirements. c. **98 Meadow Brook Road, Norwell** - Mr. Boulter, Mr. Jones and GW viewed the site with the applicant for the RFD application on the current Agenda. d. **134 Riverside Drive, Norwell** - Mr. Jones, Mr. Boulter, Mr. Norton, Mr. Molla and GW viewed the site with the applicants and their environmental representative for the Special Permit application on the current agenda. e. **14 Damon's Point Road, Marshfield** - Mr. Boulter and GW viewed the site with the applicant for the Special Permit Application on the current agenda. f. **142 River Road, Hanover** - Mr. Boulter and GW met on site with the homeowner to measure the existing ramp, gangway and float.
- Recent municipal filings of Corridor properties - Projects previously reviewed, currently under review or expected to come under review by the North River Commission.
Hanover, 102 River Road, Conservation Commission for the NRC approved dock repair project.
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 - 46 Cedar Point, Norwell, 69 Bartlett's Island Way, Marshfield - Welcome letters sent to the new property owners.

7:15 - Special Permit Application - 134 Riverside Drive, Norwell - Ting Chong - Steve Ivas, Ivas Environmental appeared for the applicant to present a project for the construction of a deck, miscellaneous landscaping elements and the removal of five stressed trees within 100 ft. of the Natural Bank of the North River. Mr. Ivas described the project in detail, proposing to construct a raised deck and gravel patio in the rear of the house within an existing cleared portion of the property, replacing rotting timber retaining walls with modular block and removing five stressed trees. The proposed deck is 16 ft x 32 ft and will be constructed over a 16' x 62' gravel patio. A silt sock erosion control line is proposed around the proposed work. The project has approval from the Norwell Conservation Commission. A portion of the arborist's tree assessment was read aloud by Mr. Ivas to demonstrate the failure rate of the trees proposed for removal and the hazard that they posed to the residence. The arborist recommends removal of the designated trees. Members of the Commission who visited the site confirmed this analysis. Mr. Ivas noted that although the Natural Bank (in this instance, the rearward edge of the salt marsh) was within 100 ft of the proposed deck construction, the actual navigational channel of the river was approximately 1000 ft away and separated from the locus property by an island and vegetation that blocked any view of the residence. Mr. Boulter stated that he measured this distance as well and that Mr. Ivas is correct.

Members viewed and discussed a visual impact plan/photo that depicted the proposed work on an image of the existing dwelling. They noted that the proposed work was contained within the existing length of the structure and that no additional visual impact was created beyond the existing limits. Members that had visited the site (Mr. Molla, Mr. Norton and Mr. Boulter) commented favorably on the project. A motion was made and seconded to approve the Special Permit Application. The motion was approved unanimously. Plans/Documents referenced: "Site Plan 134 Riverside Drive, Norwell, MA, Scale: 1" = 20', Dated: August 24, 2021, last revision dated September 14, 2021, Prepared for Stewart Ting Chong, Merrill Engineers and Land Surveyors, Deborah W. Keller, P.E.": Visual Impact Photographs with annotations; Arborist Tree Assessment, Top Notch Tree, Inc., Jeffrey Van Meter.

7:30 - Request for Determination - 98 Meadow Brook Road, Norwell - Souza - Philip Souza appeared to present a project for the construction of a stone retaining wall and raised sitting area. He proposes that a fieldstone retaining wall be constructed to connect with an existing stonewall to create a sitting area. The proposed wall will project 22 feet from the existing wall and then include a 4 ft radius arc. The wall will accommodate the existing topography by increasing in height as it moves further away from the dwelling. At the point where the proposed wall meets the existing stonewall the elevation will disappear into the existing slope. At the apex of the arc the wall will be 4 ft high. At this point the wall will be 82' from the Natural Bank (the rearward edge of the marsh.) Mr. Boulter noted that similar projects, structures within 100 ft of the Natural Bank, are routinely deemed not an Allowed Use and suggested that perhaps the applicant could pull the project back to greater than 100 ft from the bank. Mr. Jones asked how far the existing stonewall was from the Natural Bank. GW provided an older plan from the file that included the location of the 100' setback to the marsh and the location of the existing stonewall. Members reviewed the plan and thought that a Special Permit Application might be more appropriate if they had additional information about the location of the dwelling on the lot and whether it was non-conforming. The presented photos with annotations preclude this type of review. Mr. Norton asked for clarification of the location of the wall in relation to the existing wall and thinks that maybe there is room for some modification that would meet the 100' setback and not require a Special Permit. The applicant is not sure that is possible. Mr. Simpson asked for overall dimensions of the proposed area. GW read the description from the contractor that the wall "will come out 22 ft and then have a 4 ft half circle." The members suggested that Mr. Souza try to revise the plan to stay outside the 100' setback or, in the alternative, file a Special Permit Application that would include detailed engineering plans that would provide the information necessary to interpret the proposal in light of the Protective Order's site design standards. Mr. Molla suggested providing Mr. Souza with a copy of the plan on file that was discussed during the meeting so that he could use it to revise the project to scale for more accurate analysis. Mr. Souza will examine alternatives. Plans/Documents referenced: Applicants photographs with annotations; "Subsurface Sewage Disposal Plan, 98 Meadow Brook Road, Norwell, MA, Dated: January 13, 2009, Scale: As Noted, Grady Consulting, LLC

7:45 - Special Permit Application - 14 Damon's Point Road, Marshfield - McCarthy - Paul Gunn, Morse Engineering Co., Inc. appeared for the applicant to present a project for the proposed reconstruction/deck addition to an existing dwelling and re-construction of a patio within 100 ft. of the Natural Bank of the North River. Mr. Gunn described the existing conditions on the site and how the proposed project would alter these. He stated that the overall length of the structure as seen from the river would increase by seven feet, from 66.6' to 73.6' and that the setback to the Natural Bank would be reduced by 2.9 ft, from 84.9' to 82.0'. No work is proposed on the house itself; all the work is exterior. No removal of vegetation is proposed; all of the work is proposed in pre-disturbed areas. Mr. Boulter shared photos that he had taken on a site visit with the other members of the Commission. Mr. Simpson asked about elevations of the additional deck. Mr. Gunn reviewed the architectural drawings showing how the existing deck is actually somewhat higher than the reconstructed one will be. Mr. Norton asked if the additional deck accounted for the reduction in setback. Mr. Gunn confirmed that the 2.9' difference he cited is from one of the deck

corners. Mr. Norton also asked for clarification of the difference in length between existing and proposed which was given. Mr. Jones noted that the measurement for the existing length of the structure should have included steps on the rear corner of the dwelling that would have increased the overall length, which in turn reduces the difference in length between existing and proposed. Mr. Gunn confirms that this inclusion of the steps makes the difference a minimal distance. Mr. Boulter noted that the site was at the end of Macomber's Creek and that there was a long way before you came to the navigable channel of the river. A motion was made and seconded to approve the Special Permit Application. The motion was approved unanimously.

Plans/Documents referenced: "Plan to Accompany NRC Filing, 14 Damon's Point Road, (Assessor's Parcel F18-3-17), Marshfield, Massachusetts, Scale: 1" = 20', Dated: September 21, 2021, Applicant: Brendon McCarthy, Morse Engineering Co., Inc., Jeffrey M. Hassett, P.E."; Architectural Rendering, Rear Elevation

8:00 - Informal Discussion - 68 Brigantine Circle, Norwell - Tuzik - Robert Tuzik appeared to discuss what permitting is required for construction of a fence. He is interested in constructing a cedar fence along his property line. Mr. Tuzik showed the Commission some photos of the existing conditions of the site and the location of a post and rail fence along the property line which his proposed fence would mirror. He also showed a plot plan of his lot showing the location of the dwelling. His lot abuts Shipyard Park, a communal property owned by Barque Hill Association from which he would like to create some privacy. Mr. Norton asked for particulars on the fence. It will be made of cedar and remain a natural color. Mr. Molla asked if the fence would face the river. It will not. It will be perpendicular to the river. The Commission reviewed the requirements for fences with the applicant, particularly the 100' setback. Review of the plot plan provided and Oliver GIS suggests that he can easily meet the setback requirements and that a fence as described would be an allowed use.

Plans/Documents referenced: Photographs of the existing conditions and fence on the site. Plot plan of the site.

7:30 - General-Old Business

- **River Moorings** - Mr. Boulter noted the recent appearance of boat moorings in the river along the Norwell shore that he had not seen previously on his many excursions on the river. He suggested that the Commission may have some interest and obligation in regulating these. Norwell representatives Mr. Simpson and Mr. Molla state that the Harbormaster in Norwell is the issuing authority for these moorings. They will follow up with the Harbormaster and open a dialogue about how these should be regulated.
- **Legal Counsel** - Mr. Boulter suggested that having some legal counsel may be helpful moving forward as it appears DCR will not be helpful in this regard. While DCR supported the Commission in legal matters in the past all recent attempts at communication with DCR legal counsel on several items of legal interest to the Commission have gone unanswered. He suggests that if the boat patrol is unable to get off the ground some of the remaining funds might be utilized to have an attorney on retainer. Members who know an attorney familiar with the Commission's work will contact them to weigh their interest.
- **Boat Patrol** - Mr. Boulter reviewed the possibility of the Commission acquiring a boat that the Pembroke Fire Department is no longer using and would be willing to donate to the Commission. The boat is in storage and there may be some cost associated with removing it. Mr. Boulter will follow up.
- **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. The project will be placed on the November 18, 2021 Agenda to determine how to proceed further regarding an RFD for the dock project.