

North River Commission

Representing the Towns of – Hanover, Hanson, Marshfield, Norwell, Pembroke & Scituate
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Minutes April 25, 2024 - Meeting #596

Present: Hanover, Hanover, Daniel Jones (M), Hanover, Andrew Butler (A), Hanson, John Kemmett (A), Marshfield, Maryanne Leonard (M), Norwell, Tim Simpson (M), Norwell, Stephen Lynch(A), Pembroke, Bill Boulter (M), Scituate, Adria Gallagher (M), Scituate, Ken Conway (A)

Not Attending: Hanson, Jennifer Heine (M), Marshfield, Mike Dimeo (A), Pembroke, Gino Fellini (A), Scituate, John Lalone (A),

7:00 - Call to Order

7:00 - Special Permit Application - 67 Collier Road, Scituate - Cahill

David Cahill, property owner of 67 Collier Road, Scituate, appeared to present a Special Permit Application for the construction of a boulder wall within 100 ft. of the Natural Bank of the North River. Mr. Cahill reviewed his understanding of the prior informal meeting he had with the Commission in January 2024 and that he understood that he was to update the Commission in April 2024 of the progress of his filing with the Scituate Conservation Commission. He outlined the delays that he was facing with the Conservation Commission due to personnel turnover and other issues. He maintains that he has been vigorous in pursuing a solution to the issue. He advised that the Town's review engineer had recently been on the site and that he and Scituate were awaiting the forthcoming report. He asked the administrator if he was able to confirm these details through his own communication with the Town and he did. Mr. Cahill feels that he is doing everything he can to move the process forward and that the progress being made now, i.e., the hiring by the Town of a review engineer, was due to his prodding and encouragement. Mr. Boulter asked how long Mr. Cahill thinks it will take for the engineer's report. Mr. Cahill asked the town the same question which they were unable to answer. The Commission discussed whether the Commission was bound to wait for a decision from the Town before acting on the Special Permit Application and whether a denial without prejudice was an appropriate measure for the current circumstances. Mr. Cahill is concerned that a denial from the North River Commission would color the proceedings with the Town. Mr. Lynch asked if a denial without prejudice would accelerate the good will with the Town that Mr. Cahill says has been generated. Mr. Cahill is unsure, indicating a delicate balance between the concurrent proceedings. Ms. Leonard asked what a denial without prejudice would mean going forward regarding the boulder wall. Mr. Simpson thought that a denial means that the wall would need to be removed. The administrator thought that, hypothetically, the Commission might deny the Special Permit but hold off on ordering a removal of the wall until the proceeding with the town had been completed. Mr. Butler thinks this approach is wishy-washy and a clear decision is preferable. Mr. Boulter would like a clear timeline and does not think the Commission can repeatedly continue the meeting to await additional information. Mr. Cahill does not have an idea of what the Town's timeline is. Mr. Conway stated that the property has been described in a previous meeting as oceanfront property and should, therefore, not be subject to the Protective Order. Mr. Butler thinks that what Mr. Conway suggests, a redefining of the location of the North River Corridor, is a larger issue, beyond the scope of, and not pertinent to this meeting. He suggests that the North River Corridor is defined by the Protective Order, not by what someone said in a meeting, and that changing the definition of the Corridor is a separate issue. Mr. Conway would like to take up that issue. Mr. Conway made a motion to redefine or re-evaluate what the Corridor is. He suggested that the location has changed over time. No

one seconded the motion. Mr. Cahill believes that the Commission has changed its position, that it had earlier indicated that it would await information from the Town's concurrent hearing. Members noted that many months had passed since then without any progress. Ms. Gallagher and Mr. Jones suggest that the process of applying for a Special Permit with the North River Commission is an independent process from an application with any other Approving Authority and is not bound by any decision that another body may make. Mr. Conway stated that possible violations at other Collier Road addresses had occurred without complaints from Scituate members of the Commission who resided nearby. Mr. Cahill stressed that a significant structural issue would arise should the removal of the boulder wall be ordered. He thinks that there has been some selective enforcement of activity on Collier Road. Mr. Boulter resisted this characterization, stating that there have been no complaints against other properties on Collier Road. The administrator attempted to clarify that were differences between the other properties mentioned on Collier Road and the subject property. The other properties mentioned do not have Natural Bank on the property and are at least 100 ft., or further, from the Natural Bank. Ms. Leonard asked, if the boulder wall was such an important aspect of the structural integrity of the dwelling, why wasn't it included in the original submission. Mr. Cahill stated that the prior dwelling had been closer to the Natural Bank than the one that was rebuilt. In an attempt to distance the dwelling as far as possible from the impact area Mr. Cahill went through a zoning process to locate the dwelling as close to the streetline as possible. He suggests that an unintended consequence of moving the dwelling forward was that the topographical dynamic was changed so that a wall was necessary to contain necessary grading to support the structure. Mr. Conway disclosed to the Commission that he sold Mr. Cahill the property under review and that he owns the adjacent property. Mr. Cahill asked the administrator if any abutters or third parties had checked in since the meeting had been posted. The administrator noted that a politician had called and inquired about the project and had been informed about the project timeline and where it stood. He added no abutters or anyone from the town had weighed in. Mr. Lynch asked if a denial without prejudice could be conditioned without ordering the boulder wall for a specified time. Mr. Conway suggests that not denying the project would accomplish this. Mr. Jones suggested that this seemed like a situation where Mr. Conway should recuse himself. Mr. Lynch agrees. Mr. Conway thinks it unnecessary because, as an alternate, he won't be voting. Mr. Butler thinks that an abutter should recuse himself from the conversation. Mr. Boulter asked if someone wanted to make a motion to continue the meeting. Mr. Jones made a motion to continue the hearing for one month. Mr. Simpson seconded. The Commission discussed whether to continue the hearing and what alternatives there were. Mr. Cahill agreed to continue the meeting where the alternative was that the Commission made a decision tonight. The motion was passed 5-1.

7:20 - Informal Discussion - Damon's Point Road Revetment, Marshfield - Town of Marshfield

Kevin Maguire, on behalf of Marshfield Harbormaster and the Town of Marshfield, appeared to informally discuss a proposed project at the Damon's Point Road Revetment site. Mr. Maguire reviewed a draft plan of the proposed project, first describing the history of the past and existing float system at the site and then reviewing proposed modifications and additions. DEP has requested that the town relocate the existing float system so that it does not sit on the mud flats. He indicated that the relocation would locate the floats roughly 5 ft. closer to the open water channel than they currently sit and create 3 ft. of water depth under the floats at low tide. Mr. Simpson asked if any consideration was given to attaching feet to the underside of the floats. Mr. Maguire explained that for a commercial pier of the proposed size feet would create problems with collection of material under the floats creating an unsafe condition on the floats. Mr. Maguire described the current concrete ramp that is used for access to the current floats. He suggests it is unsuitable for accessing the proposed relocated floats and a proposed deck to transition from the ramp to the floats will alleviate access issues. He is proposing an 8' x 14' deck. Mr. Simpson asked how the deck would be supported. Mr. Maguire described a pile system. Mr. Kemmett asked why the

applicant is increasing the width of the floats from 8 ft. to 10 ft. Mr. Maguire stated that the Harbormaster's preference was for 10' wide, that it was a stabler platform and that it was easier to acquire floats of this size. Mr. Butler inquired about the necessity of the upper deck at the end of the revetment. Mr. Maguire noted the scenic values of the site that a deck would facilitate and the usefulness of a deck for myriad reasons. He noted that the deck would not interfere with the channel as it does not extend further than the existing Pile Marker No. 23. Mr. Butler and Mr. Jones asked about the elevation of the deck in relation with the existing concrete surface atop the revetment. The proposed deck will be flush with the existing surface for ease of access. Mr. Butler asked if the impetus for the proposed changes were for usability of the structure. Mr. Maguire agreed that it was and that, additionally, the site is in a particularly effective area for scenic and recreational use and for staging of emergency services. Mr. Maguire asked for the Commission's feedback on Natural Bank location. The Commission reviewed the Protective Order definition which states..."(b) In tidal rivers or streams, it means the landward edge of the mean annual high tide." Mr. Maguire asked about abutter notification requirements and advertising and was informed that the Commission would complete the abutter notification and arrange the placement of the legal advertisement but the applicant would be billed for the advertisement. Mr. Maguire will return with a completed application and plans at a future meeting.

New Business

1. Administrators Report - Administrator Gary Wolcott (GW).
 - 110 Riverside Circle, Marshfield - Recorded the Special Permit issued at the March 2024 meeting at the Registry of Deeds and forwarded a copy of the Permit and recording information (Book & Page) to the applicant.
 - Unit #7 Trouant's Island, Marshfield - A Determination of Allowed Use Letter was sent to the applicant and their representative for the project presented at the March 2024 meeting.
 - 36 Stony Brook Lane, Norwell - Received inquiry from Attorney regarding Special Permit 9/00 for 36 Stony Brook Lane, Norwell. Attorney represents a subsequent owner. The owner of the Permit never constructed the project subject to the Permit. The subsequent owner modified the project when she bought the property and got a new Special Permit, built a deck/addition and got a Certificate of Compliance for the project. The Permit for the original owner was still recorded at the ROD. The Subsequent owner is now selling the house and the issue of the 2000 Permit came up. To get the original Special permit removed from the Registry of Deeds requires recording of a Release of Special Permit. The seller's attorney will record the Release if issued by the Commission.
 - Rockland Wastewater Treatment Plant - At NSRWA's request, the Commission sent a letter supporting the Town of Rocklands request for federal funds to upgrade the Wastewater Treatment Plant, from which discharge is impairing several streams that ultimately end up in the North River.
 - 36 River Road, Hanover - Received inquiry from new property owner about the Protective Order. The resident was advised on the Protective Order and procedures for meeting with the Commission and applying for permits.
 - Canoe Club Lane, Pembroke - A property owner inquired about tree cutting in the North River Corridor. The resident was advised on the Protective Order and forwarded a copy of the Vegetative Cutting Standards from the Order.
 - 25 Washington Street, Hanover - Keith Walo, Harbor Mooring, called on the resident's behalf to inform the Commission that a dock structure was collapsing and that he would be removing it to prevent it being swept downstream. The structure will be rebuilt at some time in the future.

- 46 Bridge Street, Norwell - A second letter was sent to the homeowner regarding tree cutting subject to the Protective Order. The letter was sent certified mail as there was no response to the first letter.
- Quarterly Expenses were submitted to the NSRWA.
- Site Visits - None
- Real Estate Transactions in corridor - 36 Stony Brook Lane, Norwell, Welcome letter sent.
- Municipal Hearings
 - Hanover - None
 - Hanson - None
 - Marshfield - ConCom, 3 Trouant's Island, pool construction,
 - Norwell - None
 - Pembroke - None
 - Scituate -ConCom, 67 Collier Road, ongoing, no action this month
- 2. Approval of Minutes - A motion was made and seconded to approve the Minutes of Meeting #594, March 28, 2024. The motion was carried unanimously.
- 3. 36 Stony Brook Lane, Norwell - The Commission reviewed the information that was described above. A motion was made and seconded to issue a Release of Special Permit and Conditions 9/00. The motion was carried unanimously.

Old Business

1. River Structures - The members continued ongoing discussions on float sizes and approaches to enforcing the permitted sizes. The Commission is willing to consider a 10' x 20' float so as to achieve consistency with the Town of Marshfield's Regulations.
2. Meeting Logistics - The Commission reviewed the relocation of meetings to the Osborne Room at Norwell Town Hall and rescheduling for Monday nights. A motion was made and seconded to change the location of meetings to the Osborn Room at Norwell Town Hall and to meet on Mondays, beginning June 24, 2024. The motion was carried unanimously. Information on the revised location and meeting night and a revised Amended Meeting Schedule will be posted on the Commission's website.
3. The Commission reviewed the Open Meeting Law Requirements and Remote Participation.
4. The Commission reviewed the remaining budget and approaches to utilizing remaining funds before the Fiscal Year ends June 30.
5. The Commission reviewed how the North River Corridor was selected. At an informal discussion March 28, 2024 Water Street, Pembroke residents asked the Commission to consider how the Corridor was delineated and whether it was revisable. The members were directed to a portion of the North River Management Plan that describes the selection of the North River and defining the Scenic River Corridor. The administrator reviewed original aerial photos of the river at the time of the Protective Order's enactment that contained field notes on particular areas along the river that may be instructive on the issue.

Meeting adjourned 8:55 pm

Gary Wolcott, Administrator