

North River Commission

Representing the Towns of – Hanover, Hanson, Marshfield, Norwell, Pembroke & Scituate
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Minutes April 27, 2023 - Meeting #584

Present: Hanover, Daniel Jones (M), Hanson, Donna Frehill (A), Marshfield, Maryanne Leonard (M), Norwell, Tim Simpson (M),
Not Attending: Hanover, Andrew Butler (A), Hanson, Jennifer Heine (M), Marshfield, Mike Dimeo (A), Norwell, Robert Molla (A),
Pembroke, Bill Boulter (M), Pembroke, Gino Fellini (A), Scituate, Adria Gallagher (A)

7:00 - Call to Order

7:00 - Request for Determination - 30 Old Landing Road, Pembroke - Ricciardi

Property owners Quentin & Amy Ricciardi with their representative Dave Newhall of Crocker Design Group appeared with a Request for Determination for a garage addition and driveway expansion project. Mr. Newhall explained the project. He described how the bordering vegetated wetlands and Natural Bank of the North River was delineated by Brad Holmes of ECR. He described the proposed one bay garage addition to an existing dwelling with an accompanying addition of the driveway to access the new bay. He noted the erosion control measures proposed and noted a retaining wall was proposed to minimize earth moving and fill. Mr. Newhall reviewed North River Commission design standards regarding height and length of structure, noting the height of the addition was 15.4 ft and the length of the structure including the addition and retaining wall as viewed from the river was 110.3 ft., both of which he believed met the requirements of the Protective Act. Ms. Leonard asked for the height of the retaining wall. Mr. Newhall indicated the wall varied in height but that its maximum height was 3.5 ft. Ms. Leonard asked Mr. Newhall to indicate where the wall was at its maximum height and he pointed out the location on the plan, generally the northwestern facing section of the wall. Mr. Jones reviewed some of the history of this subdivision and particularly the Commission's prior approval of a pool on the locus site on the basis that the pool would not be connected to, and become part of, the existing structure. He is concerned that subsequent development of the site has compromised this. He noted and asked about a stone retainment area adjacent to the pool. Mr. Newhall described it as overgrown rip rap with vegetation growing through it. Mr. Jones noted that the entire elevation difference between the lowest downgradient portion of the retaining wall to the top of the house could be considered as the height of the structure. Mr. Newhall indicated that the applicants are new owners of the property and that he is unfamiliar with the circumstances of prior construction on the site. Mr. Jones asked when the pool was approved. GW indicated it was in 1995-1996. GW reviewed the parcel file, explaining how the Commission at the time allowed the construction of a retaining wall roughly ten feet away from the rear of the structure that, if graded into, would preclude viewing of the full walkout in the rear of the house and result in a viewable height of the structure from the river of 35 ft. or less. He noted that the Commission noted at the time the importance of maintaining a separation between the wall/pool and the dwelling. Mr. Jones noted, in hindsight, that it might not have been the best decision and the Department of Environmental Management advised against similar decisions in the future. Mr. Jones is concerned that the subsequent development on the site contradicted the reasoning for allowing the retaining wall. GW noted that additional work, including patios was approved with the pool. The Commission reviewed the approved plan for the pool and accessories. Mr. Ricciardi spoke to the view of the structure from the river and noted that the proposed work would minimally alter the view from the river. He noted that the proposed one-story addition is within the existing view profile and does not alter the

height of the structure. Mr. Jones' concern is beyond the height of the addition, but the overall height of the project in its entirety, from the lowest downslope portion of the wall to the top of the existing dwelling. Mr. Newhall described the retaining wall and what its purpose was. Ms. Frehill asked what the height of the existing retaining wall was. Mr. Newhall and Mr. Ricciardi described the existing wall and the surface conditions around it. Ms. Frehill asked if the proposed wall will connect to the existing wall. It will. Mr. Jones is concerned that the proposed retaining wall will additionally contradict with the Commission's goal when it allowed the prior retaining wall, to reduce the height of the view profile. Mr. Newhall stated that keeping the view profile as it is was a factor in the design of the currently proposed retaining wall location. The applicants and the Commission discussed various interpretations of how to determine, and what is included in, the height of a structure. Ms. Leonard asked if the lower portions of the retaining wall were necessary. Mr. Ricciardi indicated it was an accessibility issue. Mr. Jones asked about some of the features shown on the plan and their location in relation to the prior approved wall. Mr. Newhall indicated that the items were hidden by the wall and that the proposed wall would do the same, had in fact, been designed to act in a similar fashion as the prior wall. Mr. Jones would like to ensure that the proposed construction will not increase the height of the overall structure. Mr. Ricciardi suggested that what is proposed does not really alter anything that was of concern at the time the prior wall was constructed. Mr. Newhall noted that the current proposed wall is meant to connect to the prior approved wall. Ms. Leonard asked if any members had any questions about the driveway aspect of the proposal. GW noted that the driveway was well outside the required setback and should not be an issue. Ms. Leonard asked if the applicant was willing to come back with additional information regarding the height of the structure. Mr. Simpson asked if the retaining wall would be the same height as the slab of the garage. Mr. Ricciardi noted the it would be very similar and that the new wall would be the same height as the prior wall. Mr. Jones is worried what will happen in the future if a similar set of facts comes before the Commission and an applicant wants to "hide" some element of a structure to meet a height requirement. GW noted that it was doubtful a similar set of facts could arise as the Commission had the prior decision that created this unique set of facts rebuked by the DEM and had henceforth been mindful of this nature of problem. He suggested that it is difficult to square disallowing a subsequent applicant to make do with what had been approved in the past. Mr. Simpson asked if anything about the structural height of the actual building was changing. It isn't. A motion was made and seconded that the project as described and shown on the record plans was an Allowed Use. The motion passed unanimously.

Plans/Documents referenced: Engineering: "Site Plan, 30 Old Landing Road, Pembroke, MA, Prepared for Quentin Ricciardi, Scale: 1"=20', Dated: April 5, 2023, Last Revision April 6, 2023, Crocker Design Group, David J. Newhall, P.E."; Architectural: "Ricciardi Residence, Old Landing Road, Pembroke, MA, Proposed Floor Plans, Proposed Elevations, Building Sections, Site Plan Overlay, Dated: August 31, 2022, Scale: As Noted, Dennis J. Swart Architecture."

7:15 - Informal Discussion - Indian Head River Restoration - NSRWA

Becky Malamut of North and South River Watershed Association appeared to make a presentation on a feasibility study for removing the dam at Luddum's Ford. She reviewed current photos of the dam and described a boulder and stone dam at State Street. Both dams were constructed over a century ago for power generation for local industries. They are two of the 3,000 current dams in Massachusetts, like roughly 2,800 others that serve no current purpose. The dams currently prevent shad, trout and eel migration along the river. The impounded areas become hotter, more oxygenated, and more conducive to algae growth, all of which are inhospitable to wildlife habitats. Additionally, there is sediment buildup in the area behind the dams. She reviewed similar dams that they had successfully removed and the beneficial results of river restoration, including ecosystem restoration, enhanced cultural values of fish runs, particularly herring runs, and reduction of potential town liability for damages caused by dam breaches and creation of natural banks that absorb flood waters. She described the nature of the feasibility study,

including sediment sampling for contamination amounts and hydrologic and hydraulic studies related to the changing water levels. Mr. Simpson asked if there had been any resistance to the proposed plans. Ms. Malamut has been waiting for it but has yet to get much pushback from the various town boards and commissions that she has spoken to. She expects more feedback once the feasibility study reveals costs and evidences what any changes to the river look like. She described how the project has been funded through a grant process and explained that a next step was education of community concerns by viewing and discussing other successful dam removal projects like Third Herring Run, a Plymouth project and Jones River in Kingston. She expects that the feasibility study will be complete in September and is hopeful that a decision from the towns will come in early 2024.

7:30 - New Business

1. NRC Planning & Objectives - Ms. Malamut continued in her advocacy role with the NSRWA and how they could help the North River Commission with planning and objectives for the future. She reviewed the budget earmark request with the State Legislature and suggested letters to local legislators urging action on securing long term permanent funding for the Commission rather than a yearly earmark. She also suggested meetings with the local legislators and the DCR regarding funding and offering tours of the river to those groups. She believes that it is important to include the towns in the process and seek some investment from them that may be persuasive to the state's involvement. She suggested some projects for the Commission's consideration, including digital scanning of the parcel files, creating a MassGIS layer of the Corridor for the MassMapper interactive map and updating the Commission's website. She expects that we can put the projects out to a bidding process and see what may develop. Ms. Malamut asked if any resonated with the Commission. Ms. Frehill would like to see the website re-designed. Members like all three ideas. She suggested that she and GW work together on researching costs for these endeavors. Ms. Malamut reviewed the enforcement aspect of the budget. She inquired of the Commission's satisfaction of last years investment in enforcement and whether it was something the Commission wanted to do again. It seems to be the most likely answer for this summer. She suggested that there might be some other methods of enforcement through technological means such as nautical radar systems, similar to road signs indicating current speed and an email site to which speeders could be reported. She stressed educational measures like signage regarding speeding and wake restrictions and testimonials from residents and recreational users of the river that share their experiences on the river with the public. She suggested harbormasters could send out information to registered boaters.
2. Minutes approved for March 23, 2023 meeting.
3. Administrators Report - Administrator Gary Wolcott (GW) reported on...
 - 34 Turner's Way, Norwell – Received revised architectural plan showing the height of the garage addition as requested by the Commission at the March 23, 2023 meeting. The addition is 28'-5" in height. Sent out letter detailing the Commission's Determination that the project was an Allowed Use.
 - Sent out FY 2023 Quarter 3 Expense Report to NSRWA.
 - Received a FY 2023 YTD Accounting from NSRWA. It is consistent with the Commission's internal records.
 - 88 Old Bridge Road, Hanover - Received communication that they are starting their project to repair/rebuild his existing deck and replace windows on existing dwelling.
 - 67 Collier Road, Scituate – An abutter to the project asked for copies of letters in the file regarding the current project at this location. Copies of letters forwarded.

- 30 Old Landing Road, Pembroke – Had communications with property owner’s representatives regarding what type of filing would be required for a particular project. Reviewed items to be included on the plan to expedite the process.
- Received notification that an amendment to the state budget had been submitted to include an earmark for the NRC’s budget by Representatives Kearney and DeCoste. Representatives Cutler and Meschino have signed on as additional co-sponsors.
- Received inquiry from Scituate Conservation Commission about the status of the 67 Collier Road hearing. Reviewed timeline with ConCom agent and forwarded copies of meeting minutes.
- Received request from 67 Collier Road, Scituate to continue our hearing with them scheduled for April 27, 2023. They have met with Scituate ConCom but no formal vote was taken. The Commission will hire a review engineer to review the applicants’ narrative regarding the boulder wall as a necessary component of the dwelling’s structural integrity.
- Communications with current hearing attendees about their projects and appearing at this meeting.
- Trouant’s Island - Received a call regarding construction equipment operating on a parcel that is located in the Corridor. GW will send a letter to the Trust Association for the Island informing them that the work observed is subject to the Protective Act and asking them to contact the Commission to discuss the ongoing project as well as any future plans for the site.
- Real Estate transactions in the Corridor - None
- Site Visits - Third Cliff, Scituate for photographs of ongoing projects.
- Recent municipal filings of Corridor properties - Marshfield, 76 Carolyn Circle-ZBA for dock project., Scituate - 67 Collier Road, ConCom for boulder wall construction/enforcement.

Meeting adjourned 9:02 pm

Gary Wolcott, Administrator