

# North River Commission - Minutes

---

Meeting #612 – August 28, 2025 – Norwell Town Offices, 93 Longwater Circle, Norwell, MA

## **Present:**

Butler (Hanover – A), Heine (Hanson), Leonard (Marshfield), Simpson (Norwell), Lynch (Norwell – A), Boulter (Pembroke), Gallagher (Scituate), Conway (Scituate – A)

## **Absent:**

Jones (Hanover), Kemmett (Hanson – A), Lalone (Scituate – A)

## **1. Application to Modify a Special Permit/Reconsider Denial of Special Permit – 67 Collier Rd., Scituate (Cahill)**

Request: Modification of Special Permit 2/21 to allow an after-the-fact boulder retaining wall/Reconsider Denial of Subsequent Special Permit filing.

Mr. Conway recused himself to address the Commission from the gallery as an abutter.

**Presentation:** Attorney Jeffrey DeLisi, representing David and Maria Cahill, reviewed site history, including the Commission’s prior denial, subsequent appeal, and remand for reconsideration. He emphasized that the property fronts the ocean rather than the river, the natural bank has receded, and the wall is under 15 feet in height. He argued the wall stabilizes the house structure, provides safe egress, and does not create precedent due to the site’s unique conditions. Mitigation plantings were proposed to reduce visual impact. He cited provisions in the Protective Order allowing retaining walls when incidental to an approved use, and argued the wall was necessary for erosion control.

**Discussion:** Commissioners questioned whether the wall was ever included on original approved plans, whether expert delineation of the natural bank was needed, and whether reliance on aerial imagery was sufficient. Members noted past Commission practice against allowing structures within 100 feet of the natural bank. Debate focused on whether the wall should be considered an accessory structure or an expansion of a preexisting non-conforming use. Several members acknowledged mistakes were made both by the applicant and in Commission handling, but stressed consistency with Protective Order requirements.

## **Public Comment:**

- Ken Conway (recused) disclosed he sold the property and owns abutting land; expressed concern about members discussing positions during site visit.

- One abutter spoke in support of the wall, describing it as attractive and not harmful.
- Another abutter reiterated his opposition, citing lack of prior approval and flooding concerns.
- Other public comments raised questions of precedent and accuracy of natural bank determinations.

**Action:** Ms. Leonard made a motion to vote on the modified special permit. Ms. Heine seconded the motion. The motion to move the question was passed unanimously. Ms. Leonard made a motion to allow the modified Special Permit as presented. Ms. Gallagher seconded the motion. By a roll call vote the motion did not carry. (Ms. Heine, Hanson – No, Ms. Leonard, Marshfield – No, Mr. Simpson, Norwell – No, Mr. Boulter, Pembroke – No, Ms. Gallagher, Scituate – No.)

Mr. Butler, Hanover Alternate Member abstained from voting, having not been present at the prior hearing. Mr. Lynch, Norwell Alternate member, although not voting as the primary Norwell member was present, submitted a Mullin Rule Certification Form.

#### **Plans/Documents referenced:**

- “Proposed Native Mitigation Plantings for 67 Collier Road in Scituate, Mass.,” Ross Engineering Company Inc., Kevin S. Grady, P.E., dated October 19, 2022.
- “As-Built Plan for 67 Collier Road in Scituate, Mass.,” Ross Engineering Company Inc., Paul Joseph Mirabito, P.L.S., dated October 19, 2022.
- D.E.M. Orthophoto Base Map for the Scenic River Corridor, North River (sheet 2 of 10), dated October 19, 1978.
- Google Map imagery, dated June 15, 2024.
- Memorandum of Stan Humphries, Coastal Geologist, Environmental Consulting & Restoration, LLC, dated July 10, 2025.
- The Scenic and Recreational River Protective Order for the North River, G.L. c.21, s.17b and c.367, s.62 of the Acts of 1978.
- NRC Project File Photos

## **2. New Business**

Approved minutes of Meeting #612-July 24, 2025.

Administrator’s Report (Wolcott):

- Request for Determination of Allowed Use for tree cutting at 89 Neal Gate Street, Scituate was forwarded to the applicant/property owner.

- Preview of upcoming Special Permit filing at 22 Barry's Landing and discussion about setting up a site visit prior to the Special Permit hearing.
- Reviewed resident submitted photographs and video of boat speeding up-river. The information has been forwarded to the Pembroke Police Department and their Marine Patrol. The members discussed erosion of the banks and the practical application and effects of the No Speeding/No Wake regulations on the river.
- Reviewed resident submitted photographs of some vegetative cutting along the river and construction of a bench in Hanover.
- Reminder to members that the September meeting is the "Annual Meeting" and that if there are any changes in the organization of the Officers and membership to consider it should occur at that meeting.
- Real Estate Transactions in Corridor – 16 River Road, Hanover, 89 River Road, Hanover. New property owners were sent a Welcome Letter.
- No municipal hearings for properties located in the Corridor.
- Site visit was conducted at 67 Collier Road, Scituate.

Mr. Butler reviewed a meeting that he and Primary Hanover member Mr. Jones had with the Town of Hanover.

Administrator reviewed the Mullin Rule.

#### **4. Old Business / Open Discussion**

Mr. Lynch reviewed the current draft dock/float regulations that will be submitted for discussion to the member towns. Members discussed the timing of distribution and what entities from the towns should receive copies.

Action: A motion was made and seconded to distribute the proposed regulations to the member towns. The motion was passed unanimously.

At Mr. Butler's initiation, the members discussed reviewing and clarifying the Protective Order to facilitate its consistent application.

Adjourned: 9:25 PM

Minutes prepared by Gary Wolcott, Administrator

Video available: Norwell Spotlight TV <https://www.norwellspotlighttv.com/schedule.html>