

# North River Commission – Minutes

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**Meeting #617 – January 22, 2026** – Norwell Town Offices, 93 Longwater Circle, Norwell, MA

**Present:**

Boulter (Pembroke), Jones (Hanover), Heine (Hanson), Leonard (Marshfield), Lynch (Norwell), Gallagher (Scituate)

**Absent:**

Butler (Hanover – A), Cyrus (Marshfield – A), Simpson (Norwell-A), Kemmett (Hanson – A), Lalone (Scituate – A), Conway (Scituate – A)

## 1. **Special Permit Application – 89 Neal Gate Street, Scituate (Hoffman)**

**Request:** Raze and rebuild an existing single-family dwelling.

**Presentation:** James Garfield, of Morse Engineering, appeared on behalf of applicants Justin and Andrea Hoffman. Mr. Garfield presented plans for demolishing and removing the existing single-family home and adjacent swimming pool, and constructing a new single-family home in its place. The existing dwelling and swimming pool total 112 feet of structure parallel to the natural bank. The proposed building reduces this to 110.6 feet of structure parallel to the natural bank. Additionally, the proposed dwelling is pulled 10.6 feet further away from the natural bank. No new swimming pool is proposed. The engineer noted that the project requires almost no grading changes, as the site topography will remain essentially the same. Site access will continue to be provided from the existing common driveway, with no changes to access patterns. The work does not occur within any FEMA-designated flood zones, nor does it take place within any buffer zones to wetlands as defined by the Wetlands Protection Act. A proposed erosion control barrier will be installed down-gradient of the construction area to protect the river during the work. The project has received approval from the Scituate Zoning Board of Appeals.

**Discussion:** Commission members asked questions regarding front stairs and a deck/porch area that extend slightly beyond the existing house footprint but remain further from the natural bank than other portions of the structure. The Commission discussed building height, reminding the applicant of the Protective Order's maximum of 35 feet. The applicant indicated that the structure will include three floors and that the building height to the eave or gable line is just under 30 feet, though the exact dimension to the ridge was not immediately available as the architect was unable to attend the hearing. The Commission noted that the new structure reduces the overall footprint parallel to the river and increases the setback from the natural bank. The Commission also inquired about exterior building materials and colors, expressing a strong preference for natural materials and earth-tone colors that would blend with the natural

environment and harmonize with the riverfront setting. The Commission asked for additional plans and information that detail the height of the structure.

**Action:** Motion to continue the hearing to February 26, 2026. (Leonard/Gallagher) – Vote 6-0

## 2. Special Permit Application – 22 Barry's Landing, Scituate (D'Argento)

**Request:** Addition to existing dwelling.

**Presentation:** James Garfield, of Morse Engineering, appeared on behalf of applicants Russell and Alexis D'Argento. He presented plans for a 10' x 12' addition to an existing single-family residence. Mr. Garfield reminded the Commission that the project had been before the NRC at two prior hearings. The original proposal included the addition and a swimming pool within the 100 ft setback to the Natural Bank which has been removed from the project. Mr. Garfield noted the addition is located off the back of the existing house and is described as enclosing an existing pergola area situated within a previously disturbed patio area behind a retaining wall. The addition does not extend further toward the river than the existing structure and runs parallel to the natural bank.

**Discussion:** Mr. Boulter reported that on January 9, 2026, he received a call from a Marshfield resident regarding tree cutting at the Barry's Landing property. Upon visiting the site, he observed a tree company on-site cutting and chipping trees from the water's edge area. Photographs were taken documenting the activity, including cutting and removal of vegetation. Mr. Boulter referenced the NRC's vegetative cutting standards, which prohibit harvesting, cutting, removing, thinning, or otherwise disturbing trees and vegetation between the natural bank and 300 feet landward, except under limited exceptions. He expressed concern that the activity did not fall within any allowable exceptions and believes the Commission should require a full accounting of what vegetation was removed and a restoration or mitigation plan before a Special Permit can be issued. Mr. Garfield noted that the earlier Special Permit submission (when the pool was included) had proposed mitigation plantings in connection with removal of a particular tree and that the applicant may be amenable to additional plantings if required. He reiterated for the Commission that the project encloses an existing pergola within an already disturbed area. The Commission discussed scheduling a site visit prior to the next meeting.

**Action:** Motion to continue the hearing to February 26, 2026. (Jones/Gallagher) – Vote 6-0

## 3. Request for Determination – 70 Damon's Point Road, Marshfield (Filardi/Leonard)

**Action:** Ms. Leonard recused herself from deliberation and voting as she is the owner/applicant of the property.

**Request:** Septic system replacement.

**Presentation:** The applicant described the proposed replacement of the failed existing septic system. The proposed new system is in a similar footprint to the existing failed system. The project does not involve any increase in wastewater flow, as there is no proposed increase in the number of bedrooms or other flow-generating fixtures in the dwelling. The work is being undertaken solely as a repair and replacement of infrastructure necessary for the continued use of the existing home.

**Discussion:** Commission members asked questions regarding system type, location, and compliance with current regulations. The applicant confirmed that the new system will be designed and installed in full compliance with Title 5 of the State Environmental Code and all applicable local board of health requirements. Members inquired about the location of the new system relative to the North River to ensure adequate separation distances are maintained. The applicant confirmed that the system location maintains all required setbacks from the river and other water bodies. The Commission confirmed that since this is a replacement of a failed system with no increase in flow or bedrooms, it constitutes an allowed repair and maintenance activity.

**Action:** Motion to determine that the proposed septic system replacement is an allowed use. (Heine/Jones) – Vote 5-0

#### 4. New Business

**Approval of Minutes:**

**Action:** Motion to approve the minutes of the December 18, 2025 meeting as written. (Jones/Leonard) – Vote 6-0.

**Administrator's Report:**

The Administrator reported:

- Allowed Use Determination letters were forwarded to Kings Landing Marina, Norwell and 36 Stony Brook Lane, Norwell.
- Special Permit with Conditions was recorded at the Registry of Deeds for the Special Permit issued for 160 Schoosett Street, Pembroke.
- Work continued a Memorandum of Understanding between the North River Commission and the Department of Conservation and Recreation.
- Quarterly Report for FY 2026 Quarter 2 expenses was submitted to NSRWA for reimbursement.
- Scheduling update on DCR Appeal of 67 Collier Road, Scituate Special Permit denial was given. A tentative hearing date of March 4, 2026 was provided.
- Real estate transactions in the North River Corridor were noted.
- 28 Old Shipyard Lane, Hanover (Informal Inquiry) - The Commission discussed a proposed septic system upgrade. The property owner inquired whether the proposed work constituted an allowed use and whether a formal appearance before the Commission was required. The submitted plan reflects relocation of the leaching field to a location

significantly beyond the Commission's 100-foot setback requirement from the natural bank and appears to replace the system substantially in-kind, utilizing existing plumbing exits from the structure. The Commission indicated that the proposal qualifies as an allowed use and does not require a formal hearing.

- 60 Trailside Lane, Hanover (Informal Inquiry) - The applicant was unable to attend the meeting but had submitted required paperwork and plan abstract for construction of a 20' x 10' (or alternatively 18' x 12') shed. A portion of the structure is located within the 300-foot Riverfront Area boundary, though only the rear corner encroaches into the jurisdictional area. The Commission reviewed the sketch plan and noted: Much of the structure lies outside the Riverfront Area, the encroachment is minimal and located at the extreme rear of the lot, the proposed footprint dimensions are acceptable and the shed must not exceed 15 feet in height.

## 5. General / Old Business / Open Discussion

**Proposed Float By-Law Update:** Scheduling and procedure for review of comments was discussed for the February 23, 2026 Public Hearing and its aftermath.

**Battery Storage Facility – Pembroke:** The Commission discussed a proposed battery storage facility in Pembroke. While the facility itself is located approximately 1,500 feet from the North River and technically outside the Commission's jurisdiction, members expressed concern about potential impacts from stormwater runoff and fire suppression water that could reach the river via street drainage systems. Mr. Boulter reported on his research and conversations with the project engineer, who indicated that the fire department's plan is not to use large amounts of water on any battery fire, but rather to allow it to burn out or use mist to cool the batteries. The engineer explained that the facility design includes containment measures to prevent runoff from reaching the river. The Pembroke Zoning Board of Appeals has a hearing scheduled for January 26, 2026 to consider an appeal of the Planning Board's approval. The Commission determined that while it lacks jurisdiction over the facility, it will request copies of the plans and maintain awareness of the project to respond to any resident inquiries.

**Action:** Staff was directed to request a copy of the battery facility plans from Pembroke and maintain awareness of the project status.

**Rt. 3 Bridge Construction Project:** The Commission revisited the state bridge replacement project spanning the North River. During an earlier stage of the process communication had been received from project engineers inquiring about permitting requirements. The Commission had concluded that the state agency undertaking the project is exempt from local jurisdiction under the enabling legislation. However, members expressed interest in receiving a copy of the construction plans, understanding sediment and debris containment measures during bridge demolition, and maintaining awareness for informational purposes.

**Action:** Staff was directed to contact the design engineer, introduce the Commission, and request copies of relevant plans for review and file retention.

## Adjournment

**Action:** Motion to adjourn the meeting (Leonard/Heine) – Vote 6-0.

Minutes prepared by: Gary Wolcott, Administrator

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