

North River Commission

MA Dept of Conservation & Recreation – 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 October 24, 2019 - Meeting #540

Present: Hanover, Dan Jones (M), Hanover, John O'Leary (A), Hanson, Jennifer Heine (M), Marshfield, Chris Head (M), Marshfield, Maryanne Leonard (A), Norwell, Tim Simpson (M), Norwell, Robert Molla (A), Pembroke, Bill Boulter (M), Scituate, Joseph Norton (M)
Not Attending: Pembroke, Andrew Sullivan (A), Scituate, Adria Gallagher (A)

7:00 - Call to Order

1. Minutes approved for September 26, 2019 meeting.
2. Administrators Report - Administrator Gary Wolcott(GW) reported on the status of correspondence. Several parties responded via email, each to receive follow up communication, and parties who were nonresponsive will receive additional urging to communicate with the Commission. GW reviewed real estate transactions in the Corridor and reported on welcome letters sent to new property owners. GW reviewed recent filings with municipal authorities by Corridor properties expecting that NRC will receive filings as well. GW undertook a quarterly review of the budget and reported that spending is according to schedule. GW reported on current status of Herring Brook Meadow 40B project. GW reviewed Turners Way docks for compliance with the Protective Order, no violation found. A letter from 1327 Union Street, Marshfield was reviewed. GW provided information regarding Forestry Management/Cutting Plans for properties in the Corridor. The Commission agreed to seek an opinion from DCR Legal Counsel concerning the relationship between the Forestry Services regulation of Forestry Management and Cutting Plans and the Protective Order's Vegetative Cutting Regulations. GW provided a draft of a letter requesting a budget increase from DCR. The Commission agreed to obtain some "hard" numbers for the cost of a boat patrol to be added to the budget request.

7:15 - Informal Discussion - 22 Barry's Landing, Scituate - Alicia & Barry Fiscus, Prospective buyers of the property - Representatives, Greg Morse, Morse Engineering, David Drinkwater, Realtor - Mr. Morse proposed questions regarding the Protective Order regarding building height and glazing(windows). Mr. Norton explained the height requirement was 35' from the existing grade as viewed from the river, not including chimney or cupola. Mr. Morse asked whether there was a percentage amount of windows allowed. Mr. Head asked if the existing building was conforming and if a Special Permit would be required. Mr. Morse and Ms. Fiscus thought that a Special Permit would be filed for their plans to expand the dwelling. Mr. Jones indicated that a Special Permit would require an increased level of review and Mr. Head stated that the Commission's goal is always to get a structure to "disappear" when viewed from the river and that anything applicants could do to facilitate that is encouraged. Mr. Morse next asked about building a detached garage/woodshop accessory structure. Mr. Norton explained the differing standards for an accessory structure and a principal structure, the placement of the structure within or without the viewshed and responded affirmatively that principal structure analysis would ensue should the proposed garage be attached to, and thus become part of, the existing principal structure. Mr. Morse then asked about a proposed deck in addition to a proposed 60' principal structure width of the dwelling. Mr. Jones stated it could be considered in a Special Permit application and Mr. Norton suggested various things that could minimize its visibility. Mr. Jones suggested that in considering a Special Permit, a totality of circumstances is considered and that they encouraged attempts to minimize the percentage of visual impact increase. Mr. Drinkwater asked whether any consideration was given to the mitigating aspect of landscaping shielding of a structure. Mr. Norton stated that it did not receive much consideration due to the fleeting impermanence of vegetation, being liable to be trimmed, cut down, eliminated, etc. at the whim of any potential future owner. Ms. Fiscus asked about ground level patio restrictions. Mr. Norton explained they were okay provided they were permeable. Lastly a discussion was had about efforts to work in a vegetated area to save cedar trees which were encouraged.

7:30 - Informal Discussion - 251 Damons Point Road, Marshfield - Vegetative Cutting - Ed O'Cain, Homeowner - The Commission explained the NRC's restriction against vegetative cutting within 100 feet of the Natural Bank and that residents in the North River Corridor should contact the Commission before any

work in this area. Mr. Head suggested that a revegetation plan bringing the property back to the condition it was in prior to the cutting should be submitted to the NRC for their review. Mr. O'Cain described the nature of the area prior to his cutting as "a mess" including 8 to 10 downed trees, a "40ft. wall of briars and poison ivy" and detritus that had washed up with the tide, including railroad ties, a dinghy, oxygen tanks, fuel tanks and loose lumber, suggesting that he was cleaning up the area. The Commission allowed that it is permissible to remove debris but that work within 100 feet of the natural bank should be reviewed by the Commission. Mr. O'Leary reiterated that a revegetation plan should be submitted showing native plants that would be replanted, including trees and shrubs, suggesting a local arborist would be able to provide vegetation that would grow in the affected area. The Commission advised that Mr. O'Cain should expect to be contacted by the Marshfield Conservation Commission(MCC) about this matter as well, as the NRC had received inquiries from them about this matter. Mr. O'Cain proposed that he would contact the MCC proactively. The Commission suggested that the restoration plan they were requesting should incorporate any requirements of the MCC as well.

7:45 - Request for Determination - 922 Summer Street, Marshfield - Representative- Jed Hannon, Atlantic Coast Engineering - Mr. Hannon presented plans for a pier, dock and float project, describing its location and the local conditions of the river. He indicated the mud line is -1.7, mean low water is -4.2, mean high water is +5.1 indicating that there is very little water depth, even at mid-tide. Mr. Head asked about existing conditions on the site, whether there was a pier and dock on the site already. There were several earlier versions of a proposed dock project in the file where apparently several revisions were asked for over time and a final version of a modified plan was never submitted. Mr. Hannon suggested that the plan he is presenting tonight is the final modified plan that he is asking for a determination on. The current plan includes a smaller (8'x15') float than previously proposed, a shorter length pier(152') than the original plan, and a reduced amount of piles. Mr. Simpson asked about the concrete feet proposed and Mr. Hannon replied that Department of Marine Fisheries was requesting that feature. The Commission compared the older plans in the file with the current plan for differences which were as noted above. Ms. Leonard asked for clarification on the longer ramp proposed as it relates to a shorter pier and the overall length of the project. It was explained as necessary as a result of the shortened pier due to reduction in the number of piles. Mr. O'Leary commented that in the future no determination should be made without a current plan that shows any agreed upon modifications at the meeting rather than relying on the future submission of a revised plan. A motion was made and seconded and there was a unanimous determination that the project as presented was an Allowed Use.

Plan referenced: "Proposed Dock System & Amenities, 922 Summer Street, Marshfield, MA, 02051, Scale: 1"=20', Dated September 5, 2019, last revision dated 10/3/19, Atlantic Coast Engineering, Jed Hannon, P.E."

8:00 - Special Permit - 88 Stony Brook Lane, Norwell - Representative- Darren Grady, Grady Consulting, LLC, Bill Lee, Architect - Mr. Grady presented plans for a raze and rebuild project of the existing dwelling. Mr. Grady described the existing frontage and setbacks and a proposed principal structure 60' long with a height of 33'7". The structure is in a flood zone AE(15) and will be on piles but still meet the 35' height restriction. Norwell ZBA and Conservation Commission filings are pending. Mr. Grady described the proposed structure increasing the setback to the natural bank by several feet. The Commission asked about the existing dock on the site, whether any filing had been submitted with the Commission and suggested that it be separate from the Special Permit application for the house and considered on its own as a separate filing. The Commission reviewed the visual impact comparison between the existing and proposed structure and considered the effect of raising the elevation of the dwelling for flood zone purposes. Mr. Head asked for visual impact square footage differences between the proposed and existing with the bottom of the structure raised to the flood zone elevation. Mr. Jones questioned the depiction of a 40% increase in visual impact. Mr. Molla and others discussed the most accurate way to demonstrate and calculate the percentage of visual impact increase. Mr. Grady agreed to revise the plan so that the first floor elevation of the proposed dwelling was depicted at the top of foundation elevation of the existing

structure for an easier analysis. Mr. Jones asked for depictions of other houses in the area for comparison and that the shed be eliminated from consideration as part of the existing structure and for recalculation of the increase. Mr. Norton reiterated the repositioning of the proposed structure to the actual elevations of the existing structure when comparing visual impact increase and deleting the shed and the chimney before recalculating the visual impact increase. Mr. Head asked about the setback of the proposed stairs. Mr. Grady indicated the stairs were proposed 37.2' from the natural bank and the existing deck (to be removed) was 33' from the natural bank. Mr. Jones suggested making a case for comparisons with existing structures in the area that were also close to the natural bank. A motion was made to continue the hearing to the next meeting November 21, 2019, seconded and unanimously approved.

Plans referenced: "Site Plan, Assessors Map 15D Block 62 Lot 60, #88 Stony Brook Lane, Dated: October 3, 2019, last revision dated 10/23/19, Scale: As Noted, Grady Consulting, LLC, Darren Grady, P.E."; "New Residence for Mark MacDonald, 88 Stony Brook Lane, Norwell, MA, Dated: 10-22-19, Scale: $\frac{1}{4}$ "=1'-0", William F. Lee, II, AIA, Architect and Associates."

8:15 - Request for Determination - 68 Collier Road, Scituate - Representative- Jason Scott, Ross Engineering Company, Inc. - Mr. Scott presented plans for an addition to the existing dwelling. Mr. Scott reviewed large scale plans to demonstrate location of the lot on Third Cliff, the natural bank, the principal view from the river, the 100' setback to the natural bank and the limit of the Corridor. He described an increase in the width of the prevailing view from 36' to 47' that was largely blocked from view from the river by another dwelling. Mr. Scott described an addition consisting of a first floor addition with a garage below and provided architectural drawings showing the proposed addition height at 27'. Mr. Jones asked about the existing deck and why it wasn't included as part of the structure to be considered as part of its width. It was acknowledged that had it been included it would have made a lesser increase in the prevailing view, but should have been included regardless, for accuracy sake, as it would have reduced the existing setback distance to the natural bank. A motion was made and seconded and there was a unanimous determination that the project as presented was an Allowed Use.

Plans referenced: "North River Commission Plan for Proposed Addition at 68 Collier Road in Scituate, Mass, Scale: 1"=10', Dated October 3, 2019, Ross Engineering Company, Inc, Paul J. Mirabito, R.L.S."; "The Beagley Residence, 68 Collier Road, Scituate, MA., Scale: $\frac{1}{4}$ "=1'-0", Dated August 15, 2019, Custom Home Designs, Off the Wall Design."

Meeting adjourned 9:40 pm

Gary Wolcott, Administrator

Action Items: 9/26/19:

RFD Decision letters for 922 Summer Street, Marshfield and 68 Collier Road, Scituate

Budget Increase Letter to DCR

Letter to DCR Legal Counsel for Forestry Management/Cutting Plan relationship to the Protective Act.

Research tree cutting on Harbor Lane, Norwell property.

Research structure near natural bank on Cove Creek, Marshfield property.