

North River Commission

Representing the Towns of – Hanover, Hanson, Marshfield, Norwell, Pembroke & Scituate
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Minutes September 28, 2023 - Meeting #589

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

7:00 - Call to Order

7:00 - Request for Determination - 38 Old Shipyard Lane, Hanover - Smith

Michael Smith, the property owner presented a proposed project to construct a septic system to replace an existing failed system. He is also proposing to remove some trees. Mr. Smith reviewed a plan for the septic replacement. He indicated the position of the Natural Bank on the plan and described some of the history of the location, describing how it pre-existed the North River Protective Order. He described his plans to renovate the dwelling while remaining sensitive to the purposes of the Order. The septic system plan was approved by the Hanover Board of Health with revisions. He pointed out the proposed septic system's location, on the front, streetside portion of the lot, as far away as possible from the river. Ms. Leonard asked for information about the existing, failed system. Mr. Smith thinks it is a cesspool and is unsure of the location. GW called the Commission's attention to the plan which shows the area of an existing leaching area which will be removed. GW also relayed information that he and Mr. Jones had observed about the proposed trees that Mr. Smith would like to remove. He described how several trees were close to, and looming over, the house and doubts whether a house would be built today that included retaining trees that close to the house. As Mr. Jones was unable to attend the meeting, GW quoted his emailed comments about the site visit, noting that Mr. Jones felt that "there a few trees that should be cut down." Mr. Smith pointed out the location of an oak and pine that threatened the dwelling and the location of some diseased hemlocks. Mr. Simpson asked for information about the Board of Health's exceptions. Mr. Smith has only just received the information and was told that the plan was approved and that there need not be any additional meetings with the Board. GW asked for Mr. Smith to forward the Commission a copy of the revised, approved plan. (The approved revised plan was forwarded to NRC. There were no substantive revisions. Revisions included adding the wetland flag location to the wetland line, numbering the variance requests, and adding a setback distance from the leaching field to the Bordering Vegetated Wetland.) Mr. Butler commented on the site, noting that the site is in some disrepair and that he is pleased to see that the location is being refurbished. Mr. Smith also described a fallen tree that will be removed. A motion was made and seconded to determine that the proposed septic system plan and tree cutting was an Allowed Use. The motion was passed unanimously.

Plans/Documents referenced: "Proposed Sanitary Plan, 38 Old Shipyard Lane, Hanover, Massachusetts, Assessors Map/Block/Lot: 58/41, Dated: August 26, 2023, Revised: September 28, 2023, Scale: As Noted, Prepared by Dana Junior, Patrick G. Brennan, P.E."

7:15 - Informal Discussion - Trouant's Island, Marshfield - Tarbox

James Tarbox, the property owner, appeared to discuss the proposed construction of a new dwelling on Trouant's Island, Marshfield on land that is within the 300 ft. North River Corridor. He has brought along a set of draft plans to get the Commission's feedback. Mr. Tarbox reviewed the property, noting that

Trouant's Island is a condominium community of 13 homes deeded by Land Court. The Tarbox family has lived in the community for 20+ years and have plans to relocate their domicile to a different, vacant parcel on the island. Ms. Leonard asked for clarification on "relocating" the house. The plan is actually to raze the existing dwelling and build new on the vacant parcel. GW and Ms. Leonard further clarified the location of the vacant parcel, noting that it is on the north side of the island, facing the Spit. GW described how only the parcels on the north side of the island are within the North River Corridor. Mr. Tarbox discussed the dwelling setback to the Natural Bank, noting that the minimum requirement is 100 ft and that, at a 100 ft setback a 60 ft wide house is possible and that for every additional ten feet of width added to the house the setback distance to the Natural Bank increases by 20 ft. He described the proposed location and layout of the dwelling in relation to the setback requirements. Mr. Tarbox indicated on the plan the orthographic imagery from which the Natural Bank and 300 ft. Corridor was generated. Mr. Boulter asked for clarification of the lot's location on the island and it was given. Ms. Leonard asked what other information the Commission could provide for Mr. Tarbox. Mr. Tarbox asked for what type of information was required regarding elevations, meaning clarification of where elevations were required to be shown. Architectural Plans will be required and an elevation of the house as it is viewed from the river, meaning the elevation from the lowest grade of the house as seen from the river to the highest ridgeline of the house, excluding chimneys and cupolas. The maximum height allowed is 35 ft. Mr. Conway asked about the 75 ft structure setback as this relates to building height. Ms. Leonard noted that the 75' structure setback is unrelated to the North River Commission setbacks. Ms. Leonard asked about where the proposed septic system will be located. Mr. Tarbox indicated where the test pits had been excavated for the percolation tests. As there were two sets of two test pits GW asked which set of two would be used for the septic system location. Mr. Tarbox believes that the forward of the two pairs will be utilized and the 100 ft leaching system setback will be met.

7:30 - New Business

1. Minutes approved for August24, 2023 meeting.
2. Administrators Report - Administrator Gary Wolcott (GW) reported on...
 - Report received from Marshfield and Norwell Harbormasters about a submerged boat and a piece of timber in the river. Attempts to remove the boat were unsuccessful as it sank lower when they tried to raise it. Marshfield Harbormaster believes it is not a navigational hazard as it has sunk to a depth greater than existing rocks and shoals in the river. Attempts to relocate the timber piece were unsuccessful
 - Report received from Marshfield Harbormaster about recent camping activity on an island just upstream from Blueberry Island. Evidence of burning of a pine tree. While camping is permitted, burning pine trees is not. Harbormaster believes the tree will need to be removed and will continue to monitor the situation. Ms. Leonard asked whether we had received any log reports of the details that Marshfield Harbormaster has been performing for the Commission. Ms. Leonard will communicate with them. The Commission discussed the Memorandum of Understanding and what duties are required from the parties.
 - Scanning Project - The scanning of the NRC physical files continues. GW was able to arrange for the transmission of certain digital files out of the regular order that were needed for the Commission's review. The final invoice from Morgan Records was received. As expected, the final count of scannable documents was different than the estimate and was slightly higher than initially proposed.
 - The Expense Report for Quarter 1 of Fiscal Year 2024 was completed and offered for review.

- Continued communications with property owners who were sent letters regarding float sizes larger than was permitted. Property owners who responded have requested that the Commission meets with all parties at the same meeting. There was a scheduling conflict and attendance by all at the September meeting was not possible. Efforts will be made to schedule at a later meeting.
 - Communications with current hearing attendees about their projects and appearing at this meeting.
 - Real Estate transactions in the Corridor - 175 Riverside Circle, Marshfield, Welcome Letter sent to new property owner.
 - Site Visits - 38 Old Shipyard Lane, Hanover - GW and Mr. Jones met with the property owner to discuss potential projects on the site and to review trees for cutting.
 - Municipal Hearings - Hanover, Board of Health, 38 Old Shipyard Lane, to review septic system project, Luddam's Ford, Conservation Commission to review repair of fish ladder, Scituate, Zoning Board of Appeals, 22 Salt Meadow Lane, to review application for barn/garage construction, 67 Collier Road, Conservation Commission, ongoing, no report from town's review engineer yet.
 - 22 Salt Meadow Lane, Scituate - Commission reviewed file and directed GW to send property owner a communication reminding them that his proposed project requires North River Commission approval in addition to Town of Scituate approval. This review generated a discussion about the setbacks of the Protective Order as they relate to principal structures versus accessory structures and new construction versus pre-existing non-conforming structures.
 - Old Landing Road, Pembroke - A jet ski was observed at a dock on Old Landing Road, Pembroke. The Commission directed GW to write a letter to the property owner informing them that jet skis are not allowed in the North River and asking them to remove it.
3. Commission Reorganization - Hanson member Donna Frehill will be relocating out of state and informed the Commission that she will be resigning when that time arrives. Ms. Leonard is stepping down as Chairperson of the Commission. GW reviewed the by-law section relevant to selecting a new Chairperson. Mr. Boulter indicated that he has interest in being Chairperson. Ms. Heine moved to nominate Mr. Boulter as Chairman. Mr. Conway seconded. The motion passed unanimously.

Meeting adjourned 8:35 pm

Gary Wolcott, Administrator