



Decision of the Scituate Zoning Board of Appeals on the application of the Town of Marshfield, by its Department of Public Works, for a Special Permit/Finding under Scituate Zoning By-Laws section 460.2 seeking to dredge a six (6) foot deep navigation channel and related work in the South River in the vicinity of the Sea Street Bridge.

The application was received, advertised, and a public hearing was duly held on May 16, 2013 with the following members of the Zoning Board of Appeals hearing the application:


Peter Morin  
Sara Trezise  
Ed Tibbetts

The South River lies within both the towns of Scituate and Marshfield, with the municipal boundaries extending down the centerline of the river. Given that the river lies partially within Scituate boundaries, and is within the designated Saltmarsh and Tideland Conservation District, pursuant to Scituate Zoning by-law Section 460.1 and .2, a special permit is needed to perform any excavation or dredging activities. Section 460.2 states that “no permit shall be granted which will adversely affect the natural character of the area in which the land referred to in the application is located.”

In the extensive application filed by the applicant, the Town of Marshfield proposes to dredge a six (6) foot deep navigation channel for a distance of approximately 1,615 linear feet, more or less, starting just north of the Sea Street Bridge. Related work will include but is not limited to removal of 20-30 remnant timber pilings and debris including cinder blocks, steel pipe and timber decking located just below the existing mudline and under the bridge. The applicant presented sufficient evidence to show that the proposed work is necessary to restore and improve navigational safety on the South River and to eliminate tidal restrictions. More generally, the dredging is required for maintenance of the navigation channel, to improve public access and public safety on the South River, and benefits not only residents of Scituate and Marshfield, but to all visitors to each community. The dredge sediments will be re-used for the purposes of beach nourishment at Rexhame beach.

Pursuant to section 460.2, the board considered the application and found the work proposed by the Town of Marshfield is necessary and will not “adversely affect the natural character of the area in which the land referred to in the application is located”, but rather will improve and enhance public access and safety, and therefore, voted unanimously to approve the application as proposed.

#### ZONING BOARD OF APPEALS

  
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Peter Morin

  
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Sara Trezise

  
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Ed Tibbetts

Pursuant to ch. 40A, Section 11, a copy of this decision has been filed with the Scituate Town Clerk and the Scituate Planning Board on: August 8, 2013.

This Special Permit/Finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County of Deeds after the appeal period of twenty (20) days.

A copy of this decision Appeal of any decision of the Zoning Board of Appeals may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.