



2008 JAN 29 P 3:40
11. 303.

Town of Scituate
Planning Board

**Flood Plain & Watershed Protection District Special Permit – Scituate Marine Park
119 Edward Foster Rd.**

Decision: APPROVED with Conditions
Date: January 28, 2008
Owner: Town of Scituate
Location: Assessor's Parcels 51-3-5, 51-3-6, 51-3-8, 51-3-9
Plans: Marine Park Improvements at 117 Edward Foster Rd., Scituate, MA by CLE Engineering, Inc., dated 12/21/07, Sheet 3 of 6 and Sheet 6 of 6

Members Hearing Special Permit: Donald Walter, Chairman; William Limbacher, Donna Chisholm, Mary Patricia Brennan, and Mark Fenton

Background: The property contains approximately 3.2 acres. It is located in the Residential A-3 and the Flood Plain and Watershed Protection Zoning Districts, and was formerly occupied by Young's Boatyard. The site contains an existing boatyard building, which will be razed, and two historic buildings, a lifesaving boathouse and mossaing shed, which will be preserved.

The property was purchased by the Town of Scituate by vote of Town Meeting on September 27, 2004 for a marine park including slips and moorings; a building for recreation programs, meetings and similar purposes; a boatyard building and service area with a travel lift; a canoe/kayak launch; a parking area; and walkways and a viewing pier. An offshore area will be dredged to accommodate additional slips, and portions of the bank will be stabilized and improved with new revetment and the site will be filled. The applicant requested a Flood Plain Special Permit confirming a finding under Section 470.9 of the Scituate Zoning Bylaw that the land is not subject to flooding.

The site is bounded by a 30' wide section of barrier beach along Edward Foster Road including areas of coastal dune. The entire site is subject to coastal storm flowage. The site is within the FEMA AE flood zone, with a base flood elevation of 11' NGVD 29 or 15.70' relative to Mean Low Low Water (MLLW). The elevations shown on the plan are based on MLLW. The plan shows a proposed grade of 16.2' MLLW in the vicinity of the new marina building as the highest point after regrading, requiring approximately four feet of fill. The greater part of the site will receive between one and three feet of fill. Two sections of the site were clearly already filled to 12' MLW (DEP License #5835) and other sections appear to have areas of fill which have existed for many years.

Section 470.9 of the Zoning Bylaw, Determination of Suitability, states that if land in the Flood Plain and Watershed Protection District is proven to the Planning Board as being not subject to flooding and not unsuitable because of drainage conditions for a permitted use, the Planning Board may issue a Special Permit for the proposed use.

The purposes of the Flood Plain and Watershed Protection District include Paragraph 470.1 F., to preserve and increase the amenities of the town. The Marine Park is a unique use on a public site and provides unique amenities for the town. Little actual building will be required, with potential to offer very broad public benefits through expanding public access to the water for boating, recreation and passive enjoyment. The site appears to already contain large areas of fill that have existed for many years. The increased fill will reduce the potential for flooding in areas of public access and will allow buildings to be constructed in a safe manner, free of flooding, to best serve the public. In this particular situation, and with the approval of the Conservation Commission, it is warranted to allow fill to eliminate the potential danger of flooding.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on January 7, 2008. A Public Hearing before the Planning Board was duly advertised and notices sent to all abutters in accordance with MGL Chapter 40A. The hearing was opened January 24, 2008, at which time the hearing was closed and the Special Permit was approved.

Hearing Summary: Selectman Rick Murray, Chairman of the Waterways Commission Howard Kreutzberg, Harbormaster Mark Patterson and Carlos Pena of CLE Engineering, Inc. presented the plan to the Planning Board. Mr. Limbacher of the Planning Board disclosed that he kept his boat in the mooring area near the boatyard. There was discussion of the fill, the fact that there would be some settling, parking, signage and landscaping. The project will take place in two phases, with the first phase to consist of razing the existing building, filling the site and creating the pit for the travel lift.

Public Comment: No one spoke in opposition or in favor of the project.

Decision: Based upon the information presented to the Board, a motion was duly made and seconded to approve the Special Permit with the following terms and conditions:

1. All improvements must be consistent with the requirements of the National Flood Insurance Program and the provisions of the Flood Insurance District.
2. All improvements must be consistent with those provisions of the State Building Code (780 Code of Massachusetts Regulations) pertaining to flood resistant construction, as interpreted through consultation with the Building Commissioner.
3. Any improvements shall not affect the natural drainage patterns of the watercourse.
4. The proposed construction shall comply with all requirements of the Board of Health, Conservation Commission, Department of Public Works, Fire Department, Water Department and Building Department.

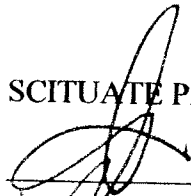
The Vote was as follows: All members voted in favor of granting the Special Permit with conditions.

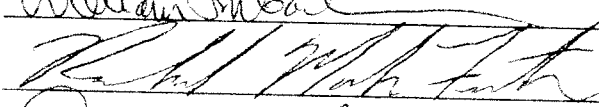
The Planning Board certifies that it has complied with all statutory requirements of MGL Chapter 40A, Sections 9 and 11, and will file copies of this decision with the Town Clerk. The Planning Board further certifies that it has taken into consideration all testimony rendered at the Public Hearing, the comments and suggestions of other boards which have reviewed and made comments on the plans, and all plans and documents submitted by the applicant.

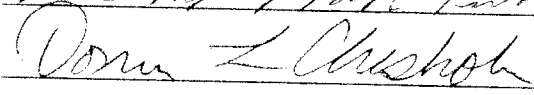
Project: Scituate Marine Park
Flood Plain Special Permit

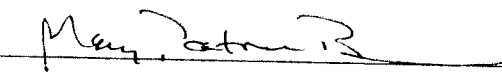
Date: _____

SCITUATE PLANNING BOARD



William Lubal


Robert Mark Firth


Don L. Crushob


Mary Estan R.

Note: This document will not become effective until such time as an attested copy of the Decision has been filed with the Plymouth County Registry of Deeds, following the expiration of the appeal period of 20 days.

DATE FILED WITH TOWN CLERK: January 29, 2008

cc: Shawn Harris, Chairman, Board of Selectmen
Howard Kreuzberg, Chairman, Waterways Committee
Mark Patterson, Harbormaster
Neil Duggan, Building Commissioner
Vincent Kalishes III, Conservation Agent
Carlos Pena, CLE Engineering, Inc.