



Town of Scituate
Planning Board

**Site Plan 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 mousing 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 Site Plan Special Permit under Section 770 of the Scituate Zoning Bylaw. A Flood Plain Special Permit was requested at the same time.

Section 770 of the Zoning Bylaw, Site Plan Special Permit, provides for review of new land uses of a size that may have significant impacts on neighborhoods or the town, to ensure they meet established standards and the Goals and Objectives of the Master Plan. The Standards of Review of Section 770 include protection of adjoining premises, traffic safety, access for service and emergency vehicles, adequacy of utilities and infrastructure, including sewage and solid waste disposal, water distribution, and surface drainage.

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. This application was concurrent with an application for a Flood Plain Special Permit, which was also approved on January 24, 2008.

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 stores his boat during the winter at the boatyard.

The representatives of the town described the multiple uses of the site. Mr. Kreutzberg said the building and walkways would be fully handicapped accessible. The Harbormaster believed there was sufficient parking. The area needs to be left flat for off-season boat storage. The Planning Board said the different areas of the site should be clearly delineated. The drop-off at the activities building needs to be separate from the boatyard operation. This could be done with vegetation such as beach roses or a similar non-invasive species.

The Planning Board pointed out that people will walk from Second Cliff to the viewing pier and kayak launch. The Planning Board would like to see a Landscaping Plan. There was agreement that it would not be necessary to construct all the parking although the zoning requirement was satisfied. There was agreement that the building plans would be reviewed before the new buildings were constructed.

The Scituate Marine Park implements Goals 11 and 12 of the Master Plan Open Space and Recreation element:

11. To provide recreational facilities that meet the demands created by new growth.
12. To protect and promote Scituate's coastal recreational resources, including its beaches and harbors.

In addition the walkway and viewing pier complement the Coastal Access Plan of 1999 which called for a continuous walkway from the end of First Cliff, along Edward Foster Rd., Scituate Harbor and Jericho Rd. to the Scituate Lighthouse.

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 construction shall be completed according to plans by CLE Engineering, Inc., dated December 21, 2007, with the exception of any modifications needed to conform to these conditions.
2. All construction including infrastructure and emergency access shall comply with all requirements of the Board of Health, Conservation Commission, Department of Public Works, Fire Department, Water Department and Building Department, and all local, state and federal regulations.
3. The marina shall include no more than 105 (one hundred and five) slips. Any further expansion shall require approval of the Planning Board.

PARKING

4. A total of six handicapped spaces, including one van space, shall be provided. These spaces shall be divided between the activities building and the walkway.

5. Except for handicapped spaces and handicapped access areas, parking shall be gravel or other pervious surface. There shall be no on-street parking.
6. The walkway shall be fully handicapped accessible.
7. Because of the location in a residential area, the environmental sensitivity of the area and the space available for future expansion, no more parking should be constructed than what is reasonably expected to be used. Parking will be reviewed and added if required.
8. Drop-off areas shall be designated by appropriate signage.

LANDSCAPING

9. Landscaping should be used to separate different functional areas of the site for safety and to maintain an attractive appearance. A landscape plan shall be submitted to the Planning Board before the start of construction. Native plants that are drought tolerant and low maintenance, typically found on beach and dune areas, shall be used on the site.

BUILDING CONSTRUCTION

10. The activities and boatyard buildings shall be generally as shown on elevations by W. MacKinnon presented to the Planning Board on January 24, 2008. Any significant change in style or appearance shall require new review by the Design Review Committee.
11. All improvements must be consistent with the requirements of the National Flood Insurance Program and the provisions of the Flood Insurance District.
12. 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.
13. The activities building, walkways and all areas where the public can access shall be fully handicapped accessible.

STANDARD CONDITIONS

14. A pre-construction conference will be held prior to the start of construction, and shall include the Applicant, its engineers, its contractor, a representative of the Department of Public Works, the Conservation Agent, Building Commissioner, Town Planner, and the Harbormaster.
15. Construction phasing and schedules shall be reviewed at the pre-construction conference. The hours of construction shall be limited to 7 AM to 7 PM weekdays and 8AM to 4 PM Saturdays, with no work to occur on Sundays, holidays or Heritage Days.
16. Noise mitigation and proper dust controls shall be used, with clean-up of all areas of the site as needed, and there shall be no truck idling on the site or adjacent streets. There shall be no off-site parking or standing of construction vehicles.

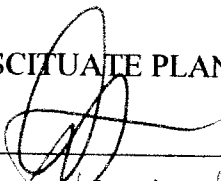
The Vote was as follows: All members voted in favor of granting the Special Permit with conditions.

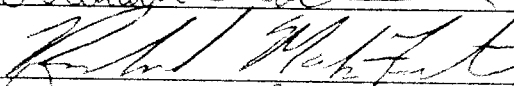
The Planning Board certifies that it has complied with all statutory requirements of MGL Chapter 40A, Sections 9 and 11, and will file copies of this decision with the Town Clerk. The Planning Board further certifies that it has taken into consideration all testimony rendered at the Public Hearing, the 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
Site Plan Special Permit

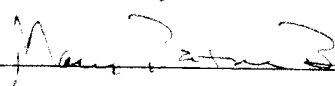
Date: _____

SCITUATE PLANNING BOARD



William L. Luce


Robert M. Felt


Vincent A. Christy


Paul J. Ryan

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: _____

- cc: Rick Murray, Selectman
- Richard Agnew, Town Administrator
- Howard Kreuzberg, Chairman, Waterways Committee
- Mark Patterson, Harbormaster
- Neil Duggan, Building Commissioner
- Paul Scott, Acting Director, DPW
- Vincent Kalishes III, Conservation Agent
- Carlos Pena, CLE Engineering, Inc.