



**Town of Scituate  
Planning Board**

**FLOOD PLAIN & WATERSHED PROTECTION DISTRICT SPECIAL PERMIT  
85 KENT ST.**

Decision: Approved with Conditions  
Date: June 16, 2008  
Applicant/Owner: Megan Gajewski  
Location: 85 Kent St.  
Plans: Plans prepared by Custom Home Designs titled 'New Home Construction for Mr. and Mrs. Mark Gajewski, 85 Kent St., Scituate, MA 02066' Sheets A-1 – A-7 and Sheet S1, not dated, received by the Planning Board on May 12, 2008.

Proposed Site Plan at 83-85 Kent St. Prepared for Marilee A. Caliendo and Megan E. Gajewski by mr Surveying, Inc., dated April 15, 2008

Members Hearing Case: Mr. Walter, Mr. Limbacher, Mr. Vogel, Mr. Fenton and Mrs. Chisholm

**Background:** The property at 85 Kent St. is an 8,846 ± S.F. lot and contains a single family dwelling. It is located in the A-3 Residential Zone and in the AE FEMA Flood Zone, Elevation 15. The house is proposed to be reconstructed according to the elevations provided with the application. The existing topographic elevations in the area of the house are generally 9' to 10'.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on May 12, 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 on June 12, 2008, at which time the hearing was closed and the Board approved the Special Permit with conditions.

**Hearing Summary:** The applicants were present along with their Designer, Julie Johnson. Ms. Johnson presented the plans to the Board. She explained that the home was built in 1950 and was damaged in the 1978 and 1991 storms. The new home will be built further from the water than the existing home. The first floor elevation will be 17'. The height of the new home will be 36' to the ridge. Traffic Rules Committee asked whether the southern arm of the existing driveway could be closed to avoid backing up onto Kent St. Ms. Johnson explained where the driveway would be, and said it will be a circular drive, and it would be gravel.

**Public Input:** No one from the public spoke in favor or in opposition to this proposal.

**Decision:** The Planning Board approved the Special Permit with the following Conditions:

1. All construction of the home at 85 Kent St. shall be according to the following plans:
  - a. Plans prepared by Custom Home Designs titled 'New Home Construction for Mr. and Mrs. Mark Gajewski, 85 Kent St., Scituate, MA 02066' Sheets A-1 – A-7 and Sheet S1, not dated, received by the Planning Board on May 12, 2008.
  - b. Proposed Site Plan at 83-85 Kent St. Prepared for Marilee A. Caliendo and Megan E. Gajewski by mr Surveying, Inc., dated April 15, 2008
2. All improvements must be consistent with the requirements of the National Flood Insurance Program and the provisions of the Flood Insurance District.
3. 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, with any changes to the plans subject to final approval by the Planning Board.
4. Any improvements shall not affect the natural drainage patterns of the watercourse.
5. The proposed structure must comply with all requirements of the Board of Health, Conservation Commission, Department of Public Works, Fire Department and the Building Department.
6. The structure shall not exceed the maximum height permitted for residential structures measured according to the method provided in the Zoning Bylaw.
7. The hours of construction for all unenclosed work on the site or building shall be limited to 7 AM to 7 PM weekdays and 8AM to 4 PM Saturdays, with no such work to occur on Sundays or holidays.
8. Truck idling on the site or adjacent streets shall be kept to a minimum.
9. This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL C40A Section 9.
10. This Special Permit shall be void if it is not recorded at the Registry of Deeds within 180 days of the date of the filing of the Decision with the Scituate Town Clerk. This time period shall be tolled until the resolution of any appeals of this decision. The Applicant shall provide proof of this recording to the Planning Board.

The Vote was as follows: Unanimous vote in favor of granting the Special Permit with Conditions.

SCITUATE PLANNING BOARD

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The Planning Board certified 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.