



Town of Scituate  
Planning Board

**Flood Plain & Watershed Protection District Special Permit  
83 Kent St.**

Decision: **APPROVED with Conditions**  
Date: October 14, 2008  
Owner/Applicant : Marilee Caliendo  
Location: Assessor's Parcel 55-5-15  
Plans: Notice of Intent Plan for 83 Kent St., Scituate, Mass. by Ross Engineering Company, Inc., August 15, 2008.  
Addition & Renovations for Marilee Caliendo, 83 Kent St., Scituate, MA by Custom Home Designs, 8/25/08

Members Hearing Special Permit: Donald Walter, Chairman; William Limbacher, Donna Chisholm, Robert Vogel, and Patricia Brennan Finnie (Associate Member.)

**Background:** The property contains 17,201 sq. ft. of upland. It is improved with a house which was built in 1900 according to Assessor's records. The house has been enlarged at different times over the years, and has a footprint of 988 sq. ft. exclusive of decks. Approximately 676 sq. ft. will be impacted by the renovation. The applicant is requesting a Special Permit to renovate the house and add to the footprint.

Under Section 470.6 F of the Town of Scituate's Zoning Bylaw, an existing structure in the Flood Plain and Watershed Protection District which was built prior to 1992 may be substantially improved as long as construction is according to the State building code, is consistent with the National Flood Insurance Program, and does not alter natural drainage patterns. A substantial improvement is defined as an alteration which affects more than 25% of the footprint of the house.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on September 10, 2008. A Public Hearing before the Planning Board was duly advertised and notices sent to all abutters in accordance with MGL Chapter 40A. In the absence of Planning Board member Mark Fenton, Patricia Brennan Finnie, the associate member, voted on the application. The hearing was opened October 9, 2008 at which time the hearing was closed and the Special Permit was approved.

**Hearing Summary:** The applicant's designer, Julie Johnson, presented the plans to the Planning Board. The house was next to 85 Kent St., which was the subject of a recent application before the Board. This is a separate application which is not connected to or dependent on that application. There will be no changes to the driveway or grade of the site.

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

**Findings of fact:**

1. The property is located in the Flood Plain and Watershed Protection District and FEMA flood zones AE EL13, AE EL15, VE EL 17 and VE EL 18, as shown on FIRM Community Panel #2502820006E dated October 16, 2003.
2. The house was built before 1992.
3. The applicant is willing to comply with all FEMA and Massachusetts State Building Code requirements for construction in the flood plain.
4. The application meets the criteria for a Special Permit under Scituate Zoning Bylaw Section 470.

**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.
5. 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.
6. Noise mitigation and proper dust controls shall be used, with clean-up of all areas of the site as needed.
7. There shall be no truck idling on the site or adjacent streets. During construction, trucks must not idle on Kent St.
8. As requested by the DPW, the applicant must replace clay sewer pipes with PVC pipes.

The Vote was as follows: Donald Walter, William Limbacher, Donna Chisholm, Robert Vogel, and Patricia Brennan Finnie 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.

cc: Mrs. Patricia Geaman  
Herbert Kuendig  
Planning Board  
Neil Duggan, Building Commissioner  
Vincent Kalishes III, Conservation Agent