



Town of Scituate  
Planning Board

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**Flood Plain & Watershed Protection District Special Permit  
86/87 Lighthouse Rd.**

Decision: **APPROVED with Conditions**  
Date: August 26, 2008  
Owner: Malcolm Hall  
Applicant: Patricia Geaman  
Location: Assessor's Parcels 46-5-4, 46-5-5  
Plans: Building Location Plan, #86 Lighthouse Rd., Scituate, Mass. by Environmental Engineering Technologies, Inc. dated May 23, 2008, revised July 25, 2008.

Proposed Raze & Reconstruction: The Geaman Property, 86 Lighthouse Rd., Scituate, MA by Kuendig Design, dated June 30, 2008

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

**Background:** The property includes two parcels, 86 Lighthouse Rd. and 87 Lighthouse Rd. The parcel at 86 Lighthouse Rd. contains a two-story house built in 1890 according to Assessor's records. This house has a footprint of 730 sq. ft. exclusive of decks. According to the Assessor's Map, the area of this parcel is 5,700 sq. ft. On the plan submitted by the applicant, it is shown as 31,741 sq. ft. and includes land under Scituate Harbor. The parcel at 87 Lighthouse Rd. is on the opposite side of Lighthouse Rd. The applicant is requesting a Special Permit to raze the house and replace it with a new residence with a footprint of approximately 1600 sq. ft. The applicant has requested a Section 6 Finding from the Zoning Board of Appeals allowing reconstruction of a building with a nonconforming front setback.

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.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on July 14, 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 August 14, 2008 at which time the hearing was closed and the Special Permit was approved.

**Hearing Summary:** The applicant's designer, Herbert Kuendig, presented the plans to the Planning Board. After meeting with the Zoning Board of Appeals and Conservation Commission, he has revised the plan. The house shown on the new plan will be four feet less in width, three feet less in depth and two feet less in height than the original plan.

In response to concerns about parking, Mr. Kuendig stated that there is a garage that can accommodate two cars and space for four additional cars outside the garage in the lot across the street. In addition, there will be parking for additional cars on the property containing the house.

**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.
5. With the resizing of the single family home, adequate parking shall be provided on either side and in front of this structure.
6. 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.
7. Noise mitigation and proper dust controls shall be used, with clean-up of all areas of the site as needed.
8. There shall be no truck idling on the site or adjacent streets. During construction, trucks must not idle on Lighthouse Road. If idling is necessary, trucks may idle in the Town lot at the Scituate Lighthouse.
9. With the resizing of the structure, there must be adequate parking on the sides and in front of the structure.

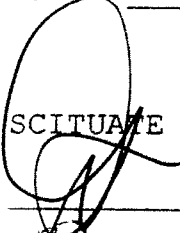
The Vote was as follows: Donald Walter, William Limbacher, Donna Chisholm, Robert Vogel, and Patricia Brennan Finnie voted in favor of granting the Special Permit with conditions.

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.

Project: 86-87 Lighthouse Rd.  
Flood Plain Special Permit

Date: August 14, 2008

SCITUATE PLANNING BOARD

  
Robert B. Vogel  
William Embach  
M.P. Brennan Finnie

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 8/21/2008

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