



Town of Scituate
Planning Board

Accessory Dwelling Special Permit – 12 Salt Marsh Hill Drive

Decision: APPROVED with Conditions
Owner: Susan & Gregory Smith
Applicant: Susan & Gregory Smith
Date: July 9, 2013
Location: 12 Salt Marsh Hill Drive
Assessor's Map #55-2-3B
Plans: 12 Salt Marsh Hill Site Plan L100 by OCO architecture::design, Hingham, MA dated 4/10/13 and architectural plans dated 3/10/13 by OCO architecture::design consisting of nine sheets A000 Cover Sheet/Notes, A100 Foundation/Basement Plan, A101 First Floor Plan, A102 Second Floor Plan, A201 Front Elevation, A202 Side Elevation, A203 Rear Elevation, A301 Building Sections and A401 Enlarged Plan/Interior Elevations.

Members Hearing Special Permit Application: William Limbacher, Chairman; Stephen Pritchard, Robert Vogel, Eric Mercer and alternate Bob Greene.

Background: The property is located in the Residential R-2 Zoning District. The Lot area is 19,406 sq. ft. The existing dwelling is two stories and is serviced by an asphalt drive on the left side of the house going to Salt Marsh Hill Drive. The proposed accessory dwelling will be an attached unit located on the first floor of the house. It will be 939 sq. ft. It is proposed to be authorized as a second legal living unit on the same lot through approval of an accessory dwelling special permit by the Planning Board. The livable area of the existing primary dwelling is 2,649 sq. ft. With the addition of 432 sq. ft. it will be 3,996 sq. ft. It is 24% of the primary dwelling, below the 40% requirement. Parking for both units is in the existing driveway/garage as shown on the plan. The applicant signed an affidavit stating that she will occupy one of the dwelling units on the property.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on April 10, 2013. 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 May 23, 2013 and continued until June 27, 2013 as the Planning Board determined the Special Permit for the Greenfield Estates Flexible Open Space Special Permit would need to be modified prior to hearing the accessory dwelling special permit. The Planning Board closed the hearing and approved the Special Permit with conditions on June 27, 2013. Alternate member, Robert Greene was not present at the commencement of the public hearing on May 23, 2013, but filed a Mullin rule certification on June 14, 2013 making him eligible to vote on the application.

Hearing Summary: Gregory Smith and Eileen Scotti were present for the applicant on May 23, 2013. Mr. Smith indicated he would like to add an accessory dwelling for his mother in law and a small addition to his house. He indicated the roof line would be lower than the main house. Ms. Harbottle indicated that the special permit for Greenfield Estates Flexible Open Space Development had a restriction of 2,800 square feet for the homes. The proposed accessory dwelling and addition to the house would exceed the special permit allowance; therefore, Ms. Harbottle suggested to the Board that a modification would be necessary prior to the accessory dwelling special permit being

granted. The Board continued the public hearing at the applicant's request to June 27, 2013 at 8:30 pm.

Gregory Smith and Eileen Scotti were present. Mr. Smith indicated he is asking for an accessory dwelling special permit to add an addition for this mother in law, Eileen Scotti. Ms. Harbottle indicated that if the size requirement is removed from the Greenfield Estates Special Permit and condition 3 is modified to include accessory dwellings, then the accessory dwelling could be allowed by the Town. Deed restrictions would not be the problem of the Town. The Board discussed modifying the size restriction and adding a height restriction to the Greenfield Estates Special Permit. Three out of the four homeowners were present and expressed support. Phil Santiano concurred as the height restriction was being added to Greenfield Estates Special Permit. The Board agreed to modify the Greenfield Estates Special Permit and approved the Accessory Dwelling Special Permit for 12 Salt Marsh Hill Drive as well.

Public Comment: The Planning Board received comment letters from the Director of Public Health, Jennifer Sullivan, who had no concerns with the project. The conservation agent indicated there was no conservation jurisdiction for the project. Phil Santiano, one of the original developers of Greenfield Estates, indicated he has no issue with the Smith's adding an addition to their home. He indicated he has an issue with changing the size and height restrictions that were recorded as he wants to protect his views and the views from the other homes. His only issue is with changing the recorded wording as to the height. Bob McCarthy of 8 Salt Marsh Hill Drive indicated he had no issues with the proposal. Larry Niland of 45 Ridge Hill Road indicated that when the house is finished it will be nearly 4,000 sq. ft. He said during the subdivision hearings, the public was assured that the houses would be restricted in size. Mr. Smith indicated that currently two houses exceed the size of 2,800 sq. ft. Since several homeowners expressed support, the Board indicated they could modify the special permit for Greenfield Estates. They indicated this would not be modifying the deed restrictions. Mr. Santiano said the house at 7 Salt Marsh Hill was designed to be low and nobody wanted "McMansions" thus there was the original size and height restrictions. Mr. Niland said he had no issue with the accessory dwelling. Stephen Bjorklund asked if the Board needed to modify the restrictive covenants as well. The Board and Attorney Michael Hayes indicated that was up to the property owners.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 12 Salt Marsh Hill Drive.

1. According to Town of Scituate Assessor's records, the property as 12 Salt Marsh Hill Drive is owned by Susan and Gregory Smith.
2. On April 10, 2013, Susan and Gregory Smith applied for a special permit for an accessory dwelling proposed to be attached to the existing single family dwelling at 12 Salt Marsh Hill Drive.
3. According to the Assessor's Records, the floor area of the primary dwelling is 2,649 sq. ft. The floor area of the accessory dwelling as shown on the plan is 939 sq. ft. With an addition of 432 sq. ft. the primary dwelling will be 3,996 sq. ft. The new accessory dwelling will be 24% of the primary dwelling with the addition which is less than the 40% maximum in the bylaw. It meets the requirements of 530.2F for accessory dwellings.
4. The site plan shows a driveway and a garage for the primary dwelling. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.
5. The property is located in the Residential R-2 zoning district on a lot of 19, 406 sq. ft.

6. The applicant has submitted a signed, notarized statement that she will live on the property.
7. The application meets the standards of Scituate Zoning Bylaw Section 530 for an Accessory Dwelling Special Permit.

Decision: A motion was duly made and seconded to approve the Accessory Dwelling Special Permit for 12 Salt Marsh Hill Drive with the following conditions:

1. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department and other town agencies.
2. Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled 12 Salt Marsh Hill Site Plan L100 by OCO architecture::design, Hingham, MA dated 4/10/13 and architectural plans dated 3/10/13 by OCO architecture::design consisting of nine sheets A000, A100, A101, A102, A201, A202, A203, A301 and A401.
3. The property at 12 Salt March Hill Drive shall contain a maximum of two dwelling units, the existing dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage shall not be increased without prior approval of the Planning Board.
4. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.
5. The Planning Board will require an on-site inspection for conformance to the approved plans and these conditions prior to a Certificate of Occupancy being issued for the accessory dwelling.
6. No on-street parking shall be permitted.
7. The accessory dwelling special permit is approved subject to a modification of the Flexible Open Space Special permit being filed at the Registry of Deeds for the modification of conditions 3 and elimination of condition 4 and the additional condition as enumerated earlier.
8. The owner shall provide an attested copy of this decision to the Planning Board office with a check for \$76 within 30 days of the date of filing the decision with the Town Clerk or resolution of appeals, whichever is later. For decisions which must be recorded in Land Court, an additional \$20 shall be included in the check to cover mileage to Plymouth.
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 Chapter 40A, Section 9.
10. The Planning Board reserves the right to review compliance with this special permit at any time. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.
11. At the request of the Planning Board, an affidavit shall be provided that either the primary or accessory unit is owner occupied.
12. At each transfer of ownership of the property, a new affidavit that the owner resides on the property shall be provided to the Planning Board.

Vote:

Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Special Permit for an Accessory Dwelling at 12 Salt Marsh Hill Drive with the conditions noted above.

June 27, 2013

Date

SCITUATE PLANNING BOARD

William Lumbacher

Robert J. Quinn

Robert B. Vogel

[Signature]

This decision was filed with the Town Clerk on July 9, 2013
date

Appeal of this special permit may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.

This special permit will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry of Deeds, after the expiration of the appeal period of twenty (20) days.

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.