

TOWN OF SCITUATE



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*Planning Board*

**Accessory Dwelling Special Permit – 330 Gannett Road  
Decision: APPROVED with Conditions**

TOWN OF SCITUATE  
PLANNING BOARD  
APR 21 AM 8:54

Owner: Adrienne Rowles  
Applicant: Adrienne Rowles  
Date: April 21, 2016  
Location: 330 Gannett Road  
Assessor's Map: # 13-2-43

Plans: Plan entitled Accessory Dwelling Existing Floor Plan submitted with the application  
Members Hearing Special Permit Application: Stephen Pritchard, Chairman; Richard Taylor, Robert Greene and Ann Burbine. Mr. Vogel and Mr. Limbacher abstained from the hearing.

**Background:** The property is located in the Residential R-2 Zoning District. The lot area of the property is 57,316 sq. ft. Based on the floor plan submitted by the applicant, the proposed accessory dwelling is 551 sq. ft. and located on the second floor of an existing garage. It is a studio unit. 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 floor area of the accessory dwelling is less than 750 sq. ft. as allowed in the bylaw. The existing primary dwelling contains two bedrooms and is approximately 1,600 sq. ft. The applicant has signed a notarized statement 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 March 15, 2016. 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 April 7, 2016 and closed on the same date when the Planning Board approved the Special Permit with conditions including the new standard conditions.

**Hearing Summary:** The public hearing was opened on April 7, 2016 with Adrienne Rowles present. The same night, the Planning Board approved the accessory dwelling special permit with conditions.

**Public Comment:** The Planning Board received an email from Deputy Fire Chief Alfred Elliott on March 17, 2016 requesting that fire and building department inspections and perhaps health department be required for the pre-existing residence to ensure that code violations do not exist. A memorandum from Jennifer Keefe, Health Agent, on /2016 indicated that the site has a failed title 5 inspection and a new septic system will be required prior to occupancy of either the primary or accessory units.

**Findings of fact:** A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 330 Gannett Road:

1. According to Town of Scituate Assessor's records, the property at 330 Gannett Road is owned by Cornelius J Robinson s/o Federal National Mortgage. Adrienne Rowles had a Purchase and Sales Agreement to purchase the property and a closing occurred on March 30, 2016. The property is located in the Residential R-2 Zoning District on a lot of 57,316 sq. ft.
2. On March 15, 2016, Adrienne Rowles applied for a special permit for an accessory dwelling within an existing detached garage on the property at 330 Gannett Road. A studio apartment currently exists on the second floor of the detached garage.
3. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 551 sq. ft. It meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.
4. A PeopleGIS image shows the dwelling to have a paved driveway and garage. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.
5. The owner has submitted a signed, notarized statement that she will live on the property.
6. There is not a current compliant Title 5 septic system serving the property and there is no approved plan or permit issued by the Board of Health for a septic system to be constructed to serve the property. The septic system must be in compliance with Title 5 prior to the primary unit or accessory unit being occupied by a renter. The applicant indicates a new septic system is under contract for three bedrooms.
7. Exterior stairs to the accessory dwelling are on the rear of the house.
8. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

**Decision:** A motion was duly made and seconded to approve the Special Permit for an accessory dwelling at 330 Gannett Road with the following conditions and standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

- 1) Except for any changes necessary to meet these conditions, any construction shall conform to the plans submitted with the application.
- 2) The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application.
- 3) The new approved septic system plan by Morse Engineering shall be approved by the Board of Health prior to releasing this special permit to the applicant. This special permit is not valid without a Board of Health Title 5 approval.
- 4) Fire Department and Building Department inspections are necessary to ensure code violations do not exist. Compliance with these inspections is a condition of this permit.
- 5) The standard conditions for accessory dwellings approved by the Planning Board shall be conditions of this decision and shall be included for recording at the Registry of Deeds.
  - A. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department, Conservation Commission and other town agencies.
  - B. The property shall contain a maximum of two dwelling units, the primary 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.
  - C. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.
  - D. The Planning Board may require an on-site inspection for conformance to the approved plans and these conditions prior to the issuance of a Certificate of Occupancy for the accessory dwelling.
  - E. The Planning Board may require an on-site inspection for conformance to the approved plans and these conditions prior to the issuance of a Certificate of Occupancy for the accessory dwelling.
  - F. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy signed by the new owner shall be provided to the Planning Board within seven days of the closing of the sale of the house. It is recommended that this be signed at the closing.
  - G. At any time, at the request of the Planning Board the owner shall provide a notarized affidavit indicating that either the primary or accessory unit is owner occupied.

- H. No on-street parking by occupants of the primary or accessory dwelling shall be permitted at any time.
- I. Construction vehicles/equipment shall not idle, be parked, stored, loaded or unloaded in the street.
- J. This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The owner shall provide proof of this recording to the Planning Board.
- K. 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.
- L. 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.

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 330 Gannett Road with the conditions noted above.

April 7, 2016

Date

SCITUATE PLANNING BOARD

Richard W. Taylor

John R. Pritchard

Rosalind J. Hunt

Ann Burline

This decision was filed with the Town Clerk on

April 21, 2016.

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