

TOWN OF SCITUATE

*Planning Board*



600 Chief Justice Cushing Hwy  
Scituate, Massachusetts 02066  
Phone: 781-545-8730  
FAX: 781-545-8704

**Accessory Dwelling Special Permit – 3 Garden Road  
Decision: APPROVED with Conditions**

Owner: Emily and Patrick Farr  
Applicant: Emily and Patrick Farr  
Date: March 13, 2017  
Location: 3 Garden Road  
Assessor's Map: # 34-22-3

Plans: Plans entitled Permit Set Patrick & Emily Farr by Fitzgerald Design Sheets 1 of 9 through 9 of 9 and Site Plan for Proposed Accessory Building 3 Garden Road Assessor's Map 34-22-1, 2, & 3 by Morse Engineering Company, Inc. dated 7/22/16.

Members Hearing Special Permit Application: Stephen Pritchard, Chairman; William Limbacher, Ann Burbine and Gerard Wynne.

**Background:** The property is located in the Residential R-3 Zoning District. The lot area of the property is 15,000 sq. ft. The proposed accessory dwelling will be 672 sq. ft. and located on the second floor of a detached two car garage with an attached car port currently under construction. A building permit was issued on 8/5/16 for a two car garage with an office above it. The garage and second story are approximately 1,250 sq. ft. The carport attached to the first floor of the garage is approximately 336 sq. ft. and has a deck and stairs to the accessory unit over it. There is also a single family house built in 1925 on site that is approximately 1,100 sq. ft. according to the assessor's records. The proposed accessory dwelling will be a one bedroom unit located above the garage with a kitchen/living room/bedroom and bathroom. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 672 sq. ft. It is proposed to be authorized as a second legal living unit on the same lot through approval of

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an accessory dwelling special permit by the Planning Board. The floor area of the accessory dwelling will be less than 750 sq. ft. as allowed in the zoning by law. It is also 61 % of the floor area of the primary dwelling which is more than 40% as allowed by the bylaw. The applicants have signed a notarized statement that they 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 February 14, 2017. 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 March 9, 2017 and closed on the same date when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

**Hearing Summary:** The public hearing was opened on March 9, 2017 with Patrick and Emily Farr present for the applicant. The same night, the Planning Board approved the accessory dwelling special permit with conditions.

**Public Comment:** The Planning Board received an email from Jennifer Keefe, Health Agent, on 2/22/2017 that the residence is served by Town sewer and if either the primary dwelling or accessory dwelling are to be a rental unit in the future, it must meet the requirements of the State Sanitary Code, Chapter II as well as Section 30350, the Housing By-law, of the Code of General Bylaws. Cheryl Cipolla of 2 Hawley Road submitted comments against the project due to its size. The DPW Engineering Division indicated on March 8, 2017 that the sewer and water connections are not shown on the drawings and that a \$7,500.00 sewer fee is required for the accessory dwelling. They also indicated that since Hatherly Road is under a moratorium, any work required in the road is subject to a \$5,000.00 fee.

**Findings of fact:** A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 3 Garden Road:

1. According to Town of Scituate Assessor's records, the property at 3 Garden Road is owned by Emily M & Patrick Farr. The property is located in the Residential R-3 District. The lot area is 15,000 sq. ft.
2. On February 14, 2017, Emily & Patrick Farr applied for a special permit for an accessory dwelling within a detached garage at 3 Garden Road.
3. A building permit was issued for a two car garage with office space above on 8/15/2016.
4. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 672 sq. ft. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as it is less than 750 sq. ft.
5. The primary dwelling was built in 1925 and contains 1,100 sq. ft. according to Assessor's records. The proposed accessory dwelling unit is 61% of the floor area of the primary dwelling. It is greater than the 40% as allowed in the bylaw, but under the size of 750 sq. ft. as noted in Finding 4.

6. The plan shows the accessory dwelling to have a two car garage which will provide two on-site parking spaces for the accessory dwelling. A one car carport is also attached to the garage. There is a driveway off of Hatherly Road for parking for several cars and a driveway off of Garden Road with parking for two cars for the primary dwelling. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.
7. The owners have submitted a signed, notarized statement that they will live on the property.
8. The property has been on Town sewer since 1973. The applicant indicates that they can install a connection to the sewer line on the property
9. There are exterior stairs to the accessory dwelling are on the sides of the house.
10. 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 3 Garden 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 entitled Permit Set Patrick & Emily Farr by Fitzgerald Design Sheets 1 of 9 through 9 of 9 and Site Plan for Proposed Accessory Building 3 Garden Road Assessor's Map 34-22-1, 2, & 3 by Morse Engineering Company, Inc. dated 7/22/16.
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 accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
4. There shall be permanent screening at the landing to be installed after consultation with the Town Planner.
5. The standard conditions for accessory dwellings approved by the Planning Board which follow below 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.

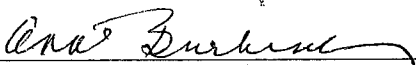
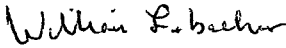

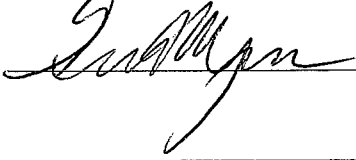
Vote:

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 3 Garden Road with the conditions noted above.

3/9/17

Date

SCITUATE PLANNING BOARD

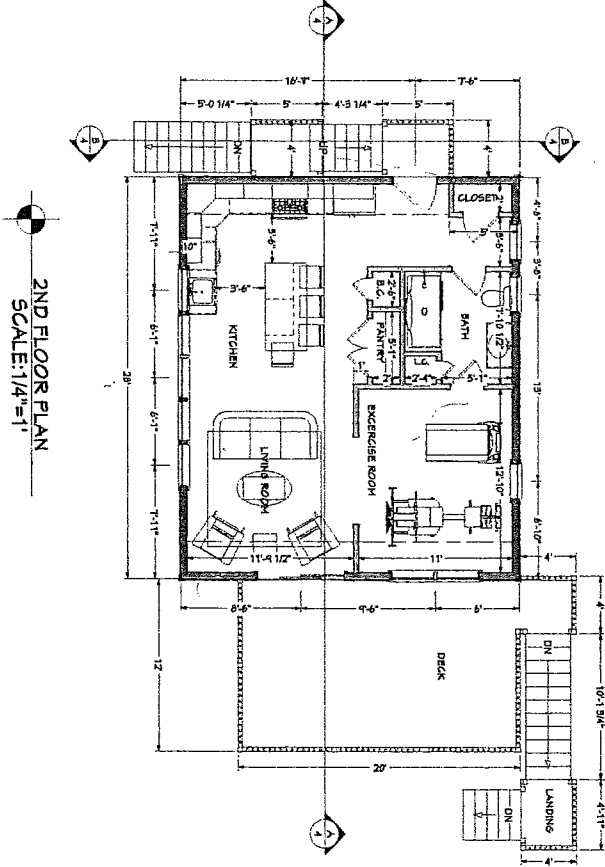
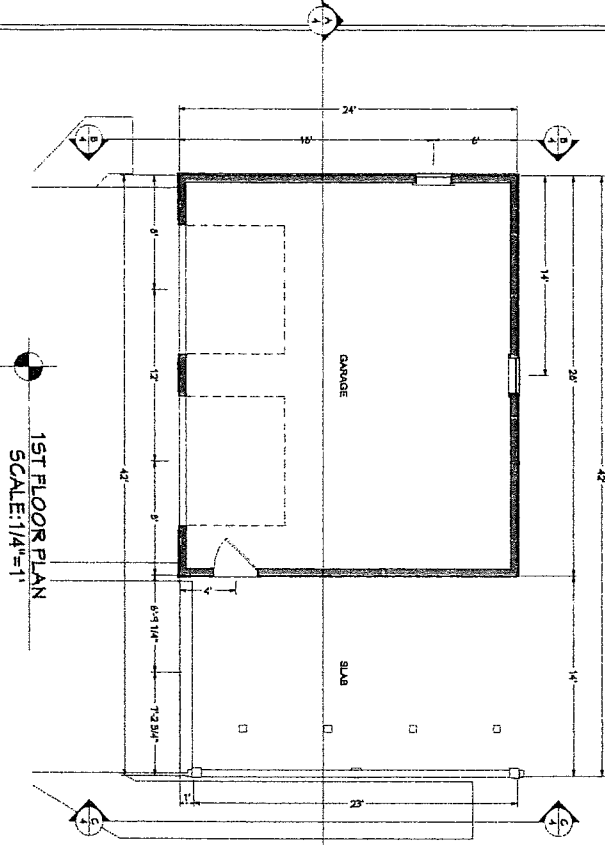
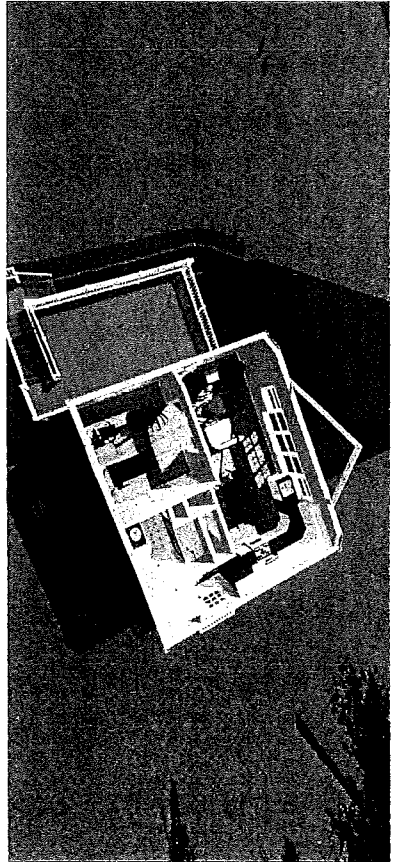
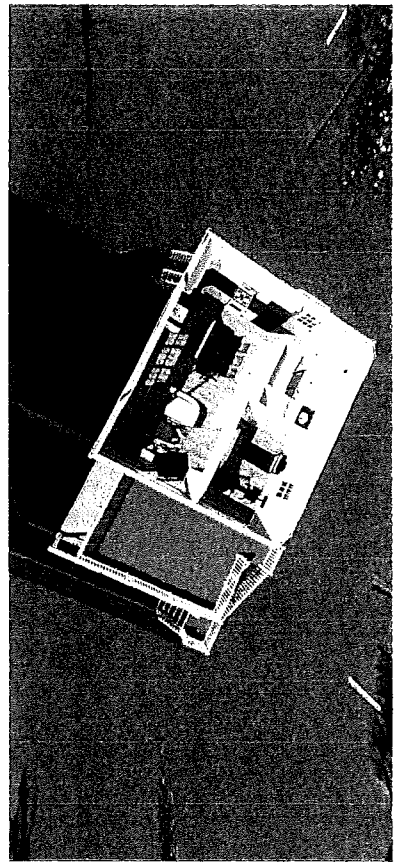
  
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This decision was filed with the Town Clerk on 3/13/2017  
date

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



PERMIT SET

\* IF PRINTED ON 11X17 FORMAT, SCALE IS HALF

REV # 2 3 9	Scale: 1/4"=1' PROJECT # 16-107 Sheet #	Date: 6/1/16 Drawn by: JAC	<b>Fitzgerald Design</b> 52 Woodridge Road Duxbury, Ma 02332 781-934-9649 fitzgerald_jack@yahoo.com	Project Name Patric & Emily Farr Scituate, Ma 02066	Title <b>FLOOR PLANS</b>	Rev Date DESCRIPTION 1 6/1/16 PREL REVIEW 2 6/16/16 PERMIT SET

7/5/2016 C:\Users\Joseph\Desktop\Jobs\Jack's Jobs\Farr Plans\Farr Plans final layout.2:04:08 PM

12/23/15

## Karen Joseph

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**From:** Jennifer Keefe  
**Sent:** Wednesday, February 22, 2017 10:58 AM  
**To:** Laura Harbottle  
**Cc:** Karen Joseph  
**Subject:** 3 Garden Rd accessory dwelling

Hi Laura,

I am in receipt of the informational package associated with the Accessory Dwelling Special Permit application for the residential dwelling located at 3 Garden Road. It is my understanding that the residence is served by Town sewer and will remain so. If either the primary residence or potential future accessory dwelling, if granted, is to become a rental unit in the future, it must meet the requirements of the State Sanitary Code, Chapter II as well as Section 30350, the Housing By-law, of the Code of General Bylaws.

Thanks,  
Jenn

Jennifer Keefe, M.P.H.  
Public Health Department  
Town of Scituate  
600 Chief Justice Cushing Highway  
Scituate, MA 02066  
781-545-8725

Please remember when writing or responding that the Secretary of State's Office has determined that email is a public record and all e-mail communications sent or received by persons using the Town of Scituate network may be subject to disclosure under the Massachusetts Public Records Law (M.G.L. Chapter 66, Section 10) and the Federal Freedom of Information Act.



TOWN OF SCITUATE  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

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**To:** Planning Board

**From:** DPW Engineering

**Re:** 3. Garden Road

**Date:** March 8, 2017

In response to your request, the engineering department reviewed the Proposed Accessory Building 3 Garden Road prepared by Morse Engineering dated July 22, 2016. We off the following comment:

- Hatherly Road is currently under a moratorium. Any work required in Hatherly Road is subject to a \$5,000.00 fee.
- Sewer connection not shown on the drawing.
- Water connection not shown on the drawing. Will a separate service and meter be required to service this accessory building?
- A \$7,500.00 sewer user fee is required for accessory dwelling

