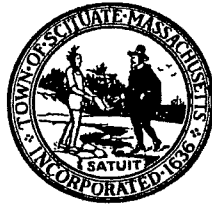


TOWN OF SCITUATE



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Planning Board

**Accessory Dwelling Special Permit – 97 Edward Foster Road
Decision: APPROVED with Conditions**

Owner: Maureen Lewis Seastrand
Applicant: Maureen Seastrand Colvin
Date: February 28, 2017
Location: 97 Edward Foster Road
Assessor's Map: # 51-3-1

Plans: Plans entitled Maureen Colvin 97 Edward Foster Road Scituate by Otis Hathon
Architect dated 4/30/2016 Sheets Current conditions and Proposed Conditions; Excerpt of a Site
Plan

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

Background: The property is located in the Residential R-3 Zoning District and a portion of the property is in the Floodplain and Watershed Protection Zoning Districts. The FEMA National Flood Layer shows the site to be in the AE 15 zone and is within the LiMWA (Limit of Moderate Wave Action). The lot area of the property is 28,229 sq. ft. The proposed accessory dwelling will be 576 sq. ft. and located within a single family house with a floor area of 2,160 sq. ft. inclusive of the accessory dwelling. The proposed accessory dwelling will be a one bedroom unit located on the first floor of the house where the existing family room is located. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 576 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 floor area of the accessory dwelling will be 23 % of the floor area of the primary dwelling which is less than 40% as allowed by

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the bylaw. 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 January 27, 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 February 23, 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 February 23, 2017 with Maureen Seastrand Colvin present for the applicant. The same night, the Planning Board approved the accessory dwelling special permit with conditions.

Public Comment: The Planning Board received a memo from Jennifer Keefe, Health Agent, on 2/21/2017 that the number of bedrooms in the dwelling needs to be clarified, documentation will be required to determine if a Title 5 inspection will be required and if the unit is to become a rental 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. A comment was also received from the Coastal Resource Officer on 2/7/17 that the property should be treated as if it is a Coastal A or V zone as it is in the FEMA layer for Limit of Moderate Wave Action.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 97 Edward Foster Road:

I move to make the following Findings of Fact:

1. According to Town of Scituate Assessor's records, the property at 97 Edward Foster Road is owned by Maureen E Lewis-Seastrand TR of the 97 Edward Foster Road Realty Trust aka Maureen Seastrand Colvin. The property is located in the Residential R-3 Zoning District and a portion of the property is in the Floodplain and Watershed Protection District. MapsOnline by People GIS shows the AE Zone to be Elevation 15. FEMA's National Flood Layer shows that the site is in the FEMA AE 15 zone and is within the LiMWA (Limit of Moderate Wave Action).
2. On January 27, 2017, Maureen Seastrand Colvin applied for a special permit for an accessory dwelling within a single family home on the property at 97 Edward Foster Road.
3. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 576 gross sq. ft. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as it is less than 750 square feet.
4. The plan shows the dwelling to have an existing gravel driveway with parking for 10 cars. 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 and needs the accessory unit to financially maintain the single family home where she has lived

for 23 years.

6. The site has a septic system and a sewer pipe available and the applicant is paying sewer betterment fees. Since the primary or accessory unit can be rented, it must meet the requirements of the State Sanitary Code. The house is serviced by Town water.
7. There are exterior stairs to the accessory dwelling on the side of the house. There will be a second means of access to the basement which does not contain a garage.
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 97 Edward Foster 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 97 Edward Foster Road by Otis Hathon Architect dated April 30, 2016.
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 applicant will need to provide accurate and complete documentation associated with the septic system serving the residence. There are three bedrooms on the second floor of the existing dwelling and one bedroom in the proposed accessory dwelling on the first floor. Since the primary residence or accessory dwelling unit can be rented, "it must meet the requirements of the State Sanitary Code, Chapter II as well as Section 30350, the Housing Bylaw, of the Code of General Bylaws."
4. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
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 97 Edward Foster Road with the conditions noted above.

February 23, 2017

Date

SCITUATE PLANNING BOARD

Anna Burkine

William L. Baker

Stephan R. Pritchard

Richard W. Torner

This decision was filed with the Town Clerk on March 2, 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