



Town of Scituate
Planning Board

Accessory Dwelling Special Permit – 7 Pennycress Road

Decision: •APPROVED with Conditions
Owner: Sean J. & Melissa M. O'Brien
Applicant: Sean J. & Melissa M. O'Brien
Date: April 29, 2013
Location: 7 Pennycress Road
Assessor's Map # 21-5-18

Plans: Cover/Demolition Plan revised dated 3/26/13, Sheets A-1 through A-4
Basement/Foundation Plan, First Floor Plan, Exterior Elevations, Interior Elevations O'Brien/Miller Residence 7 Pennycress Road Scituate, MA prepared by Aprea Design and dated 2/11/13 submitted with this application. Site Plan submitted for property shows septic system revisions dated 3/11/1997 by Stenbeck & Taylor, Inc.

Members Hearing Special Permit Application: William Limbacher, Chairman; Daniel Monger, Richard Taylor, Robert Vogel and Eric Mercer.

Background: The property is located in the Residential R-2 Zoning District. The lot area of the property is 20,933 sq. ft. The existing dwelling located on the property known as 7 Pennycress Road is 2 stories and is serviced by an asphalt drive to the east of the house with attached garage. The proposed accessory dwelling will be a one bedroom unit located in the existing dwelling through the reconfiguration of one bedroom in the interior floor plan. It will be 688 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 area of the accessory dwelling is less than 750 sq. ft. and parking for both units is shown on the plan. The applicant has signed an affidavit stating that he will occupy one of the dwelling units on the premises.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on March 20, 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 April 25, 2013 and closed on that date when the Planning Board approved the Special Permit with conditions.

Hearing Summary: Sean O'Brien was present for the applicant along with his contractor, Ed Walsh and architect, Jonathan Aprea. Mr. O'Brien indicated he would like to add an accessory dwelling unit to his residence for his mother in law. He indicated the number of bedrooms remains unchanged and the footprint of the house will be unchanged with the exception of a foyer being added. Ms. Harbottle indicated the accessory dwelling is proposed as 688 sq. ft., thus is less than 750 square feet and is subordinate so it meet the bylaw. The Board had no issues with the project.

Public Comment: The Planning Board received a comment letter from the Water Superintendent, James DeBarros, who has no issues regarding the accessory dwelling application for the property at 7 Pennycress Road. Ann Burbine of 10 Pennycress Road indicated that the project won't detract from the neighborhood and she is in full support of it.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 7 Pennycress Road.

1. According to Town of Scituate Assessor's records, the property as 7 Pennycress Road is owned by Sean J. & Melissa M. O'Brien.
2. On March 20, 2013, Sean and Melissa O'Brien applied for a special permit for an accessory dwelling within the existing single family dwelling at 7 Pennycress Road.
3. According to the Assessor's Records, the floor area of the primary dwelling is approximately 3,000 sq. ft. The floor area of the accessory dwelling as shown on the plan is 688 sq. ft. This is less than 750 sq. ft. and meets the requirements of 530.2F for accessory dwellings.
4. The property is located in the Residential R-2 zoning district. The lot area is 20,993 sq. ft. The existing footprint of the home is proposed to be unchanged as the existing dwelling will be reconfigured for one bedroom in the accessory dwelling and four in the primary dwelling. There are presently five bedrooms in the existing house.
5. The site plan shows a driveway and a two car garage for the primary dwelling. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling. Should the accessory dwelling not be occupied by a family member, additional parking may be required.
6. The applicant has submitted a signed, notarized statement that he 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 7 Pennycress Road 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 plans entitled Cover/Demolition Plan revised dated 3/26/13, Sheets A-1 through A-4 Basement/Foundation Plan, First Floor Plan, Exterior Elevations, Interior Elevations O'Brien/Miller Residence 7 Pennycress Road Scituate, MA prepared by Aprea Design and dated 2/11/13 submitted with this application. Site Plan submitted for property shows septic system revisions dated 3/11/1997 by Stenbeck & Taylor, Inc.
3. The property at 7 Pennycress Road 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.

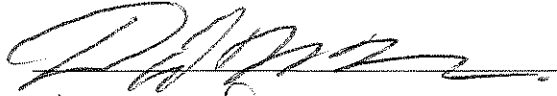
6. No on-street parking shall be permitted.
7. The applicant should provide a site plan showing where additional parking would be located in the event someone purchases the property who will not have a family member in the apartment.
8. This Special Permit shall be void if it is not recorded at the Registry 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.
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 within 30 days of the transfer.


Vote:

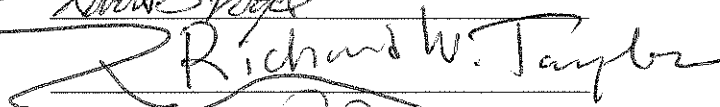
Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Special Permit for an Accessory Dwelling at 7 Pennycress Road with the conditions noted above.

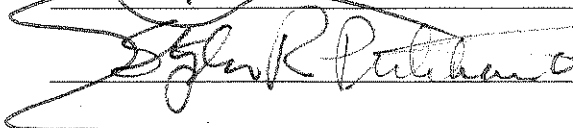
April 25, 2013
Date

SCITUATE PLANNING BOARD



William D. Smith


Robert Vogel


Richard W. Taylor


Stephen R. Butcher

This decision was filed with the Town Clerk on April 29, 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.