

TOWN OF SCITUATE



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Planning Board

**Accessory Dwelling Special Permit – 9 Blanchard Farm Lane
Decision: APPROVED with Conditions**

Owner: Patrick and Tracy Hunter
Applicant: K & E Construction
Date: February 2, 2016
Location: 9 Blanchard Farm Lane (Lot 7)
Assessor's Map: # 26-1-5F

Plans: Plans entitled Hunter Residence Lot 7 Blanchard Farm Lane, Scituate, MA by 209 Design dated 11/20/2015 Sheets A1 Exterior Elevations, A2 Exterior Elevations, A3 Foundation + Lower Level Plan, A4 First Floor Plan Design 2, A5 Second Floor Plan; Proposed Septic System #9 (Lot 7) Blanchard Farm Lane by Morse Engineering Co., Inc. revised dated 12/17/15.

Members Hearing Special Permit Application: Stephen Pritchard, Chairman; William Limbacher, Richard Taylor and Robert Greene. Mr. Vogel abstained from the votes.

Background: The property is located in the Residential R-2 Zoning District and the Water Resource Protection District. The lot area of the property is 20,094 sq. ft. The proposed accessory dwelling will be 650 sq. ft. and located within a single family house with a proposed floor area of 2,439 sq. ft. exclusive of the accessory dwelling. The proposed accessory dwelling will be a one bedroom unit located the first floor 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 650 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 26.7% of the floor area of the primary dwelling which is less than

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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 December 22, 2015. 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 January 28, 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 January 28, 2016 with Tracy Hunter and Kerri Johnson of K & E Construction present. The same night, the Planning Board approved the accessory dwelling special permit with conditions.

Public Comment: The Planning Board received a memorandum from Jennifer Keefe, Health Agent, on 12/30/2015 that a 5 bedroom septic design plan was approved on 12/21/15 (permit # 112-15). Frank and Terri Kelly of 34 Whittier Drive indicated they had not seen the plans as abutters. Mr. Kelly said he did not want to see a duplex. Mrs. Kelly was concerned that the garage be in front as she does not want to see headlights. Ms. Harbottle indicated that the plans have been available in the Planning Office. Ms. Johnson indicated that the house would look and live like a single family house. Ms. Johnson reviewed the plans with the Kelly's in the presence of Ms. Harbottle. Tom Quinn of 30 Whittier Drive was concerned with the height of the home as the subdivision plan indicated an elevation and he wanted to know if it had changed. Chairman Pritchard indicated that the Building Department makes decisions about the building and presumably the building Department looked into those issues. Chairman Pritchard did ask Ms. Harbottle to follow up on the elevations. She indicated she could ask the consulting engineer.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 9 Blanchard Farm Lane:

1. According to Town of Scituate Assessor's records, the property at 9 Blanchard Farm Lane is owned by Blanchard Farm LLC. Patrick and Tracy A. Hunter and Daniel T. and Kathleen Hunter have a Purchase and Sales Agreement with Blanchard Farms, LLC to purchase the property. Patrick and Tracy Hunter have a Construction Contract with K & E Construction Corporation. The property is located in the Residential R-2 and Water Resource Protection Zoning Districts on a lot of 20,094 sq. ft.
2. On December 22, 2015, K & E Construction applied for a special permit for an accessory dwelling within a single family home on the property at 9 Blanchard Farm Lane.
3. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 650 sq. ft. It meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.
4. The plan shows the dwelling to have a proposed paved driveway and there will be a new two car garage. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.

5. The prospective future owners have submitted a signed, notarized statement that they will live on the property.
6. The septic system has been approved for five bedrooms.
7. Exterior stairs to the accessory dwelling are on the side or rear of the house.
8. Morse Engineering Co., Inc. provided a letter dated 11/18/2015 to the Town Planner that the impervious area of the revised layout plan increased from 3,450 sq. ft. to 3,943 sq. ft. or a 14% increase. The roof drywell systems are proposed to be increased by 33% for the increased stormwater runoff. Leaching drywell chamber systems A and B have been increased from 3 each to 4 each.
9. 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 9 Blanchard Farm Lane with the following conditions and standard conditions for accessory dwellings:

- 1) Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Hunter Residence Lot 7 Blanchard Farm Lane, Scituate, MA by 209 Design dated 11/20/2015 Sheets A1 Exterior Elevations, A2 Exterior Elevations, A3 Foundation + Lower Level Plan, A4 First Floor Plan Design 2, A5 Second Floor Plan; Proposed Septic System #9 (Lot 7) Blanchard Farm Lane by Morse Engineering Co., Inc. revised dated 12/17/15.
- 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) Landscaping shall be provided in the rear yard to supplement the existing natural tree line. The landscaping shall be comprised of evergreen and deciduous native plants. A minimum of 10 evergreen trees of 6 -7 foot height (excluding hemlock and arborvitae), 10 evergreen shrubs of 18 – 24” in height and 10 deciduous shrubs of 18-24” in height shall be provided to screen the backyard from abutting properties. A plan shall be submitted to the Town Planner for approval prior to planting.
- 4) Subsurface leaching drywell system B shall be relocated to be at least 25 feet from the rear property line. A plan shall be provided to the Planning Board showing the revised location prior to approval of a building permit. This location shall be staked in the field during construction and shown on all as-built plans.
- 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 9 Blanchard Farm Lane with the conditions noted above.

January 28, 2016

Date

SCITUATE PLANNING BOARD

Ann Burbones

William Lubchaw

John P. Fulkard

Robert B. Veal

Robert J. Iann

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