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SCITUATE, MASS.

Town of Scituate
Planning Board

Accessory Dwelling Special Permit – 562 First Parish Road

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2012 DEC 11 A 9:56
SCITUATE, MASS.
KAG

Decision: APPROVED with Conditions
 Owner/Applicant : Robert Barrett, Trustee, FPR Realty Trust
 Date: December 7, 2012
 Location: 562 First Parish Road
 Assessor's Map #: 31-1-42
 Plans: Accessory Dwelling Special permit Plan in the Town of Scituate, MA 562 First Parish Road by Ross Engineering Co., Inc. dated Sept. 21, 2012 and Front Elevation, First Floor Plan and Second Floor Plan for the proposed primary dwelling and Existing Floor Plan of the Accessory Dwelling submitted with this application.

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-1 Zoning District as well as the Water Resource Protection District. The owner owns Lot 1, a 31,156 sq. ft. lot accessed by a Common Driveway approved by the Planning Board on 7/28/2011. The existing dwelling known as 562 First Parish Road is a 1 story house with 550 sq. ft. and an attached 2 car garage of 360 sq. ft. which will be served by a new driveway. It is proposed to be authorized as a second legal living unit on the same lot with a separate driveway from a primary structure (to be built) through approval of an accessory dwelling special permit by the Planning Board. The front setback of the accessory dwelling at approximately 50', meets the 30' requirement and the side and rear setbacks conform to the yard requirements for a primary structure. Christopher J. McKenna, as future owner, has signed an affidavit stating that he will occupy the 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 November 7, 2012. 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 December 6, 2012 when it was closed and the Planning Board approved the Special Permit with conditions.

Hearing Summary: Christopher McKenna was present and had been authorized by applicant, Robert J. Barrett, TR to act as his duly authorized agent. Mr. McKenna indicated that a Common Driveway Special Permit was approved by the Scituate Planning Board on 7/28/2011 and Lot 1 was part of that development. The application would enable an existing dwelling of 550 sq. ft. with one bedroom and an attached 360 sq. ft. two car garage to become an accessory dwelling. A new four bedroom primary dwelling of 2,854 sq. ft. is also proposed on the lot. There will be separate driveways for each dwelling. The accessory dwelling will be less than 750 sq. ft. as required by zoning. Jennifer Sullivan, Director of Public Health has indicated that the current approved septic

system is for four (4) bedrooms. The septic system plans will need to be redone and approved for five (5) bedrooms if a four bedroom principal dwelling is desired. The Water Division indicated that there are two (2) 1" lines that were installed by McEachern Construction and that providing one of these lines is for this house, there would be no problems. The Fire Chief indicated that there is sufficient access and good hydrant location for this house, which will need a separate house number.

Public Comment: The Planning Board received comment letters from the Director of Public Health, Fire Chief and DPW Water Division.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 562 First Parish Road.

1. The property at 562 First Parish Road is owned by Robert Barrett, Trustee, FPR Realty Trust.
2. On November 7, 2012, FPR Realty Trust applied for a special permit for an accessory dwelling in an existing structure. The applicant proposes to build a new primary dwelling on the lot. Access to the proposed primary and accessory dwellings will be from a Common Driveway approved by a Special Permit from the Planning Board on 7/28/2011.
3. The floor area of the accessory dwelling with one (1) bedroom as shown on the plan is 550 sq. ft. This is less than 750 sq. ft. and meets the area requirements of 530.2 F for accessory dwellings.
4. The site plan shows an existing two (2) car garage for the accessory dwelling. A new garage for two (2) cars is proposed for the primary dwelling. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.
5. The property is located in the Residential R-1 zoning district. The height and setbacks for the accessory dwelling comply with the zoning bylaw.
6. On 7/28/2011 the Planning Board approved a special permit for a 14' wide common driveway for three houses at this location. The Zoning Bylaw requires approval of the Fire Chief for this reduced width. The applicant has obtained a Memo from the Fire Chief indicating that this width is adequate for these houses and an accessory dwelling in a separate structure.
7. As part of the special permit approval, the Planning Board approved a drainage system with rain gardens and other low impact techniques for this common driveway. The applicant has agreed to provide revised drainage calculations to the Planning Board consulting engineer prior to applying for a building permit for the principal dwelling.
8. Christopher J. McKenna, as future owner, has signed a notarized statement that he shall occupy one of the dwellings on the premises and if he sells the premises then he shall submit a new document signed by the new owner.
9. 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 562 First Parish with the following conditions:

1. Except for any changes necessary to meet these conditions, any construction shall conform to the a plan entitled Accessory Dwelling Special Permit Plan in the Town of Scituate, MA 562 First Parish Road by Ross Engineering Co., Inc. dated Sept. 21, 2012 and Front Elevation, First Floor Plan and Second Floor Plan for the proposed primary

dwelling and Existing Floor Plan of the Accessory Dwelling submitted with this application.

2. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department and other town agencies.
3. The property at 562 First Parish Road shall contain a maximum of two dwelling units, a proposed primary dwelling and an accessory dwelling in an existing structure. The footprint, number of bedrooms and/or square footage of the accessory dwelling 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. Each new owner of the property shall provide a notarized certification that he intends to reside on the property to the Planning Board prior to occupancy.
5. New drainage calculations shall be provided to the Planning Board based on all improvements to Lot 1/ 562 First Parish Rd. with a deposit to cover the cost of review by the Town's consulting engineer. Any modifications to the site or common driveway recommended by the consulting engineer must be approved by the Planning Board prior to application for a building permit.
6. No on-street parking shall be permitted.
7. 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 within 30 days of recording.
8. 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.
9. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.

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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 562 First Parish Road with the conditions noted above.

December 6, 2012

Date

SCITUATE PLANNING BOARD

Richard W. Taylor

[Signature]

William Sambach

[Signature]

[Signature]

This decision was filed with the Town Clerk on

December 11, 2012

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.

TOWN OF SCITUATE



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

Planning Board

November 7, 2012

To: Board of Selectmen
DPW
Board of Health
Building Commissioner
Fire Department
ZBA
Water Division
Conservation Commission
Police Department

From: Laura Harbottle, Town Planner LH/kj

RE: ACCESSORY DWELLING SPECIAL PERMIT APPLICATION
562 FIRST PARISH ROAD

Attached is an application for an Accessory Dwelling Special Permit for property located at 562 First Parish Road, Assessor's Map/Block/Lot 31/1/42.

The applicant proposes an approximately 550 sq. ft. accessory dwelling in an existing dwelling on Lot 1 of 562 First Parish Road. The existing dwelling is a three (3) room – one (1) bedroom dwelling of 550 sq. ft. with a two (2) car garage of 360 sq. ft. The proposed primary dwelling will be 2,854 sq. ft. dwelling with four (4) bedrooms. It will be a two story dwelling with an attached two (2) car garage.

The property lies in the Town of Scituate Residence R-1 Zoning District and the Water Resource Protection District. The lot area is 31,156 sq. ft. A Common Driveway Special Permit was approved by the Planning Board on July 28, 2011. Access to the accessory dwelling and primary dwelling will be off the common drive and will be deed restricted so that no access from First Parish Road is allowed. The common driveway was conditioned to be private in perpetuity and maintenance of it and its drainage responsibility of the owners.

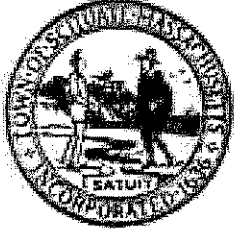
The future owner of the property, Christopher J. McKenna has signed a notarized statement that he intends to occupy one of the units and if sold, he will submit a new statement by the new owners.

We have scheduled a Public Hearing for December 6, 2012. We would appreciate receiving your comments by December 3, 2012, if possible.

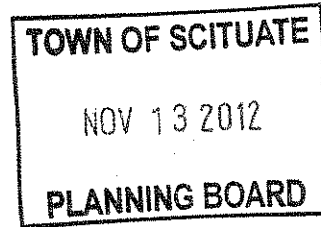
Thank you.
LH/kj
Enclosure
Cc: Planning Board

THERE ARE (2) 1" LINES THAT WERE
INSTALLED BY McEACHER CONT.
PROVIDING THAT ONE OF THESE LINES
ARE FOR THIS HOUSE, THERES NO PROBLEM.

TOWN OF SCITUATE
NOV 16 2012
PLANNING BOARD



Town of Scituate
Board of Health
600 Chief Justice Cushing Highway
Scituate, MA 02066



MEMORANDUM

November 13, 2012

TO: Laura Harbottle
Planning Board

FROM: Jennifer L. Sullivan *JLS*
Director, Public Health

RE: Accessory Dwelling Application
562 First Parish Road

Current approved septic system plans are for a four (4) bedroom. This will have to be redone and approved.

Town of Scituate

Fire Department



Richard A. Judge
Chief of Department
Chief@scituatefire.org

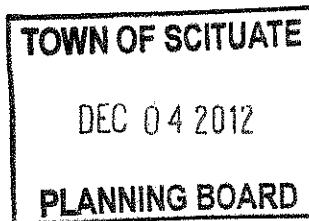
149 FIRST PARISH ROAD
SCITUATE, MASSACHUSETTS 02066-4045
TELEPHONE (781) 545-8749
FAX (781) 545-2546

December 3, 2012

TO: Planning Board

FR: Richard Judge
Fire Chief

RE: Accessory Dwelling Special Permit – 562 First Parish Road



The accessory dwelling at 562 First Parish Road provides adequate access to the structure and sufficient hydrant access. This structure will require a separate address from the primary dwelling (562 A or B).