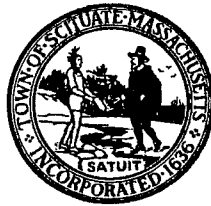


TOWN OF SCITUATE



600 Chief Justice Cushing Hwy  
Scituate, Massachusetts 02066  
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*Planning Board*

**Accessory Dwelling Special Permit – 33 Barker Rd.  
Decision: APPROVED with Conditions**

Owner/Applicants: Ann and Kathleen Corbo  
Date: June 26, 2017  
Location: 33 Barker Rd.  
Assessor's Map: # 46/10/7F  
Plans: Plans entitled Proposed Accessory Dwelling Plan, 33 Barker Road, Scituate, MA by Morse Engineering, dated 3/31/16, revised 5/2/17, and elevations and floor plans including Drawings A1.1, Proposed First Floor Plan; Proposed Second Floor Plan; Proposed Elevation; (South) Elevation and (East) Elevation by HC Design, dated August 25, 2016, March 10, 2017 and April 25, 2017.

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

**Background:** The property lies in the Town of Scituate Residence R-3 Zoning District on a lot of approximately 9,400 sq. ft. according to the site plan submitted with the application.

The applicant has requested approval to create a one bedroom accessory dwelling of approximately 748 sq. ft. on the first and second floor of an addition to the existing the house. The existing house has five bedrooms. According to the application, the primary dwelling will have floor area of 1,718 sq. ft. and four bedrooms, for a total of five bedrooms in the entire house. The area of the accessory dwelling is less than 750 sq. ft. so it is allowed by the bylaw. The applicants have signed a notarized statement saying that they intend to occupy one of the dwelling units.

The applicant is proposing that the accessory dwelling will be served by an existing septic system. There are four outside parking spaces to satisfy the requirement for two parking spaces for the accessory dwelling and two for the primary dwelling.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on May 4, 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 June 22, 2017 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 June 22, 2017 with Greg Morse of Morse Engineering Inc. 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 6/16/2017 that the Board of Health had no documentation associated with the septic system design, including location, design capacity or type of system. There was no floor plan for the existing house submitted with the application so the existing number of bedrooms could not be verified.

**Findings of fact:** A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 33 Barker Rd.:

1. On May 4, 2017, Ann and Kathleen Corbo applied for a special permit for an accessory dwelling proposed to be attached to a single family home at 33 Barker Rd.
2. Based on the application, the interior floor space of the proposed accessory dwelling will be 748 sq. ft. This is less than the maximum of 750 sq. ft. allowed by the Zoning Bylaw. The accessory dwelling meets the size requirements of Section 530.2F.
3. The side setback of the existing house is less than 5' and is nonconforming. A special permit to allow expansion was approved by the Zoning Board of Appeals on June 15, 2017.
4. According to the Town of Scituate Assessor's Field Card, the existing house has a net area of 1,718 sq. ft. and five bedrooms. The Proposed Accessory Dwelling Plan dated 3-31-17 shows four outside parking spaces. Four parking spaces are shown on the plan and two extend into the Town right of way.
5. The owner has submitted a signed, notarized statement that she will live on the property.
6. The accessory dwelling will have one bedroom and the primary dwelling will have four bedrooms. The adequacy of the septic system for the number of bedrooms must be determined by the Board of Health.
7. There are two means of egress, a door to the deck and a slider to the outside.

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 33 Barker Rd. 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 Proposed Accessory Dwelling Plan, 33 Barker Road, Scituate, MA by Morse Engineering, dated 3/31/16, revised 5/2/17, and elevations and floor plans including Drawings A1.1, Proposed First Floor Plan; Proposed Second Floor Plan; Proposed Elevation; (South) Elevation and (East) Elevation by HC Design, dated August 25, 2016, March 10, 2017 and April 25, 2017.
- 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. The number of bedrooms in the primary dwelling is limited to four. The special permit shall be revoked if the number of bedrooms is increased without prior approval of the Planning Board.
- 3) The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
- 4) An inspection will be required to verify the structural integrity of the septic system and any additional information will be provided to demonstrate the number of bedrooms.
- 5) The parking to serve both units shall be shown on the lot, rather than partly within Hillcrest Rd. The change shall be made prior to the filing of the decision with the Town Clerk.
- 6) The first floor drawings shall be modified to show the second exit to the main house.
- 7) 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.

**Note:**

Project: 33 Barker Rd.  
Permit: Accessory Dwelling Special Permit

Based on the Findings of Fact, the members of the Planning Board hearing this application voted unanimously to approve the 33 Barker Road special permit with the conditions noted above. Accessory Dwelling

SCITUATE PLANNING BOARD

Anna Burbank

William L. ...

Stephen R. Fitchard

Richard W. ...

This decision was filed with the Town Clerk on June 28, 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.