



Town of Scituate
Planning Board
Accessory Dwelling Special Permit – 8 Claymore Terrace

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Decision: APPROVED with Conditions
Owners: Joan Wilson
Applicants: Joan Wilson
Date: June 18, 2012
Location: 8 Claymore Terrace
Assessor's Map # 45-02-48
Plans: Floor Plans of Carriage House and House for Wilson: 8 Claymore Terrace dated 5/11/12 and Existing Conditions Plan Showing House location prepared by Morse Engineering Co., Inc. dated 4/9/12.
Members Hearing Special Permit Application: William Limbacher, Chairman; Robert Vogel, Richard Taylor and Eric Mercer.

Background: The property is located in the Residential R-3 Zoning District. It contains an existing single family house. The floor area of the primary dwelling is approximately 2,250 sq. ft. including the first and second floor. The applicant has signed an affidavit stating that she will occupy the property.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on May 11, 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 June 14, 2012 and also closed on this date, when the Planning Board approved the Special Permit with conditions.

Hearing Summary: The applicant, Joan Wilson was present. She is seeking approval for an accessory dwelling unit constructed according to the plans submitted in the existing carriage house. The accessory dwelling would be approximately 600 sq ft which is below 40% of the primary dwelling area allowed. The parking is on an existing paved and gravel driveway. There are three bedrooms in the dwelling and one in the accessory unit.

Public Comment: Bill Sullivan of 11 Claymore Terrace was concerned about the sewer connection. He indicated that there are three spaghetti pipes that go from his house, Joan's house and the house by Beaver Dam into a common connector pipe in Beaver Dam which then goes to Hazel Ave. He is concerned that if the pumps have additional capacity they will need to be re-engineered. He does not want to have to see the pumps re-engineered. He also inquired about the affidavit. Town Planner, Laura Harbottle indicated to him that the owner of the property must live in one of the units and thus an affidavit is required. Both units cannot be rented. Mr. Bertien Westerveld of 12 Harborview was also concerned about sewerage. He was concerned about the property being divided. Chairman Limbacher indicated that the property cannot be divided. It will be a primary unit and an accessory dwelling on the same lot.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 8 Claymore Terrace:

1. On May 11, 2012, the applicant/owner of the property applied for a special permit for an

accessory dwelling.

2. The plans submitted with the application are entitled Floor Plans of Carriage House for Wilson 8 Claymore Terrace dated 5/11/12 and Existing Conditions Plan Showing House location prepared by Morse Engineering Co., Inc. dated 4/9/12.
3. The property is located in the Residential R-3 zoning district. The side setback is 11.4' and the rear setback is 20.9'. The carriage house complies with all setback, building height and yard requirements for a single family house in the district.
4. The plans show a proposed accessory dwelling of no greater floor area than 600 sq. ft.
5. A site plan by Morse Engineering Co., Inc. shows an existing paved driveway. There is also a gravel driveway separated by a fence from the paved driveway which could be easily connected to it. This would provide ample parking for both dwelling units.
6. The applicant has submitted a signed, notarized statement that she will live at 8 Claymore Terrace.
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 8 Claymore Terrace 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. The property at 8 Claymore Terrace 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.
3. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.
4. Except for any changes necessary to meet these conditions, all construction shall conform to the plans entitled Floor Plans of Carriage House and House for Wilson: 8 Claymore Terrace dated 5/11/12 and Existing Conditions Plan Showing House location prepared by Morse Engineering Co., Inc. dated 4/9/12.
5. Connection to sewer shall be per DPW regulations.
6. No on-street parking shall be permitted. If additional parking is required, the applicant shall provide a connection between the existing paved and gravel parking areas.
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.
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.

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 8 Claymore Terrace with the conditions noted above. William Limbacher, Robert Vogel, Richard Taylor and Eric Mercer voted in favor of the motion to approve with the conditions listed above.

June 14, 2012

Date

SCITUATE PLANNING BOARD

William Limbacher

Robert B. Vogel

Richard W. Taylor

This decision was filed with the Town Clerk on

June 18, 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.

MEMORANDUM

TO: Planning Board
FROM: Jennifer L. Sullivan, Director of Public Health
RE: 8 Claymore Terrace Accessory Dwelling
DATE: 21 May 2012



This dwelling is connected to public sewer so we have no concerns about this project.

TOWN OF SCITUATE



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

Planning Board

May 15, 2012

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

From: Laura Harbottle, Town Planner LH/kj

RE: ACCESSORY DWELLING SPECIAL PERMIT APPLICATION
8 CLAYMORE TERRACE

Attached is an application for an Accessory Dwelling Special Permit for property located at 8 Claymore Terrace, Assessor's Map/Block/Lot 45/2/48.

The applicant proposes an approximately 600 sq. ft. accessory dwelling in an existing carriage house/garage located to the rear of the property at 8 Claymore Terrace. The primary dwelling is a two story structure with a floor area of approximately 2,250 sq. ft. The primary dwelling has three bedrooms and the proposed accessory dwelling will have one bedroom. The property lies in the Town of Scituate Residence R-3 Zoning District. We have scheduled a Public Hearing for June 14, 2012. We would appreciate receiving your comments by June 7, 2012, if possible.

Thank you.

LH/kj

Enclosure
cc: Planning Board

*The water Dept will require metering the accessory dwelling
separately.*