

TOWN OF SCITUATE

Planning Board



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

Accessory Dwelling Special Permit 31 Peggotty Beach Road
Decision: APPROVED with Conditions

Owner: Nicholas & Dianne Accomando

Applicant: Nicholas Accomando

Date: March 28, 2022

Location: 31 Peggotty Beach Road

Assessor's Map: #56-1-7-034-29-5

Plans: Architectural plans submitted with the application by A. Kearney Architects consisting of Proposed Floor Plans for 31 Peggotty Beach Road A100, A101, A102, Proposed Elevations A201, A202, A203, A204; As-Built Floor Plans for 31 Peggotty Beach Road by A. Kearney Architects consisting of As-Built Floor Plans AB100, AB101, As-Built Elevations AB201, AB202 and AB203; Certified Plot Plan for 31 Peggotty Beach Road, Scituate, MA by McKenzie Engineering Group dated May 17, 2021.

Members Hearing Special Permit Application: Ann Burbine, Benjamin Bornstein, Patricia Lambert, Rebecca Lewis and Robert MacLean.

Background: The property is located in the Residential R-3 Zoning District on a lot of approximately 5,752 sq. ft. according to Town of Scituate Assessor's records. The Site Plan submitted with the application indicates the property to be 5,750 sq. ft. +/- . The accessory dwelling is proposed in a single-family home as a second-floor addition. The proposed accessory dwelling will have two bedrooms and one bathroom with an open living area and kitchen. There are stairs on the east side of the dwelling and in the rear. Based on a floor plan submitted by the applicant, the floor area of the accessory dwelling is approximately 708 sq. ft. It is proposed to be authorized as a legal living unit through approval of an accessory dwelling

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TOWN CLERK

special permit by the Planning Board. The total area of the primary dwelling is 900 sq. ft. The accessory dwelling at 708 sq. ft. is 78.67% of the size of the primary dwelling which is allowed as it is more than the maximum of 40% of the total floor area of the primary dwelling allowed in the zoning bylaw, but is less than 750 sq. ft. and the greater applies. The applicant has signed a notarized statement that an owner will occupy one of the dwelling units at 31 Peggotty Beach Road.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on February 15, 2022. 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 March 24, 2022 and closed on the same date when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

Hearing Summary: The public hearing was opened on March 24, 2022 with the applicant's attorney, Jeffrey DeLisi present. Mr. Accomando was present on ZOOM. Mr. DeLisi described the addition and the neighborhood. He indicated Mr. Accomando's in-laws live in the house year-round and space is tight as Mr. Accomando's family comes for the entire summer and holidays. He indicated the cottage feel will remain with the accessory dwelling about 200 sq. ft. smaller than the first-floor primary dwelling unit. The Board asked if the lot was a conforming lot for size and setbacks. Mr. DeLisi indicated the lot size was pre-existing non-conforming. He said the Building Commissioner will need to determine if a special permit is needed for the size and for elevation of the structure since the dwelling is in the velocity zone.

Public Comment: Robert Vogel, Building Commissioner commented that receiving an accessory dwelling special permit does not affect the requirement to elevate. William Branton of the DPW Sewer Division indicated that ½ a privilege fee will be owed to connect to sewer, currently \$8,000. Mark Cloud of the Water Division has indicated that the accessory dwelling will need a separate water service and water meter with a connection fee of \$14,000. There was no public comment during the public hearing.

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 31 Peggotty Beach Road:

1. On February 15, 2022 applicant/owner Nicholas Accomando applied for a special permit for an accessory dwelling in a single-family home on the property at 31 Peggotty Beach Road.
2. According to the Town of Scituate Assessor's records and the deed, the property at 31 Peggotty Beach Road is owned by Nicholas Accomando and Dianne Accomando of Raleigh North Carolina. Both owners signed the accessory dwelling special permit application.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 708 sq. ft. The floor area of the primary dwelling is 900 sq. ft. The accessory dwelling is 78.67% of the floor area of the primary dwelling. This **does** meet the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the bylaw allows 750 sq. ft. or 40% of the total floor area of the primary

dwelling, whichever is greater. The accessory dwelling is subordinate to the existing single-family home.

4. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
5. The property is in the Residential R-3 Zoning District. The proposed accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
6. The proposed accessory dwelling is to be located on the second floor of the single-family home. Access will be via a stairway on the east side of the home with an additional set of stairs to the rear.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Certified Plot Plan for 31 Peggotty Beach Road, Scituate, MA by McKenzie Engineering Group dated 5/17/2021 shows the location of the existing primary dwelling and the proposed accessory dwelling. The plan shows an existing gravel driveway which shows four existing 9' x 18' parking spaces. This appears adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling. Ample parking appears to be provided.
9. The applicant/owner has submitted a signed, notarized statement that an owner will occupy one of the dwelling units at 31 Peggotty Beach Road.
10. The accessory dwelling will be serviced by Town water and sewer. The Water Department has commented that a separate water line and meter is required and \$14,000 connection fee for the second service is required. The Sewer Department has indicated that half a sewer privilege fee is required to connect to town sewer, currently \$8,000.
11. The application **meets** the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

I move to approve the Special Permit for an accessory dwelling at 31 Peggotty Beach Road with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to architectural plans submitted with the application by A. Kearney Architects consisting of Proposed Floor Plans for 31 Peggotty Beach Road A100, A101, A102; Proposed Elevations A201, A202, A203, A204; As-Built Floor Plans for 31 Peggotty Beach Road by A. Kearney Architects consisting of As-Built Floor Plans AB100, AB101; As-Built Elevations AB201, AB202 and AB203; Certified Plot Plan for 31 Peggotty Beach Road, Scituate, MA by McKenzie Engineering Group dated May 17, 2021.
2. The number of bedrooms in the accessory dwelling is limited to two in the location and size indicated on the floor plan submitted with the application.

3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. The proposed elevations of the primary and accessory dwelling may not be changed in any way without review of the Planning Board to determine if any changes are insignificant or require a special permit modification.
5. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that an owner occupies one of the dwelling units. A yearly certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
6. All requirements of the Board of Health, Building Department, Zoning Board of Appeals, Department of Public Works, Fire Department and other Town agencies must be met prior to occupancy of the accessory dwelling.
7. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
8. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling. The DPW is requiring a separate water service for the accessory dwelling.
9. Sewer Connection must meet all requirements of the DPW Sewer Division for the accessory dwelling. The DPW is requiring a separate sewer service for the accessory dwelling.
10. Any lighting installed shall be down lighting to not shed light on abutting properties.
11. Construction work shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal state and federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities. No parking in the street is allowed for construction vehicles other than on a temporary basis. The Applicant shall contact the Scituate Police Department in advance of any parking or unloading greater than fifteen (15) minutes which shall be approved in advance and controlled at the same time by the Police Department.
12. Runoff from the proposed accessory dwelling shall not be increased from the property.
13. Erosion and sedimentation control devices shall be installed to prevent any erosion or sedimentation from leaving the site during construction. Silt sock shall be used as necessary.

The standard conditions for accessory dwellings approved by the Planning Board on 12/17/15 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. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy signed by any 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.
- F. 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.
- G. No on-street parking by occupants of the primary or accessory dwelling shall be permitted at any time.
- H. Construction vehicles/equipment shall not idle, be parked, stored, loaded or unloaded in the street.
- I. 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.
- J. 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.
- K. 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 31 Peggotty Beach Ave. with the conditions noted above.

March 24, 2022

Date

SCITUATE PLANNING BOARD

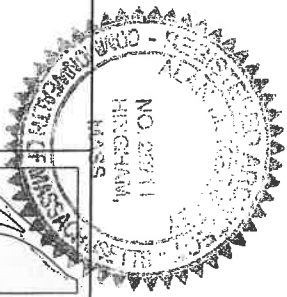
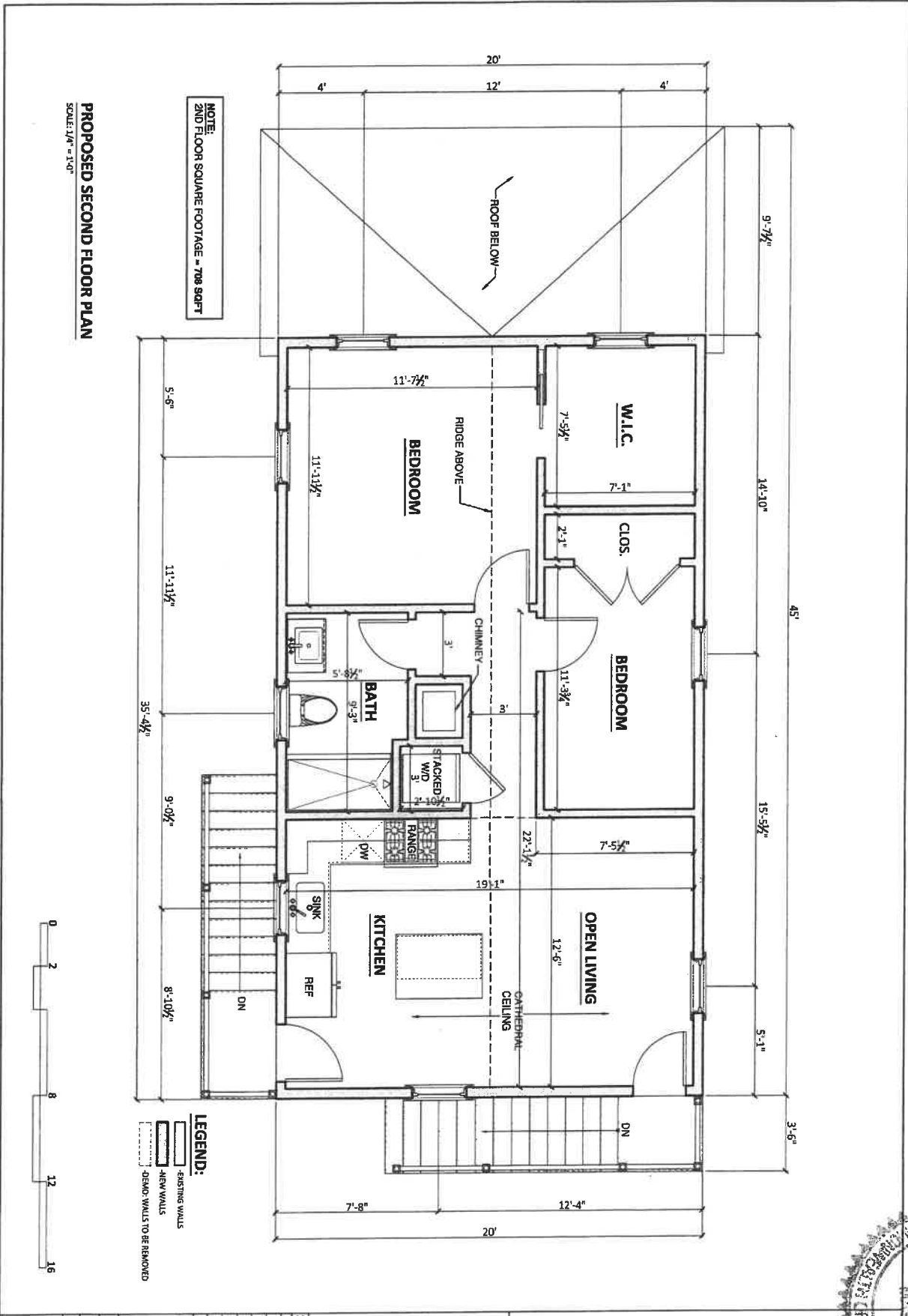
Anna Burbine
[Signature]
Rebecca [Signature]
Patricia [Signature]
[Signature]

This decision was filed with the Town Clerk on March 28, 2022
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



PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"



A201

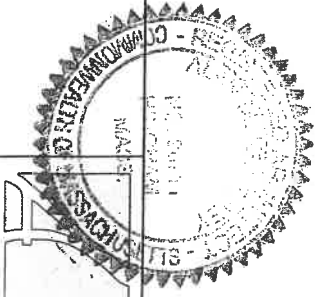
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SCALE: AS NOTED
DRAWN BY: DB
DATE: 2-10-2022

TITLE:
PROPOSED ELEVATIONS

NO.	DATE	DESCRIPTION

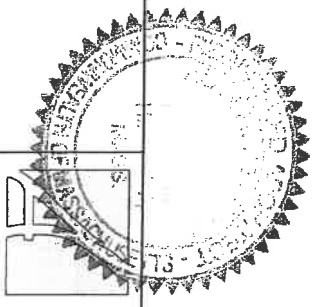
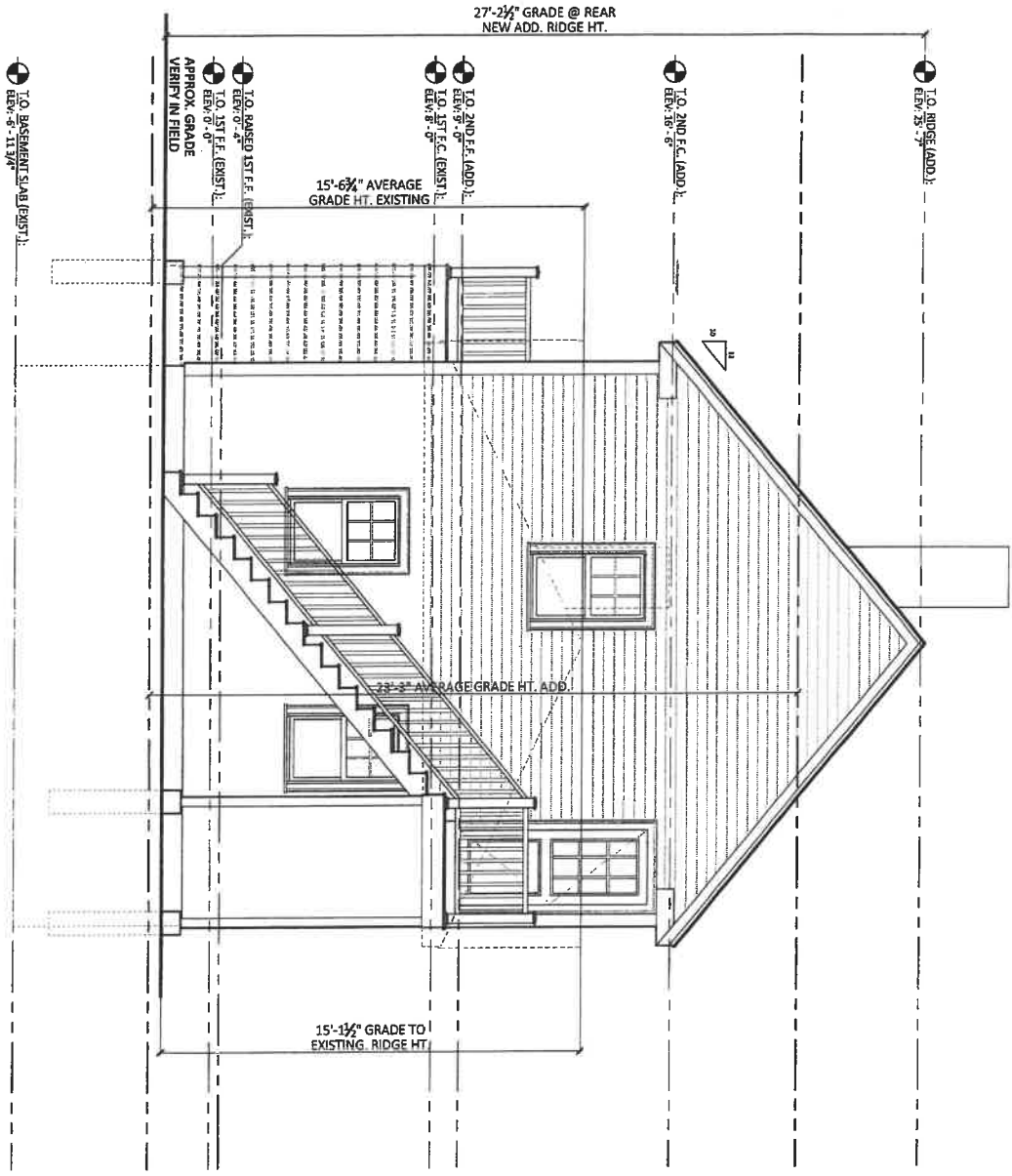
PROJECT:
ACCOMANDO RESIDENCE
31 PEGGOTTY BEACH ROAD.
SCITUATE, MA 02066

A. KEARNEY ARCHITECTS
222 NORTH ST. HINGHAM, MA.
OFFICE: 781 - 740 - 4556
CELL: 781 - 710 - 3956



PROPOSED REAR ELEVATION

SCALE: 3/4" = 1'-0"



PROJECT: **ACCOMANDO RESIDENCE**
 31 PEGGOTTY BEACH ROAD,
 SCITUATE, MA 02066

DATE: 2-10-2022
 DRAWN BY: DB
 SCALE: AS NOTED
 DRAWING #: **A202**

NO.	DATE	DESCRIPTION

A. KEARNEY ARCHITECTS
 222 NORTH ST. HINGHAM, MA.
 OFFICE: 781 - 740 - 4556
 CELL: 781 - 710 - 3956

PROPOSED SIDE ELEVATION

SCALE: 1/4" = 1'-0"

TO BASEMENT SLAB (EXIST.)
ELEV: 0'-11.5/8"

APPROX. GRADE
VENT IN FIELD
ELEV: 0'-0"

TO RAISED JOIST E. (EXIST.)
ELEV: 0'-0"

16'-4 1/2" GRADE
TO EXISTING RIDGE HT.

TO 2ND F.F. (ADD.)
ELEV: 8'-0"

TO 1ST F.F. (EXIST.)
ELEV: 8'-0"

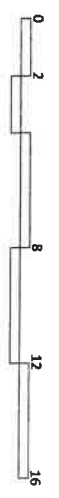
TO 2ND F.F. (ADD.)
ELEV: 8'-0"

TO RIDGE (ADD.)
ELEV: 25'-7"

15'-6 3/4" AVERAGE GRADE
TO EXISTING RIDGE HT.

12'-3"
AVERAGE GRADE HT. ADD.

22'-5" EXISTING GRADE
BEAR TO NEW RIDGE HT.



A203

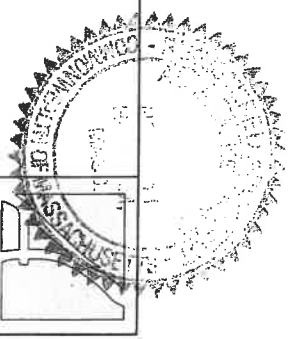
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DATE: 2-10-2022

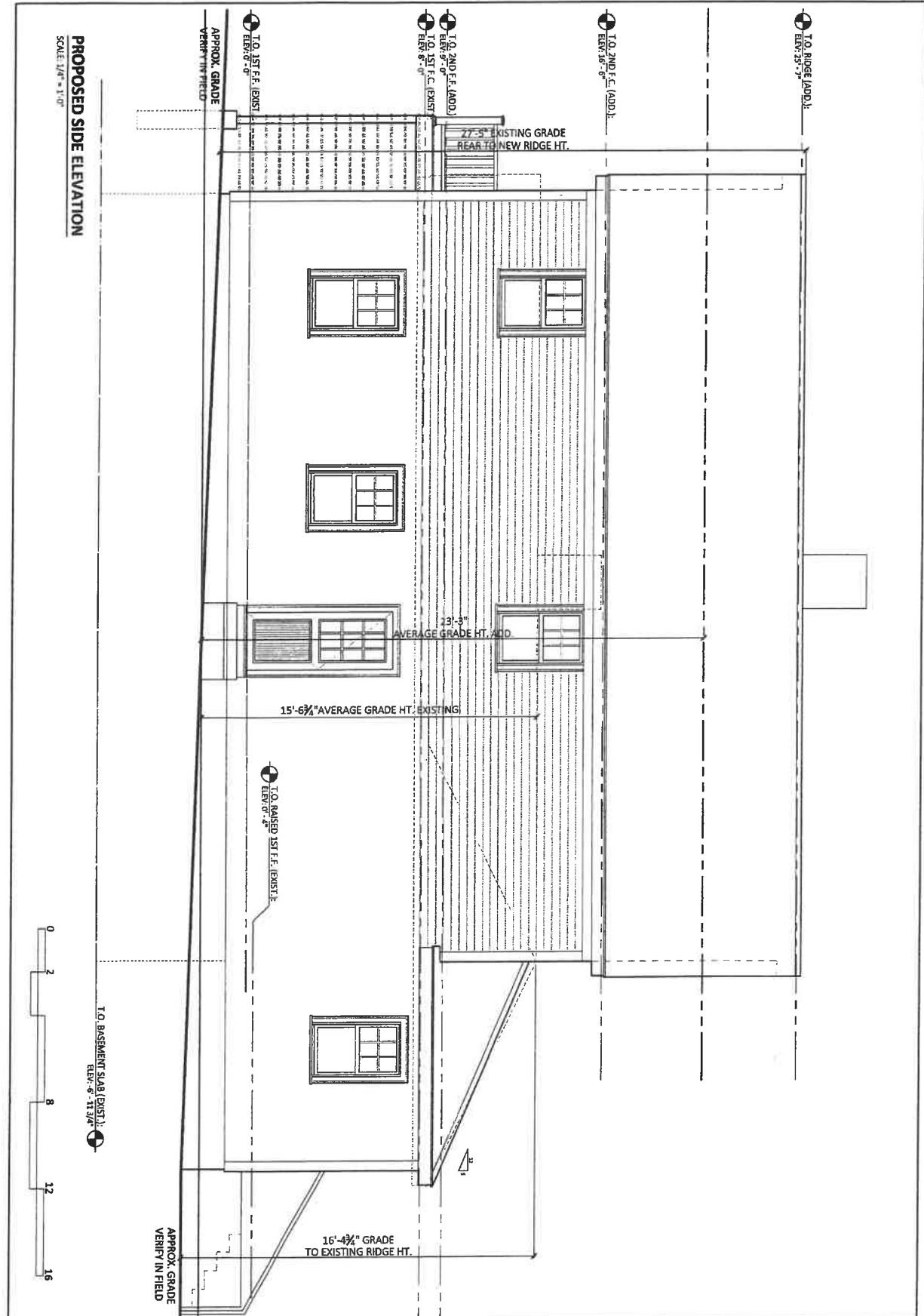
TITLE:
**PROPOSED
ELEVATIONS**

NO.	DATE	DESCRIPTION

PROJECT:
ACCOMANDO RESIDENCE
31 PEGGOTTY BEACH ROAD.
SCITUATE, MA 02066

A. KEARNEY ARCHITECTS
222 NORTH ST. HINGHAM, MA.
OFFICE: 781 - 740 - 4556
CELL: 781 - 710 - 3956





PROPOSED SIDE ELEVATION
SCALE: 1/8" = 1'-0"



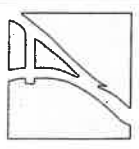
TO BASEMENT SLAB (EXIST) ELEV: 6'-11 3/4"

A204

TITLE:
PROPOSED ELEVATIONS

PROJECT:
ACCOMANDO RESIDENCE
31 PEGGOTTY BEACH ROAD.
SCITUATE, MA 02066

A. KEARNEY ARCHITECTS
222 NORTH ST. HINGHAM, MA.
OFFICE: 781 - 740 - 4556
CELL: 781 - 710 - 3956



NO.	DATE	DESCRIPTION

DATE: 2-10-2022
DRAWN BY: DB
SCALE: AS NOTED
DRAWING #: