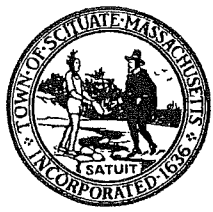


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Planning Board



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
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**Accessory Dwelling Special Permit – 10 Driftway
Decision: APPROVED with Conditions**

Owner: Harry Dennis Snyder
Applicant: Harry Dennis Snyder
Date: September 17, 2018
Location: 10 Driftway
Assessor's Map: # 62-2-2

Plans: As- Built Building Location Plan #10 Old Driftway Assess. Plot 64-2-2 Scituate MA dated June 29, 2010; drawings EX1, EX2, EX2 Existing First, Second and Third Floor Plans dated 4/30/18 and existing cabana floor plan.

Members Hearing Special Permit Application: Stephen Pritchard, Ann Burbine, Benjamin Bornstein, William Limbacher and Patricia Lambert.

Background: The property is located in the Residential R-3 Zoning District on a lot of approximately 53,155 sq. ft. The applicant would like to turn the existing cabana of approximately 260 sq. ft. into a legal detached accessory unit. The cabana currently exists and received an occupancy permit for the cabana in 2010. The detached accessory dwelling is approximately 260 sq. ft. based on the application submitted by the applicant. 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 size of the accessory dwelling will be less than 750 sq. ft. as allowed in the zoning by law. The applicant has signed a notarized statement that he 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 July 30, 2018. 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 September 13, 2018 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 September 13, 2018 with Harry Dennis Snyder and Ralph Cirelli present. The same night, the Planning Board approved the accessory dwelling special permit with conditions. The applicant would like to turn the existing cabana of into a legal detached accessory unit as it is a separate housekeeping unit from the primary dwelling.

Public Comment: The Health Agent commented that the site is on town sewer and occupancy for the space will need to be recalculated based on the State Sanitary Code and if the primary or accessory unit is to become a rental unit, it must meet the requirements of the State Sanitary Code as well as Section 30350, the Housing By-law, of the Code of General Bylaws. Neil Duggan, Building Inspector indicated that the Building Commissioner and himself had inspected the primary single family dwelling at 10 Driftway and verified the second kitchen had been decommissioned.

Kenneth Conway of Eagles Nest Road commented that there is an apartment in the main house and accessory dwelling as well and he would like to know the difference between an apartment and accessory dwelling. Mr. Cirelli commented that a dwelling unit has sanitation, cooking and sleeping and the state law allows up to four unrelated people living in the same dwelling.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 10 Driftway:

1. On July 30, 2018, Harry Dennis Snyder applied for a special permit for an accessory dwelling in a detached structure on the property at 10 Driftway. The existing cabana is proposed to be used as a detached accessory dwelling unit.
2. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 260 sq. ft. The accessory dwelling is below 750 sq. ft. and meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.
3. The As-Built Building Location Plan #10 Old Driftway dated 6-29-2010 shows a garage and paved driveway which appears capable of providing two outside parking spaces. This appears adequate to provide two parking spaces for the accessory dwelling and parking for the primary dwelling.
4. The owner has submitted a signed, notarized statement that he will occupy one of the dwelling units on the property.
5. The main dwelling and the accessory dwelling will be serviced by town sewer and water.
6. The accessory dwelling is a separate housekeeping unit and there is only one accessory dwelling on the lot.

7. The detached accessory dwelling in the existing cabana complies with all required setback, building height and yard requirements for a primary structure.
8. The applicant has decommissioned a second kitchen in the primary dwelling and will not recommission it.
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 10 Driftway with the following conditions and standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. If changes are necessary to meet these conditions that require construction such construction will conform to the plans attached to this decision
2. The footprint, number of bedrooms and/or square footage of the detached accessory dwelling shall not be 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. 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/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
5. If the primary residence is a rental unit it must meet the requirements of State Sanitary Code, Chapter II as well as Section 30350, the Housing by-law, of Code of General Bylaws. The detached accessory dwelling must also meet these requirements.
6. 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. 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 4 to 1 to approve the Special Permit for an Accessory Dwelling at 10 Driftway with the conditions noted above.

September 13, 2018

Date

SCITUATE PLANNING BOARD

Ann Burlingame

Patricia A. Spencer

William Lubliner

[Signature]

This decision was filed with the Town Clerk on September 17, 2018
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

SNYDER RESIDENCE 10 Driftway, Sitka WA

Cabana

Outer Deck

