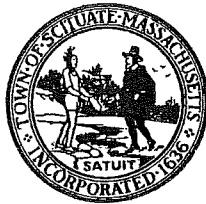


TOWN OF SCITUATE

Planning Board



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Accessory Dwelling Special Permit – 16 First Avenue Decision: APPROVED with Conditions

Owner: William and Julie Luetze
Applicant: William and Julie Luetze
Date: November 13, 2018
Location: 16 First Avenue
Assessor's Map: # 34-10-5-0

Plans: Plans Proposed Accessory Dwelling 16 First Avenue Assessor's Parcel: 34-10-5 Scituate, MA by Morse Engineering Co., Inc. dated 9/18/18; Architectural Plans by Bob Burgess dated 8-20-18 consisting of 4 sheets for the Connell Residence at 16 First Avenue including Elevations, Floor Plans, Foundation Plan and Framing, Sections and Shear Wall; Architectural Plans by Bob Burgess revised dated 11-4-18 consisting of 5 sheets for the Connell Residence at 16 First Avenue Accessory Dwelling including Elevations; Elevations; Floor Plans; Foundation Plan; and Framing, Sections & Shear Wall.

Members Hearing Special Permit Application: Ann Burbine, Benjamin Bornstein, William Limbacher, Patricia Lambert and Rebecca A. Lewis.

Background: The property is located in the Residential R-3 Zoning District on a lot of approximately 10,000 sq. ft. The accessory dwelling is approximately 750 sq. ft. and located on the first floor of an existing single family home as an attached addition. The accessory dwelling is a two bedroom unit on the first floor with a kitchen/living room/2 bedrooms and bathroom and deck. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 750 sq. ft. 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 floor area of the accessory dwelling will be 750 sq. ft., although 45% of the primary dwelling of 1,650 sq. ft.; it is allowed under the zoning by law as the greater amount is allowed. The applicants have signed a notarized statement that they 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 September 27, 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 October 25, 2018 and continued until November 8, 2018 when the hearing was closed and the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

Hearing Summary: The public hearing was opened on October 25, 2018 with the applicant William Luetter present as well as Gregory Morse of Morse Engineering Co., Inc. The Board inquired if there were any conditions on the Zoning Board of Appeals decision. Mr. Morse indicated the decision has not been filed yet; but that they indicated at the hearing that the addition cannot be occupied without a special permit from the Planning Board. The Board expressed concern about the appearance of the accessory dwelling as a single story with a flat roof as the objective is to have the accessory dwelling not change the appearance of a single family home. The Board indicated that they did not feel the proposed accessory dwelling has the same architectural look as the existing house and would like to see if it could be better integrated to what currently exists. The hearing was continued until November 8, 2018 when the applicant presented a revised plan to integrate the appearance of the accessory dwelling with existing dwelling by adding a roof with a shed dormer so the appearance of the building remains unchanged as much as feasibly possible and Planning Board approved the accessory dwelling special permit with conditions.

Public Comment: The Planning Board received no written comments on the application. Julie Luetter commented at the October 25, 2018 public hearing session that the intention was to have one floor living and to not block water views from the neighbors behind them. She opined the addition will blend into the neighborhood and the siding of the house and addition will be coordinated. Paul Connell, father-in-law and future occupant of the accessory dwelling indicated the original design had a pitched roof but they decided to go with a flat roof so as to not take away views from the neighbors. At the November 8, 2018 public hearing session, Mr. Morse presented the revisions to the plan and pictures of how it integrated into the neighborhood. Mr. Luetter expressed concern that he did what the board asked by taking away the flat roof and having a shed dormer and both units will match with siding and color and the accessory dwelling is 750 sq. ft. and meets the bylaw.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 16 First Avenue:

1. On September 27, 2018, William and Julie Luetter applied for a special permit for an accessory dwelling within a single family home on the property at 16 First Avenue.
2. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 750 sq. ft. Although this is 45% of the total square footage of the primary dwelling which is 1,650 sq. ft., this meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the greater amount is allowed.

3. The side setback of the existing house is 3.9 feet according to the accessory dwelling site plan. A special permit to allow an addition was voted by the ZBA on October 18, 2018.
4. The Accessory Dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
5. Revised architectural plans dated 11-4-18 have been submitted in response to the Board's concern that the appearance of the building remain unchanged as much as feasibly possible.
6. The proposed Accessory Dwelling Site Plan shows a paved driveway and additional parking space parallel to the road which appears capable of providing four outside parking spaces. This appears adequate to provide two parking spaces for the accessory dwelling and parking for the primary dwelling.
7. The owners have submitted a signed, notarized statement that they will live on the property.
8. The main dwelling and the accessory dwelling will be serviced by town sewer and water.
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 16 First Avenue with the following conditions and 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 the Site Plan entitled Proposed Accessory Dwelling, 16 First Avenue, Assessor's Parcel: 34-10-5 Scituate, MA by Morse Engineering Co., Inc. dated 9/18/18; Architectural Plans by Bob Burgess revised dated 11-4-18 consisting of 5 sheets for the Connell Residence at 16 First Avenue Accessory Dwelling including Elevations; Elevations; Floor Plans; Foundation Plan; and Framing, Sections & Shear Wall.
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. 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. The accessory dwelling special permit is conditioned on receiving the Section 6 finding from the Zoning Board of Appeals.
6. 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 16 First Avenue with the conditions noted above.

November 8, 2018

Date

SCITUATE PLANNING BOARD

Ana Burvone

William Lubacher

Patricia A. Linnert

~~Bob D. D.~~

Rebecca A. Lewis

This decision was filed with the Town Clerk on November 13, 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