

TOWN OF SCITUATE

Planning Board



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Scituate, Massachusetts 02066
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**Accessory Dwelling Special Permit 65 Booth Hill Road
Decision: APPROVED with Conditions**

Owner: John J. Adams and Linda M. Adams, Trustees of the J and L Realty Trust

Applicant: John J. Adam and Linda M. Adam, Trustees

Date: November 5, 2021

Location: 65 Booth Hill Road

Assessor's Map: #19-3-2-0

Plans: Architectural plans for the Booth Hill Farm Residence, 65 Booth Hill Road, Scituate, MA consisting of a three plan sheets including: Existing First Floor Plan, A1.2, Existing Second Floor Plan A1.3, Proposed Floor Plan A1.1.; Plan of Land for 65 Booth Hill Road in Scituate, MA by Atlantic Coast Engineers, LLC

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

Background: The property is located in the Residential R-1 Zoning District and Wireless Communications Overlay District on a lot of approximately 166,804 sq. ft. according to Town of Scituate Assessor's records. The Plan of Land submitted with the application indicates the property to be 166,804 sq. ft. The accessory dwelling is proposed in a detached barn already existing on the property. The proposed accessory dwelling will have one bedroom and one bathroom with a living room, kitchen and mud room. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 1,153 gross sq. ft. It is proposed to be authorized as a legal living unit through approval of an accessory dwelling special permit by the Planning Board. The total area of the accessory dwelling is 1,153 sq. ft. which is 38.3% of the square footage of the primary dwelling where a maximum of 40% is

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allowed in the zoning bylaw. The applicant has signed a notarized statement that he will occupy one of the units at 65 Booth Hill Road.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on September 24, 2021. 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 November 4, 2021 when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

Hearing Summary: The public hearing was heard on November 4, 2021 with the applicants John and Linda Adams and their attorney Michael Hayes present. Mr. Hayes indicated the applicants would like to finish the first floor of the barn as an accessory dwelling for their daughter and her husband as their daughter has had some health issues. New windows in the barn match the existing farmhouse. There is also new siding. Ms. Joseph indicated the detached accessory dwelling meets the size requirements as well as the height and setback requirements and recommends approval.

Public Comment: William Branton of the DPW Sewer Division indicated there is no sewer available on Booth Hill Road. Mark Cloud and Sean Anderson of the Water Division have indicated that since there is an existing bathroom in the barn with the use of the existing utilities, a separate water service is not required.

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 65 Booth Hill Road:

1. On September 24, 2021 John J. Adams and Linda M. Adams, Trustees of the J and L Realty Trust applied for a special permit for a detached accessory dwelling on the property at 65 Booth Hill Road.
2. According to the Town of Scituate Assessor's records and the deed, the property at 65 Booth Hill Road is owned by John J. and Linda M. Adams.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 1,153 sq. ft. The application indicates this is 38.3% of the total square footage of the primary dwelling which is 3,007 sq. ft. according to the Applicant and the Assessor's card. This meets 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 square footage 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-1 Zoning District and Wireless Communications Overlay District. The proposed detached 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 in the existing barn on the property. Access will be via a front door and from a mudroom door on the west side of the dwelling.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Plan of Land for 65 Booth Hill Road, Scituate, MA by Atlantic Coast Engineering, LLC, shows the location of the existing primary dwelling and the proposed accessory dwelling. The plan shows a gravel circular driveway connecting to an asphalt driveway with 2 new proposed parking spaces for the accessory dwelling. 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 owners have submitted a signed, notarized statement that they will be occupying one of the units at 65 Booth Hill Road.
10. The accessory dwelling will be serviced by Town water. The Water Department has commented that a separate water connection will not be required as the barn has been using utilities from the primary house for decades.
11. The addition of the one-bedroom accessory dwelling is within the current capacity of the existing septic system.
12. 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 65 Booth Hill 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 for the Booth Hill Farm Residence, 65 Booth Hill Road, Scituate, MA consisting of a three plan sheets including: Existing First Floor Plan A1.1; Proposed Floor Plan, A1.2; Existing Second Floor Plan; Plan of Land for 65 Booth Hill Road in Scituate, MA by Atlantic Coast Engineering, LLC dated September 2021.
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.
3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that he is living in one of the dwelling units. A yearly certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
5. 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.

6. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
7. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling. The DPW is not requiring a separate water service for the accessory dwelling.
8. Any lighting installed shall be down lighting to not shed light on abutting properties.
9. 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.
10. Runoff from the proposed accessory dwelling shall not be increased from the property.
11. 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 65 Booth Hill Road with the conditions noted above.

Nov 4, 2021

Date

SCITUATE PLANNING BOARD

Ann Burbine
Patricia Lombert
~~OB~~
John D. Johnson
Ruleo J.

This decision was filed with the Town Clerk on

Nov 5 2021

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