

TOWN OF SCITUATE



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

Planning Board

Accessory Dwelling Special Permit – 65 Hollett Street
Decision: APPROVED with Conditions

Owner: Jeffrey F. and Barbara L. Lydon
Applicant: Jeffrey F. and Barbara L. Lydon
Date: January 13, 2014
Location: 65 Hollett Street
Assessor's Map # 20-05-02

Plans: Sheet A-1 First Floor Plan by Custom Home Designs revised dated 12-09-13 for Lydon Residence showing the proposed 724 sq. ft. accessory dwelling; Site Plan for Accessory Dwelling at 65 Hollett Street by Ross Engineering Company, Inc. dated 11-22-13 for Jeffrey F. and Barbara J. Lydon; Sheet A-2 Second Floor by Custom Home Designs revised dated 12-9-13 and Sheet A-3 First Floor Plan – Existing dated 11-21-13 by Custom Home Designs.

Members Hearing Special Permit Application: William Limbacher, Chairman; Stephen Pritchard, Richard Taylor, Eric Mercer and Robert Vogel.

Background: The property is located in the Residential R-2 Zoning District. The lot area of the property is 22,225 sq. ft. The existing dwelling located on the property known as 65 Hollett Street is 2 stories and 3,051 sq. ft. according to the application submitted. The proposed accessory dwelling will be a one bedroom unit located on the first floor of the existing dwelling. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be 724 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 area of the accessory dwelling is less than the 750 sq. ft. maximum allowed in the bylaw. The applicants have signed an affidavit stating that they will occupy one of the dwelling units on the premises.

*Rec'd by the
Town Clerk
OR*

JAN 13 2014

*3:10 PM
Kathleen Co. Curran*

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on November 26, 2013. 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 January 9, 2014 and closed on that date when the Planning Board approved the Special Permit with conditions.

Hearing Summary: Paul Mirabito of Ross Engineering Co., Inc. was for the applicant. He indicated the applicant would like to add an accessory dwelling unit to the residence on the first floor of the existing dwelling. He indicated the accessory dwelling would have one bedroom and be 724 sq. ft. which is less than the 750 sq. ft. maximum allowed in the zoning bylaw. He said there will be no change in the number of bedrooms as the applicant will make a 4'-0" opening into an office area to replace one of the existing bedrooms on the second floor for a total of three (3) bedrooms. The Board had no issues with the project.

Public Comment: The Planning Board received a comment letter from the Director of Public Health who indicated that the septic system was designed for 3 bedrooms. She indicated on 12-18-13 that the architect changed the upstairs bedrooms from 3 to 2 so the system is adequate. The Water Department commented that a new water meter will be required.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 65 Hollett Street:

1. According to Town of Scituate Assessor's records, the property at 65 Hollett Street is owned by Jeffrey F. and Barbara L. Lydon.
2. On November 26, 2013, the applicants applied for a special permit for an accessory dwelling within a single family house.
3. According to the application and floor plans submitted by the applicant, the proposed accessory dwelling contains 724 sq. ft. This is less than the 750 sq. ft. maximum in the allowed in the bylaw, so the area requirements of 530.2F are met.
4. The property is located in the Residential R-2 zoning district. The lot area is 22,225 sq. ft. The existing footprint of the home is proposed to be unchanged. The existing dwelling has three bedrooms. There will be no increase in the number of bedrooms in the dwelling as there will be a reduction of bedrooms on the second floor from three to two.
5. The site plan shows that the driveway will be expanded to accommodate four 9' x 18' parking spaces on a bituminous concrete surface. There appears to be adequate space to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.
6. Only one accessory dwelling is contained on the lot and it appears to be a separate housekeeping unit.

7. The applicants have submitted a signed, notarized statement that they will live on the property.
8. 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 65 Hollett Street 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. Except for any changes necessary to meet these conditions, any construction shall conform to plans entitled :
 - a. Sheet A-1 First Floor Plan by Custom Home Designs dated 11-21-13 and revised on 12-9-13 for the Lydon Residence showing the proposed 724 sq. ft. accessory dwelling;
 - b. Sheet a-2 Second Floor Plan by Custom Home Designs dated 12/9/13 for the Lydon Residence showing two bedrooms and an office on the second floor.
 - c. Site Plan for Accessory Dwelling at 65 Hollett Street in Scituate, MA by Ross Engineering Company, Inc. dated 11-22-13 for Jeffrey F. and Barbara L. Lydon;
3. The property at 65 Hollett Street 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. The number of bedrooms in the accessory dwelling is limited to one.
4. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.
5. The Planning Board will require an on-site inspection for conformance to the approved plans and these conditions prior to a Certificate of Occupancy being issued for the accessory dwelling.
6. No on-street parking shall be permitted at any time. Construction vehicles/equipment shall not idle, nor be parked, stored, loaded or unloaded in the street.
7. Ample parking for the primary and accessory dwelling will be provided as shown on the proposed plan.
8. 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.

9. 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.
10. 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.
11. At the request of the Planning Board, an affidavit shall be provided that either the primary or accessory unit is owner occupied.
12. At each transfer of ownership of the property, a new affidavit that the owner resides on the property shall be provided to the Planning Board within 30 days of the transfer.

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 Hollett Street with the conditions noted above.

1/9/2014

Date

SCITUATE PLANNING BOARD

Richard W. Taylor

William Subach

Stephen R. Pulchard

Robert B. Vogel

This decision was filed with the Town Clerk on 1/13/14
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.