

TOWN OF SCITUATE

Planning Board



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Scituate, Massachusetts 02066
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**Accessory Dwelling Special Permit – 11 Elm Park
Decision: APPROVED with Conditions**

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Owner: Lund A. & Barbara R Jensen TRS
Applicant: Lund A. Jensen, TR
Date: October 9, 2015
Location: 11 Elm Park
Assessor's Map: # 54-1-25
Plans: Plan entitled Existing Conditions Plan 11 Elm Park Scituate, MA 02066 by Cavanaro Consulting dated 8/27/2015 Sheet EC.
Members Hearing Special Permit Application: William Limbacher, Chairman; Stephen Pritchard, Richard Taylor, Robert Vogel and Robert Greene.

Background: The property is located in the Residential R-2 Zoning District. The lot area of the property is 1.71 acres. The applicant owns a separate 1.40 AC lot adjacent to this property. The existing dwelling located on the property known as 11 Elm Park has 2,250 sq. ft. of floor area with 3 bedrooms according to the application submitted. The proposed accessory dwelling will be a one bedroom unit located within an existing detached 734 gross square foot guest house to the rear of the primary dwelling and barn. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 515 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 less than 750 sq. ft. as allowed by the bylaw. 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 August 31, 2015. 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 8, 2015 and closed on the same date when the Planning Board approved the Special Permit with conditions.

Hearing Summary: The public hearing was opened on October 8, 2015 with Attorney Michael Hayes and Mr. Jensen present. The same night, the Planning Board approved the accessory dwelling special permit with conditions.

Public Comment: The Planning Board received one comment letter from the Water Division who indicated there was no problem with the existing water service to the house.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 11 Elm Park:

1. According to Town of Scituate Assessor's records, the property at 11 Elm Park is owned by Lund A. and Barbara R Jensen, TRS. The property is located in the Residential R-2 zoning district on a lot of 1.71 acres.
2. On August 31, 2015, Lund A. Jensen, TR applied for a special permit for an accessory dwelling within a detached existing guest house on the property at 11 Elm Park.
3. According to the application, the floor area of the primary dwelling is 2,250 sq. ft. and has 3 bedrooms. The proposed accessory dwelling will be a one bedroom unit located in a detached 734 sq. ft. existing guest house. Based on a plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 515 sq. ft. The floor area of the accessory dwelling is less than the 750 sq. ft. allowed in the bylaw. It meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.
4. The accessory dwelling is less than 750 sq. ft. and has one bedroom. It is a detached unit to the rear of the primary dwelling and is subordinate to the primary dwelling.
5. The plan shows the dwelling to have a crushed stone existing driveway and there will be two separate parking spaces for the accessory dwelling and two parking spaces for the primary dwelling.
6. The applicants have submitted a signed, notarized statement that they will live on the property. The special permit will be recorded. Any future new owner will need to file an affidavit with the Planning Board that he/she occupies the property.
7. The property has been approved for a repair for a septic system.
8. One accessory dwelling unit is contained on the lot in a separate housekeeping unit.

9. There are no new exterior stairs.
10. The application meets the standards of 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 11 Elm Park 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, Board of Selectmen and other town agencies.
2. Except for any changes necessary to meet these conditions, any construction shall conform to the plan entitled Existing Conditions Plan 11 Elm Park Scituate, MA 02066 by Cavanaro Consulting dated 8/27/2015 Sheet EC.
3. The property at 11 Elm Park 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 of the accessory dwelling shall not be increased without prior approval of the Planning Board. 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 and attached to this decision.
4. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy from any new owner shall be completed at the closing of the sale of the house and a copy provided to the Planning Board within seven days.
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.
7. 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.
8. This Special Permit shall lapse within two years from date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.
9. The Planning Board reserves the right to review compliance with this special permit at any time. At the request of the Planning Board, an affidavit shall be provided that either the primary or accessory unit is owner occupied.

10. 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 seven days of the closing of the sale of the house.
11. This Special permit shall terminate if the use is not in accordance with this decision and its conditions.
12. The Planning Board reserves the right to review compliance with this special permit at any time. At the request of the Planning Board, an affidavit shall be provided that either the primary or accessory unit is owner occupied.
13. 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 seven days of the closing of the sale of the house.
14. This Special permit shall terminate if the use is not in accordance with this decision and its conditions.

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 11 Elm Park with the conditions noted above.

October 8, 2015

Date

SCITUATE PLANNING BOARD

Richard W. Tauph

Steven R. Pritchard

William L. Lach

Robert J. Linn

This decision was filed with the Town Clerk on October 9, 2015
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