

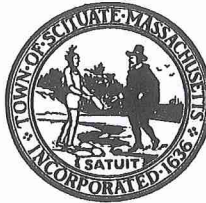
TOWN OF SCITUATE  
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## TOWN OF SCITUATE

### *Planning Board*



600 Chief Justice Cushing Hwy  
Scituate, Massachusetts 02066  
Phone: 781-545-8730  
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### **Accessory Dwelling Special Permit – 27 Hood Road Decision: APPROVED with Conditions**

Owner: St. Mary & St. George Coptic Orthodox Church  
Applicant: St. Mary & St. George Coptic Orthodox Church  
Date: January 15, 2019  
Location: 27 Hood Road  
Assessor's Map: # 28-23-4F

Plans: Site Plan entitled Existing Conditions Plan, Project Location 27-31 Hood Road, Scituate, MA 02066 Assessor's Parcel: 28-23-4F Scituate, MA by William J. Dorgan dated 11/3/18 also shown with the church, parking and second floor addition labelled; Architectural Plans by Farouk F. Youssef dated 11-21-18 and revised through 12-7-18 consisting of 9 sheets for St. Mary & St. George Church at 27 Hood Road Accessory Dwelling including Existing/Proposed 1<sup>st</sup> Floor Plan Entire Building A.1; New Apartment 2<sup>nd</sup> Floor – Left Side A.2; North Elevation Existing & Proposed A.3; Existing & Proposed East Elevation A.3.1 also shown with gutter and down spout locations; Existing & Proposed West Elevation A.3.2 also shown with gutter and down spout locations; Existing/Proposed 2<sup>nd</sup> Floor Apt. Plan Entire Building A.2.1.

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

**Background:** The property is located in the Residential R-2 Zoning District on a lot of approximately 8.35 acres. The proposed accessory dwelling is approximately 3,100 sq. ft. and will be located in a second floor addition to the existing activities building which is accessory to the church building. The accessory dwelling will be a three bedroom unit on the second floor of the activities building with a kitchen/living room/three bedrooms/den/office/laundry and two bathrooms

and deck. It will be used as housing for the priest of the church and visiting clergy. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 3,100 sq. ft. and is proposed to be authorized as a legal living through approval of an accessory dwelling special permit by the Planning Board. The floor area of the accessory dwelling will be 25% of the primary building of 12,360 sq. ft.; it is allowed under the zoning bylaw. The applicant, as a representative of the church, has signed a notarized statement that he will occupy the accessory dwelling unit on the property.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on December 10, 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 January 10, 2019 and closed on the same date when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions for accessory dwellings.

**Hearing Summary:** The public hearing was opened on January 10, 2019 with the applicant Father Pishoy present as well as Farouk Youssef, the architect. Mr. Youssef discussed the proposed accessory dwelling. He indicated there would be two new sets of stairs on the outside of the building. In response to a question on the deck from Tim Montgomery of 345 Hatherly Road on noise, Father Pishoy and Mr. Youssef indicated that the deck is about 100 sq. ft. and would not be used for receptions or church activities. Mr. Montgomery thanked the church for buying the property. Sally Cutler of 55 Mann Hill Road said there is no driveway and no garage and asked about parking. The applicant indicated that the parking lot for the Church will be used as parking. The Board discussed continuing the hearing until after the Board of Selectmen met as Sewer Commissioners; however, Father Pishoy indicated they wanted to hear about the results of the Planning Board permit. The Board conditioned the accessory dwelling to be serviced by Town sewer as approved by the Board of Selectmen in accordance with the comments from the Sewer Division in response to Father Pishoy indicating the Board of Selectmen was waiting for the Planning Board approval.

**Public Comment:** The Planning Board received written comments on the application from the Board of Health and the Sewer Division. The Board of Health indicated the applicant will either need to hook up to Town sewer or provide plans for an updated septic system for the accessory dwelling use. The Sewer Division indicated that the church was recently connected to Town sewer and a wye connection was left to connect the rear building in the future as well as the rear building will need to provide a grinder pump to reach town sewer, an external grease trap with an inner baffle wall will be needed for a connection to Town sewer and betterment fees for the building to house the accessory dwelling and the accessory dwelling will be needed.

**Findings of fact:** A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 27 Hood Road:

1. On December 10, 2018, St. Mary & St. George Coptic Orthodox Church applied for a special permit for an accessory dwelling as a second floor addition to an existing building on the property at 27 Hood Road.
2. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 3,100 sq. ft. This is 25% of the total square footage of the

primary building which is 12,360 sq. ft. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.

3. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
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 Proposed Accessory Dwelling Existing Conditions Plan shows a paved parking area which appears capable of providing two onsite parking spaces for the accessory dwelling.
6. The owners have submitted a signed, notarized statement that a representative of the Church will live on the property.
7. The primary building and the accessory dwelling will be serviced by town sewer and water as indicated in correspondence from the architect.
8. The accessory dwelling addition to the existing building complies with all required setback, building height and yard requirements for a primary structure.
9. The Accessory Dwelling will have gutters which will be attached to dry wells to handle roof drainage.
10. 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 27 Hood Road 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 Existing Conditions Plan, Project Location 27-31 Hood Road, Scituate, MA 02066 Assessor's Parcel: 28-23-4F Scituate, MA by William J. Dorgan dated 11/3/18 also shown with the church, parking and second floor addition labelled; Architectural Plans by Farouk F. Youssef dated 11-21-18 and revised through 12-7-18 consisting of 9 sheets for St. Mary & St. George Church at 27 Hood Road Accessory Dwelling including Existing/Proposed 1<sup>st</sup> Floor Plan Entire Building A.1; New Apartment 2<sup>nd</sup> Floor – Left Side A.2; North Elevation Existing & Proposed A.3; Existing & Proposed East Elevation A.3.1 also shown with gutter and down spout locations; Existing & Proposed West Elevation A.3.2 also shown with gutter and down spout locations; Existing/Proposed 2<sup>nd</sup> Floor Apt. Plan Entire Building A.2.1.
2. The number of bedrooms in the accessory dwelling is limited to three in the location and size indicated on the floor plan submitted with the application.
3. The accessory dwelling shall be serviced by Town sewer as approved by the Board of Selectmen and in accordance with comments from the Sewer Division dated 1/7/2019 or an upgraded septic system with necessary permits provided to the Planning Board prior to issuance of a building permit.
4. The accessory dwelling shall conform to all applicable standards in the building, plumbing,

electrical, mechanical, fire and health codes and bylaws.

5. 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.
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 one 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 church. 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 a representative of the church occupies the accessory unit.
  - 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 27 Hood Road with the conditions noted above.

January 10, 2019

Date

SCITUATE PLANNING BOARD

Sgt. R. Putland

B. A. B.

Jan. Burdine

Patricia A. Lomart

William L. Lomart

This decision was filed with the Town Clerk on January 15, 2019  
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