

TOWN OF SCITUATE

Planning Board



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Scituate, Massachusetts 02066
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Accessory Dwelling Special Permit 115 Grove Street Decision: APPROVED with Conditions

Owner: Steven Caprio and Melissa Phouthavong

Applicant: Steven Caprio

Date: June 21, 2022

Location: 115 Grove Street

Assessor's Map: #36-2-2

Plans: Plan for Accessory Dwelling Unit Build-Out inside Existing Barn Caprio Residence 115 Grove Street, Scituate, MA 02066 drawn by J.P. Caprio Builders, Inc. consisting of : A0 Foundation Plan, A1 First Floor Plan – Existing, A2 First Floor Plan New, A4 Building Sections, A5 Main House First Floor Plan Existing, A6 Main House Second Floor Plan – Existing all dated 3/7/2022; Plot Plan, Assessors Map 36-2-2-0, 115 Grove Street Scituate, MA, by Grady consulting, LLC, dated April 5, 2022.

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

Background: The property is located in the Residential R-1 Zoning District and the Water Resource Protection District Zone II on a lot of 40,023 sq. ft. according to the Plot Plan submitted with the application and the Town of Scituate Assessor's records. The accessory dwelling is proposed on the first floor of a detached barn on the property with an existing single-family residence. The property is accessed by a common driveway with a common driveway easement serving the dwelling at 115 and 119 Grove Street. The proposed accessory dwelling will have one bedroom and one full bathroom with an open living room and kitchen and a powder room, laundry area and mudroom. There are doors on the north side of the dwelling and

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west for access. Based on a floor plan submitted by the applicant, the floor area of the accessory dwelling is approximately 694 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 primary dwelling is 2,548 sq. ft. The accessory dwelling at 694 sq. ft. is 27% of the size of the primary dwelling which is allowed as it is less than 750 sq. ft. The applicant has signed a notarized statement that he will occupy one of the dwelling units at 115 Grove Street.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on May 10, 2022. 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 June 9, 2022 and closed on the same date when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

Hearing Summary: The public hearing was opened on June 9, 2022 with the applicant's representative, Kevin Grady and the applicant himself present. Mr. Grady went through the criteria of how the accessory dwelling conforms to the bylaw. He indicated there was a four-bedroom septic system and there was room for 5 vehicles to park. Ms. Joseph indicated a separate water service was required. Exterior lighting was indicated to be down lighting with wall sconces by the doors. The applicant indicated the second floor of the barn is only accessible from the garage part of the barn and not the accessory dwelling unit and there will be a foundation with a crawl space for the accessory dwelling unit. A discussion on parking occurred with the Board indicating parking on the grass and in the Common Driveway Easement is not allowed. There could be adequate parking if the garage is used and thus it was conditioned.

Public Comment: Mark Cloud, Assistant Water Superintendent, has indicated that the accessory dwelling will need a separate water service and a \$14,000 connection fee of \$14,000. There was no public comment during the public hearing.

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 115 Grove Street:

1. On May 10, 2022 applicant/owner Steven Caprio applied for a special permit for a detached accessory dwelling on the property at 115 Grove Street.
2. According to the Town of Scituate Assessor's records and the deed, the property at 115 Grove Street is owned by Steven A. Caprio and Melissa Phouthavong. Both owners signed the accessory dwelling special permit application.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 694 sq. ft. The floor area of the primary dwelling is 2,548 sq. ft. The accessory dwelling is 27% of the floor area of the primary dwelling. 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 floor area 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 the Water Resource Protection District Zone II. The proposed 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 on the first floor of the existing barn to the north side. Access will be via a door at the side of the house off the kitchen and a door off the mudroom area to the rear of the house.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Certified Plot Plan for 115 Grove Street, Scituate, MA done by Grady consulting, LLC dated April 5, 2022 shows the location of the existing primary dwelling and the proposed accessory dwelling. The plan shows a driveway which can fit three parking spaces on the driveway. The Applicant has represented that there will be two (2) parking spaces in the garage and three (3) in the driveway. No parking is shown in the common driveway easement. 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 applicant/owner has submitted a signed, notarized statement that he will continue to occupy one of the dwelling units on the premises in accordance with the Scituate Zoning Bylaw once the accessory dwelling is complete.
10. The accessory dwelling will be serviced by Town water and a private septic system shared with the primary dwelling. The Water Department has commented that a separate water service is required for the accessory dwelling along with a \$14,000 connection fee. A four-bedroom septic system passed inspection in 2020. The primary dwelling has 3 bedrooms and the accessory dwelling will have 1 bedroom.
11. 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 115 Grove Street 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 submitted with the application by J.P. Caprio Builders, Inc. consisting of Plan for Accessory Dwelling Build-Out Inside Existing Barn-Foundation Plan Page A0 dated 3/7/2022; First Floor Plan – Existing A1 dated 3/7/2022; First Floor Plan – New Page A2 dated 3/7/2022; Building Sections A4 dated 3/7/2022; Main House Floor Plan – Existing A5 dated 3/7/2022; Main House Second Floor Plan – Existing a6 dated 3/7/2022; Plot Plan for 115 Grove Street, Scituate, MA by Grady Consulting, LLC dated April 5, 2022.
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 an owner occupies 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, Planning Board 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 requiring a separate water service for the accessory dwelling. The connection fee is \$14,000 to be paid to the Town of Scituate Water Division prior to issuance of a building permit.
8. Any lighting installed shall be down lighting to not shed light on abutting properties.
9. No parking is allowed in the Common Driveway easement per the Common Driveway Agreement.
10. 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.
11. Runoff from the proposed accessory dwelling shall not be increased from the property.
12. 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.
13. A certificate of Occupancy shall not be issued unless and until all construction is completed for the Common Driveway and the conditions have been met for the Site Plan Administrative Review and Stormwater permit for the Common Driveway.
14. The garage shall be completed for parking prior to occupancy of the accessory dwelling unit to provide adequate parking of 2 spaces for the primary dwelling and 2 spaces for the accessory dwelling at a minimum.

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 115 Grove Street with the conditions noted above.

June 9, 2022

Date

SCITUATE PLANNING BOARD

Patricia G. Lonnere
B. A. B.

Anna B. Burdine
John R. Fulbright
Rebecca J.

This decision was filed with the Town Clerk on June 21, 2022
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