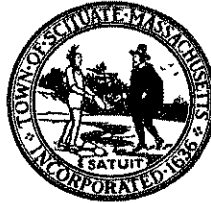


TOWN OF SCITUATE



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Planning Board

**Accessory Dwelling Special Permit – 253 Hatherly Road
Decision: APPROVED with Conditions**

Owner: Diane M. Downs, Tr.
Applicant: Diane M. Downs, Tr.
Date: December 12, 2014
Location: 253 Hatherly Road
Assessor's Map: # 28-20-1

Plans: Downs Residence 253 Hatherly Road Scituate, MA dated August 5, 2014 by Rockwood Design, Inc. showing Elevations, First Floor Plan and Existing Second Floor Plan; Building Location Plan 253 Hatherly Road Scituate, MA Asses. Plot 28-20-1 by Environmental Engineering Technologies, Inc. dated June 6, 2014.

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-3 Zoning District. The lot area of the property is 10,000 sq. ft. The existing dwelling located on the property known as 253 Hatherly Road has 1,496 sq. ft. of floor area according to the application submitted. The proposed accessory dwelling will be a one bedroom unit located in a proposed addition. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be 650 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 approximately 650 to 675 sq. ft. and clearly appears less than the 750 sq. ft. allowed by the bylaw. The applicant has signed a notarized statement that she will occupy one of the dwelling units

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on the property. A M.G.L. Ch. 40A Sec 6 permit was issued by the Scituate Zoning Board of Appeals on September 29, 2014.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on November 12, 2014. 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 December 11, 2014 and closed on the same date and the Planning Board approved the Special Permit with conditions.

Hearing Summary: The public hearing was opened on December 11, 2014 with Diane M. Downs and her builder Bryan Marcella present and closed on the same night, when the special permit was approved with conditions.

Public Comment: The Planning Board received one comment letter from the Conservation Agent who indicated he had no comment on the project.

Findings of fact: Following a motion duly made and seconded, the Planning Board voted to make the following Findings of Fact concerning the accessory dwelling at 253 Hatherly Road:

1. According to Town of Scituate Assessor's records, the property at 253 Hatherly Road is owned by Diane M. Downs Trustee. The property is located in the Residential R-3 zoning district on a lot of 10,000 sq. ft.
2. On November 12, 2014, Diane M. Downs applied for a special permit for an accessory dwelling within a single family house on property at 253 Hatherly Road.
3. According to the plan, the floor area of the primary dwelling is 1,496 sq. ft. The floor area of the accessory dwelling as shown on the plan dated August 5 4, 2014 is less than 750 sq. ft. It meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.
4. The accessory dwelling will blend with the architectural style and is of similar materials to the existing primary dwelling.
5. The accessory dwelling is under 750 sq. ft. in size and has one bedroom. It is subordinate to the primary dwelling.
6. The proposed plan shows the dwelling to have a 1 car garage. Outside the garage there is room for 3 parking spaces in the driveway. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling.
7. The applicant has submitted a signed, notarized statement that she 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 or she occupies the property.
8. The property is on town sewer.

9. One accessory dwelling unit is contained on the lot in a single family house. It will be a separate housekeeping unit.
10. There are no new exterior stairs.
11. 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 Accessory Dwelling Special Permit for 253 Hatherly Rd. 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 the plans entitled Downs Residence 253 Hatherly Road Scituate, MA 02066 dated August 5, 2014: Elevations, First Floor Plan and Existing Second Floor Plan as well as the Building Location Plan for 253 Hatherly Road dated June 6, 2014.
3. The property at 253 Hatherly Road 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 first floor plan submitted with the application and attached to this decision.
4. A plot plan shall be submitted to the Planning Board prior to obtaining a building permit to verify that the square footage of the accessory dwelling will be less than 750 sq. ft. as shown on the architectural plans.
5. 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.
6. 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.
7. No on-street parking shall be permitted at any time.
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 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. At the request of the Planning Board, an affidavit shall be provided that either the primary or accessory unit is owner occupied.
11. 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.
12. 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 253 Hatherly Road with the conditions noted above.

December 11, 2014

Date

SCITUATE PLANNING BOARD

Richard W. Taylor

Joseph R. Pritchard

William L. Lumbach

Robert Vogel

Rachel J. Gunn

This decision was filed with the Town Clerk on December 15, 2014
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