

TOWN OF SCITUATE

Planning Board



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Scituate, Massachusetts 02066
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**Accessory Dwelling Special Permit 137 Gilson Road
Decision: APPROVED with Conditions**

Owner: Linda Barnhart LE and Bruce Barnhart
Applicant: Linda Barnhart LE and Bruce Barnhart
Date: September 13, 2021
Location: 137 Gilson Road
Assessor's Map: # 40-4-9

Plans: Architectural plans by Hung Fung for the Barnhart Residence, 137 Gilson Road, Scituate, MA dated 6/4/21 consisting of a eight plan sheets including: Existing Basement/First Floor Plans A1.10, Existing Second/Roof Plans A1.11, Existing Elevations A1.12, Proposed Basement/First Floor Plans A1.13, Proposed Roof Plan A1.14, Proposed Elevations A1.15, Existing/Proposed First Floor Plan A1.16, Existing/Proposed South/North Elevations A1.17; Plot Plan for 137 Gilson Road in Scituate, MA by C & G Survey Company dated January 12, 2021.

Members Hearing Special Permit Application: Ann Burbine, Benjamin Bornstein, Patricia Lambert, Rebecca Lewis and alternate Robert MacLean.

Background: The property is located in the Residential R-3 Zoning District and Water Resources Protection District on a lot of approximately 43,560 sq. ft. according to Town of Scituate Assessor's records. The Plot Plan submitted with the application indicates the property to be 44,868 sq. ft. The accessory dwelling is proposed in a new addition attached to the existing single-family home via an open breezeway with a roof. The proposed accessory dwelling will have two bedrooms and two bathrooms with a living room and kitchen. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 972 gross sq. ft. It is proposed to be authorized as a legal living unit through approval of an

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accessory dwelling special permit by the Planning Board. The total area of the accessory dwelling is 972 sq. ft. which is 39.6% of the square footage of the primary dwelling where a maximum of 40% is allowed in the zoning bylaw. The applicant has signed a notarized statement that he will occupy one of the units at 137 Gilson Road.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on July 28, 2021. 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 August 26, 2021 and immediately continued due to public notice problems until September 9, 2021 when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

Hearing Summary: The public hearing was heard on September 9, 2021 with the applicant Bruce Barnhart present. Mr. Barnhart indicated he would like to build an accessory dwelling for his mother who is 88 and is in a wheelchair. He indicated the lot is big enough for the accessory dwelling and he is aware he will need separate water and sewer lines. The Board indicated there will be no street parking allowed. Mr. Barnhart indicated there was plenty of room on the site. Any new lighting will be downlighting.

Public Comment: William Branton of the DPW Sewer Division indicated the applicant would need to submit payment for a sewer connection fee for the dwelling which is currently \$8,000. He commented that it is recommended that the accessory dwelling receive a separate sewer line to avoid service issues with the primary dwelling and all sewer line work must be done by a licensed drain layer. The Water Superintendent, Sean Anderson, has indicated that a separate water service is required for the accessory dwelling unit along with a \$14,000 connection fee and inspection requirements.

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 137 Gilson Road:

1. On July 28, 2021 Linda Barnhart LE and Bruce Barnhart applied for a special permit for an attached accessory dwelling on the property at 137 Gilson Road.
2. According to the Town of Scituate Assessor's records and the deed, the property at 137 Gilson Road is owned by Linda Barnhart LE and Bruce Barnhart.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 972 sq. ft. The application indicates this is 39.6% of the total square footage of the primary dwelling which is 2,456 sq. ft. according to the Applicant and the Assessor's card. 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 square footage 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-3 Zoning District and Water Resource Protection District. The proposed attached 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 north side of the existing primary dwelling and will be connected to the primary dwelling by an open breezeway with a roof. Access will be via a door to the breezeway and from doors to the deck on the east side of the dwelling from the proposed bedrooms.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Plot Plan for 137 Gilson Road, Scituate, MA dated 1/12/21 by C & G Survey Company, shows the location the existing primary dwelling and the proposed accessory dwelling. A photograph provided shows there is room for 5 cars in the existing bituminous concrete driveway. 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 owner has submitted a signed, notarized statement that he will be occupying one of the units at 137 Gilson Road.
10. The accessory dwelling will be serviced by Town water and Sewer. DPW requirements for water connections and sewer connections will be met.
11. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

A motion was duly made and seconded to approve the Special Permit for an accessory dwelling at 137 Gilson Road 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 by Hing Fung for the Barnhart Residence, 137 Gilson Road, Scituate, MA dated 6/4/21 consisting of a eight plan sheets including: Existing Basement/First Floor Plans A1.10, Existing Second/Roof Plans A1.11, Existing Elevations A1.12, Proposed Basement/First Floor Plans A1.13, Proposed Roof Plan A1.14, Proposed Elevations A1.15, Existing/Proposed First Floor Plan A1.16, Existing/Proposed South/North Elevations A1.17; Plot Plan for 137 Gilson Road in Scituate, MA by C & G Survey Company dated January 12, 2021.
2. The number of bedrooms in the accessory dwelling is limited to two 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 he is living in 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 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. A separate water service is required for the accessory dwelling along with a \$14,000 connection fee and inspections.
8. The sewer connection must meet all requirements of the DPW Sewer Division for the accessory dwelling including an \$8,000 sewer connection fee.
9. Any lighting installed shall be down lighting to not shed light on abutting properties.
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. No parking of any vehicles shall occur on the public way.
11. Runoff from the proposed accessory dwelling shall not be increased from the property.
12. As the site is in the Water Resource Protection district, runoff from the proposed accessory dwelling roof top must be designed to recharge the first 1 inch of rainfall with recharge attained through site design that incorporates natural drainage patterns maintained to the greatest extent possible. Rooftop runoff shall be routed through either infiltration devices having a three-foot minimum separation between the bottom of the structure and maximum groundwater elevation, grassed water quality swales, sheet flow over lawn areas, or constructed filters that remove nitrogen. A plan shall be provided to the Town Planner for approval prior to construction with a test pit included showing the maximum groundwater elevation.
13. 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.

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 137 Gilson Road with the conditions noted above.

9/9/21

Date

SCITUATE PLANNING BOARD

Jana Purbin
Patricia A. Lambert
[Signature]
[Signature]
Rebecca J

This decision was filed with the Town Clerk on September 13, 2021
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