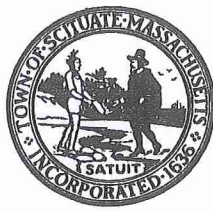


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TOWN OF SCITUATE

Planning Board



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
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**Accessory Dwelling Special Permit – 15 Egypt Ave.
Decision: APPROVED with Conditions**

Owner/Applicant: Laura Steen
Date: October 15, 2019
Location: 15 Egypt Ave.
Assessor's Map: # 34-14-2
Plans: Steen Residence Project No. 18048: In-Law Addition 15 Egypt Ave. Scituate, MA 02066 by Designs by Marshall, LLC dated 8/1/19 consisting of 8 sheets including D1.1 Demo Plan, AO.1 Legend, Notes, Abbreviations & Schedules, A1.1 Basement & First Floor Plan, A1.2 Second Floor & Roof Plans, A2.1 Exterior Elevations, A2.2 Exterior Elevation & Section, A3.1 Foundation Plan, Notes and Details, A3.2 Framing Plans
Members Hearing Special Permit Application: Ann Burbine, Benjamin Bornstein, Patricia Lambert and alternate Rebecca Lewis.

Background: The property is located in the Residential R-3 Zoning District on a lot of approximately 6,500 sq. ft. according to Town of Scituate Assessor's records. The proposed attached accessory dwelling is approximately 748 gross sq. ft. and located to the west of the primary dwelling. The accessory dwelling is a one bedroom unit on two levels with a living room, kitchen, half bathroom on the first floor and one bedroom, study and bathroom on the second floor. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 748 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 accessory dwelling is 98% of the square footage of the primary dwelling which is greater than 40% as allowed in the zoning bylaw; however the size of the accessory dwelling is less than 750 sq. ft. and the greater of 40% or 750 sq. ft. applies. The applicant has signed a

notarized statement that she will occupy one of the dwelling units at 15 Egypt Avenue upon completion of the accessory dwelling.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on September 17, 2019. 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 10, 2019 when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

Hearing Summary: The public hearing was opened on October 10, 2019 with the applicant's representative Joseph Hannon, P.E. present along with the property owner Laura Steen. Mr. Hannon indicated that his client is proposing an accessory dwelling unit be constructed on her property for her elderly parents. He indicated they propose a one bedroom unit on two levels with a living room, kitchen, half bathroom on the first floor and one bedroom, study and bathroom on the second floor. The attached accessory dwelling is 748 sq. ft. in size and 98% of the primary dwelling which is less than the 750 sq. ft. allowed zoning. Parking is provided for the accessory unit in the form of two gravel spaces in one of the front yards of the dwelling.

Public Comment: There was no public comment.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 15 Egypt Avenue:

1. On September 17, 2019, Joseph Hannon, P.E. on behalf of owner Laura Steen, applied for a special permit for an attached accessory dwelling on the property at 15 Egypt Ave.
2. According to Town of Scituate Assessor's records, the property at 15 Egypt Ave is owned by Laura Steen.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 748 gross sq. ft. This is 98% of the total square footage of the primary dwelling which is 759 sq. ft. according to the application. 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 not 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. The proposed attached accessory dwelling structure will be constructed on a pre-existing nonconforming lot with nonconforming front setback on Egypt Ave., nonconforming lot area, width and lot frontage. A special permit/finding under M.G.L. 40A, Section 6 was approved by the Scituate Zoning Board of Appeals and filed on July 24, 2019 with the Town Clerk. The proposed accessory dwelling will meet the rear yard setback of 20 feet for the Residential R-3 district. It meets the front yard setback of 30 feet from Bradford Ave. and will be setback an additional two feet (26.03 +/-) from the existing house from Egypt Ave. The accessory dwelling will be less than 35' tall.

6. The exterior appearance of the accessory dwelling is in keeping with the appearance of the primary dwelling except the accessory dwelling will be two stories.
7. The Plot Plan for 15 Egypt Ave. shows a gravel parking area for two vehicles (21' x 24') for the accessory dwelling off of Bradford Ave. southwest of the accessory dwelling and a 21' x 24' gravel driveway off of Egypt Ave for the primary dwelling. This appears adequate to provide two parking spaces for the accessory dwelling and parking for the primary dwelling. Ample parking appears to be provided.
8. The owner has submitted a signed, notarized statement that she will reside at 15 Egypt Ave.
9. The accessory dwelling will be serviced by an existing Town water, municipal sewer and private waste disposal. DPW requirements for water and sewer connections will be met.
10. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Ms. Burbine moved to approve the Special Permit for an accessory dwelling at 15 Egypt Ave. 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 Plot Plan for 15 Egypt Avenue Scituate, MA stamped by Joseph E. Hannon, P.E. dated 2/16/19 with stamp date of 9/25/19 and architectural plans by Designs by Marshall, LLC consisting of 9 sheets including, cover, D1.1 Demo Plans, A0.1 Legend, A1.1 Basement and First Floor, A1.2 Second Floor and Roof, A2.1 Exterior Elevations, A2.2 Exterior Elevation & Section, A3.1 Foundation Plan, A3.2 Framing Plans.
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. The number of bedrooms in primary house is limited to two.
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 they are 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, 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 connections must meet all requirements of the DPW Water Division for the accessory

dwelling.

8. Sewer connections must meet all requirements of the DPW Sewer Division for the accessory dwelling
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/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
11. If there is an increase in impervious area of 25% or more, then a stormwater permit shall be needed according to Town of Scituate Stormwater requirements.
12. Runoff from the proposed accessory dwelling shall not be increased from the property.
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.

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 15 Egypt Avenue with the conditions noted above.

October 10, 2019

Date

SCITUATE PLANNING BOARD

Jean Burkens
Patricia M. Lambert
~~B. J. J.~~
Rebecca A. J.

This decision was filed with the Town Clerk on 10-15-2019
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