

TOWN OF SCITUATE

Planning Board



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Scituate, Massachusetts 02066
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**Accessory Dwelling Special Permit 19 Harbor Heights Road
Decision: APPROVED with Conditions**

Owner: Jennifer G. Sagerian, Trustee of Harbor Heights Realty Trust
Applicant: Heidi A.H. Condon of HC Design for Jen & Rob Sagerian
Date: November 21, 2023
Location: 19 Harbor Heights Road
Assessor's Map: #50-3-3

Plans: plans submitted with the application by hc Design last dated 10/10/2023 consisting of 6 sheets including First Floor Plan & Partial Guest House A1-1; Guest House & Partial 1st Floor Plan A1-2; Second Floor Plan A1-3; Elevations A2-1; Elevations A2-2; In-Law Suite Elevations A2-3; Site Plan, 19 Harbor Heights Road, Scituate, MA dated October 4, 2023 with revisions through October 31, 2023 by Merrill Engineers and Land Surveyors.

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

Background: The property is located in the Residential R-3 Zoning District on a lot of approximately 13,673 sq. ft. according to the site plan. The accessory dwelling is proposed in a razed and reconstructed single-family home as separate living area at the rear of the home on the first floor. The proposed accessory dwelling will have one bedroom, one bathroom, kitchen area, dining space and a studio. There is an entrance to the accessory dwelling through the proposed heated sunroom and from the terrace. Based on a floor plan submitted by the applicant, the floor area of the accessory dwelling is approximately 839 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 3,160 sq. ft. according to the application. The accessory

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dwelling is 27% of the size of the primary dwelling which is allowed as it is 750 sq. ft. or 40% of the total floor area of the primary dwelling, whichever is greater. The owner has signed a notarized statement that she will reside at the premises upon completion of the project.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on October 11, 2023. 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 November 16, 2023 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 November 16, 2023 with architect Heidi Condon present representing the applicants who were also present. Ms. Condon presented that the owners would like an 839 sq. ft. accessory dwelling to the rear of the proposed new single-family dwelling. The accessory dwelling will be attached to the primary dwelling through a shared sunroom. The accessory dwelling will be for the applicant's mother. Parking for the accessory dwelling was indicated to be porous paver parallel spaces to the right-of way. Parking for the primary dwelling is in the garage and driveway. It was indicated any walkway lighting would be required to be down lighting to not shed light on abutting properties. The Board determined there was two means of egress and the accessory dwelling met the requirements.

Public Comment: Eric Langlan of the Water Division indicated that the old service must be cut and capped before demolition. A new meter is required inside the new dwelling. The existing tap can be used. William Branton of the Sewer Division indicated that the existing sewer service at 19 Harbor Heights Road is made of materials which are no longer to code and beyond their useful life. The layout of the proposed construction would interfere with the existing line. It is recommended for replacement of the sewer service from the property line to the building with a PVC service to bring the line up to the current code. The property will be assessed a ½ connection fee for the accessory dwelling, currently \$8,000.

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 19 Harbor Heights Road:

1. On October 11, 2023, applicant Heidi A.H. Condon of HC Design for Jen and Rob Sagerian applied for a special permit for an accessory dwelling in a single-family home at the property at 19 Harbor Heights Road.
2. According to the Town of Scituate Assessor's records and the deed, the property at 19 Harbor Heights Road is owned by Jennifer G. Sagerian, Trustee of the Harbor Heights Realty Trust.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 839 sq. ft. The floor area of the primary dwelling is 3,160 sq. ft. according to the application. The accessory dwelling is 27% of the floor area of the new 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-3 Zoning District. 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 in the rear of the new single-family home. Access will be via doors on the east and north sides of the accessory dwelling.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Site Plan for 19 Harbor Heights Road, Scituate, MA by Merrill Engineers and Land Surveyors dated October 4, 2023 revised 10/31/2023 shows the location of the new primary dwelling and the proposed accessory dwelling. The plan shows a paved driveway which appears capable of supporting two cars for the primary dwelling plus the garage spaces. Two parallel spaces are located along the frontage of the property providing parking spaces for the accessory dwelling. Ample parking appears to be provided.
9. The applicant/owner has submitted a signed, notarized statement that she will occupy one of the dwellings upon completion of the project.
10. The accessory dwelling will be serviced by Town water and sewer. The Water Department has commented that the existing water tap can be used, the old service must be cut and capped before demolition and a new meter inside the new dwelling. The Sewer Division indicated that the existing sewer line is not to code and the service should be replaced from the property line to the building with a PVC sewer service and the property will be assessed half a connection fee for the accessory dwelling which is currently \$8,000.
11. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit

The Special Permit for an accessory dwelling at 19 Harbor Heights Road is approved 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 plans submitted with the application by hc Design last dated 10/10/2023 consisting of 6 sheets including First Floor Plan & Partial Guest House A1-1; Guest House & Partial 1st Floor Plan A1-2; Second Floor Plan A1-3; Elevations A2-1; Elevations A2-2; In-Law Suite Elevations A2-3; Site Plan, 19 Harbor Heights Road, Scituate, MA dated October 4, 2023 with revisions through 10/31/2023 by Merrill Engineers and Land Surveyors.
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 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 to the Town Planner.
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.
8. Sewer connection 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 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. Currently, the site proposes 22% impervious inclusive of porous pavement. The Applicant is responsible to ensure the porous pavement of the site works and is maintained as designed. If there is an increase in impervious area over 25%, then a Stormwater Permit will be required.
12. Erosion and sedimentation control devices shall be installed to prevent any erosion or sedimentation from leaving the site during construction. Silt sock or silt fence shall be used as necessary and extended around the limit of work so disturbance beyond what is shown on the plan is not allowed.
13. The appearance of the accessory dwelling will be in keeping with the primary dwelling unless otherwise required by the Massachusetts Building Code and new exterior stairs needed to provide primary or secondary means of egress for the accessory dwelling shall be located on the side or rear of the building.
14. At least two private off-street parking spaces shall be available for use by the occupants of the accessory dwelling in addition to those parking spaces required for the primary dwelling.

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 19 Harbor Heights Road with the conditions noted above.

November 16, 2023

Date

SCITUATE PLANNING BOARD

Patrick J. Lonsdale
Ann Burdick
Steph R. Pulley
[Signature]
Rebecca [Signature]

This decision was filed with the Town Clerk on November 21, 2023
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

