

TOWN OF SCITUATE

Planning Board



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Scituate, Massachusetts 02066
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**Accessory Dwelling Special Permit 23 Vinal Avenue
Decision: APPROVED with Conditions**

Owner: Maryanna Ryan and Barbara Ratto
Applicant: Maryanna Ryan and Barbara Ratto
Date: July 26, 2021
Location: 23 Vinal Avenue
Assessor's Map: # 50-9-5

Plans: Architectural plans by Built Work Incorporated for Improvements to the Ratto/Ryan residence, 23 Vinal Avenue Scituate, MA undated but stamped received 6/9/2021 consisting of a EX 1, EX 2, A 1, A 2, A 3 and A 4 showing existing floor plans and elevations and proposed floor plans and elevations; Proposed Addition Plan 23 Vinal Avenue Scituate, MA dated 4/9/21 revised 6/7/21 prepared by Morse Engineering Co., Inc.

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

Background: The property is located in the Residential R-2 Zoning District on a lot of approximately 19,566 sq. ft. according to Town of Scituate Assessor's records and the deed to the property. The proposed attached accessory dwelling of 640 gross sq. ft. is on the first floor of an existing house and is proposed to have a one-bedroom unit with a living/dining area, kitchen and bathroom. A second floor is proposed to be added to the primary dwelling for primary dwelling living accommodations. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 565 net 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 640 sq. ft. which is less than 750 sq.

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ft. as allowed in the zoning bylaw. A Section 6 finding was received from the Zoning Board of Appeals allowing the increased house size with accessory dwelling as the house is on a pre-existing non-conforming lot. The applicants have signed a notarized statement that he will occupy the dwelling at 23 Vinal Avenue.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on June 9, 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 and closed on July 22, 2021 when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

Hearing Summary: The public hearing was opened on July 22, 2021 with the applicants Maryanna Ryan and Barbara Ratto present along with their engineer Gregory Morse. Mr. Morse reviewed the project for an accessory dwelling on the first floor of the existing dwelling with an addition for the primary dwelling on the second floor. Mr. Morse indicated the house is in the R-2 zoning district with public utilities and the applicant has occupied it since 1964. The two sisters want to continue to live together in separate units with one in the accessory dwelling and the other in the primary dwelling. Mr. Morse reviewed the access locations along with the size of the accessory dwelling which is 640 sq. ft. and meets the zoning bylaw. He reviewed the parking locations so that four cars can be accommodated. Mr. Morse indicated the home was on septic with a new septic system and the Board of Health and Water Divisions find the project acceptable. Ms. Joseph indicated there is an existing deed restriction for four bedrooms and that the Section 6 Finding from the Zoning Board of Appeals was filed with the Town Clerk today and had no special conditions.

Public Comment: Andrew Scheele of the Board of Health has indicated that the Title 5 plans are on file and the Board of Health has no objections. Sean Anderson of the Water Division indicated they have no comments at this time. Chairperson Burbine read two comments in support of the accessory dwelling; one was from Grace Carty of 19 Vinal Ave. and the other from Sheila Gurry.

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 23 Vinal Avenue:

1. On June 9, 2021 Maryanna Ryan and Barbara Ratto applied for a special permit for an attached accessory dwelling on the property at 23 Vinal Ave.
2. According to the Town of Scituate Assessor's records and the deed, the property at 23 Vinal Ave. is owned by Maryanna Ryan and Barbara Ratto.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 640 gross sq. ft. and 565 net sq. ft. The application indicates this is 28% of the total square footage of the primary dwelling which is 2,283 sq. ft. according to the Applicant which does not include the 640 sq. ft. accessory dwelling. The proposed square footage of the house will be 2,923 sq. ft. The Assessor's card indicates the net square footage of the existing home to be 1,552 sq. ft. The Zoning Board of Appeals granted a Section 6 finding on 7/22/21 for the addition to the primary

dwelling and accessory dwelling for 2,923 sq. ft. 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-2 Zoning 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 proposed to be located on a portion the first floor of an existing dwelling which a second floor is proposed to be added for the primary dwelling living. Access will be via a new door with a landing at grade and through an outdoor deck to the rear of the dwelling. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
7. The Proposed Addition Plan 23 Vinal Avenue, Scituate, MA dated 4/9/21 revised 6/7/21 by Morse Engineering Company, Inc. shows the location of the house with accessory dwelling and garage. The plan shows there will be 1 parking space in the garage, two in the driveway in front of the garage and a new proposed 9 x 18 gravel parking area. This appears adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling, although car shuffling may be required. Ample parking appears to be provided.
8. The owners have submitted a signed, notarized statement that they will both be occupying the dwelling at 23 Vinal Ave.
9. The accessory dwelling will be serviced by Town water and an onsite septic system. DPW requirements for water connections will be met.
10. 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 23 Vinal Avenue 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 Built Work Incorporated for Improvements to the Ratto/Ryan residence, 23 Vinal Avenue Scituate, MA undated but stamped received 6/9/2021 consisting of a EX 1, EX 2, A 1, A 2, A 3 and A 4 showing existing floor plans and elevations and proposed floor plans and elevations; Proposed Addition Plan 23 Vinal Avenue Scituate, MA dated 4/9/21 revised 6/7/21 prepared by Morse Engineering Co., Inc.
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. A yearly certification that one of the owners 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.
8. Any lighting installed shall be down lighting to not shed light on abutting properties.
9. 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.
10. Runoff from the proposed accessory dwelling shall not be increased from the property.
11. 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 23 Vinal Avenue with the conditions noted above.

July 22, 2021

Date

SCITUATE PLANNING BOARD

Ann Barbieri
Spencer Fullen
Dee C. J.
Patricia A. Jones
B. B.

This decision was filed with the Town Clerk on 7/26/21
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