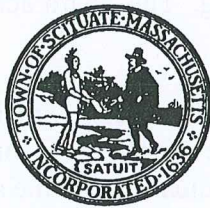


TOWN OF SCITUATE

Planning Board



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
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Accessory Dwelling Special Permit 27 Brook Street Decision: APPROVED with Conditions

Owner: Real Estate Ready, LLC, Deborah & Christopher Martin, Managers
Applicant: Real Estate Ready, LLC, Deborah & Christopher Martin Managers
Date: April 1, 2024

Location: 27 Brook Street
Assessor's Map: #50-6-0-A

Plans: plans submitted with the application by Seeker Concepts consisting of Sheet A1.0 Floor Plans, A1.0 Floor Plans and A1.1 Second Floor Plan; Site Plan 27 Brook Street, Scituate, MA.
Members Hearing Special Permit Application: Ann Burbine, Patricia Lambert, Rebecca Lewis Stephen Pritchard and Patrick Niebauer.

Background: The property is located in the Residential R-3 Zoning District on a lot of approximately 21,780 sq. ft. according to the Assessor's Records. The accessory dwelling is proposed in an existing structure being converted into single-family home. The proposed accessory dwelling will have a bedroom, bathroom, kitchen area and living space. There is an entrance to the accessory dwelling through the rear entry and from the accessory dwelling living area. Based on a floor plan submitted by the applicant, the floor area of the accessory dwelling is approximately 600 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 4,200 sq. ft. according to the application. The accessory dwelling is 14% 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 owners have signed a notarized statement that they will reside in the main house upon completion of the project.

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Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on February 15, 2024. 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 March 28, 2024 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 March 28, 2024 with owners Christopher and Deborah Martin present. They indicated they would like to have an accessory dwelling in an existing structure being converted to a single-family dwelling. The structure is the former Senior Center. They indicated there will be parking off of Brook Street and First Parish Road for the dwelling and accessory dwelling. The unit will be serviced by town sewer and water. The Martins will provide an email that the Town will only require the \$8,000 connection fee for the accessory dwelling. There is no footprint change of the existing structure. A door will be added in the living area so there are two means of egress. No proposed elevations have been provided; however, the accessory dwelling and the primary dwelling will be visually compatible as it is the same building. The Board determined that accessory dwelling met the requirements.

Public Comment: Eric Langlan of the Water Division indicated the Water Department requires installation of a new meter. The Sewer Division commented that given the age of the existing sewer service (41 years) it is recommended that the applicant replace the sewer line from the building to the property line to ensure a good lasting service line for their property. A ½ sewer connection fee (\$8,000) will be owed for adding the accessory dwelling to the sewer system. There is no record of the payment of the original sewer connection fee or betterment for the primary dwelling. A record of the parcel having paid a fee for the primary dwelling is needed or payment of the connection fee is needed (\$16,000).

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 27 Brook Street:

1. On February 15, 2024 applicant Real Estate Ready LLC applied for a special permit for an accessory dwelling in an existing structure being converted to a single-family home at the property at 27 Brook Street.
2. According to the Town of Scituate Assessor's records and the deed, the property at 27 Brook Street is owned by Real Estate Ready LLC. The Secretary of State lists the managers as Deborah and Christopher Martin.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 600 sq. ft. The floor area of the primary dwelling is 4,200 sq. ft. according to the application and Assessor's records. The accessory dwelling is 14% of the floor area of the 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 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 existing structure being converted to a single-family home. Access will be via a door at the rear of the building (south elevation) and on the west side of the accessory dwelling in the living area.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Site Plan for 27 Brook Street, Scituate, MA submitted with the application shows the location of the existing structure to be converted to the primary dwelling with the accessory dwelling within the single-family home. The Applicant indicates the site is currently all paved. They are proposing to remove all of the pavement in front off of Brook Street except for a 12' x 40' driveway which can accommodate two cars. In the rear off of First Parish Road the back area is paved for 50' wide by 108' long. The Applicant proposes to remove 35' of pavement directly to the rear of the building to create grass leaving 73' of pavement which will accommodate 4-5 parking spaces. Ample parking appears to be provided.
9. The applicant/owners have submitted a signed, notarized statement that they will occupy the main dwelling upon completion of the project.
10. The accessory dwelling will be serviced by Town water and sewer. The Water Department has commented that it requires installation of a new meter. The Sewer Division indicated a ½ sewer privilege fee (\$8,000) shall be owed for connecting the accessory dwelling to Town Sewer; please provide record of the parcel having paid a sewer betterment or connection fee for the primary dwelling or please provide payment of the connection fee (additional \$16,000) unless waived in writing by the Town; and given the age of the existing sewer service (41 years), it is recommended the applicant replace the sewer line from the building to the property line to ensure a good and lasting service line for the property.
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 27 Brook Street 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 Seeker Concepts A1.0 Floor Plans consisting of three undated sheets as revised to show a door in the living area for a second means of access; Site Plan 27 Brook Street, Scituate, MA hand drawn and undated. Site Plan and Floor Plans attached to this decision.

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 notarized 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. The applicant has filed with the Zoning Board of Appeals for a Section 6 Finding for the frontage.
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 new meter is required.
8. Sewer connection must meet all requirements of the DPW Sewer Division for the accessory dwelling. The Sewer Division indicated a $\frac{1}{2}$ sewer privilege fee (\$8,000) shall be owed for connecting the accessory dwelling to Town Sewer; please provide record of the parcel having paid a sewer betterment or connection fee for the primary dwelling or please provide dwelling payment of the connection fee (additional \$16,000) unless waived in writing by the Town; and given the age of the existing sewer service (41 years), it is recommended the applicant replace the sewer line from the building to the property line to ensure a good and lasting service line for the property.
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. 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 applicant shall be required to construct the fourth parking space of crushed stone or an approved equal so that parking is not occurring on the grass.

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 27 Brook Street with the conditions noted above.

March 28, 2024

Date

SCITUATE PLANNING BOARD

Patricia J. Fournier

Ann Burbine

Rebecca J.

Paul W. Hill

This decision was filed with the Town Clerk on April 1, 2024
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

