

TOWN OF SCITUATE

*Planning Board*



600 Chief Justice Cushing Hwy  
Scituate, Massachusetts 02066  
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**Accessory Dwelling Special Permit 27 Pine View Drive  
Decision: APPROVED with Conditions**

Owner: Colin J. Reedy and Kimberly Devine Reedy

Applicant: Kimberly Devine Reedy

Date: March 27, 2023

Location: 27 Pine View Drive

Assessor's Map: #36-5-4

Plans: plans submitted with the application by Brenda Tower dated 11/16/22 consisting of 8 sheets for the Devine Reedy Residence including Front Elevation 1 of 8; Left Elevation 2 of 8; Rear Elevation 3 of 8; First Floor Plan 4 of 8; Second Floor Plan 5 of 8; Cross Section 6 of 8; Cross Section 7 of 8; Existing First Floor Plan Sheet 1 of 2 undated; Existing Second Floor Plan sheet 2 of 2 undated; Foundation Plan 8 of 8; Accessory Dwelling Site Plan for 27 Pine View Drive in Scituate, MA by Grady Consulting, L.L.C. dated January 25, 2023 with revisions dated 2/16/2023.

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-2 Zoning District and Water Resource Protection District on a lot of approximately 46,620 sq. ft. or 1.07 AC according to the Accessory Dwelling Site Plan submitted with the application. The accessory dwelling is proposed in a single-family home as an addition on the first floor of the existing dwelling and as a room above the existing garage. The proposed accessory dwelling will have one bedroom and one bathroom on the second floor of the accessory dwelling. On the first floor of the accessory dwelling there will be a new den, new dining room, new bath and closets, a new kitchen and the

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existing family room of the primary dwelling will become part of the accessory dwelling. There will be a new deck to the rear. There is an entrance at the front and rear of the accessory dwelling. Based on a floor plan submitted by the applicant, the floor area of the accessory dwelling is approximately 1,559.66 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 4,156.34 sq. ft. The accessory dwelling at 750 sq. ft. is 37.52 % of the size of the primary dwelling which is allowed as either 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 continue to occupy one of the dwelling units on the referenced property.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on February 7, 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 March 23, 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 March 23, 2023 with the applicant and her husband and their representative, Paul Mirabito present. Mr. Mirabito presented what the applicant would like for an accessory dwelling. It was indicated the addition will be all the same materials as the primary dwelling and any lighting would be down lighting and there is parking in the garage and in the driveway. The Board indicated the accessory dwelling met the requirements.

**Public Comment:** Mark Cloud of the Water Division commented that the Water Department has no comments. Joan Schmid from the Board of Health commented they are ok with the accessory dwelling as one of the bedrooms in the primary dwelling will be removed. It was indicated it would be reviewed again with the building permit. She also indicated that a Title 5 inspection was needed.

**Findings of Fact:** A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 27 Pine View Drive:

1. On February 7, 2023 applicant Kimberly Devine Reedy applied for a special permit for an accessory dwelling in a single-family home at the property at 27 Pine View Circle.
2. According to the Town of Scituate Assessor's records and the deed, the property at 27 Pine View Drive is owned by Colin J. Reedy and Kimberly Devine Reedy. The applicants signed a notarized authorization allowing Ross Engineering Company and Grady Consulting LLC to represent them at meetings before the Planning Board. Paul Mirabito as agent signed the application.
3. Based on a floor plan submitted with the application, the application and the new Assessor's card, the Planning Board finds the floor area of the Accessory Dwelling to be 1,559.66 sq. ft. This includes the dining room, den, bath, closets, hall, second floor bedroom and the existing family room which will be part of the accessory dwelling. The floor area of the primary dwelling is 3,351 sq. ft. according to Assessor's Records. A finished basement also adds 1,058 sq. ft. The existing family room will be taken out of

the primary dwelling and moved to the accessory dwelling, thus the primary dwelling square footage is 4,156.34 sq. ft. The accessory dwelling is 37.52% of the floor area of the primary dwelling not counting the entry area. 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-2 Zoning District and Water Resources Protection District with a majority of the property in the Zone II. 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 a first-floor addition to the single-family home with a second-floor bedroom over the garage. Access will be via a door at the front of the house and from a stairway at the rear of the house from a new deck.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Accessory Dwelling Site Plan for 27 Pine View Drive in Scituate, MA by Grady Consulting, L.L.C. dated January 25, 2023 with revisions through 2-16-23 shows the location of the existing primary dwelling and the proposed accessory dwelling. The plan shows an existing bituminous driveway which can fit at least four parking spaces. 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 applicant/owners have submitted a signed, notarized statement that they will continue to reside on the property in one of the dwelling units.
10. The accessory dwelling will be serviced by Town water and a private septic system. The Water Department has no comments. The Board of Health has commented that a Title 5 inspection will be necessary prior to issuance of a Building Permit..
11. The application **meets** the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

I move **to approve** the Special Permit for an accessory dwelling at 27 Pine View Drive 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 Brenda Tower dated 11/16/22 consisting of 8 sheets for the Devine Reedy Residence including Front Elevation 1 of 8; Left Elevation 2 of 8; Rear Elevation 3 of 8; First Floor Plan 4 of 8; Second Floor Plan 5 of 8; Cross Section 6 of 8; Cross Section 7 of 8; Existing First Floor Plan Sheet 1 of 2 undated; Existing Second Floor Plan sheet 2 of 2 undated; Foundation Plan 8 of 8; Accessory Dwelling Site Plan for 27 Pine View Drive in Scituate, MA by Grady Consulting, L.L.C. dated January 25, 2023 with revisions dated 2/16/2023.

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.
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. Any lighting installed shall be down lighting to not shed light on abutting properties.
8. 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.
9. Runoff from the proposed accessory dwelling shall not be increased from the property. As the property is in the Water Resource Protection District, rooftop runoff must be designed to recharge the first inch of rainfall. An Order of Conditions has been issued by the Conservation Commission allowing for overland flow for the single-family dwelling. A plan for attaining runoff requirements must be provided to the Building Commissioner as part of the building permit application.
10. 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.
11. 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.
12. 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 27 Pineview Road with the conditions noted above.

March 23, 2023

Date

SCITUATE PLANNING BOARD

[Signature]  
Jean Burbanck  
Patricia A. Lemberé  
Steph P. Hutchins  
Rebecca [Signature]

This decision was filed with the Town Clerk on March 27, 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