

TOWN OF SCITUATE

Planning Board



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Scituate, Massachusetts 02066
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Accessory Dwelling Special Permit 27 Sherman Drive Decision: APPROVED with Conditions

Owner: Michael and La'Tasha Ludlow

Applicant: David Cangiano

Date: October 16, 2023

Location: 27 Sherman Drive

Assessor's Map: # 48-4-5

Plans: plans submitted with the application by Kristen Morrison Architects last dated 8/15/2023 consisting of 7 sheets including Existing First and Second Floor A1; First Floor Plan A2; Second Floor Plan A3; Front and Right Elevation A4; Rear, Left and Mudroom elevations A5; Cross Sections A6; Foundation Plan A7; Certified Plot Plan, 27 Sherman Drive, Scituate, MA dated August 8, 2022 with latest revision 8/17/2023 by Merrill Engineers and Land Surveyors.

Members Hearing Special Permit Application: Ann Burbine, Patricia Lambert, Stephen Pritchard and Patrick Niebauer

Background: The property is located in the Residential R-1 Zoning District and Water Resources Protection District on a lot of approximately 40,566 sq. ft. according to the Certified Plot Plan filed with the application. The accessory dwelling is proposed in a single-family home as an addition at the northerly rear corner of the house with a living room, one bedroom, bathroom, dining room and kitchen area on the first floor. There is an entrance to the accessory dwelling through the proposed dining area and through the new mudroom of the primary dwelling. Based on a floor plan submitted by the applicant, the floor area of the accessory dwelling is approximately 828 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

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primary dwelling is 2328 sq. ft. according to the application which is 36% 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 he will continue residing 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 September 14, 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 October 12, 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 October 12, 2023 with David Cangiano and Michael Ludlow present for the applicant along with Ann Ludlow. Mr. Cangiano indicated they would like to do an accessory dwelling for Mr. Ludlow's mother. The accessory dwelling would be nearly 900 sq. ft. with a common mudroom. The accessory dwelling has a kitchen, living area, dining area, one bedroom and one bath on the first floor and has the required two means of egress. The Town Planner indicated the site is in the Water Resource Protection District and the 10/10/2023 plan shows where the infiltration for the roof will occur and recommended approval. Member Burbine questioned if the road was public as she believes it is private. It was indicated it was plowed and has sewer and water. Member Pritchard asked about the siding. The applicant indicated the primary and the accessory dwelling will be sided the same. He also inquired about the parking. It was indicated the driveway is long and has space to accommodate cars for the primary and accessory dwelling. Member Pritchard also asked about lighting and indicated down lighting will be conditioned so no light shines on other properties. He inquired about sewer and water and the town Planner read those comments into the record.

Public Comment: Eric Langlan of the Water Division indicated that the water service can remain the same. William Branton of the Sewer Division commented that the existing building is connected to town Sewer and an \$8,000 privilege fee will be owed to the Sewer Division for the change in use/addition of an accessory dwelling. Freya Schlegel of the Water Resources Commission commented that all of the conditions of the Water Resources Protection bylaw for the surface water must be met.

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

1. On September 14, 2023, applicant David Cangiano applied for a special permit for an accessory dwelling in a single-family home at the property at 27 Sherman Drive.
2. According to the Town of Scituate Assessor's records and the deed, the property at 27 Sherman Drive is owned by Michael and La'Tasha Ludlow.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 828 sq. ft. The floor area of the primary dwelling is 2,328 sq. ft. according to the application. The accessory dwelling is 36% 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. A new mudroom addition and screened porch are being added and are not part of the gross floor area considered for the primary dwelling. 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-1 Zoning District as well as the Water Resource Protection 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 a new addition to the single-family home. Access will be via doors on the north and south sides of the accessory dwelling as well as through the new mudroom.
 7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
 8. The Certified Plot Plan for 27 Sherman Drive, Assessor's Map 48 Lot 5, Scituate, MA by Merrill Engineers and Land Surveyors dated August 8, 2022 with revisions through 10/10/2023 shows the location of the existing primary dwelling and the proposed accessory dwelling. The plan shows a paved driveway which appears capable of supporting two cars for the accessory dwelling as well as two parking spaces for the primary dwelling. Ample parking appears to be provided.
 9. The applicant/owner has submitted a signed, notarized statement that he 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 water service can remain the same. The Sewer Division indicated the existing building is connected to sewer and an \$8,000 privilege fee will be owed to the Sewer Division for the change in use/addition of the accessory dwelling.
 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 Sherman Drive was 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 Kristen Morrison Architects last dated 8/15/2023 consisting of 7 sheets including Existing First and Second Floor A1; First Floor Plan A2; Second Floor Plan A3; Front and Right Elevation A4; Rear, Left and Mudroom elevations A5; Cross Sections A6; Foundation Plan A7; Certified Plot Plan, 27 Sherman Drive, Scituate, MA dated August 8, 2022 with latest revision 10/10/2023 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.
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. As the property is in the Water Resource Protection District, rooftop runoff must be designed to recharge the first inch of rainfall. Recharge shall be attained through site design, infiltration basins or swales constructed with a three-foot minimum separation between the bottom of the structure and maximum groundwater elevation so that nitrogen is removed. An artificial system of recharge may be required which does not degrade the groundwater if there is more than 15% impervious area for the site. A plan for attaining runoff requirements must be provided to the Building Commissioner as part of the building permit application. All conditions of the Zoning Bylaw for the surface water must be met. 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.
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. New siding is going to be provided for the primary and the accessory dwelling.

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 27 Sherman Drive with the conditions noted above.

October 12, 2023

Date

SCITUATE PLANNING BOARD

Patricia G. Foxworth
Stephen P. Sullivan

Ann Burdine

Paul W. L.

This decision was filed with the Town Clerk on October 14, 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

