

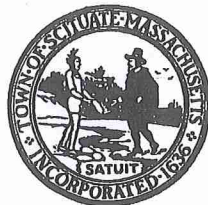
TOWN OF SCITUATE
TOWN CLERK

2019 MAR 20 AM 10:13

RECEIVED

TOWN OF SCITUATE

Planning Board



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
FAX: 781-545-8704

Accessory Dwelling Special Permit – 185 First Parish Road Decision: APPROVED with Conditions

Owner: Kelly & Susan Killeen
Applicant: Kelly & Susan Killeen
Date: March 19, 2019
Location: 185 First Parish Road
Assessor's Map: # 44-3-60

Plans: Site Plan entitled Site Plan and Proposed Addition 185 First Parish Road, by CHA Companies and stamped by Kelly Killeen, P.E. dated 11/10/18; Architectural Plans by OCO Architectural Design dated 11-14-18 consisting of 5 sheets including 185 First Parish Road Overall First Floor Plan, C101; 185 First Parish Road Enlarged First Floor Plan, A102; 185 First Parish Road Second Floor Plan, C103; 185 First Parish Road Elevations, C104; 185 First Parish Road Front, Rear & East Elevations, C105. Members Hearing Special Permit Application: Ann Burbine, Stephen Pritchard, Benjamin Bornstein, William Limbacher and Patricia Lambert

Background: The property is located in the Residential R-2 Zoning District on a lot of approximately 17,924 sq. ft. The accessory dwelling is approximately 720 sq. ft. and located on the first floor of a one and a half story detached structure with upstairs storage space. The accessory dwelling is a one bedroom unit on the first floor with a kitchen/living room and bathroom. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 720 sq. ft. It is proposed to be authorized as a legal living through approval of an accessory dwelling special permit by the Planning Board. The total area of the accessory dwelling is 46% of the total square footage of the primary dwelling (1,562 sq. ft.) which is greater than 40% allowed in the bylaw; however the size of 720 sq. ft. is less than 750 and thus allowable as the

greater applies. The applicants have signed a notarized statement that they will occupy the primary dwelling unit on the property.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on December 10, 2018. 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 January 24, 2019 and continued to March 14, 2019; the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

Hearing Summary: The public hearing was opened on January 24, 2019 with the applicant Kelly Killeen present. Mr. Killen indicated that the proposed detached accessory dwelling is approximately 720 sq. ft. for one floor living for his in-laws. He indicated a Section 6 Special Permit was needed from the Zoning Board of Appeals and the application will be heard on February 28, 2019. He said the design of the accessory dwelling will make it look like an out building since many of the homes in the area were constructed in the 1920's. Mr. Killeen indicated that the driveway will be stone to match the existing and stormwater runoff will be piped into an underground chamber system. He indicated there will be a patio connecting the dwelling units with landscape lighting. The Board suggested that the applicant may want to reconfigure the rear parking and find a way to eliminate the steps into the dwelling as it is intended for an elderly couple. The hearing was continued until March 14, 2019 to provide time for other permitting. The Planning Board approved the accessory dwelling special permit with conditions at that time.

Public Comment: Mr. Steve Syre of 189 First Parish Road asked about the height of the dwelling and if it could be turned into a rental unit. Mr. Killeen indicated that the height is 17 feet. The Board indicated the accessory dwelling would be conditioned with one bedroom as shown and the two structures cannot ever be sold separately. A comment was received from the Water Division indicating a meter pit will be required for the accessory dwelling. There were no public comments at the continued public hearing session on March 14, 2019.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 185 First Parish Road:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to the Site Plan entitled Site Plan and Proposed Addition 185 First Parish Road, by CHA Companies and stamped by Kelly Killeen, P.E. dated 11/10/18; Architectural Plans by OCO Architectural Design dated 11-14-18 consisting of 5 sheets including 185 First Parish Road Overall First Floor Plan, C101; 185 First Parish Road Enlarged First Floor Plan, A102; 185 First Parish Road Second Floor Plan, C103; 185 First Parish Road Elevations, C104; 185 First Parish Road Front, Rear & East Elevations, C105.
2. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 720 sq. ft. This is 46% of the total square footage of the primary building which is 1,562 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 and is subordinate to the existing single family home.

3. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
4. The proposed detached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
5. The proposed accessory dwelling is located at the rear of the property. New exterior stairs are provided on the side of the proposed building. The proposed accessory dwelling will be screened from the road by a landscaped courtyard.
6. The Proposed Accessory Dwelling Details Sheet showing a Site Plan and Proposed Addition for the property shows a gravel driveway with one parking space behind the proposed accessory dwelling and parking for three vehicles to the west side of the existing primary dwelling which appears capable of providing two onsite parking spaces for the accessory dwelling.
7. The owner has submitted a signed, notarized statement that he will live on the property as his primary residence.
8. The accessory dwelling will be serviced by an existing septic system onsite which is deed restricted for four bedrooms. There are three bedrooms in the primary dwelling and one in the accessory dwelling. A connection to Town water will be provided and it will comply with the Town requirements for a water connection. Stormwater runoff from the roof area of the accessory dwelling will be directed to a subsurface roof infiltration system while stormwater runoff from the driveway and other areas will flow overland in an easterly direction. An administrative Stormwater Permit has been issued dated 2/27/2019 through the Planning Office.
9. The applicant has filed for a finding under MGL Ch. 40A, Section 6 with the Zoning Board of Appeals as the property lot area is less than the required lot area for the Residence R-2 District and there is an increase of more than 20% of building area. The ZBA voted to approve the Section 6 Special Permit on 2/28/2019.
10. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Decision: A motion was duly made and seconded to approve the Special Permit for an accessory dwelling at 185 First Parish Road with the following conditions and 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 the Site Plan entitled Site Plan and Proposed Addition 185 First Parish Road, by CHA Companies and stamped by Kelly Killeen, P.E. dated 11/10/18; Architectural Plans by OCO Architectural Design dated 11-14-18 consisting of 5 sheets including 185 First Parish Road Overall First Floor Plan, C101; 185 First Parish Road Enlarged First Floor Plan, A102; 185 First Parish Road Second Floor Plan, C103; 185 First Parish Road Elevations, C104; 185 First Parish Road Front, Rear & East Elevations, C105.
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 due to the size of the accessory dwelling. The attic storage space cannot be converted into additional living space and shall be accessed from the exterior of the dwelling per the plans.
4. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
5. A meter pit is required to be installed per the Water Division for the accessory dwelling.
6. Any lighting installed shall be down lighting to not shed light on abutting properties.
7. 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/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
8. This Accessory Dwelling Special Permit is conditioned on receiving the Zoning Board of Appeals Section 6 finding decision.
9. 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 185 First Parish Road with the conditions noted above.

March 14, 2019

Date

SCITUATE PLANNING BOARD

Ann Burke

~~Patricia A. Lonsdale~~

Patricia A. Lonsdale
William Lonsdale

This decision was filed with the Town Clerk on March 20, 2019
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