

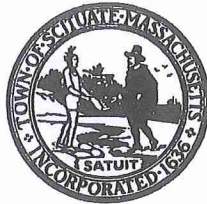
TOWN OF SCITUATE  
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TOWN OF SCITUATE

*Planning Board*



600 Chief Justice Cushing Hwy  
Scituate, Massachusetts 02066  
Phone: 781-545-8730  
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**Accessory Dwelling Special Permit 304 Clapp Road  
Decision: APPROVED with Conditions**

Owner: Jared Giroux and Debra Reny

Applicant: Jared Giroux

Date: March 17, 2020

Location: 304 Clapp Road

Assessor's Map: # 17-2-16

Plans: Giroux Residence, Project No. 19040 In-Law Above Garage 304 Clapp Road. Scituate, MA 02066 by Designs by Marshall, LLC dated 1/11/2020 consisting of 4 sheets including a cover sheet entitled Giroux Residence Project No. 19040 In-Law Above Garage 304 Clapp Road Scituate, MA 02066, Sheet D1 Demo Plans, Sheet A1 New Floor Plans, and Sheet A2 Exterior Elevations; Certification Plan #304 Clapp Road Scituate, MA by Grady Consulting, L.L.C. Members Hearing Special Permit Application: Ann Burbine, Stephen Pritchard, William Limbacher and alternate Rebecca Lewis.

**Background:** The property is located in the Residential R-1 Zoning District and the Water Resource Protection District Zone A on a lot of approximately 23,677 sq. ft. according to Town of Scituate Assessor's records and the Certification Plan submitted with the application. The proposed attached accessory dwelling of 519 sq. ft. is a second floor addition above an existing two car attached garage and is proposed to have a bedroom unit with a living area, kitchen and bathroom with an outdoor deck. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 519 gross 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 519sq. ft. which is less than 750 sq.

ft. as allowed in the zoning bylaw. The applicant has signed a notarized statement that he will occupy one of the units at 304 Clapp Road.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on January 14, 2020. 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 March 12, 2020 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 12, 2020 with the applicant Jared Giroux and his mother Debra Reny present. Mr. Giroux indicated he would like to build a 519 gross sq. ft. attached accessory dwelling above an existing two car attached garage. He indicated he and his wife and children plans to live in the primary dwelling and the accessory dwelling is being constructed to provide housing for his mother to reside in as she helps care for the children. It was indicated that town water is present and an existing septic system would provide sewer services. It was noted that the existing septic system has capacity for 4 bedrooms and a bedroom in the primary dwelling will need to be decommissioned to keep 4 bedrooms for the dwelling. A deed restriction will be necessary with the Board of Health.

**Public Comment:** There was no public comment at the hearing. The sewer division commented that there is no sewer for the property. The Board of Health commented that they will need to see the conversion of the bedroom in the primary dwelling to the office via floor plans before and after. The Conservation Agent and Natural Resource Officer forwarded a letter from August 2019 that money is being held in escrow until compliance with conditions that are part of the Order of Conditions are demonstrated.

**Findings of fact:** A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 304 Clapp Road:

1. On January 14, 2020, Jared Giroux and Debra Reny applied for a special permit for a attached accessory dwelling on the property at 304 Clapp Road.
2. According to the Town of Scituate Assessor's records, the property at 304 Clapp Road is owned by Jared Giroux and Debra Reny.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 519 gross sq. ft. This is 17% of the total square footage of the primary dwelling which is 3,123 sq. ft. according to the Applicant who indicated is what his architect calculated. 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-1 and Water Resource Protection Zoning Districts. 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 the second floor of the attached garage of the primary dwelling. Access will be via an internal staircase inside the two-car garage. There is a secondary access to the rear of the building with exterior stairs.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Plot Plan of Land in Scituate, MA showing 304 Clapp Road shows an existing bituminous concrete driveway for the existing dwelling and a 2 car garage. This is adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling. Ample parking has been provided.
9. The owner has submitted a signed, notarized statement that the owner will be occupying one of the units at 304 Clapp Road.
10. The accessory dwelling will be serviced by Town water and an on-site septic system. DPW requirements for water connections will be met. Board of Health (BOH) requirements for the septic system will be met when a bedroom in the house is decommissioned and a deed restriction is given for a 4 bedroom septic system to the BOH.
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 304 Clapp Road 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 the following documents: Giroux Residence, In-Law Above Garage, 304 Clapp Road, Scituate, MA 02066 by Designs by Marshall, LLC dated 1/11/2020 consisting of a cover sheet, Demo Plans D1, New Floor Plans A1, Exterior Elevations A2; Certification Plan #304 Clapp Road Scituate, MA dated July 17, 2018 by Grady Consulting, L.L.C.
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 owner shall provide a notarized affidavit that the 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. 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/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 increase total runoff 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 304 Clapp Road with the conditions noted above.

March 12, 2020

Date

SCITUATE PLANNING BOARD

[Signature]

Ann Burgess

[Signature]

William L. Baker

This decision was filed with the Town Clerk on March 17, 2020  
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