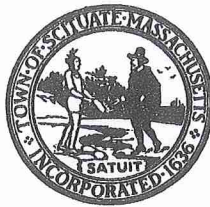


TOWN OF SCITUATE
TOWN CLERK
2019 DEC 16 AM 11:57

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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 355 Hatherly Road Decision: APPROVED with Conditions

Owner/Applicant: Deborah A. Risi

Date: December 16, 2019

Location: 355 Hatherly Road

Assessor's Map: # 22-11-9

Plans: Foundation As-Built Plan for Detached Garage 355 Hatherly Road Assessor's Parcel 22-11-9 Scituate MA prepared for Deborah A. Risi. dated July 31, 2019 by Morse Engineering Co., Inc. and architectural plans by Mann Lot Architecture LLC, R. B. Vogel consisting of 10 sheets including, Risi 355 Hatherly Road Accessory Dwelling, First Floor Plan DWG 1 of 8, East Elevation DWG. 2 of 8, West Elevation DWG 3 of 8, North Elevation South Elevation DWG. 4 of 8, Foundation Plan DWG. 5 of 8, Loft Floor Plan Framing DWG. 6 of 8, Roof Framing Plan DWG. 7 of 8, Construction Detail Section 4 Specifications DWG. 8 of 8, Risi Residence Carriage House Revisions dated 7/20/19 with revisions through 11/25/2019.

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 36,908 sq. ft. according to Town of Scituate Assessor's records. The proposed detached accessory dwelling is 650 gross sq. ft. and located to the northwest of the primary dwelling. The accessory dwelling is a one bedroom unit with a living room, kitchen, and bathroom, located on the second floor of a detached two car garage. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 600 net 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 650 sq. ft. which is less than 750 sq. ft. as allowed in the zoning bylaw. The applicant has signed a notarized statement that she will occupy the primary dwelling at 355 Hatherly Road.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on August 20, 2019 with the request to have the public hearing as soon after November 17, 2019 as possible due to the applicant's extensive travel schedule. 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 November 21, 2019 and continued until December 12, 2019 when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

Hearing Summary: The public hearing was opened on November 21, 2019 with the applicant Deborah A. Risi present. Ms. Risi indicated she would like to build a 650 gross sq. ft. accessory dwelling over a newly constructed two car garage. She indicated she plans to live in the primary dwelling and the accessory dwelling is being constructed to provide an opportunity for her and her children and/or her parents to remain at the property. It was indicated that town water and sewer services would be provided. The Board could not clearly see the second means of access/egress from the accessory dwelling and requested a revised plan set to show the second means. The public hearing was continued until 12/12/2019 where the second means of access/egress was clearly shown in the rear of the garage and the Board approved the accessory dwelling with conditions.

Public Comment: At the hearing session on November 21, 2019, Mr. Peter Miller of 353 Hatherly Road asked if there was a way to limit the unit so it does not become a rental unit. The Board indicated there is no way to limit if the unit is a rental if the owner lives in one of the two units as it is allowed in Scituate. The Board indicated the unit cannot be occupied, without the special permit. There were no comments at the 12/12/19 hearing session.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 355 Hatherly Road:

1. On August 20, 2019 with the request to have the public hearing as soon after November 17, 2019 as possible due to the applicant's extensive travel schedule, Deborah A. Risi applied for a special permit for a detached accessory dwelling on the property at 355 Hatherly Road.
2. According to the Town of Scituate Assessor's records, the property at 355 Hatherly Road is owned by Deborah A. Risi.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 650 gross sq. ft. (600 net sq. ft.) of living area. This is 13.64% of the total square footage of the primary dwelling which is 4,400 sq. ft. according to the Assessor's card. 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-2 zoning district. The proposed detached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
6. The proposed accessory dwelling is located on the northwest side of the primary dwelling above the detached two car garage. Access/egress will be via an internal staircase leading from the two car garage and a secondary means of access/egress via an external stair located on the west elevation to the rear of the garage..
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 355 Hatherly Road shows an existing bituminous concrete driveway for the existing dwelling and a 2 car garage. 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 owner has submitted a signed, notarized statement that she will be occupying 355 Hatherly Road as her primary residence.
10. The accessory dwelling will be serviced by Town water and municipal sewer. DPW requirements for water and sewer connections will be met.
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 355 Hatherly 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 Foundation As-Built Plan for Detached Garage 355 Hatherly Road Assessor's Parcel 22-11-9 Scituate MA prepared for Deborah A. Risi. dated July 31, 2019 by Morse Engineering Co., Inc. and architectural plans by Mann Lot Architecture LLC, R. B. Vogel consisting of 10 sheets including, Risi 355 Hatherly Road Accessory Dwelling, First Floor Plan DWG 1 of 8, East Elevation DWG. 2 of 8, West Elevation DWG 3 of 8, North Elevation South Elevation DWG. 4 of 8, Foundation Plan DWG. 5 of 8, Loft Floor Plan Framing DWG. 6 of 8, Roof Framing Plan DWG. 7 of 8, Construction Detail Section 4 Specifications DWG. 8 of 8, Risi Residence Carriage House Revisions dated 7/20/19 with revisions through 11/25/2019.
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 she 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, 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 connections must meet all requirements of the DPW Sewer Division for accessory dwellings.
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/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.
12. 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 355 Hatherly Road with the conditions noted above.

December 12, 2019

Date

SCITUATE PLANNING BOARD

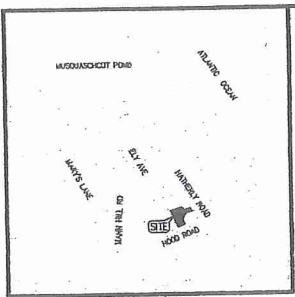
Anna Burrows
John P. Sullivan
[Signature]
William L. Sackler
Patrick A. Leneve

This decision was filed with the Town Clerk on December 16, 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.

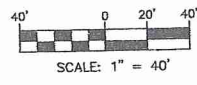
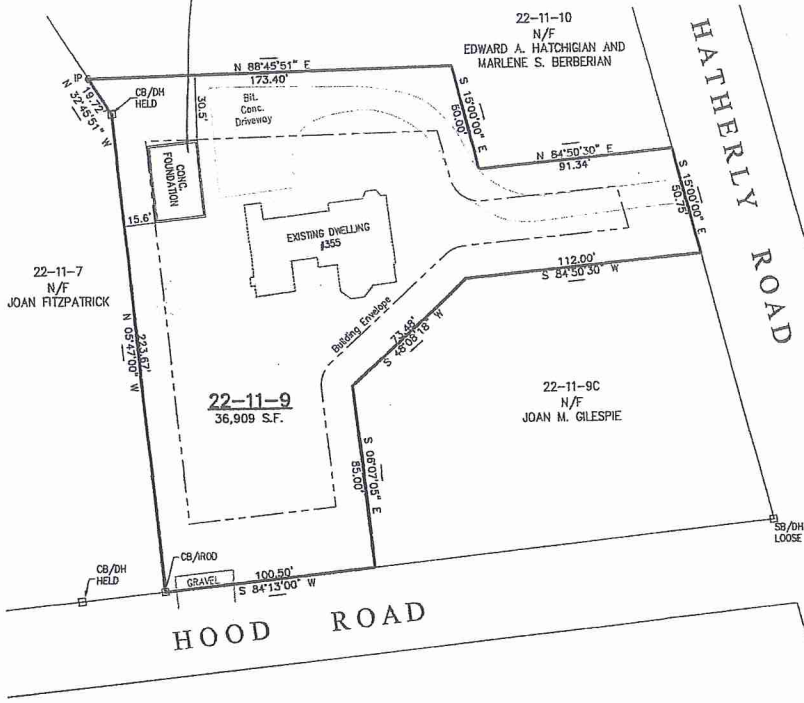
This special permit will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry of Deeds, after the expiration of the appeal period of twenty (20) days.

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



SITE LOCUS
NOT TO SCALE

2 car garage w/ apartment (one bedroom) over



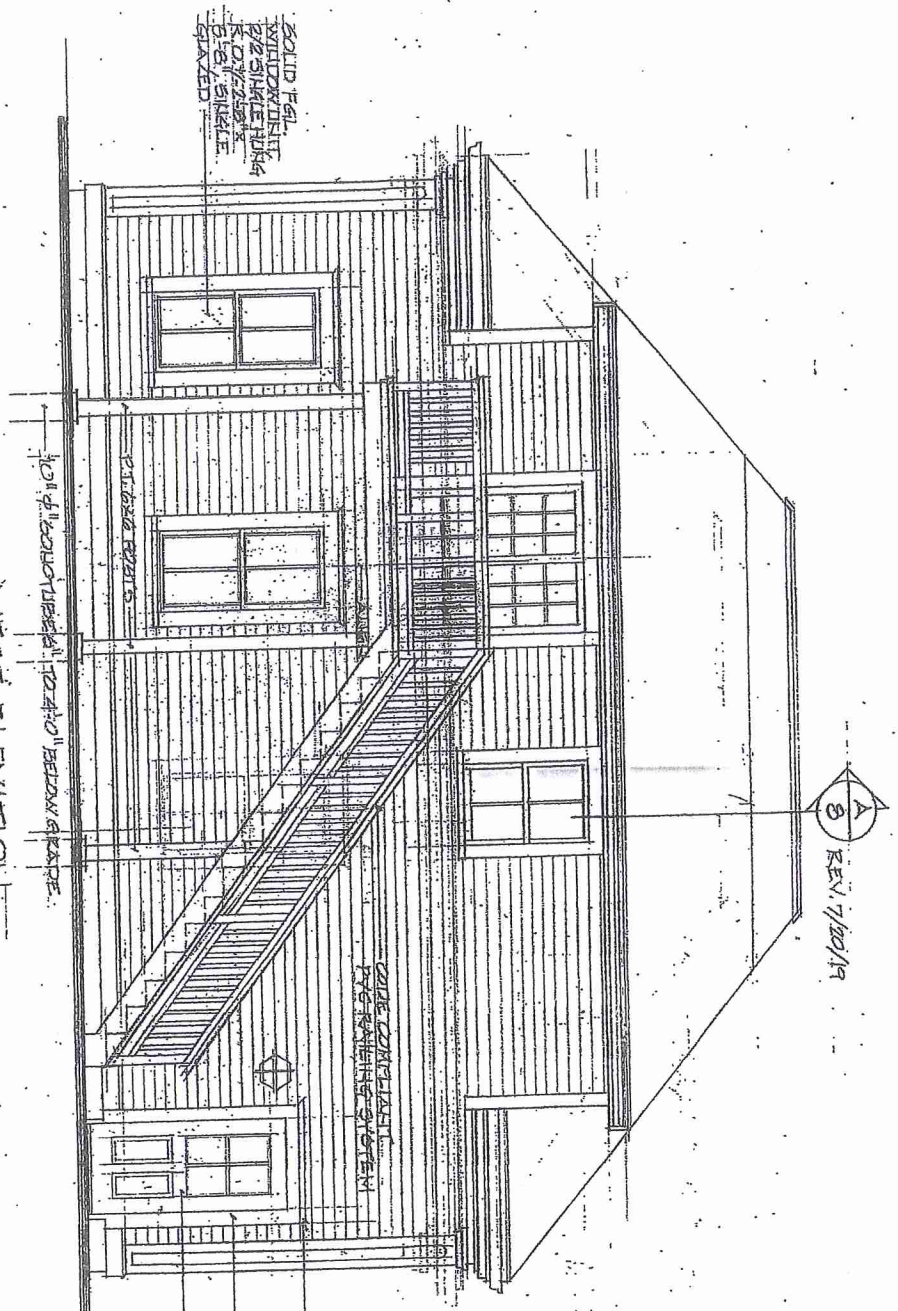
NOTES:

1. ZONING: SINGLE FAMILY RESIDENCE R-2
2. THE LOCUS IS LOCATED IN FEMA ZONE X AS SHOWN ON THE CURRENT FEMA FLOOD INSURANCE RATE MAP PANEL 25023C 0110K DATED NOVEMBER 4, 2016.
3. LOCUS DOES NOT LIE WITHIN THE FLOOD PLAIN AND WATERSHED PROTECTION OR THE WATER RESOURCE PROTECTION DISTRICT AS SHOWN ON THE TOWN OF SCITUATE ZONING MAP DATED OCTOBER 25, 2011
4. NO WETLAND RESOURCE AREAS WERE OBSERVED ONSITE OR WITHIN 100-FT. OF THE PROPOSED WORK.
5. DEED REFERENCE: LAND COURT CERTIFICATE 128016
7. RECORD OWNER: DEBORAH RISI TRUST AGREEMENT
6. PLAN REFERENCE: REGISTERED LAND PLAN #12503M

ZONING TABLE:

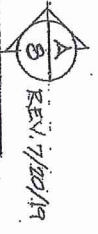
TOWN OF SCITUATE RESIDENCE R-2 ZONING DISTRICT:	
	REQUIRED
LOT AREA:	20,000 S.F.
LOT WIDTH:	125 FT.
LOT FRONTAGE:	100 FT.
FRONT SETBACK:	30 FT.
SIDE SETBACK:	15 FT.
REAR SETBACK:	30 FT.
HEIGHT:	<3 STORIES / 35 FT.

	<p>PREPARED BY:</p>	
<p>PROJECT: DETACHED GARAGE 355 HATHERLY ROAD (ASSESSOR'S PARCEL: 22-11-9) SCITUATE, MASSACHUSETTS</p>		<p>DRAWN: REG JOB NO: 18-336 DATE: 7/31/19 REV: - SHEET: -</p>
<p>APPLICANT: DEBORAH A. RISI 355 HATHERLY ROAD SCITUATE, MA 02066</p>		<p>SHEET: 1 OF 1</p>
<p>PLAN TITLE: FOUNDATION AS-BUILT PLAN</p>		



WEST ELEVATION

1/4" = 1'-0"



PROCESSED SIMONSON EXTERIOR
 FIRE DOOR FRAME FINISH WITH
 STAIN & POLYURETHANE
 7/20/19

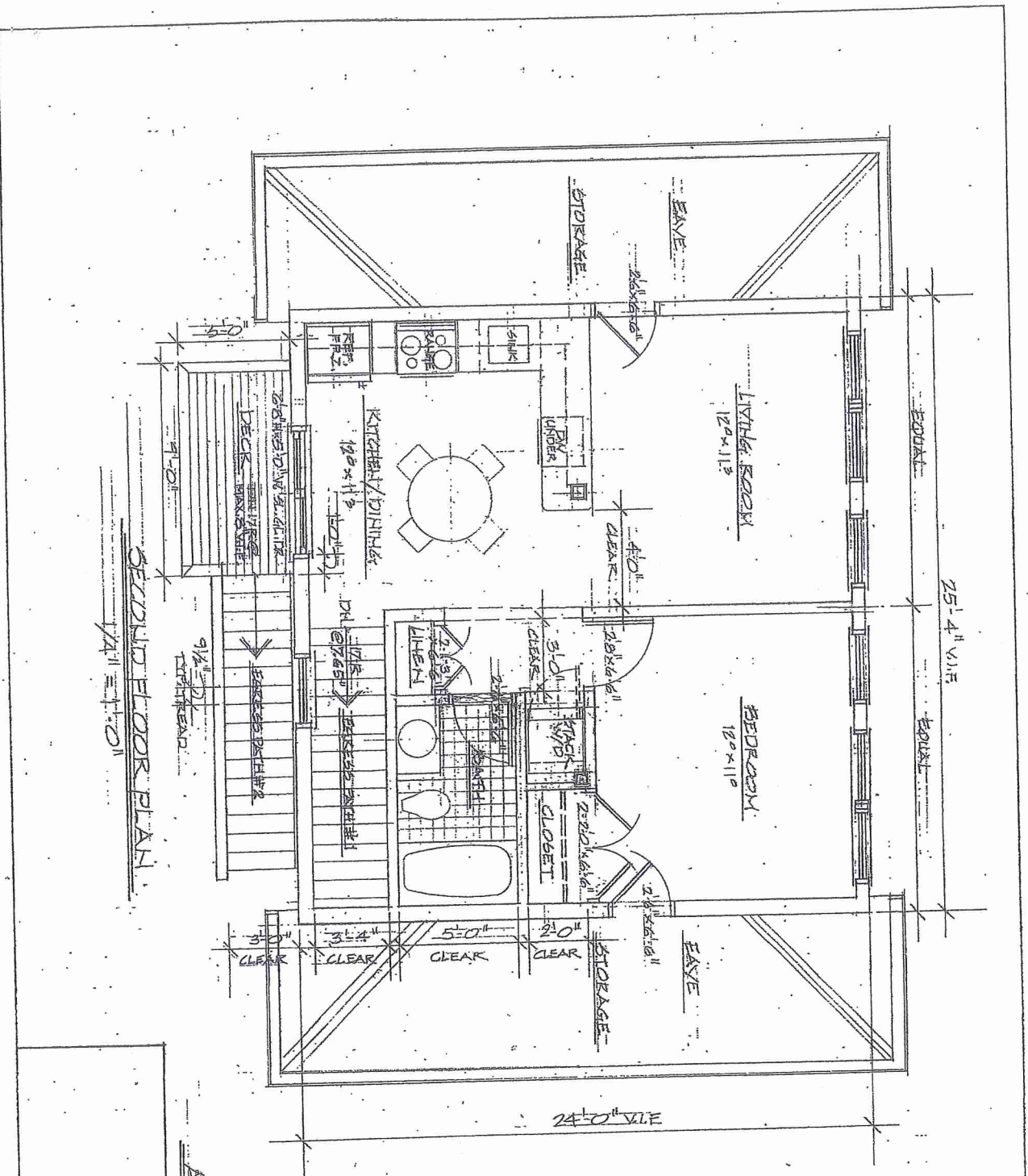
DOWN MOLDING & FLASH MOLDING

FRONT PORCH WALKER CABINETS, TYS

ACCESSORY DWELLING SET



PROJECT	RESIDENCE	DATE	7/20/19
CLIENT	CARRIAGE HOUSE	REVISED	11/25/19
ADDRESS	808 HARMERLY RD	SCALE	1/4" = 1'-0"
CITY	SCUDDALE VA	DATE	7/20/19
ARCHITECT	WANN LOTARCHITECTURE, LLC		
OWNER	R. B. VOGEL, R.A.		
	WEST ELEVATION		



SECOND FLOOR PLAN
1/21/19

ACCESSORY DWELLING SET

REQUIREMENTS REQUIREMENTS:
 FLOOR OF APARTMENT/CEILING OF GARAGE (BUILDING EAVE STORAGE) - R-30
 EXTERIOR WALLS OF APARTMENT - R-21
 ROOF/CEILING OF APARTMENT (INCLUDING ABOVE EAVE STORAGE) - R-49
 FOR OTHER THAN CLOSED CELL FOAM PROVIDE SEPARATE G-MIL POLY VAPOUR BARRIER

1561 RESIDENCE	1561
CARRIAGE HOUSE APT.	10/19
355 FATHERLY RD.	REV. 11/25/19
SCHILLER VIA	SCALE: 1/8" = 1'-0"
MANIOT ARCHITECTURE, LLC	A.S.T.
R.S. VOGEL	DWG. 2 OF 5