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TOWN OF SCITUATE

Planning Board



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Accessory Dwelling Special Permit 129 Stockbridge Road Decision: APPROVED with Conditions

Owner: Kyle and Eunice Zarycki

Applicant: Kyle and Eunice Zarycki

Date: June 17, 2021

Location: 129 Stockbridge Road

Assessor's Map: # 54-1-41

Plans: Plot Plan for 129 Stockbridge Road by Guaranteed Builders and Developers, Inc. dated 10/8/20 with revisions through 5/26/21; 27'6" x 30' Accessory Dwelling for 129 Stockbridge Road by Guaranteed Builders and Developers, Inc. dated 5/14/2021 consisting of a cover sheet, sheets A-1, A-2, A-3, A-4 and A-5.

Members Hearing Special Permit Application: Ann Burbine, Stephen Pritchard, Benjamin Bornstein, Patricia Lambert, and alternate Bob McLean.

Background: The property is located in the Residential R-2 Zoning District and Water Resource Protection District (WRPD) on a lot of approximately 38,218 +/- sq. ft. according to Town of Scituate Assessor's records and the Plot Plan submitted with the application. The proposed detached accessory dwelling of 825 sq. ft. is in a new detached dwelling with one-bedroom and a living room, kitchen, bathroom and half bath based on a floor plan submitted by the applicant. 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 825 sq. ft. which is less than 40% of the total square footage of the primary dwelling as allowed in the zoning bylaw. The applicants have signed a notarized statement that they will occupy the residence at 129 Stockbridge Road.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on February 16, 2021. 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 25, 2021 and continued until April 22, 2021, May 13, 2021, June 10, 2021 when the hearing was closed and the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

Hearing Summary: The public hearing was opened on March 25, 2021 with Tracey Sharkey of Guaranteed Builders, Inc. remotely present representing the Zaryckis. Ms. Sharkey indicated the proposal is for a 1045 sq. ft. detached accessory dwelling. She said there is some question about the gross square footage of the accessory unit and that they applicant would meet the requirements of the water and sewer divisions. Ms. Sharkey said the square footage is based on the Assessor's data plus additional square footage in the basement used for laundry and a gym and some attic space. Ms. Burbine inquired if these were finished spaces and it was indicated they were not finished or were partially finished. Ms. Burbine indicated those spaces cannot count toward the 40% of the square footage of the primary dwelling. Ms. Joseph offered that she forwarded pictures of the spaces to the Board and indicated the Assessor's office said they would go out and review them to determine if they could be counted toward livable area. The Board indicated it needed the information for the public hearing. Ms. Joseph indicated the site is in the Water Resource Protection District and roof water must be recharged. Ms. Burbine indicated the applicant has two choices – the Board can deny for size or more time can be allowed to meet with the Assessor's/Building Department. Ms. Sharkey indicated the Board approved a plan in 2012 based on 40% with a new addition to be added and if the Board is not comfortable with conditioning 40% then she would like a continuance.

The April 22, 2021 hearing session was immediately continued with no testimony at the applicant's request.

At the May 13, 2021 hearing session, Ms. Sharkey identified changes since the last meeting including that the proposed accessory dwelling will now be 27'-6" x 30' with a size of 825 sq. ft. complying with the 40% maximum square footage for the accessory dwelling based on the square footage of the primary dwelling. She said it will be located on the other side of the primary dwelling off of Lynda Lane and infiltration structures have been added to address Water Resource Protection District requirements. Ms. Burbine questioned the parking and if the accessory dwelling occupant would be able to move if there were two cars in the driveway already. She opined a circular driveway may be beneficial to all. Ms. Joseph questioned the driveway access and indicated the Board needs to decide if the accessory dwelling is subordinate to the primary dwelling. She questioned if the accessory structure was pushed back so it was not visible from Stockbridge Road would it make it appear subordinate. She indicated no test pit data was available to determine if the infiltration devices were 3 feet above groundwater as required in the WRPD. It was determined that the height of the accessory dwelling was one story and the primary dwelling is 23-25' tall. Several board members opined it looks like two houses on one lot as opposed to a primary and accessory dwelling. It was verified that the size of 825 sq. ft. meets the size requirement. Mr. Bornstein thought the dwelling did look subordinate but

questioned the parking and thought a test pit should be done to verify groundwater elevation. Mr. Pritchard agreed that that was something that should be done now and not conditioned. The Board agreed that the applicant should look at moving the accessory dwelling so it appears more subordinate on the lot, do the test pit and relook at the parking. It was confirmed that Ms. Sharkey would have the test pit done and provide the soil evaluation sheet. As there was discussion about the sizes of the two dwellings, she indicated she would provide a side by side comparison. The hearing was continued until June 10.

At the June 10, 2021 hearing session, Ms. Sharkey indicated soil testing was completed, the accessory dwelling was relocated so that it would front on Lynda Lane and should not be visible from Stockbridge Road and the side by side comparison was provided showing the accessory dwelling as smaller in mass than the primary dwelling. It was confirmed the materials of the accessory dwelling would be the same as the primary dwelling. The Board was satisfied and determined the accessory dwelling was subordinate to the primary dwelling.

Public Comment: The Water Department commented that it is requiring a separate water service for the accessory dwelling with a water connection fee and cost of new service to be paid by the owners. The sewer division indicated that the applicant would need to obtain a sewer connection permit and pay an \$8,000 connection fee for the accessory dwelling. There was no public comment at the March 25, 2021 hearing session. At the May 13, 2021 hearing session, Wayne Zarycki, father of Kyle Zarycki, said there was plenty of room for three cars and they could park on the other side of the dwelling if need be. There was no public comment at the June 10, 2021 hearing session.

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 129 Stockbridge Road:

1. On February 16, 2021, Kyle and Eunice Zarycki applied for a special permit for a detached accessory dwelling on the property at 129 Stockbridge Road.
2. According to Town of Scituate Assessor's records and the deed, the property at 129 Stockbridge road is owned by Kyle and Eunice Zarycki.
3. The property is in the Residential R-2 Zoning District and the Water Resource Protection District.
4. Based on a revised floor plan dated 5/14/2021 by the applicant, the floor area of the proposed accessory dwelling will be approximately 825 sq. ft. This is 39.17% of the total square footage of the primary dwelling which is 2,210.78 sq. ft. according to the revised plans. The Assessor's card indicates the net square footage of the dwelling to be 2,106 sq. ft. Based on the Assessor's card, the floor area of the accessory dwelling is 39.17% of the area of the primary dwelling and meets the size requirement of 530.2F as it is below 40%. The zoning bylaw for accessory dwellings 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 as its location on the lot is such that it should not be visible from Stockbridge Road.

5. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
6. The proposed detached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
7. The proposed accessory dwelling is located on the east side of the primary dwelling. Access will be via a driveway off of Lynda Lane. No proposed walkways are shown on the Plot Plan.
8. The appearance of the accessory dwelling is in keeping with the appearance of the primary dwelling as the siding for both dwellings will be the same.
9. The Plot Plan dated 10/8/20 revised through 5/26/21 by Guaranteed Builders and Developers shows a gravel driveway for the existing parking and an area off of the existing parking for the proposed parking for the accessory dwelling both off of Lynda Lane. Both are proposed as gravel parking. Neither parking area is dimensioned. The parking area shows that it will be possible to have two parking spaces for the primary dwelling and two for the accessory dwelling with a turnaround area in front of the accessory dwelling. Ample parking is provided for the accessory dwelling.
10. The owners have submitted a signed, notarized statement that they occupy and will continue to occupy the residence at 129 Stockbridge Road.
11. The proposed accessory dwelling requires a separate water service with new water connection fees and cost of new service to be paid by the applicant as indicated by the Water Division. The applicant will be required to obtain a sewer connection permit and pay a sewer connection fee for the accessory dwelling as indicated by the Sewer Division.
12. Requirements of the Fire Department must be met for the detached accessory dwelling.
13. Stormwater runoff from the roof area of the accessory dwelling must be recharged on the site to comply with the Water Resource Protection District requirements. Infiltrators and their bottom are 3 feet above the groundwater elevation.
14. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

A motion was made to approve the Special Permit for an accessory dwelling at 129 Stockbridge 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 Plot Plan for 129 Stockbridge Road by Guaranteed Builders & Developers Inc. dated 10/8/20 with revisions through 5/26/21; 27'6" x 30' Accessory Dwelling for 129 Stockbridge Road by Guaranteed Builders and Developers, Inc. dated 5/14/2021 consisting of a cover sheet, sheets A-1, A-2, A-3, A-4 and A-5.
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 he/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. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
6. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling including a separate water service for the accessory dwelling with water connection fees.
7. The sewer connection must meet all of the requirements of the DPW Sewer Division for the accessory dwelling including payment of an \$8,000 sewer connection fee.
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 be increased from the property.
11. Runoff from the proposed accessory dwelling rooftop must be designed to recharge the first 1 inch of rainfall with the infiltration devices having a three-foot minimum separation between the bottom of the structure and the maximum groundwater elevation.
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.
13. No finished slope shall be created that exceeds 25% with the exception of side slopes associated with new road construction.
14. An artificial recharge system for precipitation shall be provided that will not result in the degradation of groundwater quality if the lot is rendered to have more than 15% or 2,500 sq. ft. whichever is greater, of impervious surface.
15. The applicant is encouraged to provide a circular driveway and will install it unless the DPW objects to the curb cut permit.

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 129 Stockbridge Road Way with the conditions noted above.

June 10, 2021

Date

SCITUATE PLANNING BOARD

Anna Burbine

John

Patricia A. Lambert

[Signature]

This decision was filed with the Town Clerk on June 17, 2021
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

