

TOWN OF SCITUATE

Planning Board



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Scituate, Massachusetts 02066
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Accessory Dwelling Special Permit 62 Pin Oak Drive Decision: APPROVED with Conditions

Owner: Robin I. and Bryan D. Kelly
Applicant: Robin L. and Bryan D. Kelly
Date: March 27, 2023
Location: 62 Pin Oak Drive
Assessor's Map: #48-2-51-F

Plans: plans submitted with the application by Designs by Marshall, LLC dated 1/20/2023 consisting of Kelly Residence, Project No. 22024 In Law Addition, 62 Pin Oak Dr., Scituate, MA 02066 Cover Sheet; Demo Basement & 1st Floor Plans D1.1; Demo 2nd Fl and Roof Plans D1.2; Basement Plan A1.1; First Floor Plan A1.2; Roof Plan A1.3; Exterior Elevations A2.1; Exterior Elevations A2.2; Accessory Dwelling Site Plan for 62 Pin Oak Drive in Scituate, MA by Morse Engineering Co., Inc. dated 2/3/2023.

Members Hearing Special Permit Application: Ann Burbine, Robert MacLean, Patricia Lambert, Rebecca Lewis and Stephen Pritchard.

Background: The property is located in the Residential R-2 Zoning District and Water Resource Protection District on a lot of approximately 20,655 sq. ft. according to the Accessory Dwelling Site Plan submitted with the application. The accessory dwelling is proposed in a single-family home as an addition on the first floor of the existing dwelling. The proposed accessory dwelling will have one bedroom and one bathroom with an open living/kitchen area. There is an entrance at each side of the accessory dwelling. Based on a floor plan submitted by the applicant, the floor area of the accessory dwelling is approximately 749 sq. ft. It is proposed to be authorized as a legal living unit through approval of an accessory dwelling special permit

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by the Planning Board. The total area of the primary dwelling is 1,652 sq. ft. The accessory dwelling at 749 sq. ft. is 45.4 % 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 owners have signed a notarized statement that they 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 February 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 March 23, 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 March 23, 2023 with agent Gregory Morse present and the applicant Robin Kelly on ZOOM. Mr. Morse presented what the applicants would like for an accessory dwelling and indicated the accessory dwelling met all the requirements of the bylaw. It was indicated the addition will be all the same materials as the primary dwelling and any lighting would be down lighting and there is parking in the garage and in the driveway. The Board indicated the accessory dwelling met the requirements.

Public Comment: William Branton indicated that the accessory dwelling will require a ½ sewer connection fee (\$8,000) to connect to town sewer. Mark Cloud of the Water Division indicated the Water Department has no comment. Becky Malamut of the Water Resources commission indicated that based on impervious lot coverage calculations on the accessory Dwelling Site Plan, the project will result in 15.8% impervious site coverage and therefore artificial recharge that will not degrade the groundwater quality will need to be provided. Additionally, the Operation and Design Guidelines in Section 520.5 of the Zoning Bylaw must be met as the project is entirely within the Water Resource Protection District. Jeffrey Sill of 51 Pin Oak wrote a support letter for the project. Jean Di Giacomandrea wrote a support email for the project.

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 62 Pin Oak Drive:

1. On February 14, 2023 applicants Robin L. and Bryan D. Kelly applied for a special permit for an accessory dwelling in a single-family home at the property at 62 Pin Oak Drive.
2. According to the Town of Scituate Assessor's records and the deed, the property at 62 Pin Oak Drive is owned by Robin L. and Bryan D. Kelly. Both owners signed the accessory dwelling special permit application.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 749 sq. ft. The floor area of the primary dwelling is 1,652 sq. ft. according to Assessor's Records. The accessory dwelling is 45.3% 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. 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 and Water Resources 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 first-floor addition to the single-family home. Access will be via a door at the side of the house and a second door on the back side of the house leading to a deck.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Accessory Dwelling Site Plan for 62 Pin Oak Drive in Scituate, MA by Morse Engineering Co., Inc. dated 2/3/2023 shows the location of the existing primary dwelling and the proposed accessory dwelling. The plan shows an existing bituminous driveway which can fit four parking spaces. 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. The existing bituminous concrete driveway, which is on a slope, is shown on the site plan to be partially removed and replaced with gravel.
9. The applicant/owners have submitted a signed, notarized statement that they will both occupy the dwelling upon completion of the project.
10. The accessory dwelling will be serviced by Town water and sewer. The Water Department has commented that they have no comments. The Sewer Department has commented that the accessory dwelling will require a ½ sewer connection fee of \$8,000.00 to connect to town sewer and will require a utilities plan.
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 62 Pin Oak Drive 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 Designs by Marshall, LLC dated 1/20/2023 consisting of Kelly Residence, Project No. 22024 In Law Addition, 62 Pin Oak Dr., Scituate, MA 02066 Cover Sheet; Demo Basement & 1st Floor Plans D1.1; Demo 2nd Fl and Roof Plans D1.2; Basement Plan A1.1; First Floor Plan A1.2; Roof Plan A1.3; Exterior Elevations A2.1; Exterior Elevations A2.2; Accessory Dwelling Site Plan for 62 Pin Oak Drive in Scituate, MA by Morse Engineering Co., Inc. dated 2/3/2023.
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. The Sewer Connection must meet all the requirements of the DPW sewer division which is requiring a \$8,000 connection fee and a utility plan.
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 state and 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. As the property is in the Water Resource Protection District, rooftop runoff must be designed to recharge the first inch of rainfall. Infiltration basins or trenches shall be constructed with a three-foot minimum separation between the bottom of the structure and maximum groundwater elevation. An artificial system of recharge shall be required which does not degrade the groundwater as 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. The detail for the pervious pavement walkway should be included on the building permit plans.
11. The lower part of the asphalt driveway is to be removed and replaced with pervious pavers and shall be designed to ensure stabilization and ensure no runoff and cannot be changed without permission of the Planning Board.
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. 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.

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 62 Pin Oak Drive with the conditions noted above.

March 23, 2023

Date

SCITUATE PLANNING BOARD

[Signature]
Ayn Burbine
Patricia A. Lomart
Steph P. Pritchard
Rebecca A. J.

This decision was filed with the Town Clerk on March 27, 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