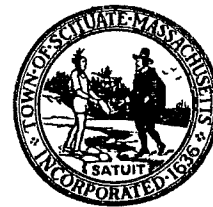


TOWN OF SCITUATE



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

Planning Board

**Accessory Dwelling Special Permit – 15 Tenth Avenue
Decision: APPROVED with Conditions**

Owner: The Schindler Revocable Trust – Gerald F & Maureen E Schindler
Applicant: The Schindler Revocable Trust – Gerald F & Maureen E Schindler
Date: July 16, 2017
Location: 15 Tenth Avenue
Assessor's Map: # 39-4-12

Plans: Plans by KBS Builders, Inc. for the Schindlers, Sheets 1st Floor Plan, 2nd Floor Plan and Exterior Elevations dated 4/27/16; Plan of Land 15 Tenth Avenue Scituate, MA by Hoyt Land Surveying revised dated 7/6/17.

Members Hearing Special Permit Application: Stephen Pritchard, Chairman; Ann Burbine, Vice Chairman; Benjamin Bornstein, Clerk; William Limbacher and Richard Taylor.

Background: The property is located in the Residential R-3 Zoning District and FEMA Flood Zone AE 15. The lot area of the property is 9,000 sq. ft. The proposed accessory dwelling will be 610 sq. ft. and located on the first floor of a single family dwelling. A Ch. 40A Section 6 Finding was issued by the Zoning Board of Appeals on February 24, 2017 to raze the existing single family dwelling onsite and reconstruct a new single family dwelling which the accessory dwelling will be part of. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be approximately 610 sq. ft. It is proposed to be authorized as a second legal living unit on the same lot through approval of an accessory dwelling special permit by the Planning Board. The floor area of the accessory dwelling will be less than 750 sq. ft. as allowed in the zoning by law. It is also 36 % of the floor area of the primary dwelling which is less than 40% as allowed by

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TOWN CLERK

the bylaw. The applicants have signed a notarized statement that they will occupy one of the dwelling units on the property.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on May 23, 2017. 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 June 22, 2017 and continued to July 13, 2017 when it was closed and the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions. Benjamin S. Bornstein missed the hearing on June 22, 2017 and filed a Mullin Rule Certification with the Town Clerk on July 12, 2017 making him eligible to vote as only one hearing was missed.

Hearing Summary: The public hearing was opened on June 22, 2017 with Gerald and Maureen Schindler present for the applicant. The hearing was continued to July 13, 2017 to provide the applicant time to address the parking requirement for the accessory and primary dwelling. The Planning Board approved the accessory dwelling special permit with conditions on July 13, 2017.

Public Comment: The Planning Board received a comment dated June 16, 2017 from the Health Agent indicating that the Board of Health will need to receive pest inspection and other reports due the razing of the house. Additionally, it was noted that there are requirements for renting units under the State Sanitary Code. A letter was sent to the Conservation Commission regarding additional pavement which they would like to make pervious by the applicant's engineer.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 15 Tenth Avenue:

1. On May 23, 2017, Gerald F and Maureen E Schindler, Trustees of the Schindler Revocable Trust, applied for a special permit for an accessory dwelling proposed to be attached to a new single family house at 15 Tenth Avenue.
2. Based on the application, the interior floor space of the proposed accessory dwelling will be 610 sq. ft. This is less than the maximum of 750 sq. ft. allowed by the Zoning Bylaw. The accessory dwelling meets the size requirements of Section 530.2 F.
3. The lot is 9,000 sq. ft. the front setback of the existing house was 13.2'; the new house is proposed to have a 15.5' front setback. A special permit to allow expansion was approved by the Zoning Board of Appeals on February 24, 2017.
4. There is a wetland to the rear of the property, which is also in the AE flood zone. The new house and accessory dwelling are proposed within the 100' buffer. The Conservation Commission approved an Order of Conditions on October 5, 2016.
5. A Plan of Land 15 Tenth Avenue by Hoyt Land Surveying revised dated 7-6-17 shows four parking spaces. This appears adequate to provide two parking spaces for the accessory dwelling and two parking spaces for the primary dwelling.
6. The owner has submitted a signed, notarized statement that he will live on the property.

7. The primary dwelling and the accessory dwelling will be serviced by sewer.
8. There are two means of egress for the accessory dwelling, a door to the primary dwelling and a sliding door to the outside.
9. 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 15 Tenth Avenue 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 conform to the plans entitled Plan of Land 15 Tenth Avenue Scituate, MA by Hoyt Land Surveying revised dated 7/6/17 and elevations and floor plans by KBS Builders, Inc. South Paris Maine submitted with the application and attached to this approval.
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. The number of bedrooms in the primary dwelling is limited to three.
3. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
4. Documentation from the Conservation Commission for approval of the parking per the 7-6-17 plan is required prior to a building permit being issued. The four parking spaces shown are to be constructed of pervious materials.
5. The standard conditions for accessory dwellings approved by the Planning Board 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. 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.
- F. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy signed by the 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.
- G. 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.
- H. No on-street parking by occupants of the primary or accessory dwelling shall be permitted at any time.
- I. Construction vehicles/equipment shall not idle, be parked, stored, loaded or unloaded in the street.
- J. 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.
- K. 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.
- L. 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 15 Tenth Avenue with the conditions noted above.

July 13, 2017

Date

SCITUATE PLANNING BOARD

Sp. Pittman

Ann Burbine

~~Bob~~

Richard W Taylor

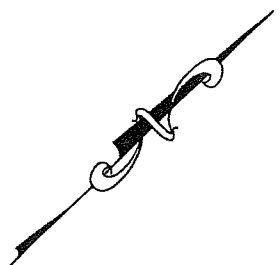
William Inhaber

This decision was filed with the Town Clerk on July 17, 2017
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



LOCUS INFORMATION

CURRENT OWNER:
SCHINDLER REVOCABLE TRUST
GERALD AND MAUREEN
SCHINDLER TRUSTEES

OWNERS REFERENCE:
LCC 121841

ASSESSORS REFERENCE:
39-04-12-0

ZONE:
R3 - RES. CLUSTER DISTRICT

LOT AREA:
9,000 S.F.

FLOOD ZONE

LOCUS PROPERTY LIES WITHIN
A FEMA FLOOD ZONE AE
(ELEVATION 16 - NAVD) AS
SHOWN ON FIRM PANEL
NUMBER 25023C0128J DATED
JULY 17, 2012.

WETLAND NOTE

WETLAND FLAGGING PERFORMED
BY ENVIRONMENTAL CONSULTING
& RESTORATION, LLC
P.O. BOX 1319
PLYMOUTH, MA 02362
ON FEBRUARY 4, 2016.

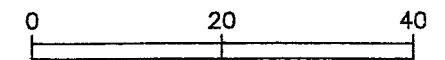
DIMENSIONAL REQUIREMENTS	
ZONING DISTRICT: R-3	
SCHEDULE OF DISTRICT REGULATIONS	
TABLE 1	REQUIRED
AREA	10,000 S.F.
MIN. LOT WIDTH/FRONTAGE	100 FEET
MAX. HEIGHT	3 STORIES / 35 FEET
MIN. FRONT YARD DEPTH	15.4 FEET*
MIN. SIDE YARD DEPTH	8 FEET
MIN. REAR YARD DEPTH	20 FEET

* BASED ON AVERAGE FRONT SETBACK
W/IN 200' OF LOCUS

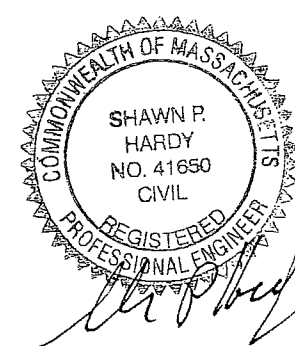
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JUL 10 2017
PLANNING BOARD

PLAN OF LAND
15 TENTH AVENUE
SCITUATE, MA

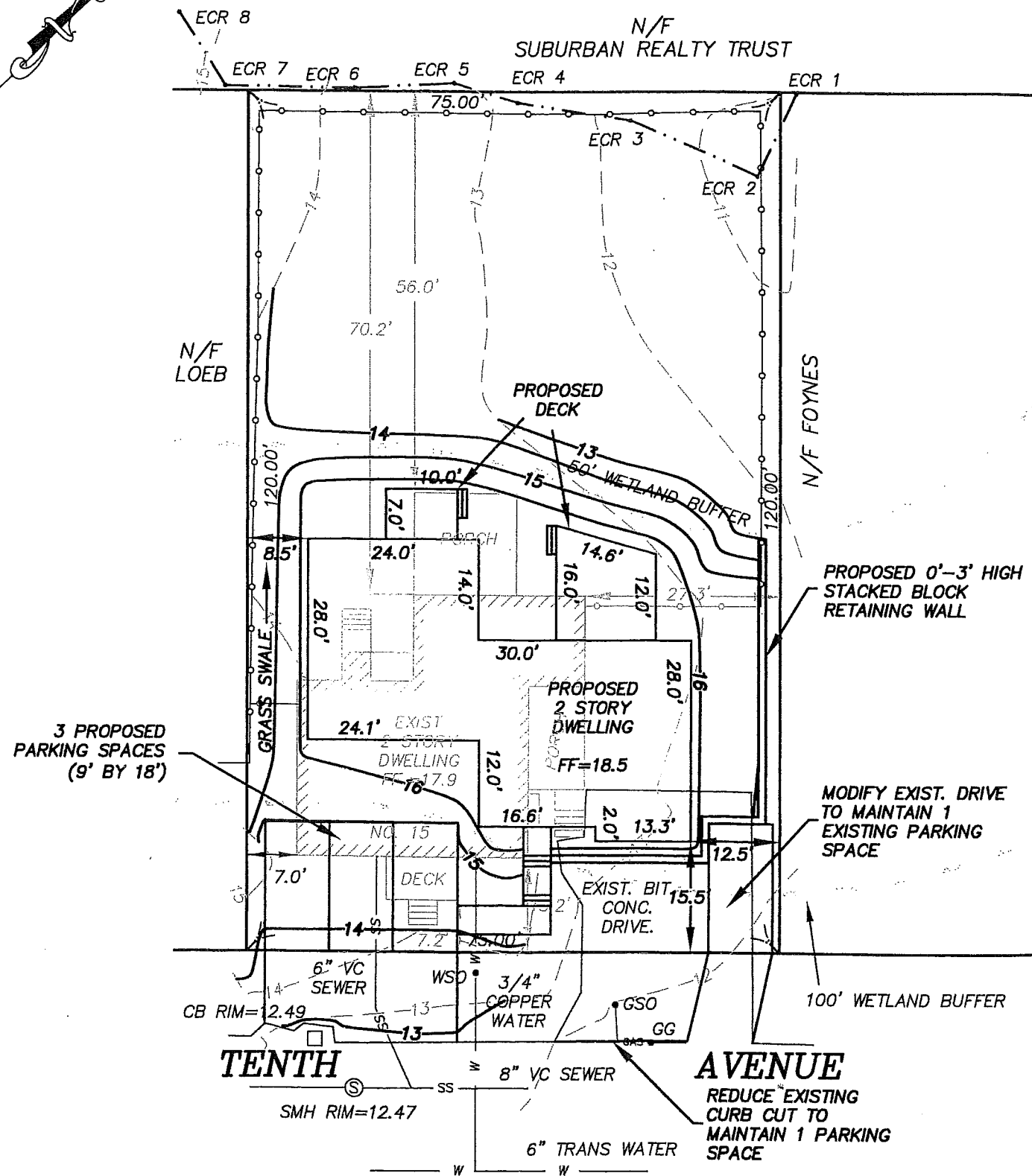
SCALE 1" = 20' DATE: 7-6-17 REV



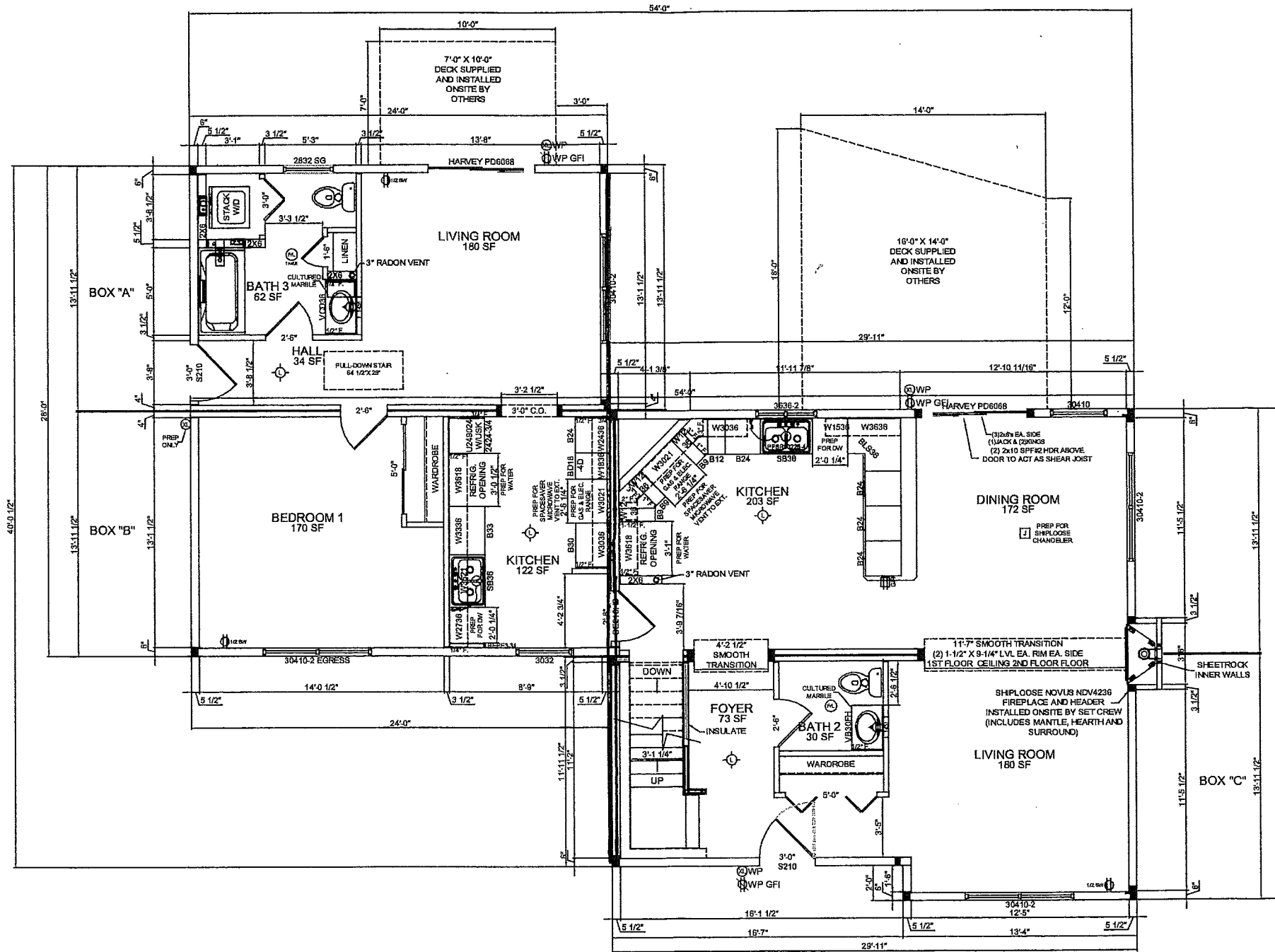
GRAPHIC SCALE



HOYT LAND SURVEYING
1287 WASHINGTON STREET
WEYMOUTH MA. 02189
781-682-9192



NOTE:
SEE SHEET #P24 FOR 1st FLR
SHEAR WALL FASTENING.



HARVEY WINDOWS

8'-0" CEILINGS

R20 DENSE PACK CELLULOSE @
EXTERIOR WALLS

JOB NAME
Schindler
15 Tenth Avenue
Scituate, MA
02542

BUILDER
Milton Corp.
1094 Blue Hill Avenue
Milton, MA 02186

HOUSE TYPE
Colonial
FILE NAME: Q-16-0094-JCA
SERIAL #: KBS-2835

1st FLOOR PLAN
SHEET # P3
SCALE: 1/8" = 1'-0"
DWN BY: JAR
DATE: 04/27/16

REVISIONS
REV#1 01/06/17-RLT
Wind Design update
REV#2 01/11/17 - APG
FOUNDATION COLUMN LOADING
REV#3 02/15/17 - APG
FOUNDATION HD & Wind Design update



KBS BUILDERS, INC.
300 PARK STREET, SOUTH PARIS, ME 04281
PHONE: 207-739-2400 FAX: 207-739-2223

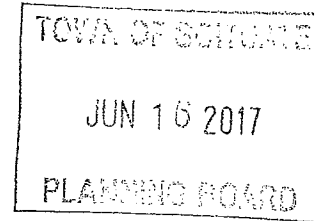
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TOWN OF SCITUATE

BOARD OF HEALTH



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Telephone (781) 545-8725
Fax (781) 545-8866



Memo

To: Laura Harbottle, Scituate Town Planner *J/K*

From: Jennifer Keefe, Health Agent

CC: Robert Vogel, Acting Building Commissioner and Zoning Enforcement Officer

Date: June 16, 2017

Re: Planning Board Agenda June 22, 2017 – Accessory Dwelling Special Permit – 15 Tenth Ave

I am in receipt of the informational package associated with the Accessory Dwelling Special Permit application for the residential dwelling located at 15 Tenth Avenue. Given that the current structure is anticipated to be razed, the Board of Health will need to receive copies of the pest inspection/baiting report and asbestos survey/remediation report. Additionally, if either the primary residence or potential future accessory dwelling, if granted, is to become a rental unit in the future, it must meet the requirements of the State Sanitary Code, Chapter II as well as Section 30350, the Housing By-law, of the Code of General Bylaws.