

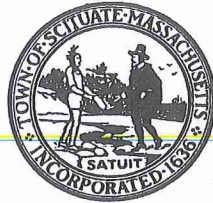
TOWN OF SCITUATE
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TOWN OF SCITUATE

Planning Board



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
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Accessory Dwelling Special Permit 755 First Parish Road Decision: APPROVED with Conditions

Owner/Applicant: Maud Meulstee

Date: March 17, 2020

Location: 755 First Parish Road

Assessor's Map: # 30-2-18

Plans: Proposed In-Law Tie-In: Sanitary System, 755 First Parish Road, Scituate MA prepared for Maud Meulstee dated 3/21/2018 with revisions through 2/19/19 by Webby Engineering Associates, Inc; architectural plans by BetsyLaughton.com Custom Home Design, Orleans, MA consisting of 3 sheets including: 1. Proposed Renovation for Existing Garage with Front and Right Side Elevation latest revision 4-14-18, 2. Proposed Renovation of Existing Garage Left Side Elevation and Rear Elevation and Section latest revision dated 4-14-18, 3. Proposed Renovation of Existing Garage First Floor Plan latest revision dated 4-14-18; Main House 755 First Parish Road Floor Plan.

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 on a lot of approximately 30,812 sq. ft. according to Town of Scituate Assessor's records. The proposed detached accessory dwelling is 520 gross sq. ft. and located to the south (rear) of the primary dwelling. A Storage shed of 166 sq. ft. is also proposed on the west side of the accessory dwelling. The proposed accessory dwelling is a former barn which has been legally renovated into a garage and is proposed to have a one bedroom unit with a living area and bathroom located on the first floor of a detached garage. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 520 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 520 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 one of the units at 755 First Parish Road.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on December 6, 2019. 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 January 23, 2020 and immediately continued until March 12, 2020 when the Planning Board closed the hearing and approved the Special Permit with conditions including the Planning Board standard conditions.

Hearing Summary: The public hearing was opened on January 23, 2020 and immediately continued until March 12, 2020 with the applicant Maud Meulstee and her attorney Jeffrey DeLisi of Ohrenberger, DeLisi & Harris, LLP present. Attorney DeLisi indicated his client would like to build a 520 gross sq. ft. detached accessory dwelling in a newly restored garage which was previously a barn. He indicated the application incorrectly states the square footage as 498 sq. ft. A 166 sq. ft. storage addition will also be added. There will also be an attic. Mr. DeLisi indicated Ms. Meulstee plans to live in the primary dwelling and the accessory dwelling is being constructed to provide housing for her son and extended family members who visit as they are from out of the country. It was indicated that town water is available and an existing septic system would provide sewer services. As the septic system is designed for 3 bedrooms, one bedroom in the existing house will need to be decommissioned and a 3 bedroom deed restriction given to the Board of Health. Ms. Meulstee indicated she will be paving the driveway up to the accessory dwelling. Town Planner, Ms. Joseph, indicated that a Stormwater Permit will not be needed for the proposed improvements. Attorney DeLisi indicated that the Section 6 Finding from the Zoning Board of Appeals (ZBA) has not been filed with the Town Clerk. The Board decided that due to the public health crisis of coronavirus, they would approve the special permit under the noted conditions as they normally would not vote on an accessory dwelling special permit without the ZBA decision being filed.

Public Comment: There was no public comment during the hearing. Comment letters were received from the Board of Health indicating the septic system will either need to be upgraded to a 4 bedroom or the office in the existing house clearly defined on a plan. A deed restriction will be required." A comment letter was received from Robert Vogel, Building Commissioner and Zoning Enforcement Officer, addressing comments made in a letter and email from Nancy O'Connor. The sewer division commented that there is no sewer service to the site.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 755 First Parish Road:

1. On December 6, 2019, Maud Meulstee applied for a special permit for a detached accessory dwelling on the property at 755 First Parish Road.
2. According to the Town of Scituate Assessor's records, the property at 755 First Parish Road is owned by Maud Meulstee.

3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 520 gross sq. ft. This is greater than 40% of the total square footage of the primary dwelling which is 912. 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-1 zoning district. The proposed detached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling. The height of the accessory dwelling is approximately 15.5 feet tall.
6. The proposed accessory dwelling is located on the south side (rear) of the primary dwelling in a detached car garage which was legally renovated from a barn. Access will be via a doors at the front and side of the dwelling.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Proposed In-Law Tie In: Sanitary System Plan in Scituate, MA for 755 First Parish Road shows an existing paved driveway for the existing dwelling and garage. The applicant will be modifying the existing driveway so that there will be parking for two cars at the house and two parking spaces for the accessory dwelling. This appears adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling. Ample parking is being provided.
9. The owner has submitted a signed, notarized statement that she will be occupying one of the units at 755 First Parish 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 requirements for the septic system will be met when a bedroom is decommissioned in the primary dwelling and a deed restriction is given for a 3 bedroom septic system to the Board of Health.
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 755 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 the following documents: Proposed In-Law Tie-In: Sanitary System, 755 First Parish Road, Scituate MA prepared for Maud Meulstee dated 3/21/2018 with revisions through 2/19/19 by Webby Engineering Associates, Inc; architectural plans by BetsyLaughton.com Custom Home Design, Orleans, MA consisting of 3 sheets including: 1. Proposed Renovation for Existing Garage with Front

and Right Side Elevation latest revision 4-14-18, 2. Proposed Renovation of Existing Garage Left Side Elevation and Rear Elevation and Section latest revision dated 4-14-18, 3. Proposed Renovation of Existing Garage First Floor Plan latest revision dated 4-14-18; Main House 755 First Parish Road Floor Plan.

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, 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 be increase 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.
12. The Accessory Dwelling Special Permit will not be filed with the Town Clerk until the Zoning Board of Appeals Special Permit has been filed given the current conditions of coronavirus.

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 755 First Parish Road with the conditions noted above.

March 12, 2020

Date

SCITUATE PLANNING BOARD

Stephen P. Fitch
Ann Barbato
Rebecca J. L.
William L. L.

This decision was filed with the Town Clerk on April 6, 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