

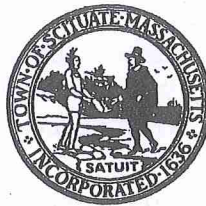
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TOWN OF SCITUATE

Planning Board



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Scituate, Massachusetts 02066
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**Accessory Dwelling Special Permit 8 Carver Ave.
Decision: APPROVED with Conditions**

Owner/Applicant: David A. Roycroft

Date: October 28, 2019

Location: 8 Carver Ave.

Assessor's Map: # 34-13-4

Plans: Plot of Land Plan showing Accessory Dwelling 8 Carver Ave. by Webby Engineering Associates Inc. dated 9/5/19 and Architectural Plans by Bob Burgess consisting of 6 sheets including 1 of 6 Elevations Accessory Dwelling, 2 of 6 First Floor Plan Accessory Dwelling, 3 of 6 Foundation Plan Accessory Dwelling, 4 of 6 Existing Floor Plan Accessory Dwelling, 5 of 6 Sections Accessory Dwelling, 6 of 6 Shear Wall, Elevation, Detail Accessory Dwelling dated 8-29-19 and updated copies received 10-23-19.

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-3 Zoning District on a lot of approximately 10,600 sq. ft. according to Town of Scituate Assessor's records. The proposed attached accessory dwelling is 750 gross sq. ft. and located to the east of the primary dwelling. The accessory dwelling is a two bedroom unit on one level with a living room, kitchen, bathroom, and connected to the primary dwelling by an enclosed common area. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 696 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 696 sq. ft. which is less than 750 sq. ft. as allowed in the zoning bylaw.

The applicant has signed a notarized statement that they will occupy one of the dwelling units at 8 Carver Ave. upon completion of the accessory dwelling.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on September 10, 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 October 24, 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 October 24, 2019 with the applicant David A. Roycroft present. Mr. Roycroft indicated he would like to build a 750 gross sq. ft. accessory dwelling connected via a common entry area attached to the primary dwelling. He indicated he and his family plan to live in the accessory dwelling as he rents the primary dwelling. He indicated there is parking for one car with the existing dwelling and will be parking for three cars for the accessory dwelling which will be constructed of a geocell pervious pavement with a crushed shell surface. It was indicated that town water and sewer services would be provided. Mr. Roycroft indicated that the architecture of the new will blend with the old via siding or paint. Mr. Bornstein inquired if the basement was planned to be finished as the square footage of the accessory dwelling was close to the limit. Mr. Roycroft indicated not at this time, but maybe in the future for a TV/sitting area.

Public Comment: There was no public comment.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 8 Carver Ave.:

1. On September 10 2019, David A. Roycroft applied for a special permit for an attached accessory dwelling on the property at 8 Carver Ave.
2. According to the Town of Scituate Assessor's records, the property at 8 Carver Avenue is owned by David A. Roycroft.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be no more than 750 gross sq. ft. of living area and a common entry area of 238 sq. ft. This is 57.5% of the total square footage of the primary dwelling which is 1,308 sq. ft. according to the application. 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-3 zoning district. The proposed attached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling. The Zoning Board of Appeals issued a Special Permit/Finding under MGL 40A S 6 to allow an addition to a pre-existing non-conforming single family dwelling on a conforming lot.

6. The proposed accessory dwelling is located on the east side of the primary dwelling. Access will be via a gravel walkway leading from the proposed new parking pad to the front door.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling as both will have either new siding/and or be painted to match each other. New exterior stairs are to the side and rear of the proposed dwelling.
8. The Plot Plan of Land in Scituate, MA showing 8 Carver Ave. shows an existing stone parking area of 14.3' wide and 14.9' long for the existing dwelling and a proposed parking area for the accessory dwelling. This parking would be for three (3) cars and be made of porous geocell pavement with crushed shells as the cover material. This appears adequate to provide two parking spaces for the accessory dwelling. Ample parking appears to be provided.
9. The owner has submitted a signed, notarized statement that he will be occupying 8 Carver Ave. as his 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 8 Carver Avenue 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 of Land in Scituate Ma prepared for David Roycroft for 8 Carver Ave. dated September 5, 2019 by Webby Engineering Associates, Inc. and architectural plans by Bob Burgess of 6 sheets including, 1 of 6 Elevations Accessory Dwelling, 2 of 6 First Floor Plan, 3 of 6 Foundation Plan, 4 of 6 Existing Floor Plan, 5 of 6 Sections and 6 of 6 Shear Walls, Elevation, Detail dated 8-29-19 as updated through 10-23-19 to include a small covered porch to the stairs of the common area.
2. The number of bedrooms in the accessory dwelling is limited to two in the location and size indicated on the floor plan submitted with the application. The number of bedrooms in the primary house is limited to three.
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 they are 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. If there is an increase in impervious area of 25% or more, then a stormwater permit shall be needed according to Town of Scituate Stormwater requirements.
12. Volume and maximum rate of runoff from the proposed accessory dwelling shall not be increased from the property.
13. 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.

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 8 Carver Ave. with the conditions noted above.

October 24, 2019

Date

SCITUATE PLANNING BOARD

Anna Burbine
Eyle R. Protivara
~~Patricia Lombert~~
Patricia Lombert
William Lombert

This decision was filed with the Town Clerk on October 28, 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