

TOWN OF SCITUATE

Planning Board



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Scituate, Massachusetts 02066
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**Accessory Dwelling Special Permit 8 Jay Road
Decision: APPROVED with Conditions**

Owner: Arthur J. Johannesen, Jr. and Barbara C. Johannesen, Trustees of The Johannesen Revocable Trust

Applicant: Artrie Johannesen and Kristen Collins

Date: August 16, 2021

Location: 8 Jay Road

Assessor's Map: # 34-20-15

Plans: Architectural plans by Jason E. Beal, A.I.A. Architect for Additions to the Residence of: Johannesen, 8 Jay Road Scituate, MA consisting 18 plan sheets of A2 – A19 A.D.U. Permit Set showing existing floor plans and elevations and proposed floor plans and elevations; Site Plan for Accessory Dwelling, 8 Jay Road, Scituate, MA dated 6/28/21 prepared by Morse Engineering Co., Inc.

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

Background: The property is located in the Residential R-3 Zoning District on a lot of approximately 15,000 sq. ft. according to Town of Scituate Assessor's records and the deed to the property and site plan. The proposed attached accessory dwelling of 749 gross sq. ft. is a proposed two-story addition with one-bedroom on the second floor and a living/dining area, kitchen and bathroom. A second floor is proposed to be added to the primary dwelling for primary dwelling living accommodations. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 653 net sq. ft. An 855 sq. ft. addition is proposed for the primary dwelling which will include a breakfast nook for the primary

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dwelling and a shared laundry for both units. 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 749 sq. ft. which is less than 750 sq. ft. as allowed in the zoning bylaw. The applicants have signed a notarized statement that they will occupy the dwelling at 8 Jay Road.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on June 30, 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 and closed on August 12, 2021 when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

Hearing Summary: The public hearing was opened on August 12, 2021 with the applicants Kristen Collins and her architect, Jason Beal present. Ms. Collins indicated she was going to move into her parents' home and add an accessory dwelling for her parents to live in. Chairperson Burbine inquired if there were two means of egress. Mr. Beal said there was one to the rear of the accessory dwelling. The Planning Board asked for another means of access on the first floor. Ms. Collins indicated a window on the street side in the kitchen will be replaced with a door. The Board requested down lighting so no lighting spillover to neighboring properties occurs. The board reviewed the parking and indicated that stacked parking can be cumbersome. Ms. Collins indicated it is just her and her parents. It was confirmed that the siding will be similar and a sewer connection fee will be required. There will be a total combined of four bedrooms for both units. Ms. Joseph indicated the size meets the Board's requirements.

Public Comment: William Branton of the Scituate Sewer Division indicated that the accessory dwelling would incur a half sewer connection fee which is currently \$8,000. Robert Vogel, the Building Commissioner, indicated that more information would be required for a building permit, but looks okay for Planning Board review/approval. Sean Anderson of the Water Division indicated a separate water service for this application is not required.

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 8 Jay Road:

1. On June 30, 2021 Artrie Johannesen and Kristen Collins applied for a special permit for an attached accessory dwelling on the property at 8 Jay Road.
2. According to the Town of Scituate Assessor's records and the deed, the property at 8 Jay Road is owned by Arthur J. Johannesen, Jr. and Barbara C. Johannesen as Trustees of The Johannesen Revocable Trust.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 749 gross sq. ft. and 653 net sq. ft. The application indicates this is 62% (correction to 32%) of the total square footage of the primary dwelling which is 2,283 sq. ft. according to the Applicant which includes an 855 sq. ft. addition and does not include the 749 sq. ft. accessory dwelling. The proposed square footage of the house will be 2,987 sq. ft. The Assessor's card indicates the net square footage of the existing home to be 1,383 sq. ft. 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.
6. The proposed accessory dwelling within a single-family home is proposed to be in a two-story addition located to the west side of the existing dwelling. Access will be via a new door with stairs to the rear of the accessory dwelling and a second door added on the first floor in the kitchen of the accessory dwelling unit. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
7. The Site Plan for Accessory Dwelling for 8 Jay Road, Scituate, MA dated 6/28/21 by Morse Engineering Company, Inc. shows the location of the house with the proposed accessory dwelling addition and driveway. The plan shows there will be 4 parking spaces in the driveway. This appears adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling, although car shuffling will be required. Ample parking appears to be provided.
8. The owners have submitted a signed, notarized statement that they will both be occupying the proposed accessory dwelling at 8 Jay Road.
9. The accessory dwelling will be serviced by Town water and sewer. DPW requirements for water and sewer connections will be met.
10. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

A motion was duly made and seconded to approve the Special Permit for an accessory dwelling at 8 Jay 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 architectural plans by Jason E. Beal, A.I.A. Architect for Additions to the Residence of: Johannesen, 8 Jay Road, Scituate, MA dated 6/28/21 consisting 18 plan sheets of A2 – A19 A.D.U. Permit Set showing existing floor plans and elevations and proposed floor plans and elevations; Site Plan for Accessory Dwelling, 8 Jay Road, Scituate, MA dated 6/28/21 prepared by Morse Engineering Co., Inc.
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. A second means of egress shall be added on the first floor in the kitchen by replacing a window with a door or as otherwise approved by the Planning Department.

4. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
5. 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.
6. 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.
7. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
8. The sewer must meet all requirements of the DPW Sewer division including an \$8,000 connection fee to be paid.
9. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling.
10. Any lighting installed shall be down lighting to not shed light on abutting properties.
11. 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.
12. 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 as necessary.

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 Jay Road with the conditions noted above.

August 12, 2021

Date

SCITUATE PLANNING BOARD

Ann Burdina
Scott P. Lehman
Patrick J. Lambert
B. J. [Signature]
Deborah [Signature]

This decision was filed with the Town Clerk on August 16, 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