

TOWN OF SCITUATE

Planning Board



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

Accessory Dwelling Special Permit 18 Hatchet Rock Road
Decision: APPROVED with Conditions

Owner: Elizabeth & Donald Giacomozzi

Applicant: Elizabeth & Donald Giacomozzi

Date: February 6, 2023

Location: 18 Hatchet Rock Drive

Assessor's Map: #26-2-40

Plans submitted with the application by Rockwood Design Inc. with Accessory Dwelling marked in, undated consisting of First Floor Plan and Second Floor Plan for 18 Hatchet Rock Road; As-Built Disposal System, #18 Hatchet Rock Road, Scituate MA by E. E. T. Inc. dated June 6, 2002. Members Hearing Special Permit Application: Ann Burbine, Benjamin Bornstein, Patricia Lambert, Rebecca Lewis and Stephen Pritchard.

Background: The property is located in the Residential R-2 Zoning District and a portion of the site is in the Water Resource Protection District on a lot of approximately 23,442 sq. ft. according to the Assessor's information. The accessory dwelling is proposed in a single-family home on the second floor of the home above the garage. The proposed accessory dwelling will have one bedroom and one bathroom with an open living/kitchen area. There is an entrance at the side of the accessory dwelling and stairs down to the garage below. Based on a floor plan submitted by the applicant, the floor area of the accessory dwelling is approximately 745 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 primary dwelling is 2,424 sq. ft. The Assessor's indicate the square footage to be 3,025 including the area to be the accessory dwelling. The accessory dwelling at 745 sq. ft. is 30 % of the size of the primary dwelling which

RECEIVED

2023 FEB - 6 AM 10:48

TOWN OF SCITUATE
TOWN CLERK

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 as their full-time residence.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on November 30, 2022. 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 26, 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 January 26, 2023 with Liz Giacomozzi present. She indicated she wanted to create an accessory dwelling above the garage on the second floor of the dwelling. She indicated it already is a suite with a bathroom and she will add a kitchen and there will be two means of access.

Public Comment: Lynne Donnelly of 27 Hatchet Rock Road questioned the number of bedrooms as the septic system can only accommodate 4 bedrooms. It was indicated there would only be 4 bedrooms – one room will be made into an office. She questioned the rental aspect as she doesn't want to see an Airbnb. It was indicated the owner has to live in the primary or accessory dwelling and the space could be legally rented. A letter was provided from Cathy Downing of 577 Country Way who was opposed to the application as it is not in keeping with the single-family neighborhood. The Board of Health commented that as long as the bedroom count remains at 4, the Board of Health has no comment. The Water Department indicated it has no comment. The Sewer Division indicated there is no sewer to this property and no plans of providing it to this area for the time being.

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 18 Hatchet Rock Drive:

1. On November 30, 2022 applicants Elizabeth and Donald Giacomozzi applied for a special permit for an accessory dwelling in a single-family home at the property at 18 Hatchet Rock Road.
2. According to the Town of Scituate Assessor's records and the deed, the property at 18 Hatchet Rock Road is owned by Donald and Elizabeth Giacomozzi.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 745 net sq. ft. The floor area of the primary dwelling is 3,025 sq. ft. according to Assessor's Records. The application indicates the floor area of the primary dwelling to be 2,434 sq. ft. The accessory dwelling is 30% 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 contained within the existing single-family home, does not expand the footprint of the existing home, is not separately discernable from the existing house and is, therefore, clearly 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 a portion is in the 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 finished second floor to the single-family home. Access will be via a door on the side of the house and a stairway connecting to the first floor of the existing dwelling.
7. The appearance of the accessory dwelling will not materially alter the appearance of the primary dwelling since the new stairway for access will be on the side of the primary dwelling and therefore is in keeping with the appearance of the primary dwelling.
8. An As-Built Disposal System Plan for 18 Hatchet Rock Road dated June 6, 2002 by E. E. T. Inc. shows a two-car garage and driveway. This is adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling. Ample parking for the accessory dwelling is provided.
9. The applicant has submitted a signed, notarized statement that she will continue to reside on the property in either the primary or accessory dwelling.
10. The accessory dwelling will be serviced by Town water and an existing septic system.
11. The application **meets** the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

A motion was made and duly seconded **to approve** the Special Permit for an accessory dwelling at 18 Hatchet Rock 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 and on the condition that all representations made by the applicant/owner as set forth in the Findings of Fact are implemented:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to plans submitted with the application by Rockwood Design Inc. with Accessory Dwelling marked in, undated consisting of First Floor Plan and Second Floor Plan for 18 Hatchet Rock Road; As-Built Disposal System, #18 Hatchet Rock Road, Scituate MA by E. E. T. Inc. dated June 6, 2002.
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 to the Planning Office 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. Any lighting installed shall be down lighting to not shed light on abutting properties.
8. 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.
9. 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.
10. 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 of the building.
11. 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 18 Hatchet Rock Road with the conditions noted above.

January 26, 2023

Date

SCITUATE PLANNING BOARD

Patricia Lomax

Steph R. Puleo

Ann Burbine

[Signature]

Rebecca J.

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