

TOWN OF SCITUATE

Planning Board



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

RECEIVED

2023 SEP 18 PM 1:58

TOWN OF SCITUATE
TOWN CLERK

Accessory Dwelling Special Permit 28 Torrey's Lane Decision: APPROVED with Conditions

Owner: Stephen S. and Katherine M. Drew

Applicant: Stephen S. and Katherine M. Drew

Date: September 18, 2023

Location: 28 Torrey's Lane

Assessor's Map: #54-1-1

Plans: plans submitted with the application by Rockwood Design, Inc. dated 7/25/2023 for Drew Residence, 28 Torrey's Lane consisting of 18 sheets including Cover, A1 Notes and Legend; A2 Existing Elevations; A2.1 Elevations; A2.2 Elevations; A2.3 Elevations; A2.4 Elevations; A3 Existing First Floor Plan; A3.1 Proposed First Floor Plan; A3.2 Proposed First Floor Plan; A4 Existing Second Floor Plan; A4.1 Proposed Second Floor Plan; A6 Existing Roof Plan; A6.1 Proposed Roof Plan; A7 Building Section "A-A"; A8 Building Section "B-B"; S1 First Floor Framing Plan; S1.1 Proposed Foundation Plan; Building Permit Plan for 28 Torrey's Lane dated May 31, 2023 by McKenzie Engineering Group, Inc.

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

Background: The property is located in the Residential R-2 Zoning District and Water Resources Protection District on a lot of approximately 28,575 sq. ft. according to the Assessor's records and the site plan. The accessory dwelling is proposed in a single-family home as an addition at the westerly rear corner of the house with living space on the first floor. The proposed accessory dwelling will have one bedroom and one bathroom with a kitchen area. There is an entrance to the accessory dwelling through the proposed kitchen and from the first

floor of the primary dwelling. Based on a floor plan submitted by the applicant, the floor area of the accessory dwelling is approximately 320 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 2,495 sq. ft. according to the application which is 13% of the size of the primary dwelling which is allowed as it is 750 sq. ft. or 40% of the total floor area of the primary dwelling, whichever is greater. The owner has signed a notarized statement that he will continue residing at the premises upon completion of the project.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on July 31, 2023. 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 September 14, 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 September 14, 2023 with Stephen Drew present by ZOOM. Mr. Drew presented that he would like a 20'x16' accessory dwelling off the rear of the house for himself and his wife so that his child and family would occupy the main house due to the expensive real estate in Scituate. The Town Planner asked the Board if there was any issue with portions of each driveway being in the town right-of-way. Mr. Drew indicated there would be no parking on the street. The Board determined that there was room for two cars in each driveway so the parking requirement was met. The Board determined there was two means of egress and the accessory dwelling met the requirements.

Public Comment: Eric Langlan of the Water Division indicated that as long as the accessory dwelling does not have separate utilities, then there does not need to be any changes to the water service. One bedroom in the primary dwelling will be made to have a 4-foot cased opening and door removed with no closet. Joan Schmid, Assistant Director of the Board of Health indicated this solution is acceptable.

Findings of Fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 28 Torrey's Lane:

1. On July 31, 2023 applicants Stephen S. & Katherine M. Drew applied for a special permit for an accessory dwelling in a single-family home at the property at 28 Torrey's Lane.
2. According to the Town of Scituate Assessor's records and the deed, the property at 28 Torrey's Lane is owned by Stephen S. and Katherine M. Drew.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 320 sq. ft. The floor area of the primary dwelling is 2,495 sq. ft. according to the application. The accessory dwelling is 13% 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 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 as well as the Water Resource 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 new addition to the single-family home. Access will be via a door at the rear of the accessory dwelling as well as through the primary dwelling.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Building Permit Plan for 28 Torrey's Lane in Scituate, MA by McKenzie Engineering Group, Inc. dated May 31, 2023 shows the location of the existing primary dwelling and the proposed accessory dwelling. The plan shows two existing driveways extending into the right -of-way of Torrey's Lane which appear capable of supporting two cars each. This appears adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling. Ample parking appears to be provided.
9. The applicant/owner has submitted a signed, notarized statement that he will occupy one of the dwellings upon completion of the project.
10. The accessory dwelling will be serviced by Town water and a private septic system. The Water Department has commented that as long as the accessory dwelling does not have separate utilities, then there does not need to be any changes to the water service. The Board of Health commented that one of the bedrooms existing in the primary dwelling can be made into an office with a wider opening and no closets.
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 28 Torrey's Lane 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 plans submitted with the application by Rockwood Design, Inc. dated 7/25/2023 for Drew Residence, 28 Torrey's Lane consisting of 18 sheets including Cover, A1 Notes and Legend; A2 Existing Elevations; A2.1 Elevations; A2.2 Elevations; A2.3 Elevations; A2.4 Elevations; A3 Existing First Floor Plan; A3.1 Proposed First Floor Plan; A3.2 Proposed First Floor Plan; A4 Existing Second Floor Plan; A4.1 Proposed Second Floor Plan; A6 Existing Roof Plan; A6.1 Proposed Roof Plan; A7 Building Section "A-A"; A8 Building Section "B-B"; S1 First Floor Framing Plan; S1.1 Proposed Foundation Plan; Building Permit Plan for 28 Torrey's Lane dated May 31, 2023 by McKenzie Engineering Group, 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. 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 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 state and 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 increased from the property. As the property is in the Water Resource Protection District, rooftop runoff must be designed to recharge the first inch of rainfall. Recharge shall be attained through site design, infiltration basins or swales constructed with a three-foot minimum separation between the bottom of the structure and maximum groundwater elevation so that nitrogen is removed. An artificial system of recharge may be required which does not degrade the groundwater if there is more than 15% impervious area for the site. A plan for attaining runoff requirements must be provided to the Building Commissioner as part of the building permit application.
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 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 or rear of the building.
13. 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 28 Torrey's Lane with the conditions noted above.

September 14, 2023

Date

SCITUATE PLANNING BOARD

Patricia A. Lombard
Steph Pulitani
Ann Burbine
Rebecca A. J.

This decision was filed with the Town Clerk on September 18, 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