



Town of Scituate
Planning Board
Special Permit – Accessory Dwelling
5 Priscilla Ave.

Decision: APPROVED with Conditions
Owner: Maureen Zucker
Applicant: Maureen Zucker
Date: December 31, 2007
Location: 5 Priscilla Ave.
Plans: 1) Site Plan - 5 Priscilla Ave. prepared for Raymond D. and Maureen M. Zucker by Cavanaro Consulting, dated 9/7/07
2) Floor Plans titled Accessory dwelling, First Floor; Main Dwelling, Second Floor and Main Dwelling, Third Floor Plan, received by Planning Board October 30, 2007

Members Hearing Special Permit Application: Donald Walter, Chairman; William Limbacher, Donna Chisholm, Mary Patricia (Pat) Brennan and Mark Fenton.

Background: The property is a \pm 6,000 sq. ft. lot in the Residential A-3 Zoning District which contains a single family home. The applicant has recently expanded and remodeled the home. The first floor is proposed to be used as an accessory dwelling. The second and third floors will become the primary dwelling. The outside measurements of the first floor containing the accessory dwelling will be approximately 864 sq. ft., but this includes a storage area and entry for the first floor. Without these included, the Planning Board determined the area of the accessory dwelling would be no greater than 750 sq. ft. The applicant and his wife have signed an affidavit stating that they will occupy one of the dwelling units on the premises.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on October 30, 2007. 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 advertised for December 13, 2007 but all meetings that night were cancelled due to a snowstorm. The hearing was opened on December 20, 2007 with the agreement of the applicant, and also closed on this date, when the Planning Board approved the Special Permit with conditions.

Hearing Summary: The applicants Maureen Zucker, are the owners of the property. Greg Harris explained the plans to the Planning Board. He and Mrs. Harris intend to build the accessory dwelling in which Mrs. Harris' mother and father shall reside.

Public Comment: Mr. Robert Bagley of 51 Egypt Beach Rd. said he was confused about how the Accessory Dwelling is measured. He felt that the expansion from one story to three stories

indicated something more than an accessory dwelling. The Planning Board explained that it was acceptable for the applicant to add on to his home; the second kitchen would trigger the need for an Accessory Dwelling Special Permit. The owner would have to live in one of the units, as long as the property contained an accessory dwelling.

A letter was also received from Mark and Eleanor Schaul objecting to the accessory dwelling.

Decision: A motion was duly made and seconded to approve the Special Permit with the following terms and conditions:

1. The applicant shall obtain the necessary building permits from the Building Commissioner, Board of Health and all necessary permits from other town agencies.
2. The property at 5 Priscilla Ave. shall contain a maximum of two dwelling units, the existing dwelling and the accessory dwelling as proposed.
3. The accessory dwelling Special Permit shall be in effect as long as the structure is occupied by the owner of the property.
4. Except for any changes necessary to meet these conditions, all construction shall conform to the plans submitted with this application.
5. The accessory dwelling shall not be expanded in square footage without prior approval by the Planning Board.
6. There shall be no overnight on-street parking.
7. 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.
8. 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.
9. The applicant must obtain a determination from the Water Division of the DPW that the existing water service will adequately support this proposed use. Any upgrade of water service shall be at the applicant's expense and must be approved by the Department of Public Works.
10. The hours of construction shall be limited to 7 AM to 7 PM weekdays and 8AM to 4 PM Saturdays, with no work to occur on Sundays, holidays or Heritage Days.

Note: The vote was unanimous with all members hearing the application voting in favor of granting the Special Permit. Mr. Walter, Mr. Limbacher, Mrs. Brennan, Mrs. Chisholm, and Mr. Fenton voted to approve the Accessory Dwelling Special Permit with Conditions.

Signature page was added here.