



Town of Scituate  
Planning Board  
Special Permit – Accessory Dwelling  
48 Mann Lot Rd.

Decision: APPROVED with Conditions  
Owner: Gordon and Denise Price  
Applicant: Gordon and Denise Price  
Date: December 17, 2010  
Location: 48 Mann Lot Rd.  
Plans: 1) Site Plan for 48 Mann Lot Rd. prepared by  
Ross  
Engineering Co. dated November 1, 2010.  
2) Front, Rear, Left and Right Elevations, and  
Main Level, Upper Level and Lower Level Floor  
Plans dated 10/28/2010 by CSG, Habitat Post &  
Beam Inc., S. Deerfield, MA, including Sheets  
1–5.

Members Hearing Special Permit Application: William Limbacher, Robert Vogel, Dr. Nico Afanasenko, Daniel Monger and Eric Mercer.

**Background:** The property is a  $\pm$  4.90 acre lot in the Residential A-2 Zoning District which contains a single family home. The applicant proposes to construct a new garage with a two story accessory dwelling above it. The total area of the house is 3,090 sq. ft. which includes all space currently used for living area. The proposed accessory dwelling will be 1,157 sq. ft.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on November 17, 2010. 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 December 16, 2010 and also closed on this date, when the Planning Board approved the Special Permit with conditions.

**Hearing Summary:** The applicants, Gordon and Denise Price, are also the owners of the property. Their engineer, Paul Mirabito, presented the plan to the Planning Board. The issues discussed by the Planning Board included the verification of the total floor space of the primary dwelling, which included space under eaves adjacent to a 4' wall used as living space since the construction of the house. The Planning Board also discussed the need to ensure that rooms labeled as study and office in the primary and accessory dwelling, respectively, would not be used as bedrooms. The applicant proposed to

control this through deed restriction or enlarging the doorways, as required by the Board of Health. There was discussion of whether the Planning Board's approval should be conditioned on a requirement for an additional septic system inspection. It was determined that this was a Board of Health issue addressed under Section 530.2 I of the Zoning Bylaw. The applicability of the Stormwater Bylaw was discussed; it was determined it will be applicable but because the proposed construction is within 100' of a wetland, will be administered by the Conservation Commission;

**Public Comment:** Mary Ellen Schloss of 50 Mann Lot Rd., asked whether there would be any problem in the future with adding an accessory dwelling to her own property since the two lots were served by a Common Driveway. The Planning Board responded that there did not seem to be a problem since the Zoning Bylaw said a Common Driveway could access two or three lots, and did not specify the number of housing units.

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

1. The property at 48 Mann Lot Rd. shall contain a maximum of two dwelling units, the existing dwelling and the accessory dwelling as proposed.
2. The owner of the property must occupy either the primary dwelling or the accessory dwelling.
3. Except for any changes necessary to meet these conditions, all construction shall conform to the plans submitted with this application.
4. The accessory dwelling shall not be expanded in square footage without prior approval by the Planning Board.
5. The applicant shall obtain the necessary building permits from the Building Commissioner, all necessary permits from other town agencies including the Board of Health and Conservation Commission.
6. Adequate provisions shall be made for the disposal of sewage, waste and drainage generated by the occupancy of the accessory dwelling in accordance with the requirements of the Board of Health.
7. The applicant must obtain a determination from the DPW as to adequacy of the existing water service for the proposed use. Any upgrade of water service shall be at the applicant's expense and must be approved by the Department of Public Works. The applicant shall install hard-wired smoke and heat detectors if required by the Fire Chief.
8. There shall be no overnight on-street parking by residents of the accessory dwelling.

9. 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 or holidays.
10. 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.
11. 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.

**Note:** The vote was unanimous with all members hearing the application voting in favor of granting the Special Permit. William Limbacher, Robert Vogel, Dr. Nico Afanasenko, Daniel Monger and Eric Mercer voted to approve the Accessory Dwelling Special Permit with Conditions.

SCITUATE PLANNING BOARD

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The Planning Board certifies that it has complied with all statutory requirements of MGL Chapter 40A, Sections 9 and 11, and will file 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, and all plans and documents submitted by the applicant.