



Town of Scituate  
Planning Board  
Special Permit – Accessory Dwelling  
128 Grove St.

Decision: APPROVED with Conditions  
Applicant/Owner: Scott and Laura Reardon  
Date: January 14, 2011  
Location: 128 Grove St.  
Assessor's Map #: 35-2-7  
Plans: 1) Accessory Dwelling Special Permit Site Plan by Keery design LLC, dated December 8, 2010  
2) Existing Main House Floor Plans and Proposed Floor Plan by Keery design LLC, dated December 8, 2010

Members Hearing Special Permit Application: William Limbacher, Robert Vogel, Daniel Monger, Eric Mercer and Richard Taylor.

**Background:** The property is a 45,762 sq. ft. lot in the Residential A-1 Zoning District which contains a single family home and a garage. The applicant is seeking approval of a freestanding accessory dwelling. This accessory dwelling is stated to be 750 sq. ft. on the plans. The owner has signed an affidavit stating that she understands the requirement that the owner of the home containing the accessory dwelling will live on the property.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on December 16, 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 January 13, 2011 and also closed on this date, when the Planning Board approved the Special Permit with conditions.

**Hearing Summary:** The applicants, Scott and Laura Reardon are the owners of the property. David Keery, representing the owner, explained the plan to the Planning Board. The accessory dwelling is intended for Mrs. Reardon's mother, Mary Donellan. The basement of the accessory dwelling is largely a crawlspace and will not be finished.

**Public Comment:** Thomas and Joyce Finegan of 124 Grove St. expressed support for the proposal.

**Findings of Fact:** Based on the plans and documents submitted and information received at the public hearing, the Planning Board makes the following Findings of Fact:

1. The applicants, Laura and Scott Reardon, own the property. They submitted a statement that they intend to continue to live in the main dwelling after the accessory dwelling is constructed.
2. According to plans by Keery Design LLC, the existing house has a floor area of 1,378 sf. The accessory dwelling will have a floor area of 750 sq. ft.
3. Two parking spaces are required for an accessory dwelling. The plans show one parking space adjacent to the accessory dwelling and three where there is an existing garage on the property.
4. A Memo was received from the Director of Public Health stating Title V requirements must be met and she believes this is possible.
5. The proposal meets the purpose and criteria for accessory dwellings of the Scituate Zoning Bylaw, Section 530.

**Decision:** Based on these Findings of Fact, a motion was duly made and seconded to approve the Special Permit with the following terms and conditions:

1. The property at 128 Grove St. shall contain a maximum of two dwelling units, the existing dwelling and the accessory dwelling as proposed.
2. The owners 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 exceed 750 sq. ft. and shall not be expanded in floor area 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.

**Vote:** The vote was unanimous with all members hearing the application voting in favor of granting the Special Permit with the conditions stated above.

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.