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SCITUATE, MASS.

Town of Scituate
Planning Board
Special Permit – Accessory Dwelling
10 Rocky Hill Circle

Decision: APPROVED with Conditions
Applicant/Owner: Claire Dalco
Date: January 12, 2009
Location: 10 Rocky Hill Circle
Assessor's Map #: 30-1-33A
Plans: 1) Site Plan submitted to Planning Board with application
2) Floor Plan and Elevations, 2/27/76, revised 2/28/76

Members Hearing Special Permit Application: Donna Chisholm, Vice Chairman;
William Limbacher, Robert Vogel, Mark Fenton and Pat Brennan Finnie.

Background: The property is a 1.09 acre lot in the Residential A-1 Zoning District which contains a single family home with an existing apartment above the garage. The applicant is seeking formal approval of the accessory dwelling. This accessory dwelling is stated to be 742 sq. ft. on the application. 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 15, 2008. 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 8, 2009 and also closed on this date, when the Planning Board approved the Special Permit with conditions.

Hearing Summary: The applicant, Claire Dalco is the owner of the property. Mrs. Dalco explained the plan to the Planning Board. She intends to sell the property with the accessory dwelling.

Public Comment: There was no comment in favor or in opposition to the proposal.

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 permits and approvals from the Building Commissioner, Board of Health and other town agencies including the Water Commissioners and Fire Chief. The applicant shall install hard-wired smoke and heat

detectors as required by the Fire Chief. Any upgrade of water service shall be at the applicant's expense and must be approved by the Department of Public Works.

2. The applicant shall rectify the house number to the number desired by the DPW and Town of Scituate emergency services.
3. The dwelling unit above the garage has transitioned from an in-law apartment to an accessory dwelling, with the understanding that the home containing the accessory dwelling is required to be owner-occupied.
4. The property at 10 Rocky Hill Circle shall contain a maximum of two dwelling units, the existing dwelling and the accessory dwelling as proposed.
5. Except for any changes necessary to meet these conditions, all construction shall conform to the plans submitted with this application. 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 by residents of the accessory dwelling.
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.

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

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.

Project: Accessory Dwelling Special Permit
10 Rocky Hill Circle

Date: January 12, 2009

SCITUATE PLANNING BOARD

Donna L. Chudler

William S. Sander

Robert M. Fater

Robert B. Vogel

Note: This document will not become effective until such time as an attested copy of the Decision has been filed with the Plymouth County Registry of Deeds, following the expiration of the appeal period of 20 days.

DATE FILED WITH TOWN CLERK _____