



Town of Scituate
Planning Board
Special Permit – Accessory Dwelling
15 Mill Wharf Plaza

Decision: APPROVED with Conditions
Applicant: First Parish Rd. Company Inc.
Owner (building): First Parish Rd. Company Inc.
Owners (lot): First Parish Rd. Company Inc.; Maturalago LLC; A/M Paradise LLC
Date: July 23, 2010
Location: 15 Mill Wharf Plaza
Assessor's Map #: 50-7-8
Plans: Floor Plan submitted to Planning Board with application and attached to this decision

Planning Board members hearing this application were William Limbacher, Daniel Monger, Eric Mercer and Richard Taylor.

Background: The property is a 2.68 acre lot in the Harbor Business (HB) Zoning District which is owned by First Parish Rd. Company, Inc., Maturalago LLC and A/M Paradise LLC. It contains several structures including one with a footprint of approximately 1320 sq. ft. known as the Cable Building which is owned by the applicant. In the past it has been occupied by various uses, including most recently offices on both floors. The applicant is seeking approval of an accessory dwelling which will occupy the second floor of the building. This accessory dwelling is proposed to contain two bedrooms and will be approximately 1220 sq. ft.

Procedural Summary: This request for a special permit was filed with the Town Clerk and the Planning Board on May 19, 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 June 24, 2010 and continued to July 8, 2010, when the Planning Board approved the special permit with conditions.

Hearing Summary: Steve Warner, President of First Parish Rd. Company Inc., presented the application to the Planning Board. He told them the building is owned by First Parish Rd. Company Inc. while the lot is owned by First Parish Rd. Company Inc., the owner of the former Welch Company building at 146 Front St. and the owner of the Scituate Harbor Marina in a condominium form of ownership. The apartment will fully comply with Fire and Building requirements. A deck will be added on the east side of the apartment to create a second means of egress.

The Planning Board discussed whether or not to designate parking spaces for the unit. This discussion included mention of the difficulty enforcing a prohibition on parking by others in spaces designated for the unit but there was a concern with preserving sufficient parking for the accessory unit. Other topics of discussion were the compatibility of the cedar shingle exterior with the materials used on neighboring structures in Scituate Harbor; the function of the proposed deck and stairs as a second means of egress; and potential public access through the property.

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

Findings of Fact: Based on the testimony given during the public hearings on this special permit, the Planning Board made the following findings of fact:

1. The building at 15 Mill Wharf Plaza is located in the HB (Harbor Business) Zoning District.
2. The accessory dwelling will occupy the second floor of the building.
3. The accessory dwelling is designed so the appearance of the building from the front will be unchanged. The only exterior change will be the addition of a deck and stairs.
4. Based on the parking requirements of Section 530, the accessory dwelling requires two parking spaces.
5. Sewer is available for the building. The accessory dwelling will be required to conform to the State Building Code.
6. This proposal meets the criteria for an accessory dwelling of Section 530 of the Scituate Zoning Bylaw.

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

1. The accessory dwelling shall meet all requirements of the State Building Code. The applicant shall obtain the necessary permits and approvals from the Building Commissioner, Board of Health and Fire Department.
2. The applicant shall post the house number if required by the Fire Department.
3. The structure at 15 Mill Wharf Plaza shall contain a maximum of one accessory dwelling, with a maximum of two bedrooms, unless any additional accessory dwellings and/or expansion are separately approved by the Planning Board.
4. The dumpster for the Mill Wharf restaurant shall be used for trash disposal.

5. Window boxes shall be installed, planted and maintained on the two first floor windows facing the parking lot.
6. Heavy equipment and signs shall not be stored in the immediate proximity of the building. The snowplow and no parking signs currently in this area shall be relocated.
7. The exterior appearance and configuration of the building will be maintained with the exception of: a) the addition of the deck and stairs in the configuration and dimensions shown on the plan provided by the applicant and which is attached to this decision; b) repair and replacement of existing siding, roof, and exterior materials provided the replacement materials are of the same quality, color, type and material as that which is currently existing.
8. The first floor ground level will not be used for any uses other than business uses.
9. The accessory dwelling requires two parking spaces. This parking requirement shall be maintained by the landlord and the location stipulated in the lease. In the event that shared parking is unavailable, dedicated spaces will be provided.
10. 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.
11. This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of expiration of the appeal period. This period shall be tolled in the event that appeals are taken. The Applicant shall provide proof that the Special Permit was recorded to the Planning Board.
12. This special permit shall lapse within two years from the date of expiration of the appeal period unless substantial use or construction has commenced prior to that time. This period shall be tolled in the event that appeals are taken.

Vote: William Limbacher, Daniel Monger, Eric Mercer and Richard Taylor voted in favor of granting the special permit for an accessory dwelling at 15 Mill Wharf Plaza with the conditions noted above.

SCITUATE PLANNING BOARD

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.