



Town of Scituate
Planning Board
Accessory Dwelling Special Permit – 130 Country Way

Decision: APPROVED with Conditions
Owners: Robert & Gerri O'Neil
Applicants: Gerri O'Neil
Date: May 3, 2012
Location: 130 Country Way
Assessor's Map # 48-02-51 B
Plans: First Floor Plan Sheet 4 of 11; 2nd Floor Plan Sheet 5 of 11; Sections Sheet 7 of 11; Sections Sheet 8 of 11 all noted as Preliminary Plans Not For Construction by Rockwood Design, Inc of Marshfield, MA, for Gerri O'Neil, revised dated 10/17/11 and As-Built Plan Showing New Foundation #130 Country Way dated 12/21/11 prepared by Stenbeck & Taylor, Inc.
Members Hearing Special Permit Application: William Limbacher, Chairman; Daniel Monger, Dr. Nico Afanasenko, Richard Taylor and Eric Mercer.

Background: The property is located in the Residential R-2 Zoning District. It contains an existing single family house. The floor area of the primary dwelling is approximately 3,065 sq. ft. including the first and second floor with the proposed addition and the finished basement. The applicant has signed an affidavit stating that she will occupy the addition and her daughter and son-in-law will reside in the primary dwelling.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on March 15, 2012. 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 April 26, 2012 and also closed on this date, when the Planning Board approved the Special Permit with conditions.

Hearing Summary: The applicant, Gerri O'Neil along with Alison and Eric Steverman were present. They are seeking approval for an accessory dwelling unit constructed according to the second set of plans submitted. The first set of plans was reconfigured slightly so the area of the accessory dwelling would be below 40% of the primary dwelling which is the maximum area allowed. The parking is on a circular drive. There are four bedrooms in the dwelling and two in the accessory unit. Mr. Steverman indicated that four cars can comfortably fit in the circular drive.

Public Comment: No one spoke in favor or against the application.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 130 Country Way:

1. On March 15, 2012, the applicant/owner of the property applied for a special permit for an accessory dwelling.
2. The plans submitted with the application are entitled First Floor Plan Sheet 4 of 11; 2nd Floor Plan Sheet 5 of 11; Sections Sheet 7 of 11; Sections Sheet 8 of 11 all noted as Preliminary Plans Not For Construction by Rockwood Design, Inc of Marshfield, MA, for Gerri O'Neil, revised dated

10/17/11 and As-Built Plan Showing New Foundation #130 Country Way dated 12/21/11 prepared by Stenbeck & Taylor, Inc.

3. The plans show a proposed accessory dwelling of 1,156 sq. ft. The revised First and Second Floor Plans submitted on 4/20/12 show the floor area of the primary dwelling with proposed additions to be 2,971 sq. ft.
4. The floor area of the accessory dwelling is 39% of the floor area of the primary dwelling with the proposed first and second floor additions.
5. A site plan by Stenbeck & Taylor, Inc. shows a circular driveway serving both units. The applicant is willing to construct additional parking if the need arises.
6. The applicant has submitted a signed, notarized statement that she will live in the accessory unit.
7. The application meets the standards of Scituate Zoning Bylaw Section 530 for an Accessory Dwelling Special Permit as long as the proposed additions to the primary dwelling are constructed.

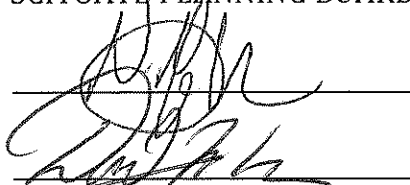
Decision: A motion was duly made and seconded to approve the Accessory Dwelling Special Permit for 130 Country Way with the following conditions:

1. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department and other town agencies.
2. The property at 130 Country Way shall contain a maximum of two dwelling units, the existing dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage shall not be increased without prior approval of the Planning Board.
3. This approval is contingent on completion of the additions for the primary dwelling as shown on the First and Second Floor Plans revised 10/17/11.
4. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.
5. Except for any changes necessary to meet these conditions, all construction shall conform to the plans entitled First Floor Plan Sheet 4 of 11; 2nd Floor Plan Sheet 5 of 11; Sections Sheet 7 of 11; Sections Sheet 8 of 11 all noted as Preliminary Plans Not For Construction by Rockwood Design, Inc of Marshfield, MA, for Gerri O'Neil, revised dated 10/17/11 and As-Built Plan Showing New Foundation #130 Country Way dated 12/21/11 prepared by Stenbeck & Taylor, Inc.
6. Parking for the accessory dwelling shall be added if the accessory unit is ever rented to a non-family member.
7. No on-street parking shall be permitted.
8. 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.
9. 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.

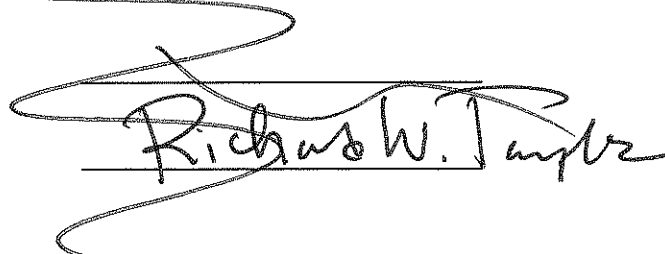
Project: 130 Country Way
Permit: Accessory Dwelling Special Permit

Based on the Findings of Fact, the members of the Planning Board hearing this application voted unanimously to approve the Accessory Dwelling special permit with the conditions noted above.

SCITUATE PLANNING BOARD



William Imbach



This decision was filed with the Town Clerk on May 3, 2012.
date

Appeal of this special permit may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.

This special permit will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry of Deeds, after the expiration of the appeal period of twenty (20) days.