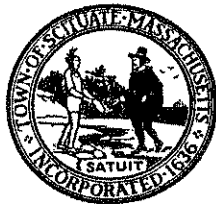


TOWN OF SCITUATE



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Planning Board

**Accessory Dwelling Special Permit – 380 Country Way
Decision: APPROVED with Conditions**

Owner: Serena Berkelaar
Applicant: Serena Berkelaar
Date: December 19, 2014
Location: 380 Country Way
Assessor's Map: # 32-8-20A

Plans: Plans entitled Berkelaar – Green Residence 380 Country Way Scituate, MA 02066 by Rockwood Design, Inc. dated 11/13/2014 Sheets A1 – A4 – Notes and Legends, First Floor Plan, Second Floor Plan, Apartment Floor Plan and Roof Plan as well as the Septic System Design Plan 380 Country Way (Assessor's Parcel: 32-8-20A) Scituate, MA dated 10/16/14 by Morse Engineering Co., Inc.

Members Hearing Special Permit Application: William Limbacher, Chairman; Stephen Pritchard, Richard Taylor, Robert Vogel and Robert Greene.

Background: The property is located in the Residential R-2 Zoning District. The lot area of the property is 20,005 sq. ft. The existing dwelling located on the property known as 380 Country Way has 3,140 sq. ft. of floor area according to the application submitted. The proposed accessory dwelling will be a two bedroom unit located on the second floor above a daycare located on the first floor. Based on a floor plan submitted by the applicant, the interior floor space of the proposed accessory dwelling will be 1,115 sq. ft. It is proposed to be authorized as a second legal living unit on the same lot through approval of an accessory dwelling special permit by the Planning Board. The floor area of the accessory dwelling will be 36% of the floor area of the primary dwelling which

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is less than 40% as allowed by the bylaw. The applicant has signed a notarized statement that she will occupy one of the dwelling units on the property.

Procedural Summary: This request for a Special Permit was filed with the Town Clerk and the Planning Board on November 14, 2014. 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 on December 18, 2014 and closed on the same date and the Planning Board approved the Special Permit with conditions.

Hearing Summary: The public hearing was opened on December 18, 2014 with Serena Berkelaar and her husband John Green present. The same night, the Planning Board approved the accessory dwelling special permit with conditions.

Public Comment: The Planning Board received one comment letter from the Conservation Agent who indicated he had no comment on the project.

Findings of fact: A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 380 Country Way:

1. According to Town of Scituate Assessor's records, the property at 380 Country Way is owned by Serena Berkelaar. The property is located in the Residential R-2 zoning district on a lot of 20,005 sq. ft.
2. On November 14, 2014, Serena Berkelaar applied for a special permit for an accessory dwelling within a single family home at 380 Country Way.
3. According to the plan, the floor area of the primary dwelling is 3,039 sq. ft. The floor area of the accessory dwelling as shown on the plan dated November 13, 2014 is approximately 1,115 sq. ft. The floor area of the accessory is 36% of the floor area of the primary dwelling which is less than the maximum of 40% allowed in the bylaw. It meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings.
4. The accessory dwelling is less than 40% of the primary dwelling and has two bedrooms. It is contained within the primary dwelling and is subordinate to the primary dwelling.
5. The proposed plan shows the dwelling to have a gravel driveway and a future gravel driveway. This appears adequate to provide two parking spaces for the accessory dwelling and ample parking for the primary dwelling once the future gravel driveway is constructed.
6. The applicant has submitted a signed, notarized statement that she will live on the property. The special permit will be recorded. Any future new owner will need to file an affidavit with the Planning Board that he occupies the property.
7. The property has a septic system has been reviewed by the Board of Health.
8. One accessory dwelling unit is contained on the lot in a single family house. It will be a

separate housekeeping unit.

9. There are no new exterior stairs.
10. The application meets the standards of Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

Decision: A motion was duly made and seconded to approve the Special Permit for an accessory dwelling at 380 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, Water Department and other town agencies.
2. Except for any changes necessary to meet these conditions, any construction shall conform to the plans entitled Berkelaar – Green Residence 380 Country Way Scituate, MA 02066 by Rockwood Design, Inc. dated 11/13/2014 Sheets A1 – A4 – Notes and Legends, First Floor Plan, Second Floor Plan, Apartment Floor Plan and Roof Plan as well as the Septic System Design Plan 380 Country Way (Assessor’s Parcel:32-8-20A) Scituate, MA dated 10/16/14 by Morse Engineering Co., Inc.
3. The property at 380 Country Way shall contain a maximum of two dwelling units, the primary dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage of the accessory dwelling shall not be increased without prior approval of the Planning Board. The number of bedrooms in the accessory dwelling is limited to two, in the location and size indicated on the apartment floor plan submitted with the application and attached to this decision.
4. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy from any new owner shall be completed at the closing of the sale of the house and a copy provided to the Planning Board within seven days.
5. The Planning Board will require an on-site inspection for conformance to the approved plans and these conditions prior to a Certificate of Occupancy being issued for the accessory dwelling.
6. No on-street parking shall be permitted at any time.
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 date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.

9. The Planning Board reserves the right to review compliance with this special permit at any time. At the request of the Planning Board, an affidavit shall be provided that either the primary or accessory unit is owner occupied.
10. At each transfer of ownership of the property, a new affidavit that the owner resides on the property shall be provided to the Planning Board within seven days of the closing of the sale of the house.
11. This Special permit shall terminate if the use is not in accordance with this decision and its conditions.

Vote:

Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Special Permit for an Accessory Dwelling at 380 Country Way with the conditions noted above.

December 18, 2014

Date

SCITUATE PLANNING BOARD

Richard W. Taylor

Stephen R. Fitchard

Robert B. Vogel

Robert J. Jones

William L. Lachar

This decision was filed with the Town Clerk on December 19, 2014
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.

The Planning Board certifies that it has complied with all statutory requirements of MGL Chapter 40A, Sections 9 and 11, and will file copies of 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