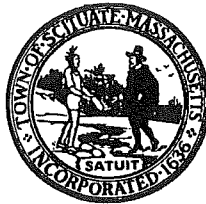


TOWN OF SCITUATE

*Planning Board*



600 Chief Justice Cushing Hwy  
Scituate, Massachusetts 02066  
Phone: 781-545-8730  
FAX: 781-545-8704

**Accessory Dwelling Special Permit – 67 Old Oaken Bucket  
Decision: APPROVED with Conditions**

Owner: Erin McMurrer  
Applicant: Erin McMurrer and Patrick Donahue  
Date: July 15, 2019  
Location: 67 Old Oaken Bucket Road  
Assessor's Map: # 52-2-44

Plans: Plan Showing Accessory Dwelling 67 Old Oaken Bucket Road by Morse Engineering, Co., Inc. dated 7/3/19 and Site Plan entitled "Plan B" Donna McMurrer 67 Old Oaken Bucket Road, Scituate, MA, by Residentialplans dated 2/2/19; Architectural Plans by Residentialplans, consisting of 10 sheets including "Plan-B", A-1 First Floor Plan, A-2 Second Floor Plan, A-3 Basement Plan, B-1 Front Elevation, B – 2 Side Elevation, B -4 Side Elevation and B – 5 Side Section, B – 3 Back Elevation, B – 4 Side Elevation and B – 5 Side Section, A-9 Details dated 2/2/19; existing house plan 67 Old Oaken Bucket Road, Scituate, MA.

Members Hearing Special Permit Application: Ann Burbine, Stephen Pritchard, Benjamin Bornstein, William Limbacher, and Patricia Lambert.

**Background:** The property is located in the Residential R-1 Zoning District and the Water Resources Protection District on a lot of approximately 41,043 sq. ft. according to Town of Scituate Assessor's records. The proposed detached accessory dwelling is approximately 747.25 gross sq. ft. and located to the west of the primary dwelling. The accessory dwelling is a one bedroom unit on one level with a living room, kitchen, bathroom, laundry room and garage with storage above the garage and accessory dwelling. A mechanical room is proposed in the basement. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 693.25 sq. ft. It is proposed to be authorized as a legal

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TOWN ENGINEER

living unit through approval of an accessory dwelling special permit by the Planning Board. The total area of the accessory dwelling is 747.25 gross sq. ft. which is less than 750 sq. ft. allowed in the bylaw. The applicant has signed a notarized statement that she will occupy one of the dwelling units at 67 Old Oaken Bucket Road upon completion of the accessory dwelling.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on May 2, 2019. 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 June 13, 2019 and continued to July 11, 2019 when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

**Hearing Summary:** The public hearing was opened on June 13, 2019 with the applicant Patrick Donahue and Erin McMurrer present along with their attorney, Maureen Hurley and Donna McMurrer the proposed accessory dwelling inhabitant. Ms. Hurley indicated that her clients are having a Site Plan prepared by an engineer and will submit it as soon as it is available. She indicated her clients bought the property in 2017 with the intension of converting the existing barn into an accessory dwelling unit; however the barn does not meet all required setbacks and cannot be used as an accessory dwelling. They indicated the barn will be razed. They propose a new one bedroom accessory dwelling with one car attached garage that is less than 750 sq. ft. in size. The Town Planner indicated the applicant needed to talk to the Board of Health to determine the suitability of the existing septic system for the new development and that Water Resource Protection District requirements would need to be met.

At the July 11, 2019 hearing session, it was confirmed that the Board of Health would require a three bedroom deed restriction and the Board could condition the accessory dwelling special permit approval on the requirements of the Board of Health being met. Gregory Morse, P.E. indicated the pad for two spaces was there as a turnaround area so that backing down the driveway would be unnecessary. The Town Planner indicated a turnaround could be provided on the other side of the driveway not in the front yard of the house.

**Public Comment:** Neighbors from the area including Leigh and Carl Todd of 11 Dunster Lane (to the rear of the proposed dwelling), Chris and Deann Muha of 10 Woodworth Lane (to the back of the property), Glenn and Susan Keith of 11 Woodworth Lane and Scott, Meghan Crosier of 68 Old Oaken Bucket Road and Janet and Rich Travers of 57 Old Oaken Bucket Road all provided emails in support of the project. Becky Malamut of the Water Resources Committee provided personal comments inquiring how the infiltration and recharge requirements of the Water Resource Protection District would be met, if there was a plan for erosion and sedimentation control during construction, what the slope of the site is and the square footage of the new driveway. The Water Division indicated a new water service for the accessory dwelling will be necessary coming from the Old Oaken Bucket Road water main. They indicated a water hook-up fee would be required.

**Findings of fact:** A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 67 Old Oaken Bucket Road:

1. On May 2, 2019, Erin McMurrer and Patrick Donahue applied for a special permit for a detached accessory dwelling on the property at 67 Old Oaken Bucket Road.
2. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 747.25 gross sq. ft. This is 49% of the total square footage of the primary dwelling which is 1,512 sq. ft. according to the application. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the bylaw allows 750 sq. ft. or 40% of the total square footage of the primary dwelling, whichever is greater. The accessory dwelling is subordinate to the existing single family home.
3. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
4. The proposed detached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
5. The proposed accessory dwelling is located on the west side of the primary dwelling. Access will be via a walkway leading from the proposed new driveway to the front door.
6. The appearance of the accessory dwelling is in keeping with the appearance to the primary dwelling and the surrounding neighborhood.
7. The Proposed Accessory Dwelling Site Plan for the property shows a 13 foot wide driveway of approximately 74'6" leading to a one car garage attached to the accessory dwelling. There is a proposed 9' x 18' parking pad for two cars shown on the plan which the applicant has indicated will not be built as it is not needed to provide two parking spaces for the accessory dwelling as there is room in the garage and outside of it. This appears adequate to provide two parking spaces for the accessory dwelling. The primary dwelling shows an attached two car garage with room for four vehicles outside. Ample parking appears to be provided.
8. The owner has submitted a signed, notarized statement that she will be occupying 67 Old Oaken Bucket Road as her primary residence.
9. The accessory dwelling will be serviced by an existing three bedroom septic system. The primary dwelling has two bedrooms and the detached accessory dwelling will have one bedroom. All provisions of the Board of Health and Title V must be met.
10. A new connection to Town water will be provided from Old Oaken Bucket Road water main and it will comply with the Town requirements for a water connection. A Water Hook up fee will be required from the Water Division per their comments of 5/9/19.
11. A French Drain will be installed around three sides of the accessory dwelling. Stormwater runoff from the roof area of the accessory dwelling will be directed to a subsurface roof infiltration system to comply with the Water Resource Protection District requirements while stormwater runoff from the driveway and primary dwelling will flow overland as it presently does.
12. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

I move to approve the Special Permit for an accessory dwelling at 67 Old Oaken Bucket Road with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to the Plan Showing Accessory Dwelling 67 Old Oaken Bucket Road by Morse Engineering, Co., Inc. and Site Plan entitled "Plan B" Donna McMurrer 67 Old Oaken Bucket Road, Scituate, MA, by Residential plans dated 2/2/19; Architectural Plans by Residential plans, consisting of 10 sheets including "Plan-B", A-1 First Floor Plan, A-2 Second Floor Plan, A-3 Basement Plan, B-1 Front Elevation, B - 2 Side Elevation, B -4 Side Elevation and B - 5 Side Section, B - 3 Back Elevation, B - 4 Side Elevation and B - 5 Side Section, A-9 Details dated 2/2/19; existing house plan 67 Old Oaken Bucket Road, Scituate, MA.
2. The number of bedrooms in the accessory dwelling is limited to one in the location and size indicated on the floor plan submitted with the application. The number of bedrooms in primary house is limited to two.
3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that she is living in one of the dwelling units. A yearly certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
5. All requirements of the Board of Health must be met.
6. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
7. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling.
8. Any lighting installed shall be down lighting to not shed light on abutting properties.
9. Construction work shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal/federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
10. The limit of work is to be staked in the field and verified that disturbance is less than 15,000 sq. ft. If a stormwater permit is needed with verification from the stormwater authority, the owner shall apply for one.
11. Runoff from the proposed accessory dwelling shall not be increased from the property.

12. Runoff from the proposed accessory dwelling roof top must be designed to recharge the first inch of rainfall with the infiltration devices having a three foot minimum separation between the bottom of the structure and the maximum groundwater elevation. A plan shall be provided to the Town Planner for approval prior to construction with a test pit showing the maximum groundwater elevation. The same plan shall show the two parking spaces removed in the front yard of the accessory dwelling as well as erosion control.

13. Erosion and sedimentation control devices shall be installed to prevent any erosion or sedimentation from leaving the site during construction. Silt sock shall be used.

14. No finished slope shall be created that exceeds 25% with the exception of side slopes associated with new road construction.

15. An artificial recharge system for precipitation shall be provided that will not result in the degradation of ground water quality if the lot is rendered to have more than 15% or 2,500 sq. ft. whichever is greater of impervious surface.

The standard conditions for accessory dwellings approved by the Planning Board on 12/17/15 shall be conditions of this decision and shall be included for recording at the Registry of Deeds.

- A. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department, Conservation Commission and other town agencies.
- B. The property 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 shall not be increased without prior approval of the Planning Board.
- C. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.
- D. The Planning Board may require an on-site inspection for conformance to the approved plans and these conditions prior to the issuance of a Certificate of Occupancy for the accessory dwelling.
- E. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy signed by any new owner shall be provided to the Planning Board within seven days of the closing of the sale of the house. It is recommended that this be signed at the closing.
- F. At any time, at the request of the Planning Board the owner shall provide a notarized affidavit indicating that either the primary or accessory unit is owner occupied.

- G. No on-street parking by occupants of the primary or accessory dwelling shall be permitted at any time.
- H. Construction vehicles/equipment shall not idle, be parked, stored, loaded or unloaded in the street.
- I. 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.
- J. 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.
- K. The Planning Board reserves the right to review compliance with this special permit at any time. 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 67 Old Oaken Bucket Road with the conditions noted above.

July 11, 2019

Date

SCITUATE PLANNING BOARD

Anna Burrows

Stephen R. Pritchard

William Lubacher

Patricia Agnew

[Signature]

This decision was filed with the Town Clerk on \_\_\_\_\_.

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

S 43°26'55" E → 244.26'

Treeline (Typ)

BUILDING ENVELOPE

76  
75

EXISTING DWELLING CONVERTED FROM 43-BR TO 2-BR TO ACCOMMODATE PROP. ACCESSORY DWELLING

Existing Single Family Dwelling Old Oaken Bucket

BH

Landscaping

Brushline

Brushline

Exist. Barn

Concrete

104.9'

BH

PROP. 1-BR ACCESSORY DWELLING

PROP. GARAGE

PROP. DECK

30.5' PORCH

Gravel Driveway

PROP. ACCESSORY DWELLING TO BE CONNECTED TO EXISTING SEPTIC PER BOH REQUIREMENTS

Stump

BUILDING ENVELOPE

Treeline (Typ)

72  
69  
68

N 37°43'00" W

Edge of Pavement

103.92'

N 32°01'15" W

19.21'

N 38°39'35" W

N 46°33'05" E

189.16'

PP PAI (6-

# BUCKET ROAD

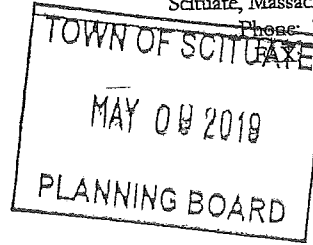


MAY 07 2019

TOWN OF SCITUATE



600 Chief Justice Cushing Highway  
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Phone: 781-545-8730  
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Planning Board

May 6, 2019

To: Board of Selectmen - transmittal only  
Director of Planning and Development – transmittal only  
Board of Health  
Conservation Commission  
Building Commissioner

DPW  
ZBA  
Fire Department  
DPW Water Division  
Water Resources

From: Karen Joseph, Town Planner *KAJ*

RE: **ACCESSORY DWELLING SPECIAL PERMIT APPLICATION**  
**67 Old Oaken Bucket Road**

Attached is an application for an Accessory Dwelling Special Permit for property located at 67 Old Oaken Bucket Road, Assessor's Map/Block/Lot 52/2/44. The property lays in the Town of Scituate Residence R-1 Zoning District and the Water Resource Protection District on a lot of approximately 41,043 sq. ft according to the Town of Scituate Assessor's information. The site has an existing three bedroom septic system for a two bedroom dwelling and barn; the barn is to be demolished.

The applicant would like to add a detached one bedroom accessory dwelling unit of 747.25 gross sq. ft. (693.25 net sq. ft.) which is approximately 46% of the size of the primary dwelling of 1,512 net sq. ft. by calculation. The height of the accessory dwelling is proposed as 24'. The applicant proposes that the detached accessory dwelling would be one bedroom with a living room, kitchen, bathroom and laundry room and a garage with storage above the garage and proposed accessory dwelling area. The total area of the accessory dwelling is 46% of the area of the primary dwelling which is greater than 40% ; however it is less than the 750 sq. ft. allowed in the bylaw and thus allowable as the greater applies. The applicants have signed a notarized statement saying that they intend to occupy one of the dwelling units on the property as their primary dwelling unit.

The applicant is proposing that the accessory dwelling will be serviced by Town water and an on-site septic system. There will be two parking spaces provided for the accessory dwelling on the site along with two for the primary dwelling.

We have scheduled a Public Hearing for June 13, 2019. We would appreciate receiving your comments by June 6, 2019. Thank you.

KJ  
Enclosure  
cc: Planning Board

*New Water Service for accessory dwelling will come from Old Oaken Bucket Water main. Water Hook-up fee Required. Call Water Division with any Questions @ 5/9/19*