

**TOWN OF SCITUATE**

*Planning Board*



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Scituate, Massachusetts 02066  
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**Accessory Dwelling Special Permit 418 Country Way  
Decision: APPROVED with Conditions**

Owner: Phil and Suzanne Oliver  
Applicant: Phil and Suzanne Oliver  
Date: January 26, 2021  
Location: 418 Country Way  
Assessor's Map: # 32-8-9

Plans: Existing Conditions Plan for 418 Country Way dated June 1, 2020 by Morse Engineering Co., Inc. and Proposed Accessory Dwelling Plan by Morse Engineering Co., Inc. dated 1/14/21; Plan NO. 4502 Cover Sheet, Sheet 1 of 4 Foundation, Sheet 2 of 4 Main Floor, Sheet 3 of 4 Cross Sections, Sheet 4 of 4 Elevations and Sheet 4 of 4 to include outside stairs on elevations received 12/16/20 by Weinmaster Home Design.

Members Hearing Special Permit Application: Ann Burbine, Stephen Pritchard, Benjamin Bornstein, Patricia Lambert, Rebecca Lewis and alternate Bob McLean.

**Background:** The property is located in the Residential R-2 Zoning District on a lot of approximately 40,000 +/- sq. ft. according to Town of Scituate Assessor's records and the Existing Conditions Plan submitted with the application. The proposed detached accessory dwelling of 624 net sq. ft. is in an existing two car detached garage that will be razed and rebuilt and is proposed to have a one-bedroom unit with a living/dining area, kitchen and bathroom. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 660 gross sq. ft./624 net sq. ft. It is proposed to be authorized as a legal living unit through approval of an accessory dwelling special permit by the Planning Board. The total area of the accessory dwelling is 660 sq. ft. which is less than 750 sq. ft. as allowed in

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the zoning bylaw. The applicants have signed a notarized statement that they will occupy one of the units at 418 Country Way.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on November 20, 2020. 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 and closed on January 14, 2021 when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

**Hearing Summary:** The public hearing was opened on January 14, 2021 with the applicant Phil and Suzanne Oliver present being represented by Mr. Steve Bjorklund. Mr. Bjorklund indicated he would like to permit an accessory dwelling in an existing detached garage at 418 Country Way to be razed and reconstructed. He indicated the accessory dwelling will be on the second floor of a newly constructed 2 car garage. He indicated the new structure will be 180 sq. ft. larger than the existing 2 car garage; however, the location on the site will stay the same. He indicated the detached structure will be serviced by town water and an on-site 4-bedroom Title 5 Septic system. A bedroom in the primary dwelling will be decommissioned and turned into an office by removing the closet and removing the door. A deed restriction will be required by the Board Health. Mr. Bjorklund said there are two means of egress from an internal staircase and a staircase outside the unit from the living room. He indicated any lighting will be down lighting. Mr. Bjorklund said there is parking for two cars in the garage and 2-4 cars parking outside the garage and on the existing parking pad.

**Public Comment:** Allison Short of 129 Branch Street commented she had concerns over water coming on to her property. Mr. Bjorklund indicated water should not come to her property.

**Findings of Fact:** A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 418 Country Way:

1. On November 20, 2020 Philip and Suzanne Oliver applied for a special permit for a detached accessory dwelling on the property at 418 Country Way.
2. According to the Town of Scituate Assessor's records and the deed, the property at 418 Country Way is owned by Philip and Suzanne Oliver.
3. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 660 gross sq. ft. and 624 net sq. ft. The application indicates this is 25% of the total square footage of the primary dwelling which is 2,472 sq. ft. according to the Applicant. The Assessor's card indicates the net square footage of the home to be 2,643 sq. ft. 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.
4. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.

5. The property is in the Residential R-2 Zoning District. The proposed detached accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
6. The proposed accessory dwelling is proposed to be located on the second floor to be added to an existing detached garage to be razed and rebuilt. Access will be via an internal staircase inside the two-car garage. There is a secondary access via a back door and stairway from the accessory dwelling unit. This is located at the rear of the building.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Existing Conditions Plan 418 Country Way, Scituate, MA dated 6/20 by Morse Engineering Company, Inc. shows a bituminous concrete driveway for the existing dwelling and a 2-car garage along with a gravel and brick parking area/turnaround. This appears adequate to provide two parking spaces for the primary dwelling and two spaces for the accessory dwelling. Ample parking appears to be provided.
9. The owners have submitted a signed, notarized statement that they will be occupying one of the units at 418 Country Way.
10. The accessory dwelling will be serviced by Town water and an on-site septic system. DPW requirements for water connections will be met. Board of Health (BOH) requirements for the septic system will be met when a bedroom in the house is decommissioned and a deed restriction is given for a 4-bedroom septic system to the BOH.
11. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit.

A motion was made to approve the Special Permit for an accessory dwelling at 418 Country Way 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 Plan NO-4502 by Weinmaster Home Design, consisting of a cover sheet, Foundation 1 of 4, Main Floor 2 of 4, Cross Sections 3 of 4, Elevations 4 of 4 with Sheet 4 of 4 to include outside stairs shown on elevations received 12/16/20; Existing Conditions Plan #418 Country Way, (Assessor's Parcel: 32-8-9) Scituate, MA dated June 1, 2020 prepared by Morse Engineering Co., Inc. and Proposed Accessory Dwelling Plan by Morse Engineering Co., Inc. dated 1/14/21.
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.
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 he/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, Building Department, Zoning Board of Appeals, Department of Public Works, Fire Department and other Town agencies must be met prior to occupancy of the accessory dwelling including eliminating one bedroom from the primary dwelling and converting it to an office with no closet.
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. Runoff from the proposed accessory dwelling shall not be increased from the property.
11. 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 as necessary.

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 418 County Way with the conditions noted above.

January 14, 2021

Date

SCITUATE PLANNING BOARD

Patricia A. Lombert  
[Signature]  
[Signature]  
[Signature]  
[Signature]

This decision was filed with the Town Clerk on January 24, 2021  
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