

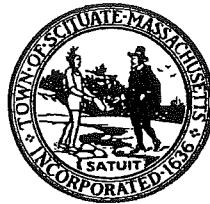
TOWN OF SCITUATE  
MAYOR GENERAL

2019 SEP -3 PM 4: 05

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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 – 10 Woodworth Lane**  
**Decision: APPROVED with Conditions**

Owner/Applicant: Chris & Deann Muha

Date: September 3, 2019

Location: 10 Woodworth Lane

Assessor's Map: # 52-2-43

Plans: Site Plan showing Accessory Dwelling 10 Woodworth Lane by Ross Engineering Company, Inc. dated 6/27/19 and Architectural Plans by OCO architecture::design, consisting of 4 sheets including A01 10 Woodworth Lane First Floor Plan, A02 10 Woodworth Lane Second Floor Plan, A03 10 Woodworth Lane Front Elevation and A04 10 Woodworth Lane Side & Rear Elevations.

Members Hearing Special Permit Application: Ann Burbine, Stephen Pritchard, William Limbacher, Patricia Lambert and alternate Rebecca Lewis.

**Background:** The property is located in the Residential R-1 Zoning District and the Water Resources Protection District on a lot of approximately 43,008 sq. ft. according to Town of Scituate Assessor's records. The proposed attached accessory dwelling is approximately 885 gross sq. ft. and located to the west of the primary dwelling. The accessory dwelling is a one bedroom unit on one level with an entry, living room, kitchen, bathroom, and a walk-in-closet. Based on a floor plan submitted by the applicant, the interior floor space of the accessory dwelling is approximately 828 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 37.3% of the square footage of the primary dwelling which is less than 40% as allowed in the zoning bylaw. The applicant has signed a notarized statement that

they will occupy one of the dwelling units at 10 Woodworth Lane 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 July 16, 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 August 22, 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 August 22, 2019 with the applicant Chris Muha present along with his architect, Paulette O'Connell. Ms. O'Connell indicated that her clients are proposing an accessory dwelling unit be constructed on their property for an elderly relative. She indicated they propose a new accessory dwelling with one bedroom, walk-in closet, bathroom, kitchen and open living space. The attached dwelling is 885 sq. ft. in size and 37.3% of the primary dwelling which is less than the 40% allowed by zoning. Parking is provided for the accessory unit in the form of two gravel spaces in the front yard of the dwelling. A catch basin in the roadway is limiting the placement of parking for the accessory dwelling unit. Ms. O'Connell indicated that the primary house will become a three bedroom house by permanently decommissioning a bedroom with removal of a doorway and closet to become an office. At the August 22, 2019 hearing session, it was confirmed that the Board of Health would require a four bedroom deed restriction and the Board could condition the accessory dwelling special permit approval on the requirements of the Board of Health being met. The Town Planner indicated that Water Resource Protection District requirements would need to be met.

**Public Comment:** There was no public comment.

**Findings of fact:** A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 10 Woodworth Lane:

1. On July 16, 2019, Chris and Deann Muha applied for a special permit for an attached accessory dwelling on the property at 10 Woodworth Lane.
2. Based on a floor plan submitted by the applicant, the floor area of the proposed accessory dwelling will be approximately 885 gross sq. ft. This is 37.3% of the total square footage of the primary dwelling which is 2,732 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 attached 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 gravel walkway leading from the proposed new parking pad 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 Site Plan for 10 Woodworth Lane shows a gravel parking area for two vehicles with two 9' x 18' gravel parking spaces for the accessory dwelling. This appears adequate to provide two parking spaces for the accessory dwelling. The primary dwelling shows an attached two car garage with room for two vehicles outside. Ample parking appears to be provided.
8. The owners have submitted a signed, notarized statement that they will be occupying 10 Woodworth Lane as their primary residence.
9. The accessory dwelling will be serviced by an existing four bedroom septic system. The primary dwelling has three bedrooms as one bedroom will be permanently decommissioned in the primary dwelling and the attached accessory dwelling will have one bedroom. All provisions of the Board of Health and Title V must be met.
10. 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 10 Woodworth Lane 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 Site Plan for 10 Woodworth Lane in Scituate, MA by Ross Engineering Company, Inc. dated 6/27/19 with revisions through July 24, 2019 and architectural plans by OCO architecture::design consisting of 4 sheets including, A01 10 Woodworth Lane First Floor Plan, A02 10 Woodworth Lane Second Floor Plan, A03 10 Woodworth Lane Front Elevation, AO4 10 Woodworth Lane Side & Rear Elevations dated 6/19/19.
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 three.
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 they are 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 prior to occupancy of the accessory dwelling.

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 1 inch of rainfall with any infiltration devices having a three foot minimum separation between the bottom of the structure and maximum groundwater elevation. A plan shall be provided to the Town Planner for approval prior to construction showing how the infiltration requirement will be met. If stormwater is to be infiltrated, a test pit shall be done and included showing the maximum groundwater elevation. A plan shall be provided to the Town Planner for approval prior to construction.
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 10 Woodworth Lane with the conditions noted above.

August 22, 2019

Date

SCITUATE PLANNING BOARD

Ann Burdine  
John P. [unclear]  
William [unclear]  
William Swacke  
Patricia [unclear]

This decision was filed with the Town Clerk on September 3, 2019  
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