



Town of Scituate  
Planning Board

**Accessory Dwelling Special Permit – 18 Beaver Dam Rd.**

Decision: APPROVED with Conditions  
Owner: John Campbell & Kevin Labonville  
Applicant: John Campbell  
Date: October 14, 2008  
Location: 18 Beaver Dam Rd.  
Plans: 1) Plot Plan of Land, 18 Beaver Dam Rd., Scituate, Mass., by Neil J. Murphy Associates, dated June 19, 2007  
2) Section of Building Plans showing Proposed Kitchen Area submitted with application (attached) and 1<sup>st</sup> and 2<sup>nd</sup> Floor Plans by the Applicant

Members Hearing Special Permit Application: Donald Walter, Chairman; William Limbacher, Donna Chisholm, Patricia Brennan, and Robert Vogel.

**Background:** The property is a 11,858 sq. ft. lot in the Residential A-3 Zoning District which contained a single family house of about 1,612 sq. ft. according to Assessor's records. The house was recently enlarged, with part of the addition intended to serve as an accessory dwelling. The accessory dwelling is complete except for the kitchen, which requires the applicant to obtain a Special Permit. The primary dwelling will be approximately 2,710 sq. ft. and the accessory dwelling will be approximately 896 sq. ft. The applicant has signed an affidavit stating that he will continue to occupy the primary dwelling.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on August 20, 2008. 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 October 9, 2008 and also closed on this date, when the Planning Board approved the Special Permit with conditions.

**Hearing Summary:** The applicant, John Campbell, is one of the owners of the property. Mr. Campbell explained the plans to the Planning Board. He and his husband live in the house and want to construct the accessory dwelling for their inlaws. There were some questions about the location of parking. The applicant said the parking would probably be reduce in size from what currently existed.

**Public Comment:** Linda Vietello of 25 Beaver Dam Rd. said she supported the application. Henry Lynch of 15 Beaver Dam Rd. also spoke in favor of the application.

**Findings of fact:**

1. The accessory dwelling at 896 sq. ft. will be approximately 33% of the primary dwelling of 2,710 sq. ft., and is less than the 40% maximum allowed by the Zoning Bylaw.
2. Parking will be provided on the site, with spaces for the accessory dwelling on Beaver Dam Rd.

3. The owners will live on the site.
4. The architecture of the primary and accessory dwellings is very appealing and the property is an asset to the neighborhood.
5. The application meets the standards of Scituate Zoning Bylaw Section 530 for an Accessory Dwelling Special Permit.

**Decision:** A motion was duly made and seconded to approve the Special Permit with the following terms and conditions:

1. The applicant shall obtain all necessary building permits from the Building Commissioner and from other town agencies.
2. The property at 18 Beaver Dam Rd. shall contain a maximum of two dwelling units, the existing dwelling and the accessory dwelling as proposed.
3. The owners of the property shall reside on the property as long as it contains an accessory dwelling.
4. Except for any changes necessary to meet these conditions, all construction shall conform to the plans submitted with this application.
5. The accessory dwelling shall not be expanded in square footage without prior approval by the Planning Board.
6. The applicant must obtain a determination from the DPW as to adequacy of the existing water and sewer service for the proposed use. Any upgrade of water or sewer service shall be at the applicant's expense and must be approved by the Department of Public Works. The applicant shall install hard-wired smoke and heat detectors if required by the Fire Chief.
7. The applicant is responsible for payment of all fees required for connection of water and sewer, including betterments if applicable.
8. There shall be no on-street parking by residents of the accessory dwelling.
9. 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.
10. 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.

Donald Walter, William Limbacher, Donna Chisholm, Patricia Brennan, and Robert Vogel voted in favor of the motion to approve with these conditions.

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, and all plans and documents submitted by the applicant.