



Town of Scituate  
Planning Board

**Site Plan Special Permit – 5 Old Country Way**

Decision: **APPROVED with Conditions**  
Date: February 20, 2008  
Owner: Judith A. and Thomas M. McDonald  
Applicants: Sara Trezise, John Danehey and Anna Danehey  
Location: Assessor's Parcels 51-3-5, 51-3-6, 51-3-8, 51-3-9  
Plans: Site Plan, 5 Old Country Way, Scituate, MA 02066, Prepared for Rezendes & Trezise by Cavanaro Consulting, dated January 3, 2008, revised February 5, 2008.  
Plans including Views from Old Country Way and Country Way and First and Second Floor Plans by Custom Home Designs.

Members Hearing Special Permit: Donald Walter, Chairman; William Limbacher, Donna Chisholm and Mark Fenton

**Background:** The property contains approximately 22,820 sq. ft. It is located in the Business Zoning District and the Water Resource Protection District and is occupied by a two family dwelling. The dwelling was built in 1686 according to Town of Scituate Assessor's records, although other sources show construction in the eighteenth century.

The applicants are Sara Trezise and John and Anna Danehey. The application included a Purchase and Sale Agreement for the applicants with the present owners, Judith A. and Thomas M. McDonald. The plans show an intermittent stream at the north end, with its inland banks and the 50', 100' and 150' buffers to this stream delineated. The applicants had previously met with the Design Review Committee. The applicants requested a Site Plan Special Permit under Section 770 of the Scituate Zoning Bylaw.

Section 770 of the Zoning Bylaw, Site Plan Special Permit, provides for review of new land uses of a size that may have significant impacts on neighborhoods or the town, to ensure they meet established standards and the Goals and Objectives of the Master Plan. The Standards of Review of Section 770 include protection of adjoining premises, traffic safety, access for service and emergency vehicles, adequacy of utilities and infrastructure, including sewage and solid waste disposal, water distribution, and surface drainage.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on January 4, 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 January 24, 2008 and continued to February 14, 2008, at which time the hearing was closed and the Special Permit was approved.

**Hearing Summary:** Sara Trezise presented the plans to the Planning Board. She and her partners wanted to convert a very old house to a business. She gave some history of the property which was the birthplace of Charles Turner Torrey, an abolitionist. The building is one of the oldest houses in town. She showed the site plan and floor plans to the Board.

The Planning Board asked about pedestrian access through the site and a crosswalk on Old Country Way. They also asked about the small sheds on the property. The applicant said there would be a walkway, and the crosswalk would be explored with the Board of Selectmen. The applicants agreed to make a general clean-up of the property.

The Board said it would be best if the driveway could be aligned with the one for 6 Old Country Way; it would also be desirable to save some of the large trees on the site, if that were possible. The applicant was encouraged to consult with the Water Department to see if fencing along the frontage immediately adjacent to the stream would be useful to discourage dumping. There was discussion of the number of parking spaces required. The house currently has seven parking spaces. After the first Public Hearing, the Building Commissioner provided a memo stating the total floor area to be 2,616 sq. ft. The parking requirement for this floor area would be nine spaces. The Planning Board decided to use the perimeter of the building as the basis for the floor area, based on the state definition of floor area, which would result in a requirement of ten spaces total.

There was discussion of the need to have one entrance to serve both handicapped and non-handicapped people. The applicant was advised to discuss this with the Commission on Disabilities. She informed the board at the second hearing that the Commission was satisfied with the second entrance. There was additional discussion of the handicapped entrance. The applicant would comply with CMR 521 and any additional applicable handicapped regulations.

**Public Comment:** John Hallin, owner of 6 Old Country Way, described the work he was undertaking on his property. He said he did not believe parking in the Water Resource Protection District could be gravel. He asked if a fence on the property was on town property. The response was the fence was on town property.

**Findings of fact:** Based on the testimony given during the Public Hearing on this Special Permit, the Planning Board unanimously found the following Findings of Fact:

1. The building at 5 Old Country Way has a gross square foot area of 2,800 sq. ft.
2. The property is located in the Business District and the Water Resource Protection District.
3. There is an apparent tributary to the Reservoir crossing the property.
4. The property is historic and use of the existing historic house as an office is a way to insure its preservation.
5. The proposal will include ten parking spaces including eight in the lot, one handicapped space near the entrance and one space in the garage.
6. The first floor of the building will be handicapped accessible.
7. The proposal is a change in use to an office use which is allowed in the Business Zoning District.

**Decision:** Based upon the information presented to the Board, a motion was duly made and seconded to approve the Special Permit with the following terms and conditions:

1. All construction including infrastructure and emergency access shall comply with all requirements of the Board of Health, Conservation Commission, Department of Public Works,

Fire Department, Water Department and Building Department, and all local, state and federal regulations.

2. Except as necessary to comply with these conditions, all construction shall comply with the Site Plan, 5 Old Country Way, Scituate, MA 02066, prepared for Rezendes & Trezise by Cavanaro Consulting, dated January 3, 2008, revised February 5, 2008 and plans including Views from Old Country Way and Country Way and First and Second Floor Plans by Custom Home Designs submitted with the application for a Site Plan Special Permit.
3. The applicant must obtain all necessary approvals for the use of sewer. A sewer connection was previously obtained for a two-family home. No change of the proposed office use shall be undertaken without an amendment of the Site Plan Special Permit.
4. The DPW will require a determination as to the adequacy of the existing water and sewer services for the proposed use. Any modifications to the existing services shall be at the Owner's expense with connection fees to be determined at the time of filing the application for tying in.
5. Except for the handicapped space which is not subject to these requirements, all parking will be outside the 150' buffer to the stream crossing the property. The eight-space parking area to the left of the entrance shall be gravel.
6. All effort will be made to align work with the plan for the proposed crosswalk.
7. The applicant shall continue to work with the Design Review Committee on the entrances and final design details prior to obtaining a building permit.
8. The applicant is encouraged to work with the Historical Commission to install a plaque and investigate obtaining a listing on the National Register of Historic Places.
9. The hours of construction shall be limited to 7 AM to 7 PM weekdays and 8AM to 4 PM Saturdays, with no work to occur on Sundays, holidays or Heritage Days.
10. Noise mitigation and proper dust controls shall be used, with clean-up of all areas of the site as needed, and there shall be no truck idling on the site or adjacent streets.

The Vote was as follows: All members voted in favor of granting the Special Permit with conditions.

### SCITUATE PLANNING BOARD

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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.

cc: Sara Trezise, Esq.  
John Cavanaro, P.E.  
Neil Duggan, Building Commissioner  
Paul Scott, Acting Director, DPW