

# ARTICLE 9: Amend Zoning Bylaw Section 3.3

## Accessory Dwelling Units

### 3.3 ACCESSORY DWELLING UNITS

#### 3.3.1 Purpose.

This section has been adopted to promote the following purposes:

1. To provide small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town;
2. To enable owners of single family dwellings larger than required for their present needs, particularly elderly homeowners, to share space, increase affordability, and share the burdens of home ownership;
3. To provide additional living space for extended family members— and/or multigenerational households;
4. Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's residential neighborhoods;
5. Protect the stability, property values, and the single-unit residential character of a neighborhood by ensuring that accessory apartments are installed only on owner-occupied lots and are properly permitted and inspected;
- ~~3-6.~~ To provide housing units for persons with disabilities.

#### 3.3.2 Special Permit Required.

Accessory dwelling units may be allowed by special permit by the Board of Appeals, ~~which shall terminate either upon transfer of the ownership of the premises or when the premises is no longer used as the owner's legal residence, and~~ subject to the following considerations.

#### 3.3.3 Procedures.

An application for a special permit shall be governed by the following procedures:

1. Certified Plot Plan. A plot plan, prepared by a ~~Registered Professional~~ Land Surveyor, of the existing dwelling unit and proposed accessory dwelling unit shall be submitted to the Board of Appeals, showing the location of the building on the lot, proposed accessory dwelling unit, location of any easements, location of any septic system and required parking. A mortgage inspection survey ~~, properly adapted, shall~~ may be sufficient to meet this requirement if no exterior construction is proposed.
- ~~1-2.~~ Floor plan and elevations sketches. Plan sheets shall show all dimensions including area and height.
- ~~2-3.~~ Board of Health. ~~Any special permit application shall be subject to review and approval by the Board of Health as to sanitary wastewater disposal in full conformance with the provisions of 310 CMR 15.00 (Title V of the State Environmental Code). Therefore, a~~ applicants are encouraged strongly advised to seek Board of Health review prior to making an application to the Board of Appeals. ~~The Board of Health shall also approve water supply and drainage resulting from the proposed accessory dwelling unit as adequate for the proposed construction.~~

~~3.4.~~*Affidavit.* Certification by affidavit shall be provided that in every calendar year one of the two dwelling units shall be occupied by the owner of the property for at least six months ~~in any calendar year.~~

### 3.3.4 Standards.

Accessory dwelling units shall be subject to the following standards:

1. *Limit.* Not more than one accessory dwelling unit may be established on a lot. The accessory dwelling unit shall not exceed 900 square feet of gross floor area and shall not exceed the gross floor area or footprint of the primary dwelling unit. To provide for accessible housing units and the development of housing units for individuals with disabilities, the Board of Appeals may allow reasonable deviation from the maximum gross floor area or footprint when necessary to install features that facilitate access and mobility for persons with disabilities.~~33% of the gross floor area of the existing or expanded principal structure or 800 square feet, whichever is greater.~~
2. *Location.* The accessory dwelling unit may be located in the principal structure or in a detached accessory structure; ~~provided, however, that an accessory dwelling unit may be located in such detached accessory structure only where such detached accessory structure has been in existence for at least ten (10) years.~~
3. *Parking.* Sufficient and appropriate space for at least one (1) additional parking space shall be provided by the owner to serve the accessory dwelling unit. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway
3. ~~*Appearance.* The external appearance of the structure in which the accessory dwelling unit is to be located shall not be significantly altered from the appearance of a single family structure, in accordance with the following:~~
  - a. ~~Any accessory dwelling unit construction shall not create more than a 15% increase in the gross floor area of the structure;~~
  - b. ~~Any stairways or access and egress alterations serving the accessory dwelling unit shall be enclosed, screened, or located so that visibility from public ways is minimized;~~
  - c. ~~Sufficient and appropriate space for at least one (1) additional parking space shall be provided by the owner to serve the accessory dwelling unit. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway; and~~
  - d. ~~All construction and/or renovation shall be performed in accordance with the applicable requirements of the State Building Code.~~

### 3.3.5 Conditions for Issuance and Renewal of Special Permits.

~~The initial term and subsequent terms of a special permit for an accessory dwelling unit shall terminate upon transfer of the ownership of the premises or when the premises is no longer used as the owner's legal residence. Subsequent special~~

~~permit issuances for existing accessory dwelling units may be granted after certification by~~

~~1. Upon transfer of the ownership of the premises, the new owner shall submit an affidavit ~~is made by the applicant~~ to the Board of Appeals certifying that the accessory dwelling unit ~~has~~will not ~~been~~ extended, enlarged, or altered to increase its original dimensions, as defined in the initial special permit application. Failure to submit said affidavit within 90 days of transfer of ownership of the premises shall terminate the special permit and require a new special permit.~~

~~±2. Within 90 days of when the premises is no longer used as the owner's legal residence but the property has not transferred ownership, the owner shall submit a new affidavit to the Board of Appeals. The Board may consider further action, up to and including termination of the special permit at the next regularly scheduled meeting.~~

### **3.3.6 Decision.**

Special permits for an accessory dwelling unit may be issued by the Board of Appeals upon a finding that the construction and occupancy of the dwelling unit complies with foregoing provisions and will not be detrimental to the neighborhood in which the lot is located and after consideration of the criteria specified in Section 9.3 of this Zoning Bylaw.

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4. Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's residential neighborhoods;
5. Protect the stability, property values, and the single-unit residential character of a neighborhood by ensuring that accessory apartments are installed only on owner-occupied lots and are properly permitted and inspected;
6. To provide housing units for persons with disabilities.

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An application for a special permit shall be governed by the following procedures:

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2. *Floor plan and elevations sketches.* Plan sheets shall show all dimensions including area and height.
3. *Board of Health.* Applicants are strongly advised to seek Board of Health review prior to making an application to the Board of Appeals.
4. *Affidavit.* Certification by affidavit shall be provided that in every calendar year one of the two dwelling units shall be occupied by the owner of the property for at least six months.

#### 3.3.4 Standards.

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and shall not exceed the gross floor area or footprint of the primary dwelling unit. To provide for accessible housing units and the development of housing units for individuals with disabilities, the Board of Appeals may allow reasonable deviation from the maximum gross floor area or footprint when necessary to install features that facilitate access and mobility for persons with disabilities.

2. *Location.* The accessory dwelling unit may be located in the principal structure or in a detached accessory structure.
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### **3.3.5 Conditions for Issuance and Renewal of Special Permits.**

1. Upon transfer of the ownership of the premises, the new owner shall submit an affidavit to the Board of Appeals certifying that the accessory dwelling unit will not be extended, enlarged, or altered to increase its original dimensions, as defined in the initial special permit application. Failure to submit said affidavit within 90 days of transfer of ownership of the premises shall terminate the special permit and require a new special permit.
2. Within 90 days of when the premises is no longer used as the owner's legal residence but the property has not transferred ownership, the owner shall submit a new affidavit to the Board of Appeals. The Board may consider further action, up to and including termination of the special permit at the next regularly scheduled meeting.

### **3.3.6 Decision.**

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