

Accessory Apartment Bylaw

3.2.9 Accessory Apartments

3.2.9.1 Purpose.

1. Add moderately priced rental units, including workforce housing, to the housing stock of the Town.
2. Provide homeowners with a means of obtaining rental income, companionship, security and/or services, thereby enabling them to stay more comfortably in their homes.
3. Protect property values and the single family residential character of neighborhoods by ensuring that accessory apartments are permitted by Special Permit only on owner occupied premises.

3.2.9.2 Accessory Apartments in the Rural District. An accessory apartment may be permitted by Special Permit from the Planning Board, as an accessory use in the Rural District only where the principal use of the lot is an owner occupied single-family dwelling, bed and breakfast establishment, guesthouse, or inn, provided the standards set forth in Section 3.2.9.4 and Sections 9.4 and 9.5 are met.

3.2.9.3 Accessory Apartments in the Village Center District. An accessory apartment may be permitted by Special Permit from the Planning Board, as an accessory use in the Village Center District only where the principal use of the lot is an owner occupied single family dwelling, provided the standards set forth in Section 3.2.9.4 and Sections 9.4 and 9.5 are met.

3.2.9.4 Accessory Apartment Standards.

1. An accessory apartment shall only be constructed within an existing principal building or structure, an existing attached accessory building or structure, or an existing detached accessory building or structure.
2. Only one accessory apartment shall be permitted on a lot.
3. The gross floor area of an accessory apartment constructed within a principal building or structure shall not exceed forty percent (40%) of the gross floor area of the principal building or structure, not including a garage or detached buildings, or 800 square feet, whichever is less. The gross floor area of an accessory apartment constructed within an accessory building or structure shall not exceed 800 square feet. The gross floor area of an accessory apartment shall not be less than 300 square feet, even if this exceeds the maximum requirement above. The principal dwelling unit shall not be reduced to less than 300 square feet.
4. The owner of the lot must occupy either the accessory apartment or the principal dwelling unit. Prior to the issuance of a Special Permit for an accessory apartment, the owner of the lot must submit a notarized affidavit certifying occupancy of either the accessory apartment or the principal dwelling unit.
5. When a structure, which has received a Special Permit for an accessory apartment, is conveyed, the new owners, if they wish to continue to exercise the Special Permit, must within thirty (30) days of the conveyance, submit a notarized affidavit to the Building Inspector stating continued occupancy of either the accessory apartment or the principal dwelling unit. Failure to submit a notarized affidavit within thirty (30) days from the date of conveyance shall result in the lapse of the Special Permit.
6. The principal or accessory structure or building that will contain an accessory apartment shall not be enlarged or extended in connection with the construction or modification of an accessory apartment, except for minimal additions necessary to comply with building, safety or health codes, or to create or enclose an entryway or stairway.
7. All parking for the occupant(s) of an accessory apartment shall be off-street. The Planning Board may require a minimum and/or set a maximum number of off-street parking spaces and impose other conditions to ensure the availability of adequate off-street parking which is in keeping with the character of the neighborhood.
8. An accessory apartment shall meet all applicable standards of the State Building Code

(780 CMR) and the State Environmental Code, Title V (310 CMR 15.00) and subsequent revisions thereof.

3.2.9.5 Recording of Special Permit for Accessory Apartment. Every Special Permit issued for an accessory apartment shall contain the following condition: No Building Permit shall be issued for the accessory apartment until evidence of the recording of the Special Permit, in accordance with MGL c. 40A § 11, has been provided to the Building Inspector.

2. *Add the following definitions to Section 10 under **Dwelling**:*

Accessory apartment: A second dwelling unit located within the principal building or structure, or an accessory building or structure that is subordinate to the principal dwelling unit.

Principal building or structure: A building or structure in which the principal use of the lot takes place.

3. *Add the following to Section 3.3.1.G Table of Use Regulations and renumber as required:*

| Principal Use | <u>District</u> R | <u>VC</u> | <u>C</u> | <u>GB</u> | <u>Notes</u> |
|--------------------------|------------------------------|------------------|-----------------|------------------|---|
| G. Accessory Uses | | | | | |
| 6. Accessory Apartment | PB | PB | N* | N* | Refer to Section 10, definitions. Refer to Section 3.2.9. Refer to Section 9.4 for Special Permit Requirements. *Refer to Section 10, definition of dwelling for the allowance of accessory single family dwelling units in these districts. |

