

PROPOSED DRAFT ACCESSORY APARTMENT BYLAW

To see if the Town will vote to amend the Zoning Bylaw by (1) adding a definition of “Accessory Apartment” to Section 185-5 and amending Section 185-43 Accessory Apartments of the Zoning Bylaw, as follows:

§ 185-5 Definitions

ACCESSORY APARTMENT - An apartment within a single-family dwelling or a detached structure that is accessory to a single family home, that is a second, self-contained, separate housekeeping unit inclusive of sleeping, cooking and sanitary facilities. This unit is subordinate in size to the principal dwelling, and construction or renovation of such unit is done in a manner to maintain the outward appearance and essential character of the single-family dwelling.

GROSS FLOOR AREA - The sum of the areas of all floors of a building measured from the outside of all exterior walls exclusive of any attic, basement, cellar, garage, porch, or mechanical storage area.

SHORT-TERM RENTAL – A housing unit, or portion thereof, available for occupancy for less than thirty (30) consecutive days and is subject to Room Occupancy Excise Tax.

§ 185-43. Accessory Apartments. [Added ATM 5-5-1986 by Art. 16]

A. Application for Special Permit.

- (1) An Accessory Apartment measuring less than 900 square feet of floor area, or one-half (1/2) the floor area of the principal dwelling unit, whichever is less, may be allowed, subject to Site Plan Review from the Planning Board. The apartment may be allowed whether it is located within a single-family dwelling, or a structure accessory to a single-family dwelling, whether attached or detached, for occupancy in an R, R-1, R-2, B, M, M-P, or R-M zoning district, provided that it satisfies the requirements of Section 185-43.
- (2) Accessory Apartments measuring in excess of 900 square feet of floor area, but less than one-half (1/2) of the floor area of the principal dwelling unit may be allowed, subject to a Special Permit for Architectural Design Review in addition to Site Plan Review from the Planning Board. The criteria for Architectural Design Review of Accessory Apartments are established in this Section 185-43.

- (3) Such application shall include a detailed site and plot plan, a detailed floor plan, and building elevations showing **existing and proposed conditions** of any impacted buildings and the lot before and after the construction of the proposed apartment.
- ~~(4)~~—Prior to the issuance of any building permit to construct an Accessory Apartment, the applicant shall receive satisfactory approval(s) or permits from the Board of Health or their agent, as required, regarding any necessary changes to private water or wastewater systems serving the subject property.

B. Additional Standards:

- (1) The provisions of Section 185-25 shall not apply to Accessory Apartments. Any accessory structure used as an Accessory Apartment must meet the setback requirements for a principle structure;
- (2) One conforming parking space shall be provided for the apartment in addition to those parking spaces required for the single-family use;
- (3) Adequate provision has been made for the disposal of sewage, waste and drainage generated by the occupancy of such apartment and the principal residence and for an adequate water supply to such apartment and the principal residence in accordance with the requirements of the Board of Health;
- (4) Adequate provision, in compliance with the Massachusetts Building Code, has been made for ingress and egress to the outside from such apartment. The architectural design of exterior alterations to existing structures to accommodate access to Accessory Apartments shall be reviewed and approved by the Planning Board for those units requiring a Special Permit for Architectural Design Review;
- (5) No building shall be used for an apartment in violation of the terms of this chapter unless the owner(s) of the lot have secured a Special Permit pursuant to this section. Within six (6) months of the lapse of a Special Permit hereunder, the owner or owners of the building containing an apartment, shall dismantle the cooking facilities of the apartment and restore the building to a single-family dwelling or uninhabitable accessory structure;
- (6) No building, or portion thereof, permitted under this Section shall used as a Short-Term Rental property as defined under this Section;
- (7) There are no more than two dwelling units on the lot, or lots if held in common ownership. At least one of the units shall be occupied by the property owner or trustee.

- (8) Any Special Permit granted under this section shall lapse one (1) year from the date of issue unless construction shall have commenced pursuant to such Special Permit; and
- (9) The following Architectural Design Review Guidelines shall apply to Accessory Apartments:
 - (a) The apartment and all other modifications to the property shall be designed so that the appearance of the property remains consistent with that of a single-family dwelling or estate. Care should be taken to ensure that new egress windows and doors proposed on existing structures are complementary to the character of the building. Emergency egress to Accessory Apartments not located on the ground floor of a structure may not be provided by an exterior stair.
 - (b) New structures shall be designed and sited in such manner that they are consistent in character and compatible in design with the existing buildings on and adjacent to the project site. Exterior cladding, roofing, and windows shall be constructed of substantially similar materials to those on the existing single-family structure (unless all cladding is to be replaced) and attention should be paid to ensuring the roof form, window fenestration, architectural details (such as trim, dentils, columns, piers, sashes, cornices, friezes, cornerboards, belt courses, quoins, ornaments, pilasters, and other such details) are replicated on any additions or new structures.
 - (c) Parking serving the Accessory Apartment shall not be located within the required front yard setback for a principal structure and all parking shall be screened from the front and side lot lines by vegetation or fencing, provided said fencing is not in excess of six feet (6') in height; and

C. Conflicts with Other Sections. To the extent that this Section 185-43 conflicts with other statutes or sections of this Zoning Bylaw, the more restrictive bylaw, or provisions therein, shall apply.

D. Severability. If any provision of this article is held invalid by a court of competent jurisdiction, the remainder of the article shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Town's Zoning Bylaws.