

DATE: May 3, 2024

TO: Select Board

FROM: Zoning Board of Appeals

SUBJ: Boxford Town Meeting May 14, 2024
Article 19. Amendment of Zoning By Law 196-13(C)
Accessory Apartments in Residence Districts

The Zoning Board of Appeals is proposing certain changes to the Accessory Apartment By-Law. These changes are proposed, in large part, to address recurring issues that have come before the Board.

- A new owners will no longer have to re-apply for and be granted a new Special Permit to use an existing accessory apartment. So long as a new owner certifies, within 90 days of the change in ownership, that there are no changes to the accessory apartment plan approved in the original special permit and the Inspector of Buildings performs an inspection to certify that no changes have been made, the previously issued Special Permit will continue in full force and effect.
- Increase in the maximum size of an accessory apartment. Under the current by-law, the maximum size of an accessory apartment shall not exceed the lesser of 25% of the gross floor area of the sum total of the two dwelling units or 1000 square feet. The amendment proposes an increase the maximum size to the lesser of 25% of the gross floor area of the sum total of the two dwelling units or 1500 square feet.
- The Amendment seeks to clarify or provide a more precise definition of:
 - Measurement of gross floor.
 - “Gross floor area for the accessory apartment” unit shall be defined as the sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls and the interior face of common walls.
 - Connection required between the main dwelling unit and accessory apartment.
 - The accessory apartment shall be connected by a common door, and separated from the main dwelling unit in a manner which maintains the appearance of the building as a single-family dwelling. Said connection shall not be maintained through a garage or unheated space.
 - Maximum number of bedrooms, two (2), in the accessory apartment.
 - Maximum number of occupants, four (4), in the accessory apartment.
 - Prohibit the use of the accessory apartment for short term rental.
 - Stairways to additional stories must be within exterior walls of the structure.