From:	Paula Fitzsimmons
То:	Matt Coogan; Ross Povenmire
Cc:	Peter Delaney; Steve Merriam; Ralph Nay; Dan Paglia; Amy E. Kwesell; Mark R. Reich; Samantha Mento; Thomas
	Jonak
Subject:	Zoning Accessory Apartment bylaw proposed changes
Date:	Tuesday, March 19, 2024 9:04:11 PM
Attachments:	ZBA Accessory Apartment as agreed on 3-19-2024.DOCX

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Matt and Ross,

At this evening's meeting of the ZBA, the Board voted to refer the attached proposed amendment to the Accessory Apartment bylaw (196-13(C)) to the Select Board and Planning Board for consideration and action at the upcoming Town Meeting.

The ZBA requests discussion of the bylaw amendment be included in the Select Board's March 25, 2024 meeting. Members of the ZBA will be in attendance.

Paula Fitzsimmons, ZBA

- C. Accessory apartments in residence districts. [Added 5-14-1986 ATM, Art. 34]
 - (1) Purpose and intent. It is the specific intent of this section to allow accessory apartments, including kitchens, within single-family properties in Residence-Agricultural Districts for the purpose of meeting the special housing needs of grandparents, parents, brothers and sisters, children and their respective spouses of families of owner-occupants of properties in the Town of Boxford, subject to the granting of a special permit by the Board of Appeals as provided in Article X. To achieve this goal and to promote the other objectives of this bylaw, specific standards are set forth below for such accessory apartment uses. [Amended 5-9-2006 A1M, Art. 34]
 - (2) Owner occupancy required. The owner(s) of the single-family lot upon which the accessory apartment is located shall occupy at least one of the dwelling units on the premises. The special permit shall be issued to the owner of the dwelling units on the property. Should there be a change in ownership or if the owner of record no longer occupies one of the dwelling units change in residence of the owner, the special permit and the certificate of occupancy for the accessory apartment shall become null and void. A new owner may continue the special permit if the new owner , submits within 90 days of acquiring ownership to the Inspector of Buildings a certification that (a) there will be no change in the approved plan of the accessory apartment, as referred to in the original Special Permit decision, and (b) the name(s) of the new owners and/or occupants. Upon receipt of said certification, the Inspector of Buildings shall inspect the accessory apartment. If the Inspector of Buildings finds the accessory apartment use is consistent with the original Special Permit decision and that there are not changes to the approved Special Permit shall endorse the certification, and the original Special Permit shall endorse the certification, and the original Special Permit shall endorse the certification, and the original Special Permit shall endorse the certification, and the original Special Permit shall endorse the certification.
 - (3) Apartment Requirements.
 - (3)a. <u>size</u>. The gross floor area for an accessory apartment shall not exceed the lesser of: [Amended 5-11-1999 ATM, Art. 33; 5-10-2005 ATM, Art. 26]

a. One thousand <u>five hundred</u> square feet; or

- i. Twenty-five percent of gross floor area of the sum total of the two dwelling units, as determined at the time of the special permit request.
 - 1. "Gross floor area" shall be defined as the sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls.- This includes courts, decks or porches when covered by a roof, or finished portions of basements and excludes garages.
 - "Gross floor area for the primary dwelling 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 exterior face of common walls.

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- 3. "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.
- 4. Common walls are those shared by the primary and accessory dwelling units. Walls shared by primary or accessory dwelling units and garage spaces shall be considered exterior walls. All conditioned living spaces of either dwelling unit shall be included in the respective dwelling unit's gross floor area, except garage spaces.
- b. 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.
- c. There shall be no more than two (2) bedrooms in an accessory apartment.
- d. The accessory apartment shall be limited to a maximum occupancy of four (4) persons.
- e. 196-13(B)(4) shall not apply to this section.
- <u>f.</u> All stairways to additional stories shall be enclosed within the exterior walls of the structure.
- (4) Code compliance. The accessory apartment must be determined to comply with current safety, health and construction requirements before occupancy and at every change in occupancy. <u>A building permit shall not issue until there is compliance with said standards.</u>
 (4)
- (5) Preservation of single-family characteristics. The accessory apartment shall not change the single-family characteristic of the dwelling, except for the provision of an additional access or egress.
- (6) Existing detached structures may continue to be used for the same purposes subject to special conditions imposed by the Board of Appeals.
- (7) There shall be no more than one accessory apartment for a total of two dwelling units permitted per lot.
- (8) Current apartment uses, effective elate this bylaw, may be continued only as long as the present occupants of the accessory apartment remain in residence.
- (9) Under no circumstances shall the accessory apartment be detached from the main dwelling unit. [Added 5-10-2005 ATM, Art. 26]

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