

Chapter 300. ZONING

Article XI. Accessory Apartments

[Added 5-19-1986 ATM by Art. 54]

§ 300-57. Purpose

The special regulations contained in this article have been enacted for the purpose of encouraging the construction of a limited number of housing units suitable for occupancy by persons that may not need or afford single-family detached housing, while ensuring compliance with local planning standards and policies concerned with land use, building design, and requirements of the health, safety, convenience and general welfare of the inhabitants of the Town.

§ 300-58. Approving authority

[Amended 10-25-1999 ATM by Art. 7; 10-26-2009 ATM by Art. 19]

An owner or owners of a single-family detached dwelling may, after consultation with the Planning Board, apply to the Zoning Board of Appeals for a special permit for the construction and occupancy of an accessory dwelling unit as part of the principal residential structure, the accessory dwelling unit thus created being hereinafter referred to in this article as an apartment. The following procedural requirements shall be in addition to the general requirements for a special permit specified in § 300-35.

§ 300-59. Standards and conditions

After notice and public hearing, and after due consideration of the reports and recommendations of the Planning Board and the Board of Health, the Zoning Board of Appeals may grant such a special permit provided that:

- A. The apartment is accessory to the principal residence. The floor area of the apartment shall not be more than 900 total square feet for all new construction or additions to existing residential structures, and the total area of the enclosed space in all buildings on any lot does not exceed 25% of the area of the lot.

[Amended 10-25-1999 ATM by Art. 7]

- B. Either the apartment or the principal residence is occupied by the owner of the lot on which the apartment is to be located, except for bona fide temporary absences.

- C. Adequate provision has been made for the disposal of sewage, waste, and drainage generated by the occupancy of such apartment in accordance with the requirements of the Board of Health and the Board of Selectmen, including the provision of a separate septic system meeting Title Five requirements if a sewerage connection is not available.
[Amended 10-25-1999 ATM by Art. 7; 10-23-2006 ATM by Art. 5]
- D. Adequate provision has been made for ingress and egress to the outside from such apartment.
- E. The construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located or injurious to persons or property.
- F. The lot on which the apartment and principal residence are located contains at least 20,000 square feet. *Editor's Note: Original Sec. X.D.3(7), which immediately followed this subsection, as amended 5-17-1993 ATM by Art. 26, was deleted 10-25-1999 ATM by Art. 7.*
- G. Adequate provision has been made for off street parking of motor vehicles in such a fashion as is safe and is consistent with the character of a single-family residence. Parking shall be provided at least at a rate of two spaces per dwelling unit.
- H. There is no other apartment on the lot on which the apartment is to be located.

§ 300-60. Coordination and decisions

- A. In order to insure compliance with § **300-59** above, the applicant shall obtain and submit to the Zoning Board of Appeals, prior to the hearing, a written report of the Board of Health certifying that the conditions of § **300-59** have been met. The Board of Health may supplement its report within five days after the hearing. In connection with an application for a special permit under this article, the applicant shall consult with the Planning Board prior to the hearing and the Planning Board shall submit, in writing, prior to the hearing, its recommendation and report to the Zoning Board of Appeals. The Planning Board may supplement its report within five days after the hearing. The report of the Planning Board shall include as a minimum:
 - 1) A determination of the area of the lot on which the apartment is located.
 - 2) A general description of the neighborhood in which the lot lies and the effect of the proposed apartment on the neighborhood.
 - 3) The Planning Board's recommendations as to the advisability of granting the special permit and as to any restrictions which should be imposed as a condition of such permit.
- B. The Zoning Board of Appeals shall give due consideration to the report of the Planning Board and, where its decision differs from the recommendation of the Planning Board, shall state the reasons therefor in writing. In rendering its decision, the Zoning Board of Appeals may impose special conditions and/or time limits on the permit.