

To see if the Town will vote to amend the Marshfield Zoning Bylaws as follows:

To add a new definition Residential Accessory Apartment, to Article 2 Definitions (305-2).

Accessory Apartment (Residential). An additional dwelling unit, subordinate in size and accessory to the principal dwelling unit on a lot, located in either the principal dwelling or an accessory structure on the lot. An Accessory apartment is constructed so as to maintain the appearance and essential character of a single family dwelling or accessory structure thereto located on the lot.

To see if the Town will vote to amend the Marshfield Zoning Bylaws as follows:

To remove the current Article 305-11.09 Residential Accessory Apartments by replacing the current language with the following language by adding a new section (12.07) in Article 305-12.

Section Residential Accessory Apartments

305-12.07

A. Purpose: The creation of an accessory apartment within an owner occupied single family detached dwelling may be authorized by-right through Site Plan Review or the creation of an accessory apartment within an accessory building by Special Permit in order to achieve the following objectives:

- (1) To enable home owners who wish to remain in their homes and neighborhoods to do so.
- (2) To promote more efficient use of the existing housing stock by allowing flexibility in response to changing household size.
- (3) To promote wider price range of rental housing and home ownership for small households.
- (4) To protect and maintain the character of the surrounding neighborhood.
- (5) Not to unduly alter the density of the neighborhood or the population of the Town with its related impacts to water supply, traffic and waste generation.

B. Applicability: An accessory apartment may be granted by the Planning Board acting either as the Site Plan Review Board or the Special Permit Granting Authority (SPGA), in R-1, R-2, R-3, and for pre-existing residential homes in the B-1 and B-2 districts by the following options:

- An accessory apartment within a single family home by-right.
- An accessory apartment within an accessory building to a single-family home by special permit.

- (1) Applications for an accessory apartment within a home shall meet the Review Standards C and D. Applications that are deemed complete and meet the by-right review standards below in Section C and D shall be reviewed by the Planning Board under Site Plan Review as an agenda item at a regular meeting.
- (2) Applications for an accessory apartment on a pre-existing non-conforming lot that meet the minimum lot size and would not further any non-conformity of setbacks and otherwise meet the Common Accessory Apartment Review Standards (Section C) and the Review Standards for an Accessory Apartment within a Single Family Home (Section D) shall be reviewed by the Planning Board under Site Plan Review as an agenda item at a regular meeting.
- (3) Site Plan Review under 305-12.07 is limited to the regulation of the use: the Permitting Authority may “impose reasonable terms and conditions” on the as of right use. The Planning Board does not have “discretionary power” to deny the as of right use; in other words, it may not prohibit the use.
- (4) The Special Permit application shall follow the procedural requirements as set forth under MGL Ch. 40A, Sections 9 and 11. The special permit applications shall meet the Common Accessory Apartment Review Standards (Section C) and the Review Standards For An Accessory Apartment in An Accessory Building (Section E).

C. Common Accessory Apartment Review Standards:

In reviewing and evaluating the application, the following common review standards shall be met.

- (1) Only one accessory apartment shall be allowed per lot.
- (2) Compliance with 310 CMR 15.000 (Title V), Board of Health policies and regulations;
- (3) Approved water conservation devices shall be required for new installations. This would include low flow shower heads and water efficient toilets;
- (4) Sufficient parking space shall be provided on the lot, including at least one additional space to serve each bedroom of the accessory apartment.
- (5) The accessory apartment shall comply with the State Building Code.

- (6) The property with the addition of the accessory unit and parking shall meet the minimum open space requirements of the district it is located in.
- (7) The property with the addition of the accessory unit shall meet the maximum building area requirements of the district it is located in and will not cause any increase in the non-conforming nature of said structure.
- (8) A single-family dwelling with an accessory dwelling unit shall not be deemed to be a two-family dwelling.
- (9) Either the principal single family dwelling or accessory apartment shall be occupied by the owner.
- (10) The accessory apartment or the principal single family dwelling, whichever is not owner occupied, shall have a minimum occupancy or rental term of 30 days.
- (11) Neither the principal dwelling nor the accessory apartment may be sold or otherwise conveyed or transferred separately from the other.
- (12) Required minimum lot size for accessory unit shall be for property in zones B1 and R3 - 10,000 square feet; in zone B2 and R2 - 20,000 square feet and in zone R1 – 43,560 square feet.
- (13) The accessory apartment shall occupy no more than forty percent (40%) of the total living area of the single family dwelling or no more than 800 square feet whichever is less, and shall be limited to two (2) bedrooms;
- (14) Whether allowed by right or by special permit, properties which contain a single family dwelling and an accessory apartment located within the Water Resource Protection District (WRPD), the total number of bedrooms on the property shall not exceed one (1) per ten thousand (10,000) square feet of lot area. Property owners within the WRPD that want to increase the number of bedrooms beyond one bedroom per 10,000 square feet can do so provided that the principal single family home and the accessory unit are either connected to the Municipal sewer system or are connected to an septic system with enhanced nitrogen removal approved by the Board of Health.

D. Additional Review Standards for an Accessory Apartment within a single family home:

In reviewing and evaluating the plan, the Planning Board shall grant site plan approval for an accessory apartment within a home, provided that in addition to Section C the following standard are met.

- (1) The accessory apartment shall be designed so that the appearance of the building remains that of a single-family residence, must be self-contained, and must have a separate entrance. In general, any new entrance shall be located on the side or rear of the building. Reasonable deviation from this condition shall be allowed in order to facilitate access and mobility for disabled persons;

E. Additional Review Standard For an Accessory Unit in an Accessory Building:

In reviewing and evaluating the plan, the Planning Board may grant a special permit for an accessory apartment in an accessory building, provided that in addition to Section C the following additional standards are met.

- (1) The accessory apartment in an accessory building shall be located a minimum of 10 feet from the principal single family dwelling and to the rear of the principal single family dwelling.
- (2) An accessory apartment when developed within an existing accessory building (such as a barn or garage) shall be designed to keep the appearance and function of the existing accessory building incidental to the principal single family dwelling compatible with the surrounding neighborhood.
- (3) The accessory apartment when developed as the sole use of the accessory building it shall be designed so that the appearance of the accessory building is subordinate to the principal single family home.
- (4) The accessory building may include a garage or other use such as storage in addition to the accessory apartment.
- (5) An accessory building in order to be considered for an accessory apartment shall meet the minimum front, side and rear setbacks of the district it is located within.

F. Plan Requirements: The applicant shall provide the following information shall be furnished:

- (1) A completed application form and a filing fee of \$ 200 for site plan review applications and \$500 for special permit applications.

- (2) The existing and proposed square footage of each dwelling unit;
- (3) The existing and proposed floor layouts of each dwelling unit;
- (4) Exterior elevations of new and existing buildings;
- (5) Any proposed changes to the exterior of the existing building;
- (6) The site plan showing new and existing buildings setbacks, parking, grading, drainage, wastewater and landscaping;
- (7) The site plans should be prepared by a registered land surveyor; and
- (8) A table on the plans showing the minimum required and provided dimensional and density zoning regulations.

One hard copy of said information (plans to be furnished on 11x17 size paper) and an electronic pdf of the complete filing shall be submitted to the Planning Board.

G. Transfer of Ownership: The new owner of the property with an Accessory Apartment shall within 60 days of the sale of a property notify the Planning board of the transfer of ownership. Failure to submit the notification will result in the termination of the permit.

H. Monitoring: An affidavit shall be submitted annually by January 31st of each year to the Planning Board, signed by the property owner, attesting that the principal single family dwelling or the accessory apartment is owner occupied. Failure to submit the affidavit of owner occupancy will result in the termination of the permit.