

§ 205-37.1. Accessory Dwelling Unit. (Final Draft for Posting)

Accessory dwelling units are allowed by right in all zoning districts that permit residential development in the Residential III Zoning District may be allowed by special permit in accordance with this section.

- A. Purpose: The purposes of the accessory dwelling unit section are to:
- (1) Provide an opportunity for older homeowners who can no longer physically or financially maintain their single-family home to remain in the homes they might otherwise be forced to leave;
 - (2) Make housing units available to moderate income households who might otherwise have difficulty finding homes within the Town;
 - (3) Provide a variety of types of housing to meet the needs of its residents; and
 - (4) Protect stability, property values, and the single-family character of a neighborhood.
- B. Performance Standards: The Building Commissioner shall issue a Building Permit and Certificate of Occupancy for an accessory dwelling unit upon verification Special permit procedures and conditions. The Zoning Board of Appeals shall be the special permit granting authority for the issuance of accessory dwelling unit permits. The Zoning Board of Appeals may authorize an accessory dwelling unit by special permit in any residential district, provided that the following standards and criteria are met:
- (1) The accessory dwelling unit will be a complete, separate housekeeping unit that functions as a separate unit from the principal single-family unit.
 - (2) The owners of the principal structure shall occupy, as their primary residence, either the principal dwelling unit or the accessory apartment.
 - (3) Only one accessory dwelling unit shall be created within a single-family structure.
 - (4) The lot in which the single-family unit is created must have a determination from the Board of Health that there is adequate septic capacity or that the system may be expanded to provide adequate capacity. No such verification is required if the lot is served by municipal sewer.
 - (5) The accessory dwelling unit shall be designed so that the appearance of the building remains that of a one-family residence as much as feasibly possible. In general, any new entrances should be located on the side or rear of the building.
 - (6) The accessory dwelling unit shall be clearly a subordinate part of the single-family dwelling. It shall be no greater than 700 square feet nor have more than two bedrooms.
 - (7) At least three off-street parking spaces are available for use by the owner occupants and tenants.
 - (8) The construction of the accessory dwelling unit shall be in conformity with the State Building Code.

C. Continued Use of Accessory Dwelling Unit as a Legal Apartment Unit

- (1) Upon the departure of the accessory dwelling unit's initial tenant, the owner of the principal dwelling unit may continue to rent the accessory dwelling unit as a legal apartment if the following conditions are met:
 - a. The owner of the principal dwelling must notify the Building Commissioner that the accessory dwelling unit's initial tenant has moved out of the unit and that the owner wishes to continue to rent the unit as a legal apartment.
 - b. The owner of the principal dwelling must bring the accessory dwelling unit into compliance with the State of Massachusetts Building Code and Fire Code for two-family dwellings.
 - c. Obtain a new Certificate of Occupancy from the Building Commissioner.

~~C. Application Procedures~~

- ~~(1) An application for an accessory dwelling unit special permit shall be filed with the Zoning Board of Appeals accompanied by three copies of the plan accompanied by a notarized letter from the owner(s) stating that he/they will occupy one of the dwelling units on the premises.~~
- ~~(2) Upon receiving a special permit, the owner must file a declaration of covenants on the subject property at the Worcester County Registry of Deeds. The declaration shall state that the right to rent a temporary accessory dwelling unit ceases upon transfer of title. A time stamped copy of the recorded declaration shall be provided to the Zoning Board of Appeals and the Inspector of Buildings.~~

~~D. Transfer of ownership of a dwelling with an accessory dwelling unit.~~

- ~~(1) The special permit for an accessory dwelling unit in a single family dwelling shall terminate upon the sale or transfer of title of the dwelling.~~
- ~~(2) The new owner must apply for reapproval of a special permit for an accessory dwelling unit and shall submit a written request to the Zoning Board of Appeals, stating that conditions at the time of the original application remain unchanged. Minor changes may be approved without a hearing by the Zoning Board of Appeals. The Zoning Board of Appeals, in its sole discretion, at the reapplication of the new owner, may require compliance with all the procedures set forth herein.~~
- ~~(3) Upon receiving a special permit, the new owner must file a declaration of covenants on the subject property at the Worcester County Registry of Deeds. The declaration shall state that the right to rent a temporary accessory dwelling unit ceases upon transfer of title. A time stamped copy of the recorded declaration shall be provided to the Zoning Board of Appeals and the Inspector of Buildings.~~
- ~~(4) A filing fee as determined by the most recent Zoning Board of Appeals Fee Schedule shall be included with the application. The applicant shall also be responsible for the cost of legal notices and mailings.~~