

Accessory Apartments

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Issue Overview Accessory dwellings are separate housing units typically created in surplus or specially added space in owner-occupied single-family homes. Accessory dwellings can also be attached to the primary dwelling or be situated on the same lot (for example in a carriage house or small cottage.) An accessory dwelling typically has its own kitchen and bathroom facilities, not shared with the principal residence. Many zoning bylaws/ordinances call the dwellings “in-law apartments” or “family apartments” and restrict their occupancy to relatives of the homeowner - “related by blood, marriage or adoption.” Some of these also allow domestic employees, caregivers, elderly people or people with low incomes to live in the units. Some municipalities allow the apartment by right if a family member will occupy the accessory apartment, but require a special permit otherwise.

Research Coding Researcher found the relevant provisions in the definitions, table of uses, and use regulations. There is often a separate section in the bylaw or ordinance called accessory apartments or in-law apartments. Answer is coded as Yes only if the bylaw/ordinance explicitly lists the apartments as an allowed use, although some municipalities that lack explicit provisions could also permit such apartments in districts that allow two-family houses.

Abington *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No Written on survey (received 3/24/05) returned to researcher from Abington: "There is an article on the April, 2005 TM warrant to permit accessory apartments in MS districts. No special permit will be required. Administered by bldg. inspector."

Acton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes According to the Table of Principal Uses, Single family dwelling with one apartment is allowed by right in R2, R-4, R-8, R-8/4, R-10, R-10/8, R-A, R-AA, VR, EAV, EAV-2, NAV, SAV, WAV, KC, LB, PM. No site plan review required.

3.3.2 Single FAMILY Dwelling with One Apartment - A single FAMILY Dwelling, the BUILDING of which was in existence on or before January 1, 1990, to be altered and used for not more than two DWELLING UNITS, the Principal Unit plus one Apartment, provided that:

3.3.2.1 The GROSS FLOOR AREA of the Apartment shall not exceed the lesser of fifty percent of the GROSS FLOOR AREA of the Principal Unit or 800 square feet.

3.3.2.2 There shall be no more than two bedrooms in the Apartment.

3.3.2.3 The Apartment shall be clearly and distinctly separated from the Principal Unit by separate entrances either from the exterior of the BUILDING or from a common hallway located within the BUILDING.

3.3.2.4 Any stairways to an Apartment located above the ground floor of a BUILDING shall be enclosed within the exterior walls of the BUILDING.

3.3.2.5 There shall be not more than one driveway or curb cut providing ACCESS to the DWELLING UNITS, except for half circular or horseshoe driveways located in the front of the BUILDING.

3.3.2.6 A minimum of one additional parking space shall be provided for the Apartment.

3.3.2.7 The owner of the property shall occupy either the principal DWELLING UNIT or the Apartment. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes.

3.3.2.8 The Apartment shall not be held in, or transferred into separate ownership from the Principal Unit under a condominium form of ownership, or otherwise.

3.3.2.9 The minimum LOT area for a Single FAMILY Dwelling with One Apartment shall be the minimum LOT area required in the zoning district or, if the LOT is nonconforming, it shall comply with the standards for nonconforming LOTS under section 8, provided, however, that:

a) In the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts a Special Permit from the Board of Appeals shall be required for a Single FAMILY Dwelling with One Apartment on a nonconforming LOT with less than 15,000 square feet in LOT area.

3.3.2.10 The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been continuously in existence since before 1950 and has not been expanded or enlarged after July 1st, 1991. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.

a) However, in the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts an apartment in such a detached BUILDING shall only be allowed with a Special Permit from the Board of Appeals.

3.3.2.11 No Apartment permitted under this Section shall be constructed and occupied without Building and Occupancy Permits issued by the Building Commissioner.

Amesbury

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Definitions Section:

"In-law Apartment: A separate dwelling unit located within a single family dwelling that is subordinate in size to the principal unit, connected by an unlocked common door, and separated from it in a manner which maintains the appearance of the building as a single family dwelling. The size of the in-law apartment is not to exceed 1000 square feet or not more than 30% of the gross floor area of the principal unit, whichever is lesser. The in-law apartment may only be occupied by brothers, sisters, parents and grandparents, in-laws and or children of the residing owners of the principal dwelling unit. In no case shall the apartment be smaller than the minimum required by health and building codes."

AND

"XI.K.2. In-law Apartments:

The Special Permit shall be issued for an in-law apartment subject to the following requirements:

1. The special permit will be issued for a period of five (5) years and will be renewable upon request providing the applicant continues to meet the requirements of the special permit. The special permit shall expire if the conditions of approval are not maintained or the in-law apartment ceases to be occupied as provided herein;
2. Where new kitchen appliances have been added, they shall be removed within six (6) months of the expiration of the special permit and the Building Inspector shall report such removal to the Zoning Board of Appeals;
3. There shall not be separately metered electric or water service to the in-law apartment;
4. All safety, health and building codes are to be met;
5. There shall be no boarders or lodgers within either unit of the dwelling with an accessory in-law apartment;
6. There shall be parking for one (1) additional car for the in-law apartment;
7. If the in-law apartment becomes vacant, the owner must report the vacancy to the Building Inspector within 60 days and the owner will be given six (6) months to remove all the kitchen appliances."

Amesbury Zoning Bylaw and Map, Adopted April 12, 1971 with Revisions Through October 14, 2003.

Andover

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

According to the Table of Use Regulations, family dwelling units are allowed by special permit from the Board of Appeals in SRA, SRB, SRC, LS, GB, MU, IG, IA, ID.

From ordinance.com, under definitions:

FAMILY DWELLING UNIT : Use of a room or rooms in a detached one-family dwelling or accessory building as a dwelling by relatives (by reason of birth or marriage) where there is a need by reason of illness, disability or age requiring extended care or supervision of the relative. This use shall be subject to reasonable conditions and the requirement for renewable time periods not exceeding five years.

Arlington

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Ashland

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Section 282-44. Accessory family dwelling unit.

The intent and the purpose of this section is to permit accessory dwelling units in single-family residential districts subject to the standards and procedures here and after set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal living quarters.

A. Restrictions. A special permit may be granted for the conversion of, by attachment via common wall or containment within, an existing single-family dwelling only or new construction of the same only to accommodate an additional family living unit

B. Use limitations. Such additional family living unit shall be limited to a maximum of four (4) persons, so conditioned, provided, further, that the owner of record is an occupier of the structure which includes the accessory family dwelling unit. No boarders or lodgers shall be allowed in either dwelling unit. There shall be no other living unit on the lot which such accessory unit is to be located.

C. Disposal of sewage. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such accessory unit in accordance with the requirements of the Board of Health. Such determination shall be made prior to the application for a special permit and included with such application.

D. Ingress; egress; access. Adequate provision, as determined by the Inspector of Buildings, shall be provided for ingress and egress to the outside of each unit separately. To the extent possible, exterior passageways and accessways shall not detract from the single-family appearance of the dwelling. An interior doorway shall be provided between each living unit as a means of access for purposes of supervision and emergency response. All stairways to additional stories shall be enclosed within the exterior walls of the structure.

E. Concurrence and documentation. The Zoning Board of Appeals shall determine that such conversion, new construction and occupancy of each unit shall meet the requirements of Section 282-10.

F. Area limitation. Such accessory unit shall be limited to a maximum of twenty-five percent (25%) in floor area of the principal residence or eight hundred (800) square feet, whichever is greater, exclusive of any garage, shed or similar structure or other accessory use attached to the dwelling.

G. Plans. Floor plans of the accessory unit and principal residence, with a certified site plan showing the dwelling on the lot and its relationship to the neighborhood within two hundred (200) feet of the extremities of the lot, shall be filed with the Inspector of Buildings, and in addition, five (5) copies of the same shall be submitted with the application for a special permit.

H. Parking. Provisions for off-street parking for dwellers of both units shall be provided in such a fashion as is consistent with the character of the neighborhood, as determined by the Inspector of Buildings, who may seek advice from the Town Planner.

I. Occupancy permit; control. No occupancy of the additional family dwelling unit shall take place without an occupancy permit issued by the Inspector of Buildings. The initial occupancy permit shall remain in force for a period of two (2) years from the date of issue, provided that there is continued

ownership. Thereafter, succeeding permits may be issued by the Inspector of Buildings for each succeeding two-year period, provided that the structure and use continue to comply with the relevant provisions of the State Building Code, 16 this chapter and conditional use special permit. Occupancy permits shall not be transferable upon new ownership or change in occupancy. An affidavit shall be presented to the Inspector of Buildings attesting the fact that the circumstance for which

From definitions:

ACCESSORY FAMILY DWELLING UNIT A dwelling unit contained with or an extension of a single-family structure to accommodate an additional family related by blood, marriage or adoption or sixty (60) years of age or older. The "accessory family dwelling unit" shall be no greater than twenty-five percent (25%) of the floor area of the principal dwelling or eight hundred (800) square feet in total floor area, whichever is greater.

Attleboro *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Auburn *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Avon *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Ayer *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No "2. General

Beginning on November 16, 1999, building Permits for not more than thirty-two (32) dwelling units shall be issued in each of the five (5) calendar years following said date, for the construction of new residential dwellings. Further, no one person or entity nor their successors in interest, nor any entity in which they hold a legal or beneficial ownership shall be issued more than six (6) of the total number of permits available in any one year. For the purpose of this section, an accessory apartment shall constitute a dwelling unit."

Apartments over office/commercial space is permitted by right in Downtown Business (DB) and General Business (GB) districts.

-- Land Use Ordinance of Ayer, 3/13/73 (as amended). Table IV-1, Residential Uses.

Bedford *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes 4. CLASSIFICATION OF PRINCIPAL USES
4.2.9 Accessory Apartments

An accessory apartment is a second dwelling unit located within a structure constructed as a detached one family dwelling, subordinate in size to the principal dwelling unit and separated from it, in a manner that maintains the appearance of the structure as a one family unit.

4.2.9.1 General Objectives

The provision of accessory dwelling units in owner occupied one family dwellings is intended to:

- 1) increase the number of small dwelling units available for rent in town,
- 2) increase the range of choice of housing accommodations,
- 3) encourage greater diversity of population with particular attention to young adults and senior citizens, and
- 4) encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.

4.2.9.1 Conditions and Requirements

The Building Inspector shall issue a building permit for an accessory apartment in a detached, one family dwelling in any residential district provided that the unit meets the standards of the building code and each of the following conditions and requirements is met:

(a) General

- (i) The owner of the dwelling in which the accessory apartment is created, shall occupy either of the dwelling units in the located structure in question, except for temporary absences of up to six months. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling, who hold title and for whom the dwelling is the primary residence for voting and tax purposes.
- (ii) There shall be no more than one accessory apartment within a one family dwelling.
- (iii) There shall be no boarders or lodgers within either unit of a dwelling with an accessory apartment.
- (iv) The gross floor area of the dwelling, including the basement shall be at least 1,800 square feet. (Note: Gross floor area is defined as the sum of the gross horizontal areas of several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two (2) buildings, but not including interior parking spaces or any space where the floor to ceiling height is less than six (6) feet.)
- (v) The maximum gross floor area of the accessory apartment shall not exceed 30% of the gross floor area of the dwelling.
- (vi) There shall be no more than two (2) bedrooms in an accessory apartment.
- (vii) No structure that is not connected to the public water and sanitary sewer systems shall have an accessory apartment.

(b) Exterior Appearance of a Dwelling with an Accessory Apartment The accessory apartment shall be designed so that the appearance of the structure remains that of a one family dwelling, subject further to the following conditions and requirements:

- (i) All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.
- (ii) Any new entrance shall be located on the side or in the rear of the dwelling.
- (iii) Where there are two or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other entrances appear to be secondary.

(c) Off Street Parking

There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least two off-street parking spaces for the accessory unit. In order to maintain the appearance of a single family neighborhood all parking spaces on the lot shall be subject further to the following conditions and requirements:

- (i) Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicles shall be regularly parked on the premises other than in such a parking space.
- (ii) No more than two outdoor parking spaces shall be located in the required front yard. All other parking spaces shall be either: 1) outdoor parking spaces located in a side or rear yard or 2) in a garage or carport.
- (iii) Parking spaces shall be located so that both the principal dwelling unit and the accessory apartment shall have at least one parking space with direct and unimpeded access to the street without passing through a parking space designated to serve the other dwelling unit.

(iv) Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence, or a combination thereof in the area between the parking spaces and the nearest side lot line and, if the parking space is in the front yard and parallel to the street, in the area between the parking space and front lot line. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single family appearance of the neighborhood.

Bellingham

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Section V - Definitions

Family Apartment

An accessory apartment or principal unit utilized by grandparents, parents, children, grandchildren, brothers or sisters or their spouses and children or the property owner or spouse.

4130. Family Apartment. A special permit authorizing a Family Apartment may be granted only if consistent with the following.

4131. Development Requirements.

(a) Unit must be a single family dwelling to which the Family Apartment is being added, and must have been in existence and occupied under a legal Occupancy Permit at least two (2) years at the time of application.

(b) Any increase in floor area shall meet the requirements of Section 2600 without variance or Special Permit.

(c) The Applicant must acquire Board of Health approval that the sewerage disposal will be within the legal requirements.

(d) Parking shall be as required in Section 3300 for a two Family Dwelling unit.

4132. Occupancy Requirements.

(a) Either the principal or the accessory unit must be owner-occupied.

(b) The remaining unit must be occupied by a family member of the owner(s).

4133. Procedural Requirements.

(a) To approve a special permit for a Family Apartment, the Board of Appeals must make a determination that all of the above requirements have been met, and also that the particular circumstances of the case make such use appropriate, including consideration of:

i) whether lot area or other site characteristics assure mitigation of any impacts on the neighborhood;

ii) whether there is enforceable assurance that occupancy of the unit will serve significant community purposes, such as facilitating care for the elderly or handicapped;

iii) whether there is a financial hardship to the family;

iv) whether site and building design are within the character of the neighborhood.

(b) The Special Permit and a Certificate of Occupancy for a Family Apartment shall be issued for a period no greater than five years from the date of issuance and must be filed at the Norfolk Registry of Deeds prior to the issuance of a Building Permit.

(c) A Special Permit for a Family Apartment may be extended for additional five year periods upon application to the Zoning Board of Appeals at least sixty (60) days prior to the expiration of the Special Permit. An extension shall be given only after inspection and a written report by the Town Inspector that the conditions of the renewal have not changed since the initial application and the Zoning Board's determination that the applicant is in full compliance with Section 4130. Any extension given must be filed at the Norfolk Registry of Deeds within 30 days of issuance. Failure to file within the time period given shall nullify the permit given.

(d) Sale of the lot or dwelling that is the subject of the Special Permit shall nullify the Permit on the date of sale.

(e) Permanent Removal from the premises of the individual or individuals for whom the permit has been obtained shall nullify the Permit on the date of such removal.

Code of By-Laws, Division II Zoning

<http://www.bellinghamma.org/townclerkbylzo.htm>

(Revised by Town Clerk 09/2002)

Belmont

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Berkley

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Berlin

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

ARTICLE 5: SUPPLEMENTAL REGULATIONS
510 IN-LAW APARTMENT

511 Intent

It is the intent to provide for the use of a group of rooms in an existing single family residence, or in the plans of a new single family residence, as a so-called "in-Law Apartment" with its own kitchen and bathroom facilities, for the use of a limited number of persons such as in-laws, elderly persons, or grown children, subject to special precautions with respect to privacy, safety, number of occupants, and adequacy of water supply and sewage disposal; where the owner is a resident of the premises; and where the use of such a group of rooms as an apartment is clearly accessory to the principal use of the premises as a single family residence. It is the further intent that the structural changes, if any, necessary to effect the in-law apartment use be sufficiently modest that such use could be terminated, and a single family re-occupy the entire premises, without substantial hardship in reconstruction,

512 Maximum Size

An "In-Law Apartment" shall comprise no more than thirty-five percent (35%) of the dwelling's total floor area.

513 Approval by the Board of Health

Prior approval of the Board of Health shall be required for establishment of an In-Law Apartment.

514 Criteria for Approval

In order to qualify for in-law apartment use under this section the following must be adhered to:

1. The premises must be owner occupied.
2. Occupancy of the in-law apartment is limited to no more than three (3) persons, at least one of which is related by blood or marriage to the resident owner of the premises.
3. The outside appearance of the premises shall remain that of a single family residence.
4. All applicable Federal, State, and Local Building and Health Codes must be satisfied.
5. There must be no other in-law apartment or accessory apartment on the same lot.

515 Termination of Use

Should the in-law apartment which was created under the terms of this by-law fail at any time to meet the conditions above either occupancy shall cease and the premises revert to those of a single family residence or a Special Permit must be obtained under Section 520, Accessory Apartment Use.

520 ACCESSORY APARTMENT

521 Special Permit

The Board of Appeals may grant a special permit for use of a group of rooms in a single-family residence as an accessory apartment, subject to the criteria and conditions herein.

522 Criteria for Issuance of a Special Permit

The Board of Appeals may grant a special permit only if it finds that all of the following conditions apply:

522.1 The premises are being used by the owner as a principal residence and have been used as a lawful residence for a period of at least five years prior to the date of application for the special permit.

522.2 Evidence verified in writing, by the Board of Health or its qualified agent submitted with, and as part of, the application for special permit, that there is available on the lot adequate supply of drinking water and adequate provision for sewage disposal.

522.3 There is no other in-law apartment or accessory apartment on the same lot.

523 Special Permit Conditions

The special permit shall contain the following limitations and precautions:

523.1 The apartment shall not comprise more than 35% of the existing dwelling's total floor area.

523.2 The apartment shall have its own separate entrance from the outside.

523.3 The apartment shall have its own kitchen facilities and its own interior toilet facilities.

523.4 The outside appearance of the premises shall remain that of a single family residence.

523.5 The rooms shall have heat that is adequately supplied and controlled.

523.6 The number of residents of the apartment shall not exceed 4.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/6/02.

523.7 The premises shall continue to be used as principal residence by an owner.

524 Detached Accessory Apartment

By Special permit from the Board of Appeals and subject to the requirements of Section 522 and 523 of the Zoning By-law, an Accessory Apartment may be created in a structure that is detached from the primary residence provided:

524.1 That such structure was in existence on January 1, 1990 or any other structure provided that its use shall be subject to the limitations of Section 524.3.

524.2 That the Building Inspector certifies that any pre-existing accessory structure can be modified for human habitation. An accessory apartment may not entail expansion or other than minor modifications to external elements of a structure that existed on January 1, 1990 unless the use shall be subject to the provisions of Section 524.3.

524.3 The use of any detached accessory apartment other than one in existence on January 1, 1990 and whose creation is consistent with Section 524.2 shall be limited to: (a) housing for a group of not more than four residents, at least one of whom is related by blood or marriage to at least one resident of the principal dwelling; (b) housing for caregivers to at least one resident of the principal dwelling; or, (c) as rental housing rented subject to such conditions as may be required from time to time to qualify the detached accessory apartment as a unit of affordable housing within the meaning of applicable statutes, regulations and/or administrative guidelines of the Commonwealth of Massachusetts. The appearance of any new building permitted under this section shall be consistent with the principal residence, such as a barn, garage or similar customary outbuilding.

524.4 The Planning Board may adopt such regulations as it deems appropriate to assure compliance with Section 524.3 of the By-law.

**Webmasters Note: The previous section, 524, has been amended as per an update approved at a town meeting held on 5/6/02.

[Town of Berlin Zoning Bylaws - revised through 2004] bylaws obtained from ordinance.com

According to the table of uses:

In law apartment... by right in RA, MD, CV, C

Accessory apartment, attached... by special permit in RA, MD, CV, C

Accessory apartment, detached... by special permit in RA, MD, CV, C

Beverly

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

From ordinance.com, definitions:

1. ACCESSORY APARTMENTS - A dwelling unit of at least 600 square feet in floor area, which is within a single-family home and is occupied by a person related within the third degree of consanguinity to the record owner of the single-family. 6/26/87

C. Special Provisions for Accessory Apartments

Notwithstanding provisions in this Chapter to the contrary, the Zoning Board of Appeals may consider the granting of a temporary Conditional Permit use for the alteration of an existing, single-family residence to include an Accessory Apartment in any residential zone, subject to the following provisions:

1. An accessory apartment may be permitted to accommodate a person to live in proximity to, but with independence from, a relative.
2. The application shall designate the individual who is to occupy the accessory apartment. The temporary Conditional Permit shall be issued to the owner of the property.
3. The alterations shall be limited to only one building, which shall be the main building on the property, and any major changes shall be within the existing structure.
4. There shall be no more than two (2) dwelling units on said property, including an accessory apartment.
5. The owner of record shall reside in one of the two dwelling units, which shall be said owner's principal residence.
6. Both the existing dwelling unit and the accessory apartment shall comply with the minimum size requirements mandated by this Ordinance.
7. The accessory apartment shall be a self-contained dwelling unit with separate cooking, sanitary and sleeping facilities for the exclusive use of the designated occupant.
8. The dwelling unit shall have only one front entrance, when practical.
9. The two dwelling units shall contain no more than four (4) bedrooms and one (1) bedroom, respectively, unless the existing single-family residence has more than five (5) bedrooms, in which case the existing number of bedrooms shall be maintained as the total of both units.
10. The temporary Condition Permit, if granted, shall run for a period of four (4) years and may be renewed every four (4) years thereafter, by the City Clerk. Upon reapplication by the record owner, the City Clerk shall review the Permit only if the conditions which led to its original granting still exist and all other requirements which apply to an original application are met. The City Clerk may consult the Building Inspector, the Planning Department, or other appropriate City agency with concern to the reapplication process described above.
11. The temporary Conditional Permit for an accessory apartment, and any renewal of said temporary Conditional Permit, shall terminate:
 1. Upon the death of the designated occupant; or
 2. Upon the change of residence of the designated occupant; or
 3. Upon the transfer of ownership of the premises, if such transfer is unrelated to the issuance of the temporary Conditional Permit; or
 4. Upon the expiration of the permit period set forth above.

The City Clerk shall notify the Building Inspector of any change of occupancy. Following termination of said temporary Conditional Permit, the designated occupant (of the accessory apartment) shall have ninety (90) days to relocate; the kitchen built as a result of the temporary Conditional Permit shall be removed by the owner ninety (90) days after the designated occupant leaves. The house will then revert to a single-family residence. 6/26/87

Billerica

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

The following use is allowed by special permit in several of the districts.

From ordinance.com:

(b) In-law apartment

Required Findings:

The living quarters are separate, but located in the principal building

The living quarters do not exceed 800 square feet

There are no more than two related persons as occupants

There is sufficient off-street parking for the use

The principal building in which the use is located retains its single family dwelling appearance

The use shall not continue upon vacation of the premises by the occupants

According to the table of use regulations, in law apartments are allowed by special permit from the board of appeals in VR, NR, RR, MF, NB, GB and AE districts.

Blackstone *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Bolton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes

Town of Bolton Bylaws, May 2004

According to the table of uses, accessory apartments are allowed by right in the residential district.

2.5.2.4 Accessory Apartments

Construction of an accessory apartment is allowed, either in, or attached to, a new or existing dwelling subject to the following requirements:

- (a) The residence must be owner-occupied.
- (b) Size of the accessory apartment is to be limited to no larger than one-third of the floor space of living area of the residence.
- (c) The outside appearance of the premises shall remain that of a single family residence.
- (d) All applicable federal, state and local building and health codes must be satisfied including all bylaws of the Town of Bolton.
- (e) The accessory apartment shall have its own separate entrances from the outside.
- (f) The accessory apartment shall have its own complete kitchen and complete bath and toilet facilities.
- (g) There will be only one accessory apartment per residence.

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(h) A certified drawing showing the above shall be filed with the Board of Selectmen either for new construction or the creation of an accessory apartment in an existing dwelling.

Boxborough *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Boxford

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

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. To achieve this goal and to promote the other objectives of this bylaw, specific standards are set forth below for such accessory apartment uses.

(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 change in residence of the owner, the special permit and the certificate of occupancy for the accessory apartment shall become null and void.

(3) Apartment size. The maximum floor size for an accessory apartment shall not exceed the lesser of 1,000 square feet or 25% of the habitable area of the principal dwelling, as determined at the time of the special permit request. "Habitable area" is defined as finished, heated living space. [Amended 5-11-1999 ATM, Art. 33]

(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.

(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 date this bylaw, may be continued only as long as the present occupants of the accessory apartment remain in residence.

Boylston

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Researcher found no use regulation allowing for accessory apartments by right or by special permit within the Town of Boylston's Bylaws.

Zoning Bylaws Town of Boylston Section 4.02.02 Schedule Of Use Regulations: RESIDENTIAL

3. Accessory use to Section 4.02.02 1(single family detached) & 2 (two-family) above which is customarily incidental to such use and further that such accessory use is not detrimental to the neighborhood

9.03.01 Modification To Dimensional Requirements: ACCESSORY BUILDINGS

In any Residential District accessory buildings or structures including swimming pools that are customarily incidental to a residence may be erected at least ten (10) feet from the rear and side lot lines, providing said buildings or structures are not attached to a main building, and are no greater than fifteen (15) feet in height and, in the case of buildings, contain nor more than one hundred fifty (150) square feet of floor area. Notwithstanding the above, in the case of front, side and rear lot lines where there are buildings other than the main building on either side within one hundred (100) feet which are nearer to the front, side or rear lot line than the required distance, then and in that event a building other than the main building may be constructed on a line with existing buildings other than the main building. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a Special Permit provided the Granting Authority finds the proposed accessory use does not substantially derogate from the public good.

[Zoning Bylaws Town of Boylston - October 2004]

Braintree

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Researcher did not find provisions for accessory apartments.

Bridgewater Are accessory or in-law apartments allowed (by right or special permit) in any district?

No Bridgewater Zoning Bylaws, Revised 2000

2.96 EXPANDED LIVING SPACE (In-law living area) shall be limited to one bedroom of no more than 200 sq. ft. or two bedrooms of no more than 150 sq. ft. each. Total living area for expanded living space including bath, kitchen, living room, bedroom shall not exceed 600 square feet of living area. Unrestricted passage must be maintained on each than level between units. Adopted 11/12/96 S.T.ML

The "in-law living area" is not listed on the table of uses.

Brockton Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Brookline Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Burlington Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes 4.1.5 Accessory Residential Uses in One-Family Dwellings: Accessory Apartments

An accessory apartment is a second dwelling unit located within a structure constructed as a detached one family dwelling, subordinate in size to the principal dwelling unit and separated from it, in a manner that maintains the appearance of the structure as a one family unit.

4.1.5.1 General Objectives: The provision of accessory dwelling units in owner occupied one family dwellings is intended to: 1) increase the number of small dwelling units available for rent in town, 2) increase the range of choice of housing accommodations, 3) encourage greater diversity of population with particular attention to young adults and senior citizens, and 4) encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.

4.1.5.2 Conditions and Requirements: The Building Inspector shall issue a building permit for an accessory apartment in a detached, one family dwelling in any residential district provided that the unit meets the standards of the building code and each of the following conditions and requirements is met:

(a) General

1. The owner of the dwelling in which the accessory apartment is created, shall occupy either of the dwelling units in the located structure in question, except for temporary absences of up to six months. For the purpose of this section, the "owner" shall be one or more individuals residing in a dwelling, who hold title and for whom the dwelling is the primary residence for voting and tax purposes.

2. There shall be no more than one accessory apartment within a one family dwelling.

3. There shall be no boarders or lodgers within either unit of a dwelling with an accessory apartment.

4. The gross floor area of the dwelling, including the basement, shall have been at least 1,800 square feet as o January 1, 1989, which amount shall be verified in the records of the Building Inspector. (Note: Gross floor area is defined as the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces or any space where the floor to ceiling height is less than six feet.)

5. The maximum net floor area of the accessory apartment shall not exceed 30 percent of the net floor area of the dwelling as of January 1, 1989.

6. There shall be no more than two bedrooms in an accessory apartment.

(b) Exterior Appearance of a Dwelling with an Accessory Apartment: The accessory apartment shall be designed so that the appearance of the structure remains that of a one family dwelling, subject further to the following conditions and requirements:

1. All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.

2. There shall be no enlargements or extensions of the dwelling in connection with any accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story.

3. Any new entrance shall be located on the side or in the rear of the dwelling.

4. Where there are two or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other entrances appear to be secondary.

(c) Off-Street Parking: There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least two off-street parking spaces for the accessory unit.

Cambridge

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

ACCESSORY APARTMENT . An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within and under the same ownership as a single family detached dwelling and designed for the occupancy of a single family.

4.22 Accessory Apartments. The purpose of this Subsection 4.22 is to allow for the creation of accessory apartments in Residence A districts. These districts contain a number of large single family homes that are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of Subsection 5.31. Given contemporary life styles, housing needs and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of such residential districts. This Subsection 4.22 gives the Board of Zoning appeal authority to relax such requirements in certain instances as enumerated below.

4.22.1 In a Residence A District the Board of Zoning Appeal may grant a special permit for alteration of a single family, detached dwelling legally in existence as of the effective date of this Subsection 4.22, (6/29/81) to provide one accessory apartment if the following conditions are met:

1. The dwelling was constructed prior to June 1, 1940, and has not been substantially enlarged since that date. The addition in the aggregate of two hundred and fifty (250) square feet or more of gross floor area shall be considered a substantial enlargement.

2. Prior to alteration the dwelling contains at least three thousand five hundred (3,500) square feet of gross floor area.

3. The lot on which such accessory apartment is located contains at least three thousand (3,000) square feet of lot area per dwelling unit.

4. Such accessory apartment shall not occupy more than thirty-five (35) percent of the gross floor area of the principal dwelling in existence prior to the effective date of this Subsection 4.22 and shall not be located in a garage.

5. Any alteration which would increase the floor area ratio beyond that permitted in the district or which would further increase an existing violation of the applicable floor area ratio shall not be permitted.

In granting a special permit the Board may impose such conditions, including requirements for off street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes with the appearance of and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way.

4.22.2 The requirement for an off street parking space specified in Article 6:000 shall apply for the addition of one accessory apartment in a single family, detached dwelling in a Residence A district.

Canton

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

From ordinance.com:

ACCESSORY APARTMENT : A secondary dwelling unit located within a structure constructed as a detached one family dwelling subordinate in size to the principal unit and separated from it in a manner that maintains the appearance of the structure as a single-family house.

2.12 Single Resident District

2.12.3 Accessory Residential Uses in One Family Dwellings

An accessory apartment is a secondary dwelling unit located within a structure as a detached one family dwelling, subordinate in size to the principal dwelling unit and separated from it, in a manner that maintains the appearance of the structure as a one family dwelling.

A. Special Permit - Conditions and Requirements

The Board of Appeals in any issue a Special Permit for an accessory apartment in a detached, one-family dwelling in all residential districts provided that each of the following conditions are met:

(36)2.12.3 Inserted ATM 1990, Article 40 (Section III-B.2)

A.1 General

(a) The owner of the dwelling in which the accessory apartment is created shall occupy either of the dwelling units in the structure. For the purposes of this section, the "owner" shall be whoever holds title directly to the dwelling, and for whom the dwelling is the primary residence for voting and real estate purposes.

(b) There shall be not more than one accessory apartment within a one family dwelling.

(c) There shall be no boarders or lodgers within either unit of a dwelling with an accessory apartment.

(d) The lot shall be at least 10,000 square feet in area; or the minimum required for each residential zone, whichever is greater.

(e) The existing floor area of the dwelling shall have at least 2,000 square feet as of January, 1, 1989, which amount shall be verified in the records of the Building Inspection Department or on a document, "Total Living Areas of Dwellings as of January 1, 1989", prepared by the Board of Assessors.

(f) The maximum net floor area of the accessory apartment shall not exceed 30 percent of the net floor area of the dwelling as of January 1, 1989.

(g) There shall not be more than two bedrooms in a accessory apartment.

(h) Approval by the Board of Health, Sewer and Water Department and Conservation Commission and other Boards, as required.

A.2 Exterior Appearance of a Dwelling with an Accessory Apartment

The accessory apartment shall be designed so that the appearance of the structure remains that of a one family dwelling, subject further to the following conditions:

(a) All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.

(b) There shall be no enlargements or extensions of the dwelling in connection with any accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of any entryway, or for enclosure of a stairway to a second or third story.

(c) Any new entrance shall be located on the side or in the rear of the dwelling.

(d) Where there are two or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and other entrances appear to be secondary.

A.3 Off Street Parking

There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space for the accessory apartment. In order to maintain the appearance of a single-family neighborhood all parking spaces on the lot shall be subject further to the following conditions and requirements:

(a) Each parking space and the driveway leading thereto shall be bituminous concrete paving or other approved surface. No motor vehicles shall be regularly parked on the premises other than in such a parking space.

(b) Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence or a combination thereof in the area between the parking spaces and the nearest side lot line and, if the parking space is in the front yard parallel to the street, in the area between the parking space and the front lot line. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single-family appearance of the neighborhood.

A.4(36.1)

Notwithstanding the prior subsections of this by-law, the Board of Appeals may, in a specific case, issue a special permit for an apartment house on a lot with a total area less than two hundred seventeen thousand eight hundred feet (217,800) square feet provided (a) such lot already has a dwelling or commercial building on it to be razed and replaced, and (b) the lot has an area larger than the

(36.1)2.12.3 - A.4 inserted ATM 2000 under Article 46

minimum required for the construction of a one-family house in the same district by an additional seven thousand (7,000) square feet for each family in excess of one accommodated thereon; and (c) the lot has a minimum frontage of seventy-five (75) feet.

B. Procedures

B.1 No accessory apartment shall be constructed without issuance of a building permit by the Building Commissioner.

B.2 No use of an accessory apartment shall be permitted prior to issuance of a certificate of occupancy by the Building Commissioner. A certificate of occupancy shall be issued after the Building Commissioner determines that the accessory apartment as constructed is in conformity with the approved plans and with the provisions of this by-law.

B.3 A Special Permit for construction of an accessory apartment shall be issued to the person or persons named in the application and shall not be deemed to run with the land and shall be for a term not to exceed three years. Upon application by the owner such special permit shall be renewed by the Board of Appeals for a additional three-year term or terms. Approval for additional terms shall not be arbitrarily withheld by the Board of Appeals.

B.4 A Special Permit may be transferred to a new owner occupant upon application to the Board of Appeals, subject to the provisions of this by-law. The transfer of the Special Permit shall not be arbitrarily withheld by the Board of Appeals.

Carlisle

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

From ordinance.com:

5.6 Accessory Apartments

5.6.1 Purpose

To increase the availability of moderately priced housing for town employees, the young, the elderly, people of low and moderate income, and dependent relatives of town residents by permitting the creation of accessory apartments by:

5.6.1.1 Providing an opportunity for homeowners who can no longer physically or financially maintain their single family home to remain in homes that they might otherwise be forced to leave;

5.6.1.2 Making housing units available to low and moderate income households who might otherwise have difficulty finding homes within the town;

5.6.1.3 Provide a variety of housing to meet the needs of its residents;

5.6.1.4 Protect stability, property values, and the single-family residential character of a neighborhood; and

5.6.1.5 Legalize conversions to encourage the Town to monitor conversions for compliance with the State Building Code.

5.6.2 Considerations

The Town has limited water resources, lacks a significant aquifer, does not have municipal water and sewage systems, and as a result, must be sensitive to the burden and impact of any increase in housing density. Limiting the number of the accessory apartments is intended to minimize the impact on those finite resources, although the scope of the impact hereunder is believed to be offset by the public benefit afforded by this permitted use.

5.6.3 Definitions

An "accessory apartment" is a distinct portion of a single-family dwelling, having its own kitchen and bathroom facilities, and subordinate in size to the principal part of said dwelling.

5.6.4 Special Permits

An owner or owners of a single-family dwelling may apply to the Planning Board for a special permit for the construction and occupancy of one (1) accessory apartment in a single-family dwelling, the accessory apartment thus created being hereinafter referred to in this subsection 95.6 as an apartment.

5.6.5 Procedure

The Planning Board shall notify the Board of Health of the application for a special permit hereunder and allow them a reasonable time to inspect and comment upon said application. The Planning Board may grant a special permit under this Section upon findings that the request is compatible with the purpose of this Section, meets the minimum requirements hereunder.

After notice and public hearing as may be required by the General Laws of the Commonwealth, the Planning Board may grant such a special permit for the creation of an accessory apartment provided that:

5.6.5.1 no more than 75 special permits for accessory apartments shall be issued;

5.6.5.2 the apartment is accessory to the principal residence and will be a complete, separate housekeeping unit that functions as a separate unit from the original single-family dwelling;

5.6.5.3 the floor area of the apartment does not exceed 1200 square feet;

5.6.5.4 the floor area of the apartment is less than 35% of the floor area of the principal residence, and the proposed apartment combined, as measured after conversion,

5.6.5.5 either the apartment or the principal residence is occupied by the owner(s) of the lot on which the apartment is to be located, except for bona fide temporary absences. If the lot on which the apartment is to be located is owned by the Town of Carlisle, the owner-occupancy requirement of this paragraph shall not be applicable as long as the lot and the structures thereon continue to be owned by the Town of Carlisle;

5.6.5.6 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 Commonwealth or the Carlisle Board of Health, whichever is applicable;

5.6.5.7 in consideration of the neighborhood and the existing access to the street of the single family dwelling adequate provision has been made for ingress and egress to the apartment from said street;

5.6.5.8 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;

5.6.5.9 the lot on which the apartment and principal residence are located contains at least two (2) acres;

5.6.5.10 no more than two bedrooms are allowed for lots less than three (3) acres in area;

5.6.5.11 adequate provision has been made for off street parking of motor vehicles in such a fashion as is consistent with the character of a single family residence;

5.6.5.12 there is no other apartment on the lot on which the apartment is to be located;

5.6.5.13 the external appearance of said house before or after the creation of the apartment is that of a single family residence. In general, any new entrances shall be located on the side or rear of the building; and

5.6.5.14 the construction of any accessory apartment must be in conformity with the State Building Code requirements.

5.6.6 No accessory apartment shall be used unless the owner or owners of the building have a permit issued hereunder or as otherwise provided in the Bylaws. The renewal of any accessory apartment permit previously granted shall not be denied by reason of amendments to Section #5.6 after the granting of the original permit, notwithstanding the failure of the apartment to conform to said Section as thus amended.

5.6.7 A special permit granted under this Section #5.6 shall lapse if, within one (1) year from the grant thereof (not including such time as is required to pursue or await the determination of an appeal) a substantial use of the permit has not sooner commenced except for good cause.

5.6.8 The special permit shall not become effective until a copy, certified by the Town Clerk as provided by Chapter 40A, Section 11 of the General Laws, has been recorded with Middlesex North District Registry of Deeds.

5.6.9 The special permit authorizing an accessory apartment shall terminate upon the sale of the property or transfer of title of the building; provided, however, that a sale or transfer of title shall not dispossess the then resident(s) of the accessory apartment of their tenancy. The new owner or owners may

apply for a reapproval of the special permit which, if the Planning Board finds that conditions at the time of the original application remain substantially unchanged, shall be approved without a hearing. A special permit granted hereunder shall not terminate upon a transfer of title which converts an owner's individual title to a tenancy by the entirety or a joint tenancy for the owner and his or her spouse or to otherwise provide for said spouse to share in the ownership of the property.

5.6.10 The Planning Board shall adopt reasonable rules and regulations for the submission of applications for a special permit hereunder. Said rules and regulations shall be concise, easily understood and will contain a step by step explanation of the procedure to obtain the special permit. In order to assure that such rules and regulations may be easily understood and followed, the Planning Board will submit them to and consult with the Housing Authority, the Council on Aging, the Building Inspector, the Board of Health and the Selectmen and allow a reasonable time before adoption by the Planning Board for such boards to comment.

Carver *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Town of Carver Zoning Bylaws (Adopted 1963, Revised 2003)

ARTICLE II. USE, DIMENSIONAL, AND TIMING REGULATIONS.

2200. USE REGULATIONS.

2260. Accessory Apartments.

2261. Purpose. For the purpose of (a) providing small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town, (b) providing alternative housing options for elder residents, and (c) enabling owners of single family dwellings larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements.

Accessory apartments shall not be allowed in a Conservation Subdivision pursuant to Section 3800 and Townhouse Development pursuant to Section 3900.

2262. Procedure. Accessory apartments may be allowed on special permit, which shall expire every three (3) years, by the Board of Appeals, in accordance with the special permit process in this Zoning By-Law, as set forth in Section 5300, and provided that each of the following additional criteria are met.

2263. Requirements.

a. A plot plan, prepared by a Registered Land Surveyor, of the existing dwelling unit and proposed accessory apartment shall be submitted to the Board of Appeals, showing the location of the building on the lot, proposed accessory apartment, location of any septic system and required parking. A mortgage inspection survey, properly adapted by a surveyor, shall be sufficient to meet this requirement;

b. A special permit granted under this section shall be subject to conformance with the applicable requirements of Title V of the State Environmental Code and compliance with any conditions which may be imposed by the Board of Health with regard to sanitary wastewater disposal on the site.

Prior to the Board of Appeals granting a special permit under this Section, the applicant shall provide evidence that the Board of Health has determined that the water supply for the proposed accessory apartment is adequate, and that there will be adequate drainage of any run-off resulting from the proposed apartment construction.

c. Certification by affidavit shall be provided that one of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence;

d. Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 800 sq. ft. in floor space and shall be located in the principal residential structure shall be located on the premises.

e. The external appearance of the structure in which the accessory apartment is to be located shall not be significantly altered from the appearance of a single-family structure, in accordance with the following:

1. Any accessory apartment construction shall not create more than a 15% increase in the gross floor space of the original structure.
2. Any stairways or access and egress alterations serving the accessory apartment shall be enclosed, screened, or located so that visibility from public ways is minimized;
3. Sufficient and appropriate space for at least one (1) additional parking space shall be constructed by the owner to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway.

2264. Conditions for Issuance and Renewal of Special Permits. The initial term and subsequent terms of a special permit for an accessory apartment shall expire after three (3) years. Subsequent special permit issuances for existing accessory apartments shall be granted after certification by affidavit is made by the applicant to the Board of Appeals that the accessory apartment has not been extended, enlarged, or altered to increase its original dimensions, as defined in the initial special permit application, and that the unit is still owner occupied.

2265. Decision. Special permits for an accessory apartment may be issued by the Board of Appeals upon a finding that the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located and after consideration of the factors specified in Section 5300 of this Zoning By-Law, governing special permits.

Yes

From ordinance.com, Chelmsford zoning bylaw, Section 195-6.1 (copied on 10/21/04)

Section 195-6.1 Limited Accessory Apartment.

A. Objectives

- (1) To allow the provision of a limited accessory apartment within a single-family detached dwelling for the use of the owner/occupant's parent(s) or handicapped relative(s).
- (2) To assure that the single-family character of the neighborhood will be maintained.
- (3) To assure that the limited accessory apartment shall not be converted to a rental unit.

B. Applicability.

- (1) A special permit may be granted by the Zoning Board of Appeals for the conversion of an existing or new single-family detached dwelling to accommodate a limited accessory apartment by the installation of a common wall or the partitioning of or extension of existing living space.
- (2) Such limited accessory apartment shall, at the discretion of the Zoning Board of Appeals, accommodate up to a maximum of two persons, provided that the owner of record of the structure is a resident of the structure which includes the limited accessory apartment. Limited accessory apartments shall be allowed only if the resident(s) of the limited accessory apartment are parent(s) or a handicapped relative (s) of the owner of the premises. The limited accessory apartment shall not be converted to a rental unit.

C. Standards.

- (1) Ingress, egress, access. Adequate provision, as determined by the Inspector of Buildings, shall be provided for separate ingress and egress to the outside of the limited accessory apartment. To the extent possible, exterior passageways and accessways shall not detract from the single-family appearance of the dwelling. Any new exterior entrance for the limited-Accessory apartment shall be located to the side or rear of the dwelling. An interior doorway shall be provided between the limited accessory apartment and the principal dwelling unit.
- (2) Area limitation: Limited accessory apartments shall be limited to a maximum of 600 square feet of gross floor area, exclusive of stairwells.
- (3) Parking and utilities: Provisions for off-street parking of residents and guests of both units shall be provided in such a fashion as is consistent with the character of the neighborhood, as determined by the Zoning Board of Appeals. The requirements of - 195-17 need not apply to the limited accessory apartment. Both the principal and accessory apartment shall be tied into town sewer, if available. The limited accessory apartment shall not have separate metered utilities, unless required by the State Building Code.
- (4) Special Permit. After the recording of the special permit at the Registry of Deeds, a building permit may be issued.
- (5) Occupancy permit; control. No occupancy of the limited accessory apartment shall take place without an occupancy pen-nit issued by the Inspector of Buildings. The initial occupancy permit shall remain in force for a period of three years from the date of issuance, provided ownership of the residence is not changed. Thereafter, permits may be issued by the Inspector of Buildings for succeeding three-year periods, provided that the structure and use continue to comply with the relevant provisions of the State Building Code, this chapter and the special permit. If the relative of the owner vacates this property, the use of the limited accessory apartment shall be discontinued. Use of the limited accessory apartment shall cease upon conveyance of the property, and the kitchen shall be removed.
- (6) Submittal. In addition to the normal submittal requirements of the Board of Appeals, for a limited accessory apartment the following shall be submitted:
 - (a) Architectural plans for the entire structure, including building elevations and floor plans.
 - (b) Site plan showing at a minimum the footprint of all structures, all building entrances and exits, parking, and screening from abutting uses.
 - (c) The names of the owner and the person(s) proposed to reside in the limited accessory apartment.

**Webmasters Note: The previous section 195-6.1 has been added as per Case No. 1852 approved at the Fall Annual town meeting 10/15/01.

LIMITED ACCESSORY APARTMENT -- A dwelling unit contained within or being an extension of a single-family detached structure to accommodate a parent(s), or handicapped relative of the owner/occupant of the premises.

Chelsea *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No Researcher did not find provisions for accessory apartments, although conversion is allowed by right in R1, R2.

Clinton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Town of Clinton Zoning Bylaws (Amended 2001)

3400. ACCESSORY APARTMENTS

3410. Purpose. For the purpose of (a) providing small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town, (b) providing alternative housing options for elder residents, and (c) enabling owners of single family dwellings larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements

3420. Procedure. Accessory apartments may be allowed on special permit, from the Board of Appeals, in accordance with the special permit process in this Zoning By-Law, as set forth in Section 9300, and provided that each of the following additional criteria are met

3430. Conditions.

3431 A plot plan of the existing dwelling unit and proposed accessory apartment shall be submitted to the Board of Appeals, showing the location of the building on the lot, proposed accessory apartment, location of any septic system and required parking A mortgage inspection survey shall be sufficient to meet this requirement,

3432 An affidavit shall be provided stating that one of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence,

3433 Not more than one accessory apartment may be established on a lot The accessory apartment shall not exceed 800 sq ft in floor space and shall be located in the principal residential structure on the premises,

3434 The external appearance of the structure in which the accessory apartment is to be located shall not be significantly altered from the appearance of a single-family structure, in accordance with the following

a Any accessory apartment construction shall not create more than a 15% increase in the living space of the structure existing as of June 18, 2001

b Any stairways or access and egress alterations serving the accessory apartment shall be enclosed, screened, or located so that visibility from public ways is minimized,

c Sufficient and appropriate space for at least one (1) additional parking space shall be constructed by the owner to serve the accessory apartment Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway

3440. Decision. Special permits for an accessory apartment may be granted by the Board of Appeals upon a finding that the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located and after consideration of the factors specified in Section 9300 of this Zoning By-Law, governing special permits

3232 Boarders in Single-Family Dwelling The renting of rooms and/or furnishing of board to not more than two persons in a single-family dwelling by the owner/occupant thereof shall be a permitted accessory use The renting of rooms and/or furnishing of board to three or four persons in a single-family dwelling by the owner/occupant thereof shall be allowed as an accessory use upon the grant of a special permit The renting of rooms and/or furnishing of board to five or more persons shall be deemed a boarding house subject to the provisions of the Table of Use Regulations

ACCESSORY BUILDING OR STRUCTURE A building or structure subordinate to a principal building or structure and customarily used to serve the purposes of that principal building A building is accessory only where a principal building exists on the same lot

ACCESSORY USE A use customarily incidental to and located on the same lot with the principal use A use is accessory only where a principal use exists on the same lot

Yes

According to the table of use regulations, "Accessory Dwelling Unit within a detached one family dwelling subject to Section 15." is allowed by special permit in R-A, R-B, R-C, DB and HB.

Section 15 -Accessory Dwelling Unit Special Permit

15.1 Purpose

- 1. To provide a useful type of housing to meet the needs of residents.
- 1. To protect the stability, property values and character of one family residential neighborhoods and help preserve ownership of one family dwellings.
- 2. To facilitate the Town's monitoring of the creation of the maintenance of Accessory Dwelling Units.

15.2 Special Permit Conditions

- 1. An applicant for an Accessory Dwelling Unit Special Permit shall be an owner or owners of a detached one family dwelling (House) with at least a 50% ownership interest and shall have his/her/their primary residence either in the Accessory Dwelling Unit or in the Principal Dwelling Unit within the House.
- 2. The net floor area of the Accessory Dwelling Unit shall not exceed the lesser of 25% of the net floor area of the house or 900 square feet.
- 3. The House must have at least 1200 square feet of net floor area.
- 4. No Accessory Dwelling Unit Special Permit granted hereunder shall take effect sooner than ten years after final occupancy permits are issued for the House.
- 5. At least one off street parking space shall be provided for each bedroom in the Accessory Dwelling Unit in addition to parking required for the House.
- 6. The exterior appearance of the House shall not be altered by the creation of the Accessory Dwelling Unit except for stairways and exits as required by law, which shall be in the side or rear of the House; and, restoration shall be consistent with the original architecture of the House.
- 7. Outside storage areas shall be screened by fencing or landscaping.
- 8. Only one House may be present on the lot where the accessory dwelling is to be located.
- 9. Only one Accessory Dwelling Unit may be created within a House.
- 10. The lot size must comply with the requirements for a one family dwelling as set forth under Section 5.3. This provision shall not apply to lawful, pre-existing, non-conforming structures.
- 11. To qualify for an Accessory Dwelling Unit Special Permit, for a pre-existing, non-conforming structure, per Section 8.2, the Accessory Dwelling Unit shall be constructed within the living and/or sleeping area of the pre-existing structure, shall not be permitted to increase the total square footage of the pre-existing structure and shall not alter the footprint of the pre-existing structure.
- 12. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such Accessory Dwelling Unit and the House and for an adequate water supply to such Accessory Dwelling Unit and the House in accordance with the requirements of the Board of Health.
- 13. The Accessory Dwelling Unit and all other modifications to the House shall be designed so that appearance of the House remains that of a one family dwelling, and the construction and occupancy of the Accessory Dwelling Unit will not be more detrimental to the neighborhood in which the House is located or injurious to persons or property than the existing one family use.
- 14. An Accessory Dwelling Unit shall not be occupied as such unless the owner or owners of the House have secured an Accessory Dwelling Unit Special Permit pursuant to this section. The special permit will be limited to the original applicant(s) and shall terminate upon transfer of ownership of the House.
- 15. The owner shall notify the Building Commissioner in writing, within 6 months of the lapse in use of the Accessory Dwelling Unit as such.
- 16. No special permit shall be granted when more than 10% of the single-family dwellings, based on the number of single-family dwellings as per Town of Cohasset Assessor records, have an Accessory Dwelling Unit pursuant to this section.

17. No more than ten (10) new Accessory Dwelling Unit Special Permits shall be issued by the Zoning Board of Appeals in a single calendar year.

15.3 Application Procedure

1. An application for an Accessory Dwelling Unit Special Permit shall include a site plan and floor plan. When the creation of an Accessory Dwelling Unit involves exterior alteration of the House, per Section 15.2.6, elevation plans shall show the sides of the building affected by the creation of an Accessory Dwelling Unit, before and after the construction of the Accessory Dwelling Unit. These plans shall include, at a minimum, footprint of existing House, location and number of off-street parking spaces, square footage of existing House, square footage of proposed Accessory Dwelling Unit, and location/means of ingress and egress from the Accessory Dwelling Unit. All plans must be prepared and stamped by a registered professional Architect or Engineer.

2. An application for an Accessory Dwelling Unit Special Permit must include a notarized letter stating that the applicant will occupy one of the dwelling units in the House. Every Accessory Dwelling Unit Special Permit shall include a condition that the applicant will occupy one of the dwelling units in the House.

3. The procedures and requirements stated in this Section 15 for the review and approval or denial of an application for an Accessory Dwelling Unit Special Permit shall be in addition to the provisions of Section 12.4 of this Zoning Bylaw, which provisions shall also apply to an application for an Accessory Dwelling Unit Special Permit.

**Webmasters Note: The previous section, Section 15., has been added as per an update approved at a town meeting held on 3/30/02.

Concord *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes From ordinance.com: Concord Zoning Bylaw, Section 4.2.2.2

4.2 Residential Uses

4.2.2 Two-family or additional dwelling unit:

4.2.2.2. For the purpose of providing small additional dwelling units to rent without adding to' the number of buildings in the Town or substantially altering the appearance of the Town and for the purpose of enabling owners of single-family dwellings larger than required for their present needs to share space and the burdens of home ownership, the Board may grant a special permit for one additional dwelling unit in a single-family dwelling for which a final certificate of occupancy was issued at least two years prior to an application for said permit, or if no such certificate was issued, which was legally occupied prior to such date, provided that:

- (a) The area of the lot on which the single-family dwelling is located shall not be less than ten thousand (10,000) square feet;
- (b) The dwelling unit shall be located within the single-family dwelling as it existed two years prior to the date of application for the special permit;
- (c) The dwelling unit shall be a use incidental to the single-family dwelling and shall occupy no more than one-third of the gross floor area (as of two years prior to the date of application for the special permit) of the single-family dwelling exclusive of any garage, shed or similar structure of accessory use attached to the single-family dwelling;
- (d) The dwelling unit shall have a minimum gross floor area of three hundred fifty (350) square feet;
- (e) No more than one such dwelling unit shall exist within the single-family dwelling;
- (f) No more than minimum exterior alterations shall be made to the single-family dwelling;
- (g) Either the dwelling unit or the single-family dwelling shall be occupied by the owner of the property except for bona fide temporary absences;
- (h) Floor plans of the dwelling unit and the single-family dwelling, with a site plan showing the location of the single-family dwelling on the lot, have been filed with the Building Inspector prior to or at the time of application to the Board;
- (i) Application for a building permit or certificate of occupancy shall be made to the Building Inspector and no use or occupancy shall be allowed prior to the issuance of a certificate of occupancy by the Building Inspector;
- (j) A site plan, at a measurable scale, shall be submitted with the application to the Board showing the location and arrangement of parking spaces on the property;
- (k) Parking for the dwelling unit and the single-family dwelling shall be provided on the property as required in Table IV. Minimum Parking;

(l) Confirmation that the property is served by Town sewer or, alternatively, confirmation that the on-site subsurface disposal system is adequate to accommodate any increased flows generated by the additional dwelling unit.

(m) Additional landscaping and fencing may be required to provide visual and auditory protection to adjacent properties;

(n) The special permit expires upon the sale or transfer of the equity interest in the property to another owner. A new owner may seek a special permit from the Board, and the Board may grant a special permit, for continued use of the dwelling unit provided that the property is in compliance with all other provisions of the Zoning Bylaw.

**Webmasters Note: The previous section 4.2.2.2. has been amended as per Case No. 2100 from town meeting dated 4/22/02.

Danvers *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No Town of Danvers Community Development Plan, June 2004, recommends:

"2. Establish an Affordable Accessory Apartment Housing Program – This program would provide an opportunity for home owners with accessory apartments (both legal and not currently approved) to qualify these units as affordable housing. The benefit would be to bring accessory apartments up to code and increase the number of eligible affordable housing units within the existing housing stock. Homeowners interested in applying for the program would be required to place a deed restriction on the accessory apartment declaring it remain "affordable" after the homeowner has left the home."

Dedham *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes From ordinance.com, Dedham's Zoning Bylaw:

7.4 SUBSIDIARY APARTMENTS

7.4.1 General. One subsidiary apartment may be located in a single family house located in a General Business or Central Business (GB or CB) district, and one or more subsidiary apartments may be located in a commercial building in a Planned Commercial, General Business or Central Business (PC, GB, or CB) district upon issuance of an occupancy permit by the Building Department and subject to compliance with the following requirements, provided that upon continued or repeated failure to comply, the Building Commissioner may revoke the occupancy permit and require that the apartment be vacated, in addition to any other penalties that may apply:

7.4.2 Conditions.

1. Subsidiary apartments shall be located above the ground floor, shall have a separate, entrance and not share stairs or hallways with commercial uses, except that a fire escape or exit used only in emergencies may be available at all times to both.
2. Each subsidiary apartment shall have a bathroom with a tub or shower and a complete set of sanitary facilities, and no subsidiary apartment shall have more than one kitchen, one bedroom or room customarily used for sleeping. Apartments shall not be combined, used for occupancy by more than two adults, or share the use of living, cooling, storage, or sanitary facilities.
3. Living quarters above the third floor shall be served by an elevator.
4. Every subsidiary apartment shall have two separate exits, one of which may be an emergency fire exit available at all times.
5. All subsidiary apartments shall comply fully with the applicable safety, light, air, heat, and space requirements of the Building Code.
6. Subsidiary apartments in Planned Commercial and General Business districts shall provide at least one parking space per apartment. In Central Business district, no additional parking shall be required, but any occupant or prospective occupant of a subsidiary apartment who owns or has the use of a motor vehicle, shall prove to the satisfaction of the zoning enforcement official the permanent availability of legal off-street parking or garage space without the use of public parking facilities, other than by permit, and failure to comply or repeated parking illegally on street, or in a public parking facility shall be grounds for revocation of occupancy permit.

7.6 An accessory dwelling unit may be created by Special Permit from the Board of Appeals in Single Residence A and Single Residence B upon the determination that all of the following conditions have been met :

- a. No more than one accessory dwelling unit shall be allowed per lot.
- b. The lot on which the dwelling unit is located contains at least ten per cent greater land area than required by the dimensional regulations for its district.
- c. The proposed dwelling unit is accessory to the principal residence and either the proposed dwelling unit or the principal residence is occupied by the owner of the lot on which the dwelling unit is to be located.
- d. The proposed dwelling unit shall be designed for two persons and shall not be occupied by more than two persons.
- e. The building in which the proposed dwelling unit is to be located existed on the date of the adoption of this subsection of the By-Law.
- f. The special permit, if granted, shall clearly state that it is not transferable to a purchaser of the lot and shall require, as a condition of its validity, that a certified copy of the permit be filed with the Registry of Deeds by the applicant.
- g. Exterior alterations required to meet applicable building, fire or health codes are permitted and must be designed to conform to the architectural integrity of the structure and the residential character of the neighborhood.
- h. The accessory dwelling unit created shall be a minimum of 350 square feet and a maximum of 1,000 square feet or 33 per cent of the total building size in the dwelling structure, whichever is less.
- i. One parking space shall be provided and designated for each accessory apartment established in addition to the prior requirements for the property. Such parking space shall be created in conformance with all applicable dimensional requirements and screened appropriately from abutting properties.
- j. Alterations to the building dwelling unit shall be designed to be compatible with the surrounding residential district and shall not create a second entrance in the front of the building.
- k. The Board of health shall review and approve the septic system on site as part of the approval process.
- l. Any special permit granted pursuant to this section shall require that the applicant request certification of the permit every three years, and failure to request such certification shall cause the permit to lapse.

**Webmasters Note: According to the original document there are duplicate sections numbered 7.6.

According to the Table of Use Regulations, subsidiary apartments are allowed in PC19, GB and CB districts by right. They are not allowed by right or special permit in any other districts.

Dighton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes "2500. ACCESSORY APARTMENTS.

2510. General

For the purpose of enabling owners of single family dwellings larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements.

2520. Criteria

Accessory apartments may be allowed on special permit, which shall lapse every two years, in accordance with Section 5300, and provided that each of the following additional criteria are met.

2521. A plot plan prepared by a Registered Land surveyor, of the existing dwelling unit and proposed Accessory apartment shall be submitted, showing the location of the building on the lot, proposed accessory apartment, location of any septic system and required parking. A mortgage inspection survey, properly adapted by a surveyor, shall be sufficient to meet this requirement;

2522. Certification by affidavit shall be provided that one of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence;

2523. Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 750-sq. ft. in floor space and shall be located in the existing residential structure on the premises;

2524. The external appearance of the structure in which the accessory apartment is to be located shall not be significantly altered from the appearance of a single-family structure, in accordance with the following:

a. Any accessory apartment construction shall not create more than a 15% increase in the gross floor space of the structure existing as of [date of enactment].

b. Any stairways or access and egress alterations serving the accessory apartment shall be enclosed, screened, or located so that visibility from public ways is minimized;

c. Sufficient and appropriate space for at least one (1) additional parking space shall be constructed by the owner to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway.

2525. The initial term and subsequent terms of a special permit for an accessory apartment shall expire after two years. In the event such special permit is not renewed, the Board of Appeals shall promptly notify the Building Commissioner. Subsequent special permit issuances for existing accessory apartments, if any, shall be granted after certification by affidavit is made by the applicant that the accessory apartment has not been extended, enlarged, or altered to increase its original dimensions, as defined in the initial special permit application.

2530. Findings

Special permits for an accessory apartment may be issued upon a finding that the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located and after consideration of the factors specified in Section 5300 herein.

2700. DIMENSIONAL REGULATIONS FOR ACCESSORY STRUCTURES

2710. General

Accessory structures are only allowed on the same lot as an existing principal structure.

2720. Setbacks and yards.

A detached accessory building or structure not larger than 10' x 10' shall not be located closer than three (3') feet from the side or rear lot line for residential dwellings, however, no accessory building or structure shall be located closer than 15' to any dwelling on an adjacent lot. Where a dwelling exists on a lot that has less than the minimum dimensional requirements, the board of appeals may by special permit authorize these reductions of such requirements as may be reasonable with respect to the size and shape of the lot and not hazardous or detrimental to the neighborhood and the adjacent properties.

**Webmasters Note: The previous section has been amended as per an update approved at a town meeting held on 6/9/03.

2730. Attached to dwelling

Any accessory building attached to a dwelling or within ten feet thereof shall be considered as part of the dwelling and shall comply with the yard and setback requirements for the district.

2740. Height

Accessory buildings or structures shall not be erected over twenty feet in height; provided, however, that barns may be erected to the height set forth in Appendix B."

From the Town of Dighton Zoning Bylaw, Section 2500

Douglas

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Town of Douglas Zoning Bylaw (Adopted 2004)

3.3 ACCESSORY APARTMENTS

3.3.1 Purpose

This by-law has been established for the following purposes:

1. To provide a variety of types of housing to meet the needs of its residents, including those with low or moderate income levels; and
2. To expand the permitted types of housing to provide an opportunity for older persons who cannot physically or financially maintain their own home to live in homes of relatives; and
3. To protect the stability, property values and the single family residential character of the neighborhood and at the same time accommodate so-called in-law apartments; and
4. To authorize the creation of such accessory apartments and at the same time encourage the Town to monitor conversions for code compliance.

3.3.2 Special Permit Required

The Planning Board may authorize an Accessory Apartment by special permit in any residential district, provided that each of the following standards are met.

3.3.3 Standards

1. The owner(s) of the residence in which the Accessory Apartment is located shall occupy one of the dwelling units.
 2. Either the occupants of both units shall be related by blood or marriage, or one of the units shall be occupied by an individual hired to provide medical assistance, or custodial care to one or more individuals in the other unit. In the alternative, the accessory apartment shall be rented at a price affordable to persons or families qualifying as low or moderate income for a period of not less than fifteen (15) years. The rental price for such apartment shall be affordable for persons or families in the Worcester area earning less than 80% of the median income, as set forth in the applicable guidelines of the Commonwealth's Department of Housing and Community Development.
 3. Prior to the initial lease or any subsequent lease of the apartment, lease documents complying with the terms set forth above shall be approved as to form by the Board's legal counsel.
 4. Only one (1) Accessory Apartment may be created within a one family dwelling.
 5. An Accessory Apartment may only be created in a dwelling which would otherwise be classified as a one family dwelling.
 6. The design of the Accessory Apartment is such that the appearance remains that of a one family residence. Any new additions required for the Accessory Apartment shall conform to the minimum yard sizes and maximum height requirements for a single family dwelling of the district where the building is located.
 7. The Accessory Apartment shall be clearly secondary in nature to the principal dwelling, and it shall not exceed nine hundred (900) square feet in area.
 8. At least three (3) off-street parking spaces must be provided for any one family dwelling which has an Accessory Apartment.
 9. No Accessory Apartment may be created in a detached structure.
 10. If the lot is not connected to public sewer, prior to obtaining a building permit, the Board of Health shall certify that the septic system is in compliance with Title 5 of the State Environmental Code and the Board's Regulations.
 11. The construction of any Accessory Apartment must be in conformity with the State Building Code Requirements.
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12. The Planning Board may require more or other appropriate conditions in order to protect the public health and safety, and the single-family character of the neighborhood. The Board may also allow deviation from the above conditions where necessary upon a finding that such deviation will not be detrimental to the neighborhood nor the intent of this bylaw.

3.3.4 Time Limit

The special permit may be granted for a period not to exceed three (3) years. Such special permit may be renewed, without a public hearing, for another three-year period upon submittal of an affidavit by the owner indicated that the conditions of this Section 3.3 continue to be satisfied. Upon expiration of the special permit or when the dwelling is sold, or when the need for such care ceases, whichever occurs first, the dwelling shall revert to single family use, and the Accessory Apartment may not be occupied unless a new special permit is obtained from the Planning Board.

Yes

According to the table of use regulations, accessory apartments are allowed by special permit in R, R-1, R-2, B, M, M-P, R-M. [Added ATM 5-5-1986 by Art. 16]

§185-43. Accessory apartments.

[Added ATM 5-5-1986 by Art. 16]

A. Application for Special Permit.

(1) An owner or owners of a single-family dwelling in an R, R-1, R-2, B, M, M-P or R-M District may apply to the Board of Appeals for a Special Permit for the construction and occupancy of not more than 1 accessory dwelling unit in such single-family dwelling, the accessory dwelling unit thus created being hereafter referred to in this section as an "apartment."

(2) Such application shall include a detailed site and plot plan and a detailed floor plan showing the building before and after the construction of the proposed apartment. Notwithstanding the foregoing, no Special Permit shall be granted during any time when more than 10% of the single-family dwellings in Dover shall have an apartment pursuant to such a Special Permit. The provisions of Section 185-13 shall not apply to an apartment for which a Special Permit is received pursuant to this section.

B. After notice and public hearing (the hearing) and after due consideration of the reports and recommendations of the Planning Board and the Board of Health (see Subsections C and D below), the Board of Appeals may grant such a Special Permit, provided that:

(1) The apartment is accessory to the principal residence, the floor area of the apartment does not exceed the lesser of 25% of the floor area of the principal residence, exclusive of any garage, unfinished attic or basement or shed attached to said principal residence, or 900 square feet and either the apartment or the principal residence is occupied by at least 1 of the owners of the lot on which the apartment is to be located, except for bona fide temporary absences;

(2) Adequate provision has been made for the disposal of sewage, waste and drainage generated by the occupancy of such apartment and the principal residence and for an adequate water supply to such apartment and the principal residence in accordance with the requirements of the Board of Health;

(3) Adequate provision has been made for ingress and egress to the outside from such apartment, any new entrances to be located on the side or the rear of the building;

(4) The apartment and all other modifications to the building shall be designed so that the appearance of the building remains that of a single-family dwelling, and 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;

(5) The building in which the apartment is to be constructed existed and was legally occupied on January 1, 1985, and has not been substantially enlarged since then;

(6) Adequate provision has been made for off-street parking of motor vehicles in such a fashion as is consistent with the character of a single-family dwelling and that there shall be no change in the front yard parking area, as it existed on January 1, 1985; and

(7) There is no other residence on the lot on which the apartment is to be located.

C. In order to ensure compliance with Subsection B(2) above, the applicant shall consult with the Board of Health at least 30 days prior to the hearing and the Board of Health shall submit, in writing, prior to the hearing, a report to the Board of Appeals certifying that the conditions of Subsection B(2) have been met. The Board of Health may supplement its report within 14 days after the hearing.

D. Consultation with Planning Board; report.

(1) In connection with an application for a Special Permit under this section, the applicant shall consult with the Planning Board at least 30 days prior to the hearing, and the Planning Board shall submit, in writing, prior to the hearing, its recommendation and report to the Board of Appeals. The Planning Board may supplement its report within 14 days after the hearing. The report of the Planning Board shall include as a minimum:

(a) A determination of the area of the lot on which the apartment is located.

(b) A general description of the neighborhood in which the lot lies and the effect of the proposed apartment on the neighborhood.

(c) 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 Special Permit.

(2) The 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.

E. No building shall be used for an apartment in violation of the terms of this chapter unless the owner or owners of the building have secured a Special Permit pursuant to this section. The Special Permit will be limited to the original applicant, but shall be transferred with ownership upon written certification by the Building Inspector that, after inspection, he has verified that the terms and conditions of this section and the Special Permit granted hereunder are being met and that the new owner or owners have declared, in writing, an intention to abide by such terms and conditions. Within 6 months of the lapse of a Special Permit hereunder, the owner or owners of the building containing an apartment shall dismantle the cooking facilities of the apartment and restore the building to a single-family dwelling.

F. Any Special Permit granted under this section shall lapse 1 year from the date of issue unless construction shall have commenced pursuant to such Special Permit.

Dracut *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes "In-law dwelling units" are allowed by special permit in every district EXCEPT R-3.

Dracut Zoning Bylaw

In Law Dwelling Unit [Amended 10/4/99]

Purpose and intent: To provide a non-rental housing alternative for immediate family members or care givers.

Requirements:

1. Must be within or have a common wall with the single family dwelling unit and not be separated by a hall or foyer.
2. For the purpose of this by law the definition for a common wall is a wall or floor that is connected, usable and heated on both sides of the existing dwelling unit.
3. Maximum of one in-law dwelling unit per property.
4. The exterior appearance and entrances of the dwelling unit must be consistent with a single-family residence.
5. Must be entered through main dwelling unit and may not have an exit directly to outside, unless otherwise permitted by the Special Permit Granting Authority.
6. Where municipal sewer service is not provided the in law dwelling shall be considered a (1 & 1/2) one and one half bedrooms for the purpose of septic design as determined by the Board of Health.
7. Only one bedroom is permitted in an in-law dwelling unit.
8. Unit may not exceed 20% of existing living space or 700 sq ft. of living space whichever is greater.
9. Separate metered utilities are prohibited.
10. All restrictions and conditions must be recorded at the registry of deeds in accordance with the Special Permit requirements and shall include the subordination agreement by any bank or leaseholder, if applicable.
11. The primary dwelling must be the principle residence of the property owner of record.
12. Upon sale or transfer of the property, Special permit conditions notwithstanding, the dwelling must be returned to its former residential use, unless transferee applies to the Special Permit Granting Authority to renew the special permit for the new transferee, subject to the terms and conditions of this by-law.
13. That in the event that the in-law dwelling unit is advertised or used as a rental unit, the Special Permit Granting Authority or the Zoning Enforcement Officer shall notify the permit holder of its intention to revoke the permit, forthwith.
14. The Applicant shall provide 7 sets of Complete Building Plans and Plot Plans with the application to the Special Permit Granting Authority.
15. That the Zoning Board of Appeals shall be allowed to issue a special permit for an already existing in-law dwelling unit in order to bring the unit into compliance with this section.

Dunstable *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Town of Dunstable Zoning Bylaw, 2004

R-1: In-law apartments, by Special Permit:

"(g) in order to facilitate and promote the welfare of families in Town, the use of a group of rooms in a single family residence as an apartment with its own kitchen and plumbing facilities for the use of a limited number of the family of one or more of the principle residents, such as their parents or children, provided that the Board makes the following findings:

- i. The premises are being used as a principal residence by one or more persons related by blood or marriage to the occupants of the apartment.
- ii. The apartment shall have its own separate entrance from the outside.

- iii. The apartment shall have its own kitchen facilities and its own interior toilet facilities.
- iv. Evidence verified in writing by the Board of Health (or its qualified agent), is submitted with, and as part of, the application for special permit, that there is available on the lot an adequate supply of drinking water and adequate provisions for sewage disposal.
- v. The outside appearance of the premises shall remain that of a single family residence.
- vi. The rooms shall have adequate provision for heat, in the judgement of the Board of Appeals.
The special permit shall be issued only if it contains the following limitations and conditions:
- vii. The number of residents of the apartment is limited to the number, not exceeding three (3), which the Board of Appeals finds to be reasonable in consideration of the adequacy of the facilities provided.
- viii. The premises continue to be used as principal residence by a relation or relations of the occupants of the apartment.
- ix. All turnaround and parking areas shall be provided on the lot." - Zoning Bylaws, Section 6.2(g) Amended June 15, 1992

Recommendation in 2005 Town of Dunstable Planned Production Plan for Affordable Housing

"1) Apartments within Single-Family Residences

Under Section 6.2 of the Zoning Bylaw, the Town of Dunstable allows for apartments to be created within existing single-family units with separate entranceways, bathroom and kitchen facilities provided these units are occupied by a family relative (related by blood or marriage). The Town of Dunstable could consider removing the family restriction currently in the bylaw and requiring affordability restrictions to be placed on the rental through a binding regulatory agreement. A sample regulatory agreement for rental property is attached in the final Section of this plan."

Duxbury

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

410.6 Accessory Apartment Special Permit Regulations and Restrictions

1. General – No accessory apartment shall be constructed in a single family dwelling without a special permit from the Board of Appeals as provided hereunder. For the purpose of this provision, single-family dwellings authorized under a special permit for a residential conservation cluster or planned development shall be ineligible for an accessory apartment. Application for a special permit may be made to the Board of Appeals in the usual manner. The Board of Appeals may grant a special permit under 906.2 and Site Plan approval under 410.5 provided the following conditions are met. No construction shall commence without issuance of a building permit by the Zoning Enforcement Officer and no use or occupancy of the accessory apartment may occur until the Zoning Enforcement Officer has issued a certificate of occupancy.
2. The Board of Appeals may approve an application for a special permit to construct an accessory apartment where:
 - a) The accessory apartment does not exceed 850 square feet in area.
 - b) The accessory apartment does not require alteration or addition to the singlefamily dwelling in such a manner that there is any exterior change to the
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dwelling, so that the accessory apartment is located wholly within the building footprint in existence at the time of the special permit application. For the purpose of this section, exception shall be made only for installation of exterior doorways and means of egress at grade in conformance with Massachusetts Building Code.
 - c) The area of the lot on which the single-family dwelling is located shall not be less than twenty thousand square feet.
 - d) Sufficient parking area shall be provided, including at least one additional space to serve the accessory apartment. Said addition space shall have access to the driveway serving the dwelling.
 - e) The applicant shall be an owner-occupant of the premises, and shall remain an

- occupant of either the principal dwelling or the accessory apartment.
- f) The Board of Health certifies that the existing or proposed septic system and expansion area comply with the requirements of Title 5 of the State Environmental Code and the Rules and Regulations of the Duxbury Board of Health, and is capable of serving both the single-family dwelling and the accessory apartment.
 - g) The applicant submits floor plans of the proposed accessory apartment, a site plan in conformance with Section 410.5 and a plot plan as required under Section 905, all being acceptable to the Board of Appeals.
 - h) The single-family dwelling is at least ten years old at the time of the application for an accessory apartment special permit, and no additions or alterations as would have created additional living space were constructed in the single-family dwelling within five years of the date of application for special permit hereunder.

-Town of Duxbury, MA Zoning ByLaws March 2003 (August 10, 2004 printing)

East Bridge *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Easton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Essex *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Everett *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Foxboroug *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Framingha *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Franklin Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Freetown Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes By special permit in Residential and General districts.

"SECTION 19. ACCESSORY APARTMENT BY-LAW:
A. Purpose:

It is the intent of this by-law to create additional living space to a single-family dwelling. Proposed expansion must maintain the appearance of the structure as a single-family home. It must not be detrimental to the surrounding neighborhood. The additional living space shall not be used as an apartment for rental, but only as a convenience for members of the owner's family.

B. Residential District:

The Zoning Board of Appeals, as a Special Permit Granting Authority, may issue a Special Permit authorizing the conversion and use of a portion of a single-family dwelling into a separate living area with cooking facilities for a family member of the owner or owners. Said permit shall be valid only for the occupancy of said premises of the person for whom it is issued. For a Residential Zone, not more than 600 square feet of additional living space may be added to the existing single-family dwelling, must be subordinate in size to the principal dwelling unit in a manner that maintains the appearance of the structure as a detached single-family home, must provide two off-street parking spaces per unit, only one accessory apartment shall be allowed per single-family dwelling unit, and one of the two living units shall be owner occupied. Permit, if granted, is valid for five (5) years. Five years from date of issue a public hearing will be held to ensure use is the same.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 10/28/02.

C. General District:

The Zoning Board of Appeals, as a Special Permit Granting Authority, may issue a Special Permit authorizing the conversion and use of a portion of a single-family dwelling into a separate living area with cooking facilities for a family member of the owner or owners. Said Permit shall be valid only for the occupancy of said premises by the person for whom it is issued. For a General Use Zone, not more than 1000 square feet of additional living space may be added to the existing single-family dwelling, must be subordinate in size to the principal dwelling unit in a manner that maintains the appearance of the structure as a detached single-family home, must provide two off-street parking spaces per unit, only one accessory apartment shall be allowed per single-family dwelling unit, and one of the two living units shall be owner occupied. Permit, if granted, is good for five (5) years. Five years for date of issue a public hearing will be held to ensure use is the same."

- Freetown Zoning Bylaw (as amended 5/3/04) Section 18.G Table of use regulations & 19 Accessory Apartment Bylaw (amended 10/28/02)

Georgetow Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes Georgetown Zoning Bylaw, Chapter 165, last revised 2002

ARTICLE XI Supplementary Regulations
Section 165-69. Accessory apartments.
[Added 6-26-1995 AIM, Art. 9 (Amdt. No. 94)]

A. Purpose and intent. It is the specific intent of this section to allow accessory apartments, including kitchens, within single-family properties 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.

To achieve this goal and to promote the other objectives of this section, specific standards are set forth below for such accessory apartment uses. A special permit issued by the Zoning Board of Appeals shall authorize such use.

B. Owner occupancy required. The owners of the single-family lot upon which the accessory apartment is located shall occupy at least one (1) of the dwelling units on the premises. The special permit shall be issued to the owner of the property. Should there be a change in ownership or change in residence of the owner, the special permit and the certificate of occupancy for the accessory apartment shall become null and void.

C. Apartment size. The maximum livable floor area for an accessory apartment shall not exceed the greater of either seven hundred (700) square feet or thirty-three percent (33%) of the livable floor area of the existing primary dwelling. In the case of new construction, the aforementioned will apply to the planned primary dwelling. Livable floor area is defined under this chapter. 14 [Amended 11-13-1995 STM, Art, 10 (Amdt. No. 99)]

D. 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.

E. 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.

F. There shall be no more than one (1) accessory apartment for a total of two (2) dwelling units permitted per lot.

G. Dwelling units in new developments may apply for special permit after subdivision road has been accepted at town meeting.

Gloucester *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Grafton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Town of Grafton Zoning Bylaw, Amended 2003

3.2.3.1 Use Regulation Schedule

Accessory apartments are allowed by SP in the following districts: A, R40, R20, RMF

2.1 Uses and Structures

Accessory Apartment: An accessory apartment is a separate housekeeping unit, complete with its own sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single-family dwelling, but functions as a separate unit.

Groton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Groveland *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Groveland Zoning Bylaw (Adopted 1996)

301.8. Accessory Apartments in Residence Districts

301.8.1. Purpose and Intent: It is the specific intent of this section to allow accessory apartments, including kitchens, within single family properties in the Residential Districts for the sole 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 Groveland. To achieve this goal and to promote the other objectives of this By-law,

specific standards are set forth below for such accessory apartment uses.

301.8.2. Owner Occupancy Required: The owner of the single family lot upon which the accessory apartment is located shall occupy at least one (1) of the dwelling units on the premises. A Special Permit shall be issued only to the owner of the property. The Zoning Board of Appeals shall be the Special Permit Granting Authority. Should there be a change in ownership or change in residence of the owner, the Special Permit and the Certificate of Occupancy for the accessory apartment shall become null and void.

301.8.3. Apartment Size: The maximum floor size for an accessory apartment within a principle dwelling shall not exceed twenty-five (25%) percent of the habitable area of the dwelling in which it is located, or 600 square feet, whichever is greater. Habitable area, as referred to herein, shall exclude unfinished basements, workshops, unfinished attics, closets, and garage space.

301.8.4. Code Compliance: The accessory apartment must be determined to comply with current safety, health and construction requirements before occupancy and at every change of occupancy. The Zoning Board of Appeals shall have the right to request verification as to the accessory use on an annual basis.

301.8.5. 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.

301.8.6. Existing detached structure may continue to be used for the same purposes subject to special conditions imposed by the Board of Appeals.

301.8.7. There shall be no more than one (1) accessory apartment for a total of two (2) dwelling units per lot.

301.8.8. Current apartment uses, as of the effective date of this amendment, may be continued only as long as the present occupants of the accessory apartment remain in residence. The current owner of the property must also appear before the Zoning Board of Appeals to obtain a Special Permit for the affected property. Adopted April 26, 1993.

Halifax

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Accessory Apartments are allowed by Special Permit in the AR, B, and C districts.

IN-LAW APARTMENT/IMMEDIATE FAMILY MEMBER ACCESSORY APARTMENT : Any room or suite of rooms comprising one (1) complete housekeeping unit with its own cooking and its own bathing and toilet facilities wholly within the subroom or suite of rooms occupied by an in-law or immediate family member.

(11) In-law Apartment/Immediate Family Member Accessory Apartment allowable by special permit from the Zoning Board of Appeals in the AR, B and C Districts. [Amended 9/28/98]

(a) In-law Apartments shall share a major utility, some shared living space and one shared entrance with the primary dwelling.

(b) In-law Apartments must be occupied by a relative of the owner and/or resident of the primary dwelling.

(c) In-law Apartments shall not be converted to income producing Apartments.

(d) Special Permits for In-law Apartments are granted to the applicant and are not transferable with the land.

(e) Special Permits for In-law Apartments are granted for a period of five (5) years and must be renewed after the five (5) years by coming back to a Zoning Board Meeting.

Hamilton

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

SECTION V. USE REGULATIONS

(See also Section I "Purpose," Items A and B)

A. R-1a and R-1b Single Family Residence Districts and R-A Residence Agricultural Districts are intended as districts of single family homes and for continuance of forest and agricultural activities, with not more than one dwelling, accessory buildings, stone walls, fences, and structures, customarily incidental for residential and forest or agricultural uses upon one lot.

11. Subject to a Special Permit by the Board of Appeals as provided in Section IX-D below, the following:

e. Apartment Options

1. Conversion for Temporary Additional Living Area (Added May 6, 1991)

In order to provide a way for families to create separate living quarters in their home to accommodate a temporary family, health, or security need, construction of one temporary additional living area (as defined in Section VII) in a single family dwelling or an accessory building (as defined in Section V.A.9), provided that:

a. Administration and Application

1. Written approval of all the proposed arrangements for sanitary waste, water supply, and drainage is obtained from the Board of Health prior to the submission of the special permit application to the Zoning Board of Appeals.
2. The Occupancy Permit for the principal dwelling unit was issued at least two (2) years prior to application for the Special Permit.
3. One of the dwelling units is occupied by the owner of the property, except for bona fide temporary absence.
4. The temporary use of the premises is for the owner(s); or a family member of the owner(s); or a caretaker or a health care provider to the occupant of one of the units; or an elderly person (age 60 years or older); or a mentally or physically handicapped person.
5. There is no other accessory dwelling unit on the lot on which the proposed accessory unit is to be located.
6. The applicant shall, in addition to obtaining a special permit, also obtain a building permit, and needed Conservation Commission approvals, and an occupancy permit prior to the occupancy of the proposed accessory dwelling unit.
7. Renewal of the special permit shall take place every four (4) years from the date of issuance of this Special Permit and upon change of ownership or tenants. Renewal of the special permit will follow the Abbreviated Site Plan Review procedure as found in this by-law section VI.H.3.b., provided there is no change in the design or dimensional standards under section V.A.11.e.1.b. below. (Amended 5/95)

**Webmasters Note: The previous subsection has been amended as per an update dated 5/20/03.

8. The Building Inspector shall be notified upon cessation of occupancy.
9. This Special Permit shall be valid only for the occupancy of the apartment by the apartment tenant(s) for whom it was issued; upon cessation of occupancy by such tenant(s), the permit shall lapse and be null and void.
10. The kitchen facilities shall be removed when there is no longer a valid special permit for the unit.

b. Design and Dimensional Standards

1. A plot plan and scaled architectural drawings of the existing dwelling unit and proposed addition shall be submitted, showing location of the building on the lot, proposed addition, location of septic system and parking and compliance with Section V.A.11.e.1.a. 1-10 above and the following items:
2. The maximum gross floor area shall not exceed the lesser of 1,000 square feet or one third of the gross floor area of the dwelling unit and the proposed accessory unit combined, as measured after conversion.
3. Any extension to the building shall not create more than a 25% increase in the gross floor area of the existing structure. (Amended 5/95)
4. The maximum number of bedrooms shall be one (1).
5. The maximum number of people shall be two (2).
6. The lot on which the proposed accessory dwelling unit is to be located contains at least 10,000 square feet.
7. The external appearance of the building in which the accessory dwelling unit is located shall not be significantly altered from a single-family dwelling unit.
8. The kitchen facilities shall be of a type readily removable.
9. Adequate provision has been made for egress to the outside from the accessory dwelling unit; any external stairways shall be screened from view, buffered, or located out of sight from any street.
10. One off street parking space shall be provided for the new dwelling unit, in addition to the required parking for the principal unit; every effort shall be made to minimize the visibility of the additional parking space by location and screening.
11. Construction and occupancy of the additional dwelling unit will not be detrimental to the neighborhood in which the lot is located, and will not be injurious or dangerous to the public health or hazardous because of traffic congestion, danger of fire, or other reasons, and will not result in violation of

the dimensional requirements of zoning in effect at the time of the application.

2. In order to provide for a way to preserve large older homes in the Town, conversion of a one-family dwelling existing at the time of the adoption of the ordinance (1954) into a two-family dwelling, provided that: (Added May 6, 1991)

a. Administration and Application

1. Written approval of all the proposed arrangements for sanitary waste, water supply, and drainage is obtained from the Board of Health prior to the submission of the Special Permit application to the Board of Appeals.

2. The applicant shall, in addition to obtaining a Special Permit, also obtain a building permit, and needed Conservation Commission approvals, and an occupancy permit prior to occupancy of the proposed dwelling unit.

b. Design and Dimensional Standards

1. A plot plan and scaled architectural drawings of the existing dwelling unit and alterations are submitted, showing location of the building on the lot, proposed alterations, location of septic system and parking, and compliance with Section V.A.11.e.2.a. 1 and 2 above, and the following items:

2. The lot on which the proposed conversion is to be located contains at least 20,000 square feet, and the existing dwelling unit contains at least 4,000 square feet.

3. The external appearance of the building in which the dwelling units are located shall not be significantly altered from its previous single-family character.

4. Adequate provision has been made for egress to the outside from the additional dwelling unit; any external stairways shall be screened from view, buffered, or located out of sight from any street.

5. One off street parking space shall be provided for the new dwelling unit, in addition to the required parking for the principal dwelling unit; every effort shall be made to minimize the visibility of the additional parking space by location and screening.

6. Construction and occupancy of the additional dwelling unit will not be detrimental to the neighborhood in which the lot is located, and will not be injurious or dangerous to the public health or hazardous because of traffic congestion, danger of fire, or other reasons, and will not result in violation of the dimensional requirements of zoning in effect at the time of the application.

1. Accessory Apartments on Large lots (Added 5/96)

To provide for accessory apartments for family/caretakers on large lots, an accessory apartment in a single family dwelling or an accessory building (as defined in Section VII.1), provided that

a. Administration and Application

1. Written approval of all the proposed arrangements for sanitary waste, water supply, and drainage is obtained from the Board of Health prior to the submission of the Special Permit application to the Board of Appeals.

1. Written approval of the plot plan referenced to in b.1. below with regard to relevant guidelines as found in Section VI.H.5. of the ZBL is obtained from the Planning Board prior to the review of the Board of Appeals.

1. One of the dwelling units is occupied by the owner of the property, except for bona fide temporary absence.

1. The applicant shall, in addition to obtaining a special permit, also obtain a building permit, and needed Conservation Commission approvals, and an occupancy permit prior to the occupancy of the proposed accessory apartment.

a. Design and Dimensional Standards

1. A plot plan and scaled architectural drawings of the existing dwelling unit and proposed addition shall be submitted, showing location of all building(s) on the lot, the proposed addition, location of all septic systems and parking and compliance with the following items:

1. The lot on which the proposed conversion is to be located is at least 10 acres.

1. Any external stairways shall be screened from view, buffered or located out of sight from any street.

1. One off street parking space shall be provided for the additional dwelling unit, in addition to the required parking for the principal dwelling unit; every effort shall be made to minimize the visibility of the additional parking space by location and screening. The driveway shall conform to Section VI.B.12 of this ZBL.

a. Not Detrimental to Neighborhood

The Board of Appeals shall make a finding that the construction and occupancy of the additional dwelling unit will not be detrimental to the neighborhood in which the lot is located, and will not be injurious or dangerous to the public health or hazardous because of traffic congestion, danger of fire, or other reasons, and will not result in violation of the dimensional requirements of zoning in effect at the time of the application.

a. Special Restrictions

1. The principal dwelling unit and the accessory apartment shall be held in the same ownership.

1. The lot upon which the principal dwelling unit and accessory apartment are located shall not be reduced in size to less than 10 acres; reduction in lot size to less than 10 acres will cause the accessory apartment to be in violation of this ZBL.

Hanover *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No 6.000 Residence A District:

6.020 Uses Permitted by Special Permit from the Zoning Board of Appeals.

C. Conversion of a dwelling that has existed for ten (10) years or more to allow for the inclusion of a second dwelling unit provided that:

1. the use is clearly incidental to and secondary to the primary use as a residence;
2. the external appearance of the structure shall not be changed;
3. there shall be sufficient floor area as specified in Section 7.610 of this Bylaw;
4. septic disposal systems shall meet with the approval of the Hanover Board of Health; and
5. no detached accessory buildings, including, but not limited to, garages or barns, shall be utilized for this purpose.

Hanson *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Harvard *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes CODE OF THE TOWN OF HARVARD v2 (Updated 2004)

§ 125-18. In-law apartment use. [Added 3-27-1982 ATM by Art. 37; amended 4-5-1986 ATM by Art. 33]

It is the intent to provide for the use of a group of rooms in an existing single-family residence as a so-called "in-law apartment" with its own kitchen and bathroom facilities, for the use of a limited number of persons such as, but not limited to, relatives or tenants-at-will, subject to special precautions with respect to privacy, safety, numbers of occupants, and adequacy of water supply and sewage disposal; where the owner is a resident of the premises; and where the use of such a group of rooms as an apartment is clearly accessory to the principal use of the premises as a single-family residence. It is the further intent that the structural changes, if any, necessary to effect the in-law apartment use be sufficiently modest that such use could be terminated, and a single family reoccupy the entire premises, without substantial hardship in reconstruction.

A. By special permit from the Board of Appeals, a group of rooms in a single-family residence may be used as a separate apartment with its own bathroom and kitchen facilities, provided that:

- (1) The premises are being used by the owner as a principal residence, and have been used lawfully as principal residence by present or previous owners for a period of at least five years prior to the date of application for the special permit.
- (2) The apartment shall have its own separate entrance from the outside.
- (3) The apartment shall have its own kitchen facilities and its own interior toilet facilities.

- (4) Evidence verified in writing by the Board of Health (or its qualified agent) is submitted with, and as part of, the application for special permit, that there is available on the lot an adequate supply of drinking water and adequate provisions for sewage disposal.
- (5) The outside appearance of the premises shall remain that of a single family residence.
- (6) The rooms shall have heat that is adequately supplied and controlled.

B. The special permit shall be issued only if it contains the following limitations and precautions:

- (1) The number of residents of the apartment is limited to the number, not exceeding three, which the Board of Appeals finds to be in accordance with the adequacy of the facilities provided, even if each occupant wishes to occupy a separate bed.
- (2) The premises continue to be used as principal residence by an owner.
- (3) All turnaround and parking areas shall be provided on the lot.

C. This use, standing alone, is not subject to § 125-39, Site standards.

Haverhill *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Section 255-86.1. Accessory apartments.
[Amended 6-10-1992 by Doc. 52-C]

In Residential Districts, one apartment, consisting of separate living quarters in the principal building, may be constructed in a single-family dwelling, upon grant of a special permit. In order for the Board of Appeals to grant a special permit, the following conditions must be met in addition to other special permit requirements. These conditions may not be waived through use of a variance.

- A. The building must retain its characteristically single-family appearance.
- B. A separate main entrance may not be constructed, facing the lot frontage.
- C. The apartment shall not exceed 800 square feet or 30% of the living space (square feet) of the size of the existing structure, whichever is less.
- D. The conversion must occur entirely within the existing footprint of the building.
- E. The single-family home must be owner-occupied with no separate electric or heating services provided to the accessory apartment.
- F. The Board of Health must certify that any existing potable water and sanitary waste disposal system is adequate to support a second living unit.

ACCESSORY APARTMENT - In residential districts, one (1) apartment, consisting of separate living quarters in a principal single-family dwelling.
[Added 6-10-1992 by Doc. 52-C]

Hingham *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No Researcher did not find provisions for accessory apartments, although conversion of two families (built pre-1941) is allowed in each residential district.

Holbrook *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Holden *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes

Zoning Bylaws of the Town of Holden (Adopted 1954, Amended 2004)

"Whereas, the Town provides a variety of types of housing to meet the needs of its residents; and

Whereas, the Town of Holden wishes to expand the permitted types of housing to provide an opportunity for older persons who cannot physically or financially maintain their own home to live in homes of relatives; and

Whereas, the Town wishes to protect the stability, property values and the single-family residential character of neighborhoods and at the same time accommodate so-called in-law apartments; and

Whereas, the Town wishes to authorize the creation of such accessory apartments and at the same time encourage the Town to monitor conversions for code compliance;

Now, therefore, the "Accessory Apartment Zoning By-Law" is hereby established;

h. (2.0) Special Permit Procedures and conditions

The Board of Appeals may authorize an Accessory Apartment by Special Permit in any residential district, provided that each of the following standards and criteria are met:

(a) The Accessory Apartment may be a complete, separate housekeeping unit that functions as a separate unit from the one-family detached dwelling of which it is a part. Such unit may be occupied only by persons related by blood or marriage to the owner(s) of the one-family dwelling.

(b) Only one Accessory Apartment may be created within a one-family dwelling.

(c) An accessory apartment must be attached to the main residential structure and shall share a common wall with the main residence.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/19/03.

(d) The lot on which the single-family house is located must have a minimum of 10,000 square feet and must comply with all applicable zoning requirements for its district after the accessory apartment has been created.

(e) Adequate provision must be made for the disposal of sewage, waste and drainage generated by the occupancy of the entire dwelling including the Accessory Apartment in accordance with the requirements of the Holden Board of Health.

(f) The Accessory Apartment shall be designed so that the appearance of the building remains that of a one-family detached dwelling as much as is feasibly possible. Any new entrances shall be located on the side and rear of the building.

(g) Accessory apartment consisting of 850 square feet may be permitted for handicapped accessibility.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/19/03.

(h) At least three off-street parking spaces must be provided for any one-family dwelling which has an Accessory Apartment.

(i) Two means of egress must be provided to comply with State Building Code.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/19/03.

(j) Any Accessory Apartment Special Permit shall (A) be personal to the owner(s) to which it is granted, (B) automatically terminate if no owner of the one-family dwelling occupies the one-family dwelling as his or her principal residence, (C) only allow the relatives specified in the application for the Special Permit to live in the Accessory Apartment and (D) automatically terminate on any transfer of the fee ownership of the one-family dwelling except, in the instance where there is more than one owner, a transfer among owners.

(k) All Accessory Apartments which meet the above conditions must obtain the final approval of the Town of Holden Building Commissioner.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/19/03.

(l) All Accessory Apartments which are affordable as defined by the income limits placed by the Department of Housing and Community Development may be included in the affordable housing inventory upon agreement of the applicant and resident of the accessory apartment.

**Webmasters Note: The previous subsection has been added as per an update approved at a town meeting held on 5/19/03.

(3.0) Application Procedure [...]

(5.0) Accessory Apartments in Existence Before the Adoption of an Accessory Apartment By-Law

(5.1) Apartments or conversions existing on the effective date of this Accessory Apartment Zoning By-Law, for which an acknowledgment of applicable zoning restrictions was recorded or registered prior to such effective date, may continue to be used as contemplated by the acknowledgment. As used herein, an "acknowledgment of applicable zoning restrictions" means a writing signed by the owners of the premises which acknowledged that the premises could not be used as a two-family dwelling and restricted the use of the apartment/conversion to specified relatives of the owners of the premises.

(5.2) Apartments or conversions existing on the effective date of this Accessory Apartment By-Law which are not protected by subsection 5.1 may only be continued if an Accessory Apartment Special Permit is obtained and if all of the preceding provisions of this Accessory Apartment By-Law are satisfied."

Holliston

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

ACCESSORY FAMILY DWELLING UNIT - A dwelling unit contained within or being an extension of a single family dwelling to accommodate an additional family only if (a) a member of the additional family is related by the first degree of kinship, marriage or adoption. (Added May 1995-ATM, Article 43)

According to the Table of Use Regulations, "Accessory Family Dwelling Unit" is allowed by right in Ag-Res Dist A, Ag-Res Dist B, Residential District, and Village Center Commercial District and by special permit in the Commercial District.

V-G(A) ACCESSORY FAMILY DWELLING UNIT

(Amended May 1995 - ATM, Art. 43)

1. The intent and purpose of this section is to permit accessory dwelling units in single family residential districts subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remain subordinate to the principal use of the living quarters.

2. Restrictions: Such additional family living unit shall be occupied by not more than two persons, and provided the owner of record is a resident within the structure which includes the accessory family dwelling unit. The existing unit shall accommodate an additional family unit only if:

- a. A member of the additional family is related by first degree of kinship, marriage or adoption to the owner of the premises.
- b. There is no other living unit on the lot, upon which the accessory unit is located.

3. Adequate provisions shall be made for the proper disposal of sewage, waste and drainage generated by the accessory unit in accordance with the requirements of the Board of Health. Such determination shall be made prior to application for the Conversion and evidence of the same shall be included with such application.

4. Adequate provisions as determined by the Building Inspector as being in compliance with the Massachusetts State Building Code for separate Ingress, Egress, to the outside of each unit. To the extent possible, exterior passage ways and access ways shall not detract from the single family appearance of the dwelling. An interior door way shall be provided between each living unit as a means of access for purposes of supervision and emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.

5. Such accessory dwelling unit shall be limited to a maximum of (600) six hundred square feet in floor area.

6. Floor plans for the accessory unit and the principal residence, along with a certified site plan shall be submitted along with the application.

7. Off-Street Parking shall be provided for residents of both units in accordance with Section V-C of the By-Laws.

8. No occupancy of the additional dwelling unit shall take place without an occupancy permit issued by the Building Inspector.

The initial Occupancy Permit shall remain in force for a period of (2) two years from the date of issue provided ownership of the premises is not changed. Thereafter permits may be issued by the Building Inspector for succeeding (2) year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code and Town By-Law. Occupancy Permits shall not be transferable upon change in ownership or change in occupancy. In such event, an affidavit shall be presented to the Building Inspector attesting to the fact that the circumstances under which the occupancy permit was granted will in the future continue to exist. The owner of record is responsible for initiating each application to the Building

Hopedale *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Hopedale Zoning Bylaw

2.1 ACCESSORY APARTMENT: A separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is substantially contained within the structure of a single family dwelling but functions as a separate unit.

6.3 ACCESSORY APARTMENTS:

One accessory apartment may be permitted by special permit of the Board of Appeals in all residential districts subject to the following conditions:

- (a) The owner(s) of the dwelling in which the accessory apartment is located shall occupy one of the dwelling units.
- (b) Either the occupants of both units shall be related by blood, adoption, or marriage, or one of the units shall be occupied by an individual hired to provide medical assistance, custodial care, or child care to one or more individuals in the other unit. When the dwelling is sold, or when the need for such care ceases, the dwelling shall revert to single family use, and the accessory apartment may not be re-occupied unless a new special permit is obtained from the Board of Appeals.
- (c) The design of the accessory apartment shall be such that the appearance of the building remains that of a one-family residence. Any new entrances or additions shall be located on the side or rear of the building and shall not increase the floor area of the dwelling by more than ten percent (10%). Additions shall not be permitted on any lot not conforming to the minimum lot size or yard setback requirements of the district where the building is located, nor shall any new non conformance be created by any additions.
- (d) The accessory apartment shall be clearly secondary in nature to the principal dwelling, and it shall not exceed six hundred (600) square feet in area.
- (e) The one accessory apartment permitted per dwelling may be created in an attached or detached garage existing on the date of adoption of this By-Law.
- (f) If the lot is not connected to public sewer, prior to obtaining a building permit, the Board of Health shall certify that the septic system is in compliance with Title 5 of the State Environmental Code and the Board of Health's regulations.
- (g) There shall be no more than one (1) bedroom in an accessory apartment.
- (h) The Board of Appeals may require more stringent or other appropriate conditions in order to protect the public health and safety and the single family character of the neighborhood. The Board may allow deviation from the above conditions where necessary to install features that facilitate use by disabled persons.

Hopkinton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Section 210-126. Accessory family dwelling unit.

[Added 54-1993 ATM, Art. 20]

A. The intent and the purpose of this section is to permit accessory dwelling units in single-family residential districts subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal living quarters.

B. Restrictions. A special permit may be granted by the Zoning Board of Appeals for the conversion of an existing or new single-family dwelling to accommodate an additional family living unit by the installation of a common wall or the partitioning of or extension of existing living space.

C. Use limitations. Such additional family living unit shall at the discretion of the Zoning Board of Appeals accommodate up to a maximum of three persons, provided that the owner of record of the structure is a resident of the structure which includes the accessory family dwelling unit. The existing unit shall accommodate an additional family unit only if a) a member of the additional family is related by blood, marriage or adoption to the owner of the premises; or b) a member of the additional family is 60 years of age or older. There shall be no other living unit on the lot upon which such accessory unit is to be located.

D. Disposal of sewage. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such accessory

unit in accordance with the requirements of the Board of Health. Such determination shall be made prior to the application for a special permit, and evidence of same shall be included with such application.

E. Ingress, egress, access. Adequate provision, as determined by the Director of Municipal Inspections, shall be provided for separate ingress and egress to the outside of each unit. To the extent possible, exterior passageways and accessways shall not detract from the single-family appearance of the dwelling. An interior doorway shall be provided between each dwelling unit as a means of access for purposes of supervision and emergency response. All stairways to additional stories shall be enclosed within the exterior walls of the structure.

F. Documentation. The Zoning Board of Appeals must determine that such conversion, new construction and occupancy of each unit shall meet the requirements of Section 210-152 of this Chapter.

G. Area limitation. Such accessory unit shall be limited to a maximum of 800 square feet in floor area. [Amended 5-2-2000 ATM, Art. 28]

H. Plans. Floor plans of the accessory unit and principal residence and a certified site plan showing the dwelling unit on the lot and its relationship to other structures and premises within 200 feet of the lot shall be filed with the application for a special permit.

I. Parking. Provisions for off-street parking of residents and guests of both units shall be provided in such a fashion as is consistent with the character of the neighborhood, as determined by the Zoning Board of Appeals, which shall seek advice from the Director of Municipal Inspections.

J. Special permit. No building permit shall be issued in accordance with the special permit issued under this section until the special permit has been recorded in the Registry of Deeds by the applicant and evidence of such recording has been submitted to the Director of Municipal Inspections.

K. Occupancy permit; control. No occupancy of the additional dwelling unit shall take place without an occupancy permit issued by the Director of Municipal Inspections. The initial occupancy permit shall remain in force for a period of two years from the date of issue, provided that ownership of the premises is not changed. Thereafter, permits may be issued by the Director of Municipal Inspections for succeeding two-year periods, provided that the structure and use continue to comply with the relevant provisions of the State Building Code, this Chapter and the special permit. Occupancy permits shall not be transferable upon change in ownership or change in occupancy. In such event, an affidavit shall be presented to the Director of Municipal Inspections attesting to the fact that the circumstances under which an occupancy permit was granted will in the future continue to exist. The owner of record is responsible for initiating each application to the Director of Municipal Inspections. Appropriate fees, as established and recorded, may be assessed for each such renewal review, investigation and processing. All documentation presented hereunder must be in form and content satisfactory to the Director of Municipal Inspections.

L. Definition. Accessory family dwelling unit shall mean a dwelling unit contained within or being an extension of a single-family structure to accommodate an additional family only if a member of the additional family is related by blood, marriage or adoption to the owner of the premises, or a member of the additional family is 60 years of age or older.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/5/03.

Hudson *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Hull *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Ipswich *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Town of Ipswich Protective Zoning Bylaw (Adopted 1977, Amended 2004)

SECTION III. DEFINITIONS

ACCESSORY IN-LAW APARTMENT : A separate dwelling unit within a single family dwelling. The accessory apartment shall contain not more than

one (1) bedroom and one (1) bathroom; shall not exceed 800 S.F. of gross floor area; and shall be occupied by a maximum of two (2) persons related within the third degree of consanguinity to the record owner of the lot. (Added 4/5/99 Special Town Meeting; approved Attorney General 8/2/99)

J. Accessory In-Law Apartment:

1. Purpose and Intent:

The intent of this subsection is to allow accessory apartments in conforming and owner-occupied single-family dwellings. Its purpose is to meet the special housing needs of families living in these dwellings in the Town of Ipswich.

2. Applicability

The Zoning Board of Appeals may grant a Special permit for the alteration of a single family dwelling to include an accessory in-law apartment in any residential district, subject to the following provisions:

a. The applicant shall designate the family member(s) who will occupy the accessory in-law apartment and the applicant's relationship to the family member(s).

b. The alterations shall be limited to only one (1) structure on the lot, the principal dwelling.

**Webmasters Note: The previous subsection has been amended as per an ordinance approved at a town meeting held on 10/15/01.

c. The principal dwelling shall be occupied by the record owner of the lot.

d. The sanitary disposal system for the accessory in-law apartment and principal structure shall comply with the applicable Ipswich Board of Health and Title V regulations, provided that, compliance of the sanitary disposal system shall not require the application of Subpart E of 310 CMR 15.00, or shall be served by Town sewer.

e. Utilities such as water, electric, and gas necessary for the accessory in-law apartment shall be extensions of the existing utilities serving the principal single family dwelling. No new utility services or meters shall be installed for the use of the accessory in-law apartment.

f. Prior to the issuance of a special permit, the owner applicant shall be required to file a declaration of covenants with the Registry of Deeds. This declaration shall be in favor of the Town of Ipswich and shall include condition It. as described below.

g. The Special Permit shall be issued to the record owner of the lot and shall ran with the owner and not with the lot. The Special Permit shall terminate upon the following: i) Death of the designated family member or death of both designated family members, if two were designated. ii) Change of residence of the designated family member or change of residence of both designated family members, if two were designated, iii) Change of residence of the record owner of the lot. iv) Transfer of ownership of the lot.

h. The Special Permit shall be recorded at the Registry of Deeds or Land Court against the title of the record owner of the lot. Prior to the issuance of a building permit, the applicant must submit proof of the recording of the special permit and the declaration of covenants.

i. Occupancy permits for Accessory In-law apartments shall be renewed annually by the Building Inspector. For the purpose of annual occupancy permit renewal, the Building Inspector shall have the right to inspect the premises to determine compliance per requirements of this Bylaw and the Special Permit.

Violation of any of the above provisions shall be subject to enforcement by the Building Inspector in accordance with the provisions of SECTION XI, ADMINISTRATION of the Zoning Bylaw.

(Section "J" added 4/5/99 by Special Town Meeting; approved by Attorney General 8/2/99)

From 2003 Ipswich Community Development Plan:

H4-2. Accessory Dwelling Units: The Town already allows the creation of accessory in-law apartments by special permit. These units may provide up to one bedroom, one bathroom, and 800 square feet of floor area, and must be occupied by a relative of the owner of the lot. In addition, the Town allows by special permit the conversion of pre-existing secondary buildings on residential parcels in the Intown Residence district—such as garages, barns, and carriage houses—into additional small residences. While both of these policies are important steps toward encouraging dispersed, low-impact forms of affordable housing, several changes to these policies are recommended to make them even more effective:

1. Any accessory dwelling unit created in Ipswich—whether an attached apartment or a small unit in a secondary building—should be required to have a deed restriction that ensures that it will be rented at an affordable rate in perpetuity (or until the use is discontinued). Without an acceptable deed restriction to ensure long-term affordability, accessory units will not count toward the Town's state-mandated 10% affordable housing goal.⁷

2. The Town should consider allowing attached accessory apartments as-of-right, subject to a deed restriction to ensure long-term affordability plus the other requirements of the current bylaw. However, the owner should be allowed to rent the unit to anyone, not just to a relative, as is now the case.
3. The Town could allow the conversion of structurally sound secondary buildings into accessory units by special permit townwide, rather than just in the IR district, as is now the case.
4. Finally, if the Town does not adopt the second proposed change (allowing accessory units to be rented to non-family members), the Town could allow an owner to convert a lapsed in-law apartment (i.e., one where the family member has moved out) into an affordable unit rather than having to tear out the kitchen, as would now be the case.

Kingston

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Town of Kingston Zoning Bylaw (Adopted 1955, Amended 2004)

Accessory apartments are allowed by special permit in both Residential-40 and the Residential-20 zones. The following is the bylaw within the R-40 zone. An identical bylaw is found within R-20.

Town of Kingston, Zoning Bylaws, Section 4.3. Residential-40 District (R40)
(Amended 5/6/95 ATM, Articles 33, 34, 35; 10/10/95 STM, Article 11; 4/27/96 ATM, Article 18)

4.3.3. Uses Permitted by Special Permit Granted by the Planning Board.

4.3.3.4. One (1) accessory housing unit within a single family detached dwelling, provided that:

- a. The principal residential structure is on a lot which meets or exceeds the minimum lot size in Section 5.0., Intensity of Use Regulations.
- b. The principal residential structure has at least twelve hundred (1200) square feet.
- c. The entire structure used for dwellings shall not occupy more than twenty five (25) percent of the lot area.
- d. There is at least one (1) off-street parking space for each bedroom or accessory unit in the converted portion of the structure, which space shall not be provided in the front or side yard.
- e. There is provision for screening by fencing or landscaping of outside storage areas.
- f. Neither the principal residential structure nor accessory unit shall have a gross floor area of less than five hundred (500) square feet plus one hundred (100) square feet for each bedroom over one (1).
- g. The gross floor area of the newly created unit shall not be more than thirty (30) percent of the normally habitable gross floor area excluding garage, unfinished attic crawl space, and other normally uninhabitable gross floor area of the principal residential structure, after conversion.
- h. Each unit shall be a complete and independent housekeeping unit, containing a bedroom or bedroom/living room combination, bathroom and kitchen or kitchenette and shall have a separate entrance.
- i. The exterior appearance of the structure shall not be altered except for:
 - 1) Stairways and exits required by law, which shall be in the rear of the building.
 - 2) Restoration consistent with the original architecture of the structure.
- j. Either the apartment or the principal residence shall be occupied by the owner of the lot on which the accessory housing unit is located, except for bona fide temporary absences.
- k. If the accessory housing unit is discontinued and integrated into the original structure design, the owner shall notify the Inspector of Buildings and the Zoning Enforcement Officer in writing.
- l. No permit for an accessory housing unit granted hereunder shall take effect sooner than three (3) years after occupancy by the applicants of the principal residential structure.
- m. All permits for accessory housing must be secured before any construction is undertaken.

n. All special permits granted under this section shall expire within two (2) years from the date of the special permit issued by the Planning Board. At the end of every two (2) years, renewal shall be automatically granted upon receipt of certification by the Planning Board that the property remains the principal residence of the owner and that all conditions met at the time of the original application remain unchanged. The Planning Board, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a special permit.

o. The applicant shall submit to the Planning Board, prior to the required public hearing, a written report obtained from the Board of Health which certifies that adequate provision has been made for the disposal of sewage, waste, and drainage in accordance with Title 5 of the State Sanitary Code and the requirements of the Board of Health.

Lakeville *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Single family detached dwellings with accessory apartment permitted by right in Residential, and Special Permit in Business and Industrial-B Districts.

"DWELLING : Single-Family with an attached apartment: For the purpose of this Zoning By-law, a single-family detached dwelling with an attached apartment shall mean an apartment not to exceed 600 to 720 square feet of habitable space which may include a kitchen or kitchenette and be accessible to and attached to the main dwelling area and shall have a common entrance and maintain a single-family appearance. (Adopted June 21, 1999; approved by Attorney General August 23, 1999)"

- Lakeville, Massachusetts Zoning By-Law, 1958, As ammended through 6/14/04. Table 4.1, Table of Use Regualtions and Section 7.5, Mixed Use Development District Regulations.

Lancaster *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No Planning director Bruce Hamblin confirmed (11/12/04) that the town has no accessory apartments but said that they will most likely consider it as they begin work on a new master plan within the next year.

Lawrence *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Leicester *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Researcher found no mention of accessory apartments in the zoning bylaw posted on ordinance.com. (The amendment to allow accessory apartments may not be posted on ordinance.com yet.)

Survey received from Leicester completed by Michelle Buck, Town Planner, marks the answer as "Yes, by right in all Residential Districts."

Researcher emailed the planner to confirm this, and received this response:

"From: "Buck, Michelle" <BuckM@leicesterma.org>
Date: Fri, 27 May 2005 09:55:08 -0400

[...]

The accessory apartment regulations are in a strange place in the bylaw - under Section 1.3, definitions. They are not restricted to family members. This was adopted in May, 2003.

Any further questions, let me know.

-Michelle Buck
Leicester Town Planner
buckm@leicesterma.org"

Leominster *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No There is no mention of in-law dwellings or apartments in this town's by-law and the single mention of accessory apartments is in the parking section. It is included below.

City of Leominster Zoning Ordinance (Adopted 2001, Amended 2003)

Section 22-68 Parking, Loading Plan Required...
Type of Use Parking Factor
Residential Uses
Accessory apartment, rooming unit 1/apt. or unit

Lexington *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Definitions from ordinance.com:

ACCESSORY APARTMENT : A second dwelling unit located within a structure constructed as a detached one family dwelling, subordinate in size to the principal unit and separated from it in a manner that maintains the appearance of the structure as a single family house.

From section 4.2 Table 1 Permitted Uses and Development Standards - Accessory apartments in one-family dwellings are allowed by right in RO, RS, RT, RM. By special permit in RD.

SECTION 5. SUPPLEMENTARY USE REGULATIONS, RESIDENTIAL USES
5.1 (RESERVED)

5.2 ACCESSORY RESIDENTIAL USES IN ONE FAMILY DWELLINGS: ACCESSORY APARTMENTS

An accessory apartment is a second dwelling unit located within a structure constructed as a detached one family dwelling, subordinate in size to the principal dwelling unit and separated from it, in a manner that maintains the appearance of the structure as a one family dwelling.

5.2.1 GENERAL OBJECTIVES

The provision of accessory dwelling units in owner occupied one family dwellings is intended to:

- 1) increase the number of small dwelling units available for rent in the town,
- 2) increase the range of choice of housing accommodations,
- 3) encourage greater diversity of population with particular attention to young adults and senior citizens, and
- 4) encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.

5.2.2 CONDITIONS AND REQUIREMENTS

The Building Commissioner shall issue a building permit for a newly created accessory apartment in a detached, one family dwelling in an RO or RS district provided that each of the following conditions and requirements is met:

a. GENERAL

1. The owner of the dwelling in which the accessory apartment is created, shall occupy either of the dwelling units in the structure, except for temporary absences as provided in paragraph 5.2.4. For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence for voting and tax purposes,
2. There shall be no more than one accessory apartment within a one family dwelling.
3. There shall be no boarders or lodgers within either unit of a dwelling with an accessory apartment.
4. The lot area shall be at least 10,000 square feet.
5. The gross floor area of the dwelling, excluding floor area in the dwelling used for off-street parking, as of January 1, 1983, was at least, 2,000 square feet. The amount of the gross floor area, excluding floor area in the dwelling used for off-street parking, shall be verified in the records of the Building/Inspection Department, or in the Board of Assessors, or in such documentation as the Zoning Officer may accept.
6. The maximum gross floor area of the accessory apartment shall not exceed the greater of 700 square feet or 30 percent of the gross floor area of the dwelling, excluding areas of the structure used for parking.
7. There shall not be more than two bedrooms in an accessory apartment.
8. No structure that is not connected to the public water and sanitary sewer systems shall have an accessory apartment.
9. There shall be usable open space, as defined in subparagraph 9.3.5, for the recreation and leisure time use of the occupants of the dwelling, on the lot equal to or greater than the gross floor area of the dwelling.

b. EXTERIOR APPEARANCE OF A DWELLING WITH AN ACCESSORY APARTMENT

The accessory apartment shall be designed so that the appearance of the structure remains that of a one family dwelling, subject further to the following conditions and requirements:

1. All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.
2. There shall be no enlargements or extensions of the dwelling in connection with any accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story.
3. Any new entrance shall be located on the side or in the rear of the dwelling.
4. Where there are two or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and other entrances appear to be secondary.

c. OFF-STREET PARKING

There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space for the accessory apartment. In order to maintain the appearance of a single family neighborhood all parking spaces on the lot shall be subject further to the following conditions and requirements:

1. Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicles shall be regularly parked on the premises other than in such a parking space.
2. No more than two outdoor parking spaces shall be located in the required front yard. All other parking spaces shall be either:
 - 1) outdoor parking spaces located in a side or rear yard or
 - 2) in a garage or carport.
3. There shall be no more than four outdoor parking spaces on the lot.
4. No parking space shall be located within the boundary of a street right-of-way.
5. Parking spaces shall be located so that both the principal dwelling unit and the accessory apartment shall have at least one parking space with direct and unimpeded access to the street without passing through a parking space designated to serve the other dwelling unit.
6. Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence, or a combination thereof in the area between the parking spaces and the nearest side lot line and, if the parking space is in the front yard and

parallel to the street, in the area between the parking space and the front lot line. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single family appearance of the neighborhood.

5.2.3 PROCEDURES

- a. No accessory apartment shall be constructed without issuance of a building permit by the building commissioner.
- b. The application for a building permit shall be accompanied by a filing fee and by such plans and other documentation related to the conditions and requirements of paragraph 5.2.2 as the building commissioner may require.
- c. Not less than 14 days before issuing a building permit, the building commissioner shall notify owners of property immediately abutting the applicant's property, including owners of property separated from the applicant's property by a public or private way, an application for a building permit for an accessory apartment has been filed.
- d. The building commissioner shall act on the application within 30 days of receipt.
- e. No use as an accessory apartment shall be permitted prior to issuance of a certificate of occupancy by the building commissioner. A certificate of occupancy shall be issued after the building commissioner determines that the accessory apartment as constructed is in conformity with the approved plans and with the provisions of this by-law.
- f. A certificate of occupancy shall be issued for a period of not greater than three years. Continued occupancy will require issuance of a new certificate of occupancy. Proof of owner occupancy shall be submitted with the application for a new certificate of occupancy.
- g. A certificate of occupancy shall be issued to the owner only, and is not transferable. A new owner shall apply to the building commissioner for a new certificate of occupancy.

5.2.4 TEMPORARY ABSENCE OF OWNER

An owner of a dwelling containing an accessory apartment who is to be absent for a period of less than two years may rent the owner's unit as well as the second unit during the temporary absence provided:

- a. Written notice thereof shall be made to the building commissioner on a form prescribed by him.
- b. The owner shall be resident in the house for at least two years prior to the temporary absence.
- c. The residence shall be owner occupied for at least two years between such temporary absences.
- d. The house shall remain the owner's primary legal residence for voting and tax purposes.

5.2.5 REGISTRATION OF NON-CONFORMING UNITS CREATED BEFORE 1924

- a. For a second dwelling unit which existed as of January 1, 1983, in a one family dwelling, in an RO or RS district, to be a non-conforming (lawful) use, the second dwelling unit must have been constructed prior to March 17, 1924 in a dwelling and have been in continuous use since that time with the exception of temporary non-use for a period not greater than twenty-four consecutive months.
- b. To verify the non-conforming status of such a unit, an owner shall apply for a certificate of occupancy from the building commissioner prior to January 1, 1985 and shall present documentary evidence that:
 - 1) the second dwelling unit was constructed prior to March 17, 1924; and
 - 2) the unit was in use for any three years between 1978 and 1982 inclusive, which shall, for this purpose, be considered prima facie evidence of continuous use since 1924; and the building commissioner shall issue a certificate of occupancy, which shall remain effective so long as the second dwelling unit remains in continuous use. If sufficient evidence of construction prior to March 17, 1924 and of continued use is not presented, the second dwelling unit shall be considered a second dwelling unit in violation, and shall comply with paragraph 5.2.6
- c. If an owner does not apply for a certificate of occupancy by January 1, 1985, he/she shall be required to present evidence of continuous use of the second dwelling unit since 1924 in order to obtain a certificate of occupancy, and shall be subject to penalties under paragraph 3.1.1.

5.2.6 SPECIAL CONDITIONS, EXISTING SECOND DWELLING UNITS IN VIOLATION

All second dwelling units which existed as of January 1, 1983, in a one family dwelling in an RO or RS district, except those which are a lawful, non-conforming use, or those which were granted a special permit under Table 1, Permitted Uses and Development Standards, line 1.13, dwelling conversion to two family, or similar provisions of preceding Zoning By-Laws, are in violation of the Zoning By-Law.

- a. Owners of existing second dwelling units in violation must apply to the building commissioner for a determination of compliance with paragraph 5.2.2 before January 1, 1985. Applications shall be accompanied by a filing fee and by such plans and other documentation related to the conditions and

requirements of paragraph 5.2.2, as may be required by the building commissioner.

b. Within 90 days the building commissioner shall issue one of the following:

1. A determination of compliance with paragraph 5.2.2, and a certificate of occupancy.
2. A conditional determination of compliance with paragraph 5.2.2, describing corrective changes needed to bring the second dwelling unit into compliance, which changes shall be completed within 90 days of the date of the conditional determination. Upon successful completion of the required changes, the building commissioner shall issue a certificate of occupancy.
3. A determination of non-compliance with one or more of the requirements of paragraph 5.2.2, together with a listing of those requirements and conditions with which compliance cannot be achieved through corrective changes. The owner of a second dwelling unit built prior to January 1, 1983 is eligible to apply within 60 days of the date of the determination to the SPGA for a special permit for maintenance of an existing, non-complying apartment, subject to the special conditions in subparagraph 5.2.6.c, below.

c. Special conditions for second dwelling units constructed prior to January 1, 1983 that comply with at least subparagraphs 5.2.2.a. 1, 2, and 3; 5.2.2.b.1; and 5.2.2.c.

1. Upon presentation of evidence of construction prior to January 1, 1983, the owner may apply to the SPGA for a special permit for maintenance of an existing non-complying apartment.
 2. The SPGA shall ordinarily grant a special permit for the existing non-complying second dwelling unit unless specific evidence is submitted supporting any claim that the unit has caused a deterioration of the single family neighborhood, a decrease in property values, or has caused any other substantial detrimental effect on the public welfare and convenience. In weighing such claims and evidence, the SPGA shall consider whether any changes required to bring the second dwelling unit into compliance are sufficient to counteract any prior negative impact.
 3. In granting a special permit, the SPGA may impose such additional conditions as it may deem necessary to protect the single family appearance of the dwelling, and to bring the dwelling as close to conformity with the conditions and requirements for new accessory apartments, paragraph 5.2.2, as is feasible.
 4. A special permit granted by the SPGA shall include a condition that a certificate of occupancy shall be obtained for periods not to exceed three years in the same manner as set forth in paragraph 5.2.3. No subsequent certificate of occupancy shall be issued unless there is compliance with the plans and conditions approved by the SPGA.
 5. If a special permit is granted and corrective changes are required, they must be completed within 90 days of the date of granting the permit. When required changes are completed, the building commissioner will issue a certificate of occupancy.
 6. If a special permit is denied, the second dwelling unit shall be terminated within one year of the date of the denial.
- d. If an owner fails to comply with paragraph 5.2.6 the second dwelling unit shall be terminated within six months of the date of notice from the building commissioner, and the owner shall be subject to penalties as provided in paragraph 3.1.1 for each day the second dwelling unit is in use after January 1, 1985.

5.2.7 ACCESSORY APARTMENT IN ACCESSORY STRUCTURE

5.2.7.1 NEW ACCESSORY APARTMENT IN AN ACCESSORY STRUCTURE

Notwithstanding the provisions of this By-Law that state an accessory apartment shall be located in a structure constructed as a detached one family dwelling and the prohibition in subparagraph 7.1.4 against having more than one dwelling on a lot, the Board of Appeals may grant a special permit to allow the construction of an accessory apartment in an existing accessory structure which is on the same lot in the RS or RO district as an existing one-family dwelling provided:

- a. the lot has an area of at least 18,000 square feet in the RS district and at least 33,000 square feet in the RO district;
- b. the structure was in existence on January 1, 1983 and had at least 500 square feet of gross floor area at that time;
- c. the accessory apartment has at least 500, but not more than 900, square feet of gross floor area. An addition to an accessory structure, which already has 500 or more square feet of gross floor area, may be permitted but no addition shall be allowed which increases the gross floor area to over 900 square feet. The gross floor area for the accessory apartment shall not include floor area used for any other permitted accessory use or floor area designed, intended or used for required off-street parking to serve the principal dwelling;
- d. the creation of the accessory apartment shall not reduce the number of existing parking spaces in the accessory structure which are designed, intended or used for required off-street parking spaces to serve the principal dwelling;
- e. all existing and proposed off-street parking spaces shall comply with the requirements for the location, layout, design and screening of off-street parking spaces set forth in subsection 5.2.2 c. and in Section 11;

f. not more than one accessory structure on the lot may have an accessory apartment. There shall be not more than two dwelling units, one of which is the accessory apartment and the other is the principal dwelling, on the lot;

g. the accessory apartment shall comply with all building, health and safety codes for a dwelling; and further provided the Board of Appeals determines that: the exterior appearance of the accessory structure maintains the essential character of the purpose for which it was originally constructed and is compatible with the principal dwelling on the same lot and with other dwellings on adjoining lots.

5.2.7.2 SPECIAL CONDITION, EXISTING DWELLING UNIT IN ACCESSORY STRUCTURE IN VIOLATION

All dwelling units in accessory structures in an RO or RS district which existed as of April 1, 1988, except those which are a lawful nonconforming use, or those which were authorized by the granting of a special permit or a variance, are in violation of the Zoning By-Law. The owner of each existing dwelling unit in an accessory structure in violation must apply to the building commissioner for a determination of compliance with the provisions of subparagraph 5.2.7.1 and of the applicable conditions and requirements of subsection 5.2.2, before January 1, 1990. The application for such determination and the procedures followed shall be essentially the same as those set forth in subsection 5.2.6 but shall differ as the context of an accessory apartment in an accessory structure shall require and the effective date shall be January 1, 1990.

9.3.7 ACCESSORY APARTMENT

An accessory apartment, as described in subsection 5.2 of this By-Law, may be created in a detached, one-family dwelling in a residential development with three or more dwelling units. In general the provisions of subsections 5.2.1 through 5.2.4 of this By-Law shall apply, with the following exceptions:

a. the lot area in a conventional subdivision shall be at least the minimum required by Table 2, Schedule of Dimensional Controls, for the zoning district in which the lot is located. (See also paragraph 9.4.3. which requires a greater lot area for larger houses.) The lot area in a cluster subdivision, a special residential development or a development with significant public benefit may be such size as the SPGA may approve;

b. the dwelling may be newly constructed and does not need to have been constructed by January 1, 1983;

c. the maximum floor area of the accessory apartment shall be:

1) not more than 1,200 square feet, or

2) not more than 30 percent of the living area of the dwelling, whichever is less.

d. paragraph 5.2.2.b.2, which prohibits enlargement of existing dwellings, shall not apply.

9.4.3 ACCESSORY APARTMENT

If an accessory apartment is included in a dwelling, as provided in paragraph 9.3.7, and if the dwelling has a gross floor area that is 6,200 square feet or more, the minimum lot area shall be 20,000 square feet in the RS district and 35,000 square feet in the RO district. If the dwelling in which the accessory apartment is included has a gross floor area that is less than 6,200 square feet, the minimum lot area shall be 15,500 square feet in the RS district and 30,000 square feet in the RO district.

Lincoln

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

14.3 Accessory Apartments in an R-1 District.

14.3.1 An owner or owners of a single-family dwelling in an R-1 District or and R-1 Cluster Development may, after consultation with the Planning Board, apply to the Board of Appeals for a special permit for the construction and occupancy of an accessory dwelling unit in such single-family dwelling or in an accessory building, the accessory dwelling unit thus created being hereinafter referred to in this subsection 14.3 as an apartment.

14.3.2 After notice and public hearing, and after due consideration of the reports and recommendations of the Planning Board and the Board of Health (see subparagraphs 14.3.3 and 14.3.4 below), the 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 does not exceed 1200 square feet, the floor area of the apartment is less than 35% of the floor area of the principal residence and the proposed apartment combined, as measured after conversion, and 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. If the lot

on which the apartment is to be located is owned by the Town of Lincoln, the owner-occupancy requirement of this paragraph shall not be applicable as long as the lot and the structures thereon continue to be owned by the Town of Lincoln;

(b) 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;

(c) adequate provision has been made for ingress and egress to the outside from such apartment;

(d) the construction and/or occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located or injurious to persons or property;

(e) the lot on which the apartment and principal residence are located contains at least 40,000 square feet;

(f) the building in which the apartment is to be constructed and the building in which the main residence is located were constructed at least ten (10) years prior to the date of application for an apartment permit. Any addition less than ten (10) years old shall be deemed to be part of the building(s), provided that the addition does not increase the floor area or volume of the original building(s) by more than 10% except as provided under Section 14.3.8 and provided further that the addition will not alter the character of the building;

(g) adequate provision has been made for off street parking of motor vehicles in such a fashion as is consistent with the character of a single family residence;

(h) there is no other apartment on the lot on which the apartment is to be located except as provided under Section 14.3.6.

14.3.3 In order to ensure compliance with Section 14.3.2(b) above, the applicant shall obtain and submit to the Board of Appeals prior to the hearing, a written report of the Board of Health certifying that the conditions of Section 14.3.2(b) have been met. The Board of Health may supplement its report within five (5) days after the hearing.

14.3.4 In connection with an application for a special permit under this section, 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 Board of Appeals. The Planning Board may supplement its report within five (5) days after the hearing. The report of the Planning Board shall include as a minimum: a) a determination of the area of the lot on which the apartment is located;

(b) a general description of the neighborhood in which the lot lies and the effect of the proposed apartment on the neighborhood;

(c) 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.

14.3.5 The 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.

14.3.6 Multiple Apartments. The Board of Appeals may issue a special permit under this section for more than one apartment per lot (in which case Section 14.3.2(h) shall not apply) provided that, as a condition of the special permit:

(a) for each apartment in excess of one, the owner shall designate a tract of land "The Open Space" contiguous to the lot on which the apartments are to be constructed;

(b) the Open Space shall contain a minimum of 80,000 square feet for each apartment in excess of one;

(c) prior to the commencement of any construction with respect to the apartment the Open Space shall be:

i. designated as a separate lot and conveyed to the Town of Lincoln or the Lincoln Land Conservation Trust; or

ii. placed under a conservation easement running to and enforceable by the Town or the Lincoln Land Conservation Trust.

(d) the Open Space shall be restricted to any one or more of the uses allowed in the C-Open Space District except that, subject to the approval of the Board of Health, the Board of Appeals may permit the Open Space to be used for subsurface waste disposal where it finds that such use would not be detrimental to the character or quality of the Open Space.

(e) the owner shall demonstrate to the satisfaction of the Board of Appeals that the Open Space meets all the applicable requirements to permit a dwelling to be constructed if the tract were subject to the restrictions of the R-1 Single Family Residence District for each apartment in excess of one.

14.3.7 No building in the R-1 District shall be used for an apartment unless the owner or owners of the building have secured a permit in compliance with this Section 14.3. The renewal of any accessory apartment permit previously granted shall not be denied by reason of amendments to Section 14.3 after the granting of the original permit, notwithstanding the failure of the apartment to conform to Section 14.3.2(a) and 14.3.8, as thus amended.

14.3.8 An owner or owners of a single-family dwelling in an R-1 District may seek an accessory apartment permit with respect to an addition which is

less than ten (10) years old at the time of application, which addition increases the floor area of the original building by a maximum of 900 square feet, provided such owner or owners agree to abide by the terms of a Housing Commission program to insure moderate income occupancy of the apartment thus created for a period of not less than five years. The Housing Commission shall permit deferral of the program if the home owner wishes to accommodate initially a family member or members. For the purposes of this article, family member shall be defined as one of the relatives of the home owner or spouse as follows: mother, father, sister, brother, son, daughter, uncle, aunt, grandmother, grandfather and/or their spouses. Any apartment proposed thereunder shall comply in all respects with the provisions of Section 14.3, except insofar as this paragraph alters the limitation of building additions described in Section 14.3.2(f), and any permit granted pursuant to this Section shall be of ten years duration revocable upon sale of the property unless the buyer by written notice to the Board of Appeals, agrees to the Housing Commission program for the balance of the term.

14.3.9 An owner or owners of a single family dwelling in an R-1 District may seek a permit for an accessory apartment exceeding 1200 square feet of floor area, provided such owner or owners agree to abide by the terms of the Housing Commission program to insure moderate income occupancy of the apartment thus created for a period of not less than five years. The Housing Commission shall permit deferral of the program if the home owner wishes to accommodate initially a family member or members. For the purposes of this article, family member shall be defined as one of the relatives of the home owner or spouse as follows: mother, father, sister, brother, son, daughter, uncle, aunt, grandmother, grandfather and/or their spouses. Any apartment proposed thereunder shall comply in all respects with the provisions of Section 14.3, except insofar as this paragraph alters the area of the apartment as described in Section 14.3.2(a), and any permit granted pursuant to this section shall be of ten years duration revocable upon sale of the property unless the buyer agrees by written notice to the Board of Appeals, to the Housing Commission program for the balance of the term.

14.3.10 The renewal of any permit granted pursuant to this Section 14.3.8 shall not be denied because of the deviations from the provisions of Section 14.3.2 permitted hereunder, and the provisions of Section 14.3.8 relating to any requirement of moderate income occupancy shall be inapplicable to permit renewal provided that the homeowner has completed the requirements of the housing commission program during the first ten years of the permit.

Littleton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes ARTICLE XIII Accessory Dwellings
Section 173-58. Special permit conditions.

A special permit authorizing an accessory dwelling may be granted only if consistent with the following:

- A. Either unit shall be occupied only by one (1) or more persons related by blood or marriage or functionally dependent (for medical or other reasons) on the occupant(s) of the other unit.
- B. The Board of Health must have documented to the special permit granting authority that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on site.
- C. Parking requirements. Two (2) parking spaces are required for the primary dwelling. Two (2) additional parking spaces are required for the accessory dwelling unless a lesser requirement is considered adequate by the special permit granting authority.
- D. A certificate of occupancy for the accessory dwelling shall be issued for a period of no greater than three (3) years. Renewal of a certificate of occupancy shall be granted only upon documentation to the Building Inspector that the relationship satisfying Subsection A of this section is still in existence.
- E. Termination of occupancy satisfying Subsection A of this section or, change of ownership shall terminate the special permit and the certificate of occupancy as an accessory dwelling.

Lowell *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes n. Accessory Dwelling Unit, added to a single family home, subject to minimum lot area per dwelling unit requirements ... allowed by special permit in USF

Lunenburg *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes

Town of Lunenburg Protective Zoning Bylaw (Amended 2004)

4.2 Residence and Outlying District Uses.

4.2.1. Permitted Uses

4.2.1.1. Residence A, Residence B or Outlying District, any of the following uses are permitted:

- a) Detached one (1) family building, but not including mobile home or automotive type trailer.
- b) An accessory housing unit may be attached to or within a primary dwelling provided the primary dwelling unit is on a lot of forty thousand (40,000) square feet or more in the Residence A or Outlying Districts or eighty thousand (80,000) square feet or more in Residence B District and further providing that:
 1. The primary building has at least twelve hundred (1200) square feet of floor area.
 2. The entire structure used for dwellings shall not occupy more than fifty (50) percent of the lot area.
 3. There is at least one (1) off-street parking space for each bedroom or efficiency apartment in the converted portion of the structure, which space shall not be provided in the front or side yard.
 4. There is provision for screening by fencing or landscaping of outside storage areas.
 5. No accessory unit shall have a floor area of less than five hundred (500) square feet plus one hundred (100) square feet for each bedroom over one (1).
 6. The floor area of the accessory unit(s) shall not be more than thirty (30) percent of the normally habitable floor area excluding garage, unfinished attic and crawl space and the normally inhabitable floor area of the principal dwelling unit, after conversion.
 7. Each unit shall be a complete and independent housekeeping unit, containing a bedroom or bedroom/living room combination, bathroom and kitchen or kitchenette and shall have a separate entrance.
 8. The exterior appearance of the structure shall not be altered except for:
 - a) stairways and exits required by law, which shall be in the rear of the building.
 - b) restoration consistent with the original architecture of the structure.
 9. One (1) of the units shall be occupied by the owner of the property.
 10. If the second unit is discontinued and integrated into the original structure design, the owner shall notify the Inspector of Buildings in writing.
 11. No permit for accessory housing granted hereunder shall take effect sooner than one (1) year after occupancy of the primary dwelling, nor until the owner/petitioner records the authorization in the applicable Registry of Deeds at his own expense.
 12. All permits for accessory housing must be secured before any construction is undertaken.

Lynn

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Lynnfield

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

From ordinance.com:

5.1.2 Accessory Apartments in Residence Districts

5.1.2.1 Purpose and Intent

It is the specific purpose and intent of allowing accessory apartments within one-family properties, except where enforceable deed covenants prohibit the same, in all one-family residence districts to meet the special housing needs of elderly parents of families presently living in the Town of Lynnfield. To help achieve these goals and to promote the other objectives of this ordinance and of the town development plan, specific standards are set forth below for such accessory apartment uses.

5.1.2.2 District Location

Accessory apartments may be created only within single-family dwellings which are located on lots meeting the minimum lot area and width requirements of the applicable zone.

5.1.2.3 Owner Occupancy Requirement

The owner(s) of the one-family lot upon which the accessory apartment is located shall occupy at least one (1) of the dwelling units on the premises. The special permit shall be issued to the owner of the property. Should there be a change in ownership, a change in the residence of the owner, or the death of the surviving parent, the special permit use and the certificate of occupancy for the accessory apartment shall become null and void. Within ninety (90) days of the death of the surviving parent or prior to a change in ownership or residence the second kitchen shall be removed and the house shall revert to a

single-family status. Should the new owner decide to live in the structure and desire to continue the use of the second dwelling unit, he shall apply to the Zoning Board of Appeals for a special permit. The owner applicant shall be required to file on the subject property a declaration of covenants prior to the issuance of a special permit for an accessory apartment. This declaration shall be in favor of the Town of Lynnfield and state that:

1. The special permit for an accessory apartment or any renewal of said special permit shall terminate upon the death of the undersigned and the spouse of the undersigned or upon the transfer of title to said premises or upon the undersigned no longer occupying the premises as their principal residence.
2. The new owner of the premises shall have to apply to the Zoning Board of Appeals for a special permit to continue the accessory apartment.

5.1.2.4 Yearly Renewal

The special permit shall be issued on a year-to-year basis and the Board of Appeals shall not renew any such permit where the need for such accessory use no longer exists. The Board shall require bond or surety to insure that any improvements made shall be removed at the expiration of such special permit, or the sale of premise whichever occurs first. All yearly renewals of a special permit granted under this subsection may, but need not, be granted as an administrative matter by the Board of Appeals without the necessity of public notices or hearings upon receipt by the Board of Appeals of

1. a report from the Director of the Zoning Enforcement and Inspection that the owner and occupant of the premises are in compliance with all provisions of this subsection and that the need for such accessory use still exists and
2. a renewal of the surety bond referred to in the preceding sentence for the term of the renewed permit. A.T.M 4/24 & 27/89

5.1.2.5 Apartment Location

An accessory apartment must be located in the principal dwelling provided that such principal dwelling conforms to the other requirements of this ordinance unless a variance therefore shall have been granted by the Zoning Board of Appeals.

5.1.2.6 Apartment Size.

The minimum floor size for an accessory apartment within a principal dwelling building shall be three hundred (300) square feet but in no case shall it exceed twenty-five percent (25%) of the habitable area of the dwelling in which it is located, unless in the opinion of the Zoning Board of Appeals a greater or lesser amount of floor area is warranted by the specific circumstances of the particular building.

5.1.2.7 Dwelling Size

The accessory apartment shall not involve the extension or enlargement of the principal dwelling, except to provide access or egress nor shall it change the single-family characteristics of the dwelling.

5.1.2.8 Limited Units

There shall be no more than one (1) accessory apartment for a total of two (2) dwelling units permitted per lot.

5.1.2.9 Approval

Applications for accessory apartments shall be subject to approval solely by the Board of Appeals.

5.1.2.10 Required Information

Applications need only contain such information to determine compliance with the regulations set forth herein. A.T.M. 10/17/83

Malden

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Researcher found no reference to accessory apartments, but two-family houses are allowed in all of the districts where single family houses are allowed, so it is likely that an owner of a single family home could add an apartment to it.

Mancheste

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

4.6 Special Housing Provisions

4.6.1 Purpose:

This By-Law permits the construction of accessory dwelling units in Single Residence Districts A, B, C, and E in order to meet the following objectives:

- (a) To facilitate the availability of suitable private housing for moderate and lower income, elderly and younger citizens of the Town while preserving the existing character of single family districts.
- (b) To make it financially possible for existing homeowners to stay in their homes.
- (c) To provide security.
- (d) To provide regulations that are enforceable and bring illegal conversions under control.,
- (e) To insure that all accessory dwelling units that are created will comply with the building codes and health, safety and fire regulations.
- (f) To allow the best use of older homes by encouraging the preservation of these homes.

4.6.2 Accessory Dwelling Units in Single Residence Districts A, B, C, and E:

4.6.2.1 An owner or owners of a single family dwelling in Single Residence Districts A, B, C, and E may apply to the Board of Appeals for a Special Permit for the construction of one accessory dwelling unit in such single family dwelling.

4.6.2.2 After notice and public hearing, the Board of Appeals may grant such a permit provided that:

- (a) Except in Single Residence District E, the lot size shall be two (2) times the minimum lot size as determined by the zoning regulations.
- (b) The single family dwelling shall have existed on the lot as of March 1, 1984. [Amended 1987]
- (c) Off-street parking for at least four (4) vehicles shall be provided in a manner consistent with the character of a single family dwelling.
- (d) Either the accessory dwelling unit or the main dwelling shall be occupied by the owner of the property except for temporary absences of up to one year.
- (e) The construction and occupancy of the accessory dwelling unit will not be detrimental to the neighborhood or injurious to persons or property.
- (f) The accessory dwelling unit is accessory to the principal residence. The floor area of the accessory dwelling unit will not exceed 35 % of the floor area of the principal dwelling and the accessory dwelling unit combined.
- (g) No exterior changes shall be made which alter the single family character of the dwelling. Any additions made shall not increase the floor area or volume by more than 10% and shall meet all applicable setback requirements.
- (h) Adequate provisions shall be made for the disposal of sewage, waste and drainage caused by the occupancy of such dwelling unit.
- (i) There is no other accessory dwelling unit in the dwelling.

4.6.2.3 The Applicant for the special permit shall submit plans showing at a minimum the following items:

- (a) Lot size and location of parking.
- (b) Floor plan showing size and location of accessory dwelling unit with all means of egress, natural and mechanical ventilation, and location of all items required by the building code.
- (c) Elevations of building if exterior changes occur.
- (d) Additional information requested by the Board of Appeals.

4.6.2.4 The accessory dwelling unit shall not be occupied until a Building Permit and a Certificate of Occupancy are issued by the Building Inspector. [Added 1984; Amended 1987]

Yes

Accessory apartments are allowed by SP in:
all residential district, business district 1 and 2 and industrial district 3.

Town of Mansfield Zoning Bylaw

3.3.3 Accessory Apartments: A single family dwelling existing prior to January 1, 1989 may be altered and used for two dwelling units provided that it meets the requirements of Section 19.

3.9 ACCESSORY APARTMENTS

Special Permit Use

3.9.1 The Special Permit Granting Authority shall not issue a special building permit for a newly created accessory apartment in a detached, one family dwelling unless the following conditions and requirements are met.

3.9.2 The owner of the dwelling in which the accessory apartment is created shall occupy either of the dwelling units in the structure. For the purposes of this section, the "owner" shall hold title to the dwelling, and for whom the dwelling is the primary residence for voting and tax purposes. In addition, at least one of the two units shall be occupied by a person(s) at least fifty-five (55) years of age or older.

3.9.3 There shall be no more than one accessory apartment within a one-family dwelling.

3.9.4 There shall be no additional boarders or lodgers within either unit of a dwelling with an accessory apartment.

3.9.5 The gross floor area of the dwelling shall have been at least 2,000 square feet as of January 1, 1989, which amount shall be verified in the records of the Building Inspector or Board of Assessors.

3.9.6 The maximum gross floor area of the accessory apartment shall not exceed 40 percent of the gross floor area of the dwelling as of January 1, 1989.

3.9.7 There shall not be more than one bedroom in an accessory apartment.

3.9.8 Where the structure is not connected to the public water and/or sanitary sewer systems, the applicant shall obtain a positive recommendation from the Board of Health.

3.9.9 The accessory apartment shall be designed so that the appearance of the structure remains that of a one family dwelling, subject further to the following conditions and requirements:

3.9.9.1 All stairways to second and third stories shall be enclosed within the exterior walls of the dwelling. With the exception of an open staircase which may be permitted at the rear of the building when in the opinion of the Planning Board such an open staircase does not detract from the single-family character of the building.

3.9.9.2 There shall be no enlargements or extensions of the dwelling in connection with any accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story, or the addition of a deck or porch, which may be permitted at the rear of the building when in the opinion of the Planning Board such a deck or porch does not detract from the single-family character of the building.

3.9.10.1 Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicles shall be regularly parked on the premises other than in such a parking space.

3.9.10.2 All parking spaces shall be either 1) outdoor parking spaces located in a side or rear yard or 2) in a garage or carport.

3.9.10.3 There shall be no more than four outdoor parking spaces on the lot.

3.9.10.4 No parking space shall be located within the boundary of a street right-of-way.

3.9.10.5 Where there are more than two outdoor parking spaces, they shall be screened with evergreen or dense deciduous plantings, walls, fence, or a combination thereof. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single family appearance of the neighborhood.

Marblehead

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Marlborou

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Marshfield

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Town of Marshfield Zoning Bylaw (Amended 2004)

Article II Definitions

RESIDENTIAL ACCESSORY APARTMENTS : An accessory apartment in an owner occupied dwelling is a second dwelling unit located within a single family home. Such accessory apartment shall be subordinate in size to the principal dwelling unit in a manner that maintains the appearance of the structure as a detached single-family home.

Section 11.09 Residential Accessory Apartments

1. Purpose - The creation of any accessory apartment within an existing owner occupied, single-family residence, may be authorized by Special Permit in order to achieve the following objectives:

- a. To enable home owners who wish to remain in their homes and neighborhoods to do so.
- b. To promote more efficient use of the existing housing stock by allowing flexibility in response to changing household size.
- c. To promote affordable rental housing and home ownership for small households.
- d. To protect and maintain the character of the surrounding neighborhood.

2. Applicability - Special Permits may be granted within R1, R2, R3, B1, and B2 districts by the Board of Appeals, acting as the Special Permit Granting Authority (SPGA), when the plan submitted meets the review criteria contained in Section 3.

3. Review Criteria - In reviewing and evaluating the plan, and in making a final determination regarding the Special Permit application, the SPGA may grant a Special Permit, provided that the following criteria are met. These criteria are the minimum over and above any other criteria which may be set forward in any portion of this bylaw which is specifically necessary to carry out the stated purposes for owner-occupied accessory apartments.

- a. Only one accessory apartment shall be allowed per single-family dwelling unit;
- b. The accessory apartment shall occupy no more than forty percent (40%) of the total living area of the dwelling;
- c. The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence. 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;
- d. Compliance with Board of Health policies and regulations;
- e. Approved water conservation devices shall be required for new installations. This would include low flow shower heads and water efficient toilets;
- f. The dwelling must be in existence, and not substantially altered, for a period of three years prior to the filing of the "Application for" Special Permit;
- g. Required minimum lot size 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 RI - 40,000 square feet;
- h. Sufficient parking space shall be provided on the lot, including at least one additional space to serve the accessory apartment. Said additional space shall have access to the driveway serving the principal dwelling;
- i. The principal dwelling shall be occupied by the applicant/owner as his or her principal residence;
- j. Compliance with the State Building Code.

4. Plan Requirements - The applicant shall comply with Section 10.10 Special Permits of this by law. In addition, the following information shall be furnished:

- a. the existing and proposed square footage of each dwelling unit;
- b. the existing and proposed floor layouts of each unit;
- c. any proposed changes to the exterior of the building;
- d. all plans should be prepared by a registered land surveyor; and
- e. requirements for open space should be maintained.

5. Transfer of Ownership of a Dwelling with an Accessory Apartment - The Special Permit for an accessory apartment in a single family dwelling shall terminate upon the sale of property or transfer of title of the dwelling.

The new owner(s) shall be required to apply for a new approval of a Special Permit for an accessory apartment and shall submit a written request to the SPGA.

6. Recertification of Owner Occupancy - Not later than January 31 of each year following issuance of a Special Permit for an accessory apartment, the owner of the premises must certify under the pains and penalties of perjury on forms to be available at the office of the Building Inspector that the premises continue to be occupied by the owner as his or her principal residence. Failure to recertify in a timely manner shall result in the automatic termination of the Special Permit.

Maynard *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes SECTION 3 SINGLE RESIDENCE DISTRICTS
3.1 REQUIREMENTS

3.2 ACCESSORY USES

E. Accessory Family Dwelling Unit: A dwelling unit contained within or being an extension of a single family structure to accommodate an additional family only if a member of the family of the additional family is related by blood, marriage or adoption to the owner of the premises and the accessory family dwelling unit shall contain no more than six hundred (600) square feet in total area.

1. Restrictions - A special permit may be granted by the Zoning Board of Appeals for the conversion of an existing or new single family dwelling to accommodate an additional family living unit by the installation of a common wall or the partitioning of or extension of living space.

2. The intent and purpose of this section is to permit accessory dwelling units in single family residential districts subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single family character of the neighborhood will be maintained and that the accessory unit remain subordinate to the principal living quarters.

3. Use Limitations - Such additional family living unit shall at the discretion of the Zoning Board of Appeals accommodate up to a maximum of three (3) persons, provided that the owner of record of the structure is a resident of the structure which includes the accessory family dwelling unit. The existing house shall accommodate an additional family unit only if a member of the additional family is related by blood, marriage or adoption to the Owner of the premises. There shall be no other living unit on the lot upon which an accessory unit is to be located.

4. Ingress, Egress, Access - Adequate provisions, as determined by the Building Inspector, shall be provided for separate ingress and egress to the outside of each unit. To the extent possible, exterior passageways and access ways shall not detract from the single family appearance of the dwelling. An interior doorway shall be provided between each living unit as a means of access for purposes of supervision and emergency response. All stairways to additional stories shall be enclosed within the exterior walls of the structure.

5. Area Limitation - Such accessory unit shall be limited to a maximum of six hundred (600) square feet in floor area,

6. Parking - Provisions for off-street parking of residents and guests of both units shall be provided in such a fashion as is consistent with the character of the neighborhood, as determined by the Zoning Board of Appeals, which shall seek advice from the Building Inspector.

7. Special Permit - No building permit shall be issued in accordance with the special permit issued under this section until the Special Permit has been recorded in the Registry of Deeds by the applicant and evidence of such recording has been submitted to the Building Inspector.

8. Occupancy Permit, Control - No occupancy of the additional dwelling unit shall take place without an occupancy permit issued by the Building Inspector. The initial occupancy permit shall remain in force for a period of two (2) years from the date of issue, provided ownership of the premises is not changed. Thereafter, permits may be issued by the Building Inspector for succeeding two (2) year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code, this By-law and the special permit. If the relative of the Owner vacates this property, the Owner must remove the kitchen and revert this unit back to a single family dwelling. If the house is sold, the new Owner must apply to the Zoning Board of Appeals for a special permit to conduct an accessory family dwelling unit or restore this unit to a single family dwelling by removing the kitchen.

Medfield *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes 2.1.20 FAMILY APARTMENT : A dwelling unit within a single structure for use by a Family member.

According to the Table of Use Regulations, the following are allowed:

"Accessory dwelling unit in one-family dwelling (See Section 14.10.7)" allowed by special permit (Board of Appeals) in A, R-E, R-T, R-S, R-U.

Family apartment (See Sections 2.1.15 and 14.10.8)" allowed by special permit (board of appeals) in A, R-E, R-T, R-S, and B, and by right in R-U.

14.10.7 Accessory dwelling unit in one-family dwelling - provisions applicable to Special Permit for accessory dwelling unit in one-family dwelling only. The purpose of permitting an accessory dwelling unit in a one-family dwelling, in accordance with the conditions set forth below, is to encourage preservation and maintenance of the larger older houses in Medfield and to increase the supply of affordable housing without significantly changing the character of existing residential areas. In lieu of the findings set out in Section 14.10.5 (a) through (j) and the conditions set out in Section 14.10.6 (a) through (j), the Board shall issue a permit for an accessory dwelling unit in a one-family dwelling unit subject to the following findings and upon the following special conditions:

- (a) The house was in existence prior to 1938.
- (b) The house has a minimum of 2000 sq. ft. of existing floor area.
- (c) The house meets the lot area requirement for a one-family dwelling in its district.
- (d) An addition to the house of up to 10% of the existing floor area shall be allowed in the rear or side yard, provided the addition is architecturally consistent with the existing house.
- (e) Except as regards item (d) above, the exterior of the house shall not be altered except for restoration consistent with the existing architecture and exits required by law, which exits shall be in the rear or at the side of the house.
- (f) The accessory unit shall have a minimum floor area of 500 sq. ft., plus 100 sq. ft. for each bedroom over one.
- (g) The accessory unit shall have a bathroom and a kitchen or kitchenette.
- (h) One off street parking space shall be provided for each bedroom in the accessory unit, in addition to spaces required for the existing dwelling.
- (i) The owner of the house must occupy the house or the accessory unit, except for bona fide temporary absences of up to one year.
- (j) The Special Permit shall be a personal permit restricted to the individual owner-applicant and shall terminate when said owner-applicant ceases to own the dwelling.
- (k) In the event of a change of ownership of a house for which a Special Permit has been issued for an accessory unit, the new owner or holder of a purchase and sale agreement with the owner may apply for a renewal of the Special Permit.

14.10.8 This Section has been included in the Bylaw in order to permit Family Apartments in residential districts, and in the business district, to provide housing for family members within the home of another member of their family when situations such as the age, physical condition or financial circumstances of a member of the family of a person occupying what would otherwise be a single-family dwelling make it necessary or desirable for the establishment of separate living quarters within that dwelling for said family member. The Board of Appeals may grant a special permit for a Family Apartment as defined in Section 2.1.15 of this Bylaw if it finds that the use is aesthetically consistent with other structures in the neighborhood and that said use is consistent with the purpose of this Section as set forth above. Said special permit may be issued subject to such conditions as the Board of Appeals may deem appropriate and shall terminate upon the happening of any of the following events:

- (a) Sale of the property
- (b) Death of those persons occupying the Family Apartment,
- (c) Permanent change of domicile of all of the persons occupying the Family Apartment from said Family Apartment to some other location either within or without the Town of Medfield.

Medford

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Medway

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

E. AGRICULTURAL AND RESIDENTIAL DISTRICT I

2. An accessory family dwelling unit is authorized by special permit only. The special permit must be recorded prior to the issuing of an occupancy permit. The special permit shall expire three (3) years from the date of issue. Upon transfer of property, the special permit shall become null and void. An accessory use in a single family dwelling is subject to the following conditions:

- a) The single family dwelling or access family dwelling shall be occupied by the owner of the premises. For the purpose of this section, the "owner" shall be one or more individuals who hold legal or beneficial title to the premises and for whom the premises is the primary residence for voting and tax purposes.
- b) The accessory family dwelling unit only may be occupied by the following family members: mother/father, mother-in-law/father-in-law, son/daughter, son-in law/daughter-in-law, sister/bother, sister-in-law/brother-in-law, grandmother/grandfather, step-mother/step-father, step-son/step-daughter, step-sister/step-brother, step-grandmother/step-grandfather. A notarized statement of the relevant relationship shall be provided to the Inspector of Buildings prior to the issue of a certificate of occupancy for the accessory family dwelling unit.
- c) There shall not be more than one (1) bedroom in the accessory family dwelling unit.
- d) The accessory dwelling unit shall have an exterior design such that the structure is not changed from the character of a single family dwelling.
- e) There shall be no additional driveway or curb cut providing access to the premises. All parking to be off-street.
- f) A certificate of occupancy for the accessory family dwelling unit is required, and shall be issued to the owner only, and is not transferable. Upon transfer of ownership of the premises, the certificate of occupancy for the accessory dwelling unit shall be null and void.

**Webmasters Note: The previous subsection, 2., has been added and the following subsections re-lettered as per an update approved at a town meeting held on 5/10/04.

Also allowed in other districts.

Melrose

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Definition of "in law apartment" from ordinance.com:

IN-LAW APARTMENT . A dwelling unit, either contained within an owner occupied one-family structure (such as, but not limited to, a cellar or attic) or attached thereto (such as, but not limited to, a garage or barn) which constitutes separate living facilities for immediate members of the family such as mother and/or father or a son and/or daughter or their respective spouses. See "Dwelling Unit" as defined in Section 2.1.

An accessory in-law apartment is a separate, subordinate living area constructed as part of an existing owner-occupied single family structure and built in a manner which maintains the appearance of a single family structure.

There shall be no boarders or lodgers within either unit of a dwelling with an accessory in law apartment.

No accessory in-law apartment shall be constructed without a building permit issued by the Building Inspector.

No use as an accessory in-law apartment shall be permitted prior to a certificate of occupancy by the Building Inspector.

A certificate of occupancy shall be issued for three years. Continued occupancy shall require issuance of a new certificate of occupancy.

The dwelling unit shall be located within the single family dwelling as it existed on January 1, 1990.

The dwelling unit shall occupy no more than one-third of the gross floor area, as of January 1, 1990.

According to the Table of Use and Parking Regulations, Section 5.4, 1A. "One-family with in-law apartment (See definition of in-law apartment) (Ord. of 12/18/89)" is allowed by special permit in each of the residential districts, and also in BD.

Mendon

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

No reference found in bylaws, but Gail Wellman, Assistant to Planning Board and Building Inspector, (12/01/04) said In-Law apartments are allowed. However, they must be on the same septic system, and use the same driveway and heating system. There must be a connecting door between the units, and it must be occupied by a relative.

Town of Mendon Zoning Bylaw (Amended 2002)

"SECTION II-IN THE RESIDENTIAL DISTRICT, NO BUILDING, STRUCTURE OR PREMISES SHALL BE CONSTRUCTED ALLOWED OR USED FOR :

A. Any trade, manufacturing or commercial purpose unless so provided under Section IX,

B. Any purpose except one or more of the following:

1. A single or two-family dwelling containing one or two housekeeping units only, together with accessory buildings not containing a housekeeping unit, including a garage for not more than three automobiles.
2. Church or other religious purpose.
3. Educational purpose.
4. Public purpose including municipal purpose.
5. Private Club not containing more than five sleeping rooms.
6. A day nursery or day camp.
7. Cemetery.
8. Customary Home Occupations

[...] " [list of home occupations]

Merrimac

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Merrimac Zoning Bylaw 2004

ARTICLE 4. VILLAGE RESIDENTIAL DISTRICT (VR)

4.2. Permitted Uses and Structures.

4.2.6. One accessory dwelling unit in a single-family dwelling in existence for at least five years prior to the application for a building permit, provided that (a) the accessory dwelling unit contains no more than 900 square feet of total floor area, (b) the LOT contains sufficient area to accommodate parking for the occupants of the single-family dwelling and the accessory dwelling, in the opinion of the BUILDING COMMISSIONER, and (c) there is no change to the exterior of the single-family dwelling except where required to comply with the State Building Code.

ARTICLE 5. SUBURBAN RESIDENTIAL DISTRICT (SR)

5.4. Uses and Structures Permitted by Special Permit.

In the Suburban-Residential District, the Planning Board may grant a special permit for the following uses:

5.4.4. One accessory dwelling unit in a single-family dwelling in existence for at least five years prior to the application for a building permit, subject to the regulations for "Accessory Dwelling Units and Conversion of Existing Single-Family Dwellings" in Article 17 of this Bylaw.

ARTICLE 6. AGRICULTURAL RESIDENTIAL DISTRICT (AR)

6.4. Uses and Structures Permitted by Special Permit

In the Agricultural Residential District, the Planning Board may issue a SPECIAL PERMIT for the following uses:

6.4.2. One accessory dwelling unit in a single-family dwelling in existence for at least five years prior to the application for a building permit, subject to "Accessory Dwelling Units and Conversion of Existing Single-Family Dwellings" in Article 17 of this Bylaw.

ARTICLE 17. ACCESSORY DWELLING UNITS AND CONVERSION OF EXISTING SINGLE-FAMILY DWELLINGS

17.1. Purposes.

The purposes of the Accessory Dwelling Units and Conversions of Existing Structures bylaw are to provide for a range of housing types in the Town of Merrimac through the reuse of existing buildings, to encourage the creation of affordable housing units, to enable homeowners to accommodate the needs of elderly family members or family members with disabilities, and to provide suitable housing for caregivers.

17.2. Applicability.

In any zoning district where an accessory dwelling or a conversion of a single-family dwelling to not more than four dwelling units is permitted only by SPECIAL PERMIT, the BOARD OF APPEALS shall be the Special Permit Granting Authority.

17.3. Accessory Dwelling Unit.

17.3.1. The intent and the purpose of this section is to permit accessory dwelling units in residential districts subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal living quarters.

17.3.2. Restrictions. A SPECIAL PERMIT may be granted by the Zoning BOARD OF APPEALS to accommodate an accessory dwelling by the installation of a common wall or the partitioning of or extension of existing living space. There shall be no other living unit on the LOT upon which such accessory unit is to be located.

17.3.3. Use limitations. Such accessory dwelling unit shall at the discretion of the Zoning BOARD OF APPEALS accommodate up to a maximum of three persons, provided that the owner of record of the STRUCTURE is a resident of the STRUCTURE which includes the accessory dwelling unit and occupancy of the dwelling unit is limited to:

17.3.3.1. A family related by blood, marriage or adoption to the owner of the premises, or

17.3.3.2. A household with an individual who is 65 years of age or older, or

17.3.3.3. A household with an individual with disabilities.

17.3.3.4. A low- or moderate-income household, provided the unit meets the requirements of the Local Initiative Program, 760 CMR 45-00, for listing on the Chapter 40B SUBSIDIZED HOUSING INVENTORY as provided for by G.L. c.40B, Sections 20-23.

17.3.4. Disposal of sewage. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such accessory unit in accordance with the requirements of the Board of Health. Connection to the to the municipal sewer system is required for property located in a designated sewer service area unless such connection imposes an undue economic hardship on the applicant, as determined by the Sewer Commission. Such determination shall be made prior to the application for a SPECIAL PERMIT, and evidence of same shall be included with such application.

17.3.5. Ingress, egress, access. Adequate provision, as determined by the BUILDING COMMISSIONER, shall be provided for separate ingress and egress to the outside of each unit. To the extent possible, exterior passageways and accessways shall not detract from the single-family appearance of the dwelling. An interior doorway shall be provided between each dwelling unit as a means of access for purposes of supervision and emergency response. All stairways to additional stories shall be enclosed within the exterior walls of the STRUCTURE.

17.3.6. Area limitation. Such accessory unit shall be limited to a maximum of 900 square feet in floor area.

17.3.7. Plans. Floor plans of the accessory unit and principal residence and a certified site . plan showing the dwelling unit on the LOT and its relationship to other STRUCTURES and premises within 200 feet of the LOT shall be filed with the application for a SPECIAL PERMIT.

17.3.8. Parking. Provisions for off-street parking of residents and guests of both units shall be provided in such a fashion as is consistent with the character of the neighborhood, as determined by the Zoning BOARD OF APPEALS, which shall seek advice from the BUILDING COMMISSIONER

17.3.9. Special Permit. No building permit shall be issued in accordance with the SPECIAL PERMIT issued under this section until the SPECIAL PERMIT has been recorded in the Registry of Deeds by the applicant and evidence of such recording has been submitted to the BUILDING COMMISSIONER.

17.3.10. Occupancy permit; control. No occupancy of the additional dwelling unit shall take place without an occupancy permit issued by the BUILDING COMMISSIONER.

17.3.11. For an accessory dwelling unit authorized by the BOARD OF APPEALS as affordable housing unit, the BUILDING COMMISSIONER shall not issue an occupancy permit without evidence that an affordable housing USE RESTRICTION or deed rider has been recorded at the Registry of Deeds and the unit has been approved by the Department of Housing and Community Development for inclusion on the Chapter 40B SUBSIDIZED HOUSING INVENTORY.

17.3.12. Occupancy permits shall not be transferable upon change in ownership or change in occupancy y In such event, on affidavit hail be presented to the BUILDING COMMISSIONER attesting to the fact that the circumstances under which an occupancy permit was granted will in the future continue to exist. The owner of record is responsible for initiating each application to the BUILDING COMMISSIONER. Appropriate fees, as established and recorded, may be assessed for each such renewal review, investigation and processing. All documentation presented hereunder must be in form and content satisfactory to the BUILDING COMMISSIONER.

Methuen

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Methuen Zoning Ordinance

Section V-G Accessory Apartment:

The conversion or renovation or addition of not more than seven hundred (700) square feet in an existing dwelling for use as a separate housekeeping unit

for a member of the family is allowable by special permit in certain districts provided:

1. Such apartment does not have a separate outdoor entrance, except as may be required by the Building Inspector for safety;
2. No such apartment shall be for rental; and

Section II DEFINITIONS

ACCESSORY :

- a. Accessory Use: a use customarily incidental to, and on the same lot, as a use permitted in a district, provided the accessory use is not injurious, noxious or offensive to nor inconsistent with the character of said district.
- b. Accessory Building: a building devoted exclusively to an accessory use and on the same lot as the use to which it is accessory.
- c. Accessory Apartment: See Section V-G hereof.

Section V-M Residential Accessory Uses:

1. Single-Family

Single-family residential accessory uses shall include the following:

- (c) Accessory apartment (with Special Permit see Section V-G).

Middlebor

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Middleborough Zoning Bylaw

G. FAMILY ACCESSORY APARTMENT ZONING BYLAW

1. Introduction

Accessory apartments shall be permitted in all districts only upon a Special Permit from the Board of Appeals and in accordance with additional requirements specified herein.

2. General Description

An accessory apartment for purposes of this section shall mean a dwelling unit which is included within a single family dwelling structure including a single family dwelling with attached garage but is separate from and not connected to the principal dwelling unit contained in the single family dwelling.

3. Purpose

a. Provide older homeowners with a means of obtaining, through family members in accessory apartments, rental income, companionship, security and services and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.

b. Make housing units available to low and moderate-income households which might otherwise have difficulty finding homes within the town.

c. Protect property values and the residential character of a neighborhood by ensuring that accessory apartments are installed only in owner-occupied houses and under such additional conditions as may be appropriate to further the purposes of this bylaw.

4. Standards and Requirements

The Board of Appeals may authorize a Special Permit for a use known as an Accessory Apartment provided the following standards and requirements are met:

a. An accessory apartment may be part of a new single family dwelling structure, part of an existing single family dwelling structure or an addition to an existing single family dwelling structure. An accessory apartment shall have not more than two bedrooms. It shall be contained within a new or existing single-family dwelling, or if added to the exterior of a single family dwelling, shall be designed to maintain the appearance of a single-family dwelling with a separate entrance located on the side or rear of the building. An accessory apartment shall be less than fifty (50%) of the floor area of the single-family dwelling.

b. Only one accessory apartment may be located as part of or within a single family dwelling structure.

c. Any addition to a single-family dwelling must meet the minimum setback requirements in the district in which the property is located.

d. At least one of the record owners of the property which contains an accessory apartment shall occupy the principal dwelling unit in the single family dwelling structure as a primary residence. Only one or more members of the immediate family of a record owner of the property which contains an accessory apartment shall occupy the accessory apartment. Immediate family for purposes of this section shall mean parents and grandparents of a record owner, and children, grandchildren and siblings of a record owner.

- e. All stairways to second and third stories shall be enclosed within the exterior walls of the dwelling, to the extent feasible.
- f. An addition to the original building may be permitted, provided that the addition increases the floor area of the original building by less than fifty (50) percent and the addition in the opinion of the Board of Appeals will not alter the residential character of the building.
- g. At least two off street vehicle parking spaces shall be available for use by the residential occupants of the principal dwelling unit, and at least two off street vehicle parking spaces shall be available for use by the residential occupants of the accessory apartment.
- h. The Health Officer shall certify that the means of water supply and sanitary disposal shall be adequate to support both dwelling units.
- i. The construction of any accessory apartment must be in conformity with the State Building Code requirements.
- j. In order to provide for the development of housing units for disabled and handicapped . individuals, the Board of Appeals may allow reasonable deviation from the requirements of sub section 4 where necessary to install features that facilitate access and mobility for disabled persons.
- k. The Special Permit shall reference the immediate family member(s) by name who occupy the accessory apartment.

**Webmasters Note: The previous subsection, G., has been added as per an update approved at a town meeting held on 9/29/03.

Middleton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No Recommendation in Community Development Plan Town of Middleton Affordable Housing Strategy, June 2004:

"2. Establish an Affordable Accessory Apartment Housing Program – This program would provide an opportunity for home owners with accessory apartments (both legal and not currently approved) to qualify these units as affordable housing. The benefit would be to bring accessory apartments up to code and increase the number of eligible affordable housing units within the existing housing stock. Homeowners interested in applying for the program would be required to place a deed restriction on the accessory apartment declaring it remain “affordable” after the homeowner has left the home. The accessory affordable housing program would be available to property owners that have an accessory apartment in an owner-occupied dwelling (either permitted or not), owners that want to create an accessory apartment, and owners of legal multi-family dwellings that wish to convert or add an additional affordable unit. Property owners would have to agree to the following:

Bring (or construct) the unit into compliance with both state building and sanitary codes.

Apply for and receive approval for a local initiative unit(s) through the Town of Middleton and DHCD.

Agree to a deed restriction on affordability of the unit according to the eligible income standards set by DHCD, or successor agency, for the Boston MSA

Agree to a minimum of a one-year lease
(Example: Town of Barnstable)"

Milford *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Accessory uses state that a "Supplemental Apartment" is allowed by Special Permit in all 11 zoning districts.

Town of Milford Zoning Bylaw (Amended 2003)

Article II USE AND INTENSITY REGULATIONS Section 2.3

(9) Any Special Permit issued shall lapse in the event that title to the principal building in which the supplemental apartment is created is transferred from the owner of said principal building at the time of issuance to any other person not his spouse. Any such Special Permit shall lapse within three years of the date on which it is granted, subject to renewal.

Article IV Definitions:

Supplemental Apartment - An accessory dwelling unit, consisting of not more than three habitable rooms, as defined in the State Building Code, and occupied by not more than two persons, one of whom must be either a grandparent, parent or child of the owner of the building in which such apartment is located, or of the spouse of such owner, created within a detached single-family dwelling house, the creation of which accessory dwelling unit cannot alter the single-family residential appearance of the building in which such apartment is created.

Millbury *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Millis *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes O. Accessory Family Unit

1. Purpose

The purpose of this bylaw is to provide regulations that minimize any potential adverse impact that the allowance of an Accessory Family Unit may have on the Town of Millis while recognizing the needs of an Accessory Family Unit in certain situations.

2. General Regulations

a. Any proposed construction or alteration relating to the Accessory Family Unit must conform to all area (including frontage, depth and yard setbacks), height and bulk regulations as outlined in Section VI, Tables 2 and 3, of the bylaws.

b. Only the person or persons named in the application for a Special Permit pursuant to this section shall be permitted to occupy the Accessory Family Unit.

c. The Accessory Family Unit shall have only one bathroom and kitchen or kitchenette.

d. The Application to the Special Permit Granting Authority for a Special Permit pursuant to this section shall include written certification from both the Fire Chief and the Board of Health that the proposed use will meet all state and local health and safety requirements. It is the obligation of the applicant to obtain this information and to pay for any related costs thereto.

(3) Findings

In lieu of findings necessary to be fulfilled prior to the issuance of a Special Permit as set forth in Section XII, O. a. through h., herein, the Special Permit Granting Authority may issue a Special Permit for an Accessory Family Unit in an existing dwelling subject to the following findings:

a. Special Permits shall only be issued following public hearings held within 65 days after filing of an application with the Special Permit Granting Authority, a copy of which shall be given forthwith to the Town Clerk by the applicant.

b. The requested use will not overload any public water, drainage or sewer system or any other municipal service to such an extent that the requested use or any area of the town will be unduly subjected to hazards affecting health, safety or the general welfare.

c. The requested use is permitted in Table 1 Use Regulations as a special permit in the district for which it is sought.

d. Any special regulations, for the use set forth in Section XI, are fulfilled.

e. The requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals or welfare of the community. or act in any manner relating thereto.

(4) Conditions

Said Special Permit may be issued subject to such conditions as the Special Permit Granting Authority may deem appropriate and shall terminate five (5) years upon the granting of the Special Permit or upon the happening of any of the following events, whichever is sooner:

a. Sale of property;

- b. Death of the person or persons named in the application for a Special Permit and occupying the Accessory Family Unit;
- c. Permanent change of domicile of the person or persons occupying the Accessory Family Unit to some other location;

According to the Table of Use Regulations, accessory family units are allowed by special permit (SBA) in all three residential districts.

Millville *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No No, but conversion to two-family is allowed in all districts.

Milton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes SECTION III. Use Regulations.

A. Residence AA, A, B and C District Uses.

In a Residence AA, A, B, C district, except as herein otherwise provided, no building or land shall be used and no building shall be erected or altered which is intended or designed to be used for a store or shop, or for manufacturing or commercial purposes, or for other purposes except one or more of the following:

9. The following use, if authorized by special permit issued by the Board of Appeals subject to the following conditions, and to such further limitations and safeguards as the Board of Appeals may deem necessary or appropriate:

Detached one-family dwelling with temporary apartment.

The Board of Appeals shall not issue a special permit for a detached one-family dwelling with a temporary apartment except upon the following conditions which shall be in writing and part of the special permit:

a. The applicant(s) for the special permit must be the owner(s) of the one-family dwelling in which the temporary apartment is proposed. During the effective dates of a special permit hereunder, an owner or owners with at least a 50% ownership interest in the dwelling, shall have his/her/their primary residence either in the temporary apartment or in the principal dwelling quarters. The application shall specify whether the owner(s)-occupant(s) will dwell in the temporary apartment or in the principal dwelling quarters. For the purposes of this paragraph, "principal dwelling quarters" shall mean the portion of a one-family dwelling not included in a temporary apartment.

b. If the owner(s)-occupant(s) will occupy the principal dwelling quarters, the application for a special permit and the special permit shall specify the names of all the tenants who will occupy the temporary apartment, or, if the owner(s)- occupant(s) will occupy the temporary apartment, the application and the special permit shall specify the names of all the tenants who will occupy the principal dwelling quarters. At least one of the tenants living in the premises during the term of the special permit, must bear one of the following relationships to at least one of the owner(s)-occupant(s) or to a spouse, a former spouse, or a deceased spouse of an owner-occupant: mother, father, stepmother, stepfather, child, stepchild, grandparent, grandchild, aunt, uncle, niece, nephew.

c. Each of the tenants specified in the application for a special permit and in the special permit shall bear at least one of the following relationships to each of the other tenants: spouse, child, parent, stepchild, stepparent, brother, sister, stepbrother, or stepsister. Only the tenants specified in the special permit may reside in the premises, except for newborn or newly adopted children and for a nurse, nurse's aide, homemaker, or other such person necessary to care for a tenant who is so specified.

d. In the application for a special permit, the applicant(s) shall submit a design in adequate detail showing the layout of the temporary apartment and specifying all changes required to be made to the existing dwelling for such apartment; the applicant(s) shall submit a further design in adequate detail showing the incorporation of the temporary apartment into the principal dwelling quarters upon expiration of the special permit. These designs shall show: that the temporary apartment will be created without exterior modifications to the dwelling except as may be required for safety; that in the event an additional entrance or egress is so required, it shall be unobtrusively located on the side or rear of the dwelling; that any new stairway to the second or third floor shall be enclosed and be unobtrusively located on the rear of the dwelling; and that the dwelling shall retain the appearance of a single-family dwelling. The designs shall also show that the temporary apartment can be readily and inexpensively incorporated into the principal dwelling quarters upon expiration of the special permit. These designs shall be made a part of the special permit so as to specify all permissible alterations for creation of the temporary apartment and the necessary alterations, including removal of kitchen facilities, which will be required to merge the space back into a one-

family dwelling upon the expiration of the special permit.

e. The lot on which a detached one-family dwelling with temporary apartment is located shall be of adequate size and configuration to permit the increased use without adverse impact on neighboring properties. The application for the special permit shall specify the location and amount of parking necessary to meet the needs of the occupants of the principal dwelling quarters and the occupants of the temporary apartment.

Additional parking which may be required on account of the increased use shall be partially screened from neighboring properties by such planting as may be deemed adequate by the Board of Appeals. In no event shall creation of a temporary apartment reasonably require that more than five vehicles be garaged or maintained accessory to a one-family dwelling with a temporary apartment, and no more than five vehicles shall be garaged or maintained accessory to such dwelling at any time during existence of the apartment.

f. The one-family dwelling in which a temporary apartment is located shall be of adequate size for the uses of both the temporary apartment and the principal dwelling quarters. The temporary apartment shall not contain in excess of eight hundred (800) square feet of floor area or one-third of the floor area of the dwelling, whichever is less. There shall be no more than two (2) bedrooms in a temporary apartment. A temporary apartment shall be entirely contained within the existing dwelling or on the second floor of an attached garage. Garage parking space, which existed within five years before application for a special permit is made, cannot be used as living space in a temporary apartment or the associated principal dwelling quarters. A temporary apartment may not be located in a building which is not part of a dwelling or an attached garage. During the period in which a temporary apartment exists in or has been approved for a dwelling, there shall be no enlargement of the dwelling. During the period a temporary apartment exists, there shall be no boarders or lodgers in the principal dwelling quarters or in the temporary apartment.

g. A special permit for a detached one-family dwelling with temporary apartment shall terminate by reason of any of the following events:

1. Sale of the premises.
2. Residence by a tenant not named in the special permit, except for newborn or newly adopted children or for a nurse, nurse's aide, homemaker or other such person necessary to care for a tenant who is so named in the special permit.
3. Residence by a boarder or lodger in either the temporary apartment or in the principal dwelling quarters.
4. Failure of an owner or owners with at least a 50% ownership interest in the dwelling to have his/her/their primary residence in the dwelling.
5. Violation of any other term of the special permit which is not cured within two weeks of notice of the violation, mailed to the assessed owner by certified mail, return receipt requested.
6. The expiration of four (4) years from the date on which the special permit was granted, or the expiration of four (4) years from the date on which the special permit may have been extended. If the Building Commissioner has cause to believe that one of the foregoing events, numbered 2-5, has occurred, he shall schedule a hearing by the Board of Appeals for a determination whether such an event has occurred and shall give notice of the time, place, and reason for the hearing to the assessed owner(s) of the property by certified mail, return receipt requested, mailed at least two weeks before the hearing. At the hearing, the Building Commissioner or a designee shall specify the basis of his belief that one of the events has occurred, including information provided by third persons, who also may speak at the hearing. The holder of the special permit shall then have the burden of convincing the Board of Appeals that no event terminating the special permit has occurred. Unless the Board of Appeals is convinced that no such event has occurred, it shall formally revoke the special permit which shall thereupon terminate.
- h. Following sale of the premises, expiration of the term of the special permit, or revocation of the special permit by the Board of Appeals, there shall be no further use or occupancy of the temporary apartment separately from the principal dwelling quarters. The temporary apartment shall be incorporated with the principal dwelling quarters within sixty (60) days from the date of sale, from the date of revocation of the special permit, or from the date of expiration of the special permit, whichever occurs first. Extension of a special permit may be denied solely on the basis of prior lack of cooperation of an owner with the Building Commissioner's reasonable efforts to ascertain whether the conditions, limitations, and safeguards of the special permit were being met from time to time during the term of the special permit. Uncured violation of a condition of a special permit shall be continuing cause for its termination, whether or not notice of violation has been or might have been given at a prior time.
- i. A temporary certificate of occupancy shall be issued by the Building Commissioner prior to any use of a temporary apartment pursuant to a special permit under this paragraph. Upon termination of the special permit, such temporary certificate of occupancy shall also terminate. Following termination of the special permit, after giving reasonable notice, the Building Commissioner shall inspect the premises to determine whether the temporary apartment has been incorporated into the principal dwelling quarters. Failure to so incorporate the temporary apartment into the principal dwelling quarters or to give the Building Inspector access to inspect such incorporation shall be cause for the Building Commissioner to terminate the certificate of occupancy for the dwelling.
- j. For the purpose of this bylaw, each fortnight that an apartment is maintained in a one-family dwelling without compliance with this paragraph (or other provision making the use legal) shall be deemed a separate violation subject to the penalty specified in Section XI. Following termination of a special permit, failure to give the Building Commissioner access to inspect, upon reasonable notice, incorporation of the temporary apartment into the principal dwelling quarters shall be a violation of this paragraph; for the purpose of this bylaw, each fortnight during which access is so denied shall be deemed a separate violation subject to the penalty specified in Section XI.
- k. After issuance of a special permit under this paragraph, the Board of Appeals shall send copies of the special permit and thereafter any extension of the special permit, and any termination of the special permit, to the Building Commissioner and to the Board of Assessors. Annually, the holder of a

special permit under this paragraph shall advise the Building Commissioner that the temporary apartment is in conformity with the special permit.

1. For the purposes of this paragraph a temporary apartment is defined as a separate living area within a detached one-family dwelling fitted to be occupied by tenants independent of the occupants of the principle dwelling quarters as regards the preparation of food.

Nahant *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Natick *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes aa. A family suite may be located in a dwelling in an RS district which is the primary residence of the owner of such dwelling upon the issuance of a Special Permit granted by the SPGA. The SPGA shall include a condition in their Special Permit that the residents of the family suite must be related to the owner(s) of the single-family dwelling and that the primary dwelling unit remains the primary residence of the owner of the dwelling-throughout the period of occupancy of the family suite lease information. The SPGA shall require that the following conditions be met:

- i. The family suite shall be subordinate in size to the primary dwelling unit.
- ii. The family suite shall be constructed in a manner that maintains the appearance of a single-family dwelling.
- iii. The family suite and the primary dwelling unit shall be fully integrated and shall be contiguous with each other.
- iv. The Family Suite may share living areas within the single-family dwelling with the primary dwelling unit.
- v. The family suite and the primary dwelling unit shall share utilities.
- vi. The size of the family suite shall not exceed 25% of the area of the primary dwelling unit but shall not be larger than 700 square feet (calculation not to include common areas).
- vii. The family suite shall be limited to one bedroom.
- viii. The family suite shall be limited to a galley kitchen with minimal amenities.
- ix. The family suite shall share a front entry and mail address with the primary dwelling unit, although a separate side or rear door may be permitted.
- x. Parking shall be as required by Section V-D.3.a of this By-Law and the units shall be accessed by the same driveway.
- xi. All dimensional zoning requirements shall be met.
- xii. The design must allow for the future conversion of the Suite to an addition to the single-family dwelling. The SPGA must review and approve the plans for such single family dwelling at the time that the family suite is included in the building.
- xiii. The SPGA shall specify by name(s) in its permit who is permitted to reside in the Family Suite. Any changes in occupancy shall require a modification or revision of the lease and a modification of the Special Permit which must be approved by the SPGA
- xiv. The single-family dwelling owner(s) shall covenant to their abutters that they will not use the property as a two-family dwelling. This covenant shall be recorded at the Middlesex South Registry of Deeds and shall be indexed to the deed for the single-family dwelling.
- xv. The decision of the SPGA shall be recorded at the Middlesex South Registry of Deeds and a copy of the recorded decision shall be provided to the SPGA and the Building Department before an occupancy permit can be issued. (Art. 3, S.T.M. #2, 12/03/02)

Needham *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Newbury Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Newburypo Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes In-law apartments are allowed by special permit in the following districts: R-1, R-2, R-3, and B-3.

City of Newburyport Zoning Ordinance, Amended 2004

Section II - Definitions

2. Accessory building or use. A subordinate use, structure, or building, the purpose of which is incidental to that of the principal use or building and on the same lot.

SECTION XIII. IN-LAW APARTMENTS

It is the intent of this section to allow parents and their children to live together where the need and desire exist; so long as the proposed living arrangement is not outweighed by an adverse impact upon the community, particularly the proliferation of unlawful rental units. Accordingly, a separate dwelling unit within or attached to another dwelling (existing or to be built), not otherwise allowable under this zoning ordinance, is allowable by special permit in all zoning districts where residential use is permitted by right or by preexisting use, provided that:

- (a) The in-law apartment is occupied by parents, grandparents, children or grandchildren, by blood or by marriage.
 - (b) Dimensional requirements of the zoning ordinance are otherwise met for an attached unit or for new construction.
 - (c) The gross floor area of the in-law apartment shall not exceed nine hundred (900) square feet. All new construction or additions to existing residential structures shall not to exceed seven hundred (700) square feet.
 - (d) The zoning board of appeals may impose reasonable conditions granting a special permit, including the number of parking spaces (except that there shall be a minimum of one (1) additional space for the in-law unit).
 - (e) Safety, health and building codes are met.
 - (f) In order to become effective, the special permit granted under this section shall be recorded at the Essex South District Registry of Deeds and a copy of the recorded permit shall be provided to the inspector of buildings, who shall issue a certificate of occupancy if he finds compliance with this section.
 - (g) In the eleventh and twenty-third months following the grant or renewal of a special permit hereunder, the homeowner shall certify, under the pains and penalties of perjury, that paragraph (a) herein is still being complied with; and shall file this certification with the building inspector and the zoning board of appeals.
 - (h) The special permit shall expire:
 - (1) If the certification is not filed pursuant to (g) herein;
 - (2) If the in-law apartment ceases to be occupied as provided for herein; or
 - (3) At the expiration of three (3) years from its granting unless the zoning board of appeals shall renew it upon application.
 - (i) Where new kitchens/kitchen appliances have been added, they shall be removed within six (6) months of the expiration of the special permit, and the building inspector shall report such removal to the zoning board of appeals.
 - (j) The zoning board of appeals may order an inspection of the premises for compliance hereunder at any time upon reasonable written notice to the homeowner.
- (Ord. of 1-9-89)
-

Newton Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes From ordinance.com:

ACCESSORY APARTMENT A separate dwelling unit located in a building originally constructed as a single family dwelling or in a detached building located on the same lot as the single family dwelling, provided that such separate dwelling unit has been established pursuant to the provisions of section 30-8(d) and 30-9(h) of this ordinance.

DIVISION 2. RESIDENTIAL DISTRICTS

Sec. 30-8. Use Regulations for Single Residence Districts.

(a) Allowed Uses.

(5) Accessory apartments subject to provisions of section 30-8(d)(1).

(b) Special Permits in Single Residence Districts.

(11) Accessory apartments subject to provisions of section 30-8(d)(2);

(d) In single residence districts, an accessory apartment shall be a permitted use according to Table 30-8 and the following provisions:

(1) All accessory apartment is allowed in an owner occupied single family dwelling in accordance with tile procedures of section 30-22, as applicable, and Subject to section 30-15, provided that:

a) The building in which the accessory apartment is located is an owner Occupied single family dwelling;

b) The single family dwelling was constructed on or before January 1, 1989;

c) The accessory apartment shall be a minimum of four hundred (400) square feet and a maximum of one thousand (1000) square feet or thirty-three percent (33%) of the total building size in tile dwelling structure, whichever is less;*

d) Exterior alterations required to meet applicable building, fire or health codes are permitted as listed here: doors, windows; no more than two exterior landings which may be covered, which do not exceed fifty (50) square feet in area, and are not within the setback area; stairs which are not within the setback, roof and wall venting;*

e) Additions and exterior alterations to tile structure made within four (4) years prior to application may not be applied towards meeting the requirements of Table 30-8;*

f) No more than one accessory apartment shall be allowed per lot:

g) There shall be no lodgers in either the original dwelling unit or the accessory apartment:

1) Parking as required by sections 3019(d)(19) and 30-19(g), and landscape screening as required by section 3019(1)(1) shall be provided, regardless of tile number of parking stalls, 1) The apartment shall comply with all applicable building, fire and health codes.

*Requirements marked with an asterisk may be altered by a special Permit. See Section 30-8(d)(2).

(2) The board of aldermen may grant a special permit in accordance with tile procedure in section 30-24 for an accessory apartment in an owner-occupied single family dwelling or a legal nonconforming two-family dwelling or a detached structure provided that the provisions of section 30-8(d)(1) and Table 30-8 are met, except as amended below:

a) The accessory apartment shall be a minimum of four hundred (400) square feet and a maximum of twelve hundred (1,200) square feet, or thirty-three percent (33%) of the total building size in the dwelling structure, whichever is more:

b) Exterior alterations required to meet applicable building, fire or health codes are permitted if in keeping with the architectural integrity of the structure and tile residential character of the neighborhood. Prospective additions or exterior alterations for the purpose of satisfying the gross floor area requirements for the creation of a proposed accessory apartment in an owner-occupied single family dwelling or a legal nonconforming two-family dwelling which is altered, reconstructed or redesigned for the purpose In whole or in part of satisfying the gross floor area requirements for the creation of a proposed accessory apartment may be allowed, but shall not exceed 250 square feet in area or 25 percent of the final gross floor area of said accessory apartment as provided in this subsection, whichever is greater. No additions or exterior alterations beyond those in the final grant of a petition may be proposed to enlarge tile accessory apartment within two (2) years of receipt of a special pert-nit hereunder from (lie board of aldermen.

The petitioner shall record with tile Registry of Deeds for the Southern District of Middlesex County a certified copy of the board order granting tile accessory apartment and certified copies shall be filed with the department of inspectional services, where a master list of accessory apartments shall be kept, and with the assessing department.

When ownership of the property changes, the new owner shall notify the commissioner of inspectional services at which time the commissioner of inspectional services shall conduct a determination of compliance with the board order, tile Newton Zoning Ordinance and the State Building Code.

The owner of tile subject property shall file with tile commissioner of inspectional services an affidavit attesting to tile continued residence of the owner on the Subject property. Such affidavit shall be filed annually from the date of the issuance of the certificate of occupancy.

(3) An accessory apartment is allowed in an Overlay District according to tile provisions of Section 30-8(d) and Table 30-8. The following land is placed in an Overlay District as specified:

a) Single Residence 1 zoned land in real estate section 63 is placed in Overlay District A.

b) Single Residence 2 zoned land in real estate section 32 is placed in Overlay District B.

c) Single Residence 3 zoned land in real estate section 71 is placed in Overlay District C.

d) Single Residence 1 zoned land in real estate section 61 is placed in Overlay District D.

(4) Pre-existing Units. The provisions of section 30-8(d)(4), relating to the lawful use of pre-existing accessory apartment units (second dwelling units) as described herein, shall be effective for a limited time period beginning with the date of adoption and ending June 30, 2007. Notwithstanding the terms of section 30-8(d)(1)-(3) above, an accessory apartment (second dwelling unit) in a single-family dwelling or detached accessory structure shall be considered a lawful use and shall not be required to meet the dimensional criteria of Table 30-8 provided the following criteria are fulfilled:

**Webmasters Note: The previous subsection has been amended as per an ordinance dated 12/2/02.

Norfolk

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

From definitions on ordinance.com:

TEMPORARY FAMILY APARTMENT - A DWELLING UNIT, which includes separate bathroom and kitchen facilities, constructed within or as an addition to a SINGLE FAMILY DWELLING and which serves as the residence of one or two family member(s) at least one of whom is 60 years of age or older, or who is disabled, as certified by a licensed physician, or as the residence of up to three person(s) at least one of whom is a nurse, home health aide, therapist or paramedic providing home care assistance to aged or disabled members of the household of the owner(s). A TEMPORARY FAMILY APARTMENT shall be allowed only by the issuance of a Special Permit from the Zoning Board of Appeals and shall not be used as a rental unit but shall be used exclusively by the owner(s) of the SINGLE FAMILY DWELLING, or by their immediate family, limited to in-laws, grandparents, mothers, fathers, sisters, brothers, children, aunts and uncles, step-relatives as summarized above, or by nurses, home health aide, therapists or paramedics providing personal health care assistance to aged or disabled members of the household of the owner(s).

E. INTENSITY REGULATIONS

E.2. Modifications

E.2.g. TEMPORARY FAMILY APARTMENTS

PURPOSE: The Town recognizes a need in Norfolk for family care giving opportunities based on the dignity of an independent living environment and herein adopts a zoning bylaw permitting TEMPORARY FAMILY APARTMENTS under the conditions and criteria defined in this bylaw, E.2.g. The Zoning Board of Appeals may issue a Special Permit to owner(s) of a SINGLE FAMILY DWELLING to construct therein or adjacent thereto TEMPORARY FAMILY APARTMENT as defined in Section B of this Bylaw and in compliance with Section G.6.c.1-7. and subject to such conditions that the Zoning Board of Appeals may deem appropriate, and said Special Permit shall terminate upon the happening of any one of the following events:

(1) Transfer of ownership of the property, or

(2) Death of the person to whom the Special Permit was issued, or

(3) Permanent change of domicile of all of the persons occupying the TEMPORARY FAMILY APARTMENT, or

(4) upon non-renewal as specified in Section E.2.g.1.n. If a Special Permit is granted, the Zoning Board of Appeals shall condition it that the Special Permit is to be recorded at the Registry of Deeds prior to application to the Building Commissioner for a building permit.

E.2.g.1. Special Permit by Zoning Board of Appeals

The Zoning Board of Appeals shall issue a Special Permit for a TEMPORARY FAMILY APARTMENT in a SINGLE FAMILY DWELLING subject to the following findings and upon the following special conditions:

E.2.g.1.a. A sanitary waste permit application (with drawings) shall be submitted to the Board of Health prior to the application to the Zoning Board of Appeals for a Special Permit for a TEMPORARY FAMILY APARTMENT. A copy of the Board of Health application shall be included with the Special Permit application.

E.2.g.1.b. The principal DWELLING UNIT shall be occupied by the owner of the property, for at least nine months each year.

E.2.g.1.c. There is no other accessory DWELLING UNIT on the LOT on which the proposed TEMPORARY FAMILY APARTMENT is to be located.

E.2.g.1.d. The Special Permit shall be valid only for the occupancy of the TEMPORARY FAMILY APARTMENT by the family member(s) or other

persons for whom it was issued. Upon cessation of the occupancy by such family member(s) or others, the owner shall notify the Building Commissioner in writing and the Special Permit shall lapse and be null and void.

E.2.g.1.e. An addition to a SINGLE FAMILY DWELLING for a TEMPORARY FAMILY APARTMENT of up to 50% of the DWELLING FOOTPRINT or 1,200 square feet, whichever is greater, shall be allowed, provided the addition is architecturally consistent with the existing house, complies with all setback requirements and does not have a total DWELLING FOOTPRINT in excess of 35% of the LOT and meets all other zoning requirements.

E.2.g.1.f. Except as regards item E.2.g.1.e. above, the exterior of the SINGLE FAMILY DWELLING shall not be altered except for restoration consistent with the existing architecture and exits required by law.

E.2.g.1.g. One off-street parking space shall be provided for the TEMPORARY FAMILY APARTMENT in addition to the required parking for the principal DWELLING unit, and every effort shall be made to minimize the visibility of the additional parking space.

E.2.g.1.h. The Special Permit shall be a personal permit restricted to the owner-applicant(s) and shall cease when said owner-applicant(s) cease to own the DWELLING.

E.2.g.1.i. The Special Permit shall be renewed annually within 30 days prior to the expiration date of the Special Permit, by application to the Building Commissioner by the owner(s).

E.2.g.1.j. No occupancy of a TEMPORARY FAMILY APARTMENT by other than the Owner(s) household shall take place without a Permit issued by the Building Commissioner. No Building Permit shall be applied for or issued until such time as the owner(s) provide proof that the Special Permit is recorded on the Owner(s) deed for the property at the Registry of Deeds. The initial Permit for TEMPORARY FAMILY APARTMENT shall remain in force for a period of one (1) year from date of issue, provided no terminating event has occurred. Thereafter, the Special Permit may be renewed by the Building Commissioner for each such succeeding one (1) year period provided that the structure and use continues to comply with the relevant provisions of the State Building Code, this Bylaw, and the Special Permit. If the Special Permit lapses, the Owner(s) must apply for a new Special Permit from the Zoning Board of Appeals. An affidavit shall be presented to the Building Commissioner annually attesting to the fact that the TEMPORARY FAMILY APARTMENT is in full compliance with the Special Permit. The Owner(s) of record are responsible for initiating each such renewal application to the Building Commissioner which shall include an affidavit of residency per the Special Permit. A reasonable fee for this annual renewal may be assessed.

E.2.g.2. Design and Dimensional Standards

E.2.g.2.a. Applicants shall file the required number of copies of the drawings with the application for a Special Permit. The drawings to be submitted are as follows:

BUILDING drawings of the TEMPORARY FAMILY APARTMENT and principal residence shall be drawn at a scale of one-quarter inch equals one foot; Certified site plan showing the DWELLING and all other STRUCTURES on the LOT and the proposed addition with its relationship to the neighborhood within two hundred (200) feet of the extremities of the LOT, location of the septic system, and parking and screening thereof.

E.2.g.2.b. The proposed TEMPORARY FAMILY APARTMENT shall comply with the following Design and Dimensional Standards:

E.2.g.2.b.1. The maximum number of bedrooms shall be two (2).

E.2.g.2.b.2. An addition to the SINGLE FAMILY DWELLING for a TEMPORARY FAMILY APARTMENT of up to 50% of the DWELLING FOOTPRINT or 1,200 square feet, whichever is greater, as further indicated in Section E.2.g.1.e.

E.2.g.2.b.3. Construction and occupancy of the apartment will not be detrimental to the neighborhood in which the LOT is located, and will not be injurious or dangerous to the public health, or hazardous because of traffic congestion, danger of fire, or other reasons, and will not result in violation of the dimensional requirements of zoning in effect at the time of the application.

E.2.g.3. Findings

To grant a Special Permit for a TEMPORARY FAMILY APARTMENT, the Zoning Board of Appeals must find that the applicant meets the requirements of E.2.g., E.2.g.1., and E.2.g.2. and all other applicable sections of the Zoning Bylaw:

North And

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

2.37.1 FAMILY SUITE A separate dwelling unit located within a single family dwelling subordinate in size to the principal unit and separated from it in a manner which maintains the appearance of the building as a single family dwelling. The size of the family suite is not to exceed 1200 square feet or not more than 25% of the gross floor area of the principal unit, whichever is lesser. The family suite may only be occupied by brothers, sisters, maternal parents and grandparents, in-laws and or children of the residing owners of the principal dwelling unit. In no case shall an apartment be smaller than the

minimum required by health and building codes.(1987/22)

4.12 Permitted Uses 4.121 Residence 1 District Residence 2 District Residence 3 District

17. Family Suite - a separate dwelling unit within or attached to a dwelling for a member of a household is allowable by Special Permit provided: a. The dwelling unit is not occupied by anyone except brothers, sisters, maternal and paternal parents and grandparents, or children of the residing owners of the dwelling unit;

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b. That the premises are inspected annually by the Building Inspector for conformance to this section of the Bylaw; c. The Special Permit shall be recorded at the North Essex Registry of Deeds.

North Attle *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No Researcher found no mention of accessory apartments in the bylaws. Donald Johnson, Town Planner, (11/4/04) explained that they tried to pass zoning for In-law Apartments at the last town meeting, but it did not receive the necessary votes. Mr. Johnson is working on revising it for the next town meeting.

North Read *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Northboro *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No Town planner Kathy Joubert said (10/25/04) that she has encouraged the Planning Board to look into allowing accessory apartments as a way to increase housing stock.

Recommendation in the Northborough Community Development Plan, June 30, 2004:

ZONING FOR ACCESSORY DWELLINGS AND CONVERSION UNITS

1. Amend the Zoning Bylaw to provide for one accessory dwelling unit in a single-family home or detached structure on the same lot (such as a barn or carriage house) in any zoning district, as follows:

Allow an affordable accessory dwelling unit by right, subject to adequate area for parking as determined by the Building Inspector, and adequate provisions for wastewater disposal as determined by the Board of Health.

Set a maximum gross floor area threshold for eligible units, e.g., 900 square feet.

Condition the release of an occupancy permit on receipt of affordable housing documentation.

Create a standard application package for homeowners to apply for an affordable accessory dwelling permit, including a LIP-approved deed rider, rent limits and a checklist of submission requirements.

Allow by special permit an accessory dwelling with no affordability restriction, or an affordable unit that exceeds the size threshold for a unit by right.

Northbridg *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Norton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Town of Norton Zoning Bylaw, 2004

Within the "Use Regulations" table, "single-family dwelling with accessory apartment provided that the appearance of a single-family home is maintained and Board of Health requirements are met" is allowed by right in the R-80, R-60, R-40, and VC zones.

Norwell *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes From ordinance.com:

2300. District Use Regulations

2310. Residential Districts.

2316. Uses requiring a Special Permit from the Board of Appeals.

d) Conversion to add one accessory dwelling unit to a single-family dwelling which has been in existence for and not substantially altered within twenty-four months or longer at the time of application. For purposes of this section, an accessory dwelling unit shall mean one or more rooms with kitchen and bathroom facilities not shared with any other dwelling unit and located in a main dwelling originally designed and constructed as a single-family dwelling. Such Special Permit shall be granted only if:

(1) the owner of the premises will occupy one of the units except for temporary absences and the other unit will be occupied by one or more persons (a) directly related to the owner by blood, marriage, adoption or (b) 60 years of age or more;

(2) exterior alterations will not change the appearance of the main dwelling as a single-family residence;

(3) the Board of Health documents to the Board of Appeals that sewage disposal will be satisfactorily provided for, and that there is an appropriate reserve area on the site meeting requirements of the Board of Health Rules and Regulations and Title V of the State Environmental code, having soils suitable for replacement on-site disposal system.

(4) Occupation of the accessory dwelling unit as a separate dwelling will require a Special Permit. This permit will terminate upon the transfer of ownership, and use will revert back to a single-family dwelling.

(5) In addition to any applicable conditions specified in this section, the Board of Appeals may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose of this by-law, including but not limited to the following:

a. maximum number of occupants

b. maximum number of rooms

c. modification of driveway or parking spaces to provide adequate off-street parking.

2320. Business District A.

2326. Uses Requiring a Special Permit from the Board of Appeals.

c) Conversion to add one accessory dwelling unit to a single-family dwelling which has been in existence for and not substantially altered within twenty-four months or longer at the time of application. Such Special Permit shall be granted only if:

(1) the accessory unit will be a part of the main dwelling and the habitable floor area of the accessory dwelling unit will not be more than one-third that of the main dwelling;

(2) there will be no more than a 5% increase in the habitable floor area of the main dwelling;

(3) the owner of the premises will occupy one of the units except for temporary absences and the other unit will be occupied by one or more persons (a) directly related to the owner by blood or marriage, or (b) 60 years of age or more;

(4) exterior alterations will not change the appearance of the main dwelling as a single-family residence;

(5) the Board of Health documents to the Board of Appeals that sewage disposal will be satisfactorily provided for, and that there is an appropriate reserve area on the site meeting requirements of the Board of Health Rules and Regulations and Title V of the State Environmental Code, and having soils suitable for replacement on-site disposal system.

d) Operation of a business between the hours of 2:00 a.m. and 5:00 a.m.

In addition to any applicable conditions specified in this section, the Board of Appeals may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose of this by-law, including but not limited to the following:

a. maximum number of occupants

b. maximum number of rooms

c. modification of driveway or parking spaces to provide adequate off-street parking.

For purposes of this section, an accessory dwelling unit shall mean one or more rooms with kitchen and bathroom facilities not shared with any other dwelling unit and located in a main dwelling originally designed and constructed as a single-family dwelling.

2330. Business District B

2334. Uses allowed by Special Permit from the Board of Appeals.

e) Conversion to add one accessory dwelling unit to a single-family dwelling which has been in existence for and not substantially altered within twenty-four months or longer at the time of application. Such Special Permit shall be granted only if:

(1) the accessory unit will be a part of the main dwelling and the habitable floor area of the accessory dwelling unit will not be more than one-third that of the main dwelling;

(2) there will be no more than a 5% increase in the habitable floor area of the main dwelling;

(3) the owner of the premises will occupy one of the units except for temporary absences and the other unit will be occupied by one or more persons (a) directly related to the owner by blood or marriage, or (b) 60 years of age or more;

(4) exterior alterations will not change the appearance of the main dwelling as a single-family residence;

(5) the Board of Health documents to the Board of Appeals that sewage disposal will be satisfactorily provided for, and that there is an appropriate reserve area on the site meeting requirements of the Board of Health Rules and Regulations and Title V of the State Environmental Code, and having soils suitable for replacement on-site disposal system.

Norwood *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Paxton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Paxton Zoning Bylaw (Amended 2003)

5.9 Temporary Accessory Apartments

The Planning Board may, by Special Permit, allow for the installation of Temporary Accessory Apartments in owner-occupied single family dwellings upon the following purpose, terms and conditions:

5.9.1 Purpose: The purpose of permitting Temporary Accessory Apartments is to:

1. Help provide homeowners with a means of obtaining rental income, companionship, security and services; and, thereby enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.
2. Help add rental units to the housing stock, to meet the needs of smaller households.

3. Help make housing units available to moderate-income households who might otherwise have difficulty finding homes within the town.
4. Help protect stability, property values, and the single-family residential character of a neighborhood by ensuring that temporary accessory apartments are installed only in owner-occupied houses, and under such additional conditions as may be appropriate to further the purposes of this Bylaw.

5.9.2 Conditions:

1. The apartment will be a complete, separate housekeeping unit that can be isolated from the original unit.
2. Only one apartment will be created within a single-family dwelling.
3. The owner (s) of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises, except for bona fide temporary absences.
4. The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family residence. Any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original house by more than ten (10) percent.
5. The design and size of the apartment conforms to all applicable standards in the health, building, and other codes. The Board of Health shall report within thirty five (35) days upon receipt of the application for a Special Permit, that adequate facilities exist for the safe disposal of sanitary wastes and that such facilities are sufficient for the proposed number of residents.
6. At least three (3), but no more than five (5) off-street parking spaces are available for use by the owner/occupant(s) and tenant(s).
7. The Temporary Accessory Apartment shall be clearly a subordinate part of the single-family dwelling. In no case shall it be more than twenty-five (25) percent of the building's total floor area, nor greater than six hundred (600) square feet, nor have more than two (2) bedrooms, unless in the opinion of the Planning Board, a greater or lesser amount of floor area is warranted by circumstances of the particular building.
8. Any other appropriate or more stringent conditions deemed necessary by the Planning Board to protect public health, safety, and welfare and the single-family character of the neighborhood.

5.9.3 Application Procedures: Application for a Special Permit for an accessory apartment shall be made to the Planning Board in accordance with Special Permit procedures of this Bylaw and M.G.L. Chapter 40A, and shall include:

1. A notarized letter from the owner (s) stating that he/they will occupy one of the dwelling units on the premises except for bona fide temporary absences,
2. A floor plan of one-quarter (1/4) inch to the foot showing the proposed changes to the building;
3. A description of the neighborhood in which the tract lies, including utilities and other public facilities, and the impact of the proposed plan upon them.
4. A building permit application and initial overview of said plan by the Building Commissioner and applicant/homeowner.

5.9.4 Required Renewal: The effective period of the Special Permit for an accessory apartment shall be two (2) years. At the end of every two (2) years, renewal shall be granted upon receipt of a new application, accompanied by a ten dollar (\$10) application fee, and certification by the owner to the Planning Board that the property remains the principal residence of the owner, and that all other conditions met at the time of the original application remain unchanged. The Planning Board in its discretion may require a new Special Permit and demonstration of compliance with all the conditions necessary for a Special Permit for an accessory apartment, pursuant to the Special Permit procedures of this Bylaw.

ACCESSORY USE : A subordinate use of the premises, a building, other structure, or land incidental to subordinate to, and located on the same lot with the principal use building, other structure or principal use (or located on a lot adjacent to such lot, if in the same ownership), and which does not constitute in effect, conversion of the principal use of the premises to one not permitted.

Temporary accessory apartments are allowed by special permit in GRB, GRA, B.

Peabody *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes From ordinance.com:

4.7 FAMILY ACCESSORY LIVING AREAS/PURPOSE/REQUIREMENTS/PROCEDURE

4.7.1 Purpose.

The requirements and procedures outlined in this section are not intended to encourage the public in acquiring variances to allow for the construction of larger dwellings for the use of accessory living areas, instead, they are intended to:

- (a) Assist families in Peabody to provide alternative housing options for their family members, not permanent housing, nor rental, but temporary housing to deal with family situations.
- (b) Create feasible housing alternatives for elderly people or other family members looking to stay in their homes, yet receive help they need for other family members, and to encourage a diverse population with a particular focus on young adults and senior citizens.
- (c) Increase the range of housing accommodations and encourage a more economic and energy efficient use of the city's housing supply while preserving the character of the city's single-family neighborhoods by establishing parking, size, and family member occupancy guidelines for the use of family accessory living area. (Ord. of 7-7-94, § 3)

4.7.2. Requirements.

After a special permit has been approved by the city council, the special permit granting authority, the building inspector shall issue a building permit to create an accessory living area in any detached single-family dwelling provided that each of the following conditions and requirements is met:

- (a) An affidavit sworn under penalties of perjury, with proper documentation is required to certify that the accessory living area is for a family member. Family member shall constitute brothers, sisters, parents, grandparents, grandchildren and/or adult children.
- (b) Not more than one (1) accessory living area shall be located upon a single lot.
- (c) The size of the accessory living area shall not exceed the lesser of seven hundred (700) square feet or fifty (50) percent of the principal dwelling.
- (d) Exterior changes shall be constructed in a manner that allows for the accommodation of the accessory living area, but also is constructed in a manner that maintains the appearance of the structure as a single-family dwelling. The primary entrance to the family dwelling shall be utilized by the accessory living area, with construction of a secondary access if needed. External reconstruction for the accessory living area must be consistent with the exterior of the larger dwelling. Scaled plans showing conversion or alteration of the single-family residence are required.
- (e) If an entrance is required for an accessory living area, it shall be located on the side or in the rear of the dwelling.
- (f) Owner occupied applicant for the accessory living area must certify that sufficient parking exists on the site. All parking is to be accommodated on site, except in the case where the person residing in the accessory living area does not drive or have a motor vehicle. A homeowner may add a maximum of two hundred (200) square feet of parking area within his or her lot. (Ord. of 7-7-94, § 3)
- (g) Under no circumstances shall the Special Permit be effective until the applicant is the owner of the property containing the Family Accessory Living Area. This provision would apply when the applicant presents a validly, executed purchase and sale agreement with the FALA application, where the applicant is designated as the buyer.

**Webmasters Note: The previous subsection has been added as per an update adopted 9/11/03.

4.7.3 Procedure.

- (a) No accessory living area shall be constructed within a special permit granted by the city council and a building permit issued by the building inspector.
- (b) A certificate of occupancy shall be issued after the building inspector determines that the accessory living area is in conformity with the approved plans, the provisions of the ordinance, and all applicable codes.
- (c) Yearly certification from the owner occupied applicant that the family member still resides in the accessory living area is required every year. Once the family member leaves the accessory living area, it must be discontinued. The building inspector will inspect abandoned accessory living areas, without the need of a warrant by providing reasonable notice to the owner occupied applicant on a yearly basis to make such [sure] they stay discontinued.
- (d) As per section 7.5 of the Peabody Zoning Ordinance and penalties of perjury, prosecution will be levied against a homeowner who continues to occupy an accessory living area after it has been decertified.
- (e) An owner occupied applicant is responsible for recording the first certification with the registry of deeds and providing the city with copies of documentation prior to receiving an occupancy permit. Any accessory living area without proper documentation recorded and filed with the city will be subject to fines as per section 7.5 of the Peabody Zoning Ordinance. This use shall expire upon terms established by the city council or upon the sale of the house whichever precedes.
- (f) Amnesty period is offered to those existing accessory apartment dwelling units one (1) year from the adoption of the family accessory living area ordinance.
- (g) There will be a seventy-five dollar (\$75.00) fee for each yearly inspection. (Ord. of 7-7-94, § 3)

Pembroke *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Zoning Bylaws Town of Pembroke Section IV Use and Dimensional Regulations I. Residence District A

B. Uses Permitted By Special Permit

4. The addition of one attached dwelling unit to an existing detached one family house subject to the following conditions:

- a. The proposed attached dwelling unit shall contain not more than one bedroom and no more than forty percent, inclusive of all lofts and any attic areas seven feet or greater in height, of the gross area contained in the existing detached one family house, exclusive of all unfinished cellars and attics, or no more than six hundred square feet of area, whichever is lesser.
- b. The existing detached one family house shall be owner/occupied and shall have been issued an occupancy permit at a point in time greater than one year prior to the request for special permit.
- c. The lot occupied by the existing detached one-family house shall contain at least forty thousand square feet of area, said area being exclusive of any and all easements, cranberry bogs, wetlands, or floodplain and watershed areas.
- d. The intent of this provision is to provide dwelling units for persons who are related to the owner/ occupants of the existing detached one-family house either by blood or by marriage.
- e. A condition of approval and grant of a special permit shall require the submittal of a covenant or deed restriction satisfactory to the town and stating that the existing one-family house and the proposed attached dwelling unit shall forever, or until such time released by the town, remain in common ownership.

Pepperell *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes "3400. ACCESSORY APARTMENTS
 3410. Purpose. For the purpose of (a) providing small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town, (b) providing alternative housing options for elder residents, and (c) enabling owners of single family dwellings larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements.
 3420. Procedure. Accessory apartments may be allowed on special permit, from the Board of Appeals, in accordance with the special permit process in this Zoning By-Law, as set forth in Section 9300, and provided that each of the following additional criteria are met.
 3430. Conditions.
 3431. A plot plan of the existing dwelling unit and proposed accessory apartment shall be submitted to the Board of Appeals, showing the location of the building on the lot, proposed accessory apartment, location of any septic system or sewer line, private well or water line and required parking.
 3432. An affidavit shall be provided stating that one of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence;
 3433. Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 800 sq. ft. in floor space and shall be located in the principal residential structure on the premises;
 3434. The external appearance of the structure in which the accessory apartment is to be located shall not be significantly altered from the appearance of a single-family structure.
 3435. Sufficient and appropriate space for at least one (1) additional parking space shall be constructed by the owner to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway.
 3440. Decision. Special permits for an accessory apartment may be granted by the Board of Appeals upon a finding that the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located and after consideration of the factors specified in Section 9300 of this Zoning By-Law, governing special permits."

Zoning By-Law, Town of Pepperell, Massachusetts (as amended 12/16/03). Section 3400. ACCESSORY APARTMENTS

Plainville *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Plymouth *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Plympton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No No reference in the Plympton zoning bylaw (2001) to accessory apartments.

Building inspector Fred Svenson said (10/18/04) that extended housing is allowed (for in-laws etc...) if there is a central door between the two parts of the house that does not lock.

Princeton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Quincy *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Randolph *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Letter received from Mary McNeil, Building Commissioner, on 5/17/05:

"In-law apartments are allowed in residential districts. They must have a signed and recorded covenant that states that the apartment is for family members only. No special permit is required."

Researcher did not locate these provisions in the bylaw.

Raynham *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No Researcher found no reference to accessory apartments in the zoning bylaw. The survey received from Raynham in June 2005 marked that accessory apartments are allowed by special permit from the ZBA.

Reading *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes From definitions in ordinance.com:

2.2.1.1. ACCESSORY APARTMENT : A self-contained housing unit consisting of one or more rooms with separate kitchen and bathroom facilities

incorporated within an existing building that was originally designed as a one family dwelling.

Accessory apartments are allowed by special permit in S-14, S-20, S-40, A-40, and Bus. A.

4.3.2.8. Accessory Apartments

4.3.2.8.1. Purpose: The purpose of allowing accessory apartments within the Town is to encourage the alteration and/or construction of a limited number of housing units which will increase the availability of rental units within the Town, will help to meet local housing needs without causing significantly adverse effects on the character and municipal services of the community and will ensure compliance with State and local planning standards and policies concerned with land use, building design and the health, safety, convenience and general welfare of the inhabitants of the Town.

4.3.2.8.2. Restrictions: The Special Permit Granting Authority may grant a Special Permit for an accessory apartment, if, as a minimum, the following conditions are met:

- a. The dwelling in which the accessory apartment is to be located was legally occupied prior to August 1, 1982;
- b. Notwithstanding the provisions of Section 4.3.2.6. of these By-Laws, the accessory apartment shall occupy no more than one-third (1/3) of the gross floor area of the one family dwelling of which it is part, exclusive of any garage, unfinished basement, shed or other accessory use structure attached to or part of such one family dwelling (as of August 1, 1982) and shall contain as a minimum at least four hundred (400) square feet of net floor area and as a maximum not more than seven hundred fifty (750) square feet of net floor area. Building density shall be limited so that the ratio of gross floor area to total land area shall not exceed 1:5;
- c. At least one of the owners of the one family dwelling in which the accessory apartment is located resides in the accessory apartment or principal one family dwelling, except for bona fide temporary absences, during which absence period a third party may not occupy the owner's unit, unless and until notification of the change of occupancy is submitted to the Board of Appeals;
- d. The accessory apartment and any and all other modifications to the principal one family dwelling shall be designed so that the appearance of the building remains that of a one family dwelling. Any new entries shall be located on the side or in the rear of the building and any additions for access and/or egress shall not increase the gross floor area (as described in paragraph b. above) of the original house by more than ten percent (10%) and shall not increase the building density beyond that allowed in paragraph b. above. Any other changes in the building shall comply in all respects with the applicable provisions of the Zoning By-Laws;
- e. All motor vehicles owned or maintained by occupants of the building in which the accessory apartment is located shall be parked off the street and the location and appearance of all additional off-street parking shall not adversely affect the adjoining properties in the neighborhood or the single-family appearance of the neighborhood in general and will cause no change to the front yard parking, area, if any, as it existed on August 1, 1982;
- f. There shall be no other apartment on the lot on which the accessory apartment is to be located;
- g. The accessory apartment shall meet all building code requirements and shall have properly installed and maintained fire safety devices for the protection of all occupants in the entire dwelling;
- h. Special Permits for accessory apartments can be issued by the Board of Appeals up to a limit of ten per cent (10%) -of all one family dwellings in the Town excluding those which already qualify under Section 4.3.1.1. of these By-Laws for conversion to two family use;
- i. Any other conditions, safeguards and limitations on time or use as may be imposed by the Board of Appeals according to Massachusetts General Laws, Chapter 40A, Section 9 or regulations pursuant thereto.

4.3.2.8.3. Process: An owner or owners of a one family dwelling may make application to the Board of Appeals for a Special Permit for the alteration and/or construction and occupancy of an accessory apartment in a one family dwelling in compliance with all of the above-listed restrictions. The Board of Appeals will then post notice of this public hearing in accordance with Chapter 40A, Massachusetts General Laws. The Special Permit for said accessory apartment will be limited to the original applicant but shall be transferred with ownership upon the successful inspection of the property which verifies that all conditions of the requirements for an accessory apartment are being met and upon recertification that the new owner(s) of the dwelling plan(s) to maintain residence in either the accessory apartment or the principal residence. If the terms and/or conditions of the Special Permit for an accessory apartment are not being complied with, such Special Permit can and will be revoked in accordance with standard enforcement procedures, or if all conditions are not met within one year of issuance of the Special Permit, the Special Permit will be null and void.

4.3.2.9. Open Storage. Open Storage as an ancillary or supporting use is allowed in the Business A and Industrial Zoning Districts by the grant of Special Permit from the Community Planning and Development Commission, based upon the criteria set forth in 4.3.2.9.1.

4.3.2.9.1. Criteria for Approval:

- a. Products shall be stored only for the purposes of merchandise display, and/or stock for sale on site, and not for distribution purposes.

- b. Open storage area shall use no more than 10% of total lot area.
 - c. Products stored shall not impede upon pedestrian movement or vehicular circulation.
 - d. Products stored shall not diminish required parking spaces nor access thereto.
 - e. Products stored may be required to be shielded from any abutting residential properties.
 - f. No products may be stored in any public right of way nor impede upon such way.
 - g. Time period of the display shall be determined and reviewed by the special permit granting authority.
 - h. No products shall be stored so as to create dust, noise, or other objectionable effects, or to create a fire hazard or other casualty.
- 4.3.2.9.2. Process: Filing for a special permit for this use shall follow all procedures required for Site Plan Review under 4.3.3 of this By-Law.

Rehoboth *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Revere *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Rockland *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes SECTION V. BUILDING, LOT AND GENERAL DISTRICT REGULATIONS

B. Supplementary Lot Regulations

9. Accessory Apartment Within a Single Family Dwelling [Added ATM 6/6/94, Art.26, Amended ATM 5/19/97, Art.52, Amended ATM 5/17/99, Art. 29]

The Zoning Board of Appeals may authorize an accessory apartment within a single family by Special Permit in all residential and business districts provided that the Board finds the following criteria have been met.

- a. The dwelling must be in existence for a minimum of 24 months, and must not have been substantially altered for 24 months prior to filing the application for a Special Permit. Provided that if there is an existing in-law apartment in a dwelling which was constructed under a Special Permit prior to the adoption of this accessory apartment regulation, the 24-month period shall not apply and the accessory apartment shall be governed by the dimensional requirements of the original Special Permit.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/13/02.

- b. The owner/applicant shall have continuously resided in the main dwelling for a least 24 months prior to filing the application for special permit for the accessory apartment and the owner/applicant shall continue to reside in the main dwelling throughout the duration of the Special Permit.
- c. Only one accessory apartment shall be permitted per single family house.
- d. Other than handicapped access, no exterior alteration can change the appearance of the dwelling as a single family home.
- e. Any additional parking areas shall be accessed by the driveway serving the main dwelling.

f. The accessory apartment shall contain a minimum of 400 square feet and a maximum of 650 square feet of dwelling area: The accessory apartment shall be located only within the existing habitable structure, or within an addition to the existing habitable structure, subject to the provisions of paragraph i.

**Webmasters Note: The previous subsection has been amended as per an ordinance approved at a town meeting held on 5/14/01.

g. All Board of Health and Building Code criteria must be met.

h. The occupants of the accessory apartment must be related to the owner/occupant of the main dwelling as either mother, father, stepmother, stepfather, child, stepchild, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild. The owner/occupant shall state the name(s) of the proposed tenants and their relationship on the application for Special Permit.

i. Any increase in size of the main dwelling unit shall be limited to 5 percent of the existing habitable living space of that dwelling and shall meet all zoning requirements.

j. The Special Permit shall terminate upon any of the following events:

1. Sale of the premises.

2. Residence by a person not named in the Special Permit, except residence of the now born child, adopted child, or a person caring for the tenant such as a nurse, nurse's aide or other health care worker or caretaker.

3. Residence by a boarder or lodger in either the main house or accessory apartment.

4. The death of a single tenant named as the sole tenant on the application for a Special Permit.

k. Upon the termination of the Special Permit, the residence shall revert back to single family use. All kitchen and food preparation areas and plumbing shall be removed. The Building Inspector shall have the right to inspect the premises to ensure that the home has been restored to a single family dwelling.

l. No later than January 31st of each year following the issuance of the Special Permit, the owner/applicant shall provide to the Building Inspector the names of the tenants of the accessory apartment and shall certify that the main dwelling is occupied by the owner/ applicant. A form for this certification shall be obtained at the offices of the Building Inspector. Failure to file the annual certification shall constitute grounds for immediate revocation of the Special Permit.

Rockport *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes "Accessory dwellings" are allowed by special permit in RA, R, SMR, and G districts.

Rockport Zoning Bylaw (Amended 2002)

" III.B.3. The following uses, when authorized by a Special Permit issued by the Board Appeals:

a. The taking of boarders or the leasing of rooms by the person or persons residing on the premises, provided that there is no sign or display advertise such use.

b. One accessory dwelling unit per lot, provided, the minimum lot area required in the Zoning District where the lot is located is provided each dwelling on the lot."

"ACCESSORY DWELLING : Any other dwelling existing on a given lot in excess of one dwelling."

Rowley *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Town of Rowley Zoning Bylaw

6.6 Accessory In-Law Apartments in the Central, Outlying and Residential Districts

6.6.1 Purpose and Intent: It is the specific intent of this section to allow apartments, including kitchens, within single family properties in the Central,

Outlying, and Residential Districts for the purpose of meeting the special housing needs of parents, and children, and their respective spouses of families of owner occupants of properties in the Town of Rowley. To achieve this goal and to promote the other objectives of this by-law, specific standards as set forth below for such accessory in-law apartment use.

6.6.2 Accessory In-Law Apartments may be created only by Special Permit issued by the Board of Appeals and only within single family dwellings and located on lots, both in existence prior to January 1, 1990. In addition, accessory in-law apartments shall only be located on lots meeting the minimum lot area in the District which it is located on the date of the filing of the application for the Special Permit.

6.6.3 Owner Occupancy Required. The owner(s) of the single family lot upon which the accessory in-law apartment is located shall occupy at least one (1) of the dwelling units on the premises. The Special Permit shall be issued to the owner of the property. Should there be a change in ownership or a change in the residence of the owner, the Special Permit and the Occupancy Permit for the Accessory In-Law Apartment shall become null and void, and the property shall revert to single family status. The owner applicant shall be required to file a declaration of covenants on the subject property prior to the issuance of a Special Permit for an Accessory In-Law Apartment. This declaration shall be in favor of the Town of Rowley and state that:

a. The special Permit for the Accessory In-Law Apartment shall terminate upon transfer of title of said premises or upon the undersigned no longer occupying the premises as their principal residence.

b. The new owner of the premises shall have to apply to the Board of Appeals for a Special Permit and prove compliance with Section 6.6.1 (Purpose and Intent) to continue the Accessory In-Law Apartment.

6.6.4 An accessory Apartment shall be located within the principal dwelling, within an addition to the principal dwelling, or within an accessory structure that is attached to the principal structure provided that such dwelling, addition, or attached accessory structure conforms to all other requirements of this bylaw unless an approval therefore shall have been granted by the Zoning Board of Appeals.

6.6.5 The minimum floor size for an accessory apartment shall be three hundred (300) square feet, but in no case shall it exceed twenty-five (25) percent of the habitable area of the principal dwelling, unless in the opinion of the Board of Appeals a greater or lesser amount of floor area is warranted by specific circumstances of the particular building.

6.6.6 There shall be no more than one (1) accessory in-law apartment for a total of two (2) dwelling units permitted per lot.

6.6.7 The Accessory In-Law Apartment must be determined to comply with current health, safety, and construction requirements before occupancy and at every change in occupancy.

6.6.8 Applicant shall receive written Board of Health approval, relative to sewage disposal, prior to submission of Application for Special Permit to the Board of Appeals. Applicant shall conform to all Board of Health Rules and Regulations, unless waived by said Board, to obtain Board of Health approval.

6.6.9 Applications for Special Permits shall be subject to approval by the Board of Appeals. Applications for Special Permit shall contain such information to determine compliance with the bylaw sections herein and with any regulations of the Board of Appeals. If the accessory in-law apartment is to be located within the Historic District, then the applicant must comply with the Rowley Historic District Bylaws of the Town of Rowley General Bylaws.

6.6.10 Prior to approval and receipt of a Building Permit, the applicant must submit to the Building Inspector a copy of the notification of Special Permit Approval as granted by the Board of Appeals and a copy of the declaration of covenants as stamped by the Registry of Deeds.

6.6.11 Occupancy Permit for Accessory In-Law Apartments shall be renewed annually by the Building Inspector. For the purposes of annual occupancy permit renewal, the Building Inspector shall have the right to inspect the premises to determine compliance per requirements of this bylaw and the Special Permit.

Salem *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No By special permit, Salem allows "A historic carriage house for use as a single family dwelling as an accessory use to a principal dwelling on the same lot, provided that parking requirements are met and upon the condition that there shall be no change to the exterior of the historic carriage house unless approved by the historic commission" in some districts. The researcher did not find additional references to accessory apartments in single family homes.

Salisbury *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Town of Salisbury Zoning Bylaw

SECTION X.D. ACCESSORY APARTMENTS

X.D.1 PURPOSE

The special regulations contained in this section 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.

X.D.2. Approving Authority

An owner or owners of a single-family dwelling may, after consultation with the Planning Board, apply to the 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 subsection as an apartment. The following procedural requirements shall be in addition to the general requirements for a special permit specified in IX.F. (Amended ATM 10/25/99, Art. 7)

X.D.3. 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 Board of Appeals may grant such a special permit provided that:

1. 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 ATM 10/25/99, Art. 7)

2. 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.

3. Adequate provision has been made for the disposal of sewage, waste, and drainage...

4. Adequate provision has been made for ingress and egress to the outside from such apartment.

5. 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.

6. The lot on which the apartment and principal residence are located contains at least 20,000 square feet.

7. DELETED ATM 10/25/99, Art. 7

8. 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.

9. There is no other apartment on the lot on which the apartment is to be located.

X.D.4. Coordination And Decisions

In order to insure compliance with Section X.D.3. above, the applicant shall obtain and submit to the Board of Appeals prior to the hearing, a written report of the Board of Health certifying that the conditions of Section X.D.3. 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 section, 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 Board of Appeals. The Planning Board may supplement its report within five (5) 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.

The 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 therefore in writing. In rendering its decision, the Board of Appeals may impose special conditions and/or time limits on the permit.

Saugus

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Scituate

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Defintion of accessory dwelling from ordinance.com:

ACCESSORY DWELLING : An accessory dwelling is a separate housekeeping unit, complete with its own sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single-family dwelling or business structure, but functions as a separate unit.

530 ACCESSORY DWELLINGS

530.1 The purpose of the accessory dwelling bylaw section is:

A. To provide an opportunity for homeowners who can no longer physically or financially maintain their single-family home to remain in homes they might otherwise be forced to leave;

B. To make housing units available to moderate income households and to employees of local businesses who might otherwise have difficulty finding homes within the town;

C. To provide a variety of types of housing to meet the needs of its residents and workers;

D. To protect stability, property values and character of the single-family residential neighborhood and the vitality of business districts; and,

E. To legitimize conversions to enable the town to monitor conversions for code compliance.

530.2 Special Permit Procedures and Conditions

The planning board may authorize an accessory dwelling by special permit in any residential for structures legally occupied prior to May 1, 1989 or in the business district regardless of the date of occupancy of the structure, provided that the following standards and criteria are met:

****Webmasters Note:** The previous paragraph has been amended as per an ordinance approved at a town meeting held on 3/4/02.

A. No more than twenty-five new special permits for accessory dwellings shall be issued by the planning board in a single calendar year.

B. Accessory dwellings shall be complete, separate housekeeping units that function as a separate unit from the primary structure or dwelling.

C. Accessory dwellings units created within structures used for businesses shall be located above the first floor or street level. No more than three accessory dwellings may be created in any one building. Area requirements of Section 610.1 of 10,000 sq. ft. for each family occupying a dwelling in the Business Zoning District shall not apply to accessory dwellings.

****Webmasters Note:** The previous subsection has been amended as per an ordinance approved at a town meeting held on 3/4/02.

D. Only one accessory dwelling unit shall be created within a single-family house.

E. In order to be eligible for an accessory dwelling, the single-family house where an accessory dwelling is proposed must comply with all zoning requirements for its district.

****Webmasters Note:** The previous subsection has been amended as per an ordinance approved at a town meeting held on 3/4/02.

F. The above mentioned Subsection 530.2.E shall not apply to legal, pre-existing, nonconforming structures. To qualify for an accessory dwelling special permit, a proposed accessory dwelling in such a structure, shall be within the living area of the dwelling part of the pre-existing structure, shall not be permitted to increase the total square footage of the pre-existing structure, and shall not alter the footprint of the pre-existing structure for the purposes of creating a new accessory dwelling.

G. The accessory dwelling shall be designed so that the appearance of the building remains unchanged as much as feasibly possible. In general, any new exterior stairs shall be located on the side or rear of the building.

H. The accessory dwelling shall be clearly a subordinate part of the single-family dwelling or business use. No accessory dwelling shall exceed the maximum of either seven hundred and fifty square feet or forty percent of the total square footage of the floor area of the primary dwelling, whichever is greater with the exception of accessory dwellings located in the business district which are unrestricted as to size.

****Webmasters Note:** The previous subsection has been amended as per an ordinance approved at a town meeting held on 3/4/02.

I. At least two private off-street parking spaces shall be available for use by occupants of each accessory dwelling.

J. The construction of any accessory dwelling must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws.

K. Adequate provisions shall be made for the disposal of sewage, waste and drainage generated by the occupancy of accessory dwellings in accordance with the requirements of the board of health.

530.3 Application Procedure

A. The procedure for the submission and approval of a special permit for an accessory dwelling in an owner-occupied, single-family dwelling shall be the same as prescribed in Section 770 of the Scituate Zoning Bylaws Section for Site Plan Special Permit by the planning board, except it shall also include a notarized letter of application from the owner(s) stating that owner(s) will occupy one of the dwelling units on the premises.

B. The procedure for the submission and approval of a special permit for an accessory dwelling in a business structure shall be the same as prescribed in Section 770 of the Scituate Zoning Bylaws Section for Site Plan Special Permit by the planning board.

C. (Deleted March 4, 1991)

530.4 Transfer of Ownership of a Dwelling with an Accessory Dwelling (Deleted March 4, 1991)

530.5 Affordable Accessory Dwellings Purpose

To encourage accessory dwellings that are affordable to low and moderate income individuals the planning board may waive any procedures or conditions governing the issuance of special permits for accessory dwellings (as provided under Section 530.) provided that the following conditions are met.

530.6 Affordable Accessory Dwellings Special Permit Conditions

A. The rent level for affordable accessory dwelling shall be no greater than the most current fair market rents established by the U. S. Department of Housing and Urban Development for their Section 8 rental subsidy program. Affordable accessory dwellings shall be rented by families with incomes less than one hundred percent of the median income for the Standard Metropolitan Statistical Area (SMSA). The median income for the SMSA shall be established by the U. S. Department of Housing and Urban Development median gross family income data as annually updated.

B. In order to ensure equity and continued affordability of accessory dwelling units approved under Section 530.5 the rental of these units shall be administered by the Scituate Housing Authority or their designee or another Housing Administrative agency designated by Massachusetts Executive Office of Communities and Development. Affordable accessory dwelling units shall be subject to the restrictions of the applicable rental subsidy program if any.

C. All special permits granted for accessory dwellings by the planning board under Section 530.5 shall be subject to a requirement that the owner of said unit shall annually submit a statement to the Housing Authority or their designee that assures the accessory unit continues to comply with the purposes of Section 530. and 530.5 and with the conditions of approval of the special permit. No more than three accessory dwellings may be created in any one building.

Seekonk *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Sharon *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes ARTICLE IV. SPECIAL REGULATIONS
4200. Special Residential Uses.

4210. Dwelling Conversion.

Within Single Residence, Suburban and Rural Districts, the following uses may be authorized on Special Permit from the Board of Appeals:

4211. One additional dwelling unit within a building or structure, provided:

- a. That the building or structure in which the additional unit is located is occupied by the owner;
- b. That the additional unit is occupied only by a person or persons related to the owner;
- c. That the additional unit share a common entrance in the existing structure.

4212. Conversion of a single residence which was in existence on the date this Zoning By-Law became effective, March 13, 1933, into a residence for two families.

4213. Conversion of a dwelling or building accessory thereto or both into a building or buildings containing in the aggregate as many dwelling units as could be obtained if the dwelling and building accessory thereto, if any, were to be razed, the lot subdivided into as many lots as the Zoning By-Law permits and as many dwelling units as permitted by the Zoning By-Law were then constructed; provided that the dwelling and the building accessory thereto, if any, were in existence on the date this Zoning By-Law became effective (March 13, 1933) and that a permanent Preservation Restriction under G.L., Ch. 184, Sect. 31-33, is provided, assuring the future integrity of the building exterior and the grounds.

Recommendation in the Town of Sharon Community Development Plan 2004:

"D. Amend zoning to promote affordable accessory units.

All accessory units currently require a special permit and are restricted to relatives. Affordable

accessory units can be an excellent way to create affordable housing without significant change to neighborhood or community character. Although the Town is unlikely to gain large numbers of affordable units through accessory units, these units can be valuable on the margin. Sharon should allow permanently affordable accessory units to be created by right and allow all accessory units to be open to non-relatives. Templates for affordability agreements and simple monitoring protocols have already been established in several Massachusetts communities. The Sharon Housing Authority can assist with these issues."

Sherborn

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

From ordinance.com:

3.2 Schedule of Use Regulations

(Headings added 1988, amended 1990)

1) Single Family Home - This use is allowed in all districts. Single family detached dwelling containing one housekeeping unit only, together with accessory buildings not containing a housekeeping unit, including a garage for not more than three automobiles. The number of such dwellings with such accessory buildings on any one lot shall not exceed the number which can be located thereon in conformity to Section 4.2.

2) Apartment - This use is permissive in all districts.

a) Single family detached dwelling, together with accessory buildings, containing in the dwelling or in an existing accessory building one additional housekeeping unit provided:

1(a) Such unit shall be occupied by not more than three persons related by blood, adoption or marriage to the family owning and residing in the dwelling; or

1(b) Such unit shall be occupied by not more than two domestic employees of the family owning and residing in the dwelling.

2. The special permit granting authority shall be satisfied that, upon the termination or expiration of the special permit, the facilities of such unit can readily be removed or, alternatively, reintegrated with the dwelling to produce an allowed use of the property under Section 3;

3. The gross floor area of such unit shall not exceed the lesser of 800 square feet or 30 percent of the gross floor area of the dwelling (including any addition thereto for such unit);

4. No rent shall be paid for such unit;

5. The installation of such unit and any use thereof shall be permitted only upon the issuance of a special permit by the special permit granting authority in compliance with the procedures set forth in Section 6;

6(a) The special permit for a unit occupied by persons related to the family owning and residing in the dwelling may be issued for the duration of such occupancy. Such permit shall require the filing of a sworn affidavit by the permit holder with the Town Clerk certifying such occupancy every four years or at such other time as the Board of Selectmen may require.

6(b) No special permit for a unit occupied by domestic employees shall be issued for a period of more than two years but may be renewable for like periods thereafter in accordance with the procedures set forth in Section 6.

7. Such special permit shall automatically terminate upon the sale, transfer or other change in ownership of the property of which such unit forms a part;

8. The Inspector of Buildings may, in addition to other remedies, order removal of the separate kitchen facilities, equipment, fixtures, interior alterations, any separate metering of utilities, and any structural changes, that were installed to create such unit if the lawful use of such unit has expired or been terminated;

9. The applicant for a special permit for such unit shall file with the special permit granting authority such plans, specifications and other instruments concerning the proposed unit and the subsequent use thereof as the special permit granting authority may reasonably require by general rule or by request to the applicant.

b) Any special permit for a separate house-keeping unit issued prior to May 4, 1982 may be renewed or, within one year of the termination or expiration of such a permit, may be reissued under the provisions of Section 1.5.13 and 3.2.2 in effect when the permit was originally issued. (Amended 1982)

Shirley

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Accessory apartments are allowed by right in zones R-R, R-1, and R-2, and by special permit from the Board of Appeals in zones R-3, C-1, and C-2. In-law apartments are allowed by right in zones R-R, R-1, R-2, and R-3.

Shirley Zoning Bylaw

4.5 Accessory Apartments - Special Permit

An owner or owners of a one family dwelling may apply for a Special Permit from the Board of Appeals for the construction and occupancy of one accessory apartment in such one family dwelling provided such one family dwelling was constructed at least ten (10) years prior to the date of application. It is not the intent of this Bylaw to permit or encourage the building of new dwellings which are large enough to contain apartments.

In accordance with the procedures of Section 9.2.3, the Board of Appeals may grant such Special Permit provided that:

Due consideration has been given to the reports and recommendations of the Planning Board and Board of Health;

Adequate provision has been made for the disposal of sewage generated by the occupancy of such apartment in accordance with the requirements of the Board of Health;

4.5.3 No more than minimum exterior alterations are proposed. In general, any new entrances shall be located on the side or rear of the building, and any additions shall not increase the square footage of the one family house by more than ten percent (10%);

4.5.4 The design and size of the apartment conforms to all applicable standards in the health, building and other codes;

4.5.5 The owner(s) of the residence in which the accessory unit is created shall occupy at least one of the dwelling units in the premise, except for bonafide temporary absences;

4.5.6 Parking must conform to the requirements of this Bylaw.

4.10 In-law Apartment No Special Permit

4.10.1 General

It is the intent of this Section to provide for the use of a portion of a single-family residence as a so-called "In-law apartment", which use will be solely for the benefit of a family member related either by blood, marriage or law. The In-law section of the residence shall be attached to the existing residence and shall share access to common areas by means of doorways or openings. It is the further intent of this Section that the structural changes, if any, necessary to effect the In-law apartment use shall be sufficiently modest that such use can be terminated and a single family occupancy of the entire premises restored without substantial hardship in reconstruction.

A Building Permit for an In-law apartment shall be issued only upon meeting all the requirements of this Section.

4.10.2 Approval by the Board of Health

Evidence verified in writing by the Board of Health (or its qualified agent) that there is available on the lot an adequate supply of drinking water and adequate provision for sewage disposal shall be submitted with, and as part of the application for Building Permit.

4.10.3 Maximum Allowable Size

The gross floor area of the In-law apartment shall not exceed 500 square feet or 25% of the finished habitable living space in the existing residence prior to approval of the Building permit, whichever is greater. Any addition to the existing structure for the In-law use shall not exceed 500 sq feet.

4.10.4 Criteria for Approval

Prior to the granting of a Building Permit for an In-law apartment, all of the following requirements must be met. Documentation must be submitted to the Building Inspector at the time of the application for a Building Permit. No exceptions or variances will be granted from these requirements.

- a. Adequate off street parking shall be provided for the user of the In-law apartment. There shall be a minimum of one additional space for the In-law use.
- b. All utilities associated with the existing single-family residence shall be shared with the In-law use including gas, electric, sewer, septic, water and heating.

- c. The owner of the single-family residence must occupy one of the living areas.
- d. The maximum number of persons to occupy an In-law apartment shall be limited to two (2).
- e. The outside appearance of the premises shall remain that of a single-family residence.
- f. All applicable Federal, State and Local Building and Health codes must be satisfied.
- g. Only one In-law apartment shall be allowed per single-family residence.
- h. An In-law apartment shall be limited to one (1) bedroom.
- i. An In-law apartment may only be created in a dwelling which would otherwise be classified as a single-family dwelling located on its own lot, in the R-R, R-1, R-2 and R-3 zoning districts.
- j. All construction shall meet set back requirements of the zoning district where the building is located.

4.10.5 Inspection for Compliance

The Building Inspector may order an inspection of the premises for compliance hereunder at any time upon reasonable written notice to the homeowner.

4.10.6 Termination of Use

Should an In-law apartment which was created under the terms of this Section fail at any time to meet the conditions above, the occupancy shall cease and the premises shall revert to those of a single-family residence. It is not the intent of this Section to have any In-law apartment created become rental property in the future.

ACCESSORY APARTMENT : A separate complete dwelling unit that is contained substantially within the structure of a one-family dwelling unit, is served by a separate entry/exit and can be isolated from the principal one-family dwelling unit.

Shrewsbury *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Town of Shrewsbury Zoning Bylaw (Adopted 1967, Amended 2004)

Dwelling
(in-law apartment): A portion of a dwelling providing a separate housekeeping unit to be occupied by not more than three (3) persons related (by blood or marriage) to the principal resident.

According to the use regulation schedule, in law apartments are allowed by special permit from the board of appeals in Rur A, Rur B, Res A, Res B-1, Res B-2 and Apt and by special permit from the planning board in MF-1 and MF-2 and by right in LB and CB.

Somerset *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Somerville *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Southboro**Are accessory or in-law apartments allowed (by right or special permit) in any district?****Yes**

ACCESSORY APARTMENT - A subsidiary dwelling unit created within or as an extension to a single-family dwelling or a structure accessory thereto, with separate cooking, sleeping and bathroom facilities. [Amended 4-30-1990 ATM, Art. 50]

Section 174-9. Special permit requirements.

B. Accessory apartments. Special permits for accessory apartments may be issued upon referral of the application and receipt and consideration of a report, or after thirty-five (35) days elapse without such report, from the Board of Health, certifying that adequate provisions have been made in accordance with the requirements of the Board of Health for drainage and for the disposal of sewage and waste generated by the occupancy of the apartment, and from the Planning Board, describing the lot on which the dwelling is located, the neighborhood where it is located and the effect of the proposed apartment thereon, the adequacy of ingress and egress provisions, the recommendations of the Planning Board as to the advisability of granting the special permit and any restrictions that should be imposed as a condition thereof and the provisions for off-street parking in a manner consistent with the character of the premises. If the decision of the Board of Appeals differs from the recommendations of the Planning Board, the reasons therefor shall be stated in the decision. The accessory apartment shall comply with the following conditions and requirements:

(1) The habitable floor area of the accessory unit shall not exceed twenty-five percent (25%) of the habitable floor area of the entire dwelling plus that of any accessory building used for the accessory dwelling. [Amended 4-30-1990 ATM, Art. 502]

(2) There is no other apartment on the lot on which the accessory apartment is proposed.

(3) Not more than the required minimum exterior alterations have been or will be made to the one-family house and to any accessory buildings, and the site plan of the lot and floor plans of the dwelling thereon have been filed with the Building Inspector prior to the application to the Board of Appeals.

(4) The total cumulative number of accessory apartments permitted by the Board of Appeals since January 1979 shall at no time exceed five percent (5%) of the total number of one-family houses in Southborough at the beginning of the year in which the application is filed, based on the Assessor's records. Residences containing apartments shall be counted as one-family houses for the purposes of this subsection.

Sterling**Are accessory or in-law apartments allowed (by right or special permit) in any district?****Yes**

According to the table of uses:

Accessory apartment is allowed by special permit from the Board of Appeals in RR, NR, C, TC.

Town of Sterling Protective Zoning Bylaw, 2002

ARTICLE 5. DEFINITIONS

ACCESSORY APARTMENT shall mean a separate, complete dwelling unit which is; (a) contained substantially within the structure of a one-family dwelling unit, is served by a separate entry/exit and can be isolated from the principal one family dwelling unit, or (b) contained entirely within an accessory building located on the same lot as a one-family dwelling.

Stoneham**Are accessory or in-law apartments allowed (by right or special permit) in any district?****Yes**

From ordinance.com:

4.2 Residence A Districts:

4.2.4 Uses permitted on a Special Permit granted by the Planning Board

4.2.4.1 Accessory Dwellings (family apartments)

(a) Owner occupancy required: The owner(s) of the single-family lot and dwelling upon which the accessory dwelling unit, or family apartment, is located or to be located shall occupy at least one (1) of the dwelling units on the subject property. The Special Permit shall be issued to the owner of the subject property and shall be filed with the Registry of Deeds and the Planning Board shall forward a copy to the Inspector of Buildings. In the event there is a change in ownership of the subject property via a transfer to a family member an amendment to the Special Permit must be applied for. The Planning Board retains rights of rescission should any portion of conditions be violated.

(b) In the event a change in residence of either family member occurs, or a conveyance occurs that is to someone other than a family member, or a voluntary surrender of the Special Permit, the subject property will automatically revert to a single family dwelling and no longer enjoy the rights granted under the Special Permit that allowed for the accessory dwelling. This does not preclude a new application for a Special Permit in accordance with the described use at any time in the future.

(c) The gross floor area of the accessory dwelling, or family apartment, shall not exceed 750 square feet under any circumstance or condition. The accessory dwelling unit must be attached to the subject property primary dwelling unit by way of minimum shared wall coverage of 75% (of length). In addition all utility services shall be single service (meter) to the subject property primary dwelling and accessory dwelling.

(d) One additional parking space shall be provided for the accessory dwelling, or family apartment, in addition to a minimum of two spaces for the principal unit, or other parking requirements as determined by the Planning Board.

(e) Occupancy of the accessory dwelling, or family apartment, shall be limited to two people and may not be used for business or commercial purposes.

(f) A deed restriction for the affected lot must be filed with the Registry of Deeds to the effect that principal dwelling or accessory dwelling, or family apartment, be owner occupied as a condition for the issuance of an occupancy permit for the subject accessory dwelling, or family apartment.

(g) Construction and occupancy of the accessory dwelling, or family apartment shall comply with all applicable state, federal, and local laws and regulations. No Certificate of Occupancy shall be issued until evidence of the recording of the Special Permit and Deed Restriction has been provided to the Planning Board and Building Inspector.

(h) Ownership of the principal dwelling and the accessory dwelling, or family apartment, shall be one and the same, and may not be separated. There shall be one accessory dwelling allowed per single family dwelling. There is to be no other apartment or accessory dwelling unit on the subject lot.

**Webmasters Note: The previous section, 4.2.4, have been amended as per an update approved at a town meeting held on 10/24/02.

Stoughton

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

SECTION XI SPECIAL PERMIT CONDITIONS

M. Temporary Additional Living Area

In considering Special Permits for temporary additional living quarters, The Board shall give consideration to the following:

1. The owner must be the occupant of the residence.
2. Living areas must be within the same principal structure.
3. Not more than one (1) bedroom shall be permitted.
4. Kitchen facilities shall be of a type readily removable.
5. That there shall be a maximum of two (2) people.
6. The applicant must provide satisfactory proof of kinship.
7. Permit would be restricted to applicant.
8. Submittal of plans approved by Building Inspector showing floor plan and proposed parking.
9. Building Inspector must be notified upon cessation of occupancy.
10. Only one (1) permit will be allowed per locus.
11. No new entrances for the living quarters will be allowed/required; existing entrances will be used by all parties involved. (Adopted Special Town

Stow *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes ACCESSORY APARTMENT :

A second DWELLING UNIT located within a structure constructed as a detached one-family DWELLING, subordinate in size to the principal DWELLING UNIT and separated from it in a manner that maintains the appearance of the structure as a one-family unit; or

A second DWELLING UNIT located within a separate structure, such as a barn, garage or shed, that is clearly subordinate to the principal DWELLING UNIT.

According to the Table of Principal Uses, single family dwellings with accessory apartment are allowed by special permit from the planning board in the residential district and compact business district. Site plan approval required.

SECTION 8 SPECIAL REGULATIONS

8.1 ACCESSORY APARTMENTS

8.1.1 Purpose

As provided herein, one additional DWELLING UNIT may be allowed as an ACCESSORY APARTMENT in a single-family DWELLING or ACCESSORY BUILDING located on a LOT with a single-family DWELLING for the purpose of providing small additional DWELLING UNITS without adding to the number of BUILDINGS in the Town or substantially altering the appearance of BUILDINGS, the neighborhood or the Town; increasing the range of housing accommodations; encouraging a greater diversity of population; and encouraging a more efficient and economic use of existing housing stock by enabling owners of single-family DWELLINGS larger than required for their present needs to share space and the burdens of homeownership while maintaining the single-family appearance and character of BUILDINGS, the neighborhood and the Town.

8.1.2 ACCESSORY APARTMENTS Allowed by Right

The BUILDING INSPECTOR may grant a building permit for one ACCESSORY APARTMENT provided that:

8.1.2.1 The single-family DWELLING or ACCESSORY BUILDING was in existence on or before May 6, 1991, or

8.1.2.2 The ACCESSORY APARTMENT is attached to or within a single-family DWELLING constructed after May 6, 1991; and

8.1.2.3 provided that all of the following requirements are met:

1. The ACCESSORY APARTMENT shall be a use incidental to the single-family DWELLING and shall contain no more than 700 square feet of GROSS FLOOR AREA.

2. No more than one ACCESSORY APARTMENT shall exist on the LOT.

3. Either the single-family DWELLING or the ACCESSORY APARTMENT shall be occupied by the owner of the LOT. For the purposes of this section, the "owner" shall be one or more individuals who holds legal or beneficial title to said LOT and for whom the DWELLING is the primary residence for voting and tax purposes.

4. Both the single-family DWELLING and the ACCESSORY APARTMENT shall satisfy the requirements of 310 CMR 15.00 (Sanitary Code - Title V) and Stow Board of Health regulations.

5. The LOT on which the single family DWELLING or ACCESSORY BUILDING is located shall contain no less than 1.5 acres.

6. All stairways to the ACCESSORY APARTMENT shall be enclosed.

7. Any entrance required by the inclusion of an ACCESSORY APARTMENT shall be clearly secondary to the main entrance of the primary DWELLING UNIT.

8. Any modification to the existing entrances on the front facade of the single-family DWELLING shall result in the appearance of a single main entrance.

9. A minimum of two (2) off-street parking spaces shall be provided for each DWELLING UNIT. There shall be adequate provision for ingress and egress from all parking spaces.

10. There shall be no more than one (1) driveway per LOT.e

8.1.3 ACCESSORY APARTMENTS Allowed by Special Permit - A special permit for an ACCESSORY APARTMENT may be granted by the Planning Board provided that:

8.1.3.1 All of the conditions and requirements of Section 8.1.2 are met, with the exception of Sections 8.1.2.3.5 and 8.1.2.3.10.

8.1.3.2 All conditions and requirements for approval of a special permit are satisfied.

Sudbury

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

5500. SINGLE ACCESSORY DWELLING UNITS IN RESIDENCE DISTRICTS.

5510. Purpose.

The existing development patterns of the Town have resulted in conditions which make it difficult for our parents, our children, and persons of low and moderate income to find suitable housing within the Town. The special regulations contained in this section have been enacted for the purpose of permitting the creation of a limited number of housing units suitable for occupancy by such persons, while ensuring compliance with the 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.

5520. Conditions and Requirements.

An owner or owners of a single family dwelling in Single Residence District "A", "C" or Wayside Inn Historic Preservation Zone may apply to the Board of Appeals for a Special Permit for the creation and occupancy of a single accessory dwelling unit in a detached single family dwelling. Such application shall be accompanied by the application fee established by the Board of Appeals. After such notice and public hearing, and after due consideration of the report of the Board of Health, (and the Historic Districts Commission, where applicable), the Board of Appeals may grant such Special Permit provided that each of the following conditions and requirements is met:

5521. Occupancy

a. Such unit shall be occupied by not more than four persons related by blood, adoption or marriage to the family owning and residing in the principal dwelling; or

b. Such unit shall be occupied by not more than two domestic employees of the family owning and residing in the principal dwelling; or

c. Such unit shall be occupied by a low or moderate income family with income not to exceed 80% of the regional median household income established in the Local Initiative Program Guideline of the Executive Office of Communities and Development (as the same may be amended from time to time).

5522. The accessory dwelling unit shall be located within the single family dwelling or its attached accessory structures in substantially the same size as they existed on the day of adoption of this section or, for single family dwellings not in existence on such day of adoption, as they have existed for five years prior to the application for such Special Permit. Such status shall be verified in the records of the Building/ Inspection Department. A single family dwelling shall be deemed to comply with the requirements of this subsection if any alteration or enlargement thereof subsequent to said day of adoption or within the said five year period does not increase the floor area of said dwelling, as hereinafter defined, by more than fifty (50) square feet. For dwellings in existence on the day of adoption which have been increased in floor area by more than fifty (50) square feet subsequent to the day of adoption, no special permit hereunder may be issued until after the expiration of five years from the last such alteration or enlargement. On request of the applicant, the Board of Appeals may waive all or a portion of any applicable five year period if it finds that such waiver will further the purposes of this section.

5523. The accessory dwelling unit shall be a use incidental to the single family dwelling, shall contain no more than 1,200 square feet, and shall occupy no more than 30% of the floor area of the single family dwelling and its attached accessory structures. Floor area is defined herein as the actual heated living area and does not include unfinished basements, attics, or storage spaces.

5524. There shall be no more than one single accessory dwelling unit per building lot.

5525. The owner of the dwelling in which the single accessory dwelling unit is created shall reside in the dwelling, either in the principal dwelling unit or

the accessory dwelling unit. If the owner resides in the accessory dwelling unit, occupancy of the principal dwelling unit must be by persons satisfying the relationship or income criteria herein. For the purpose of this subsection, the "owner" shall be one or more individuals who constitute a family, who hold title to the dwelling, and for whom the dwelling is the primary residence for voting purposes. If the lot on which the single accessory dwelling unit is to be located is owned by the Town of Sudbury, the owner-occupancy requirement of this subsection shall not be applicable as long as the lot and the structures thereon continue to be owned by the Town of Sudbury.

5526. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of the single accessory dwelling unit in accordance with all requirements of the Board of Health.

5527. The creation and occupancy of the single accessory dwelling unit shall not be detrimental to the neighborhood in which the lot is located or injurious to persons or property.

5528. Exterior appearance of a dwelling with a single accessory dwelling unit. The single accessory dwelling unit shall be designed so that the appearance of the structure remains that of a single family dwelling, subject further to the following conditions and requirements:

- a. All stairways to upper floors shall be enclosed within the exterior walls of the dwelling.
- b. There shall be no enlargements or extensions of the dwelling in connection with a single accessory dwelling unit except for minimal additions necessary to comply with building, safety or health codes, or the enclosure of an entryway or stairway.
- c. Any new exterior entrance shall be located on the side or in the rear of the dwelling.

5529. Off-Street Parking. There shall be at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking for the single accessory dwelling unit. No parking spaces shall be located within the boundary of a street right of way. In no case shall parking spaces which are more than two spaces deep be considered in computing the required parking.

5530. Special Provisions for Low or Moderate Income Units.

In order to facilitate the creation of affordable housing units in Sudbury which will count toward the ten percent statutory goal (G.L. c. 40B, s. 20), all applicants for a special permit for a unit to be occupied by a low or moderate income family shall be furnished with copies of the regulations and guidelines of the Massachusetts Executive Office of Communities and Development for approval of such unit as an affordable housing unit for purposes of the statutory goal. Such regulations and guidelines shall include those of the Local Initiative Program and any other program designed to promote the creation of certifiable affordable housing units. After issuance of a Special Permit for a low or moderate income unit which is to be occupied and operated in accordance with any of such programs, the Board of Selectmen shall make application to the Department of Housing and Community Development for certification of the unit as an affordable housing unit includable in the Town's inventory of low and moderate income housing for the purposes of G.L. c. 40B. Such application may, at the discretion of the Board of Selectmen, be made prior to actual issuance of the Special Permit.

5540. Reports.

5541. In order to ensure compliance, the applicant shall obtain and submit to the Board of Appeals prior to the hearing, a written report of the Board of Health certifying that the conditions of this subsection have been met.

5542. Planning Board Report. In connection with an application for a Special Permit under this section, the applicant may consult with the Planning Board prior to the hearing and the Planning Board may submit in writing, prior to the hearing, its recommendations and report to the Board of Appeals.

5550. Number of Accessory Dwelling Units.

The number of accessory dwelling units permitted under this bylaw shall not exceed five percent of the total number of single-family residences existing in the Town at the beginning of the year in which the application was filed.

5560. Duration of Special Permit.

5561. The Special Permit for an accessory dwelling unit occupied by persons related to the family owning and residing in the principal dwelling may be issued for the duration of such occupancy. Such permit shall require the filing by the owner(s) of a sworn affidavit with the Town Clerk, with a copy to the Board of Appeals, certifying such occupancy every four years consistent with the Special Permit. Such permit shall automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit.

5562. The Special Permit for a unit occupied by domestic help shall be issued for a period of two years. The permit shall automatically expire on the second anniversary of its issuance, unless extended for one or more additional two year periods upon the filing by the owner(s) of a sworn affidavit with the Town Clerk, with a copy to the Board of Appeals certifying occupancy consistent with the Special Permit and this subsection. Such permit shall automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit.

5563. The Special Permit for a unit occupied by a low or moderate income family shall be issued for a period of two years. The permit shall automatically expire on the second anniversary of its issuance unless extended for one or more additional two year periods upon the filing by the owner(s) of a sworn affidavit and income verification of the present occupants of the accessory dwelling unit with the Town Clerk, with a copy to the Board of Appeals certifying occupancy consistent with the Special Permit. The Special Permit for a low or moderate income unit which is approved as an affordable

housing unit under one of the programs identified herein shall be for a period of five years, and shall be renewable in accordance with the foregoing procedure.

5570. Other Requirements.

5571. No Separate Conveyance. The ownership of the accessory dwelling unit shall not be conveyed or otherwise transferred separately from the principal dwelling.

5572. Removal of Separate Facilities. The Building Inspector may, in addition to other remedies, order removal of the separate kitchen facilities, equipment or fixtures that were made or installed to create such unit, if the unlawful use of such unit is discovered.

5573. Revocation. A Special Permit granted hereunder may be revoked by the Board of Appeals for violation of the terms thereof or occupancy of the accessory dwelling unit in violation of the Special Permit or the Zoning Bylaw.

5574. Provision of Information. The applicant for a Special Permit shall file with the Board of Appeals such plans, specifications and other information concerning the unit and its proposed use as the Board may require by general rule or request to the applicant.

5575. Except as provided herein, all requirements of Single Residence Districts apply as provided in this Zoning Bylaw.

5580. Rules and Regulations.

The Board of Appeals may adopt, and from time to time amend, Rules and Regulations to implement the provisions of this subsection, and shall file a copy of said Rules and Regulations with the Town Clerk.

Sutton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No Survey received from Sutton in July 2005:

"Will go to 5/9/05 T. Meeting. P. Board is proposed to be the SPGA."

Swampscot *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No Other than the definition of accessory apartments, researcher could not locate provisions for accessory apartments.

ARTICLE VI. DEFINITIONS.

ACCESSORY APARTMENT : A dwelling unit constructed within or on an existing house containing a bathroom, kitchen, and living/bedroom space which is subordinate to and separated from the principal household.

2.2.4.0. Residential Accessory Uses.

2.2.4.6. Boarders in Single family Dwelling. The renting of rooms and/or furnishing of board to not more than two (2) persons in a single-family dwelling by the owner/occupant thereof shall be a permitted accessory use. The renting of rooms and/or furnishing of board to more than two persons shall cause the use to be classified as a boarding house subject to the provisions of Section 2.2.3.0, herein.

Swansea *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Taunton

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

City of Taunton Zoning Ordinance

SECTION TWO: DEFINITION

ACCESSORY DWELLING - A secondary dwelling unit created within or as an extension to an existing single-family dwelling containing separate bath and kitchen facilities. This conversion shall only be approved by the Special Permit Granting Authority designated in Section 5.2, Table of Use. (see section 7.9, Accessory Dwelling, for additional requirements)

Accessory apartment by-law in its entirety.

7.9 ACCESSORY DWELLING

Accessory Dwellings shall be located on a lot 15,000 square feet or larger in area and shall only be permitted on lots with one (1) single family dwelling located on the lot. Accessory Dwellings are also required to meet all the requirements of this section.

1. The owner of the premises must reside in the primary dwelling unit. Ownership shall constitute a 50% or more ownership interest in the property.
2. At least one person that resides in the accessory dwelling unit shall bear one of the following relationships to the owner or spouse or deceased spouse of the owner: mother, father, child, grandparent brother, sister, aunt or uncle or in-laws.
3. One of the required means of egress shall connect the accessory dwelling unit to the principal unit.
4. The accessory dwelling unit shall not exceed 700 square feet in size and shall occupy no more than 25% of the habitable floor area of the building.
5. A minimum of 4 parking spaces shall be provided for the resulting two units and shall not be allowed within the designated front yard.
6. No accessory dwelling units shall be allowed for five years from the receipt of a building permit to construct the addition or new residential structure on the lot. This shall not preclude the issuance of a building permit to construct the accessory dwelling unit after receiving the necessary ZBA approval. Only that five years must elapse since the last permit was issued for an addition or new construction on the lot.
7. Expiration - The Special Permit shall expire five (5) years from the date on which the Special Permit was granted.
8. Termination - If the Zoning Enforcement Officer has cause to believe that the conditions of the Special Permit have been violated, he shall schedule a hearing by the Board of Appeals for a determination whether such a violation has occurred and shall give notice of time, place, and reason for the hearing to the owner of the property by certified mail. At the hearing, the Zoning Enforcement Officer shall specify the basis of his/her belief that one of the conditions has been violated, including information provided by third persons, who may speak at the hearing. If the Board of Appeals is convinced that a violation has occurred, it shall formally revoke the Special Permit which shall thereupon terminate.

"Accessory dwelling" by special permit from the board of appeals in RRD, SRD, URD.

Tewksbury

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

3400. FAMILY SUITE

3410. Family Suite As of Right. A family suite is allowed as an accessory use, attached to a single family dwelling in R40, R80, FA, TR and LB zones including Cluster Developments, in accordance with the below listed (1 10) requirements. These requirements are not subject to relief through a variance.

1. The family suite shall contain a maximum floor area of 800 square feet and shall not contain more than one bedroom. Common entries and open decks shall not be included in the 800 SF calculation.
2. The family suite shall be contiguous with the single family dwelling with direct access or connected with a common closed entry.
3. The family suite shall not have its own front door, however, may have a side or rear exit with an open deck and egress.
4. Any structural addition of a family suite must meet all front, side and rear setbacks and lot coverage requirements for the zone.
5. There are no more than three (3) related persons occupying the family suite.

6. A minimum of one additional off street parking space shall be provided, however, a separate driveway is not permitted.
7. Annual Certification by notarized affidavit shall be provided to the Building Commissioner that the owner of the property, except for bona fide temporary absence shall occupy one of the two dwelling units.
8. The Family Suite shall be subject to review and approval by the Board of Health as to sanitary wastewater disposal in full conformance with the provisions of 310 CMR 15.00 (Title V of the State Environmental Code).
9. Only one Family Suite may be constructed onto any dwelling.
10. Subordination Agreements (as required) and Restriction Agreements shall be completed by the applicant, submitted to the Building Commissioner, then approved and recorded at the North Middlesex Registry of Deeds by Town Counsel.
11. Notwithstanding anything else contained herein to the contrary, nothing herein shall be construed as to require a family suite to be under its own roof.

Topsfield

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

1.93 TEMPORARY ACCESSORY APARTMENT . A separate dwelling unit within a single family detached dwelling that upon Special Permit is occupied by a family member of an owner of the single detached dwelling or by a caregiver to such family member or owner. (Art. 33, 5-1-2001)

According to the table of use regulations, temporary accessory apartments are allowed by right in ORA, IRA, CR, BV, and BP.

7.03 TEMPORARY ACCESSORY APARTMENT SPECIAL PERMIT BY-LAW

1. Purpose

1.1. This section permits the owner of an existing, or a proposed, single family detached dwelling to construct one additional dwelling unit for occupancy by family members who have some dependency for special housing needs due to age, mental or physical health, personal care requirements, or economic factors, or by paid or unpaid individuals, including but not limited to nurses, nurse's aids, homemakers, nannies or au pairs, who occupy the family accessory apartment to facilitate providing direct care to a family member of the owner that resides in the dwelling. The primary purpose shall be to maximize privacy, dignity, and independent living among family members preserving domestic family bonds as well as the single-family residential character of the neighborhood. Such a purpose is incidental and subordinate to the primary use of the dwelling as a single-family dwelling. A primary purpose of generating income from the additional dwelling unit is not permissible in the single-family zoning district; however, nothing shall prevent payments from the occupant to the owner. Due to the necessary family relationships among the owners of the main dwelling and the occupants of family accessory apartment, the use to be granted hereunder is personal to the owner. The permitted use is temporary to provide adequate monitoring by the special permit granting authority that the owner has continuously complied with the purpose procedures, requirements, and conditions as herein provided.

2. Procedure

2.1. The Planning Board, as the Special Permit granting authority of the Town of Topsfield, shall grant a Special Permit for a period of three years upon a finding by said Board that the purpose, procedure and requirements of this section have been fulfilled.

2.2. The Application for Special Permit shall:

2.2.1. Be signed by 100% of the record title ownership interest of a single family detached dwelling and shall include a copy of the deed to the applicant.

2.2.2. State the name and ages of all occupants of the main dwelling and separately identify the names and ages of the proposed occupants of the family accessory apartment and the family relationship between each owner and each proposed occupant.

2.2.3. State the factual basis upon which the aforesaid purpose has been fulfilled.

2.2.4. Include a floor plan of the family accessory apartment, the main dwelling where it is to be located and all elevations where exterior modifications are proposed. All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the family accessory apartment.

2.2.5. Include written verification by the Board of Health that the sewage disposal system shall have sufficient capacity to accommodate the increased proposed use within the rules and regulations of the Board of Health.

3. Requirements

- 3.1. The single family detached dwelling may be located in the Inner Residential and Agricultural District, the Outlying Residential and Agricultural District, or as nonconforming single-family residence use within any district.
- 3.2. A family member shall include mother, father, stepmother, stepfather, mother-in-law, father-in-law, child, stepchild, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, grandmother, grandfather, grandchild, aunt, uncle, niece or nephew.
- 3.3. At least one owner shall reside in the main dwelling as a principal place of residence.
- 3.4. One occupant of the family accessory apartment shall be a family member with one owner of the main dwelling unless the occupant shall provide personal care to a family member of at least one owner of the main dwelling or to an occupant of the family accessory apartment.
- 3.5. The occupants of the family accessory apartment shall be family members of each other unless the occupants shall provide personal care to a family member of at least one owner of the main dwelling or to an occupant of the family accessory apartment.
- 3.6. Each occupant of the family accessory apartment shall provide personal care to a family member of at least one owner of the main dwelling or to an occupant of the family accessory apartment who is a family member to an owner of the main dwelling.
- 3.7. There shall be no more than two adult occupants or one adult occupant and two unemancipated children in the family accessory apartment.
- 3.8. There shall be no more than one family accessory apartment in any single family detached dwelling.
- 3.9. Modifications of the exterior of the dwelling shall be completed in a manner that maintains the appearance of the dwelling as a single-family dwelling.
- 3.10. No separate entry to the family accessory apartment shall be permitted unless from existing entries, from within the main dwelling, from the back or from the side of the main dwelling.
- 3.11. The family accessory apartment shall not contain more than two bedrooms, and shall not contain in excess of seven hundred fifty square feet, which may be exceeded by 5% due to peculiarities of the layout of the main dwelling.
- 3.12. The family accessory apartment shall be located within or attached to the main dwelling.
- 3.13. The family accessory apartment must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the main dwelling.
- 3.14. All parking shall be onsite.
- 3.15. There shall be interior access between the family accessory apartment and the main dwelling unit, which may be locked from either side.
- 3.16. Electricity, water and gas shall be provided by a single service to both the family accessory apartment and the main dwelling.
- 3.17. There shall be one mailing address of the property.
- 3.18. The Planning Board may impose conditions upon the grant of the Special Permit.
- 3.19. The owner shall record the Special Permit at the registry of deeds and provide to the Planning Board the recorded title reference.
- 3.20. The Special Permit shall be exclusive and personal to the owner of the main dwelling and shall not run with the land to fulfill the purpose of providing care to an owner or a family member of an owner.
- 3.21. The owner shall promptly notify the Planning Board of any change in the use of the family accessory apartment.
- 3.22. No Building Permit shall be issued until the Special Permit shall be duly recorded.
- 3.23. There shall be no modification of the dwelling until a Building Permit has been issued.
- 3.24. The Building Permit shall be revoked upon determination by the Building Inspector that any condition imposed by the Planning Board has not been fulfilled.
- 3.25. There shall be no occupancy of the family accessory apartment until the Building Inspector has issued a certificate of occupancy that the main dwelling and family accessory apartment shall be in compliance with all applicable health and building codes.
- 3.26. Owners of existing dwellings with an unpermitted family accessory apartment shall have one year of amnesty from the effective date of this section

to obtain a Special Permit.

3.27. By filing the Application for Special Permit for a family accessory unit, all owners consent to an inspection without a warrant upon reasonable notice by the Building Inspector to ensure compliance with all terms of this section and conditions imposed upon the grant of the Special Permit.

3.28. All other provisions of the bylaws, rules and regulations of the Town of Topsfield shall apply.

3.29. All care givers and all care receivers must reside in either the main dwelling or the family accessory apartment.

4. Termination

4.1. The Special Permit shall terminate immediately upon any of the following events:

4.1.1. Three years from the date of the grant of the Special Permit.

4.1.2. Two years from the date of the grant of the Special Permit if a substantial use thereof has not commenced, or in the case of a permit for construction, if construction has not commenced within one year from the date of the grant of the Special Permit.

4.1.3. Any transfer of title to the premises, except a mortgage.

4.1.4. One year after the birth of a child to two adult occupants.

4.1.5. Violation of any term or condition of the Special Permit that the owner fails to cure, upon two weeks written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.

5. Extension

5.1. The Special Permit maybe extended for successive periods of three years, upon written request to the Planning Board by the applicants without further notice and hearing.

6. Duty of Owner Upon Termination

6.1. The owner shall discontinue the use of the family accessory apartment as a separate dwelling unit.

6.2. The kitchen facilities of the family accessory apartment shall be removed unless determined to be incidental and subordinate as an accessory use of a single-family dwelling.

6.3. Any additional exterior entrance constructed to provide access to the family accessory apartment shall be permanently closed.

6.4. The owner shall permit an inspection by the Building Inspector without a warrant.

6.5. The owner shall record a Notice of Termination at the registry of deeds and deliver a copy with the recorded title reference to the Planning Board.

7. Enforcement

7.1. Enforcement of this section shall be by the Zoning Enforcement Officer in accordance with the enforcement provisions of the Topsfield Zoning By-Laws.

8. Severability

8.1. All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.

**Webmasters Note: The previous section, 7.03, has been added as per an ordinance approved at a town meeting held on 5/1/01.

Townsend

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

Town of Townsend Zoning Bylaw (Amended 2004)

§145-36. Accessory apartments in residential district.

A. Purpose. Recognizing the need to provide alternative affordable housing for family members, the following regulations are established for accessory apartments in a residential district. It is expressly understood that this section does not provide for "two-family" or "duplex" type housing. [Added 12-4-1990 STM by Art. 9]

B. An owner or owners of a single-family dwelling in an RA or RB District may apply to the Board of Appeals for a special permit for the construction and occupancy of an accessory dwelling unit, hereinafter "accessory apartment" in such single-family dwelling. In no case shall there be more than one accessory apartment in any single-family dwelling.

C. In accordance with the provisions of Article XI of this bylaw, and after due consideration of the report and recommendation of the Board of Health (see Subsection C), the Board of Appeals may grant a special permit provided that: [Amended 12-4-1990 STM by Arts. 10 and 11; 4-27-1991 STM by Art. 7]

(1) The accessory apartment is accessory to the principal residence, the floor area of the apartment shall not exceed 35% of the floor area of the principal residence and the apartment combined, and 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.

(2) Adequate provision has been made for the disposal of sewage, waste and drainage of such accessory apartment in accordance with the requirements of the Board of Health.

(3) Adequate provision has been made for ingress and egress to the outside from such accessory-apartment.

(4) The construction and occupancy of the accessory apartment will not be detrimental to the neighborhood in which the lot is located.

(5) The lot on which the accessory apartment and principal residence are located contains at least one acre.

(6) Adequate provision has been made for off-street parking of motor vehicles in such a fashion as is consistent with the character of a single-family residence.

(7) There is no other apartment on the lot on which the accessory apartment is to be located.

D. In order to ensure compliance with Subsection B(2) above, the applicant shall obtain and submit to the Board of Appeals prior to the hearing a written report of the Board of Health certifying that the conditions of Subsection B(2) have been met. The Board of Health may supplement its report within five days after the hearing.

E. Any owner or owners of a single-family dwelling in RA and RB Districts seeking a new or a renewal of an accessory apartment permit shall agree to abide by the terms of a local housing agency or partnership program to ensure moderate income occupancy of the apartment thus created for a period of not less than five years.

The local housing agency or partnership shall permit deferral of the program if the homeowner wishes to accommodate initially a family member or members. For the purpose of this section, family member shall be defined as one of the blood, step or adopted relatives of the homeowner or spouse as follows: mother, father, sister, brother; son, daughter, uncle, aunt, grandmother, grandfather and/or their spouses. Should the family member "vacate" the accessory apartment, the agreement with the local housing agency or partnership may be voided, providing the accessory apartment is discontinued and the dwelling reverts back to compliance with 145-26A(1). Any apartment proposed hereunder shall comply with all applicable provisions of this 145-36. Any permit granted, pursuant to this section shall be of five years duration revocable upon sale of the property unless the buyer, by written notice to the Board of Appeals, agrees to the local housing agency or partnership program for the balance of the term. [Amended 12-4-1990 STM by Art. 12]

B. Residential A and B Districts special permit uses. In a Residential A and B District the Board of Appeals may, in specific case, authorize by special permit any of the following additional uses, provided that the premises in question is reasonably adaptable to such use and will allow proper layout thereof (including adequate separation of buildings and open areas from adjacent premises). All special permits are subject to the provisions of Article XI.

(1) Accessory apartment' provided the requirements of 145-36 are met.

Tyngsboro *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Temporary Independent Living Quarters are allowed by special permit in every single district.

Tyngsborough Zoning Bylaw (2001)

Temporary Independent Living Quarters- One or more rooms attached to be located within the primary dwelling, with separate kitchen and bathroom

facilities originally constructed and permitted as a residential housing unit designed for the temporary occupancy of another individual(s) related to the owner and resident of the primary structure.

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4.15.00 Special Permit - Temporary Independent Living Quarters

4.15.10 Applicability and Objectives. The purpose of this section is to allow for the creation of certain temporary independent living quarters in residentially zoned districts in the Town of Tyngsborough. The provision to permit said uses is predicated upon the need to provide consistency in the said use in terms of size, consistency with the neighborhood
TOWN OF TYNGSBOROUGH - ZONING BY-LAW

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character, and the avoidance of inappropriate or extreme densities which may pose a burden to the community in respect to the provision of necessary physical support systems, public safety and diminishment of the overall quality of life.

The objective of allowing and regulating the subject use is primarily to allow residents to help house and care for other members of their extended families and preservation of neighborhoods, and to reduce the incidence of illegal conversions and to make it possible to document the number of inhabitants who are residents of the Town of Tyngsborough.

4.15.20 Submittals Generally. The applicant for a special permit as required pursuant to this and other sections of this By-law shall submit appropriate materials as per the rules and regulations adopted by the Special Permit Granting Authority pursuant to Section 1.16.00 et.seq. of this By-law and comply with the additional requirements, terms and conditions as specified further under this section.

4.15.21 Specific Requirements - The application for a special permit for temporary independent living quarters shall provide the Special Permit Granting Authority the following:

1. A properly completed and filed application form as approved by the Special Permit Granting Authority.
2. A plan, as appropriate, showing all property lines, setbacks, zoning district boundaries including areas subject to flooding, wetlands, and wetlands buffer zones. Additionally the plan should show all existing buildings and structures including accessory uses and structures; parking, both existing and proposed; and on a separate plan the existing and proposed interior layout of the residence including walls, location of entrances and exits, locations of proposed and existing bath and dining facilities. Unless waived by the Special Permit Granting Authority said plan(s) as prepared and stamped by a registered architect or engineer. If the lot lines and boundaries are not based upon the original or subsequent plan of land as prepared by and stamped by a 'registered land surveyor said plan(s) as required by this section must be so certified.
3. A building elevation plan shall also be required showing the proposed alterations to the building exterior if any and the proposed locations and design of any separate entrances to serve the proposed living quarters.
4. Evidence that the subject property and primary residence is owned and occupied by the applicant.

TOWN OF TYNGSBOROUGH - ZONING BY-LAW

4.15.30 Decision Criteria - A special permit for temporary independent living quarters shall be approved only upon a determination by the Special Permit Granting Authority that the requirements of Section 1.16.00 Special Permits including 1.16.14 Mandatory Finding of Special Permit Granting Authority and the following additional criteria have been met:

1. The proposed exterior changes to the principal residential unit are such that the appearance does not deviate to any substantial extent from the appearance of the residential dwelling prior to the change and conforms to the established residential character of the neighborhood.
2. That the total square foot areas of the proposed temporary independent living quarters not exceed 20% of the existing living space up to 700 square feet of living space.
3. That the design of the proposed living quarters be engineered to be easily assimilated or reincorporated into the primary structure for use once the need for the use ceases.
4. That the design incorporates the provision for additional off street parking areas as required.
5. That the proposed design and plan shows the provision for not more than one temporary independent living quarters per existing residential unit and that not more than one additional bedroom be constructed.
6. That the design and plan does not provide for separate metered utilities serving the proposed temporary independent living quarters.
7. A restriction including all the conditions must be recorded at the Middlesex

North District Registry of Deeds together with a subordination agreement by any bank or lease holders.

8. The proposed temporary independent living quarter must be within or have a common wall with the single family dwelling unit and not be separated by a hall, stairwell or foyer. For the purpose of this section, the definition for a common wall is one that is connected, usable, and heated on both sides of the existing dwelling unit.

9. That the proposed temporary independent living quarters must be entered through the main dwelling unit and may not have an independent exit directly to the outside, unless waived by the Special Permit Granting Authority for reasons of handicap accessibility.

4.15.40 Special Permit Conditions - The Planning Board, acting as the Special Permit Granting Authority may impose special conditions, terms, and other limitations or restrictions regarding the use of temporary independent living quarters pursuant to this Section as follows:

1. A time limit on the validity of the Special Permit be imposed.
2. That the Special Permit become invalid upon the sale or transfer of the property.
3. That the primary dwelling be the principal residence of the property owner of record.
4. That the temporary independent living quarters be assimilated, reincorporated or otherwise returned to its former residential use if vacant for a period exceeding six months.
5. That the Special Permit become immediately null and void upon the advertisement, listing, or other actions of which the intent is to market or solicit the living quarters as a rental unit.

Upton *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Uxbridge *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Wakefield *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Section 190-22. Accessory uses. (allowed by special permit in the SSR and SR districts)

A. Residential accessory uses.

[1] Single-family. Single-family residential accessory uses shall include the following:

- (a) Home occupation as defined in Section 190-4, Definitions and word usage.
- (b) Private swimming pool, provided that a fence or protective barrier not less than five (5) feet in height and having self-latching devices on all gates shall be installed and maintained so as to completely enclose the swimming pool. All latches shall be located not less than four (4) feet above ground.
- (c) Temporary yard, lawn or garage sales with permit [one (1) day a year].
- (d) Garage for parking non-commercial vehicles.
- (e) Storage shed or barn not exceeding one thousand two hundred (1,200) square feet in area or twenty-five (25) feet in height.
- (f) Accessory apartments. [Added 5-10-1993 ATM by Art. 34]

(1) Purpose and intent. It is the specific purpose and intent of allowing accessory apartments within one-family properties, except where enforceable deed covenants prohibit the same, in all one-family residence districts to meet the special housing needs of families. To help achieve these goals and to promote the other objectives of this chapter, specific standards are set forth below for such accessory apartment uses.

(2) Accessory apartments may be created only within single-family dwellings which are located on lots meeting the minimum lot area and width requirements of the applicable zone.

(3) Owner occupancy required. The owner(s) of the one-family lot upon which the accessory apartment is located shall occupy at least one (1) of the

dwelling units on the premises. The special permit shall be issued to the owner of the property. Should there be a change in ownership, a change in the residence of the owner or the death or removal of the surviving parent or family member occupying the accessory apartment, the special permit use and the certificate of occupancy for the accessory apartment shall become null and void. Within ninety (90) days of the death or removal of the surviving parent or family member, or prior to a change in ownership or residence, the second kitchen shall be removed and the house shall revert to a single-family status. Should the new owner decide to live in the structure and desire to continue the use of the second dwelling unit, he shall apply to the Zoning Board of Appeals for a special permit. The owner-applicant shall be required to file on the subject property a declaration of covenants prior to the issuance of a special permit for an accessory apartment. This declaration shall be in favor of the Town of Wakefield and state that:

a. The special permit for an accessory apartment or any renewal of said special permit shall terminate upon the death of the undersigned and the spouse of the undersigned or upon the transfer of title to said premises or upon the undersigned no longer occupying the premises as his principal residence.

b. The new owner of the premises shall have to apply to the Zoning Board of Appeals for a special permit to continue the accessory apartment.

(4) The special permit shall be issued on a year-to-year basis, and the Board of Appeals shall not renew any such permit where the need for such accessory use no longer exists. The Board shall require a bond or surety to insure that any improvements made shall be removed at the expiration of such special permit or the sale of the premises, whichever occurs first.

(5) An accessory apartment must be located in the principal dwelling, provided that such principal dwelling conforms to the other requirements of this chapter, unless a variance therefor shall have been granted by the Zoning Board of Appeals.

(6) Apartment size. The minimum floor size for an accessory apartment within a principal dwelling building shall be three hundred (300) square feet, but in no case shall it exceed twenty-five percent (25%) of the habitable area of the dwelling in which it is located, unless in the opinion of the Zoning Board of Appeals a greater or lesser amount of floor area is warranted by the specific circumstances of the particular building.

(7) The accessory apartment shall not involve the extension or enlargement of the principal dwelling, except to provide access or egress, nor shall it change the single-family characteristic of the dwelling.

(8) There shall be no more than one (1) accessory apartment for a total of two (2) dwelling units permitted per lot.

(9) Applications for accessory apartments shall be subject to approval solely by the Board of Appeals.

(10) Applications need only contain such information to determine compliance with regulations set forth herein.

ARTICLE II Definitions

Section 190-4. Definitions and word usage.

LODGING OR ROOMING HOUSE A building where lodging units are rented to four (4) or more persons. A "lodging house" shall not include convalescent, nursing or rest homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels.

LODGING UNIT One (1) or more rooms for the semipermanent dwelling use of not more than three (3) individuals not living as a single housekeeping unit and not having cooking facilities.

Wakefield Zoning Bylaw
(amended 4/5/04)
ordinance.com

Walpole *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Waltham *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes From ordinance.com:

3.23. ACCESSORY DWELLING UNIT : A second dwelling unit located within a structure constructed as a single-family detached dwelling, subordinate in size to the principal unit and separated from it in a manner that maintains the appearance of the structure as a single-family house.

Accessory dwelling units are allowed by special permit from the ZBA in RA-1, RA-2, RA-3 and RA-4.

3.616 Accessory dwelling units. The Board of Appeals shall only grant such special permit when it has determined that the following limitations have been complied with and the Board shall include the following in its decision

(a) The proposed dwelling unit is in harmony with and will promote the purposes of this chapter

(b) The dwelling unit is accessory to the principal residence and either the dwelling unit or the principal residence is occupied by the owner of the lot on which the dwelling unit is to be located, which owner shall have owned the lot for not less than five years

(c) The dwelling unit is designed for and may be occupied by not more than two persons

(d) Adequate provision has been made for access to such dwelling unit, separate from the access of the principal residence.

(e) No alteration to the exterior of the dwelling shall be made.

(f) No increase in the floor area of the dwelling shall be made.

(g) The construction, reconstruction and occupancy of the dwelling unit will not be detrimental or injurious to persons or property

(h) The lot on which the dwelling is located contains at least 20,000 square feet in Residence A-1 Districts and 15,000 square feet in Residence A-2 Districts

(i) The building in which the proposed dwelling unit is to be located existed on the date of the adoption of this subsection [Amended 12-28-1981 by Ord. No. 25046]

(j) There shall be provided on the lot a parking area sufficient to hold at least four cars designed in accordance with Sections 5.3 through 5.35 and in such a manner that cars can exit onto the street in a forward direction.

(k) Any special permit granted under this section shall require that the applicant request recertification of the permit at periods not exceeding three years, and failure to request such recertification shall cause the permit to lapse. The Board of Appeals may, in appropriate cases, impose further restrictions on the apartment or the lot as a condition of the special permit.

The special permit, if granted, shall clearly state that it is not transferable to a purchaser of the lot and shall require, as a condition of its validity, that a copy of the permit be filed in the Registry of Deeds by the applicant

Watertown *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No SECTION 5.10 ACCESSORY APARTMENT REGULATIONS

(a) Definition

An ACCESSORY RESIDENTIAL UNIT OR ACCESSORY APARTMENT, is a second dwelling unit located within a structure constructed as a one family dwelling, or a third unit located within a structure constructed as a two family dwelling, subordinate in size of the principal dwelling unit(s), and separated from it, with its own kitchen, bathroom, and living facilities. An Accessory Apartment can also be located in an accessory structure, so long as the Accessory Apartment is clearly secondary to the primary use of the accessory structure.

(b) General Objectives

The provision and regulation of Accessory Apartment units in one and two family dwellings is intended to:

- 1) increase, the diversity of housing options for town residents, in response to demographic changes such as smaller households, older households, and an increase in single parent households;
- 2) encourage better utilization of existing housing stock, particularly for older owners of larger homes;
- 3) bring existing Accessory Apartments up to code for health and safety, and eliminate apartments that cannot be made safe, or do not comply with the provisions of this Zoning Ordinance, and
- 4) eliminate the continued construction of illegal unregulated apartment units.

(c) Conditions and Requirements

The Board of Appeals may grant a Special Permit-Accessory Apartment (as defined in Section 5.10(d)(2) below) for a newly created accessory unit, or for an existing accessory unit, in a one family dwelling in an S-10, S-6, or SC zone, except those two-family dwellings located in the SC zone having an accessory apartment unit in existence prior to May 23, 1989, the effective date of the zoning district change from T zone to SC zone, or in a two family dwelling in a T zone, provided that all of the following conditions and requirements are met:

- (1) There shall be no more than one Accessory Apartment on a lot.
- (2) For existing Accessory Apartments (as of April 1, 1992), the lot area shall be at least 80% of the minimum required within that zoning district. For newly created Accessory Apartments, the lot area shall be at least the minimum required within the zoning district.
- (3) The Accessory Apartment unit shall have no more than two (2) bedrooms, and no more than four (4) rooms in total, not including bathrooms.
- (4) In the T zone, the gross floor area of an Accessory Apartment unit shall not exceed 75% of the gross floor area of the smaller of the two primary units. In an S-6, S-10 or SC zone, the gross floor area of an Accessory Apartment cannot exceed 40% of the gross floor area of the primary unit.
- (5) There shall be provided at least five (5) off-street parking spaces for a two family house with an Accessory Apartment unit, and at least three (3) parking spaces for a one family house with an Accessory Apartment unit. Parking spaces shall meet all criteria within the Ordinance. The Board of Appeals may, at its discretion, vary those requirements.
- (6) The Accessory Apartment unit must meet all state Building Code requirements for health and safety, as interpreted by the Building Inspector, including but not limited to providing two legal means of egress and meeting all fire safety standards.
- (8) There shall be no Lodgers in either the Accessory Apartment or any of the main dwelling units.

(d) Procedures

- (1) No Accessory Apartment shall be constructed -or altered without issuance of a building permit by the Inspector of Buildings pursuant to Section 9.01 of the Zoning Ordinance and a Special Permit-Accessory Apartment by the Board of Appeals pursuant to Section 9.05 and 5.10(d)(5).
- (2) Except as set forth in 5.10(d)(4) below, no use as an Accessory Apartment shall be permitted prior to issuance a certificate of occupancy by the Inspector of Buildings, pursuant to Section 9.02 of the Zoning Ordinance.
- (3) Upon a conveyance of the property, the subsequent owner shall submit to the Zoning Enforcement Officer a certificate of compliance with prior conditions.
- (4) The owner of a property containing an existing Accessory Apartment shall have until December 31, 1993 to apply to the Board of Appeals for a Special Permit-Accessory Apartment, and then to bring said apartment into compliance with the Ordinance. After that time, enforcement action shall be initiated immediately after a determination of non-compliance has been made.
- (5) A Special Permit-Accessory Apartment shall be required for all units meeting the definition of an Accessory Apartment, and designated in this Zoning Ordinance as requiring a Special Permit-Accessory Apartment before the Inspector of Buildings may issue a building permit or an occupancy permit. The Board of Appeals shall not approve any such application unless it finds that in its judgement all of the criteria for a Special Permit set forth in Section 9.05 of the Ordinance have been satisfied and, in addition, that the following conditions are met:
 - (A) The proposed Accessory Apartment is in harmony with and will promote the purposes of the Zoning Ordinance;
 - (B) The specific site is an appropriate location for such a use, structure or condition;
 - (C) The use as developed will not adversely affect the neighborhood;
 - (D) There will be no nuisance or serious hazard to vehicles or pedestrians;
 - (E) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- (6) The Petitioner shall submit, along with an application for a Special Permit-Accessory Apartment, the following materials:
 - (A) Written statement describing the property, and its conformance with the provisions of this Section 5.10, including the Special Permit-Accessory Apartment criteria outlined in above in Section 5.10(d)(5).
 - (B) An interior floor plan, at a scale of 1/4"=1-0", including dimensions, of both the accessory unit and the primary unit(s).
 - (C) A site plan, at a scale of 1"=20', showing layout of parking spaces.
 - (D) Drawings that show any proposed exterior alterations to the building.
 - (E) Evidence of the Petitioner's ownership of and residence at the subject property (subject to the provisions of Section 5.10(d)(4)).
- (7) The Petitioner shall record with the Registry of Deeds for the Southern District of Middlesex County, a certified copy of the Special Permit granting the Accessory Apartment and certified copies shall be filed with the Building Department, where a master list of Accessory Apartments shall be kept, and with the Assessors Department. When ownership of the property changes, the new owner shall notify the Building Department at which time the Zoning Enforcement Officer and the- Inspector of Buildings shall conduct a determination of compliance with the Special Permit-Accessory Apartment, the

Zoning Ordinance and the State of Massachusetts Building Code.

(8) If it shall be determined by a court of competent jurisdiction that any provision or requirement of this Section 5.10 is invalid as applied for any reason, then Section 5.10 shall be declared null and void in its entirety.

(9) Except as specifically required by this Section 5.10, for the purposes of the Zoning Ordinance, a two family house with an Accessory Apartment shall continue to be treated as a two family house, and a single family house with an Accessory Apartment shall continue to be treated as a single family house.

In section 5.02 Table of Accessory Use Regulations, the first use listed is "Accessory apartment", but it is listed as "not allowed" in each district. It does have a footnote: "Notwithstanding the provisions of Section 9.20(e), this amendment shall not apply to any completed applications filed prior to March 31, 1994 and which comply with the provisions of Section 5.10." Perhaps this means that Watertown stopped allowing accessory apartments in 1994.

Survey received from Watertown on 6/10/05:

"Yes they exist, but new ones no longer permitted."

Wayland

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

ACCESSORY DWELLING UNIT - An additional set of living facilities, with permanent provisions for living, cooking and sanitation, located in a single residence dwelling, or a building accessory thereto, and occupying no more than 35% of the total living areas of the accessory unit and the principal residence.

From ordinance.com:

ARTICLE 9 Single Residence District

901.1.4. [Amended 5-8-1989 ATM by Art. 18; 5-5-1999 STM by Art. 9] An accessory dwelling unit reserved, for a period not less than 10 years, for occupancy by a person or family receiving rental assistance from the Wayland Housing Authority is permitted in accordance with the Table of Accessory Uses, Section 198-804, and provided that:

901.1.4.1. The lot on which the accessory unit is to be situated contains at least 15,000 square feet.

901.1.4.2. Any additions made after December 15, 1988, to a building for the purpose of accommodating an accessory apartment reserved for Wayland Housing Authority rental programs shall not increase the habitable area of the original building by more than 35%, provided that the unit shall not exceed 1,000 square feet of floor space. Any such addition must meet all zoning and Building Code requirements.

901.1.4.3. The accessory unit shall have two means of egress to grade in compliance with the Building Code. [Amended 5-5-1999 STM by Art. 11]

901.1.4.4. The accessory unit shall be served by one parking space, unless the special permit granting authority determines that on-street parking is not detrimental to the neighborhood.

901.1.4.5. The accessory unit shall comply with the requirements of Section 198-901.1.3.2, 901.1.3.3, 901.1.3.5, 901.1.3.8, 901.1.3.9, 901.1.3.10 and 901.1.3.11.

901.1.4.6. The homeowner shall submit proposed documents leasing the accessory unit, for a period of not less than 10 years, to the Wayland Housing Authority. Such documents shall include certification that the Wayland Housing Authority intends to accept such unit for its rental assistance programs.

901.1.4.7. Any special permit issued under this Section 198-901.1.4 shall lapse if the homeowner breaches his/her lease with the Wayland Housing Authority (upon proper notice by said Authority) or if the accessory unit ceases to be occupied by an eligible family (as certified by said Authority).

According to the table of use regulations, the accessory dwelling units are allowed by special permit in the single residence and roadside business districts.

From Wayland's Comprehensive Housing Plan 2005:

WAYLAND ZONING BYLAWS AND REGULATIONS

Accessory Apartment Bylaws

Wayland's zoning bylaw allows accessory apartments under two sections, one as of right under specific criteria and the other for affordable housing by special permit from the Zoning Board of Appeals, subject to certain restrictions. Accessory apartments (also known as in-law apartments) are small dwelling units typically attached to single-family homes, with a separate entrance, often but not always used by the parents, children, or other relative of the occupants of the house. Inlaw apartments can provide a low-density affordable housing alternative for households that might otherwise not be able to afford to live in Wayland.

As part of an on-going effort to meet a variety of housing needs, the town of Wayland amended the existing bylaw in 1989 by easing two requirements for homeowners willing to contract with the Wayland Housing Authority (WHA) to rent to persons of low-income. The first one allows an accessory apartment in a home on a lot as small as 15,000 square feet and the second eliminates the requirement that the principal residence shall have existed for two years. There are now two avenues for a homeowner interested in renting an accessory apartment:

- Non Wayland Housing Authority (WHA) Program: Create an accessory apartment using the original bylaw and rent it privately. This requires a 20,000 square foot lot and a principal residence in existence for two years.
- Wayland Housing Authority Housing (WHA) Program: Create an accessory apartment using the revised bylaw and rent it through the WHA low and moderate-income tenants. This requires a 15,000 square foot lot with no preexisting residence requirement and requires an agreement with the WHA to rent to a low-income person(s) for a period of at least 10 years.

Wellesley *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Wenham *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Section IV - Residential District
A. Permitted Uses

1. Detached one family dwellings, provided there shall be no more than one such dwelling per lot with the exception of the Elder Housing District (Section XVII). Accessory apartments are also permitted as provided by IV.A.6.d. (As amended 6/16/47, 3/11/74 and 11/13/90)

d. One accessory apartment within or as an attached portion of an existing single family dwelling unit or within an existing accessory building subject to the following:

(1) one of the units shall be occupied by the owner of the premises.

(2) The accessory apartment shall not exceed thirty-five percent (35%) of the floor area of the principal structure, one thousand (1000) square feet and two (2) bedrooms unless:

(a) The applicant demonstrates to the satisfaction of the ZBA that the apartment will be made available to low and moderate income households in accordance with the regulations concerning M.G.L. c. 40B (760 CMR 45.00) as they may be amended from time to time and the applicant requests that the ZBA permit the creation of an accessory apartment that does not exceed fifty percent (50%) of the floor area of the principal structure, fifteen hundred (1500) square feet and three (3) bedrooms.

(b) The applicant shall subject the property to restrictions necessary to ensure that the Affordable Units will remain affordable, the form and substance of the restrictions to be subject to approval by the Zoning Board of Appeals.

(3) The accessory apartment shall be a complete separate housekeeping unit that functions as a unit separate from the principal unit.

- (4) The accessory apartment shall be in an existing structure which shall mean that:
- (a) The dwelling unit existed for at least five (5) years prior to the application for the special permit for the accessory apartment and if it has been expanded during that five year period, the footprint of the expansion comprises less than ten percent (10%) of the footprint of the original building;
 - (b) Where the existing dwelling unit has been expanded by ten percent (10%) or more of the footprint of the original building, the expanded area has existed for five (5) years.
 - (c) where there is an accessory building, the building existed for at least ten (10) years prior to the application for the special permit for the accessory apartment and if it has been expanded, the footprint of the expansion comprises less than 10% of the footprint of the original building.
- (5) The lot shall contain at least twenty thousand (20,000) square feet (exclusive of wetlands and floodplains) unless the accessory apartment is in an accessory building, in which case the lot shall contain as least forty thousand (40,000) square feet (exclusive of wetlands and floodplains).
- (6) Off-street parking for a minimum of three (3) vehicles shall be provided in the driveway or an accessory garage.
- (7) The single-family appearance of the building shall be preserved. To the extent feasible, new entrances shall be located to the side or rear of the building.
- (8) Only one accessory apartment may be created on a lot.
- (9) Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of the accessory apartment in accordance with the requirements of the Board of Health.
- (10) Adequate provision shall be made for ingress and egress to and from the accessory apartment.
- (11) Glare from outdoor lighting shall be minimized.
- (12) Adequate landscaping shall be provided around the lot or the buildings in order to preserve the single family residential character of the neighborhood.
- (13) The procedures and standards for the submission and approval of a special permit application as set forth in Section XIII.C.4. (except C.4.b.2) are complied with except that:
- (a) The applicant shall submit a notarized letter stating that the owner of the premises will occupy one of the dwelling units, except for bona fide temporary absences;
 - (b) The application shall include a floor plan of 1/4 inch to a foot showing proposed changes to the building and a site plan showing the location of the building(s) and the parking spaces;
 - (c) The special permit shall not be made personal to the applicant and shall instead run with the land. Unless the permit expressly provides otherwise, all special permits shall lapse at the expiration of one year from their granting. Unless otherwise expressly provided in the permit. Special Permits will automatically be renewed on an annual basis unless written objection is filed with the Town Clerk prior to any anniversary date. In the event of written objection, a public hearing shall be held prior to deciding whether the Special Permit will be renewed.
- (14) Accessory apartments properly granted prior to November 13, 1990, under predecessor sections of this subsection which have been continuously maintained in compliance with all terms and conditions applicable to their use may continue to be used and maintained in accordance with their original terms and conditions. However, such apartments shall also be eligible upon application and issuance of a Special Permit under this subsection, for reissuance pursuant to this subsection, in which event the prior granted and maintained rights shall terminate. (as amended 11/13/90)

West Boys *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Accessory apartments are allowed by special permit (from board of appeals) in single residence, general residence, and business districts.

"3.4 ACCESSORY APARTMENTS

A. DEFINITION:

An accessory apartment is a separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is substantially contained within the structure of a single family dwelling, but functions as a separate unit.

B. The purpose of the Accessory Apartment by-law are to:

1. Provide an opportunity for the older home owners who can no longer physically or financially maintain their single family home to remain in homes they might otherwise be forced to leave;
2. Make housing units available to moderate income households who might otherwise have difficulty finding homes in town;
3. Provide a variety of types of housing to meet the needs of its residents;
4. Protect stability, property values, and the single family residential character of a neighborhood; and
5. Legalize conversions to encourage the Town to monitor conversions for code compliance.

C. Special Permit Procedures and Conditions

The Board of Appeals may authorize an accessory apartment by Special Permit in any SR (Single Residence), GR (General Residence), or B (Business) District, provided the following standards and criteria are met:

1. The owner of the premises shall occupy one of the dwelling units, except for bona fide temporary absence.
2. Only one apartment will be created within a single family dwelling.
3. The accessory apartment shall be designed so that the appearance of the building remains that of a one family residence as much as possible.
4. Any new entrances shall be located at the side or the rear of the building.
5. The accessory apartment shall be clearly a subordinate part of the single family dwelling and any additions shall not increase the square footage of the original structure by more than 10 percent.
6. An accessory apartment shall be no greater than 700 sq. ft. nor shall it contain more than one bedroom.
7. At least three off-street parking spaces are available for use by owner(s) and tenant(s).
8. The Board of Health shall certify that the septic system is adequate for the disposal of sewage to be generated by both units, or that plans have been approved which will bring the system into compliance with the Board's regulations. No occupancy permit shall be issued until the Board of Health issues a Certificate of Compliance in accordance with Title 5 of the State Environmental Code.

D. Special Permit Application Procedure

The application for a Special Permit to the Board of Appeals for an accessory apartment allowed under this section shall also include the following:

1. A notarized letter from the owner(s) stating that he/they will

occupy one of the dwelling units on the premises.

2. In order to provide for the development of housing for disabled and handicapped individuals, the Board of Appeals will allow reasonable waivers from this by-law where necessary to install features that facilitate access and mobility for disabled persons.

E. Transfer of Ownership of a Dwelling With An Accessory Apartment

1. The temporary special permit for an accessory apartment in a single family dwelling shall terminate upon the sale of the property or transfer of title of the dwelling. The permit holder shall notify the Building Inspector within thirty (30) days of the of the sale or transfer.

2. Upon receiving a special permit the owner(s) must file on the subject property a Declaration of Covenants at the Worcester County Registry of Deeds. The Declaration shall state that the right to rent a temporary accessory apartment ceases upon transfer of title. A time stamped copy of the recorded Declaration shall be provided to the Board of Appeals.

3. Upon transfer of title new owners wishing to maintain an accessory apartment must re-apply for a new special permit in accordance with the procedures specified herein.

4. Upon receiving a special permit the new owner(s) must file on subject property a Declaration of Covenants at the Worcester County Registry of Deeds. The Declaration shall state that the right to rent a temporary accessory apartment ceases upon transfer of title. A time stamped copy of the recorded Declaration shall be provided to the Board of Appeals.

F. Accessory Apartments in Existence Before the

Adoption of Accessory Apartment Bylaw

It is the intent of this by-law to ensure that accessory apartments or conversions in existence before the adoption of this by-law are in compliance with the State Building Code Regulations.

Application Procedure:

1. The Board of Appeals may authorize, under a special permit and in conjunction with the Building Inspector, an accessory apartment. The Board will review each existing use on a case-by-case basis to determine if the dwelling conforms to State Building Code Regulations.

2. The applicant must follow the same procedure described in Sections D and E of this by-law, including the submission of a notarized letter declaring the owner occupancy and a Declaration of Covenants.

3. Fines shall be levied in accordance with Sections 6.3 of the Zoning By-law, if the owner of an existing accessory apartment fails to apply to the Board of Appeals for a special permit for an accessory apartment before July, 1991.

G. Fees

Special Permit filing fees set by the Board of Appeals shall be included with the application for an accessory apartment. These fees shall be used to cover the cost of processing the

application."
From the Town of West Boylston's Zoning Bylaw, Section 3.4
(Last Amended 2003).

West Bridg *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No ACCESSORY DWELLING UNIT : A habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, sometimes referred to as in-law apartment.

**Webmasters Note: The previous definition has been added as per an update approved at a town meeting held on 5/6/02.

Accessory dwelling units are not listed in the section on uses. However, "Conversion of existing owner occupied dwelling to two family dwelling" is allowed by special permit from the Board of Appeals in the GRF (General Residential and Farming) district.

West Newb *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes West Newbury Zoning Bylaw (Revised 2003)

5.1.3. Uses permitted in the Residence A, B and C Districts on a special permit granted by the Planning Board subject to appropriate conditions where such are deemed necessary to protect the neighborhood or the Town in accord with the provisions of Section 8.2

5.1.3.6. Remodeling an existing dwelling or an accessory building thereto to accommodate one (1) additional unit, provided that:

**Webmasters Note: The previous subsection has been amended and subsections 5.1.3.6.1 and 5.1.3.6.2 deleted as per an ordinance approved at a town meeting held on 4/30/01.

5.1.3.6.3. No more than twenty-five (25) percent of the lot area is covered by structures.

5.1.3.6.4. There is at least one (1) off-street parking space for each bedroom and efficiency apartment contained in the structure, which space shall be provided behind the set back line.

5.1.3.6.5. There is provision for screening by fencing or landscaping of outside storage areas.

5.1.3.6.6. The building is served by municipal water or a supply approved in writing by the Board of Health.

5.1.3.6.7. The principal structure to be converted shall contain at least eleven hundred (1100) square feet.

5.1.3.6.8. No unit shall have a floor area of less than three hundred and fifty (350) square feet plus one hundred (100) square feet for each bedroom over one (1).

5.1.3.6.9. The floor area of the newly created unit(s) shall be less than fifty (50) percent of the total floor area of the principal dwelling unit, after conversion.

**Webmasters Note: Subsection 5.1.3.6.10 has been deleted as per an ordinance approved at a town meeting held in 4/30/01.

5.1.3.6.11. The principal unit shall be occupied by the owner of the property.

5.1.3.6.12. If the secondary unit is in an accessory building, approval of the Planning Board shall be obtained and all lot size and frontage requirements of the Zoning By-law and the Rules and Regulations of the West Newbury Planning Board Governing the Subdivision of Land shall be fulfilled as if the separate building lot were to be subdivided from the primary building lot.

**Webmasters Note: The previous subsection has been amended as per an ordinance approved at a town meeting held on 4/30/01.

5.1.3.6.13. If the second unit is discontinued and integrated into the original structure design, the owner shall notify the Inspector of Buildings in writing.

Westborou

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

There are no reference in the Westborough zoning bylaw to in law or accessory apartments.

The survey received from Westborough on 5/5/05, marked "yes" to the question, and added that the planning board and/or board of appeals would be the special permit granting authority.

Researcher spoke with Joseph Inman, Zoning Enforcement Officer, on 6/7/05 to clarify. He said that the accessory apartment would need to conform to the provisions for a single or two family apartment. If the accessory apartment will be rented out, then the house would need to meet the requirements for a two family house. If the accessory apartment will not be rented out, but a family member lived there and shared all of the living space of the house, then it can be part of a single family house. He commented that the Zoning Board looks favorably on variances.

Westford

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

3.3 ACCESSORY DWELLING UNITS

3.3.1 Purpose. This section has been adopted to promote the following purposes

1 To provide small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town,

2 To enable owners of single family dwellings larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership,

3 To provide additional living space for extended family members

3.3.2 Special Permit Required. Accessory dwelling units may be allowed by special permit by the Board of Appeals, which shall terminate either upon transfer of the ownership of the premises or when the owner no longer occupies the premises as his legal residence, and subject to the following considerations

3.3.3 Procedures. An application for a special permit shall be governed by the following procedures

1 Plot Plan A plot plan, prepared by a Registered Land Surveyor, of the existing dwelling unit and proposed accessory dwelling unit shall be submitted to the Board of Appeals, showing the location of the building on the lot, proposed accessory dwelling unit, location of any septic system and required parking A mortgage inspection survey, properly adapted, shall be sufficient to meet this requirement

2 Board of Health Any special permit application shall be subject to review and approval by the Board of Health as to sanitary wastewater disposal in full conformance with the provisions of 310 CMR 15 00 (Title V of the State Environmental Code) Therefore, applicants are encouraged to seek Board of Health review prior to making an application to the Board of Appeals The Board of Health shall also approve water supply and drainage resulting from the proposed accessory dwelling unit as adequate for the proposed construction

3 Affidavit Certification by affidavit shall be provided that one of the two dwelling units shall be occupied by the owner of the property at least six months in any calendar year

3.3.4 Standards. Accessory dwelling units shall be subject to the following standards

1 Limit Not more than one accessory dwelling unit may be established on a lot The accessory dwelling unit shall not exceed 33% of the gross living space of the existing or expanded principal structure or 800 square feet, whichever is greater

2 Location The accessory dwelling unit may be located in the principal structure or in a detached accessory structure, provided, however, that an accessory dwelling unit may be located in such detached accessory structure only where such detached accessory structure has been in existence for at least ten (10) years

3 Appearance The external appearance of the structure in which the accessory dwelling unit is to be located shall not be significantly altered from the appearance of a single family structure, in accordance with the following

a Any accessory dwelling unit construction shall not create more than A 15% increase in the gross floor space of the structure,

b Any stairways or access and egress alterations serving the accessory dwelling unit shall be enclosed, screened, or located so that visibility from public ways is minimized,

c Sufficient and appropriate space for at least one (1) additional parking space shall be provided by the owner to serve the accessory dwelling unit Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway, and

d All construction and/or renovation shall be performed in accordance with the applicable requirements of the State Building Code

3.3.5 Conditions for Issuance and Renewal of Special Permits. The initial term and subsequent terms of a special permit for an accessory dwelling unit shall terminate upon transfer of the ownership of the premises or when the owner no longer occupies the premises as his or her legal residence Subsequent special permit issuances for existing accessory dwelling units may be granted after certification by affidavit is made by the applicant to the Board of Appeals that the accessory dwelling unit has not been extended, enlarged, or altered to increase its original dimensions, as defined in the initial special permit application

3.3.6 Decision. Special permits for an accessory dwelling unit may be issued by the Board of Appeals upon a finding that the construction and occupancy of the dwelling unit complies with foregoing provisions and will not be detrimental to the neighborhood in which the lot is located and after consideration of the criteria specified in Section 9 3 of this Zoning Bylaw

According to the Table of Accessory Use Regulations, accessory dwelling units are allowed by special permit from the Board of Appeals in RA, RB, B, IA, IB, IC.

Weston

Are accessory or in-law apartments allowed (by right or special permit) in any district?

Yes

From definitions in ordinance.com:

ACCESSORY APARTMENT : An apartment located in a single family dwelling or a detached structure in compliance with a Special Permit.

From ordinance.com:

Section VI, Dimensional and other requirements

G. ACCESSORY APARTMENT REQUIREMENTS & PROCEDURES

Upon application to the Special Permit Granting Authority, the owner or owners of a residential dwelling or a detached structure located in any residence district may obtain a Special Permit, in accordance with the procedure and requirements of Section X (Special Permit), to alter such residential dwelling to include an accessory apartment.

The Special Permit Granting Authority shall issue such Special Permit upon proof by the applicant, satisfactory to the Special Permit Granting Authority, as follows:

1. The residential dwelling to be altered or converted to include an accessory apartment is a single family dwelling and is located on a lot fully conforming with respect to total area to the zoning requirements of the residence district in which the dwelling and lot is located at the time the application is made to alter the residential dwelling to include an accessory apartment.
2. That the dwelling including any addition or enlargement was completed at least 10 years prior to the date of the application.
3. The residential dwelling to be so altered contains at least 3,000 square feet of living area not including an unfinished attic or basement.
4. The proposed accessory apartment will contain not less than 600 square feet over all, but the overall space for the proposed accessory apartment shall not be in excess of 25% of the total square feet of the residential dwelling (excluding unfinished attic or basement).
5. The proposed accessory apartment will contain separate cooking facilities, at least one bathroom and not more than two bedrooms.
6. No change in the exterior of the building which would increase the building coverage shall be permitted, other than fire exit, fire escape, or other safety feature required by the Building code. In any event, no substantial change in the exterior shall be permitted unless it is consistent with the exterior appearance of the building immediately prior to its alteration for accessory apartment use.

7. The Board of Health has issued a favorable recommendation as to the suitability of the subsurface disposal system for the proposed accessory apartment. Such recommendation may include conditions which, in the opinion of the Board of Health, are necessary to ensure standards in keeping with public health interests.

8. Sufficient and appropriate space exists on the lot for and/or the owner or owners will construct at least one additional off-street parking space to serve the apartment, which parking whether already present or to be constructed shall be graveled or paved and shall have access to the driveway serving the dwelling,

9. The owner or owners of the dwelling to be altered will live either in the building or in the accessory apartment.

The subsequent owner of a dwelling with an accessory apartment authorized by Special Permit must apply for renewal of the Special Permit within six months of acquiring title. Otherwise the Special Permit shall lapse.

10. An accessory apartment may be located in the detached structure such as a garage, barn or gate house built at least 10 years prior to the date of the application for the Special Permit provided all other conditions above set forth can be met in reference to the residential dwelling on the lot.

11. The Special Permit Granting Authority shall have the right to require security from the applicant in the form of bond or cash deposit with the Town Treasurer for the performance of the representation and agreements made in connection with the granting of any special permit hereunder.

Westwood *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes From ordinance.com:

17.6 Accessory Apartments.

In all Residential Districts, an accessory apartment is allowed as follows:

17.6.1 Special Permit Required. An accessory apartment consisting of a second dwelling unit located within a detached one-family dwelling, or a building accessory thereto, in a manner that maintains the appearance of the single family structure, in conjunction with any such accessory building, as a one-family dwelling place, may be authorized by special permit, provided that the requirements hereinafter set forth are satisfied.

17.6.2 Conditions. The Special Permit Granting Authority may grant a special permit authorizing the construction and occupancy in a residential district of an accessory apartment, provided that:

17.6.2.1 The principal dwelling or accessory building to be altered or constructed to include an accessory apartment is a single family dwelling or building accessory thereto that conforms to all applicable provisions of this Zoning Bylaw and which is located on a lot fully conforming to all applicable provisions of this Zoning Bylaw.

17.6.2.2 The owner of the principal dwelling is comprised of one or more individuals who constitute a family, who hold(s) title directly or indirectly to such dwelling, and for whom such dwelling is the primary residence for voting and tax purposes.

17.6.2.3 The proposed accessory apartment will contain not less than five hundred (500) square feet of habitable floor area, and the floor area of the accessory apartment shall not exceed either thirty-three percent (33%) of the floor area of the combined dwelling or dwellings if the footprint of the house is not changed or twenty-four percent (24%) in other cases. In no case should the accessory apartment exceed nine hundred (900) square feet.

17.6.2.4 Adequate provision has been made for the disposal of sewage, waste and drainage to be generated by the occupancy of the accessory apartment, in accordance with the requirements of the Board of Health.

17.6.2.5 Adequate provisions has been made for ingress and egress to the outside from the accessory apartment.

17.6.2.6 All stairways to second or third stories shall be enclosed within the exterior walls of the building in which the accessory apartment is to be located.

17.6.2.7 Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicle shall be regularly parked on the premises other than in such a parking space.

17.6.2.8 No parking space shall be located within a street right-of-way.

17.6.2.9 Where there are more than two (2) outdoor parking spaces, they shall be screened with evergreen or dense deciduous plantings, walls or fences or a combination thereof or other similar barriers. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single family appearance of the neighborhood.

17.6.2.10 Off-street parking shall be provided for each automobile used by an occupant of the principal dwelling or the accessory apartment.

17.6.2.11 There shall be no more than one (1) accessory apartment per lot.

17.6.3 Procedures. All applications shall be acted upon in the order in which they are filed. The maximum number of special permits to be issued shall be equal to one percent (1%) of the current number of households in Town.

17.6.4 Other Permits. No accessory apartment shall be constructed without the issuance of a building permit by the Building Inspector. No use as an accessory apartment shall be permitted unless a certificate of occupancy therefor, issued by the Building Inspector, shall be in effect. A certificate of occupancy shall not be issued unless the Building Inspector determines that the accessory apartment is in conformity with the special permit issued therefor by the Special Permit Granting Authority and the provisions of this Zoning Bylaw.

17.6.5 Time Limit. The Building Inspector shall insure that all the conditions of the special permit are complied with at the time of issuance of the certificate.

17.6.6 Owner Occupancy. A certificate of occupancy shall be issued only to the owner of the principal dwelling or to an individual who has contracted to purchase the principal dwelling on a date falling within ninety (90) days following the date of application for a special permit hereunder (hereinafter referred to as a "Prospective Purchaser Applicant"), and shall not be transferable. Upon a special permit becoming null and void, the certificate of occupancy relating to the principal dwelling with respect to which such special permit shall have been issued shall automatically become null and void.

17.6.7 Limit. Any special permit issued under this Section, whether to a Prospective Purchaser Applicant or otherwise, shall automatically become null and void upon the expiration of ninety (90) days following such time as the principal dwelling ceases to be occupied as the primary residence of the owner therefor for voting and tax purposes, or, in the case of a special permit issued to a Prospective Purchaser Applicant who shall not, within ninety (90) days following the date of such Applicant's application for a special permit hereunder, become an owner (or one of two or more persons comprising an owner) of the principal dwelling, meeting the requirements herein, upon the expiration of ninety (90) days following the date of such application.

17.6.8 Renting of Rooms. Notwithstanding the provisions as set forth herein, the renting of rooms and/or the furnishing of table board shall not be a permitted accessory use on any lot on which is situated a building with respect to which a special permit under this Section shall be in effect.

17.6.9 Enforcement. If the conditions of the special permit are not complied with the enforcement officer shall take steps to enforce this Zoning Bylaw.

**Webmasters Note: The previous section, Section 17.0, has been amended as per an update approved at a town meeting held on 5/5/03.

Weymouth *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Whitman *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes

Town of Whitman Zoning Bylaw

6-6 Guidelines for Accessory Apartment within a Single Family Dwelling

Definition

An ACCESSORY APARTMENT is a separate housekeeping unit, complete with its own means of egress, sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single family dwelling, but functions as a separate unit

The construction of accessory apartments, as defined by the Zoning By-laws, can be commenced only with the issuance of a Special Permit by the Board of Appeals

A. The owner must occupy either the principal residence or the accessory apartment

B. There shall be not more than one accessory apartment within a single family dwelling

C. The accessory apartment shall be designed so that the appearance of the structure remains that of a one family dwelling, subject further to the

following conditions

1. All additional stairways to second or third stories shall be enclosed within the exterior walls of the dwelling
 2. Any enlargements or extensions of the dwelling in connection with any accessory apartment must comply with building, safety, and health codes and Town By-Laws
 3. Any new entrance shall be located on the side or in the rear of the dwelling
 4. Where there are two or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and other entrances appear to be secondary
 5. The principal residence and the accessory apartment shall be serviced and monitored by common gas, electric and water meters
 6. There shall be provided at least two (2) off-street parking spaces for the main dwelling and at least one (1) off-street parking space for the accessory apartment. The additional parking shall be accessed by the driveway serving the main dwelling. Parking shall be designed in accordance with Section VIII of this Protective Zoning By-Law
- D. Regulations of the Board of Health and other Boards as required must be met and the Massachusetts State Building Code regulations must be met
- E. Eliminated
- F. A Special Permit for a single family dwelling with an accessory apartment shall terminate upon any of the following events
1. Sale of the premises excluding if the family member resides at the premises
 2. Residence by any other than a family member in either the main dwelling or accessory apartment
 3. Violation of any of any Special Permit restrictions imposed by the Board of Appeals
- G. Zoning Districts in which the Special Permit may be granted are A-1, A-2 General Residence. A special permit may also be granted as to any single family residence in existence prior to August 1, 2001
- H. No accessory apartment shall be permitted prior to the issuance of a Special Permit by the Board of Appeals and a Building Permit by the Building Inspector
- I. Occupancy Permit shall only be issued upon confirmation that both the main dwelling and the accessory apartment are in compliance with the approval plans all applicable provisions of the Zoning By-Laws the terms and conditions of the Special Permit, and all applicable state and local building, health, fire, and safety codes and regulations
- J. Eliminated
- K. When a structure which has received a Special Permit for an Accessory Apartment is sold, the new owners, if they wish to continue to exercise the Special Permit, must, within ninety (90) days of the sale, apply to the Board of Appeals for a new Special Permit issued in their name stating that they will occupy one of the dwelling units in the structure as their permanent/primary residence, and shall conform to all of the criteria and conditions for Accessory Apartments and the approved Special Permit
- L. The Board of Appeals may waive requirement for a Floor Plan, Elevation and Plot Plan.

**Webmasters Note: Section 6-6 has been added as per Case No. 1651 dated 5/7/01.

Wilmington *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

Yes Wilmington Zoning Bylaw (2002)

3.3 Classification of Residential Uses

3.3.1 Single Family Dwelling - A detached dwelling unit designed and used exclusively as a single housekeeping unit with common cooking and living facilities. No more than one building for dwelling purposes shall be located upon a lot except as provided pursuant to Subsection 3.3.3 and 3.3.4 and 3.3.5.

3.3.2 Accessory Apartments - A single family dwelling existing for five years from the date of initial occupancy may be altered and used for not more than two dwelling units, the Principal Unit plus one Accessory Apartment, in accordance with the requirements of Section 4.2. (Amended ATM 4/22/00, approved 7/26/00)

4.2 Accessory Apartments

An accessory apartment is authorized as an accessory use in a single family dwelling existing for five years from the date of initial occupancy subject to the following conditions: (Amended ATM 4/22/00, approved 7/26/00)

4.2.1 Either the Principal Unit or the Apartment shall be occupied by the owner of the property. For the purpose of this section, the "owner" shall be one or more individuals who constitute a family who hold legal or beneficial title to the dwelling and for whom the dwelling is the primary residence for voting and tax purposes.

4.2.2 The floor area of the accessory apartment and shall not exceed 1,250 square feet. (Amended ATM 4/22/00, approved 7/26/00)

4.2.3 There shall not be more than two (2) bedrooms in an accessory apartment.

4.2.4 Where the structure is not connected to the public water and sanitary sewer systems, the applicants shall obtain the appropriate permits from the Board of Health.

4.2.5 The accessory apartment shall be designed so that the appearance of the structure remains that of a single family dwelling, subject further to the following conditions and requirements: a) All stairways to an apartment located above the ground floor shall be enclosed within the exterior walls of the dwelling, or not visible from the street. b) There shall not be more than one driveway or curb cut providing access to the dwelling units except for half circular or horseshoe driveways located in the front of the building.

4.2.6 A minimum of one (1) additional parking space shall be provided for the apartment.

4.2.7 A Special Permit from the Board of Appeals shall be required, subject to Section 8.3.2 and Section 8.5 of the Wilmington Zoning By-laws. (Amended ATM 4/22/00, approved 7/26/00) a) If enlargements or additions to the single family dwelling are proposed.

4.2.8 No Apartment permitted under this section shall be constructed and occupied without building and occupancy permits issued by the Inspector of Buildings. (Amended ATM 4/22/00, approved 7/26/00)

4.2.9 A certificate of occupancy shall be issued to the owner only, and is not transferable. A new owner shall apply to the Inspector of Buildings for a new certificate of occupancy. (Amended ATM 4/22/00, approved 7/26/00)

4.2.10 Accessory Apartments including the Principal Dwelling shall be constructed so as to comply with the State Building Code as administered by the Inspector of Buildings of the Town of Wilmington. (Amended ATM 4/22/00, approved 7/26/00)

Winchester *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Winthrop *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Woburn *Are accessory or in-law apartments allowed (by right or special permit) in any district?*

No

Worcester

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Wrentham

Are accessory or in-law apartments allowed (by right or special permit) in any district?

No

Recommendation in Wrentham 2004 Master Plan:

Accessory Apartments

Accessory apartments are an excellent way to create scattered site affordable housing without significant impacts on neighborhood character. It will not be possible to meet all affordable housing needs this way, but they are an important option.

- Permit affordable accessory apartments by right with deed restrictions

Wrentham currently allows accessory units by special permit through the provision for converting a single family home to a duplex. Permitting affordable accessory units by right, subject to an abbreviated site plan review process, would expand the variety of affordable housing options. The bylaw should allow the accessory unit, by right, so long as the accessory apartment does not increase the living area by more than 10% and the exterior of the house is not significantly altered. A deed restriction, screening of tenants for income eligibility, and monitoring of rents would be necessary for the units to count towards the Chapter 40B inventory. This does not have to be an excessively bureaucratic system. Other towns have pioneered this alternative and can provide templates for Wrentham. The Housing Authority can serve as the screening and monitoring agency in an unobtrusive way.

- Offer amnesty for illegal accessory apartments in return for affordability agreements (deed restrictions).

Another possible source of affordable accessory apartments is to grant amnesty for property owners who make the apartments permanently affordable. The need to bring apartments up to code and the fear of additional taxation can be an obstacle to this strategy. However, the town could provide some rehabilitation assistance for affordable accessory units, and a deed restriction on rent levels would keep taxes down.
