

Attachment 1

Article ___ Accessory Dwelling Units

To see if the Town will vote to amend the Zoning Bylaw of the Town of Groton as follows:

1. **Amend Section 218-3 Definitions** by deleting the definition for Accessory Apartment in its entirety and replace it with the following definition

“Accessory Dwelling Unit

A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short- term rental, as defined in section 1 of chapter 64G; provided, however, this bylaw shall not unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.”

2. **Amend Section 218-5.2 Schedule of Use Regulations** by deleting the entry under Accessory Uses “Accessory A apartment as regulated under Section 218-9.4” in its entirety and replace it with the following entry

	R-A	R-B	NB	VCB	GB	I	P	O
“Accessory Dwelling Unit	Y	Y	N	N	N	N	N	N”

3. **Amend Section 9.4 Accessory Apartment** by deleting it in its entirety and replace it with the following

“§ 218-9.4. Accessory Dwelling Unit. [

§ 218-9.4.1. Purpose.

- a. To provide homeowners of a single-family dwelling in the R-A and R-B Districts with a means of sharing space and the burdens of home ownership, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.
- b. Develop
- c. housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle.
- d. Provide small additional housing units for rent without substantially altering the appearance of the Town
- e. Provide housing units for persons with disabilities.
- f. Protect stability, property values, and the residential character of a neighborhood

§ 218-9.4.2. Attached accessory dwelling unit.

Use or rental of an accessory dwelling unit, an independent dwelling unit not to exceed 900 square feet of habitable floor area or 50% of the gross habitable floor area contained within principal dwelling unit, whichever is less. The unit shall have a separate entrance, a kitchen/living room, a bathroom and bedrooms. The gross floor area shall include the interior finished habitable area to be used exclusively for the accessory dwelling unit.

No more than one accessory dwelling unit shall be allowed by right on a lot in the RA and RB Districts providing the following criteria are met:

- a. The accessory dwelling unit shall conform to the provisions of Title V of the State Sanitary Code, 310 CMR 15.00, and applicable regulations of the Groton Board of Health or be served by public sewer.
- b. Approval from the Fire Department.
- c. Building, plumbing, electrical and any other required permits are obtained.
- d. The attached accessory dwelling unit is contained within a single-family dwelling.
- e. All staircases required to access an attached accessory dwelling unit must not change the general appearance of a single-family house.
- f. Space for the attached accessory dwelling unit may be provided by either raising the roof, or extending the dwelling, but only in accordance with current height and setback requirements.
- g. To maintain the single-family character of the neighborhood, the entrance to the attached accessory dwelling unit should be on the side or rear, if possible, but may be through the front door, if there is a vestibule.
- h. The accessory dwelling unit and the principal dwelling to which it is accessory shall remain under the same ownership.
- i. Sufficient and appropriate area for at least one 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, to prevent on-street parking, and shall have vehicular access to the driveway.
- j. The footprint of the structure in which the attached accessory dwelling unit is to be located shall not be increased by more than 900 square feet or 50% of the habitable gross floor area of the existing principal dwelling, whichever is less, and shall retain the appearance of a single-family structure. Any such increase in the footprint shall not exacerbate an existing nonconformity nor create a new nonconformity.
- k. The provisions of MGL c. 40A, § 3 shall apply to any accessory dwelling units intended for occupancy by a person with a disability relative to access ramps used solely for the purpose of facilitation ingress and egress to person with physical limitations as defined in MGL c. 22, § 13A.

§ 218-9.4.3. Detached accessory dwelling unit.

The Planning Board may authorize the installation and use and rental of a detached accessory dwelling unit not to exceed 900 square feet of habitable floor area or 50% of the gross habitable floor area contained within the principal dwelling unit, whichever is less, in a detached structure on a lot in the R-A or R-B Districts subject to Site Plan Review pursuant to § 218-2.5 provided

the following criteria are met:

- a. Sections a-c, e, h, i, and k of § 218-9.4.2 are met.
 - b. A plot plan of the existing dwelling unit and proposed accessory dwelling unit shall be submitted , showing the location of the building on the lot, the proposed accessory dwelling unit, location of any septic system and required parking
 - c. The detached accessory dwelling unit shall be a complete, separate housekeeping unit containing a kitchen/living room, a bathroom and bedrooms. No more than one accessory dwelling unit shall be allowed by right on a lot in the RA and RB District.
 - d. Any new construction shall be in accordance with current height and setback requirements for the district in which it is located.
 - e. No building permit shall be granted without a condition that the accessory dwelling unit shall conform to the provisions of Title V of the State Sanitary Code, 310 CMR 15.00, and applicable regulations of the Groton Board of Health if it not served by public sewer.
 - f. Any property that has been granted a building permit for a detached accessory dwelling unit shall not be further divided unless all zoning requirements can be met for the district in which it is located.
 - g. Prior to approval under Site Plan Review a for a detached accessory dwelling unit the Planning Board shall make the following findings:
 - (1) The detached accessory dwelling unit will not impair the integrity or character of the neighborhood in which it is located.
 - (2) The detached accessory dwelling unit will provide housing opportunities in conformance with the purpose of this section.”
- 4. Amend Section 218-2.5 Site Plan Review** by adding the following at the end of Section B.(2) Applicability

“(d) Detached Accessory Dwelling Unit (refer to Section 218-9.5)”

or take any other action relative thereto.

Article Summary: This article amends the Zoning Bylaw to conform with newly adopted changes to the Massachusetts Zoning Act relative to Accessory Dwelling Units while retaining much of the local regulatory framework. The major regulatory requirements include:

- The term Accessory Dwelling Units replaces the nomenclature for Accessory Apartments and the definition tracks definition from the State legislation
- An occupancy requirement of either the Accessory or Principal unit by the property owner is no longer permitted under the State legislation.
- Accessory unit size is limited to 900 square feet or 50% of the gross habitable floor area of the principal unit, whichever is smaller. Current zoning limits size to 800 square feet.

- No more than one accessory unit is to be allowed as of right on a lot , however the proposed zoning amendment does require detached accessory units to be subject to site plan review by the Planning Board. The current zoning allowed attached units as of right and detached by special permit. Special permits are no longer permitted unless more than one accessory dwelling is contemplated. This bylaw does not contain provisions for more than one accessory dwelling unit per lot in a single family district.
- The bylaw leaves many of the dimensional, bulk, parking, and site requirements consistent with the State legislation.
- The proposed zoning requires the principal and accessory dwelling unit be under the same ownership.