

CHAPTER EIGHTEEN
ACCESSORY DWELLING UNITS
{Adopted 4-27-09; Article 15}
Revised 09-23-2020
Revised 2-2-2021 per Town Counsel
Comments

18.01 ACCESSORY DWELLING UNITS

Accessory Dwelling Units shall be permitted only upon issuance of a Special Permit from the Zoning Board of Appeals and in accordance with the additional requirements specified herein.

18.02 GENERAL DESCRIPTION:

An accessory dwelling unit is a second dwelling unit located on the same lot as the principal dwelling unit, either within the principal dwelling or in an accessory structure. The accessory dwelling unit shall be subordinate in size to the principal dwelling and shall be a separate housekeeping unit, complete with unit on a lot located within the principal dwelling or in an accessory structure. The accessory dwelling unit shall be a shall mean a separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is contained within the structure of a single-family dwelling or attached accessory structure as specified in this section, but functions as a separate unit. This bylaw is not intended for revolving short term rentals.

18.03 PURPOSE:

The purpose of the Accessory Dwelling Unit Bylaw is to:

- (a) Provide homeowners with a means of obtaining, through tenants 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) Provide a mix of housing that responds to changing family needs and smaller households;
- (c) Provide a broader range of accessible and more affordable housing;
- (d) Protect stability, 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; and

(e) Legalize conversions to encourage compliance with the State Building Code.

18.04 ACCESSORY DWELLING UNIT STANDARDS:

The SPGA may authorize a Special Permit for a use known as an Accessory Dwelling Unit within the principal single family dwelling, or in an accessory structure located on the same lot as the principal dwelling unit in Owner-Occupied, Single-Family Dwellings, provided that the following standards and criteria are met:

~~(a)~~ The accessory unit shall clearly be a subordinate in size part of to the single family dwelling. ~~It shall be no greater than 600 square feet or twenty percent of the total square footage of the existing home, whichever is less.~~

~~(a)~~

(b) The accessory unit will be a complete, separate housekeeping unit that functions as a separate unit from the original unit.

(c) Only one accessory unit shall be created. This accessory unit shall be either within the single-family dwelling or ~~the attached an~~ accessory structure.

~~(d)~~ ~~The lot on which the single family house is located must meet the minimum lot size requirement and must comply with other applicable zoning requirements for its district.~~

~~(d)~~

(e) The owner(s) of the property on which the accessory dwelling unit is located either within the principal single family dwelling, or in an accessory structure on the same lot, residence in which the accessory unit is located shall occupy at least one of the dwelling units on the premises except for bonafide temporary absences.

~~(f)~~ ~~When the~~ the accessory dwelling unit is located within the principal single family dwelling, the unit shall be designed so that the appearance of the building remains that of a single family residence as much as feasibly possible. Where feasible, any new entrances shall be located on the side or rear of the building. Any exterior changes made must conform to the single family character of the neighborhood.

~~(f)~~(g) When the accessory dwelling unit is created in an accessory structure located on the same lot as the principal dwelling unit, the exterior appearance shall be visibly compatible with the primary dwelling and the character of the neighborhood.

~~(g)~~(h) An addition to the original building is permitted provided ~~that the addition does not increase the floor area or volume of the original building by more than twenty (20) percent or 600 square feet whichever is less, and~~ the addition will not alter the character of the building.

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~~(h)(i)~~ At least 1-5 off-street parking spaces per dwelling unit are available for use by the owner-occupant(s) and tenant(s). Parking spaces shall be located to the side or the rear of the structure, to the extent feasible. ~~The maximum number of on-site parking spaces shall be five.~~

~~(j)(i)~~ A Sanitarian or Professional Engineer, registered in the Commonwealth of Massachusetts, has certified that the existing or proposed improvements to new or existing sewage disposal systems are adequate and in accordance with 310 CMR 15.000, The State Environmental Code, Title 5.

~~(k)~~ The construction of any accessory apartment must be in conformity with the State Building Code.

18.05 APPLICATION PROCEDURE:

(a) The procedure for the submission and approval of a Special Permit for an Accessory Dwelling Unit in Owner-Occupied, Single Family Dwellings shall be the same as prescribed in Section 24.09 of the Sturbridge Zoning Bylaw, and the Rules and Regulations for Special Permit that have been adopted and amended from time to time by the SPGA, except that the application shall include a notarized letter of application from the owner(s) attesting that he/she will occupy one of the dwelling units on the premises.

~~(b) Upon receiving a Special Permit, the owner(s) must file for the subject property a Declaration of Covenants at the Worcester District Registry of Deeds. The Declaration shall state that the right to rent a temporary accessory unit ceases upon transfer of title. A time stamped copy of the recorded Declaration shall be provided to the SPGA.~~

(c) In order to provide for the development of housing units for disabled and handicapped individuals, the SPGA will allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

~~18.06 TRANSFER OF OWNERSHIP OF A DWELLING WITH AN ACCESSORY DWELLING UNIT~~

~~(a) The temporary Special Permit for an accessory unit in an owner-occupied, single family dwelling shall terminate upon the sale of property or transfer of title of the dwelling, unless the SPGA has approved a transfer of the Special Permit to the new owner.~~

~~(b) The new owner(s) must apply for transfer of a Special Permit for an accessory unit in an owner-occupied, single family dwelling and shall submit a notarized letter of application attesting that he/she/they will occupy one of the dwelling units on the premises and a written request to the SPGA stating that conditions at the time of the original application remain unchanged. Minor changes may be approved without a hearing.~~

~~(c) Upon receiving the transferred Special Permit, the new owner(s) must file for the subject property a Declaration of Covenants at the Worcester District Registry of Deeds. The Declaration shall~~

~~state that the right to rent a temporary accessory unit ceases upon transfer of title. A time-stamped copy of the recorded Declaration shall be provided to the SPGA.~~

~~18.076~~ ACCESSORY UNITS IN EXISTENCE BEFORE THE ADOPTION OF THE ACCESSORY DWELLING UNIT BYLAW

(a) Statement of Intent

To ensure that accessory units or conversions in existence before the adoption of this Accessory Unit Bylaw are in compliance with the State Building Code.

(b) Application Procedure

The SPGA may authorize, under a Special Permit and in conjunction with the Building Inspector, an Accessory Unit in an Owner-Occupied, Single Family Dwelling or accessory structure. The Board will review, with the Building Inspector, each existing use on a case-by-case basis to determine if the dwelling conforms to the State Building Code.

The applicant must follow the same procedures described in this Accessory Unit Bylaw, ~~including the submission of a notarized letter attesting to owner occupancy and a Declaration of Covenants.~~

~~18.08 REQUIRED RENEWAL:~~

~~A Special Permit for an accessory dwelling unit shall be two (2) years. At the end of each two (2) year period, renewal shall be granted upon receipt of a new application, accompanied by the appropriate filing fee as listed on the Town of Sturbridge Fee Schedule, and certification by the owner to the Zoning Board of Appeals 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 ZBA 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 requirements of this bylaw~~

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