

ARTICLE 2:

(Zoning Bylaw Amendment: Accessory Apartments)

To see if the Town will vote to amend Section 8.1. Accessory Apartments and the definition of Accessory Apartment in Section 11.1. Terms defined of the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, by deleting Sections 8.1.1. and Section 8.1.2. in their entirety and replacing them with the following, and by amending the definition of Accessory Apartment in Section 11.1 as follows, or to take any other action related thereto:

8.1.1. Accessory Apartments. Subject to satisfying the following standards and the criteria set forth in Section 10.4.2., the Planning Board, by issuance of a special permit, may authorize the addition of an accessory apartment to a single-family residence (the “principal residence”) that is located in the R-40 Residential District, Agricultural District or the Neighborhood Business District:

1. Only one (1) accessory apartment is permitted on a lot. The accessory apartment and the principal residence shall be owned by the same individual(s) or entity.
2. The owner(s) of the residential structure shall occupy either the accessory apartment or the principal residence.
3. The principal residence and the accessory apartment shall comply with, or be granted appropriate relief from, the dimensional requirements for single-family residential structures set forth in Section 4.1.1., Table 4-1, of these bylaws.
4. The accessory apartment either shall be (i) contained within the residential structure by converting a portion thereof to a separate dwelling unit, (ii) attached to the principal residence as a newly-constructed addition thereto, or (iii) a combination of the foregoing. A common wall or floor/ceiling shall separate the accessory apartment from the principal residence. Direct access between the two (2) units shall be provided.
5. The architectural design of the accessory apartment and the type and color of the external materials used in its construction shall be comparable to and consistent with that of the principal residence such that the structure when viewed from its front yard(s) shall retain the appearance of a single-family dwelling.
6. The accessory apartment shall not contain more than one (1) bedroom.
7. Boarders and lodgers shall not be permitted within either the accessory apartment or the principal residence. The rental of either the accessory apartment or the principal residence for a period of less than twelve (12) consecutive months shall be prohibited.
8. The gross floor area of the accessory apartment shall not exceed the greater of 1,100 square feet or (i) twenty-five percent (25%) of the combined gross floor area of the proposed accessory apartment and the principal residence if the existing footprint of the principal residence is increased, or (ii) thirty-three percent (33%) of the combined gross floor area of the proposed accessory apartment and the principal residence if there is no increase to the existing footprint of the principal residence. Gross floor area for purposes hereof shall mean and include the total floor area within the exterior walls of the accessory apartment and the principal residence, as the case may be,

- including habitable floor area, unfinished basements and attics, spaces used for heating, utilities and other mechanical apparatus, entrances and garages.
9. Adequate off-street parking shall be provided on the premises for not more than four (4) motor vehicles either within a garage or carport, or on a paved or all-weather gravel surface. Such parking shall not be obtrusive, and shall comply with all applicable parking requirements as set forth in these bylaws.
 10. Any stairway to the accessory apartment that provides access other than at ground level shall be enclosed within the structure's exterior walls.
 11. Landscaping for the accessory apartment, screening between the accessory apartment and abutting properties, and screening of exterior parking areas may be required as conditions to the special permit.
 12. Utilities serving the accessory apartment shall not be separated from the principal residence.
 13. The special permit for the accessory apartment and the use and occupancy of the accessory apartment shall be subject to the issuance of and compliance with all applicable Commonwealth of Massachusetts and Town of Foxborough laws, regulations, codes and requirements.
 14. The design sewage flow for lots or structures that conform with these bylaws and are located within Zone II or Zone III of the Water Resource Protection Overlay District shall not exceed the applicable design sewage flow requirements that are set forth in Section 9.4.
 15. A special permit may be issued for an accessory apartment with respect to a single-family residence that is a preexisting nonconforming lot or structure located in Zone II or Zone III of the Water Resource Protection Overlay District, provided that such apartment does not result in an increase in the total number of bedrooms on such property that is otherwise permissible. As a condition to any such permit, the property's existing septic system shall pass a Title 5 inspection or be upgraded as approved by the Town of Foxborough Board of Health.

Section 11.1. Terms defined:

ACCESSORY APARTMENT – A separate dwelling unit that is within or attached to a detached single-family residence and that satisfies the standards set forth in Section 8.1.1. of these bylaws, provided that a special permit is not required for an accessory apartment to a single-family residence that is in the R-15 District or the General Business District.

Planning Board