

**Proposed Zoning Bylaw Amendments  
for  
Accessory Apartments  
Summary and Frequently Asked Questions**

**Revised October 12, 2021**

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**Summary**

The Foxborough Zoning Bylaw currently authorizes apartments that are accessory to single-family homes in the R-15 Residential District and the General Business District “by right” pursuant to issuance of a building permit. A Special Permit from the Planning Board is required as a condition to obtaining a building permit to construct an accessory apartment in the R-40 Residential and Agricultural District and the Neighborhood Business District. Special Permits are deemed necessary for uses of property that are considered desirable or appropriate but that are not deemed compatible in a particular zoning district without regulatory review and oversight. Such apartments are restricted in size to 850 square feet. The owner of the property on which the accessory apartment is situated must occupy either the apartment or the principal residence. The other residential unit may only be occupied by a family member of the homeowner.

A proposal to revise the current accessory apartment bylaw provisions has been presented to the Planning Board for its consideration. This proposal would eliminate the requirement that an accessory apartment or the principal dwelling unit has to be occupied by a family member of the homeowner, though it would continue to require that the homeowner reside in one of the two units. The permissible size of the accessory unit would also be increased. The accessory apartment would be restricted to a single bedroom. To ensure that it is not occupied by short-term boarders or lodgers, the unit that is subject to the rental arrangement must be rented for a period of at least twelve months. As at the current time, a Special Permit from the Planning Board would be required in order to add an accessory apartment to a single-family home in the R-40 Residential and Agricultural District and the Neighborhood Business District. A Special Permit would not be required for an accessory apartment in either the R-15 Residential District or the General Business District.

Revision of the Zoning Bylaw provisions concerning accessory apartments addresses an issue that has been a topic of discussion at meetings of the Foxborough Housing Coalition, an advocacy group of Foxborough residents who are promoting affordable housing options in the town. In view of the fact that the current market conditions favor the construction and development of large and expensive residential units, members of the Coalition have expressed the need in Foxborough for smaller and more modest residential units that will, by reason of their size, be naturally affordable. Revision of the Zoning Bylaw’s accessory apartment provisions achieves this objective by eliminating the current requirement that accessory apartments only be occupied by family members.

## Frequently Asked Questions

1. *What is the procedure for revising the Zoning Bylaw's accessory apartment provisions?*

Any such revision would constitute an amendment of the Town's Zoning Bylaw, which must be approved by a 2/3 affirmative vote at an annual or special town meeting. The proposed amendment to the Zoning Bylaw's provisions concerning accessory apartments will be considered at the November 15, 2021 Special Town Meeting. The Planning Board is holding a public hearing on the proposed bylaw amendment on Thursday, October 14, 2021, at 7:20 pm.

2. *The proposal appears to contain many of the same provisions as the current Zoning Bylaw provisions. How do they differ?*

The principal differences are that the proposal would eliminate the current requirement that either the accessory apartment or the principal residence be occupied by a family member of the homeowner, and would increase the permitted size of an accessory apartment. The proposal also allows accessory apartments to have only a single bedroom; there is no such restriction in the current Zoning Bylaw.

3. *Why does the proposal impose a one-bedroom restriction?*

The Board of Health bases septic system requirements on the number of bedrooms contained in a residential structure. Considering the fact that an accessory apartment may be added to a principal residence that might have as many as three or four bedrooms, restricting the accessory apartment to a single bedroom is intended to be consistent with those requirements. The Planning Board in the past typically has restricted accessory apartments to a single bedroom.

4. *Can an accessory apartment that has been occupied by family members of a homeowner be rented to non-family members after the family occupants vacate the premises?*

Because the current Zoning Bylaws provisions prohibit the rental of accessory apartments to non-family members, once the unit no longer is occupied by a family member it cannot then be rented to a non-family member. The proposal would – if ultimately presented to and approved by Town Meeting – allow its rental to a family member or to someone who is not a family member.

5. *Can an accessory apartment be constructed in a separate building?*

No, it cannot. The Zoning Bylaw does not permit two residential structures on a single lot. Accordingly, construction of an accessory apartment that is not attached to or within the principal residence is not permitted either under the current or the proposed Zoning Bylaw provisions. In the same respect, a detached garage or other structure could not be converted, whether in whole or in part, into an accessory apartment.

6. *Both the current Zoning Bylaw and the proposal require that the accessory apartment and the principal residence either comply with the Zoning Bylaw's dimensional requirements or obtain appropriate relief. What does this mean?*

The Zoning Bylaw establishes miscellaneous dimensional requirements for both residential uses and nonresidential uses. Those requirements differ based on the zoning district in which a use is situated. For example, a single-family home in the R-40 Residential and Agricultural District must have a side yard of at least 15 feet. Construction within that side yard setback is prohibited unless a Variance is granted by the Zoning Board of Appeals. Accordingly, construction of an accessory apartment – whether under the current provisions of the Zoning Bylaw or as proposed – would not be permitted without a Variance if the result would place any part of either the apartment or the principal residence within the side yard setback.