

TOWN OF FOXBOROUGH
ACCESSORY APARTMENT RULES AND REGULATIONS
(Revised July 24, 2014)

EXPLANATION

Accessory Apartments are often called “in-law units” or occasionally “granny flats.” In Foxborough, they are a second dwelling unit in a single-family dwelling that is occupied by a family member of the owner. They are allowed by right or by making an application for a building permit in the R-15 Residential zoning district and in homes in the GB General Business zoning district. In the R-40 Residential and NB Neighborhood Business zoning districts, you must obtain a Special Permit from the Planning Board before you can apply for a building permit for an accessory apartment.

You should refer to Section 8.1 (Accessory Apartments) and sections 10.3 and 10.4 (Planning Board and Special Permits) of the Foxborough Zoning By-Laws. These are available on-line or from the Planning Board or Building Departments.

The Planning Board recognizes that some of the applicants for an accessory apartment are doing so for financial reasons and has intentionally designed the submission requirements and process so a homeowner can complete all the steps themselves. You should not have to retain an engineer or attorney, but may wish to consult such professionals to understand some of more technical requirements for this application.

SUMMARY OF APPLICATION PROCESS

It is strongly advised that you meet with Planning Board staff to have a preliminary, informal discussion of your proposal before you prepare and submit your application. You may also find the Building Commissioner to be helpful to talk to at the preliminary stage of thinking about an accessory apartment so that you can understand the extent of the safety and other code issues related to having a second dwelling unit in your home. If you are near wetlands or think you’re near wetlands, you should talk to the Conservation agent. Lastly, you should meet with either the Board of Health or the Water and Sewer Commission to determine the wastewater impacts of what you’re planning to do. If you have a plot plan or other site layout of your lot and floor plans (existing and proposed), be sure and bring them with you.

Finally, your next-door neighbors, the people behind you and across the street, and all of their next door neighbors will receive a notice that you have applied for an accessory apartment permit. You may want to discuss your proposal with them or send them a note before you apply. The neighbors will have an opportunity to speak at the hearing and because the accessory apartment bylaw deals with maintaining the appearance and character of a single family dwelling, the Board appreciates the input from your neighbors, especially those who have come to support you. These steps should be done before you apply for the Special Permit.

SUBMITTING AN APPLICATION

You should obtain the following to submit with your application:

- A list of abutters from the Assessors’ Office
- A “signoff” from the Treasurer’s office that all taxes and other charges have been paid.
- The required fee

You should prepare and submit the following documents:

- A plot plan of your lot, showing parking areas and spaces, driveway locations, and landscaping and screening, and if applicable, the location of the septic tank and leaching field. (This can be a scaled sketch on a “mortgage” plot plan or other scalable dimensioned plan that you have. All setbacks or distances from the lot lines to the dwelling should be clearly shown and you should make sure that you meet the minimums in Table 4-1 of the Zoning By-Laws. This plan can be on 8 ½ by 11 inch or 11 by 17 inch paper.)
- If exterior changes or an addition is proposed, elevations of all sides of the house. Photographs of the existing home are also helpful and you may wish to submit them as well.
- Floor plans of principal residence and proposed accessory apartment with the size of the accessory apartment noted in square feet. (These floor plans can be on 8 ½ by 11 inch or 11 by 17 inch paper as well.)
- Completed Special Permit application form.
- A written statement how your proposed accessory apartment complies with the standards in section 8.1.2 of the Zoning By-Laws. In your discussion relative to Standard 1, you should specify the relationship and name(s) of the family member who will be living in the accessory apartment.
- Proof that the abutters were notified as required in the Planning Board Special Permit Regulations.

WRITTEN STATEMENT

This is where you make the case for your accessory apartment. You want to tell the Planning Board how you comply with the By-Law.

Standard 1. Explain who are creating the accessory apartment for and what their relationship is to the owner. (Note that the owner could occupy the smaller of the living units if that meets your family’s needs.) If there is an addition to be constructed, state how you are in compliance with the setback requirements for both the existing home and any addition (see Section 4.0 of these By-Laws) or if you have received a variance from the Board of Appeals for a lesser setback, attach a copy of the variance to your application.

Standard 2. Explain how the proposed external changes or additions will blend into the architectural and physical style of the existing structure through common materials, color, and design. Further explain how the accessory apartment shares a common living area separation (wall or floor) with the principal unit and how there is direct access between the units.

Standard 3. On the plans, show the net floor area of the apartment and in your statement say that your proposed apartment does not exceed eight hundred fifty (850) square feet because it is XXX square feet in area.

Standard 4. Show on the plans that there is adequate parking for the two additional vehicles required for the accessory apartment. In your written statement, explain how many parking spaces there are in total and where they are located (in a garage, off the driveway, in the back yard, etc.). Further state that you understand that the Planning Board reserves the right to require screening for proposed parking.

Standard 5. State that you understand that the Planning Board reserves the right to require screening and landscaping for any addition(s).

Standard 6. State that you will adhere to all necessary state and local permits and requirements.

Standard 7. State that the utilities (electricity, gas, sewer, septic, etc.) serving the additional unit shall not be separated from the primary home.

Standards 8 and 9 only apply to homes within the Water Resource Protection Overlay District (WRPOD).

Standard 8 applies to conforming lots or structures within the WRPOD. Show that the design sewage flow does not exceed the design sewage flow requirements established by Section 9.4 for the Zone II and Zone III of the WRPOD and explain in your written statement.

Standard 9 applies to pre-existing non-conforming lots or structures located in Zone II or Zone III of the WRPOD. State whether you have increased the number of bedrooms on the property and submit information showing that the existing septic system has passed a Title 5 inspection, or state the system will be upgraded as approved by the Board of Health.

Before the Public Hearing is held, you must have:

- Written approval of your existing septic system or requirements for updating/enlarging from the Board of Health
- or ---
- Written approval from the Board of Water and Sewer Commissioners if you are connected to public sewer.

FILING, HEARING, AND DECISION SCHEDULE

The application form, the plans, and any additional information must be filed with the Town Clerk. Take two copies of the “submission packet” (see Checklist) and have them both “stamped.” Keep a “stamped” copy to make twelve (12) copies of the application, plans, and accompanying information and submit with the required fees and one copy of the list of abutters to the Planning Board office.

The Planning Board must hold the Public Hearing on your application within sixty five (65) days of the date of filing a complete application.

Before the Planning Board can open the Public Hearing, the Notice of Public Hearing must be published in the Foxboro Reporter once in each of two (2) successive weeks, the first publication not less than fourteen (14) days before the day of the hearing. The Planning Board will write the Notice and transmit it to the newspaper and you will be responsible for paying the actual cost of the ad. The Planning Board will request comments from various Town boards and officials.

At least a week before the Public Hearing, send notices provided by the Planning Board to all abutters. At least a day before the Hearing, submit to the Planning Board office proof of mailing (either a Certificate of Mailing showing the date the envelopes containing abutter notices were accepted at the Post Office or receipts for Certified Mail®, return receipt requested).

The Public Hearing is not always finished the first night and can be continued to a later date. **The Planning Board's policy is to not begin the Public Hearing process until a written report from either the Board of Health or the Board of Sewer and Water Commissioners has been submitted to the Planning Board with the details and requirements for septic systems or sewerage, as appropriate.**

After the Planning Board has received information from Town boards and officials, all the required plans and statements, any other information they believe is necessary to fully evaluate your proposal, and any comments from abutters, they will close the Public Hearing. After the hearing is closed, they vote. They must determine that the standards in section 8.1 are met and that:

1. The use is in harmony with the general purpose and intent of the Zoning By-Laws.
2. The use is socially and economically desirable.
3. The use would satisfy an existing need, and
4. The advantages of the proposal outweigh the detrimental factors.

If the application is approved, there will typically be conditions attached to the approval, including the restriction that the relative named in the application is the only authorized occupant of the accessory apartment.

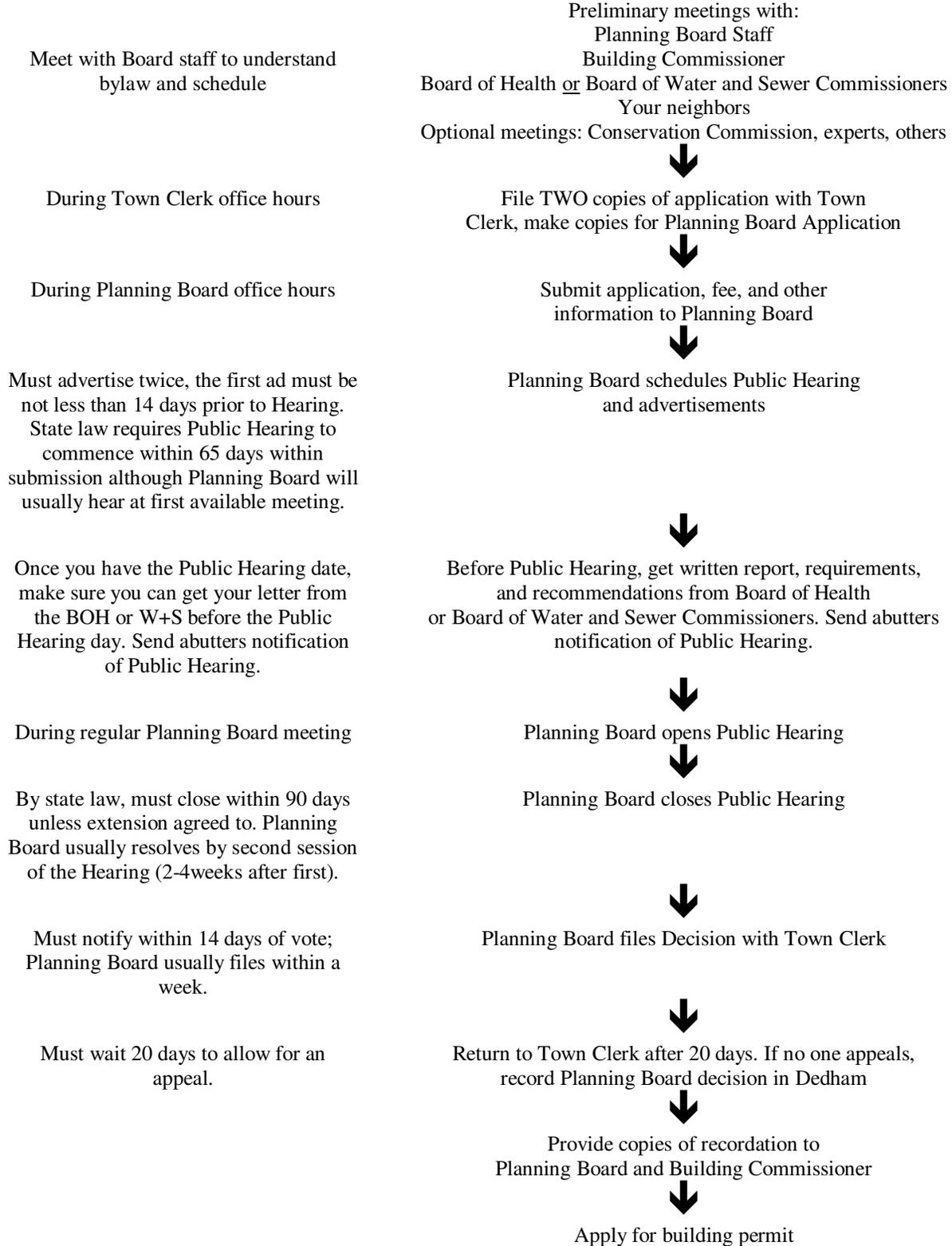
By law, the Planning Board must file its decision on the application with the Town Clerk within ninety (90) days of the date of the **close** of the public hearing. In practice, the decision is usually filed within a week of the close of the Public Hearing and the Board's vote. After it is filed, there is a period of twenty (20) days from the date of filing of the decision with the Town Clerk during which the decision may be appealed.

After the appeal period has expired, ask the Town Clerk if any notice of appeal has been filed with that office. If not, in order to make your Special Permit effective, you must file a certified copy of the decision with the Registry of Deeds in Dedham. You may file ("record") the decision in person at the Registry, or you may call the Registry for instructions on mailing the decision and fee for recording. Return a copy of the recorded permit to the Planning Board, 40 South Street, Foxborough, MA. Note: you must still apply for a building permit to construct the permitted apartment. The Building Commissioner will also require a copy of the recorded permit with the recording information when you apply for a building permit.

Please note that this document is intended only to assist you as a guide. You should refer to the Zoning By-Laws and ask the Planning Board staff for more information regarding the requirements and criteria.

TIMING

ACTIVITY



FAQ

Why do I have to go through all this?

The purposes of zoning in Foxborough include encouraging “the most appropriate use of land throughout the town.” Ensuring that accessory apartments fit the character of the town’s single family zoning district or the character of the Neighborhood Business district uses the land most appropriately in those districts and preserves the property values and neighborhood character.

Bottom line: Please be assured that the Planning Board wants to make the process as transparent and as painless as possible while ensuring that the character and quality of your neighborhood is not diminished.

What impact does an accessory apartment have on my assessment?

You should check with the Assessors’ Office, but your property valuation would increase if you add square feet to your home and amenities to your home. It will continue to be valued as a single family home.

What happens after my mother goes to a nursing home, my kid finally leaves home, etc.

If you have another family member who could reside there, you would apply to the Planning Board to amend the Special Permit. Otherwise the accessory apartment needs to be removed. At a minimum, this means the stove is removed. Sometimes, the Planning Board’s conditions may impact what you need to do – if they vote language something like “[T]he kitchen facilities of the accessory apartment shall be removed when the accessory apartment is no longer needed unless the Planning Board determines the facilities (as altered or modified) are incidental and subordinate as an accessory use to a single-family dwelling”, then you need to return to the Planning Board and discuss your options. (This may mean that the stove and full-size refrigerator is removed.)

FOXBOROUGH PLANNING BOARD

SPECIAL PERMIT APPLICATION

The undersigned hereby applies for a Special Permit under Section _____ of the Foxborough Zoning By-Laws.

1. **Applicant:** _____
Address: _____
Phone #: _____
Email: _____
Signature of Applicant: _____

2. **Owner of Record:** _____

Signature of Owner: _____

3. **Location of Parcel(s) or Structure:** _____

Assessors Map & Parcel # _____ **Zoning District** _____

4. **Dimensional Information of the Parcel:**
Frontage: _____ **Square Feet:** _____
Existing Lot Coverage: _____ **Proposed Lot Coverage:** _____
Zoning Status of the Parcel or Structure: _____
Proposed Building Size: _____ **Proposed Building Height:** _____

5. **Present Use of Structure or Parcel:** _____

Proposed Use of Structure or Parcel: _____

- 6. Explain how the request fulfills the Special Permit criteria (use separate sheet).
- 7. Explain the special conditions or characteristics (if any) which apply to this request (use separate sheet).

Town Collector's Release

The owner of the property for which the Special Permit is being requested is in good standing with respect to any taxes, fees, assessments, betterments or other municipal charges.

Treasurer's Office Representative

Date

Town Clerk Receipt

This application has been received and recorded with the Town Clerk.

Town Clerk's Office

Date