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2011 JAN 19 AM 11:09

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ELIZABETH L. DELANEY  
TOWN CLERK

Raymonde R. Legrand  
Assistant Town Clerk

Office of the Town Clerk

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NOV 24 2010

Elizabeth L. Delaney  
Town Clerk

To Whom It May Concern:

The Annual Fall Town Meeting of October 18, 2010, was called to order at 7:35 PM at the Senior Center at 75 Groton Rd. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were 135 Town Meeting Representatives present. The following action took place:

**UNDER ARTICLE 18.** Dwight Hayward moved to waive the reading of the article. The Moderator asked for a vote on the motion by way of a show of hands, **motion carried, unanimously.**

Evan Belansky said that the article amends the existing Limited Accessory Apartment (LLA) bylaw for purposes of updating to better reflect the Town's needs and to address procedural deficiencies. The article will refine/clarify definition of an LAA. Expand eligibility of LAA occupant, create a by-right permitting option, revise existing design stands, revise permit compliance provisions, establish monitoring, inspection and enforcement provisions. He showed a comparison of the existing bylaw and the proposed bylaw. The property would remain as single family, expands the definition of extended family members. The maximum square feet would be increased to 750 and any exterior staircase shall be enclosed. A use restriction runs with the land the LLA may remain in place by-right renewal upon transfer. This article is consistent with the 2010 Master Plan and the 2010 Draft Affordable Housing Plan. It is supported by the ZBA and the Affordable Housing Plan Committee. Marian Paresky asked how this article came to be. Evan Belansky said there have been numerous ZBA applications requiring LLA relief since the 2001 passage of this by-law. Upon reviewing the by-law and comparing it to surround towns, the Master Plan Committee felt that it the existing by-law needed to be updated and the Planning Board agreed. Marian Paresky asked if this applied only to an area or to be able to create an area in a home or would a detached building on a lot qualify. No a lot that has two separate structures on it like example a carriage house could not request for a LLA for the second structure. Glenn Thoren asked a question about the enclosed staircase. If the staircase is being used solely for access to the apartment then the staircase would have to be enclosed. This was a request from the BOA to avoid the home looking like a multi-family structure. Brian Latina questioned if this could qualify as affordable housing. No because of the scrutiny the homeowner would endure and the fair housing laws requirement. Karen DeDonato questions if the enclosed staircase was only for a second floor apartment. Yes. It is specified in the bylaw. The Moderator asked for further questions, hearing none he asked for recommendations. The Finance Committee had no recommendation for this article. The Board of Selectmen recommended the article. Vice Chairman of the Planning Board



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James Lane gave the Planning Board's recommendation. A public hearing was held on September 22<sup>nd</sup> continued to October 6th and closed by the Planning Board on that date and the Planning Board voted unanimously to endorse the article. The Moderator asked if there was any more debate, hearing none he asked for a vote by way of a show of hands. **The Moderator declared that the motion carried by recognizing the 2/3's vote by-law.** The article reads as follows:

Ann B. McGuigan Chairman of the Planning Board moved that the Town vote to amend the Zoning Bylaw, Chapter 195 of the Chelmsford Code, Article III, Use Regulations, by deleting Section 195-6.1 Limited Accessory Apartment in its entirety and replacing it with a new Section 195-6.1 Limited Accessory Apartment, as follows:

**195-6.1 Limited Accessory Apartment (LAA)**

**A. Objectives.**

- (1) To allow the provision of a limited accessory apartment (LAA) within an as-existing (as of the date of application) single-family dwelling unit for extended family members of the owner;
- (2) To assure that the single-family character of the neighborhood will be maintained;
- (3) To assure that the limited accessory apartment shall not be converted to a rental unit;
- (4) To provide for flexibility within the existing Zoning Bylaw to afford an opportunity to accommodate additional living arrangements;
- (5) To plan for changing demographics and economic climate;
- (6) To increase the supply of affordable housing for family members;
- (7) To provide housing options for extended family members;
- (8) To ensure compliance with building, safety, fire code standards and zoning provisions;

**B. Definitions**

The following definitions shall apply to the LLA bylaw:

- (1) : Limited Accessory Apartment (LAA): an area contained within an owner-occupied as-existing (as of the date of application) single-family dwelling unit that maintains internal access and circulation to the dwelling unit, and which is restricted to extended family members, consisting of provisions for bathing, cooking and sleeping. The inclusion of an apartment within a single-family dwelling unit does not convert the single-family dwelling to a two-family dwelling. Internal walls and doors, for purposes of privacy, and additional



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- means of access / egress are not precluded. The LAA shall be ancillary / subordinate in size, location and function to the single-family dwelling unit.
- (2) Extended Family Member: related by blood, marriage, or adoption to the owner of the property, or to the owner's spouse, or persons providing nursing or domiciliary care;

**C. Applicability / Eligibility**

1. The Building Inspector may issue a permit (by-right) for an LAA based upon the following criteria:
  - a. The LAA is located within an as-existing (as of the date of application) owner-occupied single-family property located within any zoning district.
  - b. The LAA is located within the existing dwelling unit, inclusive of legal non-conforming structures.
2. The Zoning Board of Appeals may issue a special permit for a LAA located within a new addition, inclusive of additions made to legal non-conforming structures.
3. The Zoning Board of Appeals may issue a waiver for a deviation from any of the Design Standards in Section D.
4. The Zoning Board of Appeals may issue a special permit for the renewal of an LAA that has been discontinued and where a permit has automatically lapsed and become null and void.
5. LAA's shall not be rented to or occupied by persons who do not qualify as extended family members.

**D. Design Standards.**

- (1) Ingress, Egress, Access: Adequate provision, as determined by the Building Inspector, shall be provided for separate ingress and egress to the outside of the limited accessory apartment. To the extent possible, exterior passage ways and access ways shall not detract from the single-family appearance of the dwelling. Any new exterior entrance for the LLA shall be located to the side or rear of the single-family dwelling. Staircases, serving a second or third floor, shall be enclosed. An interior doorway shall be provided between the LAA and the principal dwelling unit.



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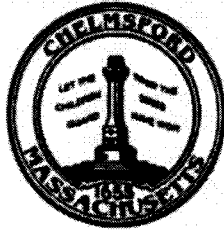
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- (2) **Area Limitation:** An LLA shall be limited to a maximum of 750 square feet of gross floor area, exclusive of stairwells and common areas associated with ingress, egress or access.
- (3) **Parking and Utilities:** Provisions for off-street parking of residents and guests of both units shall be provided so as to be consistent with the character of the neighborhood, as determined by the Zoning Board of Appeals. The requirements of Section 195-17 need not apply to the LLA. Both the principal and accessory apartment shall be tied into town sewer, if available. The LLA shall not have separate metered utilities, unless required by the State Building Code.
- (4) Only one LAA may be created per lot.
- (5) An LAA shall not have more than two (2) occupants.

**E. Use Restriction**

To ensure continued compliance with owner-occupancy and other bylaw requirements by current as well as by any subsequent owners, LAAs permitted under this bylaw shall be subject to a Use Restriction, to be recorded in the Registry of Deeds. The Use Restriction, to be provided by the Building Inspector, shall be the only form acceptable and shall include the following:

- a. Notice that the existence of the LAA is predicated upon occupancy by the owner or the owner's extended family, to whom the permit has been issued;
- b. Notification to a buyer of the LAA bylaw;
- c. Upon sale of the property, the new owner shall be required to file a new application, with the Building Inspector, for purposes of maintaining the LAA;
- d. Within 30 days of receipt of a letter from the Building Inspector determining a violation, a special permit shall be sought for the continuation of the LAA. Failure to apply for the Special permit within 30 days shall result in the LAA being discontinued and the permit shall automatically lapse and be null and void.
- e. Require that current and future property owners notify the Building Inspector in the event the LAA has been or will voluntarily be discontinued.
- f. The dwelling unit remains a single family and the LAA can not be rented to persons who are not extended family members.



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**F. Procedural Requirements**

1. **By-Right**

The Building Inspector shall issue a building permit for an LAA allowed by right in compliance with section D.

2. **Special Permit**

The Zoning Board of Appeals shall hold a public hearing, in accordance with M.G.L Chapter 40A, Section 9, for LAA allowed by special permit.

3. **Prior to the issuance of a building permit, the special permit, if applicable, and the Use Restriction shall be recorded in the Registry of Deeds and evidence of such shall be submitted to the Building Inspector.**

**G. Submission Requirements:** For purposes of both by-right and special permit applications, the following shall be submitted:

- a) Architectural plans for the entire structure, including building elevations and floor plans.
- b) Site Plan showing at a minimum the footprint of all structures, all building entrances and exits, parking, and screening from abutting uses.
- c) The names of the owner and the person(s) proposed to reside in the limited accessory apartment.
- d) An executed Use Restriction regarding the LLA, as described above.

**H. Criteria for Approval**

The Zoning Board of Appeals may grant a special permit for an LAA based upon the criteria as set forth in Section 195-103 of this Zoning bylaw.

In order to provide an adequate dwelling unit for disabled and handicapped individuals, the Zoning Board of Appeals may allow reasonable deviation from the requirements of this bylaw where the Board finds that it is necessary to install features that facilitate access and mobility for disabled persons in addition to any requirements in accordance with the Mass. State Building Code and as exempt pursuant M.G.L. Chapter 40A Section 3.

**I. Monitoring, Inspections & Enforcement**

The following methods are available to ensure continued compliance with these regulations as set forth:

1. In accordance with Section 195-6.1.E.c, upon the sale of the property, the new owner shall be required to file a new application with the Building



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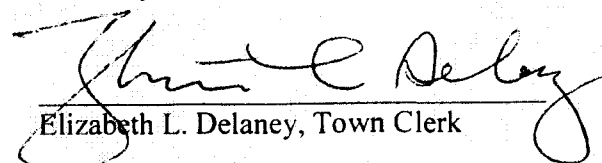
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- Inspector. Upon filing, the Building Inspector shall conduct an inspection of the LAA for purposes of verifying compliance.
2. If a complaint is filed with the Building Inspector, the Building Inspector shall inspect the LAA for purposes of determining whether there is a violation. If a violation is found, the owner shall apply to the Zoning Board of Appeals for a special permit for the continuation of the LAA; such application shall be filed within 30 days from the receipt of the letter from the Building Inspector notifying the owner of the violation. Failure to apply for the special permit within 30 days shall result in the LAA being discontinued and the permit shall automatically lapse and be null and void. Renewal of said LAA that has been discontinued in which the permit has automatically lapsed and become null and void may be sought in accordance with Section 195-6.1.C.4.
  3. Discontinued LAAs, whether by choice of the property owner or as a result of a violation, may be inspected by the Building Inspector by providing reasonable notice to the property owner.
  4. Violations to any provision of this bylaw or permit granted under this bylaw, may be subject to a fine in accordance with Section 195-100 of this bylaw.

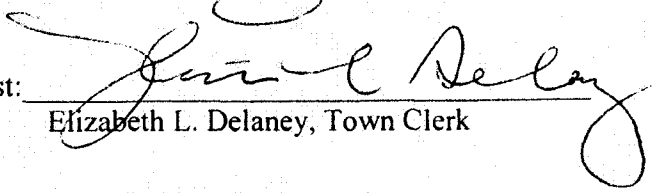
; and that the Town delete the following terms to Article XX, Terminology, Section 195-108, Word Usage and Definitions:

**Limited Accessory Apartment:** A dwelling unit contained within or being an extension of a single family detached structure to accommodate a parent(s), or handicapped relative of the principal owner of the premises.

Sincerely,

  
Elizabeth L. Delaney, Town Clerk

A True Copy Attest:

  
Elizabeth L. Delaney, Town Clerk