



TOWN COUNCIL
Committee to Review Zoning and Permitting Regulations
Selectmen's Conference Room

Thursday December 16, 2020 – 5:30pm

Councilors:

Councilor Paula K. Schnepf (Chair)
Councilor Jennifer Cullum
Councilor Gordon Starr
Councilor Kristine Clark
Councilor Matthew Levesque

MEETING MINUTES

PRESENT: Councilor Paula K. Schnepf; Councilor Jennifer Cullum; Councilor Gordon Starr; Councilor Kristine Clark; Councilor Matthew Levesque; **ALSO IN ATTENDANCE:** Arden Cadrin; Housing Coordinator; Elizabeth Jenkins, Director Planning and Development; Gloria McPherson, Economic Development; Kate Maldonado, Senior Planner; 2 Members from the Planning Board joined the meeting this evening. Steve Costello (Chair): Steven Robichaud; Jake Dewey; **ABSENT:**

Chair of the Committee opened the meeting at 5:30pm, making the statement that the meeting is going to be recorded and aired at a later time, The Chair also declared the following statement: **In Accordance with MGL, Chapter 30A, Section 20, I must inquire whether anyone is recording this meeting and if so, to please make your presence known;** The Chair also declared the following: Tonight's meeting is with Remote Participation Instructions Alternative public access to this meeting shall be provided in the following manner:

1. **Join Zoom Meeting <https://zoom.us/j/98681575448> Meeting ID: 986 8157 5448**

Chair of Committee asked for a Roll Call vote of the members present:

Councilor Jennifer Cullum	absent
Councilor Matthew Levesque	HERE
Councilor Gordon Starr	HERE
Councilor Kristine Clark	HERE
Councilor Paula K. Schnepf	HERE

All members present

Chair of Committee introduced Elizabeth Jenkins, Director, Planning and Development to open discussions on the proposed Ordinance:

- Discussion of Proposed Zoning Ordinance for Accessory Dwelling Units
Submitted by Elizabeth Jenkins, Director, Planning and Development

Accessory Dwelling Units
Zoning & Regulatory Subcommittee
December 16, 2020

Accessory Dwelling Units

- Housing Production Plan: “Consider strengthening the Accessory Affordable Apartment Program and allowing market-rate accessory apartments to increase housing options.”
- 9 Communities on Cape Cod have permitted the creation of market-rate accessory apartments by-right through zoning

DRAFT – FOR DISCUSSION PURPOSES ONLY

Proposed Accessory Dwelling Unit Zoning Amendment

Chapter 240: Zoning

ARTICLE XIV: Amendment; Definitions, Moratorium

240-128 Definitions

ACCESSORY DWELLING UNIT (ADU): An Accessory Dwelling Unit (ADU) is a Dwelling Unit incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use, which ADU shall be clearly subordinate in design to that principal single-family dwelling use to which it is accessory.

DWELLING UNIT (NEW)

Complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, SINGLE-FAMILY (REVISED)

A detached residential building designed for and occupied by a single family and providing complete independent living facilities for one or more persons. ~~including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

ARTICLE V: Accessory Uses

240-47.2: Accessory Dwelling Units (ADUs)

A. Purpose and Intent.

The intent of permitting Accessory Dwelling Units is to:

- (1) Increase the number of dwelling units available for year-round rental in Town while remaining within our current wastewater capacity limitations;
- (2) Adapt single-family residential properties so they are supportive of residents at a variety of stages in their life cycle;
- (3) Encourage greater diversity and support of all populations with particular attention to young adults and senior citizens; and
- (4) Encourage a more economic and efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and
- (5) Provide homeowners with a means of obtaining rental income to defray housing costs.

B. Procedural Requirements¹

- (1) An ADU that conforms to the requirements contained herein shall be permitted as an accessory use to a lawful single family dwelling use.
- (2) Prior to issuance of a building permit for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to existing buildings or new building and improvements on a lot associated with a proposed ADU.²
- (3) The construction of any accessory dwelling unit must be in conformity with the Federal, State, and local laws and regulations, including all historic, and Old King's Highway requirements if applicable.

B. Definitions

The following definitions shall be applicable to this section:

OWNER

One or more individuals or the entity holding title to the property.

C. Use and Dimensional Requirements

The Building Commissioner may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within a lawful existing or new single-family dwelling to which the ADU is accessory, or in a new or existing detached building accessory to and on the same lot as the principal dwelling subject to the following:

- (1) The ADU shall be a complete, separate housekeeping unit containing both kitchen and bath.
- (2) No more than one (1) Accessory Dwelling Unit may be created per lot. This provision is not subject to variance.
- (3) If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.
- (4) An ADU shall be clearly subordinate in use, size and style to the principal single family dwelling. An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property. Any addition or new construction shall be consistent in design with the principal single family dwelling, considering the following: architectural details, roof design, building spacing and orientation, door and window location, and building materials. Any person aggrieved by the determination of a Town official with respect to a determination under this subsection may appeal said determination to the Zoning Board of Appeals.

- (5) The ADU shall contain no more two bedrooms and a maximum habitable floor area of 50% of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 1,000 square feet, whichever is less. ADUs with more than two bedrooms and/or a maximum habitable floor area greater than 1,000 square feet may be permitted by special permit from the Zoning Board of Appeals.³ Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.
- (6) Occupancy of the ADU shall not exceed two persons; occupancy limitations shall not apply to children ages 18 and under. Occupancy of an ADU by more than two persons over the age of 18 may be permitted by special permit from the Zoning Board of Appeals.
- (7) Once an ADU has been added to a single-family dwelling or lot, the accessory dwelling unit shall not be enlarged beyond the square footage allowed by this section.
- (8) All parking for the ADU shall be off street.
- (9) The Board of Health must have documented to the Building Commissioner that sewage disposal will be satisfactorily provided for in accordance with the provisions of Title 5 and Board of Health regulations, including provisions for an appropriate reserve area on the site. The principal dwelling unit and accessory dwelling unit shall meet all wastewater requirements for the combined number of bedrooms/ wastewater flow on the lot. If the property is served by municipal sewer, the Department of Public Works shall certify adequate capacity is available to serve the additional unit.
- (10) The rights and requirements of this ordinance hereby transfer upon the sale of a property containing an ADU built under the provisions of this ordinance.
- (11) An ADU and/or the principal dwelling to which it is accessory may be rented.
- (12) An ADU or principal dwelling to which it is accessory shall be rented for a period not shorter than 12 months at a time.
- (13) Boarding and lodging, or any commercial use, excluding permitted home occupations, shall not be allowed at a property containing an ADU.⁴

Draft Available

- www.townofbarnstable.us/boardscommittees/zoningandregulatory/
- www.townofbarnstable.us/Departments/planninganddevelopment/



Family Apartments

- Property owner
- Occupancy of one unit limited to a family member/relative
- Property owner can reside in principal or accessory unit
- Permitted either by-right or with ZBA Special Permit
- Annual affidavit

Zoning: §240-47.1

Accessory Affordable Apartments

- Owner's primary residence
- Units offered at an affordable rent to qualified tenant
- Owner must live in principal residence
- Limited to "amnesty" units created prior to 2000 or new units
- Permitted through "local 40B" process & units count on SHI
- Deed restriction & monitoring
- Program funded by CPA for code upgrades

Gen Ord: Chap 9, Art II

Public Comment: For Public comment please use link below for the meeting in its entirety
Meaghan Mort
Whitney McNamara

<http://streaming85.townofbarnstable.us/CablecastPublicSite/show/9295?channel=1>

Chair of Committee asked for a motion to adjourn, Councilor Gordon Starr made the motion, this was seconded by Kristine Clark, and Administrator took a Roll Call vote

Councilor Matthew Levesque	yes
Councilor Gordon Starr	yes
Councilor Kristine Clark	yes
Councilor Paula K. Schnepf	yes

NEXT MEETING: TBD

ADJOURN: 7:54pm