

ARTICLE PB 03: To see if the Town will vote to amend in the Zoning By-Law **Section 5 USE REGULATIONS**, Subpart (E) **Use Regulations Schedule**, by changing the use “Conversion of Single-Family to Two-Family dwellings, as provided in Section 7” from prohibited in Residence A-1 zoning district to Permitted by Special Permit in Residence A-1 zoning district subject to specified limitations and restrictions and **Section 7 SUPPLEMENTAL DISTRICT REGULATIONS**, Subpart (F) **Conversion of Single-Family to Two-Family Dwelling** by deleting the existing Subpart (F) in its entirety and inserting in its place a new Subpart (F) **Conversion of Single-Family to Two-Family Dwelling**, or take any other action relative thereto.

Accordingly, the proposed changes are detailed as follows:

Section 5 USE REGULATIONS, Subpart (E) **Use Regulations Schedule** in regards to the “Residential Uses” Classification, change the status for “Conversion of Single-Family to Two-Family Dwelling, as provided in Section 7” in the Residence A-1 zoning district from Prohibited (noted by an “N”) to Permitted by Special Permit (noted by “SP”).

Section 7 SUPPLEMENTAL DISTRICT REGULATIONS, delete the existing Subpart (F) and replace with a new Subpart (F) to read as follows:

Section 7

SUPPLEMENTAL DISTRICT REGULATIONS

(F) Conversion of Single-Family to Two-Family Dwelling

In conformance with the provisions of Section 9, and subject to the additional requirements described herein, the special permit granting authority may approve a special permit allowing for a single-family dwelling or other suitable structure to be altered and improved and facilities added for a second housekeeping unit on a lot, in such Districts where permitted under the Use Regulations Schedule, Section 5, Part (E).

1. *Route 116*

Any property abutting Route 116 in a Residence A-2, Residence A-1, or Agricultural District may qualify for such a Special Permit and be so converted, provided the property and building conform to the following criteria in addition to meeting the Special Permit standards set forth in Section 9 of this Bylaw:

- a. The parcel may not have access onto any road other than Route 116
- b. The footprint of the building may not be expanded except for possible installation of safety required items

- c. The footprint of the building may not be expanded by more than 5%.
- d. The exterior facade shall not be altered other than to restore its original exterior condition
- e. Historical properties including buildings constructed prior to 1965 shall be eligible for conversion **(NOTE: At the October 7th Planning Board meeting and as part of the October 19th public hearing, the Plannin Board will consider revisions to this criterion and may use a square footage and/or more recent age limitation)**
- f. The dwellings must be served by the Town's sanitary sewer system
- g. No increase in impervious surface except where necessary under "b" above subject to the limitation of "c" above.

2. *Properties located elsewhere*

Any property, where conversion of a Single-family residence is permitted only by Special Permit under the Use Regulations Schedule, Section 5, Part (E) fronts on or accesses roads other than Route 116 may be approved for a Special Permit without satisfying the six criteria set forth in Section 7(F)1 above. However, it shall be deemed to fail to satisfy the Special Permit Standards set forth in Section 9(C) if the following notification occurs prior to the closing of the Planning Board's public hearing as the Special Permit Granting Authority:

At least (2) of the following owners provide the Planning Board a written "Notification of Objection" that the issuance of the Special Permit would be contrary to one or more of the Standards for Special Permits as specified in Section 9(C) of the Zoning Bylaw:

- The owner of the lot on either side of the petitioner's property;
- The owner of the lot adjacent in the rear of the petitioner's property;
- The owner of the lot directly across the street therefrom.

In the event that there are more than 3 properties which abut the subject property, the Notification of Objection must be from owners representing at least 2/3's of the property line common to the subject property to preclude the Planning Board from being authorized to grant the requested Special Permit.

The notification of objection must state which standard(s) the application fails to satisfy and the objector's reason that it fails to satisfy the standard.

As part of the applicant's submittal for a Special Permit for under this subsection 7(F)2, the applicant must also include evidence of notification (by Certified Mail) of the abutting property owners of their intent and of the owner's right to file a Notification of Objection.

3. *Best Interests and Harmony Requirement*

The power to approve such a Special Permit for conversion to a two-family dwelling shall be within the sole discretion of the special permit granting authority, and no such permit shall be approved unless it shall be clear that the use requested is for the best interests of the vicinity and in harmony with the general purposes and intent of the By-Law. Each case shall be considered on its own merits and no case shall raise a presumption in favor of any other case.

DISCUSSION & HEARING DRAFT