

## **Application for Special Permit – Accessory Apartment, Detached**

Property Address: 7 Old Goshen Road

Owners: Stephen D. Smith and Sean A. Mallari

5/24/2022

### **Narrative**

We are applying for a Special Permit to convert an existing, non-residential outbuilding into a Detached Accessory Apartment. The structure is a 446 square-foot freestanding building which has been in existence for at least sixty years.

The proposed plan is to convert this building into a studio-style layout with a sleeping alcove, bath, and living room / kitchen area. The conversion will utilize the existing exterior walls and the same roof structure. The plan includes the addition of 120 square feet of unheated porch space. We the owners will continue to occupy the Single Family Dwelling on the property.

The parcel, identified as #88 on Assessor's Map C, contains over 32 acres of land with 893 feet of frontage on Old Goshen Road and Village Hill Road. The parcel is currently in use as a Single Family Dwelling.

Please refer to the following attached plans:

- Plan Page 1 of 2: survey from 2006, complete parcel
- Plan Page 2 of 2: survey detail showing current structures, driveways, parking spaces, and front and side setbacks for the Detached Accessory Apartment
- Elevations of the existing building
- Elevations for the proposed modification
- Application Letter to the Building Commissioner for a Building Permit
- Proposed Declaration of Covenants to be executed and recorded

### **Considerations for relevant sections of the Zoning Bylaw:**

#### **Section 9.1 Accessory Apartments**

##### **9.1.d Total floor space of the Detached Accessory Apartment shall not exceed 900 square feet.**

The proposed structure is 446 square feet. (Plus 120 square feet on an unheated porch, which is not counted in habitable area.)

##### **9.1.f The Accessory Apartment shall have no more than two bedrooms and shall not be occupied by more than five persons.**

The proposed Accessory Apartment will have no bedrooms (sleeping alcove only, studio-style).

**9.1.h ... A Detached Accessory Apartment structure may not be located within forty (40) feet of a dwelling unit on an abutting building lot.**

The closest abutting dwelling unit is more than 212 feet away.

**9.1.i The Accessory Apartment must comply with the parking requirements and all other sections of this Bylaw.**

See 9.6 below.

**9.1.j An applicant must demonstrate that an Accessory Apartment will be adequately served by municipal sewer or an on-site septic system before a Building Permit can be obtained for an Accessory Apartment.**

The existing structure is served by town sewer.

**9.1.l The procedure for the submission and approval of a Building Permit for an Accessory Apartment shall be the same as prescribed elsewhere in this Bylaw except the application shall include a notarized letter of application from the owner(s) stating that the owner(s) will occupy one of the dwelling units on the premises. Such notarized letter shall be renewed and submitted annually to the Building Inspector for as long as the Accessory Apartment is used as such.**

Please see attached draft letter.

**9.1.m. The Inspector of Buildings shall not issue a Certificate of Occupancy for an Accessory Apartment until the owner(s) of the property presents a time-stamped copy of a Declaration of Covenants for the subject property that has been filed at the County Registry of Deeds. The Declaration shall state that the right to occupy an Accessory Apartment ceases if the property is not the primary residence of one or more of its owners, or upon transfer of title unless the new owner takes the action described in paragraph 9.1.m. below.**

Please see attached draft Declaration of Covenants.

## **Section 9.2 Accessory Structures**

**9.2.b Accessory structures to a principal use shall not have a total aggregate square footage exceeding 1,500 square feet unless a special permit has been issued by the Zoning Board of Appeals. This shall not apply to agricultural uses as defined by MGL Sec. 40A.**

Accessory structures of workshop (1000 sq. ft.) and the proposed Accessory Apartment (446 sq. ft.) add up to 1,446 sq. ft. Other structures on site are in agricultural use.

## **9.6 Off-street Parking**

**9.6.a Residential use: two (2) spaces per dwelling unit.**

There are at least two spaces provided for the Accessory Apartment. These are labeled ADU P1 and ADU P2 on the survey detail.

MUNROE JOHN B  
67 VILLAGE HILL RD  
WILLIAMSBURG, MA 01096

O'CONNELL, MICHAEL G  
6 NICHOLS RD  
WILLIAMSBURG, MA 01096

BOUCHIANE DIANE Y  
65 VILLAGE HILL RD  
WILLIAMSBURG, MA 01096

KOVAR SUSAN L  
63 VILLAGE HILL RD  
WILLIAMSBURG, MA 01096-9708

TANGREDI, THERESA A  
5 OLD GOSHEN RD  
WILLIAMSBURG, MA 01096

JONES STEVEN P  
4 OLD GOSHEN RD  
WILLIAMSBURG, MA 01096-9712

TRUESDELL ET AL DIANE L  
#68 Village Hi  
PO BOX 311  
WILLIAMSBURG, MA 01096

PEDERSEN DANIEL  
64 VILLAGE HILL RD  
WILLIAMSBURG, MA 01096

SMITH, STEPHEN DENNEY  
36 OLD GOSHEN RD  
WILLIAMSBURG, MA 01096-9721

SMITH, CRAIG W  
10 OLD GOSHEN RD  
WILLIAMSBURG, MA 01096-9707

MAIRIN E DUDEK, TR OF  
40 LASALLE ST  
E LONGMEADOW, MA 01116

MARGARET M. HODGKINS  
THOMAS C. HODGKINS  
ROBERT C. HODGKINS  
BOOK 2082 PAGE 146  
PLAN BOOK 19 PAGE 80  
SEE ALSO: BOOK 637 PAGE 317

HODGKINS THOMAS C  
P O BOX 626  
WILLIAMSBURG, MA 01096

STEPHEN C. SNOW  
SUSAN M. SNOW  
BOOK 4623 PAGE 32

SNOW STEPHEN  
36 OLD GOSHEN RD  
WILLIAMSBURG, MA 01096-9707

**LOCUS REFERENCE**

STEPHEN DENNEY SMITH  
SEAN ALAN MALLARI  
BOOK 8701 PAGE 265  
PLAN BOOK 45 PAGE 40  
MAY BE SUBJECT TO WATER RIGHTS AS  
DESCRIBED IN BOOK 413 PAGE 201

**LEGEND**

- IRON PIPE FOUND
- STONE BOUND FOUND
- IRON PIN SET
- CONCRETE BOUND SET
- ⊕ WELL
- ⊙ DECIDUOUS TREE
- ⊙ CONIFEROUS TREE
- STONE WALL
- FENCE

Plan for Application for  
Special Permit  
May 22, 2022  
Stephen D. Smith and  
Sean A. Mallari,  
7 Old Goshen Rd.

Abutters updated to  
2022 in blue

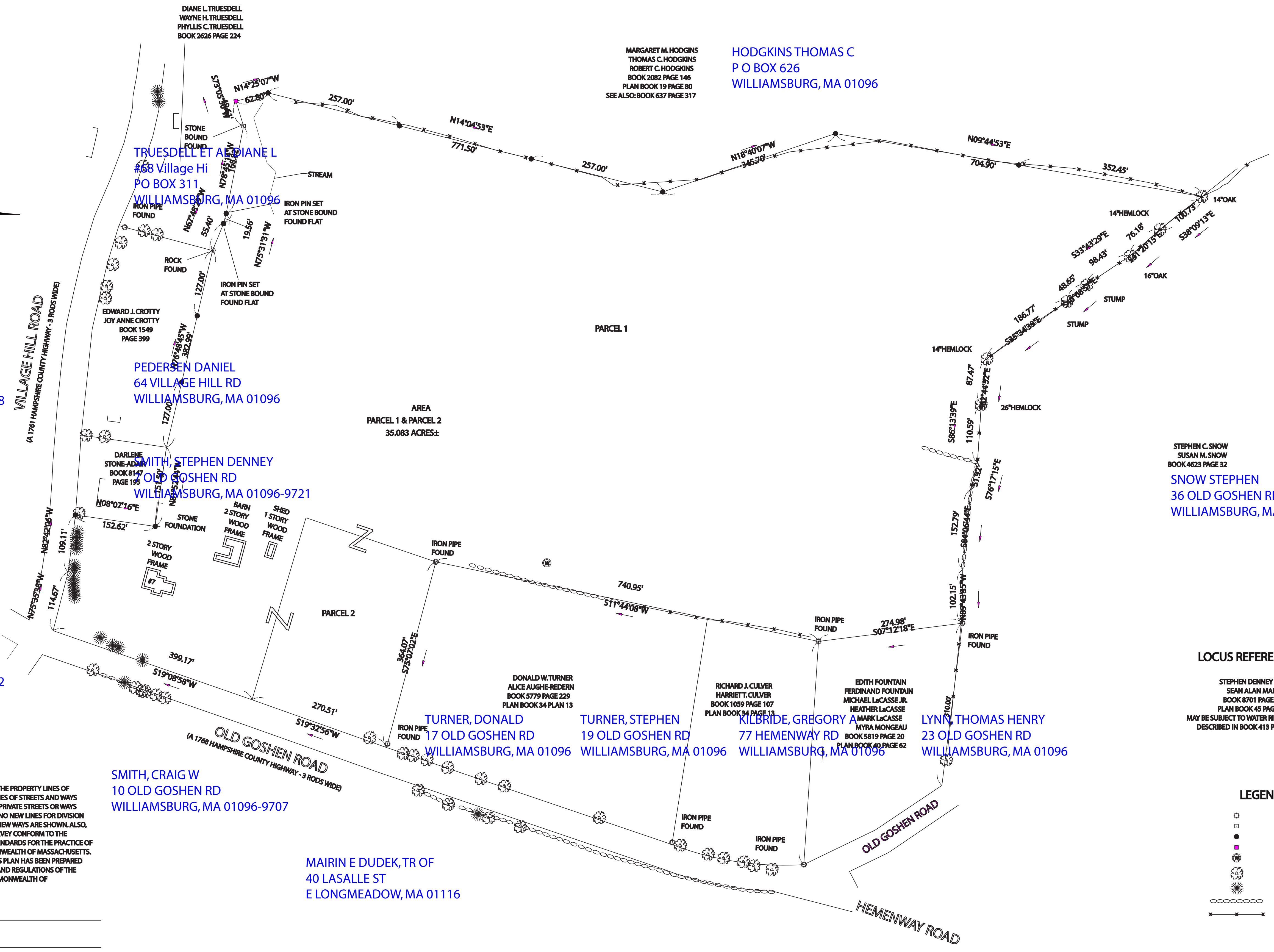
Plan Page 1 of 2

I REPORT THAT THIS PLAN SHOWS THE PROPERTY LINES OF EXISTING OWNERSHIP AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. ALSO, I REPORT THAT THIS PLAN AND SURVEY CONFORM TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS. FURTHERMORE, I REPORT THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_

FOR REGISTRY USE ONLY



LOCATION:  
7 OLD GOSHEN ROAD  
WILLIAMSBURG, MA

PREPARED FOR:  
STEPHEN SMITH  
42 APPLETON STREET  
BOSTON, MA 02116

**HOLMBERG & HOWE**  
**LAND SURVEYORS & CIVIL ENGINEERS**

73 PRINCETON STREET NO. CHELMSFORD, MA 01863 TELEPHONE (978) 251-3132 FAX (978) 251-0509	87 UNION STREET P.O. BOX 945 EASTHAMPTON, MA 01027 TELEPHONE (413) 529-1700 FAX (413) 529-2237	37 DAMON POND ROAD CHESTERFIELD, MA 01012 TELEPHONE (413) 296-4525 FAX (413) 529-2237
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DATE	REVISION	BY

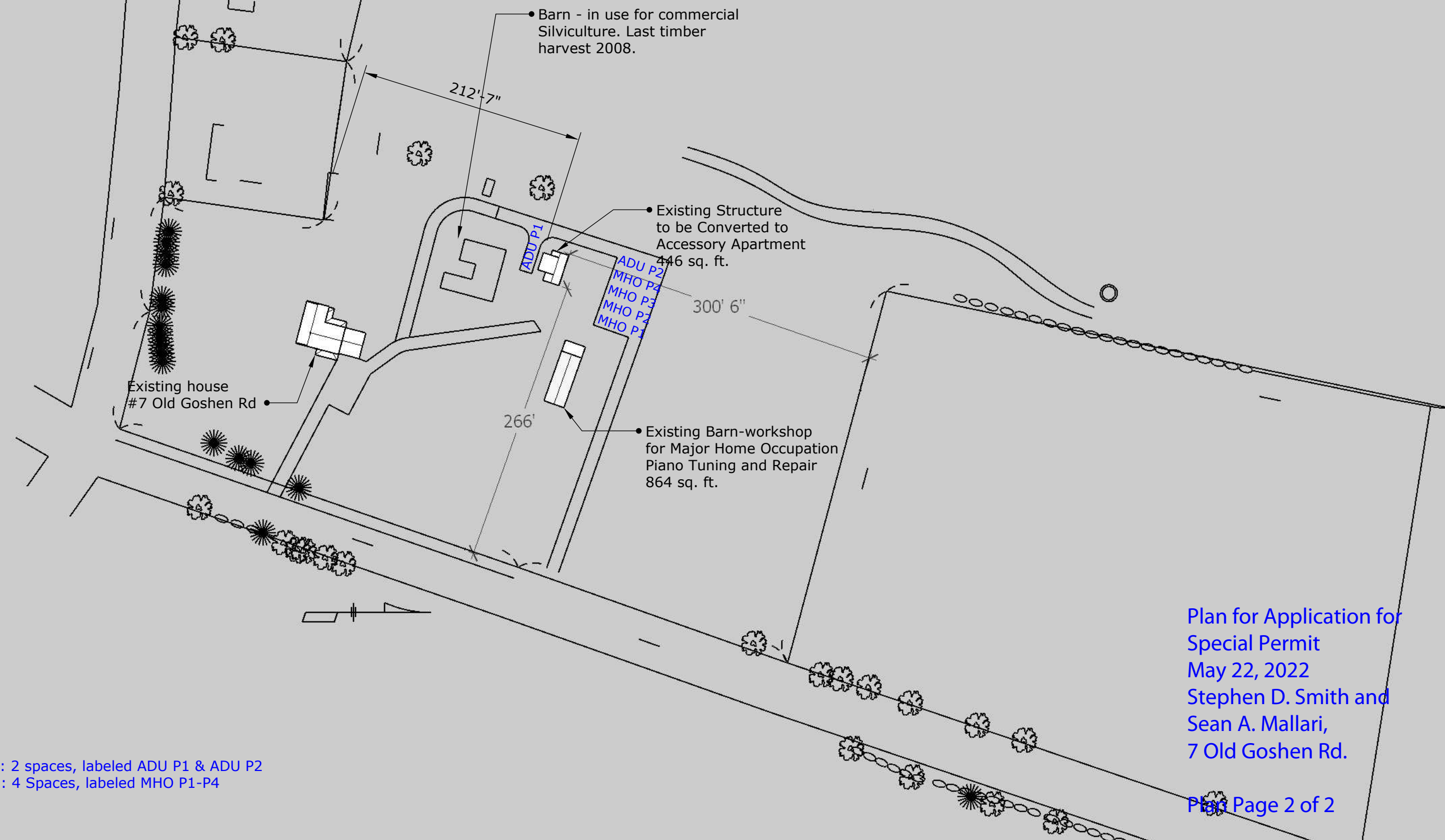
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CALC: TPC DESIGN: \_\_\_\_\_  
DRAFT: TPC CHECK: EBH

TITLE:  
**PLAN OF LAND**

FEET 0 100 SCALE 200 300  
METERS 0 30.5 61.0 91.4

HOR. SCALE: 1"=100' VERT. SCALE: N/A

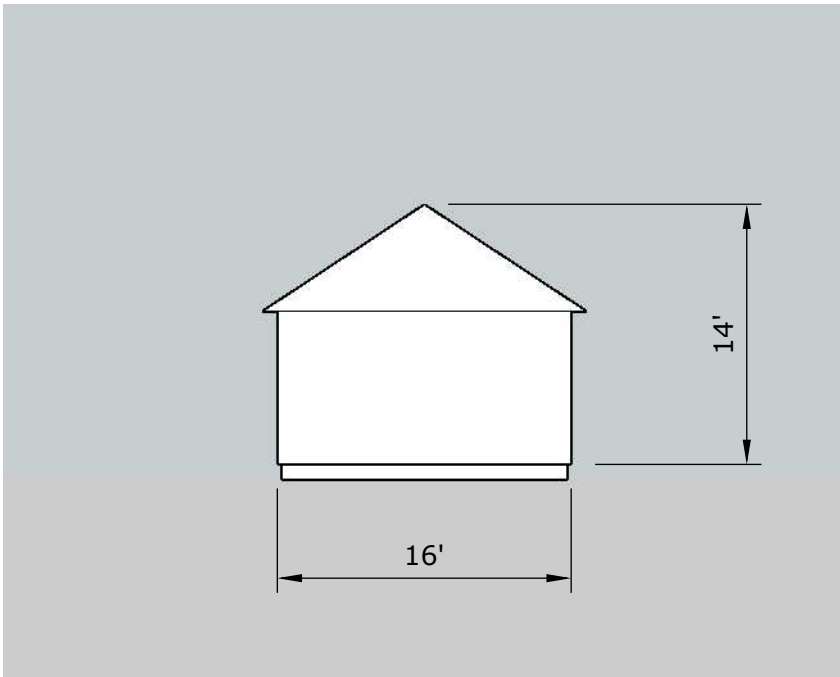
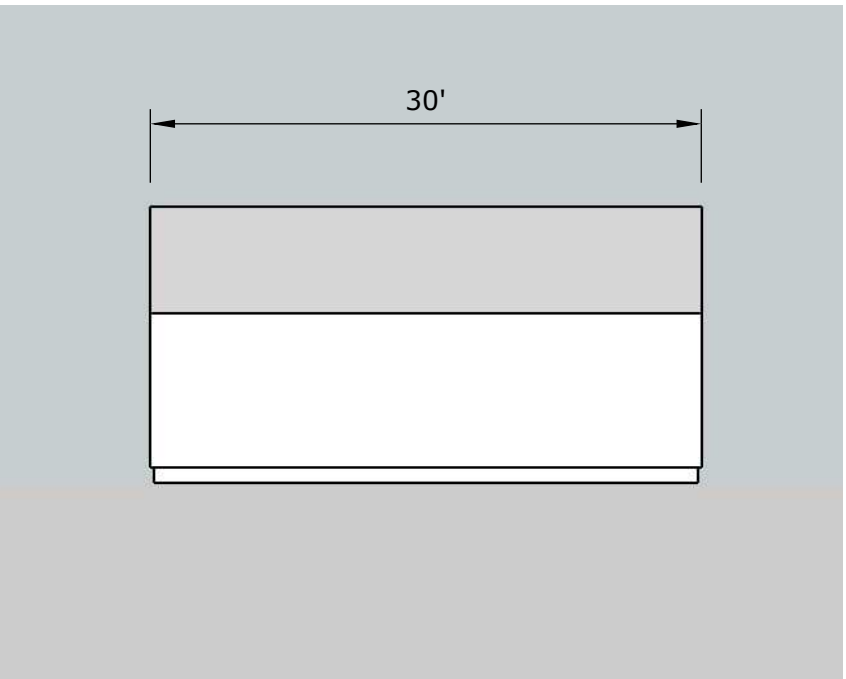
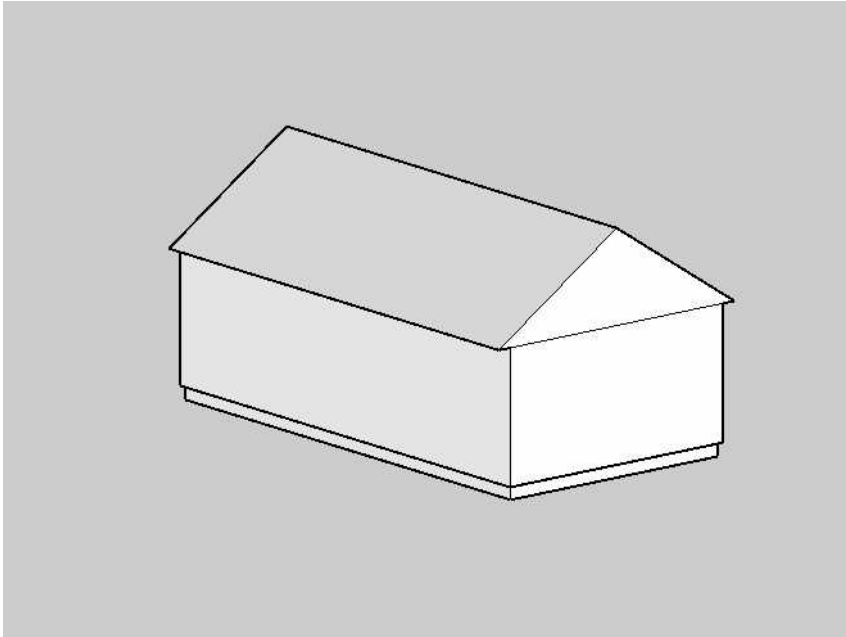
SHEET: 1 OF: 1  
DATE: 7/7/06 JOB NO.: 2006-032



Parking:  
 Accessory Dwelling Unit: 2 spaces, labeled ADU P1 & ADU P2  
 Major Home Occupation: 4 Spaces, labeled MHO P1-P4

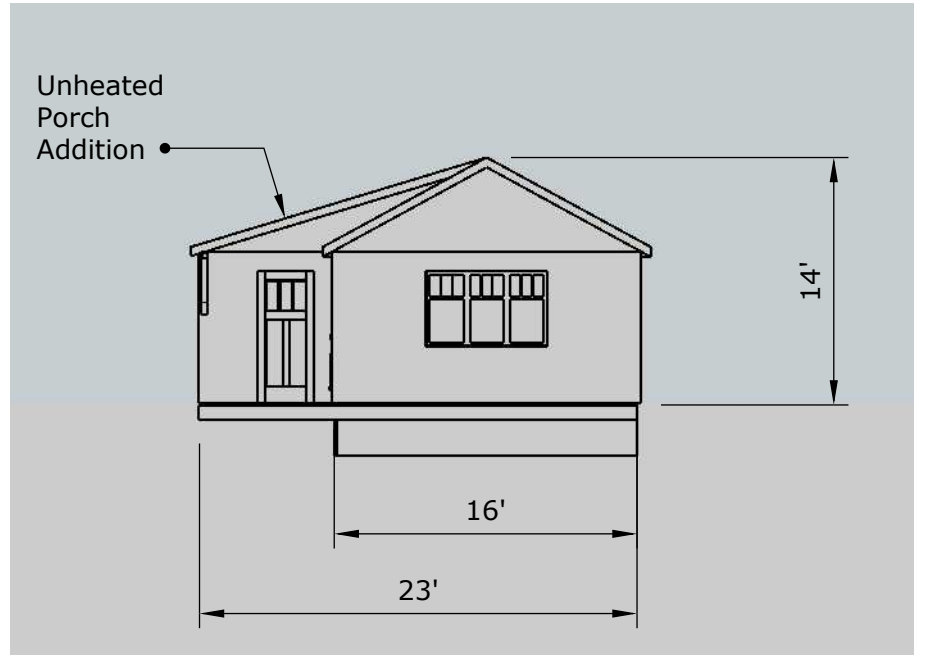
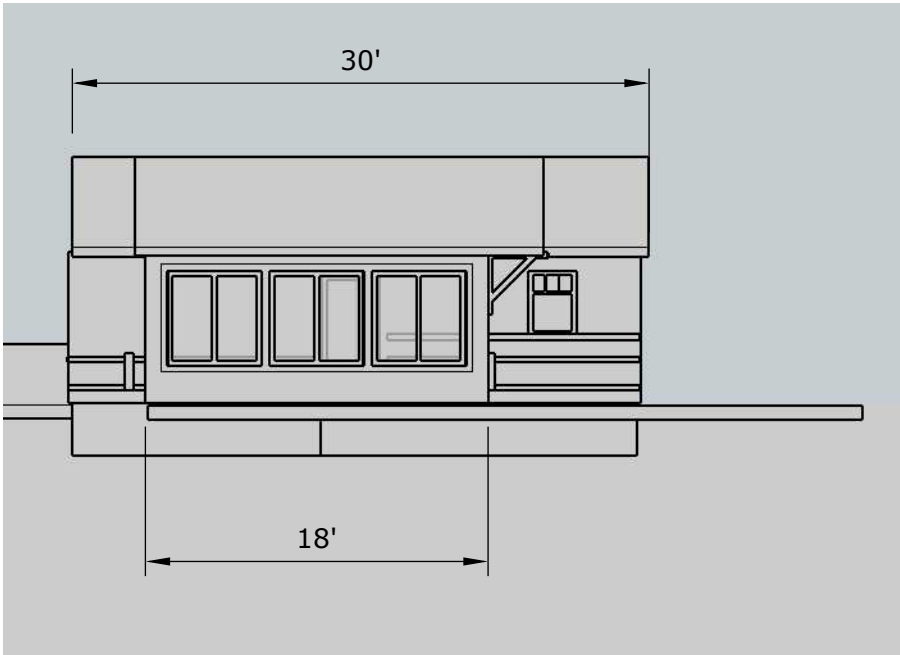
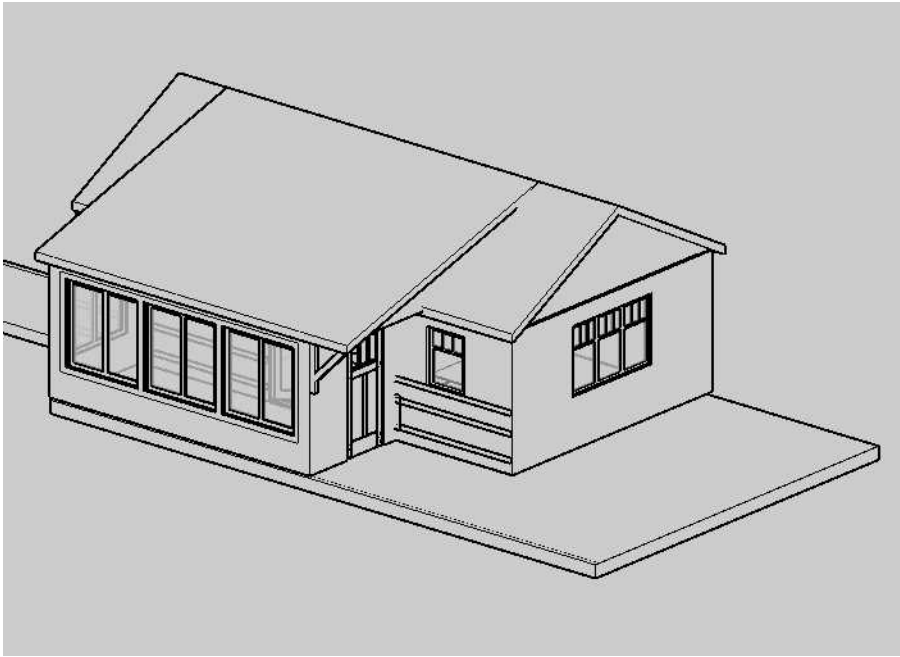
Plan for Application for  
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 7 Old Goshen Rd.

Page Page 2 of 2



Smith and Mallari Accessory Dwelling Unit  
7 Old Goshen Rd.  
Elevations of Existing Structure

5/20/2022



Smith and Mallari Accessory Dwelling Unit  
7 Old Goshen Rd.  
Elevations of Proposed Modification

5/20/2022

Stephen D. Smith  
Sean A. Mallari  
7 Old Goshen Road  
Williamsburg, MA 01096

Jonathan Flagg, Building Commissioner  
Town of Williamsburg  
212 Main Street  
Northampton, MA 01060

June \_\_\_\_\_, 2022

Regarding 7 Old Goshen Road Detached Accessory Apartment

Dear Building Commissioner Flagg:

We are writing in conjunction with our application for a Building Permit to convert a structure to a Detached Accessory Apartment at 7 Old Goshen Road in Williamsburg. We hereby state that we will occupy either the Single Family Dwelling or the Detached Accessory Apartment at 7 Old Goshen Road as our permanent residence.

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Stephen Denney Smith, Owner

---

Sean Alan Mallari, Owner

Hampshire, ss:

\_\_\_\_\_, 2022

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned notary public, personally appeared Stephen Denney Smith and Sean Alan Mallari, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a state governmental agency, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose and that the foregoing instrument is their free act and deed and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief.

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Notary Public

My Commission Expires:

**AFFECTED PREMISES: 7 OLD GOSHEN RD., WILLIAMSBURG, MA 01096**

**RESTRICTIVE COVENANT**

KNOW ALL PERSONS BY THESE PRESENTS THAT WE, Stephen Denney Smith and Sean Alan Mallari, owners of real estate at 7 Old Goshen Rad, Williamsburg, Massachusetts, more particularly described in a deed recorded at Hampshire County Registry of Deeds on May 1, 2006 in Book 8701 page 265, hereby Covenant and Agree that the structures at 7 Old Goshen Road comprise a Single Family Dwelling, and a Detached Accessory Apartment dwelling of 466 square feet as defined in the Town of Williamsburg Zoning Ordinance. We, Stephen Denney Smith and Sean Alan Mallari, as the owners of said property, will occupy one of the dwelling units on the premises as our permanent primary residence, except for bona fide temporary absences.

Each subsequent owner shall, within 30 days of the sale, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence. Without the delivery of such letter, the right to occupy the Detached Accessory Apartment shall cease.

Executed as a sealed instrument this \_\_\_\_ of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Stephen Denney Smith, Owner

\_\_\_\_\_  
Sean Alan Mallari, Owner

Hampshire, ss: \_\_\_\_\_, 2022

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned notary public, personally appeared Stephen Denney Smith and Sean Alan Mallari, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a state governmental agency, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose and that the foregoing instrument is their free act and deed and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief.

\_\_\_\_\_  
Notary Public  
My Commission Expires: