

THE COMMONWEALTH OF MASSACHUSETTS

Town of Williamsburg

Board of Appeals

DECISION

In the matter of: The application of Mary Colwell and Charlene Elvers for Special Permits to construct an accessory apartment at 25 Nash Hill Road, Williamsburg, MA 01096, being Assessor's Map J, Parcel number 33.1. A Special Permit is required in this situation, namely, 9.1 of the Zoning By Law, which defines and limits accessory apartments.

Date of Application: May 24, 2012

Date of Hearing: June 25, 2012

Date of Decision: June 25, 2012

Vote by members of the Board:

Gerald Mann - Approved

Lisa Berkman - Approved

Osa Flory - Approved

Findings:

A. General Findings:

The Colwell/Elvers property at 25 Nash Hill Rd., Williamsburg is a legal building lot with a single family home in the process of being constructed. A map of the building lot was presented to the board indicating that it conforms to the lot size requirements of a single family home. Ms Colwell presented to the Board her plans to construct a 744.8 square foot accessory apartment which will have its own electric panel and meter. In her presentation, Ms. Colwell stated that she and Ms. Elvers own 25 Nash Hill Rd. and they will be living in this single family home when completed. The accessory apartment will have one bedroom, one bath, and will be occupied by not more than 3 people. Parking will be adequate. No abutters attended the hearing.

B. Specific Findings:

25 Nash Hill Rd., Williamsburg, is a single family home under construction. Under 9.1 of the Zoning By Law, an accessory apartment within a single family home requires a Special Permit. The proposed accessory apartment complies with the requirements for a Special Permit in that the home will be owner occupied, the apartment is no larger than 750 square feet, the number of tenants will not exceed 3 people, and the site provides adequate parking.

C. Applicable law and decision criteria

Section 9, schedule of district locations and area provisions identifies an accessory apartment as requiring a Special Permit. Section 9.1 of the Zoning bylaws lays out the framework for evaluating and deciding upon the Special Permit application. Paragraph (a) defines a dwelling unit containing a kitchen and bath within an existing single family dwelling. Paragraph (b) grants the ZBA authority to grant a Special Permit for accessory apartments. Paragraph (c) states that accessory apartments may only exist in owner occupied homes. Paragraph (d) states that the accessory apartment cannot exceed 750 square feet or one-third of the total livable square footage of the dwelling, whichever is greater. Paragraph (e) states that the accessory unit may not be occupied by more than 3 persons.

Paragraph (f) requires the applicant for a Special Permit to present sufficient guarantees of a covenant to be filed with the Registry of Deeds stating the conditions of use for the accessory apartment as established by the Zoning Board of Appeals. Paragraph (g) states that the accessory apartment must comply with the parking requirements and with all other sections of this Bylaw. The applicant has presented to the Board of Appeals sufficient guarantees of a covenant which will be filed with the Registry of Deeds stating the conditions of use for the accessory apartment as established by the Zoning Board of Appeals. The applicant will submit the building plans submitted to the Zoning Board of Appeals to be recorded at the Registry of Deeds.

Decision of the Board:

The Zoning Board of Appeals of the Town Of Williamsburg has approved the Special Permits requested by Mary Colwell and Charlene Elvers with one condition.

The condition is: The accessory apartment will be built as presented at this hearing. This Special Permit shall expire two years and 21 days after filing with the Town Clerk if not exercised as set forth in the application, except for good cause.

Appeals from this finding, if any, shall be made pursuant to Chapter 40A, Section 17, of the Massachusetts General Laws, and shall be filed within twenty days after the date of filing of the notice of this decision in the Office of the Town Clerk.

Dated this day of June, 2012

Lisa V. Berkman

(signed) Lisa Berkman, on behalf of the Board of Appeals

Received and recorded by the Town Clerk 6/28/12
(date)

Brenda Leonard

(signed) Town Clerk, Williamsburg, Massachusetts