

PLANNING BOARD
Town of Stoneham, Massachusetts
Application for Accessory Dwelling Special Permit

Date: _____

I, _____
Applicant's Name and Address

hereby request a hearing before the Planning Board as Special Permit Granting Authority
with reference to: _____

Locus (location of accessory dwelling)

Type of Special Permit sought: Accessory Dwelling (family apartment) as defined under
Stoneham Town Code, Ch.15, Sec.4.2.4.1 Accessory Dwelling (family apartment)

Applicant is owner or Prospective Purchaser .

(Applicant must submit evidence of status, i.e. Deed, Purchase & Sale agreement)

Occupant of Accessory Dwelling:

Proposed family member's name _____

Relationship to owner _____

Occupant of Main Dwelling:

Proposed family member's name _____

Relationship to owner _____

Deed of property recorded in Middlesex South Registry of Deeds

Book: _____ **Page:** _____

or

Deed of property recorded in Middlesex South District Land Court Registry of Deeds

Book: _____ **Page:** _____

1. No application for a special permit shall be accepted unless the locus conforms to the Zoning By-Laws, after initial review by the Building Commissioner, or the appeal period from the granting of a necessary variance or exception has elapsed without notice of appeal being properly received by the Town Clerk.
2. A certified plot plan as well as a drawing showing proposed rooms with dimensions prepared according to the rules and regulations of the Planning Board as Special Permit Granting Authority, found under Article III of the Stoneham Town Code, Chapter 17, Sections 17-16 and 17-17, must accompany the application.
3. Application fee of \$200.00 payable to the Town of Stoneham.
4. All advertising costs associated with newspaper publication of the legal notices must be paid by the petitioner.
5. A certified list of abutters from the most recent Assessors roles must accompany this application at the time of submittal and adherence to all notice requirements as listed on the Special Permit Checklist.

Signature of Owner: _____

Address of Owner: _____

Special Permit for Accessory Dwelling Checklist

Accessory Dwelling Applications are processed by the Planning Board after proper submission and payment of the \$200.00 application fee to the *Town of Stoneham*.

APPLICATION REQUIREMENTS:

- Three (3) copies of the application with original signatures required.
- Copy of deed (can be found on masslandrecords.com/MiddlesexSouth)
- Fifteen (15) copies of a stamped, certified plot plan by a Massachusetts Registered Professional Land Surveyor no larger than 11" x 17" and one (1) electronic copy if available (pdf) emailed to townclerk@stoneham-ma.gov
- Fifteen (15) 11" x 17" copies of a stamped plan of the proposed dwelling by a Massachusetts Registered Professional Land Surveyor, Registered Architect or Registered Professional Engineer and one (1) electronic copy if available (pdf) emailed to townclerk@stoneham-ma.gov. Plan subject to inspection by the Building Commissioner before submission.
- Plan Highlights (see bylaw Chapter 15, Section 4.2.4.1)
 1. Gross floor area not to exceed 750 sq. ft. Total gross floor area must be provided on the stamped plan of the proposed accessory dwelling.
 2. The accessory dwelling unit must be attached to subject property primary dwelling unit by way of minimum shared wall coverage of 75% (of length).
 3. All utility services shall be single service (meter) to the subject property primary dwelling and accessory dwelling.
 4. One additional parking spot in addition to the two spaces for the principal unit must be delineated on certified plot plan.
- Applicant must order Abutter's list from the Assessor's Office and comply with all applicable notice requirements no less than three (3) weeks prior to hearing date.
- Application with plans must be submitted to the Town Clerk's Office at least three (3) weeks prior to hearing date. Check with the Town Clerk for next hearing date(s) and submission deadline date(s).
- The legal notice will be completed or approved by the Planning Board and forwarded to the Stoneham Independent. The petitioner will be responsible for all costs associated with publication.

Stoneham Town Code, Chapter 15 Zoning By-Laws, Chapter 17 Planning Board and Official Zoning Map are available on the Town's website www.stoneham-ma.gov under Planning Board

INSTRUCTIONS – LEGAL NOTICES

Planning Board & Board of Appeals

Contact the Assessor's Office to request a certified, abutter's list and labels, (10 day lead time is preferred) or order online at <https://www.stoneham-ma.gov/481/Pay-Bills-Online> . You will be contacted for pick up when the abutter's list is ready.

1. The Legal Notice will be submitted to the Stoneham Independent for publication. The legal notice must be published for two consecutive weeks prior to the public hearing. The petitioner is responsible for all costs associated with the publication in the newspaper.
2. The legal notice will be copied for mailing to all abutters listed and the seven (7) surrounding cities/towns.
1. Place mailing labels from Assessor's Office on plain, white envelopes, list Planning Board/ZBA, 35 Central Street, Stoneham, MA 02180 as return address; place copied legal notice inside each envelope, seal envelopes, and affix proper postage. **DO NOT MAIL.**
2. 4. Also prepare envelopes for mailing a copy of legal notice to surrounding cities and towns from the list provided in this packet. **DO NOT MAIL.**
5. Please leave envelopes in the same order as they appear on the Certified Abutters List.
6. Complete *Affidavit of Notice of Mailing to Abutters and Others* form. Attach a copy of Legal Notice to the Affidavit (The notarization can be completed by the Planning Board/Board of Appeals Clerk if necessary.)
7. Return properly stuffed envelopes with return address and postage affixed to the Board of Appeals/Planning Board with completed Affidavit of Notice of Mailing to Abutters with legal notice attached no later than three business days after the first legal notice appears in the newspaper.

TOWN OF STONEHAM

Affidavit of Notice of Mailing to Abutters and Others

Date _____ 20 _____

To the Planning Board/Board of Appeals
For the Town of Stoneham

I, _____, hereby certify that the following is a true list of the persons shown upon the Assessor's most recent valuation list as the owners of the property abutting the subject property at _____.

I also certify that the notices of this application/petition concerning the above property were returned to the Planning Board/Board of Appeals in properly addressed envelopes, first class postage affixed within three (3) business days after the first publication of same. A copy of the advertisement is attached.

Signed and subscribed to under penalties of perjuries this _____ day of _____, 20_____.

Signature: _____

Printed Name: _____

ATTACH ADVERTISEMENT
HERE

Address: _____

City, State, Zip: _____

Notary Public: _____

My Commission Expires: _____

Abutting Communities to be Noticed

Wakefield Planning Board
1 Lafayette St
Wakefield, MA 01880

Malden Planning Board
215 Pleasant St
Malden, MA 02148

Medford Planning Board
Office of Community Development
City Hall, 85 George P. Hassett Dr
Medford, MA 02155

Reading Planning Board
Office of Community Development
16 Lowell St
Reading, MA 01867

Melrose Planning Board
562 Main St
Melrose, MA 02176

Winchester Planning Board
71 Mount Vernon St
Winchester, MA 01890

Woburn Planning Board
City Hall
10 Common St
Woburn, MA 01801

All abutters' mailings must have a return label:

Planning Board/Board of Appeals
35 Central St
Stoneham, MA 02180

Stoneham Town Code Chapter 15 Zoning By-Laws

4.2.4.1 Accessory Dwellings (family apartments)

- (a) Owner occupancy required: The owner(s) of the single-family lot and dwelling upon which the accessory dwelling unit, or family apartment, is located or to be located shall occupy at least one (1) of the dwelling units on the subject property. The Special Permit shall be issued to the owner of the subject property and shall be filed with the Registry of Deeds and the Planning Board shall forward a copy to the Inspector of Buildings. In the event there is a change in ownership of the subject property via a transfer to a family member an amendment to the Special Permit must be applied for. The Planning Board retains rights of rescission should any portion of conditions be violated.
- (b) In the event a change in residence of either family member occurs, or a conveyance occurs that is to someone other than a family member, or a voluntary surrender of the Special Permit, the subject property will automatically revert to a single family dwelling and no longer enjoy the rights granted under the Special Permit that allowed for the accessory dwelling. This does not preclude a new application for a Special Permit in accordance with the described use at any time in the future.
- (c) The gross floor area of the accessory dwelling, or family apartment, shall not exceed 750 square feet under any circumstance or condition. The accessory dwelling unit must be attached to the subject property primary dwelling unit by way of minimum shared wall coverage of 75% (of length). In addition all utility services shall be single service (meter) to the subject property primary dwelling and accessory dwelling.
- (d) One additional parking space shall be provided for the accessory dwelling, or family apartment, in addition to a minimum of two spaces for the principal unit, or other parking requirements as determined by the Planning Board.
- (e) Occupancy of the accessory dwelling, or family apartment, shall be limited to two people and may not be used for business or commercial purposes.
- (f) A deed restriction for the affected lot must be filed with the Registry of Deeds to the effect that principal dwelling or accessory dwelling, or family apartment, be owner occupied as a condition for the issuance of an occupancy permit for the subject accessory dwelling, or family apartment.
- (g) Construction and occupancy of the accessory dwelling, or family apartment shall comply with all applicable state, federal, and local laws and regulations. No Certificate of Occupancy shall be issued until evidence of the recording of the Special Permit and Deed Restriction has been provided to the Planning Board and Building Inspector.
- (h) Ownership of the principal dwelling and the accessory dwelling, or family apartment, shall be one and the same, and may not be separated. There shall be one accessory dwelling allowed per single family dwelling. There is to be no other apartment or accessory dwelling unit on the subject lot. (10-27-03, Art. 21)

**Relevant portions of
Chapter 17 Article III Special Permit Granting Authority – Rules and Regulations.**

Sec. 17-16. Applications.

Application forms. Every application for action by the board shall be made on the official form as approved by the Planning Board. These forms shall be furnished by the clerk upon request. Any communication, purporting to be an application, shall be treated as mere notice of intention to seek relief, until such time as it is made the official application form. All information called for by the form shall be furnished by the applicant in the manner prescribed.

Acceptance of applications and scheduling of a Public Hearing.

- (a) Fifteen copies of all applications and plans required by the rules and regulations shall be submitted at the time of application.
- (b) No hearing shall be scheduled until a proper application, plans and required fee are received by the board.
- (c) The petitioner shall give written notice to the town clerk in the form of a copy of a valid application by delivery; registered mail, postage prepaid; or by certified mail, return receipt requested prepaid; that he has submitted an application for a special permit to the board.
- (d) The board shall schedule a public hearing within sixty-five (65) days of receipt of a properly submitted application, plans and required filing fee as required by Chapter 40A, Section 9 of the Massachusetts General Laws.
- (e) No application and accompanying plan shall be deemed to have been properly submitted if they are deficient in their compliance with these rules and regulations and any applicable requirements of the zoning bylaw, Chapter 15 of the Stoneham Town Code or Chapter 40A of the Massachusetts General Laws.

Sec. 17-17. Plans.

Plan. A plan of the locus shall accompany the petition at the time of filing in the number called for in subsection (a) above.

- (a) General plan requirements:
 - (1) Site, name of identification by boundaries, north point, date, scale used in preparation of plan.
 - (2) The size of the plan shall be a minimum of 11" x 17" or larger, not to exceed 24" x 36" drawn to scale.
 - (3) The plan must include the name and address of the owner, the name of the petitioner if different, the name, signature and stamp of a Massachusetts registered professional engineer, a Massachusetts registered professional land surveyor or a Massachusetts registered architect and a certification as to the accuracy of all dimensions and validity of property lines as shown on the plan shall be included. In the case of a special permit for an accessory dwelling, a certification of the total gross floor area of the accessory dwelling (family apartment) must be included on said plan as outlined in Chapter 15 of the zoning bylaw, Section 4.2.41(c). The Planning Board reserves the right to allow for some discretion by the Building Commissioner as to the acceptability of the submitted plans.
 - (4) The names, widths and streetlines of existing streets, zoning districts applicable to the property and abutting properties, and the names of record owners from the most current assessors' list of all properties abutting subject property shall be shown.
 - (5) The dimensions of the lot, percentage of the lot covered by the principle and accessory structures or alterations with distances from boundaries shall likewise be

shown and reference to any variances or exceptions which may indicate smaller minutia than likewise called for by the zoning bylaw shall be indicated.

- (6) All off-street parking requirements, off-street loading regulations, and screening and landscaping standard as outlined in Chapter 15 of the zoning bylaw, Section 6.3, 6.4, 6.5 respectively shall be shown on said plan.
- (7) All performance standards required in Chapter 15, Section 6.8 of the zoning bylaw shall be shown where feasible on said plan.

(b) Requirements relating to residential special permits:

- (1) Cluster development - all requirements of Chapter 15, Section 5.3.9 relative to cluster development shall be included on said plan.
- (2) All plans for special permit in residential areas shall show dimensions having to do with proper compliance with setbacks, heights and frontage required by Chapter 15, zoning bylaw.
- (3) Where a residential special permit will also entail subdivision approval, nothing herein shall prevent the petitioner from including all details called for by Chapter 17 of the Stoneham Town Code and the rules and regulations of the Stoneham Planning Board and the construction standards of the Town of Stoneham.

(c) Non-residential special permit plans-In addition to the general requirements contained herein, the following shall be shown:

- (1) Existing buildings and structures.
- (2) Proposed buildings and structures.
- (3) Existing and proposed driveways and openings for same.
- (4) Service areas.
- (5) Facilities for sewage, refuse.
- (6) Other open uses.
- (7) Facilities for surface water drainage.
- (8) Fences and retaining walls.
- (9) Sidewalks and pedestrian ways.

(d) Other requirements: The board may also require the showing of locations and sizes of existing utilities and services including but not limited to sewers and water mains and electrical and other utilities, fire boxes, hydrants and existing above ground utilities within or adjacent to the site and the showing of the location of structures on properties adjacent to the site and location of structures on properties abutting the property if it deems that such additional information is necessary for the board to reach a decision.

(e) Additional provisions: Nothing herein shall prevent a petitioner from including other information, in a form not in conflict with the requirements of this board, which may be required for submission of this plan to another board or department having jurisdiction over another aspect of the proposed subject.

Sec. 17-18. Errors in Filing.

When in its opinion its ability to reach a decision on the basis of all material facts has not been substantially impaired, the board may waive any failure to comply with the exact technical requirements for filing. Whenever an affirmative decision is rendered on a petition, any such failure to comply shall be deemed to have been waived.