

Accessory Dwelling Unit Application Instructions

Please read packet before submitting application.

See attached Accessory Dwelling Unit Regulations for other submission requirements. Applications need to include information to demonstrate that the proposed accessory dwelling unit complies with Sections 4132 – 4134 and 4136- 4138

- 4132.** Accessory dwellings shall not be allowed on lots of less than 40,000 square feet.
(Shown by site plan)
- 4133.** Accessory dwelling shall not be larger than 1,000 square feet or thirty (30) percent of the gross square footage of the principal dwelling, whichever is larger. Gross square footage shall be defined as the total floor area of the dwelling, excluding basement, attic or garage.
(Shown by floor plans)
- 4134. SITE REQUIREMENTS**
- a) Accessory dwellings shall be within or attached to a principal dwelling or garage. *(Shown by site plan and structure elevations plans)*
 - b) Accessory units shall be designed so as to be as compatible as possible with existing site and neighborhood conditions. *(Shown by site plan and structure elevations plans with photos if possible)*
 - c) No accessory dwelling unit shall be located within any minimum front or side yard required by Section 2600. *(Shown by site plan)*
 - d) Two off-street parking spaces shall be provided for each accessory unit. Parking shall be screened from view as determined appropriate by the Planning Board.
(Shown by site plan)
 - e) Use of an existing on-site septic system to service accessory units shall be permitted only upon approval of the Board of Health. *(Shown by comment to Planning Board from the Board of Health)*
(The Board of Health Department is located at 16 Jan Sebastian Drive, Sandwich, MA. 02563. The telephone number is 508-888-4200).
- 4136.** The principal owner of the property must occupy, a minimum of eight (8) months as a primary residence, either the principal or accessory dwelling unit.
(Demonstrated by a written statement from the principal owner or other similar demonstration)
- 4137.** No accessory unit shall be separated by ownership from the principal dwelling.
(Demonstrated by a written statement from the principal owner or other similar demonstration)
- 4138.** All occupants of the accessory rental dwelling unit shall be approved by the Sandwich Housing Authority (SHA) to assure compliance with the purpose of this by-law and the Affordable Housing Program as described in the 1987 Master Plan update. Specifically, accessory dwelling units must be rented to those meeting the guidelines for a low or moderate family income. For the purpose of this section, low income families shall have an income less than eighty (80) percent of the Town of Sandwich median family income, and moderate income families shall have an income between eighty (80) and one hundred twenty (120) percent of the Town of Sandwich median family income, as determined by the Federal and/or State Census. (Demonstrated by a letter to the Planning Board from the SHA. The applicant is responsible for working with the SHA to obtain this documentation)

The SHA uses the median family income established by the most recent federal census in the formula to determine household income. The **median family income in Sandwich** as determined by the 2000 federal census is \$61,250.00. For the purposes of Section 4138 the formula calls for an individual or family to have an income that does not exceed approximately \$73,500.00 per year. The Sandwich Housing Authority is located at 20 Tom's Way, Sandwich, MA. 02563. The telephone number is (508) 833-4979.

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Abutters Notice

The laws governing Special Permits specify that “parties in interest” are entitled to receive **notice of the public hearing** for a special permit application and the **decision** on that application. The statute defines “parties in interest:”

The person requesting the special permit for the property that is the subject of the special permit application; abutters, that is all property owners whose property directly abuts the property that is the subject of the special permit application; owners of land directly opposite on any street; abutters to abutters within three hundred feet of the property line of the petitioner and the Planning Boards of all abutting towns be sent notice as well. For Sandwich the abutting towns are Bourne, Barnstable, Falmouth and Mashpee. The Assessing department is familiar with these requirements.

The “parties in interest” are more often referred to as **abutters**. The list of abutters must be certified by the Assessing Department. The Assessing Department is required to certify these lists by ten (10) days from the date they are received at the Assessing Department. The Assessing Department processes abutters list certification requests in the order in which they are received. The Assessing Department will contact the person requesting certification when the list has been certified or if there are errors that require a revised abutters certification request to be submitted to the Assessing Department. There is a fee for certifying abutters lists.

The original copy of the abutters list certified by the Assessing Department must be submitted with the Special Permit application materials. The certified abutters list is then used by the applicant **to address the envelopes necessary for the required abutters notice** for the public hearing and for the decision.

Addresses for the Planning Boards of the four abutting towns:

Town of Bourne	Planning Board	24 Perry Avenue, Buzzards Bay, MA 02532
Town of Barnstable	Planning Board	200 Main Street, Hyannis, MA 02601
Town of Falmouth	Planning Board	59 Town Hall Square, Falmouth, MA 02540
Town of Mashpee	Planning Board	16 Great Neck Road North, Mashpee, MA 02649

If you wish to have notice or decision sent to your representative or associate, you must also provide those envelopes. If they are not on the abutters list they will not receive a notice or a decision unless you provide these envelopes.

Public Hearing Notice

The **public hearing notice** is mailed to each abutter and the four abutting towns **by certified mail with return receipt requested. Please be sure that the envelopes are complete with the following information.**

- a. Each envelope must be **legibly addressed**; the **return address** must also be placed on the upper left hand corner of the envelope:
Planning & Development Office
16 Jan Sebastian Drive,
Sandwich MA 02563;
- b. Each envelope must have **enough postage** on it to mail one sheet of paper by certified mail return receipt requested;
- c. Each envelope must have the **certified mail slips** filled out;
- d. Each envelope must have the **return receipt cards** completely filled out. On the return receipt cards:
 1. The **addressee** is the person or organization **to whom the public hearing notice is being sent.**

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2. The service type is Certified Mail.
3. The article number is the number on the Certified Mail slip.
4. The return receipt cards must show the sender's address as: Planning & Development Office
16 Jan Sebastian Drive
Sandwich, MA 02563;
- e. Place certified slip and green return receipt card inside each envelope and submit along with your completed application.

Decision

After the Board makes their decision the law requires that this decision must also be noticed to the abutters. The decision is mailed to each abutter and the Planning Boards of the four abutting towns by regular first class mail.

For the decision envelopes:

- a. Each envelope must be legibly addressed to the abutter or abutting town's Planning Board; the return address placed on the upper left hand corner of the envelope is:
- b. Planning & Development Office
- c. 16 Jan Sebastian Drive
- d. Sandwich MA 02563;
- e. Each envelope must have a first class stamp affixed to it.
- f. Submit these envelopes along with your completed application.

The Planning & Development Office will mail the notice.

Advertising

The laws governing Special Permits require that a public hearing be advertised in a newspaper of general circulation. The advertisement must appear two times with the first time being not less than fourteen (14) days before the public hearing. The advertisement must state the nature of the applicant's request, along with the date, time and place where the public hearing is to be held.

The applicant is responsible for the cost of the required advertising. The Town of Sandwich has contracted with Falmouth Publishing for the advertisement of public hearing notices. Falmouth Publishing publishes the Sandwich Enterprise once a week on Fridays. A check made out to **Falmouth Publishing Co., Inc.** in the amount of **\$28.80** must be submitted with your application materials. \$28.80 is the least the two advertisements will cost. The Planning & Development Office may have to bill you for any additional advertising costs once we receive the bill from Falmouth Publishing. Typically the additional cost is under \$10.00 dollars.

Next Steps

After the close of the public hearing the law gives the board 90 days in which to file a decision with the Town Clerk. If the Special Permit is granted, the law requires that a 20 day appeal period must elapse from the date of that Town Clerk stamp before the decision is final. On the 21st day you may obtain a copy of the decision from the Town Clerk which will bear a notice that no appeals have been filed. The decision is then eligible to be recorded at the Registry of Deeds.

Please contact the Town Clerk's Office at 508-888-0340 for further information regarding the appeal period and the time that your decision will be ready for you. A copy of the recorded Special Permit must be provided to the Planning Board.

If you have any questions, please contact the Planning & Development Office at (508) 833-8001 or e-mail us at planning@townofsandwich.net