***Memorandum***

**From**: Paul Halkiotis, Planning & Community Development Director

**To**: Board of Selectmen & Planning Board

**RE**: Revised Draft Accessory Apartment Zoning Bylaw Amendment

**Date**: February 23, 2023

Attached please find a revised draft of the proposed Accessory Apartment Zoning Bylaw amendment. I have included a redline marked up version and a clean copy of the draft amendment for your review.

At the 2/14/23 Planning Board meeting, the Board discussed the changes that were in the first draft dated 2/3/23. During that discussion, Select-Board member Julie [Kavanagh](mailto:jkavanagh@townofharwich.us) offered comments on the Bylaw amendment. She indicated that she would like to see the Bylaw less restrictive and simplified. Following that, Planning Board members provided a brief history of the previous amendments to make accessory apartments allowed as a matter of right, not by Special Permit. Later that week I had a phone conversation with Select-Board member [Kavanagh](mailto:jkavanagh@townofharwich.us) in an effort to clarify what changes she asked me to make.

Based on the feedback on the 2/3/23 draft, I made further revisions that:

1. Removed any minimum lot size requirements.
2. Included a new requirement that requires property owners to connect the principal dwelling unit and the proposed accessory apartment to the municipal sewer system, if it is available in their area. This will help to ensure that the additional wastewater flow from a new accessory apartment will not adversely impact ground water resources.
3. Many of the changes make the Bylaw less restrictive, however I am also recommending changes that reinforce the “no leases less than six months” requirement by requiring the owner to sign an affidavit stating that they are not leasing the accessory apartment for a term less than six months.
4. The last section of the Bylaw describes the actions that the Building Commissioner can take, in the event that a property owner violates the more than 6 months leasing requirements.
5. I incorporated several changes recommended by Mr. Jon Idman in his 2/7/23 letter to the Planning Board.
6. Regarding the request to allow property owners within the Six Ponds Zoning District to be able to create accessory apartments without complying with the minimum lot size requirements specified in the Zoning Bylaw, section 325 - 94 A. (1), requiring 60,000 SF for preexisting properties and 100,000 SF for new lots created after the adoption of the Bylaw; I did not include any revisions for the following reasons:

* The Public hearing notice did not include making any changes to that section of the Bylaw. Changing that section could create a notice issue with the Attorney General. That matter should be discussed with Town Counsel.
* The Town’s Sewer Policy may not allow increasing the density in a Zoning District, just because the property has access to the municipal sewer system. I have not yet verified this.
* There has been no public discussion about making the Six Ponds Zoning District regulations less restrictive. The changes requested may be inconsistent with the stated purposes in that section of the Zoning Bylaw and DCPC designation. I suggest that more public discussion take place to vet any Zoning Amendments with voters.

I look forward to meeting with you to discuss the draft Bylaw amendment and to listen to public comments at the 2/28/23 Planning Board Public Hearing.

cc: Joe Powers, Town Administrator

Meggan Eldredge, Assistant Town Administrator

Zoning Board of Appeals