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*ph: 508-430-7506*

**TO:** Zoning Board of Appeals  
**FROM:** Rachel Lohr, Zoning Compliance Officer  
**DATE:** January 12, 2024, **REVIESED January 29, 2024**  
**RE:** ZB2024-01 13 Braddock St. Site Summary

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The existing single-family dwelling with a detached garage is located at **13 Braddock St., Map:7 Parcel: F13** in the RH-1 Zoning District and is a pre-existing non-conforming structure that was built in 1940 according to Town Assessing records. The applicants are proposing to raze & replace the detached garage to create a detached garage with an accessory dwelling unit above.

**Project History:**

- November 20, 2023, a full building permit application was submitted.
- November 28, 2023, a denial letter was issued by the building commissioner.
- December 28, 2023, ZBA application was submitted.
- January 8, 2025, comments received from the Health Department indicating a septic permit will need to be applied for, and complete floor plans for the main dwelling be submitted.
- Police and Historic returned the request for input with no concerns.
- January 24, 2024, revised building plans and a site plan was submitted.

The proposed ADU will contain 1 bedroom and 1 bathroom with a total gross floor area of approximately 832 square feet. The table below shows the existing and proposed conditions, according to the engineered site plan provided by Moran Engineering Assoc., dated November 14, 2023, and revised January 23, 2024.



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Existing Conditions	Proposed Conditions
<ul style="list-style-type: none"> <li>• Setback on North side – <b>1.5ft &amp; 2.2ft</b></li> <li>• Setback on East side – <b>27.4ft</b></li> <li>• Setback on South side – <b>Greater than 100ft</b></li> <li>• Setback on West side (road) – <b>26.0ft</b></li> <li>• Building coverage – <b>Existing 11.47% Max Allowed 30%</b></li> <li>• Site coverage – <b>Existing 24.7% Max Allowed 35%</b></li> </ul>	<ul style="list-style-type: none"> <li>• Setback on North side – <b>10ft</b></li> <li>• Setback on East side – <b>18.9ft</b></li> <li>• Setback on South side – <b>Greater than 100ft</b></li> <li>• Setback on West side (road) – <b>26.5ft</b></li> <li>• Building coverage – <b>Proposed 13.4% Max Allowed 20%</b></li> <li>• Site coverage – <b>Proposed 26.9% Max Allowed 35%</b></li> </ul>

The proposed project will **decrease** the following non-conformities, North, and West side setbacks.

The proposed project will **create a new non-conformity** by the addition of the exterior stairs on the East side of the structure.

According to the Towns Zoning By-Law Chapter §325-54A(5a) “Non-Conforming Structures and Uses”, “A lawfully preexisting nonconforming single- or two-family residential structure may, *by special permit*, be demolished and replaced with a new structure on the same site, provided that it is determined by the Board of Appeals that;”

(a) The replacement of the structure will not be substantially more detrimental to the neighborhood than the existing structure;

(b) The replacement of the structure will not cause or contribute to any undue nuisance, hazard or congestion in the neighborhood, zoning district or Town;

(c) The replacement structure **will not increase** any of the following existing nonconformances: building coverage, site coverage, or setback encroachment;



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(d) The replacement structure **will reduce at least one** of the following existing nonconformances: building coverage, site coverage, or setback encroachment; and

(e) The replacement structure may not increase the habitable square footage of the structure by more than 25% over the habitable square footage of the existing structure over a ten-year period beginning on the date of the issuance of the special permit by the Board of Appeals.

Based on the information provided in the application the proposed project would not meet the requirements for §325-54A(5a) Non-Conforming Structures and Uses as the addition of the exterior stairs create a new non-conformity and would require a variance. Additionally, this project meets the requirements for accessory dwelling units laid out in §324-14 T Single family Dwelling with accessory apartment.