

**MARSHFIELD ZONING BOARD of APPEALS**

CASE NO:  
NAME:  
PROPERTY:  
PARCEL NO:

**FORM 2E: REQUESTED FINDINGS OF FACT-SPECIAL PERMIT  
RESIDENTIAL ACCESSORY APARTMENT SECTION 11.09**

Now comes the applicant, \_\_\_\_\_ who applies to the Board

of Appeals according to Section(s) 11.09 (governing the use of accessory apartments) of the

Marshfield Zoning By-Law, for property located at,

\_\_\_\_\_

and asks that the Board make the following findings of fact in accordance with the provisions of law:

1. That the use requested is listed in the Table of Use Regulations as a special permit in the district for which application is being made or is so designated elsewhere in the By--Law. Specifically:

2. That the requested use is essential or desirable to the public convenience or welfare for the following reasons:

3. That the requested use will not create undue traffic congestion or unduly impair pedestrian safety for the following reasons:

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4. That the requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of town will be unduly subjected to hazards affecting health, safety or the general welfare for the following reasons:

5. That any special regulations for the use, set forth in Article XII of the Zoning By-law are fulfilled, specifically:

6. That the requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals or welfare for the following reasons:

In addition to the above, the following Review Criteria under Section 11.09.03 must be satisfied by the petitioner:

- a. That only one accessory apartment shall be allowed per single-family dwelling unit:

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- b. That the accessory apartment shall occupy no more than forty percent (40%) of the total living area of the dwelling:
  
  
  
  
  
  
  
  
  
  
- c. That the accessory apartment shall be designated so that the appearance of the building remains that of a one family residence. In general, any new entrance shall be located on the side or rear of the building. Reasonable deviation from this condition shall be allowed in order to facilitate access and mobility for disable persons.
  
  
  
  
  
  
  
  
  
  
- d. That there shall be compliance with Board of Health policies and regulations:
  
  
  
  
  
  
  
  
  
  
- e. That approved water conservation devices shall be required for new installations. This would include low flow showerheads and water efficient toilets:
  
  
  
  
  
  
  
  
  
  
- f. That the dwelling must be in existence, and not substantially altered, for a period of three years prior to the filing of the Applications for Special Permit:

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g. That the requested minimum lot size shall be for property in zones B1 and R3 - 10,000 sq. ft.; in zone B2 and R2 - 20,000 sq. ft. in zone R1 - 40,000 sq. ft.:

h. That sufficient parking shall be provided on the lot, including at least one additional space to serve the accessory apartment. Said additional space shall have access to the driveway serving the principal dwelling:

i. That the principal dwelling shall be occupied by the applicant / owner as his or her principal residence:

j. That there shall be compliance with the State Building Code:

Please note the following additional requirements under Section 11.09 of the Marshfield Zoning By-laws:

PLAN REQUIREMENTS: The applicant shall comply with Section 10.10 Special Permits of this bylaw. In addition, the following information shall be furnished:

- a. The existing and proposed square footage of each dwelling unit;
- b. The existing and proposed floor layouts of each unit;
- c. Any proposed changes to the exterior of the building;
- d. All plans shall be prepared by a registered land surveyor;
- e. Requirements for open space should be maintained.

TRANSFER OF OWNERSHIP OF A DWELLING WITH AN ACCESSORY APARTMENT: The special Permit for an Accessory Apartment in a single-family dwelling shall terminate upon the sale of property or transfer of title of the dwelling. The new owner(s) shall be required to apply for a new approval of a Special Permit for a Residential Accessory Apartment and shall submit a written request to the Board of Appeals.

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**RECERTIFICATION OF OWNER OCCUPANCY:** Not later than January 31 of each year following issuance of a Special Permit for an Accessory Apartment the owner of the premises must certify under the pains and penalties of perjury on forms to be available at the office of the Building Inspector that the premises continue to be occupied by the owner as his or her principal residence. Failure to recertify in a timely manner shall result in the automatic termination of the Special Permit.

DATE: \_\_\_\_\_

Respectfully submitted by:

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