



Town Clerk Stamp

Accessory Dwelling Unit Special Permit Application

To the Planning Board of the Town of Sandwich,
The undersigned herewith submits an application and requests a hearing before the Planning Board for a Special Permit under Section _____ of Sandwich Protective Zoning By-law for the purpose of: _____

Subject property: Map # _____, Parcel # _____. (Found on tax bill) Zoning District: _____

Registry of Deeds title reference: Book _____, Page _____, or Certificate Of Title Number _____ & Land Court Lot # _____ & Plan # _____.
(Call Barnstable County Registry at (508) 362-7733).

Property Street Address: _____

Lot area of subject property (Found on tax bill): _____

Property Owner(s): _____

Owner's Permanent Address: _____

Daytime Phone #: _____ Email: _____

Signature of Property Owner(s): _____

Applicant: _____

Applicant's Address: _____

Daytime Phone #: _____ Email: _____

Signature of Applicant: _____

Signature of Authorized Agent: _____

Daytime Phone #: _____ Email: _____

Please read packet before submitting application.

Submission Requirements for Special Permit Applications

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 & 4136-4138.

(10) copies of the following:

Section 4130:

- Completed application form

(Two copies of this form must be stamped in by the Town Clerk's office prior to submission. One copy stays with the Town Clerk. The original is filed with the Planning Board Application)

- A plot plan conforming to the requirements of Section 1220.
- Principal elevation of the exterior of the proposed unit, at a minimum scale of 1/8" = 1'.
- One copy of a certified abutters list shall be submitted with the application. The applicant is responsible for the cost of legal notices. Postage stamps sufficient for the mailing of notices must be submitted with the abutters list.
- Procedures described in Sections 1330, 1331, 1332 and 1360 shall be followed.

4132. Accessory dwellings shall not be allowed on lots of less than 40,000 square feet. (Shown on 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 on floor plans).

4134. SITE REQUIREMENTS:

- a) Accessory dwellings shall be within or attached to a principal dwelling or garage. (Shown on 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 on 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 on 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 on 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 Sandwich Housing Authority is located at 20 Tom's Way, Sandwich, MA. 02563. The telephone number is (508) 833-4979.

Abutters Notice

The laws governing Special Permits specify that "parties in interest" (also referred to as **abutters**) 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" as 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 list of abutters must be certified by the Assessing Department. The Assessing Department is required to certify these lists in ten (10) days from the date they are received at the Assessing Department. The Assessing Department processes abutter's 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 abutter's certification request to be submitted to the Assessing Department. There is a fee for certifying abutter's lists. The phone number for the Assessing Department is 508-888-0157. You may also view instructions on

the Town website at www.sandwichmass.org. Click on the Assessing Department and follow the "New Procedures for Abutter's Lists".

The original copy of the abutter's 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 |

Public Hearing Notice – 1st Mailing

The public hearing notice is mailed to each abutter and the four abutting towns **by certified mail with return receipt requested. Remember to include an envelope for the applicant and/or property owner(s). Please be sure that the envelopes are completed 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.
 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 – 2nd Mailing

After the Board makes their decision, the law requires that this decision must also be noticed to the abutters and the Planning Boards of the four abutting towns by regular first class mail. However, the applicant and property owner(s) must be notified by **Certified Return Receipt** (please see the above "Public Hearing Notice" section for these envelope procedures).

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:
Planning & Development Office
16 Jan Sebastian Drive
Sandwich MA 02563;
- b. Each envelope must have a first class stamp affixed to it.
- c. Submit these envelopes along with your completed application.

The Planning & Development Office will mail the public hearing notices and the decisions to the abutters, Towns, applicant and/or property owner(s).

If you are being represented by an attorney/consultant, make sure you include envelopes for both the public hearing notice & decision to be mailed to your attorney/consultant as well.

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 **\$70.00** must be submitted with your application materials.

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. (*Mandatory condition of all special permits and variance grants.*)

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



Accessory Dwelling Unit Special Permit Regulations
Sandwich Planning Board
April 16, 1997
Revised June 2003

1A. AUTHORITY

In accordance with Section 4130 of the Sandwich Protective Zoning By-law, the Sandwich Planning Board has the authority to approve, approve with conditions or disapprove Accessory Dwelling Units within the Town of Sandwich. Applicants are encouraged to submit preliminary materials for informal review by the Planning Board prior to the application for a special permit.

2.A. PROCEDURES FOR THE SUBMISSION AND APPROVAL OF AN ACCESSORY DWELLING UNIT:
Applicants for a Special Permit for an Accessory Dwelling Unit shall submit the following:

2A.1. Submission Contents:

- A. A completed application form. (Attachment #1)
- B. **Ten (10) copies of the** site plan in sufficient detail to demonstrate compliance with the Zoning By-laws. These can be the same plans submitted for a building permit.
- C. **Ten (10) copies of the** floor plan in sufficient detail to demonstrate compliance with the Zoning By-laws. These can be the same plans submitted for a building permit.
- D. **Ten (10) copies of the** principal elevation of the exterior of the proposed unit, at a minimum scale of 1/8" = 1'.
- E. One copy of a certified abutters list shall be submitted with the application. The applicant is responsible for the cost of legal notices. Postage stamps sufficient for the mailing of notices must be submitted with the abutters Est.
- F. **Ten (10) copies of the** letter from the Sandwich Housing Authority confirming compliance with the purpose of this by-law. (See Section 4138 of the Zoning By-laws)

2.11. COMPLIANCE WITH SANDWICH PROTECTIVE ZONING BY-LAWS SECTION 4130-413:

The applicant shall, in writing, demonstrate to the Planning Board that the application meets the minimum requirements of Section 4130-4139 of the Sandwich Protective Zoning By-laws. (Attachment #2)

2.C. LONG TERM COMPLIANCE:

Subsequent to the approval of such accessory dwelling unit, the Planning Board or their designated agent shall from time to time, but in no case exceeding one year from the issuance of the special permit, require certification of compliance with this zoning by-law. An accessory dwelling unit shall comply with the "Accessory Dwelling Unit Special Permit Regulations of the Sandwich Planning Board", dated April 16, 1997 and any future amendments to said regulations.

