

Carlisle Planning Board
Rules and Regulations
for
Application Procedures for
Accessory Apartment Special Permits

Last Revised July 16, 2018

Summary of Application Procedure

NOTE: It is advisable to have a preliminary, informal discussion of your proposal and plans with staff from the offices of the Planning Board, Building Commissioner, and, if you wish to create an affordable accessory apartment, the Carlisle Housing Authority, before beginning the formal application process.

Prepare the following documents:

- Site plan of the principal residence and the proposed apartment, showing existing and proposed driveways, parking areas, walkways, building setback dimensions, and locations of the entrances to both the principal and accessory units.
- Exterior elevations of each side of the principal residence and the proposed apartment, showing existing and proposed entrances, and if an accessory apartment or affordable accessory apartment is in a detached structure, proposed elevations of each side of such structure.
- Floor plans of the principal residence and the proposed apartment, with the living areas of each indicated in square feet.
- For an accessory apartment (not an affordable accessory apartment) in a detached structure, documentary proof that the principal structure is at least 10 years old
- Application for Special Permit and Certificate that the Owner Will Occupy the Premises (See the forms in this packet)

Go to the following offices:

- Assessors Office: request a list of abutters (“Parties in Interest”) (See request form in this packet).
- Board of Health: request and obtain a review form regarding adequacy of sewage and water supply, to be completed by Board of Health staff and signed by the applicant (See form in this packet).
- Building Commissioner: request and obtain a signed letter of conformance to Building Codes (See form in this packet).
- Carlisle Housing Authority: consult with this Authority *if the apartment is to be an affordable accessory apartment* and obtain a signed Carlisle Housing letter (See form in this packet).
- Town Clerk: bring three (3) copies of completed Application package for certification.
- Planning Board: file eight (8) copies of the Application package as certified by the Town Clerk.

Please see the attached Checklist to confirm the materials needed for your application.

Filing, Hearing, and Decision Schedule

You should prepare nine (9) copies of the application package as enumerated in the Checklist:

1. file one (1) copy of the application with the Town Clerk; and
2. file eight (8) copies of the application **certified by the Town Clerk** with the Planning Board (together with the filing fee indicated on the application). You can do this by:
 - a. delivering it to the Planning Board office in the Carlisle Town Hall (second floor);
 - b. mailing it to the Planning Board, 66 Westford Street, Carlisle, MA 01741; or
 - c. delivering it to the Planning Board's mailbox in the Carlisle Town Hall; and
3. keep a certified copy for yourself.

The Planning Board must open the public hearing on your application within sixty five (65) days of the date of filing a complete application, unless the Applicant and the Board agree to an extension.

You, as the Applicant, must publish the hearing notice in a newspaper of general circulation in Carlisle once in each of two consecutive weeks, with the first publication occurring no fewer than fourteen (14) days before the date of the hearing. You must also file the notice with the Town Clerk and mail it, by certified mail, to all Parties in Interest no fewer than fourteen (14) days before the date of the hearing. You must present to the Planning Board office, at least one business day prior to the date of the public hearing, or at the hearing, the certified mail return receipts as evidence that all Parties in Interest have been notified as required by law, a copy of the notice date stamped by the Town Clerk, and one set of newspaper tear sheets containing the published notice.

The Planning Board will file its decision on the application with the Town Clerk within fifteen (15) days of the date of the **close** of the public hearing. (A hearing is not always finished the first night and can be continued to a later date.)

A period of twenty (20) days from the date of filing of the decision with the Town Clerk applies during which the decision may be appealed.

After the appeal period has expired, ask the Town Clerk if any notice of appeal has been filed with that office. If not, in order to make your Special Permit effective, you must file a certified copy of the special permit decision with the Middlesex North Registry of Deeds in Lowell. **The Town Clerk will provide you with a form certifying that no appeals were filed on the decision to present to the Registry.**

You may file ("record") the decision in person at the Registry, or you may call the Registry for instructions on mailing the decision and fee for recording. Please provide a copy of the recorded special permit decision to the Planning Board, 66 Westford Street, Carlisle, MA 01741. Note: you must still apply for a building permit to construct the permitted apartment. The Building Inspector may require a copy of the recorded special permit with the recording information when you apply for a building permit.

IF A SUBSTANTIAL USE OF THE ACCESSORY APARTMENT SPECIAL PERMIT IS NOT MADE WITHIN ONE (1) YEAR OF THE DATE OF ITS GRANTING, THE PERMIT SHALL LAPSE.

Please note that this brief statement is intended only to assist you as a guide. You should refer to the following pages 3-5 and to the Carlisle Zoning Bylaws for more information regarding the requirements concerning these procedures.

Accessory Apartment Requirements (Per Carlisle Zoning Bylaws)

The Planning Board shall notify the Board of Health and, if an affordable accessory apartment (AAA), the Carlisle Housing Authority, of the application for a special permit hereunder and allow them a reasonable time to inspect and comment upon said application. The Planning Board may grant a special permit under this Section upon finding that the request is compatible with the purpose of this Section and meets the minimum requirements hereunder.

After notice and public hearing as required by the General Laws of the Commonwealth, the Planning Board may grant such a special permit for the creation of an apartment provided that:

Planning Board Findings	Carlisle Zoning Bylaw section	Source of Information
No more than 75 special permits for accessory apartments (AA) may be issued of which no more than 25 may be in accessory structures;	5.6.5.1	Planning Board Records
The apartment is accessory to the principal residence and will be a complete, separate housekeeping unit that functions as a separate unit from the original single-family dwelling. An AA unit may be in a detached structure if the principal structure was constructed 10 years prior to the application for the AA. If the apartment is a AAA unit and is placed in a detached structure, the structure must be appropriate to the single family character of the neighborhood and comply with other provisions of the zoning by-laws;	5.6.5.2	Floor Plan of dwelling and, if any new construction is to be done, the plan to be submitted for a Building Permit; for an AA in a detached structure, documentary proof of when the principal structure was constructed (from Assessors or Building Dept. records)
The living area of the apartment does not exceed 1,200 square feet. An AA in a detached structure that is larger than 1,200 square feet will require periodic inspections by the Building Commissioner to confirm no expansion of the AA beyond 1,200 sq. ft.;	5.6.5.3	Floor Plan, certified by registered architect or certified licensed contractor
The finished living area of the apartment is less than 35% of the combined finished living area of the principal residence and the proposed apartment, as measured after conversion, except that for AAA units, the floor area is less than 50% of the floor area of the single family structure or non-residential structure and the proposed apartment combined;	5.6.5.4	Floor Plan, certified by registered architect or certified licensed contractor

<p>Either the apartment or the principal residence is occupied by the owner(s) of the lot on which the apartment is to be located, except for bona fide temporary absences, and except that for AAA units, the owner must occupy the principal residence. If the lot on which the apartment is to be located is owned by the Town of Carlisle or used for non-residential purposes, the owner-occupancy requirement of this paragraph shall not be applicable as long as the lot and the structures thereon continue to be owned by the Town of Carlisle or used for non-residential purposes;</p>	<p>5.6.5.5</p>	<p>Certificate of Occupancy signed by the Owner(s), with continued owner occupancy certified by Assessors or subsequent deed</p>
<p>Adequate provision has been made for the disposal of sewage, waste, and drainage generated by the occupancy of such apartment in accordance with the requirements of the Commonwealth or the Carlisle Board of Health, whichever is applicable;</p>	<p>5.6.5.6</p>	<p>Board of Health signed review form</p>
<p>In consideration of the neighborhood and the existing access to the street of the single family dwelling, adequate provision has been made for ingress and egress to the apartment from said street. Not more than one curb cut to provide access except horseshoe driveways;</p>	<p>5.6.5.7</p>	<p>Site Plan or Plot Plan, showing building footprint(s), entrances, driveways, walkways and parking areas</p>
<p>The construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located or injurious to persons or property;</p>	<p>5.6.5.8</p>	<p>Planning Board findings</p>
<p>The lot on which the apartment and principal residence are located contains at least two (2) acres;</p>	<p>5.6.5.9</p>	<p>Site Plan or Plot Plan</p>
<p>No more than two bedrooms are allowed;</p>	<p>5.6.5.10</p>	<p>Floor Plan</p>
<p>Adequate provision has been made for off-street parking of motor vehicles in such a fashion as is consistent with the character of a single-family residence;</p>	<p>5.6.5.11</p>	<p>Site Plan or Plot Plan</p>
<p>There is no other apartment on the lot on which the apartment is to be located;</p>	<p>5.6.5.12</p>	<p>Planning Board Records</p>

<p>The external appearance of the property before or after the creation of the apartment is that of a single-family residence. In general, any new entrances shall be located on the side or rear of the building and any new stairways to upper floors shall be enclosed within exterior walls. Any new additions or structures associated with an AAA unit may be permitted provided they are appropriate to the character of the principal structure; and</p>	5.6.5.13	Exterior building elevations, Site Plan and Floor Plans
<p>The construction of any accessory apartment must be in conformity with the State Building Code requirements.</p>	5.6.5.14	Building Commissioner's Letter
<p>The apartment shall not be transferred into separate ownership from the principal unit under a condo form of ownership or otherwise.</p>	5.6.5.15	Condition of approval
<p>The following provisions shall be signed and recorded with the Middlesex North Registry of Deeds by the owner of an AAA unit:</p>	5.6.9	Deed Restrictions/Regulatory Agreement for AAA units
<p>The Agreement is for a minimum of 15 years;</p>	5.6.9.1	Same as above
<p>The Agreement will terminate upon sale of the property;</p>	5.6.9.2	Same as above
<p>An owner may terminate the Agreement prior to its expiration, which will revoke the special permit. Thereupon, the apartment must be removed unless the owner applies for and receives a new special permit;</p>	5.6.9.3	Same as above
<p>Upon termination of this Agreement, additional restrictions shall apply regarding repayment to the Town of any funds received from the Town pursuant to a grant or loan agreement;</p>	5.6.9.4	Same as above
<p>An owner must rent to income-qualified tenants selected through an open process to be defined by the Local Initiative Program (760 CMR 45.03) guidelines;</p>	5.6.9.5	Same as above
<p>An owner must set the rent according to the methodology prescribed in the Local Initiative Program guidelines.</p>	5.6.9.6	See also any regulations promulgated by the Carlisle Housing Authority relating to AAA units

Carlisle Planning Board
66 Westford Street, Carlisle, MA 01741
Phone: 978-369-9702 Fax: 978-369-4521

Application for Special Permit

(last revised 7/16/18)

Applicant's name, address and telephone number: _____

Applicant is: Owner _____ Agent _____ Purchaser _____ Tenant _____

If applicant not the owner, the owner's name, address and telephone number: _____

Location of property _____ Total area _____ Total Frontage _____

Assessor's Map: Sheet(s) # _____ Lot(s) # _____

Recorded at North Middlesex Registry of Deeds in Book # _____ and Page # _____

Application is for a special permit for:

Fee:

_____ Common Driveway, new	\$750
_____ Common Driveway, amendment	\$500
_____ Common Driveway, extension of time	\$200
_____ Accessory Apartment, new, amendment	\$250
_____ Accessory Apartment, extension of time	\$200
_____ Affordable Accessory Apartment (AAA)*	\$250
_____ AAA extension of time	\$200
_____ Conservation Cluster, new	\$750 plus \$100/lot
_____ Conservation Cluster, amendment	\$300
_____ Conservation Cluster, extension of time	\$200
_____ Intermediate Ground-Mounted Solar Facility	\$1500
_____ SROSC, Preliminary	\$500
_____ SROSC, Definitive application	\$1500 plus \$100/ unit
_____ ROSC, Preliminary	\$500
_____ ROSC, Definitive application	\$1500 plus \$100/ unit
_____ Wetland/Flood Hazard, Underlying District, new, amendment	\$250
_____ Wetland/Flood Hazard, extension of time	\$200

* Note: Consult with the Carlisle Housing Authority if the Application concerns an affordable accessory apartment. Filing fees for Affordable Accessory Apartments are refundable when the permit is granted.

Signature of applicant _____ **Date** _____

Signature of owner _____ **Date** _____

Signature of Town Clerk _____ **Date** _____

Received from _____ a copy of this form with the Town Clerk's
signature, dated, with application fee of \$ _____ on (date) _____.

Planning Board Signature _____
Title _____ **Date** _____

If special permit is granted, please return a copy of the recorded decision to the above address within 60 days.

Certificate that the Owner Will Occupy the Premises

(Not required if the owner of the lot on which the apartment is to be located is the Town of Carlisle or the principal use of the lot is non-residential)

To the Carlisle Planning Board:

The undersigned, owner(s) of the lot designated

Map _____ Parcel _____

on the Town of Carlisle Property maps located at

(address) _____

And applicant(s) for a Special Permit for an accessory apartment under Section 5.6 of the Carlisle Zoning Bylaws hereby certify that I/we will occupy the

_____ principal residence _____ accessory apartment (not available to owners of affordable accessory apartments)

I/We understand that any Special Permit granted pursuant to our application will be valid only if either the principal residence or the apartment is occupied by the owner(s) of the lot on which the apartment is located, except for bona fide temporary absences.

I/We understand that any Special Permit granted pursuant to my/our application shall terminate upon the sale of the property or transfer of the title of the building; provided, however, that a sale or transfer of title shall not dispossess the then residents of the apartment of their tenancy.

I/We agree to notify the Planning Board, and the Housing Authority if the apartment is qualified as affordable, if and when we sell the property or transfer title of the building.

_____ Date _____

_____ Date _____

**Request for Parties in Interest List
(Submit to Carlisle Assessors Office)**

For Premises (Street Address): _____

Recorded in Middlesex North District Registry of Deeds in Book _____ Page _____

Assessors Map and Parcel Number(s) _____

Owned by: _____

Mailing address _____

We certify that the above and attached lists, taken from our Real Estate Property Lists, include the names and addresses of all parties in interest under Massachusetts General Law (M.G.L.) Chapter 40A, as amended, to the best of our knowledge and belief.

Carlisle Assessors Clerk _____ Date _____

**Carlisle Board of Health Review of a Planning Board
Application for an Accessory Apartment Special Permit**

Property Location: _____
Street Address, Map and Parcel

Property Owner: _____

Applications for an Accessory Apartment Special Permit must demonstrate to the Carlisle Board of Health that:

“ . . . adequate provision has been made for the disposal of sewage, waste and drainage generated by the occupancy of the proposed accessory apartment in accordance with the requirements of the Commonwealth of Massachusetts or the Carlisle Board of Health.”¹

In order for the Board of Health or its Agent to make a determination, the following checked information and/or actions will be required as indicated:

Documentation	Required	Provided	Not Applicable
Existing and proposed floor plans for all structures served by the septic system			
Site plan locating all septic system components and showing their setbacks to new or expanded foundations			
A Satisfactory Title 5 Inspection or a current Certificate of Compliance (issued within two years)			
Letter from a Civil Engineer with engineering calculations to verify adequate sewage disposal capacity			
Location of any new well lines (Well Permit Required)			
Meeting with the Board of Health			
Deed Restriction on the number of bedrooms			
Deed Restriction prohibiting the use of a garbage grinder			
Other			

Reviewed on behalf of the Carlisle Board of Health: _____ Date: _____

All of the above-indicated requirements shall be documented as conditions of the Special Permit, if approved, and shall be satisfied prior to the issuance of an Occupancy Permit for the apartment.

I have read and agree to comply with the above Board of Health requirements for my Accessory Apartment Special Permit application.

 Property Owner/Applicant

 Date

¹ Section 5.6.5.6 of the Carlisle Zoning Bylaws

Carlisle Building Commissioner Letter

To the Carlisle Planning Board:

I/We have reviewed the plans for an accessory apartment at

(address) _____

submitted by (applicant) _____

and have determined that they fulfill the requirements of Section 5.6.5.14 of the Carlisle Zoning Bylaw that:

“The construction of the proposed apartment is in conformity with the State Building Code requirements.”

I/We have signed and dated all the plans which I/we have reviewed.

Carlisle Building Commissioner

Date _____

Carlisle Housing Authority Letter

To the Carlisle Planning Board:

I/We have reviewed the plans and documents for an accessory apartment at

(address) _____

submitted by (applicant) _____

and have determined that they fulfill the requirements of Section 5.6.9 of the Carlisle Zoning Bylaw that a Deed Restriction/Regulatory Agreement (“Agreement”) with the following provisions has been signed and will be recorded with the Middlesex North Registry of Deeds by the owner of the AAA unit:

1. The Agreement is for a minimum of 15 years,
2. The Agreement will terminate upon sale of the property,
3. The owner may terminate the Agreement prior to its expiration, which will revoke the special permit. Thereupon, the apartment must be removed unless the owner applies for and receives a new special permit,
4. Upon termination of this Agreement, additional restrictions shall apply regarding repayment to the Town of any funds received from the Town pursuant to a grant or loan agreement,
5. The owner must rent to income-qualified tenants selected through an affirmative fair marketing plan to be defined by the Local Initiative Program (760 CMR 56.00 et seq.) guidelines,
6. The owner must set the rent according to the methodology prescribed in the Local Initiative Program guidelines
7. The tenant must be notified at least 60 days prior to the annual expiration of the apartment lease.

I/We have signed and dated all the plans and documents which I/we have reviewed.

_____ Date _____
Carlisle Housing Authority

**Town of Carlisle
Planning Board**

Legal Notice of Public Hearing

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 9, the Carlisle Planning Board will hold a public hearing on (date) _____ at _____ p.m.

at the Carlisle Town Hall, 66 Westford Street, Carlisle, MA on the petition of

for approval of a(n) _____ Special Permit under

Section _____ of the Carlisle Zoning Bylaw for the parcel located at

_____ and shown on

Town Atlas Map _____, parcel(s) _____.

Plans may be reviewed at the Town Clerk's office, 66 Westford St., Carlisle, MA, from 9:00 a.m. to 3:00 p.m., Monday through Friday.

Checklist with corresponding Zoning Bylaw Sections

The following forms (contained in this application packet) must be filled in and submitted with the application:

1. Application Form with fee
2. Certificate that the Owner Will Occupy the Premises signed by the owner(s) as appear(s) in assessors records or subsequent deed (5.6.5.5)
3. Parties in Interest list
4. Board of Health review concerning adequacy of sewage, waste, and drainage generated by occupancy of the apartment (5.6.5.6)
5. Building Commissioner's letter (5.6.5.14)
6. Housing Authority letter (5.6.9) -- FOR APPLICATIONS FOR AFFORDABLE ACCESSORY APARTMENTS ONLY

The Applicant supplies the following:

7. Site Plan of principal residence and proposed accessory apartment (5.6.5.7, 5.6.5.9, 5.6.5.11, 5.6.5.13)
8. Exterior Elevations of principal residence with proposed accessory apartment (5.6.5.13)
9. Floor Plans of principal residence and proposed accessory apartment (5.6.5.2, 5.6.5.10), which include:
 - a. Statement of total living area of principal residence (5.6.5.4)
 - b. Statement of total living area of proposed accessory apartment (5.6.5.3, 5.6.5.4, 5.6.5.7, 5.6.5.9-11)
 - c. Percentage of the combined living areas dedicated to the proposed accessory apartment (5.6.5.4).

Please Note: You may apply to the Assessors Office, Board of Health, Building Commissioner and Housing Authority, if applicable, in any order or simultaneously. After the application is complete and reviewed by the Planning Board office, you must then file it with the Town Clerk for certification. Finally, deliver the completed certified package to the Planning Board with the application fee.

Please check with the staff of the Planning Board office with any questions you may have throughout the application process.