

http://www.capenews.net/falmouth/news/affordable-loan-program-considered-for-accessory-apartments/article_249d065a-bce3-5ff7-8e97-78ae6fac89ff.html

Affordable Loan Program Considered For Accessory Apartments

By LANNAN M. O'BRIEN Dec 4, 2015

Home / Falmouth / Falmouth News



LANNAN M. O'BRIEN/ENTERPRISE

The purpose of a 800-square-foot maximum floor area requirement on the draft bylaw is to ensure that the apartments appe planning board chairman James Fox said.

Owners of accessory apartments must reside on the same property for most the year, according to a bylaw amendment the Falmouth Planning Board is working on.

That was one point the board agreed on as it continued work on a bylaw to ease restrictions on accessory apartments.

An accessory apartment is defined by the most recent version—available on the planning department page of the town website—as “a second dwelling unit, subordinate in size to the principal dwelling unit on the lot, located in either the principal dwelling or accessory structure.”

Per the draft, property owners would need to reside in the principal or accessory unit for at least seven months per year. Both units could be rented if the owner is to be absent for a period of less than two years and provides written notice of such absence to the building commissioner. Some other requirements include a maximum of two bedrooms and a maximum of 800 square feet of floor area, or 50 percent of the floor area of the principal unit, whichever is less; a maximum of four bedrooms in both units when the lot contains 20,000 square feet or less; and the prohibition of commercial use or summer rental of accessory apartments granted under the bylaw.

Catherine Herrity, a Falmouth resident and attorney, said that there is a small cabin that would be “perfect for one resident” located on the property of a home that she rents out. However, under the draft bylaw, she would not be allowed to rent it as an accessory apartment because she does not live on the property. She urged the board to consider allowing Falmouth residents to have accessory apartments even if they do not live on the property.

Falmouth Housing Trust executive director Anne E. Connolly said that the effort is a “good step” toward increasing housing opportunities in town, but said that 800 square feet of floor area seemed too small for two bedrooms, even for a micro unit.

“I’ve seen a lot of 652 [square foot] bedroom units in town,” board chairman James E. Fox said, adding that the intention of the rule was to ensure that units appear accessory in nature. “It was made to balance other people’s concerns.”

If they require a special permit for the apartments, board member Douglas C. Brown said, the board could always determine whether to allow one that exceeded that size.

Michael Galasso, project development manager for The Resource Inc., advised the board to be cautious in regard to design guidelines for the apartments. A design guideline book could be useful in the process, he said.

He added that obtaining a special permit through the zoning board of appeals is not a “pleasant process,” recommending that an outside architect is hired to make approvals instead.

“The zoning board of appeals is a great group of people, but I’m sure they’ve got a lot of work,” he said.

Mr. Galasso also suggested establishing a fee structure to pay for the enforcement of the bylaw, in addition to a requirement that applicants who do not already have a Title 5 septic system install one.

Returning to the board, Ms. Herrity said that she thought the purpose of the bylaw was to convert existing structures to accessory apartments, not to construct new ones.

“I’m not looking to build anything that would need architectural review,” she said.

Board member Robert J. Leary said that the bylaw was referring to existing structures, but other members disagreed.

“I thought that we were looking to encompass all possibilities to increase the availability of housing,” Mr. Brown said, and to grant relief from existing regulations. Other members echoed his stance.

The board considered the possibility of establishing an affordable loan program for accessory apartments, such as the town of Barnstable has done through Community Preservation Act funds. Members disagreed, though, on whether funding should be distributed in the form of a loan or a grant.

Addressing the board, Ms. Connolly said that a loan could be obtained through the housing trust fund. The Community Preservation Committee, she said, votes annually to allocate money to the trust.

“But that’s regulated,” she said, through Massachusetts General Law. Mr. Currie confirmed that the board could decide to loan money, but said that it would require “a lot of overhead.”

Mr. Fox suggested that they address the issue with the Community Preservation Committee, and the discussion was closed.

