

**Town of Weymouth
Massachusetts**

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TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

Robert L. Hedlund
Mayor

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2023 AUG 31 AM 10:29
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MEMORANDUM

23 120

TO: TOWN COUNCIL

CC: TED LANGILL, CHIEF OF STAFF
ROBERT F. LUONGO, DIRECTOR OF PLANNING AND
COMMUNITY DEVELOPMENT
RICHARD M. MCLEOD, SOLICITOR

FROM: ROBERT L. HEDLUND, MAYOR *Robert Hedlund*

SUBJECT: PROPOSED AMENDMENT TO ZONING ORDINANCE ARTICLE II §
120-6 AND ARTICLE IV § 120-13 CONCERNING IN-LAW RESIDENCE
STRUCTURES.

DATE: AUGUST 31, 2023

I submit the following measure for consideration by Town Council:

"That the Town of Weymouth, through Town Council with the approval of the Mayor,
hereby amends Zoning Ordinance Article II § 120-6 and Article IV § 120-13 as follows
in the document attached hereto and marked Exhibit "A."

This measure requires a legal notice and a public hearing.

*public
hearing
2 Oct 2023
1:33 PM*

Weymouth
Town Council

2023 AUG 31 10:10:57

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ARTICLE II § 120-6 Definitions.

AMEND paragraph entitled "ACCESSORY BUILDING": add to the end of the existing definition, "A detached accessory building may be erected in the rear or side yard area at least ten (10) feet from the principal residence in conformance with the yard requirements of the district in which it is located. An accessory building attached to its principal residence shall be subject to the front, side and rear yard requirements applicable to the principal building. An in-law residence shall conform to the conditions set forth in Article IV §120-13."

AMEND paragraph entitled "ACCESSORY USE": add to the end of the existing definition, "Accessory uses include normal accessory uses as private garages, storage sheds, tennis courts, swimming pools, and cabanas for swimming pools. In-law residence shall not be considered an Accessory Use."

ADD NEW PARAGRAPH entitled "IN-LAW RESIDENCE" – "An In-Law Residence ("ILR") is a subordinate use of a residence with a common means of egress and separate sleeping, cooking and sanitary facilities that is either contained within the structure of a single-family dwelling or an addition to the principal residence and shall comply with the conditions set forth in Article IV §120-13. The ILR is to provide temporary residential living for persons who are related to the owner of the existing single-family dwelling either by blood or marriage, subject to the issuance of a special permit and the conditions set forth in Article IV §120-13 (E)."

ARTICLE IV §120-13

ADD as new:

E. In-Law Residence ("ILR") Conditions

1. Owner of the property must occupy either the principal residence or the ILR.
2. No more than one (1) bedroom, one (1) kitchen, and one (1) bathroom shall be permitted in the ILR. Kitchen facilities shall be of a type readily removable
3. Gross floor area of the ILR shall not exceed 800 square feet unless the residence is contained within the existing footprint or structure of the principal residence and shall conform to all applicable requirements of the zoning district.
4. There shall be a maximum of two people occupying the living area of the ILR.
5. Principal and ILR shall be serviced and monitored by common gas, electric and water meters.
6. There shall be at least two off-street parking spaces for the principal residence and at least one (1) off-street parking space for the ILR.
7. The applicant must provide satisfactory proof of kinship.

8. No new entrances for the ILR. Entrance to ILR must be through the principal residence.
9. ILR shall terminate upon the following:
 - (a) Sale of the premises.
 - (b) Occupancy of the principal residence or ILR by any person other than blood or marriage.
 - (c) Violation of any other special permit restrictions imposed by the Board of Zoning Appeals ("BZA").
10. No ILR shall be permitted prior to the issuance of a special permit by BZA and a building permit by the Building Inspector. Upon receiving a special permit, the owner of the property must file a Declaration of Covenant at the Norfolk County Registry of Deeds or Land Court. The Declaration shall state that the right to rent a temporary ILR shall cease upon the transfer of title. No building permit for an ILR may be issued until a time stamped copy of the recorded Declaration is provided to the BZA.
11. A new owner of the property must apply for a special permit within ninety (90) days from the date the deed is recorded at the Norfolk County Registry of Deeds or Land Court requesting a new permit for an ILR, subject to the conditions set forth herein.