



ZONING REVIEW: GROUND FLOOR ACCESSORY APARTMENT ACCESSIBILITY GUIDELINES

ACTON PLANNING DEPARTMENT / ZONING ENFORCEMENT –August 2016

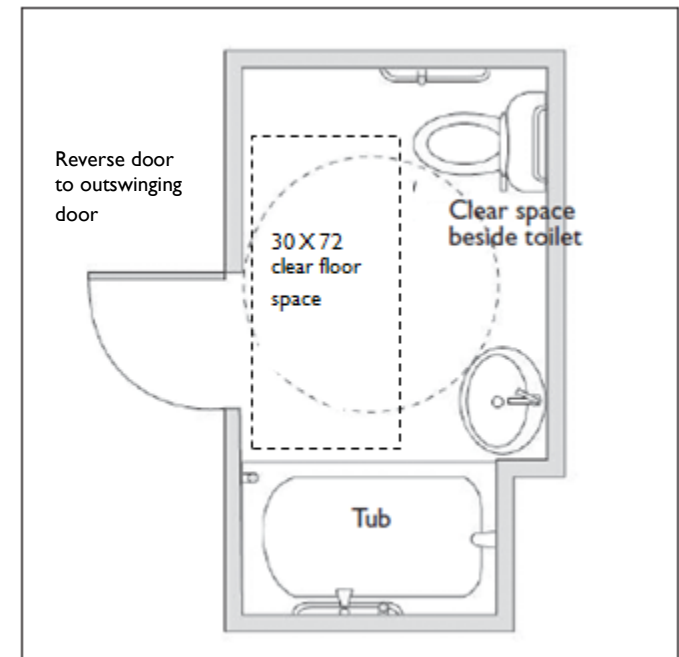
Accessory apartments are subject to certain standards and requirements, including the following:

1. Only one accessory apartment is allowed on a lot.
2. If a building needs to be extended or altered to accommodate an accessory apartment, it still needs to maintain the appearance of a single-family home when viewed from the street.
3. An accessory apartment may be no more than 800 ft² or 50% of the gross floor area of the principal building on the lot, whichever is less.
4. An accessory apartment may not have more than two bedrooms.
5. The apartment must be clearly separated from the principal building by separate entrances either on the exterior of the building or from a common hall within the building.
6. Finally, all apartments constructed on the ground floor of a dwelling must be designed and constructed to be adaptable with only minor structural changes to meet the handicap accessibility requirements set forth in the Massachusetts Building Code, 521 CMR (Architectural Access Board). This provision allows but does not require that the apartment meet accessibility requirements at the time of initial construction; however, the apartment must be constructed so that it may be easily adapted to meet said requirements in the future. Relevant sections from the Massachusetts Building Code include 521 CMR 21, 46, 47 and 185.
7. Refer to Section 3.8.1.6 for the rest of the zoning requirements for Accessory Apartment.

What accessibility information should I include on my Building Permit plans?

On the submitted Building Permit plans, it should be clearly demonstrated that the apartment can comply with major accessibility requirements without major structural change. Outlined below are the major requirements for accessibility adaptability to show on the plan:

1. **ACCESSIBLE ROUTES:** Routes at least 36" wide must be provided to all rooms and spaces, including exterior decks, patios, and storage closets (521 CMR-47 9.4.5).
2. **DOORWAYS:** Doorways must be capable of complying, without structural change, with 521 CMR 26.2 through 521 26.11, which require doorways wide enough to accommodate a wheelchair. Of particular note are the doorways located in load-bearing walls (such as exterior walls and certain interior walls), which will require significant structural change in order to widen doorways into compliance. If you prefer to have a smaller door, doorways may be framed at 36" and built inward to accommodate the smaller door.
3. **BATHROOMS:** Bathrooms must be capable of accommodating wheelchair turning space (521 CMR-46 6.3). The bathroom must have at least 30" by 72" of clear floor space wherein a wheelchair could turn without contacting any fixtures. The door into the bathroom must swing out, fold or slide; if a door swings in, it must not infringe on the wheelchair turning space. The walls in the bathroom must also be capable of accommodating grip bars. See Figure 44a. (above) for guidance.
4. **AUDIO/VISUAL WIRING:** Accessibility requirements outlined in 521 CMR 9.7 and 40.4 relate to audiovisual accessibility, including wiring and outlet placement for auxiliary visual alarms and other notification systems. While installation of the necessary wiring is not mandated at the time of initial construction of the accessory apartment, it is highly recommended that the wiring be installed to prevent the need for adaptive electrical work in the future.





DEFINITIONS AND APPLICABLE SECTIONS: ARCHITECTURAL ACCESS CODE (521 CMR)

521 CMR: ARCHITECTURAL ACCESS BOARD

The State of Massachusetts Architectural Access Board adaptability and accessibility requirements can be read in their entirety by visiting the following link: <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/500-599cmr/521cmr.html>

5.00: DEFINITIONS

When part of a building is subject to 521 CMR, the full and fair cash value shall be based on the percentage of the full and fair cash value of the whole which equals the ratio of the square footage of the part of the building to the square footage of the whole building; if the Board determines the application of this formula to cause an inequitable result, the Board may otherwise calculate the full and fair cash value of the part of a building at issue.

EXAMPLE: Where the whole building is 100,000 square feet, the part in question is 10,000 square feet, and the equalized value of the whole is \$1,000,000.00, the full and fair cash value of the part is \$100,000.00

GROUND FLOOR: The floor of a building closest to the level of the exterior grade and any floor within 36 inches (36" = 914mm) of an exterior grade at some or all of its perimeter. Buildings on sloped sites may have more than one ground floor. For multiple dwellings with a garage or commercial space at grade level, the first floor of dwelling units above the garage or commercial space shall be considered the ground floor.

GROUP I: Applies to dwelling units that have features that can be modified without structural change to meet the specific functional needs of an occupant with a disability.

GROUP 2A: Applies to dwelling units that have features similar to Group 1, but have the additional feature of greater floor space to accommodate the needs of occupants who need such space due to their disability.

GROUP 2B: Applies to dwelling units that contain features that provide, at the time of initial construction, full accessibility without need for further modification.

HALF BATHROOM: A space with a toilet and a sink.

IMPRACTICABLE/IMPRACTICABILITY:

- (a) Compliance with 521 CMR would be technologically unfeasible; or
- (b) Compliance with 521 CMR would result in excessive and unreasonable costs without any substantial benefit to persons with disabilities.

LEVEL: Sloped no more than 1:50 or 2%

LIGHT RAIL: A light rail vehicle is a streetcar type vehicle operated on city streets, semi-exclusive rights of way, or exclusive rights of way.

LODGING HOUSE: A building where lodgings are let to four or more persons not within second degree of kindred to the persons operating the facility, including fraternity houses and dormitories of educational institutions.

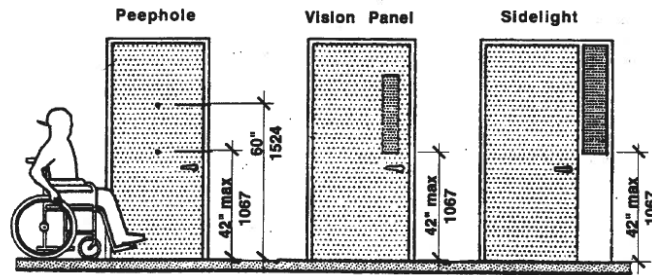
LOFT: An intermediate level between the floor and ceiling of any story, located within a room or rooms of a dwelling.

00: MULTIPLE DWELLINGS

9.5.1 Doorways: All doorways and all openings that allow passage in a Group 2 unit must comply with 521 CMR 26.2, Double Leaf Doorways, through 521 CMR 26.11, Door Hardware. All doorways and all openings that allow passage in Group 1 units shall be capable of complying, without structural change, with 521 CMR 26.2, Double Leaf Doorways, through 521 CMR 26.11, Door Hardware. For door types such as bifold, pocket, and accordion doors, the clear opening is measured when the door is in its most fully open position. See Fig. 26b and 26c. For Group 1 units, only the common area and apartment entrance door hardware are required to comply with 521 CMR 26.11, Door Hardware.

9.5.2 Every entry door to each dwelling unit shall have a means by which the resident can visually identify a visitor before opening the door. This may be achieved by any of the following means:

- a. In Group] and 2A units, a peephole mounted 60 inches (60" = 1524mm) above the floor, a vision panel in the door with its bottom edge no higher than 60 inches (60" = 1524mm) above the floor, or a sidelight with its bottom edge no higher than 60 inches (60" = 1524mm) above the floor, shall be provided.
- b. In Group 2B units, an additional peephole mounted at 42 inches (42" = 1067mm) above the floor; a vision panel in the door with its bottom edge no higher than 42 inches (42" = 1067mm) above the floor; or a sidelight with its bottom edge no higher than 42 inches (42" = 1067mm) above the floor. See Fig. 9a.



Visitor Identification - Group 2B
Figure 9a

9.5.3 Buzzers/bells and intercoms: All buzzers/bells and intercom systems shall comply with 521 CMR 6.5, Forward Reach or 521 CMR 6.6, Side Reach.

9.00: MULTIPLE DWELLINGS

9.5.4 Accessible routes: An accessible route at least 36 inches (36" = 914mm) wide shall be provided to all rooms and spaces in the dwelling unit including exterior decks, patios, balconies, attached garages, and storage closets. An accessible route shall be provided to mechanical spaces, only if the resident is expected to service, adjust or maintain the equipment therein.

- a. Patios, Terraces, and Balconies: Where it is necessary to use a door threshold or a change in level between the interior and exterior, greater than 1/2 inch (1/2" = 13mm) to protect the integrity of the unit from water or snow damage, equivalent facilitation such as raised decking or a ramp shall be provided or capable of being provided.

In Group 2B Units, the exterior deck, patio, balcony surfaces shall be either permanently installed at no more than 1/2 inch (1/2" = 13mm) below the floor level of the interior of the dwelling unit or a temporary raised surface, such as duckboards, that is no more than 1/2 inch (1/2" = 13mm) below the interior floor level shall be available upon request.

9.5.5 Laundry Facilities: If a washer or dryer is provided in a Group 1 or Group 2A unit, it shall be front loading or capable of being replaced with a front loading appliance. If a washer or dryer is provided in a Group 2B dwelling unit, it shall be front loading. Operating controls for washers and

dryers shall be located within the zone of reach. If residents are expected to operate shut-off valves for the washer, the shut-off valves shall be located within the zone of reach. For common area laundry facilities, see 521 CMR 10.8, Laundry Facilities.

9.5.6 Outlets: Electrical outlets, telephone outlets, cable TV jacks, and other wall outlets shall be located between 15 inches (15" = 381mm) and 48 inches (48" = 1219mm) above the floor, measured at the centerline of the lowest receptacle. All outlets shall be located no less than 18 inches (18" = 457mm) from interior corners. When outlets are located on walls above counters or other fixtures that are 22 inches (22" = 559mm) or greater in depth, they shall be no higher than 44 inches (44" = 1118mm). In Group 1 and 2 units, at least one electrical outlet must be provided on the same wall as the telephone outlet and the door chime. Wherever exterior decks, patios, and balconies are provided, an exterior electrical outlet shall also be provided. In Group 2B units, all telephone outlets must have an electrical outlet located within 12 inches (12" = 305mm) for installation of a TTY.

9.5.7 Controls and alarms: In Group 2A and 2B units, the operable portions of all controls and alarms, including but not limited to: intercoms, and heat and air controls, shall be located between 36 and 48 inches (36" to 48" = 914mm to 1219mm) above the floor, measured at the centerline of the operable portion in its highest position. Operable portions shall be located at least 24 inches (24" = 610mm) from interior corners. Controls and alarms in Group 1 units may be located at other locations so long as sufficient wiring is provided to permit future location from 36 inches to 48 inches (36" to 48" = 914mm to 1219mm) above the floor.

521 CMR 44.00: GROUP 2 BATHROOMS

44.1 GENERAL

In all dwelling units required to be Group 2A units, (see 521 CMR 9.4 Group 2A Dwelling Units) all bathrooms and half bathrooms shall comply with 521 CMR 44, exclusive of the bold and italicized text which refer to Group 2B units. In facilities required to have Group 2B bathrooms, such as hotels, motels, inns and health facilities, the bathroom shall comply with 521 CMR including the bold and italicized text which refer to Group 2B units.

44.2 WHEELCHAIR TURNING SPACE

Bathrooms shall have or be capable of having wheelchair turning space which complies with 521 CMR 6.3, Wheelchair Turning Space without coming into contact with any fixtures. See Fig. 44a.

44.3 DOORS

Shall comply with 521 CMR 26.5, Width through 521 CMR 26.11, Door Hardware. Doors shall swing out, fold or slide. Doors may swing into the bathroom only if the door does not impede the wheelchair turning space.

44.4 WATER CLOSETS

Shall comply with the following:

44.4.1 Location: The centerline of the water closet shall be located 18 inches (18" = 457mm) from the nearest side wall and at least 42 inches (42" = 1067mm) from the farthest side wall or the closest edge of an adjacent fixture. There shall be 42 inches (42" = 1067mm) clear from the front edge of the water closet to the nearest wall or fixture.

