

Article ??.

To see if the Town will vote to amend its Zoning Bylaws with respect to Accessory Dwelling Units, as follows:

By amending the Table of Use Regulations in Section 5.A as follows:

Land Use Classification	Residential	Limited Business	Village Center Mixed-Use	Village Center Neighborhood	Village Center Rural Edge	Standards and Conditions
Residential Use						
Protected Use Accessory Dwelling Unit (PUADU)	Y	Y	Y	Y	Y	See §9.1
Second ADU (non-PUADU) (see § 125-9.1(C)(4))	N	N	SP/PB	SP/PB	N	See §9.1
Any new detached ADU beyond 50 feet from Principal Dwelling	+LSPR /PB	+LSPR /PB	+LSPR/PB or +SP/PB	+LSPR/PB or +SP/PB	+LSPR /PB	See §9.1

By deleting Section 9.1 Accessory dwelling units in the entirety and replacing it with the following:

§ 125-9.1. Accessory Dwelling Units.

A. Purpose.

The purpose of this Section 9.1 is to allow for Protected Use Accessory Dwelling Units (PUADUs), as defined under G.L c.40A, §1A, to be built as-of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (G.L. c.40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This zoning section provides for PUADUs by-right and Second ADUs by special permit to accomplish the following purposes:

- (1) Encourage a more balanced and diverse population and income mix;
- (2) Provide older homeowners with a means of obtaining rental income, companionship, security and services, and thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- (3) Make housing units available to moderate-income households that might otherwise have difficulty finding homes within the town;
- (4) Increase housing production to address local and regional housing needs across all income levels and at all stages of life; and

- (5) Develop small-scale infill housing that fits in the context of zoning districts that are predominately comprised of single-family homes while providing gentle density increases by capping the size and number of ADUs and limiting the extent of land disturbance from their construction by maintaining the close spatial relationship between Principal Dwellings and their detached ADUs.

B. Definitions.

For the purposes of this Section 9.1, the following definitions shall apply:

- (1) Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. General references to ADUs in this bylaw include both PUADUs and Second ADUs as noted.
- (2) Dwelling Unit. A single housing unit upon a permanent foundation providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (3) Gross Floor Area (GFA). The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Second ADU.
- (4) Limited Site Plan Review (LSPR). An abbreviated site plan review by the Planning Board unrelated to § 125-27 and fully described here that applies only to PUADUs that are proposed to be over 50 feet from the Principal Dwelling under the provisions of C(1)h of this Section 9.1. The Limited Site Plan Review shall evaluate and decide whether greater than 50 feet may be granted in compliance with the criteria listed in Section C(1)h. The time period for the review shall not exceed 65 days from application, unless extended by mutual agreement.

No public hearing is required, however, the applicant is required to demonstrate proof of project identification and notice to limited parties in interest herein defined as abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, in sufficient time so that those parties have a reasonable opportunity to attend a meeting of the Planning Board and comment prior to its decision in the matter.

The information to be presented by the applicant shall be that which is necessary to evaluate the criteria in said C(1)h.

Proposed ADU building sites over 50 feet from the Principal Dwelling shall, to the extent practicable: (a) avoid use of wetlands, steep slopes, floodplains, hilltops; (b) minimize obstruction of scenic views from publicly accessible locations; (c) preserve unique natural or historical features; (d) minimize vegetation and grade changes, and soil removal; (e) utilize existing infrastructure; and (f) maximize open space retention and be screened from neighboring properties and roadways.

The Planning Board may consult with other Town boards as appropriate and may utilize outside consultants in accordance with M.G.L. Chapter 44, Section 53G. Approval of the waiver/increase shall be by a simple majority of the full board. Unless an extension of time is agreed upon in writing by both parties, a failure of the board to act within the 65-day period shall constitute a constructive approval of the requested waiver or increase. In the case of a Second ADU by special permit, evaluation of a waiver or increase request under C(1)h shall be within the required special permit process and not through Limited Site Plan Review. If an aggrieved person wishes to appeal the decision of the granting authority for a Limited Site Plan Review, the procedures in Massachusetts General Laws, Chapter 40A, Section 17, shall apply.

- (5) Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.
- (6) Principal Dwelling. A structure, regardless of whether it conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is located on the same Lot as an ADU.
- (7) Protected Use ADU (PUADU). An attached, detached, or internal ADU protected by M.G.L. c. 40A, § 3 and 760 CMR 71.00 that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than 1200 square feet or one-half the Gross Floor Area of the Principal Dwelling, whichever is the smaller, provided that only one ADU on a Lot may qualify as a PUADU. An ADU that is nonconforming to zoning shall still qualify as a PUADU if it otherwise meets this definition.
- (8) Recreational Vehicle. A vehicle which is built on a single chassis; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (9) Single-Family Residential Dwelling Unit. A structure on a Lot containing not more than one Dwelling Unit.
- (10) Single-Family Residential Zoning District. Any zoning district where Single-Family Residential Dwellings are a permitted or an allowable use, including any zoning district where Single-Family Residential Dwellings are allowed as-of-right, or by Special Permit.

C. Regulations.

For the purposes of this Section 9.1, the following regulations shall apply:

- (1) General Provisions for All ADUs
 - a. Code Compliance
 - i. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code.
 - ii. ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations for a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the ADU is located.

- b. Dimensional Requirements. An ADU must meet all regulations (including front, side, and rear yard setbacks and maximum height restrictions) for the zoning district in which it is located, according to Section 125-6 “Dimensional and Density Regulations.
- c. Allowed Building Types. A modular dwelling unit may be used as a Detached ADU. A recreational vehicle may not be used as a detached ADU.
- d. Residential Use Only. Excluding home occupations as defined in Section 125-12, ADUs shall be used for residential purposes only and not be used for business or commercial purposes.
- e. Short-term Rentals. An ADU may not act as a short-term rental as defined in G.L. c.64G, §1.
- f. One PUADU Per Lot. Only one PUADU may be created on a Lot in any residential zoning district as indicated in § 125-5, Table of Use Regulations. A Lot containing a Principal Dwelling and one ADU shall not be considered a two-family dwelling as defined in these bylaws.
- g. Permit Application Requirements. An application for building permit for an ADU shall include any information necessary to show proposed interior and exterior changes and to determine compliance with the conditions of this subsection, including a plot plan and floor plans with proposed interior and exterior changes to the building.
- h. Detached PUADUs or Second ADUs may be located: i) within a standing and intact garage, barn, or other accessory structure in existence and served by an existing driveway(s) or cartway(s) connecting to a public way and providing legal access on May 9, 2026 or ii) within a new accessory structure located within 50 feet of the Principal Dwelling. For new detached ADUs and upon written request by the applicant, the Planning Board may waive or increase the 50 foot separation requirement by Limited Site Plan Review for PUADUs or by special permit for Second ADUs upon written findings included in the permit of special circumstances of the site, its surroundings, or the proposal design that: negate the need for imposition of the requirement, create substantial practical difficulties or hardship, or enable the objectives of this section to be met in an alternative manner; and that such a waiver or increase will not derogate from the public purposes and intent of this Section 9.1 of this zoning bylaw. The Planning Board may require reasonable plan modifications of the Limited Site Plan or special permit for a detached PUADU or ADU respectively and may impose reasonable conditions that are not inconsistent with this bylaw or the provision of G.L. c.40A, §3 and 760 CMR 71.00.
- i. Design Standards. ADUs should minimize the impacts to the watershed, such as but not limited to soil removal, grade changes, increased impervious cover, and wetland encroachment. ADUs should minimize the impacts to the environment, such as but not limited to vegetation removal and habitat disruption. The architectural style of ADUs should be compatible with the Principal Dwelling.

(2) Protected Use ADU (PUADU)

The Building Inspector shall approve a building permit authorizing PUADU installation and use within, or on a Lot with, a Principal Dwelling in a Single-Family Residential Zoning District if the following conditions are met:

- a. Dimensional Standards
 - i. PUADUs shall not be larger than a Gross Floor Area of 1200 square feet or one-half the Gross Floor Area of the Principal dwelling, whichever is the smaller.
 - ii. A PUADU on a Lot with a Single-Family Residential Dwelling Unit shall not otherwise have more restrictive dimensional standards than those required for such Single-Family Residential Dwelling Units according to Section 125-6 “Dimensional and density regulations,” within the same district.
 - iii. A PUADU on a Lot with a Principal Dwelling that is not a Single-Family Residential Dwelling Unit shall not otherwise have more restrictive dimensional standards than those required for the subject Principal Dwelling according to Section 125-6 “Dimensional and density regulations,” within the same district.

(3) Second ADU

A second ADU may be created on the same Lot as a Principal Dwelling and its existing PUADU only within the Village Center Mixed-use or Village Center Neighborhood Districts, only if served by Town water and sewer, and only upon the issuance of a Special Permit for the additional ADU by the Planning Board pursuant to M.G.L. c. 40A, s. 9 and § 125 – 26 of this zoning bylaw.

- a. Dimensional Standards. The Second ADU shall not be larger than 1200 square feet or one-half the Gross Floor Area of the Principal Dwelling, whichever is the smaller. The combined Gross Floor Area of all ADUs on the same Lot shall not be greater than the Gross Floor Area of the Principal Dwelling.
- b. A lot containing a Principal Dwelling and two or more ADUs shall not be considered a multi-family dwelling as defined in these bylaws.

(4) Nonconformance

The zoning nonconformity of a pre-existing Principal Dwelling, its pre-existing accessory structures, or the lot on which they are located shall not prevent a PUADU from being permitted so long as the PUADU can be developed in conformance with this bylaw, the building code, 760 CMR 71.00, and state law.

D. Administration and Enforcement

- a. The Building Inspector and/or Planning Board shall administer and enforce the provisions of this Section 9.1.
- b. No building shall be changed in use or configuration without a Building Permit from the Building Inspector.
- c. No building shall be occupied until a certificate of occupancy is issued by the Building Inspector, where required.
- d. The Building Inspector, Limited Site Plan Review authority, or special permit granting authority may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons, all pursuant to G.L. c.40A, §3.

or take any other action relative thereto.

Recommended by the Select Board.