

Article 22.

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 by removing existing Accessory Apartment uses (“Attached accessory apartment” and “Detached accessory apartment”) and adding the following:

Land Use Classification	Residential	Limited Business	Village Center Mixed-Use	Village Center Neighborhood	Village Center Rural Edge	Standards and Conditions
Residential Use						
Accessory Dwelling Unit (ADU) within 50 feet of the Principal Dwelling	Y	Y	Y	Y	Y	See §9.1
ADUs beyond 50 feet from Principal Dwelling	SPA/PB	Y	Y	Y	SPA/PB	See §9.1
Second ADU – Detached (see § 125-9.1(C)(4))	N	N	SP/SPA/PB	SP/SPA/PB	N	See §9.1

By deleting Section 9.1 “Accessory Apartments” in the entirety and replacing it with the following:

A. § 125-9.1. Accessory dwelling units. Purpose.

The purpose of this Section 9.1 is to allow for Accessory Dwelling Units (ADUs), 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 provides for by-right ADUs 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) Protect stability, property values and the single-family residential character of a neighborhood;
- (5) Increase housing production to address local and regional housing needs across all income levels and at all stages of life; and
- (6) Develop small-scale infill housing that fits in the context of zoning districts that allow single-family housing while providing gentle density.

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 Protected Use ADUs and Local ADUs.
- (2) 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 Protected Use ADU.

- (3) 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.
- (4) 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.
- (5) Protected Use ADU. An attached, detached, or internal ADU 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 ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller provided that only one ADU on a Lot may qualify as a Protected Use ADU. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.
- (6) 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.
- (7) Single-Family Residential Dwelling Unit. A structure on a Lot containing not more than one Dwelling Unit.
- (8) 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 ADU Per Lot. One ADU 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.

(2) Protected Use ADUs

The Building Inspector shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling in a Single-Family Residential Zoning District, including within, or on a Lot with, a Preexisting Nonconforming Structure, if the following conditions are met:

- a. Dimensional Standards
 - i. Protected Use ADUs shall not be larger than a Gross Floor Area of 900 square feet or ½ the Gross Floor Area of the Principal Dwelling, whichever is smaller.
 - ii. A Protected Use ADU on a Lot with a Single-Family Residential Dwelling Unit shall not otherwise have more restrictive dimensional standards than those required according to Section 125-6 “Dimensional and density regulations”, within the same district.
 - iii. A Protected Use ADU 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 according to Section 125-6 “Dimensional and density regulations.”
- b. If the proposed ADU is more than 50 feet from the Principal Dwelling, a Site Plan Approval has been obtained.

(3) Site Plan Approval. Detached ADUs in the Residential and Village Center Rural Edge zoning districts with a building footprint beyond 50 feet from the Principal Dwelling, as measured from the nearest corner, are required to obtain Site Plan Approval from the Planning Board pursuant to the procedures in Section 125-27 of this Zoning Bylaw, provided that the Site Plan Review criteria shall consider the following:

- a. The ADU should minimize the impacts to the watershed, such as but not limited to soil removal, grade changes, increased impervious cover, and wetland encroachment.
- b. The ADU should minimize the impacts to the environment, such as but not limited to vegetation removal and habitat disruption.
- c. The ADU shall be serviced with adequate water supply and sewer or septic service.
- d. Architectural style should be compatible with the Principal Dwelling.
- e. Massing of the ADU and Principal Dwelling should be compatible with the exiting neighborhood context.

The Planning Board may request reasonable plan modifications of the Site Plan for a detached ADU and may impose reasonable conditions that are not inconsistent with this bylaw or the provision of G.L. c.40A, §3.

(4) Second ADU. A second ADU may be created on the same Lot as a Principal Dwelling only within the Village Center Mixed-use and Village Center Neighborhood zoning districts, 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 shall require Site Plan Review by the Planning Board.

- a. Dimensional Standards. The additional ADU shall not be larger than a Gross Floor Area of 900 square feet or ½ the Gross Floor Area of the Principal Dwelling, whichever is 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. Special Permit Requirements. The application for a special permit shall comply with Section 125-26.
- c. A lot containing a Principal Dwelling and two or more ADUs shall not be considered a multi-family dwelling as defined in these bylaws.

(5) Nonconformance

- a. A Protected Use ADU shall be permitted within, or on a Lot with, a Pre-existing Nonconforming Structure so long as the Protected Use ADU can be developed in conformance with the Building Code, 760 CMR 71.00, and G.L. c.40A, §6, ¶1.
- b. Pre-existing Nonconforming Structures. A pre-existing, nonconforming structure shall comply with Section 125-7 of this Zoning Bylaw and G.L. c.40A, §6, ¶1.

D. Administration and Enforcement

- (1) The Building Inspector shall administer and enforce the provisions of this Section 9.1.
- (2) No building shall be changed in use or configuration without a Building Permit from the Building Inspector.
- (3) No building shall be occupied until a certificate of occupancy is issued by the Building Inspector, where required.
- (4) The Building Inspector or the 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.