



TOWN MEETING

ARTICLE: 39

MOTION: 1

That the Town vote to amend the Zoning Bylaw by adding a new Section 16H. ACCESSORY DWELLING UNITS, as follows:

16H. ACCESSORY DWELLING UNITS

A. Purpose

The purposes of providing for Accessory Dwelling Units include:

- i. To facilitate housing production, diversity, and affordability in the Town's neighborhoods;
- ii. To allow older adults and households with disabled persons to remain in the Town and to better accommodate young families;
- iii. To use energy, water, and materials more efficiently by increasing the housing supply through concentrated, small scale development; and
- iv. To preserve historic homes, carriage houses, and barns by providing greater flexibility to homeowners.

B. Ownership. An Accessory Dwelling Unit shall not be owned separately than the Principal Dwelling with which the Accessory Dwelling Unit is associated. A Building with an Accessory Dwelling Unit may not be divided into condominiums, even if owned by the same person or entity.

C. Physical Requirements: The Accessory Dwelling Unit shall:

- i. Satisfy the requirements to be a Dwelling Unit as set forth in this Zoning Bylaw, the State Building Code and the State Fire Code, and any applicable health regulations, including having a separate entrance sufficient to meet requirements for safe egress.
- ii. Remain subordinate appearance to the Principal Dwelling including:
 - (A) Any detached Accessory Dwelling Unit or modifications to the exterior of the existing One-Unit Dwelling to accommodate the



Accessory Dwelling Unit must match the style and architecture of the Principal Dwelling, including siding, roof pitch, trim, windows, and doors.

(B) Exterior doors of the Accessory Dwelling Unit shall not be on any building elevation which presents to a public street or private way, except that Accessory Dwelling Units which are built in detached structures existing as of the date of adoption of this Section 16H may have exterior doors in a building elevation presenting to a public street or private way.

(C) Exterior staircases must not be visible from a public way and shall be designed to complement the Principal Dwelling.

(D) Construction of an Accessory Dwelling Unit shall not increase the height of the structure beyond the height of the Principal Dwelling prior to construction of the Accessory Dwelling Unit.

- iii. An Accessory Dwelling Unit may be detached from the Principal Dwelling, but any detached Accessory Dwelling Unit may be located only in the Rear Yard and/or Side Yard of the principal dwelling or in a building on the lot which existed prior to the adoption of this Section 16H.
- iv. (A) Contain at least 250 square feet of gross floor area and no more than the lesser of (i) 900 sq. ft. of gross floor area or (ii) 50% of the gross floor area of the Principal Dwelling, not including the Accessory Dwelling Unit, or basement, garage, or unenclosed deck or patio areas, and (B) otherwise meet the requirements of the definition of "Accessory Dwelling Unit" in Section 1A of chapter 40A of the General Laws.
- v. Subject to the provisions of Sections 17 and 25, comply with all area and yard regulations applicable to the lot on which it is located.

D. Operational Requirements

- i. The ADU Property Owner shall record in the Registry of Deeds a notice, in a form approved by the Planning Board, stating that the property includes an Accessory Dwelling Unit subject to the provisions of the Zoning Bylaw.
- ii. The ADU Property Owner must reside in either the Principal Dwelling or the Accessory Dwelling Unit on the lot for at least 184 days of each calendar year. The ADU Property Owner may not lease the Owner



Unit for any duration during periods when the ADU Property Owner is not residing in the Owner Unit.

- iii. The minimum leasing term for the unit that is not occupied by the ADU Property Owner shall be the greater of 30 days or such other period governing short term rentals which may be set forth from time to time in the Town Bylaws. The Accessory Dwelling Unit may not be leased more than once in any 30-day period.
- iv. There shall be no pickup or delivery of products and/or articles at the premises that is not customary in a residential area.
- v. The Accessory Dwelling Unit may not be used for a Home Occupation.

E. Permitting Requirements

- i. Any person or entity applying for building and occupancy permits under the State Building Code for a building which will include an Accessory Dwelling Unit shall state in the application that the project proposes to include an Accessory Dwelling Unit. The Inspector of Buildings shall not issue a building permit for construction of such building or issue a certificate of occupancy for such building until the Planning Department, in accordance with Rules and Regulations adopted by the Planning Department, certifies that the building is in compliance with the provisions of Section 16H.D
- ii. All detached Accessory Dwelling Units and all Accessory Dwelling Units which are constructed as part of other accessory structures on a property, including carriage houses, barns, or detached garages, will require a Special Permit to be issued by the Zoning Board of Appeals as Special Permit Granting Authority in accordance with Section 25.
- iii. The ADU Property Owner must submit an annual certification to the Planning Department, in a form determined by the Planning Board, that the Accessory Dwelling Unit has been constructed and is owned and operated in compliance with all provisions of the Zoning Bylaw.
- iv. Notice of Sale of the property containing the Accessory Dwelling Unit must be provided to the Planning Department.
- v. If the Accessory Dwelling Unit has been built or is being operated in violation of the provisions of this Section the Inspector of Buildings may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking, and eating.



- F. Rules and Regulations. The Planning Board shall adopt and may from time to time amend Rules and Regulations to implement this Section 16H.
- G. Effective Date.
- i. This Section 16H shall apply to all building permits issued after September 1, 2022, for alteration of existing One-Unit Dwellings or construction of new One-Unit Dwellings.
 - ii. Any One-Unit Dwelling which was constructed prior to the date of adoption of this Section 16H and contains a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling shall be brought into compliance with this Section 16H and if building permits for such work are issued prior to December 31, 2024, and associated construction completed by December 31, 2025, shall not be subject to penalties otherwise applicable to correction of non-conforming structures.

2. Amend Section 1B. DEFINITIONS by inserting or amending the following definitions:

Accessory Dwelling Unit or 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: (i) 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 state building code for safe egress; (ii) complies with the requirements of Section 16H, and (iii) complies with the definition of "Accessory Dwelling Unit" in Section 1A of chapter 40A of the General Laws.

ADU Property Owner - shall mean a person who holds record title to a property containing an Accessory Dwelling Unit directly or indirectly and for whom the property is their principal residence. Indirect ownership includes but is not limited to a beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.

Owner Unit –with respect to lots containing an Accessory Dwelling Unit, means either the Principal Dwelling or the Accessory Dwelling Unit, whichever is occupied by the ADU Property Owner.

Principal Dwelling– for any lot with an Accessory Dwelling Unit, the "Principal Dwelling" means the portions of the Dwelling other than the Accessory Dwelling Unit.



3. Amend Section 1B DEFINITIONS by amending the following definitions as follows:

One-Unit Dwelling – a detached Dwelling containing not more than one Dwelling Unit, provided that the existence of an Accessory Dwelling Unit on a lot shall not cause the Dwelling to have more than one Dwelling Unit for purposes of this Zoning Bylaw.

Rear Yard - An area, on the same lot with the building, measured from the rear line of the lot to the building, extending the full width of the lot, and unoccupied above ground level except by covered basement entrances not over four feet in height and not over 35 square feet in area, bay windows that do not have a foundation and do not extend more than two feet from the wall of the building, uncovered steps, eaves projecting not more than 2 feet from the wall of the building, covered or uncovered, enclosed or unenclosed, entrance porches on the first floor which do not exceed a total area of 50 square feet, attached chimneys projecting not more than 2 feet from the wall of the building, stair landings not over 25 square feet in area, and Accessory Dwelling Units built in accordance with Section 16H.

Side Yard - An area, on the same lot with the building, measured from the side line of the lot to the building, extending from the Front Yard to the Rear Yard, and unoccupied above ground level except by covered basement entrances not over four feet in height and not over 35 square feet in area, bay windows that do not have a foundation and do not extend more than two feet from the wall of the building, uncovered steps, eaves projecting not more than 2 feet from the wall of the building, attached chimneys projecting not more than 2 feet from the wall of the building, and unenclosed, covered or uncovered stair landings not over 25 square feet in area, and Accessory Dwelling Units built in accordance with Section 16H.

4. Add a new Section 2.A.1A as follows:

1A. Accessory Dwelling Unit.

An Accessory Dwelling Unit is allowed as an accessory use to any One-Unit Dwelling provided, and for so long as, such Accessory Dwelling Unit satisfies and complies with the provisions of Section 16H. No more than one Accessory Dwelling Unit is allowed for any One-Unit Dwelling. Accessory Dwelling Units are not allowed in Two Family Dwellings, Town Houses, or other buildings with multiple Dwelling Units.

5. Add a new Section 17.B.3 as follows:



3. Accessory Dwelling Units.

Construction of an Accessory Dwelling Unit on a non-conforming lot or to a non-conforming building in a Single Residence District or General Residence District does not require review by the Zoning Board of Appeals if such construction (i) does not require a special permit from the Zoning Board of Appeals under Section 16H.E.ii and (ii) does not increase the footprint of the existing structures on the lot other than as necessary for the construction of a separate entrance for the ADU, provided that any entrance porch does not exceed 30 square feet nor project more than five feet from the face of the building.

6. Amend Section 18.A as follows:

Add the following sentence to the end of the first paragraph of Section 18.A:

“For purposes of this Section 18 a Principal Dwelling and an Accessory Dwelling Unit shall be considered to be one Dwelling Unit. The creation of an Accessory Dwelling Unit shall not change the classification of a lot or building for purposes of this Section 18.”

Approved:

Moderator's Signature

4/5/2022

Date


Sponsor's Signature