

## APPENDIX B – ADU Zoning By-Law Amendments

### SECTION 1. GENERAL

#### 1.4 Definitions and Abbreviations

In this By-Law, the following terms shall have the following meanings, unless a contrary meaning is required by the context or is specifically prescribed.

**Accessory Building** - A building devoted exclusively to an accessory use as herein defined, and not attached to a principal building by any roofed structure.

**Accessory Dwelling Unit** – A dwelling unit which is incidental to the use of the principal structure on the same lot and located in a Historic Accessory Building pursuant to a Special Permit issued under Section 6.11 of this By-Law.

**Accessory Dwelling Unit (“ADU”)** – A self-contained dwelling 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) is not larger in gross floor area (as defined in 760 CMR 71.02), than 1/2 the gross floor area (as defined in 760 CMR 71.02) of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by the Zoning By-Law. Accessory Dwelling units-Units include all of the following typologies:

1. **Interior Unit Conversion** – Renovations to a dwelling providing a single accessory dwelling unit in an existing interior space such as a basement or attic.
2. **Addition** – Renovations to a dwelling providing a single accessory dwelling unit as part of an allowable building addition.
3. **Detached Conversion or Addition** – Renovations or additions to an existing accessory building subordinate to a dwelling and providing a single accessory dwelling unit.
4. **Detached New Construction** – The construction of a new accessory building, subordinate to a dwelling that consists of or includes a single accessory dwelling unit.

*Note: §1.4 was amended by Article 32 at the 2009 Annual Town Meeting.*

*Note: §1.4 was amended by Article 2 at the March 2025 Special Town Meeting.*

**Accessory Use** - An activity incidental to and located on the same premises as a principal use conducted by the same person or his agent. No use (other than parking) shall be considered “accessory” unless functionally dependent on and occupying less land area than the principal use, except for institutional (religious or educational uses) parking lots used by others, with owner’s consent, not conducting business within such institution.

*Note: §1.4 was amended by Article 30 at the 2009 Annual Town Meeting.*

**Age-Restricted Housing Development** - A facility intended for persons of age 55 or over within the meaning of MGL c.151B, §4, and in accordance therewith each of the dwelling units shall be owned and occupied or rented and occupied by at least one person 55 years of age or older per dwelling unit and such development shall be operated and maintained in all other respects in compliance with the requirements of such statutes and regulations promulgated pursuant thereto, and the same are currently in effect and as the same may be amended.

*Note: §1.4 was amended by Article 3 at the 2018 Special Town Meeting.*

**Apartment House** - A dwelling containing no fewer than five dwelling units.

## APPENDIX B – ADU Zoning By-Law Amendments

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**Assisted Living Facility** - Any firm or legal entity, however organized, that meets all of the following criteria:

- a) Provides room and board;
- b) Provides, directly by its employees or through arrangements with another organization that the entity may or may not control or own, personal care services for three or more adults who are not related by consanguinity or affinity to their care provider; and
- c) Collects payments or third-party reimbursements from or on behalf of residents of the facility to pay for the provision of assistance with the activities of daily living (dressing, washing, eating, walking, etc.), or arranges for the same.

*Note: §1.4 was amended by Article 3 at the 2018 Special Town Meeting.*

**Arterial Street** - Any State-numbered highway, any other street segment with right-of-way width of 60 feet or more, and the following named streets:

Belmont Street	Leonard Street
Blanchard Road	Lexington Street
Bright Road	Mill Street
Brighton Street (east of Pleasant Street)	Trapelo Road
Cross Street	Winter Street
Lake Street	

**Basement** - A portion of a building partially underground, but having less than 60% of its clear height below grade (see cellar).

*Note: §1.4 was amended by Article 18 at the 2005 Annual Town Meeting.*

**Block** - An area of land of one or more lots, bounded by streets or ways, but with no streets or ways within the area.

**Building** - A roofed structure enclosing useful space.

**Cellar** - A portion of a building partially underground, having 60% or more of its clear height below grade (see basement).

*Note: §1.4 was amended by Article 18 at the 2005 Annual Town Meeting.*

**Child Care, Large Family** - A private residence which, on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under 16 years of age if such children have special needs, and receives for temporary custody and care for a limited number of hours, children of school age in accordance with regulations promulgated by the Office of Child Care Services; provided however, that the number of children under the age of sixteen in a large family child care home shall not exceed ten, including participating children living in the residence. A large family child care home shall have at least one additional approved care giver present when the total number of children participating in such child care exceeds six. Large family child care shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

*Note: §1.4 was amended by Article 5 at the 1999 Second Special Town Meeting.*

**CMR** - Code of Massachusetts Regulations.

**Commercial Vehicle** - A vehicle that has ladders, tools, stock or supplies, lettering or advertising

## APPENDIX B – ADU Zoning By-Law Amendments

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that covers an area greater than 18 by 24 inches on either side visible from the outside, or any vehicle with a GVW of 10,000 lbs. or more. Use of a tarpaulin or like cover shall not exempt a vehicle from this definition.

*Note: §1.4 was amended by Article 26 at the 2001 Annual Town Meeting.*

**Day Care Center** - Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under seven years of age, or under 16 years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system; any part of a private, organized educational system unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday School conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore provided, in the last two instances, such arrangement or care shall not be for more than five children including participating children living in the residence.

**DEP** - Massachusetts Department of Environmental Protection.

*Note: §1.4 was amended by Article 26 at the 1995 Annual Town Meeting.*

**Development** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**Driveway, Shared** – A driveway shared by adjacent property owners and privately owned and maintained.

*Note: §1.4 was amended by Article 11 at the 2014 Annual Town Meeting.*

**Dwelling** - A building containing one or more dwelling units separated by side yards from any other structure or structures except accessory buildings.

**Dwelling, Single-Family** – A single residential building designed for occupancy by one family.

*Note: §1.4 was amended by Article 14 at the 2014 Annual Town Meeting.*

**Dwelling, Two-Family** – A single residential building designed for occupancy by two families:

- **Traditional, Two-Family (Horizontal Style)** –
  - Each unit is completely separated by a common horizontal element (i.e., interior floor-ceiling assembly), and
  - At least 75% of one dwelling unit must be directly above or below the other, or
- **Duplex (Vertical Style)** –
  - A structure containing two dwelling units that share a common vertical wall and roof, and
  - Each unit has direct access to the outside.

*Note: §1.4 was amended by Article 14 at the 2014 Annual Town Meeting.*

## APPENDIX B – ADU Zoning By-Law Amendments

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**Dwelling, Principal** - A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

*Note: §1.4 was amended by Article 2 at the March 2025 Special Town Meeting.*

**Dwelling Unit** - A building or portion of a building intended as living quarters for a single family, having a single set of kitchen facilities (a stove plus either or both refrigerator and sink) not shared with any other unit; or quarters for up to five persons in a dormitory, congregate dwelling, or similar group dwelling.

**EPA** - U.S. Environmental Protection Agency.

**Facade-Mounted Wireless Telecommunications Facility** - A Wireless Telecommunications Facility, other than a Roof-Mounted Wireless Telecommunications Facility, mounted on, erected on or supported in whole or in part by an existing building or structure, occupied or used primarily for purposes other than wireless telecommunication.

*Note: §1.4 was amended by Article 25 at the 1998 Annual Town Meeting.*

**Family** - One or more persons, including domestic employees, or a group, occupying a dwelling unit and living as a single nonprofit housekeeping unit; provided that if five or more persons of the group occupying said dwelling are not kindred to each other, as defined by civil law, they shall not be deemed to constitute a family.

*Note: §1.4 was amended by Article 6 at the 2024 Annual Town Meeting.*

**Family Day Care Home** - Any private residence which, on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under 16 years of age if such children have special needs; provided however, in either case, that the total number of children under 16 in a family day care home shall not exceed six, including participating children living in the residence. Family day care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

**Floodplain** - The area of land susceptible to flooding or inundation from a particular body of water, including a pond, a river or a stream during a Base Flood.

**Floor Area, Gross** - The sum of the horizontal areas of the several floors of all buildings on the same lot, measured from the exterior face of exterior walls, or from the center lines of walls separating two attached buildings, including basements and any interior parking and loading areas, but not including cellars or areas having less than seven feet floor-to- ceiling height.

*Note: §1.4 was amended by Article 6 at the 2024 Annual Town Meeting.*

**Floor Area Ratio (FAR)** - The ratio of gross floor area to the area of the lot. In determining gross floor area for these purposes only, any building area having floor-to-ceiling height in excess of 15 feet shall be counted twice. FAR does not apply to residential dwellings.

*Note: §1.4 was amended by Article 6 at the 2024 Annual Town Meeting.*

**Food Service Establishment, Formula Based** – A Food Service Establishment that conforms or substantially conforms to a common design and operating features that serve to identify the establishment as one of a group of establishments for business, marketing, or public relations purposes. A Food Service Establishment shall be considered a Formula Based Food Service

## APPENDIX B – ADU Zoning By-Law Amendments

Establishment if it shares at least two (2) of the following three (3) characteristics with ten (10) or more other establishments worldwide (regardless of ownership or location):

1. Trademark, service mark or logo, defined as a word, phrase, symbol, or design or combination thereof that identifies and distinguishes the source of the goods or services from others;
2. Standardized building architecture including but not limited to façade design and signage;
3. Standardized color scheme used throughout the exterior of the establishment, including color associated with signs and logos.

*Note: §1.4 was amended by Article 6 at the 2024 Annual Town Meeting.*

**Food Service Establishment** – Any establishment at which the principal activity is the preparation, service, and sales of prepared food intended for consumption on or off the premises, and regardless of whether the establishment provides facilities for on site consumption. This definition includes restaurants and catering services, but excludes establishments serving customers through drive-up windows.

*Note: §1.4 was amended by Article 6 at the 2024 Annual Town Meeting.*

**Freestanding Wireless Telecommunications Facility** - A Wireless Telecommunications Facility mounted on, erected on or supported by any freestanding monopole, lattice tower, or similar freestanding structure.

*Note: §1.4 was amended by Article 25 at the 1998 Annual Town Meeting.*

**G.L.** - Massachusetts General Law.

**Grade** - The average of the ground level adjoining the building at all exterior walls based upon the existing contour lines. Contour lines shall be illustrated on a plan and shall be established prior to any filling or earth moving/removal activities. Except that for an attached garage with slab on grade, the grade shall not be raised more than 12 inches to allow for proper drainage. Attached garages with slab on grade do not count to any grade calculation. The slab shall serve as the grade.

*Note: §1.4 was amended by Article 6 at the 2016 Annual Town Meeting.  
§1.4 was amended by Article 18 at the 2005 Annual Town Meeting.  
§1.4 was amended by Article 6 at the 2024 Annual Town Meeting.*

**Ground Floor** - The floor which is nearest to the average grade of the sidewalk or ground adjoining the building.

**Height, Building** - The vertical distance from the grade to:

- the highest point of the roof or parapet for flat or shed roofs;
- the midpoint between the lowest and highest points of the roof for gable, hip and gambrel roofs (upper roof pitch 4" per foot or greater); or
- the point of change in roof slope for mansard roofs (upper roof pitch under 4" per foot).

*Note: §1.4 was amended by Article 28 at the 2006 Annual Town Meeting.  
§1.4 was amended by Article 18 at the 2005 Annual Town Meeting.  
§1.4 was amended by Article 31 at the 1991 Annual Town Meeting.*

**Inspector of Buildings** – The person holding the title "Inspector of Buildings" for the Town of Belmont, who shall be deemed the "zoning administrator" and a "permit granting authority" under M.G.L. c. 40A, § 1A. The terms "Building Commissioner" and "Building Inspector" in this Zoning

## APPENDIX B – ADU Zoning By-Law Amendments

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By-law are deemed to be the same as “Inspector of Buildings.”

*Note: §1.4 was amended by Article 4 at the 2023 Annual Town Meeting.*

**Kennel** - A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

*Note: §1.4 was amended by Article 9 at the 2014 Annual Town Meeting.*

**Kennel, Commercial Boarding or Training** - An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that “commercial boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under Section 39A of Chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

*Note: §1.4 was amended by Article 9 at the 2014 Annual Town Meeting.*

**Kennel, Commercial Breeder** – An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

*Note: §1.4 was amended by Article 9 at the 2014 Annual Town Meeting.*

**Kennel, Domestic Charitable Corporation** – A facility operated, owned or maintained by a domestic charitable corporation registered with the Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

*Note: §1.4 was amended by Article 9 at the 2014 Annual Town Meeting.*

**Kennel, Personal** – A pack or collection of more than 4 but no greater than 8 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit.

*Note: §1.4 was amended by Article 9 at the 2014 Annual Town Meeting.*

**Kennel, Veterinary** – A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that “veterinary kennel” shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

*Note: §1.4 was amended by Article 9 at the 2014 Annual Town Meeting.*

**Interior Wireless Telecommunications Facility** - A Wireless Telecommunications Facility mounted inside, erected inside or supported entirely within an existing building or structure, occupied or used primarily for other purposes, and not visible from any public way or adjoining

## APPENDIX B – ADU Zoning By-Law Amendments

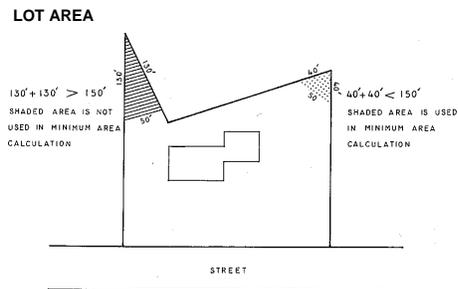
property.

*Note: §1.4 was amended by Article 25 at the 1998 Annual Town Meeting.*

**Lodging and Boarding** - Rental of not more than three rooms without separate cooking facilities, as an accessory use within a dwelling, if not resulting in more than four unrelated persons being accommodated on the premises.

**Lot** - The whole area of a single parcel of land under one ownership. Whenever such a parcel is divided on a plan which has been placed on file at the Middlesex South District Registry of Deeds at Cambridge, the term lot as used in this By-Law shall mean a lot as shown on such plan.

**Lot Area** - The horizontal area of a lot exclusive of any area in a street or recorded way open to public use. At least 90% of the lot area required for compliance shall also be exclusive of areas subject to protection under the Wetlands Protection Act, Section 40, Chapter 131, Massachusetts General Law, for reasons other than being subject to flooding. If the distance between any two points on lot lines is less than 50 feet, as measured in a straight line, the smaller portion of the lot as divided by that line shall not be included in lot area unless the two points are separated by less than 150 feet measured along lot lines.



**Lot Coverage** - Percentage of total lot area covered by structures or roofed. The percentage of lot area that is covered or occupied by buildings, or structures including accessory buildings, and accessory structures. Lot coverage is the sum area of the area of all buildings and structures on the lot divided by the area of the lot.

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*Note: §1.4 was amended by Article 2 at the March 2025 Special Town Meeting.*

**Lot Frontage** - The boundary of a lot on land coinciding with a street line if there are both rights of access and potential vehicular access across that boundary to a potential building site. Measured continuously along one street line between side lot lines. In the case of corner lots, measured on the street designated by the owner or, failing that, by the Building Inspector as the frontage street, between the side lot line and the midpoint of the corner radius.

**Marijuana, Adult Use Establishment (AUME)** - Collectively Marijuana Cultivator, Marijuana Independent Testing Laboratory, Marijuana Product Manufacturer, and Marijuana Retailer or any other type of licensed marijuana-related businesses.<sup>1</sup>

*Note: §1.4 was amended by Article 4 at the 2018 Special Town Meeting.*

**Marijuana Cultivator**<sup>1</sup> - An entity licensed to cultivate, process, and package marijuana, to

App. A-B - 7

<sup>1</sup> These definitions are based on the definitions as provided in MGL c. 94G, §1, and the regulations thereunder, as they may be amended from time to time.

## APPENDIX B – ADU Zoning By-Law Amendments

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deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.

*Note: §1.4 was amended by Article 4 at the 2018 Special Town Meeting.*

**Marijuana Independent Testing Laboratory** - A laboratory that is licensed by the Cannabis Control Commission (Commission) and is: (i) accredited to the most current version of the International Organization for Standardization 17025 by a third-party accrediting body that is signatory of the International Laboratory Accreditation Accrediting Cooperation with a mutual recognition arrangement, or that is otherwise approved by the Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Commission pursuant to MGL c. 94G.<sup>1</sup>

*Note: §1.4 was amended by Article 4 at the 2018 Special Town Meeting.*

**Marijuana Product Manufacturer** - An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not consumers.<sup>1</sup>

*Note: §1.4 was amended by Article 4 at the 2018 Special Town Meeting.*

**Marijuana Products** - Products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including without limitation edible products, beverages, topical products, ointments, oils, and tinctures.<sup>1</sup>

*Note: §1.4 was amended by Article 4 at the 2018 Special Town Meeting.*

**Marijuana Retailer** - An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.<sup>1</sup>

*Note: §1.4 was amended by Article 4 at the 2018 Special Town Meeting.*

**Motor Vehicle Service Station** - Premises devoted primarily to retail sale of fuels and lubricants and/or washing of motor vehicles, with any repair services or other sales or services of secondary importance.

**NPDES** - National Pollution Discharge Elimination System.

**Open Space** - An area on a lot, without any building or structure, except patios, containing landscape materials and pedestrian walks, but excluding driveways and parking spaces.

*Note: §1.4 was amended by Article 6 at the 2024 Annual Town Meeting.*

**Other Retail Sales and Services** - An establishment primarily engaged in the retail sale of goods, services and/or products (including baked products, ice cream, and/or candy for consumption off site with no seating provided on site). Such uses may include incidental food service.

*Note: §1.4 was amended by Article 9 at the 2003 Special Town Meeting.*

**Outdoor Seasonal Seating** – Outdoor seating that is provided on a seasonal basis in an area contiguous to a Food Service Establishment to which the seating is associated.

*Note: §1.4 was amended by Article 25 at the 2010 Annual Town Meeting.*

*Note: §1.4 was amended by Article 6 at the 2024 Annual Town Meeting.*

**Parking Space** - An area in a building or on a lot available for parking one automobile, exclusive of

## APPENDIX B – ADU Zoning By-Law Amendments

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passageways and driveways appurtenant thereto, and having free and unimpeded access to a street over unobstructed passageways or driveways.

**Patio** - A paved recreational area, not elevated above adjacent existing grade, separated by plant material or structures from all driveways and not itself to be used for parking.

*Note: §1.4 was amended by Article 19 at the 2000 Annual Town Meeting.*

**Pergola** – A detached open shade structure which is incidental to the use of the principal structure on the same lot, and which is not to be used as storage.

*Note: §1.4 was amended by Article 6 at the 2024 Annual Town Meeting.*

**Premises** - A lot together with all structures, buildings, and uses thereon and including any water bodies and watercourses or parts thereof.

**Registered Marijuana Dispensary** (or "RMD") - also known as a Medical Marijuana Treatment Center, means a not-for-profit entity properly registered with the Massachusetts Department of Public Health under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

*Note: §1.4 was amended by Article 12 at the 2014 Annual Town Meeting.*

**Roof-Mounted Wireless Telecommunications Facility** - A Wireless Telecommunications Facility mounted on, erected on or supported in whole or in part by the roof of an existing building or structure, occupied or used primarily for purposes other than wireless telecommunication.

*Note: §1.4 was amended by Article 25 at the 1998 Annual Town Meeting.*

**Satellite Antenna** - A device or instrument, other than a Wireless Telecommunications Facility, for the transmittal or reception of television or other electronic communications.

*Note: §1.4 was amended by Article 26 at the 1998 Annual Town Meeting.  
§1.4 was amended by Article 24 at the 1996 Annual Town Meeting.*

**School-Aged Child Care Home** - Any private residence which, on a regular basis, receives for temporary custody and care during part or all of the day, school-aged children, when such children are not required to attend school; provided, however, that the total number of children in a school-aged child care home during the portion of the year when school is in session shall not exceed eight, and during the summer months when school is not in session shall not exceed six, including in each case participating children living in the residence. School-aged child care home shall not mean a private residence used for informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor. The phrase 'school-aged children' shall mean children age 7 and older, not to exceed 14 years of age; however, special needs children shall qualify if not more than 16 years of age.

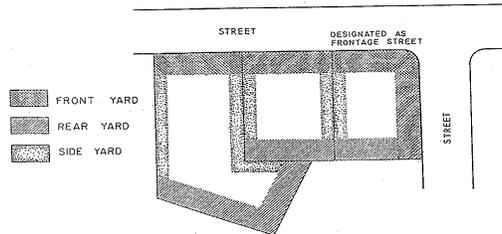
*Note: §1.4 was amended by Article 39 at the 1994 Annual Town Meeting.*

**Setback** - An area open to the sky, located between a street right-of-way line or property line, and any structure or element thereof other than a fence, wall, or other customary yard accessory. Setback is measured perpendicular to the street or property line.

*Note: §1.4 was amended by Article 28 at the 2006 Annual Town Meeting.  
Note: §1.4 was amended by Article 6 at the 2024 Annual Town Meeting.*

## APPENDIX B – ADU Zoning By-Law Amendments

### SETBACK



**Setback, Front** - A setback taken from a street line. Typically, corner and through lots must provide two front setbacks.

**Setback, Rear** - A setback taken from a rear property line, that is, typically a line or set of lines approximately parallel to the street frontage, and separating lots whose frontage is established on different streets. Setbacks on irregularly shaped lots where "side" versus "rear" is indeterminate shall be construed as rear setbacks.

**Setback, Side** - A setback taken from a side property line, typically a line or set of lines which intersect a street line, separating lots whose frontage is established on the same street. Corner lots commonly have one side setback and one rear setback.

**Sign** - Any device designed to inform or attract the attention of persons not on the premises on which the device is located, including any building surfaces other than windows which are internally illuminated or decorated with gaseous tube or other lights. The following, however, shall not be considered signs within the context of this By-Law:

- a) flags and insignia of any government except when displayed in connection with commercial promotion;
- b) legal notices, or informational signs erected or required by government bodies;
- c) temporary signs inside display windows illuminated by building illumination only;
- d) standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline;
- e) carved or other integral devices identifying the building name or date of erection, but not identifying occupants, and not illuminated; or
- f) on-premises devices not exceeding four square feet, guiding traffic and parking, but bearing no advertising matter.

*Note: §1.4 was amended by Article 5 at the 2017 Annual Town Meeting.*

**Sign, Accessory** - Any sign that advertises, or indicates the person occupying the premises on which the sign is erected or maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter. A sign on the exterior of a structure which advertises a product or service on more than 25% of the total area of the sign, which product or service does not constitute at least 25% of the gross sales made on the premises on which the sign is erected or maintained, is not an accessory sign.

## APPENDIX B – ADU Zoning By-Law Amendments

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### **Sign, Area of -**

- a) The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any “cutouts” or extensions, but shall not include any supporting structure or bracing.
- b) The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols.
- c) The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross section of that object.
- d) In computing the area of signs, both sides of V-shaped signs, but only one side of back-to-back signs, shall be counted.

**Sign, Non-Accessory** - Any sign not an accessory sign.

**Sign, Standing** - Any accessory sign that is not attached to a building.

**Sign, Window** – A sign posted, painted, placed or affixed in or on a window exposed to public view and is visible from the exterior of the building or a sign that is located within three feet of the glass of a window exposed to public view and visible from the exterior of the building.

*Note: §1.4 was amended by Article 24 at the 2008 Annual Town Meeting.*

**Sign, Temporary** - Any sign, including its supporting structure, intended to be maintained for a continuous period of not more than 60 days in any calendar year, and not repeated for a period of 4 months after removal.

*Note: §1.4 was amended by Article 5 at the 2017 Annual Town Meeting.*

**Special Permit Granting Authority (SPGA)** - The Board specifically designated in this Zoning By-Law to act upon a particular Special Permit. Where no Board is specifically designated herein for a particular Special Permit, the Board of Appeals shall act as the Special Permit Granting Authority.

*Note: §1.4 was amended by Article 28 at the 2006 Annual Town Meeting.*

**Story** - That portion of a building, other than a cellar, included between the upper surface of a floor and upper surface of the floor or roof next above.

**Story, Half** - A space under a sloping roof where:

- a) the line of intersection of the rafter bottoms and the interior wall surface is not more than three feet above floor level on at least half the perimeter of the second floor,
- b) the potential space having headroom of five feet or more is not more than 60% as large as the second floor,
- c) provided that the length of any dormer does not exceed 75% of the length of the roofline of the side of the structure where the dormer is constructed, and
- d) for purposes of this calculation, when the height of the second floor is indeterminate, the height of the second floor (from finished floor to finished ceiling) shall be equal to 12 feet, the remaining portion of the wall shall be factored into the half-story calculation.

*Note: §1.4 was amended by Article 18 at the 2005 Annual Town Meeting.*

## APPENDIX B – ADU Zoning By-Law Amendments

*§1.4 was amended by Article 22 at the 1998 Annual Town Meeting.*

### **Street** - Either:

- a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or
- b) a way approved by the Board of Survey, or
- c) a private way that has been and is continually used as a means of vehicular access to the lots fronting on it provided said private way is shown on a subdivision plan recorded prior to September 21, 1988.

*Note: §1.4 was amended by Article 27 at the 1995 Annual Town Meeting.*

**Structure** - Anything constructed or erected, the use of which requires fixed location on the ground, including buildings, mobile homes, signs, swimming pools, pergolas, and tanks, but for purposes of this By-Law not including walls, fences, or paving.

*Note: §1.4 was amended by Article 6 at the 2024 Annual Town Meeting.*

**Substantial Improvement** - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- a) before the improvement or repairs is started, or
- b) if the structure has been damaged, and is being restored, before the damage occurred. Substantial Improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term "Substantial Improvement" does not apply to either:

- a) any improvements of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places

**Swimming Pool** - An artificial receptacle capable of containing a body of water, whether in or above ground, or created by artificial means from a natural watercourse, and all appurtenances, equipment, appliances and other facilities for its operation, maintenance or use, used or intended to be used by the owner or tenant thereof and his/her family and by friends invited to use it without payment of any fee, but not including portable or other pools incapable of containing a depth of water exceeding 24 inches at any point.

**Townhouse** – An attached one-family dwelling unit, with a private entrance, which is part of a residential structure containing three or more dwelling units that are attached horizontally in a linear arrangement, and having two or three totally exposed walls, depending on the number of units in structure, to be used for access, light, and ventilation.

*Note: §1.4 was amended by Article 14 at the 2014 Annual Town Meeting.*

*Note: §1.4 was amended by Article 2 at the March 2025 Special Town Meeting.*

**Watercourse** - The natural channel of a stream or river through which springs, surface runoffs, and rain waters are carried during normal weather conditions.

**Wetland** - Wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for

## APPENDIX B – ADU Zoning By-Law Amendments

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at least five months of the year; emergent and submergent plant communities in inland waters; that portion of any bank which touches any inland waters, as defined in DEP Regulations adopted for implementation of the Wetlands Protection Act.

**Window Display** – Any arrangement or presentation of merchandise placed within three feet of a window but not including any pricing, dollar amount or signage intended to augment the display of the merchandise. Signs associated with a window display are considered a window sign for the purposes of this By-Law.

*Note: §1.4 was amended by Article 24 at the 2008 Annual Town Meeting.*

**Wireless Telecommunications Facility** - Any tower, antenna, or appurtenant structure or equipment used to provide wireless telecommunications services to individuals or institutions, but not including an amateur radio facility used in accordance with the terms of any amateur radio service license issued by the U.S. Federal Communications Commission, provided that (1) the facility is not used or licensed for any commercial purpose; and (2) the facility shall be removed upon loss or termination of such license.

*Note: §1.4 was amended by Article 25 at the 1998 Annual Town Meeting.*

## APPENDIX B – ADU Zoning By-Law Amendments

### **SECTION 3. USE REGULATIONS**

#### **3.3 Schedule of Use Regulations**

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
<b><u>AGRICULTURE</u></b>								
Keeping of livestock other than domestic pets	SP	SP	N	N	N	N	Y	N
Other agriculture	Y	Y	Y	Y	Y	Y	Y	Y
<b><u>BUSINESS</u></b>								
<i>Note: See §3.5, Major Development, for business uses involving more than 40,000 square feet floor area</i>								
Commercial off-street parking lots	N	N	N	N	N	N	SPS	SP
Motor vehicle repair, sales, and rental	N	N	N	N	SP	N	SP	N
Motor vehicle service station (see §6.7)	N	N	N	N	SP	N	SP	N
Motorized equipment sales, service and rental including equipment powered by internal combustion engine over 10 hp	N	N	N	N	SPS	N	SPS	N
Place of assembly, amusement, or athletic exercise	N	N	N	SP	SP	N	SPS	N
Other retail sales and services	N	N	N	SPS	SPS	SPS	SPS	N
Food Service Establishment	N	N	N	Y	Y	Y	Y	N
Food Service Establishment, Formula Based (See Section 6.13)	N	N	N	SP	SP	SP	SP	N
Office	N	N	N	SPS	SPS	SPS	SPS	N
Manufacturing or fabrication of products of which the major portion is to be sold at retail on the premises and not more than 8 operatives are employed in the manufacturing or fabrication process	N	N	N	SPS	SPS	SPS	SPS	N
Other manufacturing and warehousing	N	N	N	N	N	N	SPS	N

## APPENDIX B – ADU Zoning By-Law Amendments

### 3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
Wireless Telecommunications Facility (see §6.8) <i>Note: §3.3 was amended by Article 27 at the 1998 Annual Town Meeting.</i>	SP	SP	SP	SP	SP	SP	SP	SP
Solar Energy System (See §4.3.8) <i>Note: §3.3 was amended by Article 9 at the 2012 Special Town Meeting.</i>	N	N	N	SP	SP	SP	SP	N
Kennels (Commercial or Nonprofit):								
➤ Daycare - the provision of day time services for the care of animals that does not include overnight boarding provided that a minimum of 60 square feet of play area is available per dog.	N	N	N	N	N	SP	SP	N
➤ Boarding	N	N	N	N	N	N	SP	N
➤ Commercial Breeder	N	N	N	N	N	N	N	N
➤ Veterinary	N	N	N	N	N	N	N	N
The Planning Board shall be the SPGA for Kennels <i>Note: §3.3 was amended by Article 9 at the 2014 Annual Town Meeting.</i>								
Registered Marijuana Dispensary (See §6E) <i>Note: §3.3 was amended by Article 12 at the 2014 Annual Town Meeting.</i>	N	N	N	N	SP	N	SP	N
<b><u>PUBLIC AND SEMI-PUBLIC</u></b>								
Religious or educational use exempted from prohibition by Massachusetts General Law, Chapter 40A, Section 3	Y	Y	Y	Y	Y	Y	Y	Y
Private school conducted for profit, including nursery, dancing and music schools	SP	SP	N	Y	Y	SP	Y	N
Day care center <i>Note: §3.3 was amended by Article 28 at the 2006 Annual Town Meeting.</i>	Y	Y	Y	Y	Y	Y	Y	N
Family day care home <i>Note: §3.3 was amended by Article 28 at the 2006 Annual Town Meeting.</i>	SP	SP	SP	SP	SP	SP	SP	N
Child Care, Large Family <i>Note: §3.3 was amended by Article 6 at the 1999 Second Special Town Meeting.</i>	SP	SP	SP	SP	SP	SP	SP	N

## APPENDIX B – ADU Zoning By-Law Amendments

### 3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
Hospital or sanitarium	SP	SP	N	N	N	N	N	N
Philanthropic use	SP	SP	N	Y	Y	Y	Y	N
Private club or lodge owned by members and customarily conducted as a nonprofit activity:								
> operated for members only	SP	SP	N	Y	Y	SP	Y	N
> other	N	N	N	Y	Y	SP	Y	N
Municipal recreational use	Y	Y	Y	Y	Y	Y	Y	N
Municipal cemetery	SP	SP	N	N	N	N	Y	N
Other municipal use	SP	SP	SP	Y	Y	Y	Y	Y
School-aged child care home <i>Note: §3.3 was amended by Article 39 at the 1994 Annual Town Meeting.</i>	SP	SP	SP	SP	SP	SP	SP	N
<b><u>RESIDENTIAL</u></b>								
Detached single-family dwelling (See §6D for the GR Districts) <i>Note: §3.3 was amended by Article 14 at the 2014 Annual Town Meeting.</i>	Y	Y	N	SP	SP	SP	N	N
Two-family dwelling (See §6D for the GR Districts) <i>Note: §3.3 was amended by Article 14 at the 2014 Annual Town Meeting.</i>	N	SP	Y	SP	SP	SP	N	N
Conversion of large public buildings or public or private school buildings:								
> With 10,000 square feet of gross floor area or less (see §6.3B)	SP	SP	SP	Y	SP	SP	SP	N
> With more than 10,000 square feet of gross floor area (see §6.3A) <i>Note: §3.3 was amended by Article 5 at the 2005 Special Town Meeting.</i>	SP	SP	SP	SP	SP	SP	SP	N
Elderly housing (see §6.4)	SP	SP	SP	N	N	N	N	N
Cluster development (see §6.5)	SP	N	N	N	N	N	N	N
Other apartment house	N	N	SP	N	N	N	N	N

## APPENDIX B – ADU Zoning By-Law Amendments

### 3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
<b>ACCESSORY USES</b>								
<b>Accessory Dwelling Units</b> <i>(See definitions in §1.4 and §6.14)</i>	Y	Y	N	Y	Y	Y	N	N
Home occupation (see §3.4.2)	Y	Y	Y	Y	Y	Y	Y	N
Lodging and Boarding								
➤ for daily or weekly periods	SP	SP	SP	Y	Y	Y	Y	N
➤ for longer periods only	Y	Y	N	Y	Y	Y	Y	N
Mixed-Use – provided that at a minimum the first floor is to be reserved for commercial use and that the residential use comply with §6.10, Inclusionary Housing <i>Note: §3.3 was amended by Article 17 at the 2007 Annual Town Meeting.</i> <i>Note: §3.3 was amended by Article 26 at the 2003 Annual Town Meeting.</i>	N	N	N	SP	SP	SP	N	N
A noncommercial greenhouse; a tool shed used for the storage of tools, yard and household equipment or other similar accessory buildings (see §4.3.5) <i>Note: §3.3 was amended by Article 28 of the 2006 Annual Town Meeting.</i>	Y	Y	Y	N	N	N	Y	N
Commercial provision for the care and recreation of dogs in completely fenced-in area for not more than one hour per day. The Board of Appeals shall consider the size and relationship of the lot to adjacent residential lots, and shall determine whether that size and relationship is adequate to accommodate the use without imposing undue noise, visual, and traffic impacts on the adjacent residential lots; it shall, after (and if) making a determination of the adequacy, impose such conditions on hours of use, number of animals accommodated at a given time, fencing, screening or other measures to contain the activity and minimize its impacts <i>Note: §3.3 was amended by Article 29 at the 1995 Annual Town Meeting.</i>	SP	N	N	N	N	N	N	N
Personal Kennel <i>Note: §3.3 was amended by Article 9 at the 2014 Annual Town Meeting.</i>	SP	N	N	N	N	N	N	N

## APPENDIX B – ADU Zoning By-Law Amendments

### 3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
<b><u>ACCESSORY USES (Continued)</u></b>								
Swimming pools and tennis courts and other similar recreational facilities (see §6.1)	Y	Y	SP	SP	SP	SP	N	N
Windmills	SP	SP	N	SP	SP	SP	SP	N
A garage for more than 3 vehicles or containing more than 660 square feet floor area	SP	SP	SP	Y	Y	Y	Y	Y
Open lot storage or parking of a boat, boat trailer, house trailer, camping trailer, motor home, commercial trailer, or commercial vehicle <i>Note: §3.3 was amended by Article 27 at the 2001 Annual Town Meeting.</i>	SP	SP	N	Y	Y	Y	Y	N
Open lot parking for not more than 3 vehicles accessory to a single-family dwelling, and not more than 2 vehicles per dwelling unit or 5 vehicles per structure for other dwellings	Y	Y	Y	Y	Y	Y	Y	Y
Open lot parking in excess of the above accessory to residential use	SP	SP	Y	Y	Y	Y	Y	Y
Shared Institutional Parking:								
➤ By Town departments	Y	Y	Y	Y	Y	Y	Y	N
➤ Residential overnight parking	Y	Y	Y	Y	Y	Y	Y	N
➤ Pick-up/drop-off of less than 30 minutes	Y	Y	Y	Y	Y	Y	Y	N
➤ Public or private event parking of less than 24 hours	Y	Y	Y	Y	Y	Y	Y	N
➤ Day time use (6 am – 6 pm) by employees and/or customers using less than 30 spaces or 50% of the spaces in the lot, whichever is greater	Y	Y	Y	Y	Y	Y	Y	N
➤ Day time use of more than 30 spaces or more than 50% of spaces in the lot, whichever is greater	SP	SP	SP	Y	Y	Y	Y	N
➤ Evening use (6 pm – 6 am) by customers and/or employees	SP	SP	SP	Y	Y	Y	Y	N
➤ Use by commercial vehicles	SP	SP	SP	Y	Y	Y	Y	N
<i>Note: §3.3 was amended by Article 30 at the 2009 Annual Town Meeting.</i>								

## APPENDIX B – ADU Zoning By-Law Amendments

### 3.3 Schedule of Use Regulations

USES	DISTRICTS							
	SR- A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
<b>ACCESSORY USES (Continued)</b>								
Satellite antenna with a receiving dish with a visually coherent surface of 8.5 square feet or less or a diameter of one meter (39.37”) or less (see §4.3.5) <i>Note: §3.3 was amended by Article 18 at the 1999 Annual Town Meeting.</i> <i>Note: §3.3 was amended by Article 26 at the 1996 Annual Town Meeting.</i>	Y	Y	Y	Y	Y	Y	Y	Y
Satellite antenna with a receiving dish with a visually coherent surface of 34 square feet or less or a diameter of two meters or less (see §4.3.5) <i>Note: §3.3 was amended by Article 18 at the 1999 Annual Town Meeting.</i> <i>Note: §3.3 was amended by Article 25 at the 1996 Annual Town Meeting.</i>	SP	SP	SP	Y	Y	Y	Y	SP
Satellite antenna with a receiving dish with a visually coherent surface of more than 34 square feet or a diameter of more than two meters (see §4.3.5) <i>Note: §3.3 was amended by Article 18 at the 1999 Annual Town Meeting.</i> <i>Note: §3.3 was amended by Article 25 at the 1996 Annual Town Meeting.</i>	SP	SP	SP	SP	SP	SP	SP	SP
Other uses customarily incidental to the principal uses herein	SP	SP	SP	Y	Y	Y	Y	Y
Interior Wireless Telecommunications Facility (see §6.8 and §7.3) <i>Note: §3.3 was amended by Article 28 at the 1998 Annual Town Meeting.</i>	Y	Y	Y	Y	Y	Y	Y	Y
Other Wireless Telecommunications Facility (see §6.8) <i>Note: §3.3 was amended by Article 28 at the 1998 Annual Town Meeting.</i>	SP	SP	SP	SP	SP	SP	SP	SP
Solar Energy System (see §4.3.8) <i>Note: §3.3 was amended by Article 9 at the 2012 Special Town Meeting.</i>	Y	Y	Y	Y	Y	Y	Y	Y
Shared Driveway (See §5.1.3 k) <i>Note: §3.3 was amended by Article 11 at the 2014 Annual Town Meeting.</i>	SP	SP	SP	Y	Y	Y	Y	N

*Note: §3.3 was amended by Article 2 at the March 2025 Special Town Meeting.*

## APPENDIX B – ADU Zoning By-Law Amendments

### **SECTION 4. INTENSITY REGULATIONS**

#### 4.3.5 Accessory Buildings

*Note: §4.3.5 was amended by Article 28 of the 2006 Annual Town Meeting.*

##### a) General Requirements

1. Except as provided in subsection c.2 below, a private one-story garage for not more than three automobiles, a noncommercial greenhouse, or a tool shed used for the storage of tools, yard and household equipment, or other similar accessory buildings, shall be set back at least five feet from the side line and rear line of the lot and five feet from the principal building to which it is accessory.-

*Note: §4.3.5 a) 1) was amended by Article 22 at the 2008 Annual Town Meeting.*

2. Notwithstanding the requirements of a)1. Above or b) or c) below, a detached private garage may include a first or second story accessory dwelling unit provided that the accessory building complies with applicable dimensional requirements in Sections 4.2.1 and 4.2.2 herein as well as any additional or superseding dimensional requirements in Section 6.14.

*Note: §4.3.5 was amended by Article 2 at the March 2025 Special Town Meeting.*

3. An accessory building shall be on the same lot as the principal building to which it is accessory.
4. A garage shall have a vehicular access from the street.

##### b) Dimensional Regulations

1. Accessory Buildings other than Protected-Use ADUs, as defined in Section 6.14.2, shall not exceed the following:
  - 150 square feet of floor area (660 square feet for a garage) or
  - a height of 10 feet (15 feet for a garage).
2. Accessory Buildings shall be set back at least five feet from the side line and rear line of the lot and five feet from the principal building to which it is accessory.

*Note: §4.3.5 was amended by Article 2 at the March 2025 Special Town Meeting.*

##### c) Rear Yard Restrictions

1. A building accessory to a dwelling shall cover not more than 40% of the rear yard of the lot. The rear yard for this provision is defined as the area between a line obtained by extending the rear line of the dwelling to each of the sidelines of the lot and the rear line of the lot.
2. If any part of the accessory building is forward of the rear line of the dwelling, the accessory building shall conform to the front setback, side line and rear line requirements for a dwelling in the district in which the accessory building is located. However, the Board of Appeals may grant a Special Permit for an exemption from this Section for corner lots.

*Note: §4.3.5 c. 2. was amended by Article 5 at the 2024 Annual Town Meeting*

## APPENDIX B – ADU Zoning By-Law Amendments

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3. Additions to existing dwellings may extend beyond the front line of existing unattached accessory buildings provided said additions meet the requirements for setback, sideline, rearline setbacks and lot coverage and open space requirements for the respective zoning district.

*Note: §4.3.5 c) 3 was amended by Article 6 at the 2007 Special Town Meeting.  
§4.3.5 c) 3 was amended by Article 23 at the 1998 Annual Town Meeting.*

## APPENDIX B – ADU Zoning By-Law Amendments

### **SECTION 6. SPECIAL REGULATIONS**

#### **6.11 Historic Accessory Building Preservation**

*Note: §6.11 was adopted under Article 31 at the 2009 Annual Town Meeting.*

##### 6.11.1 Purpose

The purpose of this Section is to promote the preservation of unique Historic Accessory Buildings by permitting their adaptive reuse for uses that may not otherwise be permitted under this Zoning By-Law, thereby making their functional preservation and restoration feasible.

##### 6.11.2 Definition

A "Historic Accessory Building" is an accessory building such as a free-standing barn, greenhouse, or carriage house built before 1921, which is located on the same lot as the principal building to which it is accessory, and which is either:

- a) listed on the Inventory of the Historic and Archaeological Assets of the Commonwealth as maintained by the Massachusetts Historic Commission; or
- b) listed on the National Register or State Register of Historic Places; or
- c) specifically designated as a "Historic Accessory Building" by the Belmont Historic District Commission, using the criteria for evaluation established for determining eligibility for the National Register of Historic Places.

##### 6.11.3 Applicability

- a) The Planning Board may grant a Special Permit for the reuse of a Historic Accessory Building in any residential district of the Town, allowing the adaptation of such Building for use as a home occupation, or for one accessory dwelling unit.
- b) If the proposed reuse would be a Protected Use ADU as defined in Section 6.14.2, the reuse shall be governed by Section 6.14 instead of this Section 6.11.

*Note: §6.11.3 was amended by Article 32 at the 2009 Annual Town Meeting.*

*Note: §6.11.3 was amended by Article 2 at the March 2025 Special Town Meeting.*

##### 6.11.4 Procedure for Special Permit

- a) An Application for a Special Permit under this Section shall comply with the procedures and requirements set forth in Section 7.4 of this Zoning By-law, and the Planning Board's Special Permit Regulations.
- b) Upon receipt of an Application, the Planning Board shall forward a copy of the Application to the Historic District Commission for its review and recommendations concerning the proposed exterior treatments of the Building, including such things as windows, roofing and siding materials, and landscaping. Such recommendations shall include:
  - 1) the Commission's assessment as to whether the proposed reuse and associated exterior alterations would adversely affect the historic landscape or the architectural and historic integrity of the principal building or the Historic Accessory Building itself; and

## APPENDIX B – ADU Zoning By-Law Amendments

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- 2) specific conditions which the Commission believes should be imposed on the Special Permit in order to prevent any adverse effects.

The Historic District Commission shall hold a public hearing and make recommendations to the Planning Board within thirty-five (35) days of the Commission's receipt of the Application. Otherwise, the Application shall be deemed approved.

- c) The Planning Board may issue a Special Permit under this Section only if it finds that the proposed reuse and any related building alterations and site development meet all of the applicable Special Permit criteria set forth in Section 7.4.3, and
  - 1) are generally in harmony with the neighborhood;
  - 2) will neither generate excessive traffic, parking, noise or density impacts on the abutters, nor create other detrimental effects on the neighborhood;
  - 3) will preserve and/or restore the original architectural features of the Building to the maximum extent practicable;
  - 4) will not adversely affect the historic landscape or the architectural and historic integrity of the principal building or the Historic Accessory Building itself; and
  - 5) will not result in any enlargement or relocation of the Historic Accessory Building.
- d) If the Historic Accessory Building is proposed to be used for a home occupation, the Planning Board must also find that the following criteria are or will be met in addition to the criteria set forth in Section 6.11.4 c):

*Note: §6.11.4 d) was amended by Article 32 at the 2009 Annual Town Meeting*

- 1) There will be no exterior display or visible storage of supplies or equipment to be used on or off the premises, or other variation from the residential character of the premises;
  - 2) Not more than one person who is not a member of the household will be employed on the premises;
  - 3) There will be no production of offensive noise, vibration, odors, fumes, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effects;
  - 4) No articles will be sold or offered for sale on the premises;
  - 5) Traffic generated, including pick up and deliveries, will not exceed that normally expected in the residential neighborhood in which the Historic Accessory Building is located; and
  - 6) All parking will be provided on-site, and not within a required front yard.
- e) If the Historic Accessory Building is proposed to be used for an accessory Dwelling Unit, the Planning Board must also find that the following criteria are or will be met in addition to the criteria set forth in Section 6.11.4 c):
    - 1) The accessory Dwelling Unit use will be incidental to the ownership and

## APPENDIX B – ADU Zoning By-Law Amendments

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use of the principal Structure on the same lot; and

- 2) The accessory Dwelling Unit or the principal Structure will be occupied by the owner of the subject premises, except for bona fide temporary absences.

*Note: §6.11.4 e) was amended by Article 32 at the 2009 Annual Town Meeting.*

### 6.11.5 Conditions of Approval

In granting a Special Permit under this Section, the Planning Board shall require that a perpetual preservation restriction on said Building and its landscape context be granted to the Town or other appropriate body or preservation organization under the provisions of Massachusetts General Laws, Chapter 184, Section 31. The form of such preservation restriction shall be subject to review and approval by Town Counsel.

In addition, the Planning Board may impose such other conditions, safeguards and limitations on time or use that it determines to be appropriate to assure compliance with the applicable criteria set forth in Section 6.11.4 including, but not limited to conditions:

- a) prohibiting the Special Permit from being transferred to a subsequent owner without the approval of the Planning Board;
- b) specifying the required number of on-site Parking Spaces and their location;
- c) limiting the business operations of a home occupation, such as the number of patrons/clients visiting the premises, hours of operations, and hours and location of deliveries;
- d) requiring installation of additional landscaping;
- e) requiring continuing maintenance of landscaping;
- f) requiring a restrictive covenant to be imposed on the subject property, prohibiting the division or reduction in size of the lot on which the Historic Accessory Building is located.

### 6.11.6 Nonconforming Historic Accessory Buildings

Any exterior or interior alteration to a preexisting nonconforming Historic Accessory Building made pursuant to a Special Permit issued under this Section shall be deemed not to constitute an "alteration to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent" requiring consideration and a Special Permit by the Board of Appeals under Section 1.5.3.

### 6.11.7 Compliance with Applicable By-Laws

Except as expressly provided in this Section, the grant of a Special Permit for the reuse of a Historic Accessory Building shall not relieve the applicant from the need to comply with all other applicable Town By-laws and Regulations.

## APPENDIX B – ADU Zoning By-Law Amendments

### 6.14 Accessory Dwelling Units

*Note: §6.14 was adopted under Article 2 at the March 2025 Special Town Meeting.*

#### 6.14.1 Purpose

This section governing Accessory Dwelling Units (“ADUs”) is intended to:

- a) Increase the number of small Dwelling Units available in the Town;
- b) Increase the range of choice of housing accommodations to meet the needs of households;
- c) Increase the supply of housing and the diversity of housing options;
- d) To ensure compliance with the portions of Chapter 150 of the Acts of 2024 applicable to ADUs.

#### 6.14.2 Definitions

In this §6.14, the following terms shall have the following meanings and a capitalized term shall have the meaning in §1.4, unless a contrary meaning is required by the context.

- a) **Building Code** - The Massachusetts State Building Code, 780 CMR.
- b) **Bus Station** – A location serving as a point of embarkation for any bus operated by a Transit Authority.
- c) **Commuter Rail Station** – Any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.
- d) **Fire Code** - The Massachusetts State Fire Code, 527 CMR 1.00.
- e) **Historic Building** – Any Building on the List governed by §60-320 of the General Bylaws.
- f) **Historic District** – A district established pursuant to M.G.L. c. 40C or other state law that is characterized by the historic or architectural significance of Buildings, Structures, and sites, and in which exterior changes to and the construction of Buildings and Structures are subject to regulations adopted pursuant to M.G.L. c. 40C or other state law.
- g) **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.
- h) **Protected Use ADU** – An attached or detached ADU located that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is protected by M.G.L. c. 40A, §3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is non-conforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.
- i) **Short-Term Rental** --- Occupancy of a Short-Term Rental, as those terms are defined in M.G.L. c. 64G, § 1.
- j) **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.
- k) **Subway Station** – Any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to

## APPENDIX B – ADU Zoning By-Law Amendments

such lines.

- l) **Transit-Adjacent Lot** – Any Lot, any portion of which is within a 0.5-mile straight line from the center of a Transit Station.
- m) **Transit Authority** – The Massachusetts Bay Transportation Authority established by M.G.L. c. 161A, s. 2 or other local or regional transit authority established pursuant to M.G.L. c. 161B, §. 3 or M.G.L., c. 161B, §. 14.
- n) **Transit Station** – A Subway Station, Commuter Rail Station, or Bus Station.

### 6.14.3 General Requirements

Only one ADU is permitted by right in accordance with § 3.3 as an accessory use to another Dwelling Unit, subject to the following:

- a) The ADU shall not be required to be served by any separate utility meter. Electricity, water, oil, heat, gas, and sanitary sewer may be provided by a single service to both the ADU and the principal Principal dwelling-Dwelling unless otherwise required by law or regulation, provided that a separate connection may be required by a Municipal or regional utility, investor-owned utility, by state law, by a local, regional, or state board or commission, or by court order.

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### 6.14.4 Prohibitions

- a) The ADU may not be sold or title transferred separate and apart from the principal dwelling to which it is an accessory Accessory useUse. The principal-Principal dwelling-Dwelling and the ADU shall remain in common/single ownership and shall not be severed in ownership.
- b) Short-term rentalsRentals, as defined in Section 6.14.2 above, are prohibited in ADUs.

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### 6.14.5 Dimensional Requirements

- a) A Protected Use ADU may not be larger in Gross Floor Area than 1/2 the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller. In this §6.14.5(a), "Gross Floor Area" is defined as in 760 CMR 71.02.
- b) ADUs shall be subject to the height and Front Setback requirements applicable to the Structure in which the principal-Principal Dwelling Unit is located, and the Ssetback requirements of Section 4.3.5(b)(2).
- c) Unless located within a pre-existing structureStructure, no ADU shall be sited closer to the front lot line than the Principal Dwelling Unit.
- d) Any Lot containing a new detached ADU, an ADU created by adding Gross Floor Area to the Principal Dwelling, or any ADU created by adding Gross Floor Area to an existing detached Accessory Building or Structure shall meet the Lot Coverage and Open Space requirements of Table 6.14.5(d) below. The Principal Dwelling, and any driveway, parking-Parking spaceSpace, or accessory sStructure other than an ADU on the Lot shall still be subject to the Lot Coverage and Open Space requirements of Section 4.2.1.

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Table 6.14.5(d) – New ADU Dimensional Requirements

(1) Lot Type and Zoning District	(2) Max Lot Coverage*	(3) Min. Open Space*
Any Lot in Single Residence A	25%	45%
Transit-Adjacent Lot in Single Residence B	30%	45%
Other Lot in Single Residence B	30%	43%
Any Lot in Single Residence C	30%	45%
Transit-Adjacent Lot in Single Residence D	25%	45%

## APPENDIX B – ADU Zoning By-Law Amendments

(1) Lot Type and Zoning District	(2) Max Lot Coverage*	(3) Min. Open Space*
Other Lot in Single Residence D	25%	43%
Any Lot in General Residence	35%	35%

\* Maximum Lot Coverage includes the coverage requirement under Section 4.2.1 plus a fixed additional percentage, as applicable and as provided in column 2 above. Correspondingly, Minimum Open Space has been reduced by the proportional amount of land area allowed as additional Maximum Lot Coverage with an additional reduction if outside of the Transit-Adjacent Area. ~~the Lot is not a Transit-Adjacent Lot. Note that these dimensions are only applicable for the establishment of an ADU as a (or part of) a new accessory-Accessory Building or a new Building addition.~~

- e) Proposals seeking to exceed the Lot Coverage or Open Space requirements of Section 6.15.4(d) may seek a Special Permit from the Planning Board in accordance with Section 7.4.

### 6.14.6 Parking Requirements

- a) One (1) additional Parking Space shall be required for an ADU unless the property is located on a Transit-Adjacent Lot, in which case no additional Parking Space is required.
- b) If there are multiple driveway openings serving different Dwelling Units on the lot/Lot, the ADU may use any of those driveway openings. Otherwise, ADUs shall use the same driveway opening and curb cut as the principal-Principal dwelling/Dwelling.
- c) Any Parking Spaces shall conform to Section 5.1.3(b) and shall be constructed of material consistent with the existing driveway, except that permeable pavers or asphalt may be utilized for a secondary driveway intended to serve the ADU whether or not consistent with the existing driveway.
- d) Any increase in parking or driveway area on a Lot to serve an ADU shall not result in a violation of minimum required Open Space pursuant to Table 6.14.5.(d) above.

### 6.14.7 Design Requirements

- a) A detached ADU shall be no less than 5' from other Structures on the lot/Lot.
- b) Unless located within a pre-existing structure/Structure, a detached ADU shall not be located between a roadway and the Principal Dwelling.
- c) When an ADU has a separate exterior entrance from the Principal Dwelling, the ADU's entrance shall not be located on the same Building facade as the entrance to the Principal Dwelling.
- d) An exterior staircase serving an ADU shall not be visible from the Street and must be fully enclosed.
- e) When an ADU has a separate exterior entrance from the Principal Dwelling or is a separate Building, the ADU shall be accessible by path or walkway.
- f) The ADU shall be located on the Lot so as not to impede vehicular access to and circulation on the Lot, Streets, or sidewalks.
- g) ADUs located in a Historic District, proposed in a historic Building that requires exterior renovations or additions, or located in a Historic Accessory Building, shall require a Certificate of Appropriateness from the Historic District Commission in addition to any Design and Site Plan Review applicability that may be required as per Section 6.14.7 below. An ADU proposed to be located in a Historic District shall require a Certificate of Appropriateness from the Historic District Commission in addition to any Design and Site Plan Review that may be required as per Section 6.14.8 below.
- g)h) The provisions of Section 60-320 of the Town's General Bylaws shall apply to any proposal to locate an ADU in a Historic Building.

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### 6.14.8 Application

The application for a building-Building permit-Permit and/or occupancy-permit/Certificate of Occupancy for an ADU or an application for a Special Permit for an ADU shall include the following:

## APPENDIX B – ADU Zoning By-Law Amendments

- a) A plot plan of the principal Dwelling Unit with square footage, proposed ADU with square footage, showing the location of all existing and proposed Buildings on the lot, zoning matrix and required parking.
- b) A certified plot plan, stamped by a professional land surveyor registered in the State of Massachusetts.
- c) When the creation of an ADU requires the alteration of the exterior of a Structure, the application shall include elevation plans showing the sides of the Building affected by the construction both prior to and after completion of construction.
- d) Design and Site Plan Review shall be required for any ADU that meets any of the following criteria:
  - 1) The construction of the ADU will exceed the height of the principal Dwelling up to the maximum height allowed in the Zoning District.
  - 2) A two-story Accessory Building or adds a second Story to an existing Accessory Building;
  - 3) Increases the Lot Coverage above the maximum provided in Section 4.2.1 for a lot without an ADU;
  - 4) Decreases the Open Space below the minimum provided in Section 4.2.1 for a lot without an ADU;
  - 5) Where Design and Site Plan Review is required pursuant to Section 1.5.4 of this By-Law; or
  - 6) A Building is being converted or added to in order to accommodate the ADU that has one or more pre-existing nonconformities.

### 6.14.9 Preexisting Nonconforming Structures

- a) The conversion of any nonconforming structure or portion thereof to an ADU shall be permitted in accordance with Sections 1.5.3 and 1.5.4, as applicable.
- b) Alteration, reconstruction, extensions, or structural changes reasonably necessary to convert a nonconforming structure or portion thereof to an ADU shall not be deemed to increase the nonconforming nature of the structure so long as the structure will continue to be located on the original footprint.

### 6.14.10 Preexisting ADUs

- a) A legally conforming Dwelling Unit created pursuant to Section 6.11 continue as an ADU in accordance with this Section 6.14.
- b) Any other pre-existing Dwelling Unit that is a Protected Use ADU under this ordinance, including a pre-existing non-conforming unit, must apply for and receive a Certificate of Occupancy.

### 6.14.11 Enforcement

It shall be the duty of the Inspector of Buildings to administer and enforce the provisions of this Section 6.14.

