

Section 6.14 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

Section 6.14 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: 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 Dwelling unless otherwise required by law or regulation.

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 Use. The Principal Dwelling and the ADU shall remain in common/single ownership and shall not be severed in ownership.
- b) Short-Term Rentals, as defined in Section 6.14.2 above, are prohibited in ADUs.

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 Dwelling Unit is located, and the Setback requirements of Section 4.3.5(b)(2).
- c) Unless located within a pre-existing Structure, 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 Space, or Structure other than an ADU on the Lot shall still be subject to the Lot Coverage and Open Space requirements of Section 4.2.1.

Table 6.14.5(d) – New ADU Dimensional Requirements

<u>(1) Lot Type and Zoning District</u>	<u>(2) Max Lot Coverage*</u>	<u>(3) Min. Open Space*</u>
<u>Any Lot in Single Residence A</u>	<u>25%</u>	<u>45%</u>
<u>Transit-Adjacent Lot in Single Residence B</u>	<u>30%</u>	<u>45%</u>
<u>Other Lot in Single Residence B</u>	<u>30%</u>	<u>43%</u>
<u>Any Lot in Single Residence C</u>	<u>30%</u>	<u>45%</u>
<u>Transit-Adjacent Lot in Single Residence D</u>	<u>25%</u>	<u>45%</u>
<u>Other Lot in Single Residence D</u>	<u>25%</u>	<u>43%</u>
<u>Any Lot in General Residence</u>	<u>35%</u>	<u>35%</u>

* Maximum Lot Coverage includes the coverage requirement under Section 4.2.1 plus a fixed additional percentage, as

Section 6.14 Zoning By-Law Amendments

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 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 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, the ADU may use any of those driveway openings. Otherwise, ADUs shall use the same driveway opening and curb cut as the Principal 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.
- b) Unless located within a pre-existing Structure, a detached ADU shall not be located between a roadway and the Principal Dwelling.
- c) Where there are two or more existing entrances on the front facade of a dwelling, one shall appear to be the principal entrance and the other entrances appear to be secondary.
- d) any new exterior stairs needed to provide primary or secondary means of egress for the accessory dwelling shall be located on the side or rear of the building.
- 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) 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.
- 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.

6.14.8 Application

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

- 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 Commonwealth 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

Section 6.14 Zoning By-Law Amendments

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 By-Law, 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.

