

Chapter 97-10 General Regulations

D. Accessory Dwelling Units.

(1) Purpose and Intent: The intent of permitting Accessory Dwelling Units is to:

(a) Recognize that the housing needs of the Town are changing and that zoning by-laws must be crafted to allow additional options in the provision of housing to the Town's citizens.

(b) Increase the supply of housing and the diversity of housing options, in response to demographic changes such as smaller households and older households.

(c) Provide homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.

(d) Develop housing units in residential neighborhoods that are appropriate for households at a variety of stages in their life cycle and for multi-generational households.

(e) Encourage a more balanced and diverse population and income mix, with particular attention to young adults and senior citizens.

(f) Encourage the creation and addition of moderately priced rental units to the housing stock that meet the needs of small and moderate-income households who might otherwise have difficulty obtaining affordably priced housing in the community.

(2) Definitions: For the purpose of this section, the following definitions shall apply:

(a) "Accessory Dwelling Unit" (ADU) is defined as a self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same lot as a principal dwelling, 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 than half (1/2) the Gross Floor Area of the principal dwelling or 900 square feet, whichever is smaller.

(iii) is subject to all applicable zoning requirements within the established zoning district as set forth in Chapter 97, Zoning, §97-4.D. and §97-6.

(b) Gross Floor Area is defined as the sum of the areas of all floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, but excluding: (i) covered walkways, open roofed-over areas, porches and similar spaces; and (ii) pipe trenches, exterior terraces or steps, chimneys, roof overhands and similar features.

(c) Bus Station. A location serving as a point of embarkation for any bus operated by a Transit Authority. For routes that allow flag stop locations where passengers may signal for a bus to stop at any point along its designated route, the entire route shall be considered a Bus Station.

(d) 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.

(e) Protected Use ADU. An attached or detached Accessory Dwelling Unit that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and no other Accessory Dwelling Unit is located on said Lot and which is protected from Prohibited Regulations and Unreasonable Regulations pursuant to M.G.L. c. 40A, s. 3, para. 11 and 760 CMR 71.00.

(3) Accessory Dwelling Unit Applicability:

(a) An ADU may be administratively reviewed and authorized by the Building Commissioner with the issuance of a Building Permit when the conditions and requirements of § 97-10.D.(2)(e) and §97-10.D.(4) are met.

(b) An ADU may be permitted by a Special Permit pursuant to Requirements as described in §97-10.D.(5). The Zoning Board of Appeals (ZBA) shall be the Special Permit Granting Authority for a Special Permit ADU.

(c) ADUs proposed to be constructed on pre-existing legal non-conforming structures or lots shall conform with the requirements of § 97-10.A.(1).

(d) The Building Commissioner's decision on an application for an ADU constitutes the final decision; however, a property owner may appeal the denial of a Building Permit for an ADU by appealing to the ZBA pursuant to G.L. c. 40A sec. 8.

(4) General Requirements for Accessory Dwelling Units:

(a) There shall be no more than one ADU on a lot, and there shall be no more than two dwelling units in the primary dwelling.

(b) The total number of bedrooms in the primary dwelling and the ADU combined may not exceed the capacity of the permitted septic system, per Title V requirements.

(c) An ADU proposed in the Plum Island Overlay District shall meet the requirements thereof and may not result in exceedance of the dimensional requirements or bedroom count as set forth therein for each lot, in accordance with § 97-4.D and § 97-6.B.

(d) The primary dwelling and the ADU shall comply with all applicable health, safety, building and other applicable codes in effect at the time of the granting of the Building Permit, and of the Special Permit where applicable.

(e) Utilities necessary for the ADU, including but not limited to water, electric, and gas, may be extensions of the existing utilities serving the principal single-family dwelling. New or separate water and sewer lines directly between the ADU and the trunk

lines are not required. Applicants may choose to use a shared water meter for the primary structure and the ADU or have a separate water meter installed for each.

(f) Not more than one additional parking space shall be required for an ADU; and further, no parking space shall be required for an ADU located not more than 0.5 miles from a Commuter Rail Station or any Bus Station as defined in § 97-10.D.(2).

(g) An ADU permitted through §97-10.D. shall not be used for “Short Term Rental” as that term is defined in M.G.L. c. 64G and is prohibited from any use as a rental unit on a weekly or daily basis.

(h) Neither the ADU nor the principal dwelling on a lot shall be required to be owner-occupied.

(5) Special Permit Requirements for ADUs: The Zoning Board of Appeals, as Special Permit Granting Authority, may allow dimensional variations for a proposed ADU up to 15% above 900 square feet of Gross Floor Area as defined in §97-10.D.(2), provided that:

(a) the ADU meets the dimensional requirements of the single-family lot;

(b) the ADU is subordinate to the primary structure in height, location on the lot, bulk, and massing;

(c) the allowance of such variation, in the Board’s opinion, is not contrary to the public interest and is consistent with the intent and purpose of this bylaw.

(6) Submission Requirements:

(a) An application for an ADU shall be submitted to the Building Inspector and shall include, at a minimum:

(1) A site plan, stamped by a registered engineer or land surveyor, drawn to scale, showing existing conditions, boundaries and area of the lot, location(s) of all structures, setbacks, location and capacity of the approved septic system, including reserve area, well, driveway, and parking spaces, if required;

(2) Existing and proposed building floor plans and elevations, stamped by a registered architect, drawn to scale, showing the proposed interior and exterior changes to the primary dwelling or accessory structure and the number of existing and proposed buildings;

(3) Drawings showing adherence to all current Building Code and Fire Code requirements;

(4) A narrative description of the proposal that describes the ways the ADU meets the Purpose and Intent of § 97-10.D.

(b) An application for a Special Permit for an ADU shall be submitted to the Zoning Board of Appeals and shall include the Requirements of §97-10.D.6(a).