

Proposed Accessory Dwelling Unit (ADU) Bylaw (8/3/2015 draft)

To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by deleting the contents of Section III, par. 9 and inserting in its place the following:

9. ACCESSORY DWELLING UNITS

1. Purpose and Intent: The intent of permitting accessory dwelling units is to:

1. Provide older 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;
2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
4. Provide housing units for persons with disabilities;

2. Definitions:

1. **Accessory Dwelling Unit:** An Accessory Dwelling Unit is a self-contained housing unit incorporated within a single-family dwelling (not within accessory structures, except with a Special Permit) that is clearly a subordinate part of the single-family dwelling and complies with each of the criteria stated below.
2. **Building, Attached:** A building having any portion of one or more walls in common or within five feet of an adjacent building.
3. **Building, Detached:** A building having a five feet or more of open space on all sides.
4. **Dwelling, Single-family:** A building designed or used exclusively as a residence and including only one dwelling unit.
5. **Dwelling Unit:** One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. This definition does not include a trailer, however mounted.
6. **Primary Residence:** A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a

dwelling.

3. Procedural Requirements:

1. Procedures: No accessory apartment shall be constructed without issuance of a building permit by the Building Commissioner. The application for a building permit or Special Permit shall comply with the permitting authority's Rules and Regulations.

4. Use and Dimensional Regulations:

1. The Building Commissioner may issue a Building Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner-occupied, single-family dwelling and the Planning Board may issue a Special Permit authorizing the installation and use of an accessory dwelling unit in an expansion of a primary dwelling unit or in a detached structure on a single-family home lot only when the following conditions are met:
 - (a) The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
 - (b) Only one accessory dwelling unit may be created within a single-family house or house lot.
 - (c) The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence, except for bona fide temporary absences.
 - (d) There shall be no roomers within either dwelling unit.
 - (e) The accessory dwelling unit shall be designed so that the appearance of the structure maintains that of a one-family dwelling, subject further to the following conditions and requirements:
 1. Any new separate outside entrance serving an accessory dwelling unit shall be located on the side or in the rear of the building.
 2. Where two or more entrances already exist on the front façade of a dwelling, modifications made to any of the entrances shall result in one entrance appearing to be the principal entrance and other entrances appearing to be secondary.
 3. All stairways to second stories shall be enclosed within the exterior walls of the dwelling.
 - (f) The gross floor area of an accessory dwelling unit (including any additions) shall not be greater than eight hundred (800) square feet.

- (g) Once an accessory dwelling unit has been added to a single-family residence or lot, the accessory dwelling unit shall never be enlarged beyond the eight hundred (800) square feet allowed by this bylaw.
- (h) An accessory dwelling unit may not be occupied by more than three (3) people nor have more than two bedrooms.
- (i) The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws and regulations.
- (j) In order to maintain the one family appearance of the property, all parking spaces on the lot shall be subject further to the following conditions and requirements:
 - 1. Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicles shall be regularly parked on the premises other than in the parking spaces.
 - 2. Parking spaces shall be located so that both the principal dwelling unit and the accessory apartment shall have at least one parking space with direct and unimpeded access to the street without passing through a parking space designated to serve the other dwelling unit.
 - 3. Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence, or a combination thereof in the area between the parking spaces and the nearest lot line. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the one-family appearance of the neighborhood.
- 2. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Planning Board may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
- 3. Approval for an ADU requires that the owner must occupy one of the dwelling units. The zoning approval and the notarized letters required in 04.4 and 04.5 below must be recorded in the County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.
- 4. When a structure, which has received a permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the

premises as their primary residence, except for bona fide temporary absences.

5. Prior to issuance of a permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence, except for bona fide temporary absences.
6. Prior to issuance of a permit, a site plan, floor plan, building section and building elevations must be submitted showing the proposed interior and exterior changes to the building and site.

05.0 Administration and Enforcement

1. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Bylaw.
2. No building shall be constructed or changed in use or configuration, until the Building Commissioner has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the town's laws and bylaws. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
3. The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this chapter or in a violation of the conditions or terms of any special permit granted by the Planning Board.
4. The Building Commissioner shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.
5. Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this chapter unless the construction or use is begun within a period of not more than six months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner.

Submitted by the Planning Board.