

## **ARTICLE 19 - ACCESSORY DWELLING UNITS**

### **Planning Board**

To see if the Town will vote to amend the Zoning Bylaw Section 185-5 “Definitions” Paragraph C. by deleting the definition of “ACCESSORY APARTMENT” and replacing it with the new definition “ACCESSORY DWELLING UNIT (ADU)”; and further to amend Section 185-10 “Schedule of Use Regulations” by deleting line 31 “Accessory apartments” and adding a new line 31 “Attached ADU” and a second new line 32 “Detached ADU” and renumbering the lines following beginning with line 33; and further to delete Section 185-43 entitled “Accessory apartments” in its entirety and replace it with a new Section 185-43 entitled “Accessory Dwelling Units (ADUs),” with the complete text of each of the above changes on file in the Offices of the Town Clerk and the Planning Board; or take any other action relative thereto.

- (1) In Section 185-5 of the Zoning Bylaw, Definitions, the existing definition for [Accessory apartment](#) will be deleted and a new definition for Accessory Dwelling Unit will be added as follows:

ACCESSORY DWELLING UNIT (ADU) - a residential living unit that is within or attached to a single -family dwelling, or within a detached structure on the same lot as a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

- (2) In Section 185-10, Schedule of Use Regulations, the existing line 31 Accessory Apartment will be deleted and the following new lines 31 Attached ADU and 32 Detached ADU will be added as follows below, and the lines following the new line 32 will be renumbered beginning with 33:

Use	R	R-1	R-2	C	O	B	M	M-P	RM	Site Plan
<b>31</b> Attached ADU	A	A	A	X	X	A	A	A	A	R
<b>32</b> Detached ADU	P	P	P	X	X	P	P	P	P	SP

- (3) The existing Section 185-43, Accessory Apartments, will be deleted in its entirety and replaced with the following:

#### **185-43 Accessory Dwelling Units (ADUs)**

A. The purposes of this Section 185-43 are to:

- (1) Broaden the types of housing available to different types of households including a wide range of ages;
- (2) Provide flexibility in housing choices while limiting impact on neighborhoods, residential character, and Town infrastructure; and
- (3) Clarify the necessary steps and regulations in order to help make approval of ADUs efficient and straightforward for homeowners, builders and families.

B. Attached ADUs.

1. Applicability of Site Plan Review. An Attached ADU shall be defined as an Accessory Dwelling Unit that is attached to or within a single-family dwelling. An owner(s) of a single-family dwelling in an R, R-1, R-2, B, M, M-P or R-M District or their authorized agent may request Site Plan Review by the Planning Board to enable the use of a portion of a single-family dwelling as an Attached ADU.
2. Standard of Review. The Planning Board shall approve a Site Plan for an Attached ADU, subject to reasonable conditions the Board deems appropriate, provided that the ADU complies with the Site Plan Review criteria of Section 185-36 and meets all the standards outlined in Subsection D below. The application shall comply with and shall be reviewed pursuant to the Planning Board's Rules and Regulations.

C. Detached ADUs.

1. Applicability of Special Permit Requirement. A Detached ADU shall be defined as an Accessory Dwelling Unit that is located in a separate structure accessory to such single-family dwelling. An owner(s), or applicant with owner(s) consent, of a single-family dwelling in an R, R-1, R-2, B, M, M-P or R-M District may use a portion of the separate accessory structure as a Detached ADU upon receipt of and compliance with a Special Permit by the Board of Appeals. Submission requirements and procedures shall be in accordance with the Zoning Board of Appeals' rules and regulations.
2. Site Plan Review by the Planning Board. An application for Site Plan Review shall be submitted to the Planning Board at least ten days prior to submitting an application for a Special Permit to the Zoning Board of Appeals. The Zoning Board of Appeals shall receive a copy of the Site Plan Review application. The Planning Board shall submit a written report based on the results of this Site Plan Review to the Zoning Board of Appeals prior to their public hearing. The report of the Planning Board shall include any recommended conditions for a Special Permit related to the Site Plan Review.
3. Special Permit from the Zoning Board of Appeals. An application for a Special Permit for a Detached ADU shall require a Public Hearing which shall be held according to the procedures outlined in Section 185-52 of the Zoning Bylaw. After due consideration of the recommendations of the Planning Board, the Board of Appeals may grant a Special Permit as provided in this section, provided that the Detached ADU meets all the standards of Subsection D below, and all other requirements under the Zoning Bylaw.

D. Additional Standards for ADUs.

1. Maximum floor area. All ADUs approved under this section shall be accessory to the principal residence; the floor area shall not exceed 50% of the floor area of the principal residence, exclusive of any garage, unfinished attic, basement or shed attached to said principal residence, or 900 square feet, whichever is less.
2. Owner occupancy. The owner of the property shall occupy either the principal residence or the Accessory Dwelling Unit on the property on which the ADU is located, except

for bona fide temporary absences, at all times during which the ADU is rented.

3. Board of Health Review. For any renovations or new construction related to an ADU, the applicant shall obtain all required approvals from the Board of Health, consistent with ensuring compliance with State and Town regulations regarding water and septic.
4. Ingress and egress. Any new entrances shall be located on the side or the rear of the building. All staircases shall be enclosed and shall not be visible from the exterior of the building.
5. Appearance. The ADU and related modifications to the building shall be designed so that the appearance of the building remains that of a single-family dwelling, and the construction and occupancy of the ADU will not be detrimental to the neighborhood in which the lot is located or injurious to persons or property.
6. Driveway. Attached and detached ADU's shall use the same driveway opening and curb cut as the principal residence.
7. Parking. Adequate provision shall be made for off-street parking of motor vehicles associated with the ADU. The Boards of Appeals or Planning Board, as applicable, may require screening of such parking to protect the neighbors or provide a necessary buffer to adjacent property, provided said fencing is not in excess of six feet (6') in height.
8. Limit of One ADU per Lot. There shall be no more than (1) ADU on the same lot or otherwise associated with a single-family dwelling.
9. Architectural Design Guidelines. The ADU and related modifications to any building shall be designed so that the appearance of the property remains consistent with that of a single-family dwelling. New structures shall be designed and sited in such manner that they are consistent in character and compatible in design with the existing buildings on the lot. Exterior cladding, roofing and windows shall be constructed of substantially similar materials to those on the existing single-family structure (unless all cladding is to be replaced) and attention should be paid to ensuring the roof form, window fenestration, and architectural details such as trim, dentils, columns, piers, sashes, cornices, friezes, corner boards, belt courses, quoins, ornaments, pilasters and other such details) are replicated on any additions or new structures.
10. Short Term Rental Prohibited. An ADU shall not be used as a Short Term Rental as defined in Section 185-5 of this Zoning Bylaw.