

Proposed Zoning Bylaw

Approved at Town Meeting: May 10, 2023

Approved by Attorney General: September 5, 2023

Claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety days of such posting, which is December 21, 2023. Copies of this by-law may be examined and obtained from the Town Clerk and are available on the town website: <https://www.washington-ma.gov/planning-board/pages/zoning-bylaws>.

Section 6.7 Accessory Dwelling Units

6.7.1. Purpose:

- A.** Create more housing options for town residents.
- B.** Provide homeowners with a separate space for family, companionship, security, or service providers.
- C.** Maintain the single-family character of the town.
- D.** Create options for those residents who wish to downsize and remain comfortably on their property.
- E.** Provide homeowners with an opportunity for supplemental income.

6.7.2 Definitions:

- A.** Accessory Dwelling Unit (or “ADU”): a residential living unit on the same parcel as a single-family or two-family dwelling. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, or a unit that is part of an expanded or remodeled primary dwelling.
- B.** Attached Accessory Dwelling Unit: an ADU which shares wall-to-wall or any permanent roof attachment such as a breezeway with an existing residential unit.
- C.** Detached Accessory Dwelling Unit: an ADU which does not share common walls or roofing with an existing residential unit.
- D.** Detached Existing Structure: an accessory structure existing as of the date of a proposal for conversion to an ADU (such as a shed, garage, barn, etc.) which does not share common walls or roofing with an existing residential unit.

6.7.3. Applicability:

Notwithstanding any restrictions contained in Section 5.1 of the zoning bylaw:

- A.** An Accessory Dwelling Unit within, or attached to, any single or two-family dwelling or in a detached existing structure shall be authorized as of right, provided that the requirements listed in section 6.7.3.C of the zoning bylaw are met.
- B.** A newly constructed detached Accessory Dwelling Unit to any single or two-family dwelling shall be subject to a special permit. At a minimum, the ADU shall be subject

to the requirements listed in Section 6.7.3.C of the zoning bylaw, as well as the following findings made by the special permit granting authority:

1. Is in compliance with all provisions and requirements of this bylaw; and in harmony with its general intent and purpose.
2. Will not be detrimental to adjacent uses, the natural environment, or to the established or future character of the neighborhood.
3. Will not create undue traffic congestion or unduly impair pedestrian safety.
4. Will not adversely alter drainage patterns or rates of flow on adjacent properties or pose any risk of hazard to the public health, safety, or general welfare on adjacent properties or elsewhere in Town.

C. Accessory Dwelling Unit Requirements:

1. ADUs may not be in separate ownership from the main residence.
2. 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.
3. A total of one (1) Accessory Dwelling Unit shall be allowed on a residential lot under Section 6.7.3.A or 6.7.3.B of the zoning bylaw.
4. A total of two (2) Accessory Dwelling Units can only be sought as a combination of one (1) attached and one (1) detached ADU by special permit approval, subject to the requirements of this Section and the findings listed under Section 6.7.3.B.1 through 4 of the zoning bylaw.
5. A detached ADU subject to Section 6.7.3.B of the zoning bylaw shall not be visible from the public right-of-way if located between the main dwelling and the street where frontage is located. If the structure is or will potentially be visible, the Planning Board may waive this requirement as part of the issuance of a special permit under Section 6.7.3.B if it deems the proposal otherwise conforms with the intent of the zoning bylaw and will not result in any significant adverse impacts.
6. No Accessory Dwelling Unit may be constructed without prior approval of a Building Permit.
7. The gross floor area of a detached Accessory Dwelling Unit shall be no larger in floor area than 1/2 of the floor area of the principal dwelling or 900 square feet, whichever is smaller (stairwell access, porches, patios, shall not be included in the computation).
8. An addition or remodel to an original dwelling is permitted, provided that the Accessory Dwelling Unit shall be clearly a subordinate part of the dwelling with any addition being not more than 1/3 of the floor area of the principal dwelling or 900 square feet, whichever is smaller (excluding unfinished attic and basement, garage, porch, patio).
9. An existing accessory structure or portion thereof may be converted to an Accessory Dwelling Unit as long as the converted portion is no larger than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller.

10. The siting of an ADU in an existing nonconforming primary or secondary structure shall be subject to a special permit under Section 6.7.3.B and 6.1.3 of the zoning bylaw.
11. The construction of the Accessory Dwelling Unit shall conform to all applicable standards in the State Sanitary, Building and other applicable codes required for a residential dwelling.
12. ADUs will follow the rules for residential structures for setbacks, lot coverage, etc. conforming to Section 5.1 of the zoning bylaw.
13. Vehicles may only be parked in driveways or in parking areas located no closer to the street than the structure containing the ADU.