

## ARTICLE 47

## AMENDMENT TO CHANGE SECTIONS 4.2.2, 5.3, AND 9 OF THE ZONING BYLAW FOR ACCESSORY DWELLING UNITS

(Majority Vote Required)

To see if the Town will vote to Amend sections 4.2.2, 5.3, and 9 of the Boxborough Zoning Bylaw for the purpose of modifying the existing rules and regulations regarding Accessory Dwelling Units (ADUs). The deletions are struck through and changes are in bold:

### **4.2.2 Accessory Apartment or Accessory Dwelling Unit.**

- (a) ~~The Inspector of Buildings may grant a total of permits each calendar year for accessory apartments also known as Accessory Dwelling Units (ADU).~~
- (b) ~~An additional dwelling unit may be allowed as an accessory apartment in a single family dwelling or existing accessory building located on a lot with a single family dwelling for the purpose of:~~
  - 1) ~~providing small additional dwelling units without adding to the number of buildings in the Town or substantially altering the appearance of buildings, the neighborhood, or the Town;~~
  - 2) ~~increasing the range and affordability of housing accommodations;~~
  - 3) ~~encouraging a greater diversity of population, and;~~
  - 4) ~~encouraging a more efficient and economic use of existing housing stock by enabling owners of single family dwellings larger than required for their present needs to share space while maintaining the single family appearance and character of buildings, the neighborhood, and the Town~~
- (c) ~~The Inspector of Buildings may grant a Building Permit and a Certificate of Occupancy for an accessory apartment provided that all of the following conditions are met:~~
  - 1) ~~The accessory shall be within the building containing the principle dwelling unit, or be within a detached accessory structure in existence on or before March 8, 2007, and that conforms to the minimum setback for residential dwellings.~~
  - 2) ~~No more than one accessory apartment may be located on the lot.~~
  - 3) ~~The accessory apartment shall be secondary and incidental to the single family dwelling on the lot~~
  - 4) ~~The accessory apartment shall contain no more than 1300 square feet of gross floor area, but not exceed 40% of the gross floor area of the existing single family dwelling.~~
  - 5) ~~Any addition to the existing structure to create an accessory apartment shall not create more than a 15% increase in the gross floor area of the existing structure, as of February 17, 2023.~~

- 6) ~~One of the Dwelling Units shall be occupied by or be the legal residence of the owner of the lot. The "owner" shall be one or more individuals holding legal or beneficial title to the lot and for whom the dwelling is the primary residence for voting and tax purposes.~~
- 7) ~~The domestic water and wastewater disposal system shall be adequate to serve both the existing single family dwelling and the accessory apartment.~~
- 8) ~~Three parking spaces shall be in existence or added to the existing driveway to accommodate the number of vehicles that serve the residents of both dwelling units. The spaces shall be composed of similar materials to the driveway.~~
- 9) ~~Curb cuts for the lot shall be limited to those already in existence on or before February 17, 2023, or for new construction, shall be limited to one.~~
- 10) ~~Existing properties with accessory apartments that are no longer intended to be owner occupied or the legal residence of the owner, the owner shall apply for a certificate of occupancy, and a building permit if required to convert the building back to a single family dwelling. Removal of one of the following elements shall be deemed sufficient.~~
  - 1. ~~The removal of privacy by removing a portion of the wall or floor separating the dwelling units;~~
  - 2. ~~The removal of the kitchen including plumbing fixtures.~~

#### 4.2.2 By Right Accessory Dwelling Unit (ADU).

An ADU shall be allowed *by right* within a single-family dwelling or in an accessory structure. The Inspector of Buildings may grant a building permit and occupancy certificate for an ADU subject to the following regulations:

- a) The ADU shall be within the building containing the principal dwelling unit, or be within a detached accessory structure that conforms to the minimum setbacks for [principal] residential dwellings.
- b) No more than one ADU may be located on a lot.
- c) The ADU shall be the lesser of  $\frac{1}{2}$  the gross floor area of the principal dwelling or 900 SF.
- d) Any addition to an existing single family dwelling needed to create an ADU shall aggregate to be no larger than the lesser of  $\frac{1}{2}$  the gross floor area of the existing principal dwelling or 900 SF.
- e) The domestic water and wastewater disposal system shall be adequate to serve both the existing single-family dwelling and the ADU.
- f) Not more than one additional parking space shall be required for an ADU that is more than  $\frac{1}{2}$  mile from a commuter rail station, or bus station.
- g) Curb cuts for the lot shall be limited to those already in existence.
- h) Use or "Occupancy" of an ADU and associated dwellings as a "Short Term Rental", as these terms are defined by G.L. c. 64G, § 1 is prohibited.
- i) By right siting of an ADU is allowed only within single family residential zoning districts.

### 5.3 Intensity Regulations

(e) No more than one single family dwelling may be located on a lot. **An Accessory Dwelling Unit as defined in Section 9.2 may be permitted on a lot with one single family dwelling unit if it is in compliance with Section 4.2.2.**

## 9.2 Terms Defined

~~Accessory Apartment or Accessory Dwelling Unit shall mean a dwelling unit that is customarily incidental and subordinate to the single family dwelling unit.~~

**An Accessory Dwelling Unit (ADU) Shall Mean a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, 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 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and
- (iii). is subject to such additional restrictions as may be imposed herein; and
- (iv). May be attached or detached.

Or take any other action relative thereto.

### **Summary:**

*The purpose of this article, is to adopt an accessory dwelling unit bylaw that complies with the state's Affordable Homes Act. This law, passed in August of 2024, requires that Towns allow accessory dwelling units in districts that allow single family homes. Past zoning bylaws are overly restrictive, and do not meet the requirements of the Affordable Homes Act. The Planning Board proposes this revision, which will allow the Zoning Enforcement Officer to act on compliant laws, and reduce the risk of legal challenge from non-compliant bylaws.*

**The Planning Board recommends (5-0-0).** The Planning Board unanimously recommends passage. This amendment will immediately bring our bylaw into compliance with Massachusetts General Law, by allowing accessory dwelling units in those districts that already allow single family homes. Through passage of this amendment, we equip our Zoning Enforcement Officer with conforming regulation, reduce the risk of legal challenge to the Town, and establish more accessible housing for both young and older adults.

**The Finance Committee recommends (6-0-0).**  
No tax impacts.

**The Select Board does not comment on articles proposed by other elected boards.**