

Key

Red – required by new law

Blue – non-statutory upgrade\

Version 3/13/25

Accessory Dwelling Unit and Related Zoning Amendments

Warrant Article #___: To see if the Town will vote to amend the Town of Shutesbury Zoning Bylaw by Amending Section 3.1-1 Use Table, Section 4.4 Housing Options, Section 4.4-2 Accessory Apartments; and Section 13.2 Definitions , or take any other action related thereto.

3.1-1 Use Table

Amend Use table

From

| Use Category | RR | FC | TC | LW |
|---------------------------------------|-------|-------|-------|-------|
| Accessory Apartment (with footnote 1) | SPR-Z | SPR-Z | SPR-Z | SPR-Z |

To:

| Use Category | RR | FC | TC | LW |
|---------------------------------------|----|----|----|----|
| Accessory Dwelling Unit (no footnote) | P | P | P | P |

Section 4.2-1 Dimensional Table

Change reference from accessory apartments to Access Dwelling Units

Section 4.4 Housing Options

The Town of Shutesbury values being a diverse community that welcomes residents of varying income levels. As the cost of land and housing increases, many local residents are being priced out of the market for homes. The Town of Shutesbury desires to maintain and encourage housing that is affordable to the entire range of its residents while maintaining consistency of its zoning and the underlying values of the zoning bylaw. The Town therefore establishes this section to allow the creation of apartments, two-family dwellings, multi-family dwellings, accessory dwelling units, modular dwelling units, and tiny houses to help meet the Town's housing needs and to offer incentives for the creation of affordable housing in residential developments. All housing developments must comply with applicable requirements of the Board of Health.

4.2-2 B1

Any detached accessory structure, garage, studio, storage shed, barn, stable, tennis court, swimming pool (in addition to complying with the requirements of Section 3.3), or any accessory structure attached to the principal building, except for a protected Accessory Dwelling Unit in accordance with Section 4.4-2 and 6.1-3, shall comply with the minimum setback requirements of this bylaw for principal buildings. This provision shall apply to both conforming and lawfully nonconforming lots.

4.4-2 Accessory Dwelling Units

To help the Town meet its housing needs, accessory dwelling units (ADUs) are allowed as follows:

A. Number Allowable Per Lot

One Accessory Dwelling Unit is allowable per residential lot, except where there is a legally non-conforming structure or use, in which case the provisions of section 6.1 of this bylaw apply.

B. Conditions.

All of the following ongoing conditions must be met for an ADU to be **allowed**.

1. The principal dwelling, including the **accessory dwelling unit**, must satisfy all side and rear yard requirements **per the Dimensional Table Section 4.2 and Section 4.2-2 B. Setbacks for Accessory Structures and Uses.**, in effect at the time.
2. In addition to the accessory dwelling unit, the lot may contain no more than a single, **principal** dwelling and uses accessory to such dwelling that are permitted by this Zoning Bylaw.
3. **No additional curb cuts or driveway access shall be permitted beyond that allowed for a one-family dwelling**, unless the lot already had multiple access points on **April 26, 2025**, or the Zoning Board of Appeals determines that a second curb cut will improve public safety and not detract from the rural character of the road.
4. **The lot must have a minimum of one off-street parking space for dedicated use by the accessory dwelling unit, in addition to the required parking for the principal dwelling.** This may include internal garage bays.
5. An accessory dwelling unit may be located **in any of the following**:
 - i. within or attached to the principal dwelling
 - ii. within a garage or barn or other accessory structure
 - iii. within a new accessory structure located on the same lot and no more than 100 feet from separate from the principal dwelling

C. An accessory **dwelling unit** shall meet the following standards **and/or requirements**

- i. State Building Code
- ii. State Environmental Code
- iii. State Fire Code
- iv. **Massachusetts 310 CMR 15.000: The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of onsite Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage.**
- v. **Approved Shutesbury Board of Health permit**
- vi. **Water, sewer, and electric service as required by these bylaws for a primary dwelling**

D. Nothing in Subsection 4.4-2 shall be construed to change or reduce any dimensional or area requirements of this Zoning Bylaw relative to single-family dwellings and accessory structures thereto or to allow any uses not otherwise permitted by this Zoning Bylaw, other than accessory apartments as allowed herein. 4.4-3

- E. For purposes of public safety and in compliance with the Shutesbury House Number bylaw, an ADU shall have a reflective street address or appropriate identifying signage installed so it can be easily seen by emergency crews.

6.1-3 Extension or Alteration

D. Reconstruction, extension, structural change, or major exterior alteration (collectively hereafter "alterations") to a nonconforming single or two-family residential structure, including a protected Accessory Dwelling Unit, shall not be considered an increase in the nonconforming nature of the structure and shall be permitted by right under the following circumstances:

8.6-2 Driveways and Common Driveways

B1. Common Driveways are allowed by Special Permit from the Planning Board. At most, six (6) dwelling units (counting accessory dwelling units as separate dwelling units) may be served by or otherwise share a Common Driveway. A Common Driveway shall lie entirely within the lots being served or on open space land in Open Space Designs and shall, if serving more than two dwelling units, be named as a "way" (Example: "Wilson Way") with a sign placed in plain view from its intersection with a public way.

SECTION 13.2 Definitions In This Bylaw

Accessory Dwelling Unit: Accessory Dwelling Unit (ADU). 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:

- a. 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 Building Code for safe egress;
- b. is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller;
- c. is subject to such additional restrictions as may be imposed by Shutesbury including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in M.G.L. c. 64G, § 1.

Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.