

**Key**

Red – required by new law

Blue – non-statutory upgrade

Version 3/30/25

## 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 4.2-1 Dimensional Table, Section 4.4 Housing Options, Section 4.4-2 Accessory Apartments; Section 8.6-2 Driveways and Common Driveways, and Section 13.2 Definitions , or take any other action related thereto.

### 3.1-1 Use Table

Change reference

- From: accessory apartments
- To: Access Dwelling Units

### 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.

#### 4.4-2 Accessory Dwelling Units

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

- A. One Accessory Dwelling Unit is allowable per residential lot.**
- B. An accessory dwelling unit may be located in any of the following:**
  - a. within or attached to the principal dwelling
  - b. within a garage or barn or other accessory structure

- C. 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.
- D. 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 May 31, 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.
- E. Only one off-street parking space for dedicated use by the accessory dwelling unit is required, in addition to the required parking for the principal dwelling, but more may be provided at the applicant's option. This may include internal garage bays. No additional parking space shall be required for an accessory dwelling located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, "as defined in 760 CMR 71.02.
- F. An accessory dwelling unit shall meet the following standards and/or requirements
  - a. State Building Code
  - b. State Fire Code
  - c. 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.
  - d. Approved Shutesbury Board of Health permit required for residential dwelling units
  - e. Water, sewer, and electric service as required by these bylaws for a primary dwelling
- G. 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.
- H. An accessory dwelling unit shall count as a full dwelling unit for the purposes of Subsection 8.6-2 B., Common Driveway Regulations.
- I. A site plan review shall be required for an accessory dwelling unit to be conducted by the Zoning Board of Appeals in an as-of-right process.
- J. Nothing in this 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 dwelling units, as allowed herein.

### **8.6-2 Driveways and Common Driveways**

B1. Common Driveways are allowed by Special Permit from the Planning Board. At most, three (3) lots 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  $\frac{1}{2}$  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 that meets the state building code, 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,

### **Severability**

The invalidity of any section or provision of this article shall not invalidate any other section or provision thereof.