

Section 24 ADU Bylaw per new state laws: Approved by AG December 23, 2025

24.01 Purpose

The intent of permitting Accessory Dwelling Units (ADUs) is to:

1. Provide homeowners with a means of obtaining income, companionship, security and services, and thereby enabling them to stay more comfortably in homes and neighborhoods they might be forced to leave.
2. Protect stability, property values, and the single-family residential character of a neighborhood, or other housing challenges.
3. Provide housing units for seniors, lower income persons and persons with disabilities.
4. Increase access to housing.

24.02 General: An ADU is permitted, subject to site plan approval where an ADU is proposed in a legally pre-existing nonconforming structure. The alternation or expansion of a pre-existing non-conforming structure or Lot, can receive an approval or an approval with conditions.

24.03 Site Plan Approval:

Any new ADU is subject to an as of right site plan review and approval based upon the requirements set forth below. (24.04) The Building Inspector/ Zoning Board of Appeals will conduct the site plan review. An approved site plan for an ADU is required prior to the issuance of the building permit by the Building Inspector. Abutters within 300 feet of the applicant's property must be notified in writing by certified mail that the ADU is being proposed and that the Building Inspector will be conducting a site plan review at a given place, time and date. Said notice will be mailed not later than ten days prior to the site plan review meeting. The applicant will provide proof of mailing to the Building Inspector. The Building Inspector will give its approval prior to the issuance of a building permit.

24.04 Requirements:

1. Configuration: An ADU may be located either within, attached to, or detached from the principal structure. Not more than one ADU can be created that is incorporated within, attached to, or detached from, one **principal** dwelling built on one Building Lot.
2. An ADU must be a complete, separate housekeeping unit, including its own kitchen and bath, that functions as a separate dwelling unit from the original dwelling unit.

3. An ADU, whether attached or detached, must have two means of egress.
4. Maximum unit size: The gross floor area, calculated from interior faces of exterior walls, of an existing structure, an addition, or new detached structure, converted to, or constructed for the purpose of creating an ADU cannot exceed 50 percent of the gross floor area of the Principal Dwelling, not including, attic or garage, and/or detached accessory buildings or 900 square feet, whichever is less.
5. Unit size: There is no minimum unit size except that dictated by the Building Inspector and Board of Health to obtain a Certificate of Occupancy.
6. The construction of an ADU must be in conformity with the State Building Code, and Title V of the State Sanitary Code and all other applicable regulations.
7. An off-street parking space must be provided for use by the occupants of the ADU.
8. Any fire escapes and outside stairways leading to a second floor must be located on the rear or side of the building, and, where practicable, not be located on any building wall facing a street.
9. In order to encourage the developing of housing units for disabled and handicapped individuals and persons of limited mobility, the Building Inspector may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
10. Prior to issuance of a permit, information and plans equivalent to that which would ordinarily be required by the Building Inspector must be submitted.
11. The zoning approval and any notarized letters provided as part of the permitting process must be recorded in the County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Inspector, prior to the occupancy of the ADU.

24.05 Conversion of an Accessory Structure:

1. An accessory garage structure or other outbuilding may be converted to accommodate an ADU provided that the structure complies with the established setback standards for a principal structure, as prescribed in the underlying applicable building codes and all other applicable

standards, unless otherwise exempt. Conversion of such accessory structure must not result in the elimination of the requirement of one legal onsite parking space to serve the Single-Family Residence.

24.06 Building Inspector:

1. It is the duty of the Building Inspector to administer and enforce the provisions of this Bylaw.
2. No building can be constructed or changed in use or configuration, until the Building Inspector has issued a building permit and site plan approval is granted. No building permit will be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the Town's laws and bylaws. Any new building or structure must conform to all adopted state and Town laws, bylaws, codes and regulations. No ADU can be occupied until a certificate of occupancy has been issued by the Building Inspector.
3. The Building Inspector will refuse to issue any permit, which would result in a violation of any provision of this bylaw or in a violation of the requirements or terms of any special permit or variance granted by the Zoning Board of Appeals.
4. The Building Inspector will issue a cease-and-desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this Bylaw.
5. Construction or use according to a building permit or special permit must conform to any subsequent amendment of this Bylaw unless the construction or use is begun within a period of not more than twelve months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner.

Approved at May 5, 2025 ATM
Attorney General Approved December 23, 2025