

Current Accessory Dwelling Language  
 (From the most recent Zoning Bylaw dated October 2022)

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**2220. Use Regulation Schedule**

| DISTRICT                              | R-40 | V-B | B-2 |     |    |
|---------------------------------------|------|-----|-----|-----|----|
|                                       | R-80 | B-1 | B-4 | B-3 | GD |
| <b>ACCESSORY USES</b>                 |      |     |     |     |    |
| Accessory dwelling (See Section 4120) | BA   | BA  | BA  | No  | No |

(BA = Board of Appeals)

**2500. Intensity of Use Schedule**

| D I S T R I C T   | GD <sup>n</sup>     |                    | B-1 <sup>a,m,p,r</sup> |                    |                      |                  |                  |
|---|---------------------|--------------------|------------------------|--------------------|----------------------|------------------|------------------|
|   | R-80 <sup>k,m</sup> | SDD <sup>g,n</sup> | R-40 <sup>m</sup>      | V-B <sup>a,m</sup> | B-2 <sup>j,n,p</sup> | B-3 <sup>n</sup> | B-4 <sup>n</sup> |
| Minimum lot area of first dwelling unit (s.f.) <sup>e,f</sup> | 80,000              | 40,000             | 40,000                 | 20,000             | 20,000               | 20,000           | 40,000           |
| Minimum lot frontage (ft.) <sup>o</sup>                       | 150                 | 150                | 125                    | 125                | 125                  | 125              | 150              |
| Minimum front yard (ft.) <sup>c</sup>                         | 40                  | 40                 | 30                     | 0 <sup>l</sup>     | 30 <sup>i</sup>      | 30               | 30 <sup>i</sup>  |
| Min. rear & side yard (ft.)                                   | 25                  | 25                 | 15                     | 12 <sup>d</sup>    | 12 <sup>h</sup>      | 12               | 30               |
| Maximum lot coverage (%) <sup>s</sup>                         | 10                  | 10                 | 20                     | 100                | 50                   | 50               | 25               |
| Max. building height (ft.) <sup>q,s</sup>                     | 40                  | 40                 | 35                     | 35                 | 35                   | 35               | 40               |
| Min. usable open space (% of lot area)                        | 40                  | 40                 | 20                     | -----              | 20                   | 20               | 40               |

- f. Increase by 100% for two-family dwelling and for each guest house, but not for an accessory dwelling authorized under Section 4120. Guest houses not to be within 30 feet of any principal structure. For hotel, motel, or similar establishments, lot area must be increased by 3,000 square feet per guest unit for each guest unit after the first.

## **4100. ACCESSORY USES**

**4110. Home Occupations.** Home occupations are permitted within a dwelling (but not its accessory buildings) if no more than 30% of the gross floor area of the residence is used for the occupation, not more than one person not a member of the household is employed on the premises in the occupation, there is no exterior display or visible storage or other variation from the residential character of the premises, traffic generated does not exceed that normally expected in a residential neighborhood, and all parking required to service the occupation is provided for off-street, other than within a required front yard.

**4120. Accessory Dwelling.** A special permit authorizing one accessory dwelling may be granted only if consistent with the following.

### **4121. Development Requirements.**

- a) In conformance with Section 2450.
- b) The Board of Health must have documented to the Board of Appeals that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on the site.
- c) Parking as required at Section 3320 shall be provided either in a garage or on paved surfaces not located within any required yard.

### **4122. Occupancy Requirements**

- a) Either the principal or the accessory unit must be owner-occupied, except for temporary absences.
- b) An accessory unit authorized under these provisions shall not be used for summer rental, boarding and lodging, or other commercial use.

### **4123. Procedural Requirements**

- a) To approve a special permit for an Accessory Dwelling, the Board of Appeals must make a determination that all of the above requirements have been met, and also that the particular circumstances of the case make such use appropriate, including consideration of whether lot area or other site characteristics assure

mitigation of any impacts on the neighborhood, whether there is enforceable assurance that occupancy of the unit will serve significant community purposes, such as facilitating care for the elderly or handicapped, or providing housing at unusually low cost, and whether site and building design will effectively avoid any departure from the character of the neighborhood.

- b) A Certificate of Occupancy for an Accessory Dwelling shall be issued for a period no greater than three years. Continued occupancy beyond that shall require a new Certificate of Occupancy, to be granted only upon documentation to the Inspector of Buildings that the relationships satisfying Section 4122 or on which the decision under paragraph a) was based are still in existence.
- c) Upon termination of occupancy satisfying Section 4122, or a condition of the special permit, separate occupancy of the accessory dwelling shall not be reestablished unless a new special permit is granted, on grounds that either the requirements of Section 4122 and the original special permit will again be satisfied, or that special circumstances of the structure or its occupants would make single-family occupancy a hardship, and that the granting of such Special Permit would not be detrimental to the neighborhood.
- d) A Certificate of Compliance with the above paragraph must be provided by the owner to the Inspector of Buildings upon transfer of any beneficial interest in the property, and recorded at the Registry of Deeds.

**DOWNTOWN DISTRICT**

**2820. ALLOWABLE USES**

**2821. Table of Allowable Uses**

The Table of Allowable Uses (Table DTD-1) establishes the uses that are permitted by right (P), by Special Permit (SP), or not permitted (N) in the Downtown District (DTD). For all uses allowed by Special Permit in the Downtown Zoning Districts, the Planning Board shall be the Special Permit Granting Authority (SPGA).

| <b>TABLE DTD-1: ALLOWABLE USES IN THE DOWNTOWN DISTRICT</b> |                      |  |
|---|----------------------|--|
| <b>LAND USE CLASSIFICATION</b>                              | <b>PERMITTED BY:</b> | <b>FUNCTIONAL STANDARDS AND SPECIAL PERMIT CRITERIA</b>    |
| <b>RESIDENTIAL USES</b>                                     |                      |  |
| Accessory Apartment Unit                                    | SP                   | See Section 2827 (except subdistrict DTN see Section 4120) |

**2853. Table of Required Parking Spaces**

Where on-site or controlled parking is necessary and required, the applicant shall provide at a minimum the amount required in the table below. This reduced parking requirement compared to Section 3300 of the Zoning Bylaw recognizes the availability and broad distribution of existing public parking and the pedestrian characteristics of the Downtown District.

| <b>TABLE DTD-3: REQUIRED PARKING SPACES IN THE DOWNTOWN DISTRICT</b> |                                      |
|--|--------------------------------------|
| <b>TYPE OF USE</b>   | <b>REQUIRED PARKING</b>              |
| <b>RESIDENTIAL USES</b>  |                                      |
| Accessory dwelling or Live/Work Unit                                 | Minimum of 1 space per dwelling unit |

**SECTION V DEFINITIONS**

In this Bylaw the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings.

**Accessory Building**

A building devoted exclusively to an accessory use as herein defined, and not attached to a principal building by any roofed structure.

**Accessory Dwelling**

A subsidiary dwelling unit created within or as an extension to an existing single-family dwelling.

**Accessory Use**

A use customarily incidental to, and on the same lot as, a principal use and occupying less than 30% of the habitable floor area on the premises and less than 50% of the lot area.