



Town of Sterling
Office of the Town Clerk
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Sterling, Massachusetts 01564
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EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, May 1, 2023
Chocksett Middle School 40 Boutelle Road

ARTICLE 27. ACCESSORY DWELLING UNIT BYLAW

To see if the Town will vote to amend the Accessory Dwelling Unit bylaw (Section 301-2.3.5 of the Protective Bylaw) as follows, with deletions shown in ~~strike through~~, or take any action in relation thereto:

301-2.3.5 Accessory Dwelling Unit Use

Accessory Dwelling Units (ADUs) offer the potential for assisting homeowners to produce additional income to offset rising property taxes, maintenance and repair costs, and other housing expenses that are often a burden for some homeowners. ADUs also add tax revenue to the community based on the increase in square footage of living space. Adding moderately priced rental units to the housing stock to meet the needs of smaller households and making housing units available to moderate income households who might otherwise have difficulty finding housing is critical in providing affordable housing to all income ranges.

One ADU is permitted on each lot in Single Family Dwelling use in Rural Residence and Farming, Neighborhood Residence, Commercial, and Town Center Districts in the Town subject to this Section 301-2.3.5. ADUs are prohibited in the Light Industrial District *except for those lots in the Light Industrial District in single-family dwelling use as of May 1, 2023.*

A. Use by Right or by Special Permit

- (1) By Right: Within a Single-Family Dwelling, including an attached garage.
- (2) By Special Permit from the Board of Appeals: As or within a detached Accessory Structure.

B. ADU Requirements

Each ADU is subject to and shall comply with the following:

- (1) The owner of the lot shall reside in either the Single-Family Dwelling or ADU.
- (2) *Only one ADU is allowed per lot.*
- (3) *ADUs shall not result in additional curb cuts for the lot they are located on.*
- (4) *The ADU shall be clearly subordinate to the primary dwelling.*
- (5) *Once constructed, the ADU cannot be enlarged beyond the square footage approved with the original permit.*
- (6) *ADUs are limited to one bedroom.*
- (7) *The ADU cannot be occupied by more than two adults.*
- (8) The ADU shall have a separate entrance from that used by the Single-Family Dwelling.

- (9) (The ADU shall contain separate sanitary, sleeping and cooking facilities.
- (10) ~~Prior to the issuance of a building permit or special permit for an ADU, the applicant shall provide written proof from the Board of Health (or its qualified agent) that there is an adequate supply of drinking water (Town water or private well) and adequate provision for sewage disposal (private septic system).~~ *The ADU shall have an adequate supply of drinking water (town or private) and adequate provision for sewage disposal (private septic system) as determined by the Board of Health or its qualified agent. BOH authorization is required prior to the issuance of a Building Permit.*
- (11) ~~For a by right ADU, the outside appearance of the Single Family Dwelling is and remains that of a Single Family Dwelling.~~ *The ADU must maintain the residential and rural character of the neighborhood. Exterior modification, including new detached structures, must match the existing architectural elements of the single-family home.*
- (12) The ADU shall have heat that is adequately supplied and controlled by a thermostat located within the ADU.
- (13) The *total* ADU floor area shall not exceed eight hundred (800) square feet of *gross* living area *and shall contain all utilities*, unless the lot owner complies with the provisions of Section 301-2.3.5(E), Affordability Restrictions for inclusion of the ADU on the Town's Subsidized Housing Inventory, in which case the *total gross* floor area of the ADU may be up to 50% of the gross floor area of the Single-Family Dwelling or 1,200 square feet, whichever is smaller.
- (14) All turnaround and parking areas shall be provided on the Lot.
- (15) All dimensional controls set forth in Section 301-2.5 for a Single-Family use shall be met.
- (16) Daily, weekly or short-term rentals less than thirty (30) days are prohibited.
- (17) On a nonconforming lot that is nonconforming for lack of required lot area, an ADU is allowed following all of the requirements of this Section and Section 301-2.2.4 of these bylaws, as long as the lot is greater than 20,000 square feet.
- (18) Any new ADU shall conform to all adopted state and town laws, bylaws, codes, and regulations. No ADU shall be occupied until a certificate of occupancy has been issued by the Building Commissioner ~~where required~~.

C. *Additional Requirements for Detached Units*

- (1) *The gross living area square footage shall not exceed eight hundred (800) square feet and porches shall be considered part of the gross living area square footage.*
- (2) *While detached ADU's are allowed to be located above and within garages, garages cannot be built onto or added to a detached ADU.*
- (3) *Detached ADUs are accessory structures and must remain so.*
- (4) *Ownership of ADU and primary single-family home cannot be split.*

D. New Construction

An ADU may be constructed as part of the original construction on a lot intended for Single-Family Dwelling use subject to the requirements of this Section 301-2.3.5.

E. Affordability Restrictions

In order for an ADU to count towards the Town's Subsidized Housing Inventory maintained by the Massachusetts Department of Housing and Community Development (DHCD), the lot owner and the Town shall submit a Local Action Unit application under the Local Initiative Program to DHCD. The lot owner and the Town shall do all things necessary to cause the

ADU to be counted on the Town's Subsidized Housing Inventory (SHI).

DHCD approval is required prior to the issuance of a building permit for an ADU exceeding 800 square feet of living area if affordability restrictions are being proposed.

Passage requires majority vote.

Motion made that the Town vote to amend Section 301-2.3.5 of the Protective Bylaw relating to Accessory Dwelling Units as presented in Article 27 of the warrant.

Submitted by: Planning Board

Recommendations: Select Board, Planning Board recommend approval

Summary: Last year's revisions to the ADU bylaw did not provide the Zoning Board with sufficient guidance on how to ensure that ADUs remain subordinate to the existing single-family structure, especially detached ADUs. Last year the Zoning Board dealt with a detached ADU Special Permit application that, if built, would have created an elaborate detached ADU that essentially created two single-family dwellings on one lot, which is not the intent of this bylaw.

Motion made by Patrick Fox to amend Article 27 as printed in the Warrant deleting references to detached structures:

1. At line 596 by deleting the words, "or by Special Permit"
2. At line 599, by deleting line 599
3. At line 622, by deleting the words, "including new detached structures"
4. At lines 641 through 647, by deleting lines 641 through 647

Town Planner, Stephen Wallace, spoke to the Article as printed in the Warrant. He explained the distinction between attached and detached accessory dwelling units, and that this bylaw amendment is intended to give the ZBA guidance in approving Special Permits.

Allan Hoffman, Board of Health, expressed concern with sewage in detached ADUs

Passage requires majority vote.

Motion to amend Article 27 passes by majority as declared by the Moderator

Motion made that the Town vote to amend Section 301-2.3.5 of the Protective Bylaw relating to Accessory Dwelling Units as amended in Article 27 of the warrant.

Motion passed as amended by majority as declared by the Moderator

A True Copy Attest: _____

Kathleen K. Farrell, Town Clerk