



ARTICLE 29 - Amend Zoning Bylaw for “Accessory Dwelling Units”: To see if the Town will vote to amend Zoning Bylaw, Chapter 210, Article XVIII, Section 210-126, “Accessory Dwelling Unit” as follows:

A. The intent and the purpose of this section is to permit accessory dwelling units (**ADUs**) in single-family residential districts subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal living quarters.

B. Definition. Accessory dwelling unit shall mean a “self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same lot as the principal dwelling.”

C. Applicability. ADUs shall be allowed as a by-right use in all single-family residential zoning districts, in conformance with the restrictions as contained within this Section and this Chapter, where applicable. The ADU may be attached to the principal dwelling unit or contained within a separate structure on the same lot as the principal dwelling unit.

~~B. Restrictions. A special permit may be granted by the Board of Appeals for the conversion of an existing or new single-family dwelling to accommodate an additional living unit by the installation of a common wall or the partitioning of or extension of existing living space.~~

~~C. Use limitations. Such additional living unit shall at the discretion of the Board of Appeals accommodate up to a maximum of three persons, provided that the owner of record of the structure is a resident of the structure which includes the accessory dwelling unit. There shall be no other living unit on the lot upon which such accessory unit is to be located.~~

D. Setbacks and Dimensional Standards. ADUs shall conform to all size and setback requirements of the single-family residence zoning district in which the ADU is to be located.

E. Disposal of sewage. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of such **ADU** ~~accessory unit~~ in accordance with the requirements of the Board of Health. Such determination shall be made prior to the application for a special permit, and **such** ~~evidence of same~~ shall be included with **said** ~~such~~ application.

F. Ingress, egress, access. Adequate provision, as determined by the Director of Municipal Inspections, shall be provided for separate ingress and egress to the outside of each unit. To the

extent possible, exterior passageways and accessways shall not detract from the single-family appearance of the dwelling. All stairways to additional stories shall be enclosed within the exterior walls of the structure.

~~F. Documentation. The Board of Appeals must determine that such conversion, new construction and occupancy of each unit shall meet the requirements of § 210-152 of this Chapter.~~

G. Area limitation. Such ADU accessory unit shall be limited to a maximum **size of 50% of the gross floor area of the principal dwelling unit or 900 square feet, whichever is smaller** of 800 square feet in floor area.

~~H. Plans. Floor plans of the accessory unit and principal residence and a certified site plan showing the dwelling unit on the lot and its relationship to other structures and premises within 200 feet of the lot shall be filed with the application for a special permit.~~

H. Parking. Not more than one off-street parking space shall be required for use of the person or persons residing in the ADU. No off-street parking space shall be required for ADUs located within 0.5 miles of a commuter rail station. Provisions for off-street parking of residents and guests of both units shall be provided in such a fashion as is consistent with the character of the neighborhood, as determined by the Board of Appeals, which shall seek advice from the Director of Municipal Inspections.

~~I. Special permit. No building permit shall be issued in accordance with the special permit issued under this section until the special permit has been recorded in the Registry of Deeds by the applicant and evidence of such recording has been submitted to the Director of Municipal Inspections.~~ **A special permit shall be required for the use of land or structures in a single-family residential zoning district for more than one ADU on a lot.**

- a. **A special permit shall not be required for the use of land or structures for one ADU on the lot.**
- b. **No building permit shall be issued in accordance with the special permit issued under this section, if applicable, until the special permit has been recorded in the Registry of Deeds by the applicant and evidence of such recording has been submitted to the Director of Municipal Inspections. No building permit shall be issued in accordance with the special permit issued under this section, if applicable, until the special permit has been recorded in the Registry of Deeds by the applicant and evidence of such recording has been submitted to the Director of Municipal Inspections.**
- c. **Floor plans of the ADU and principal dwelling unit and a certified site plan showing the dwelling units on the lot and their relationship to other structures and premises within 200 feet of the lot shall be filed with the application for a special permit.**

- d. **Where a special permit is required, the Board of Appeals must determine that such conversion, new construction and occupancy of each unit shall meet the requirements of § 210-223 of this Chapter.**

J. Occupancy permit; control. No occupancy of the additional dwelling unit shall take place without an occupancy permit issued by the Director of Municipal Inspections. **Where an ADU is allowed by special permit,** the initial occupancy permit shall remain in force for a period of two years from the date of issue, provided that ownership of the premises is not changed. Thereafter, permits may be issued by the Director of Municipal Inspections for succeeding two-year periods, provided that the structure and use continue to comply with the relevant provisions of the State Building Code, this Chapter and the special permit. Occupancy permits shall not be transferable upon change in ownership or change in occupancy. In such an event, an affidavit shall be presented to the Director of Municipal Inspections attesting to the fact that the circumstances under which an occupancy permit was granted will in the future continue to exist. The owner of record is responsible for initiating each application to the Director of Municipal Inspections. Appropriate fees, as established and recorded, may be assessed for each such renewal review, investigation and processing. All documentation presented hereunder must be in form and content satisfactory to the Director of Municipal Inspections.

~~L. Definition. Accessory dwelling unit shall mean a dwelling unit contained within or being an extension of a single family structure to accommodate a caregiver or service provider or an additional family only if a member of the additional family is related to the owner of the premises.~~

Pass any vote or take any act relative thereto.

Required Recommendations: Planning Board recommends Approval.

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 29 of the 2025 Annual Town Meeting Warrant.*

ARTICLE DESCRIPTION FROM SPONSOR: The Commonwealth recently enacted a law that allows ADUs by right in all residential districts across Massachusetts. This law supersedes local zoning where there are conflicts. This proposed amendment to Section 210-126 of the Zoning Bylaw reflects these recently enacted changes while maintaining existing provisions of this Section that do not conflict with the Commonwealth's law.

Darlene Hayes of Third Road asked a question clarifying if the limit was 1,000 square feet or 900 square feet? Mr. Benson and John Gelcich, Principal Planner said 900 square feet is correct, and that Mr. Benson misspoke during the presentation.

Mary Arnaut of Teresa Road asked if she could put a tiny house on her property and who would regulate it and how it would be assessed. The Moderator answered that any safety or health concerns would be handled by the Board of Health and the Building Department. Mr. Gelcich answered that Accessory Dwelling Units are already allowed in Hopkinton by special permit, and that new ADUs would be assessed the same way they have been assessed.

Julius Billeter of Overlook Road is fully in support, and asked if the process for getting occupancy would be straightforward. The Moderator answered that there is already an existing process for occupancy. Mr. Billeter suggested that any future alteration to this bylaw should come before town meeting, the Moderator answered that any change to zoning law would be legally obligated to come before Town Meeting.

Holly Morand of Benson Road on behalf of the Commission on Disability spoke in support of the increase of Accessory Dwelling Units, mentioning how the article meets Hopkinton's pressing need for accessible and affordable housing.

Main Motion Passed by: Simple Majority, 128 Yes - 12 No (2025-05-05)