

### **ARTICLE 8**

Bob Jones motioned that the town vote to amend the zoning bylaw by adding a new Section 199-4.5 to the existing zoning bylaw, as published in the warrant, relating to “Accessory Dwelling Units.” Sean Regnier seconded. Buck Donovan gave a brief description of the bylaw. Jim Harding was wondering if a couple could live in their ADU and rent out their main house. Buck responded with “loophole”.

Jim Harding moved to AMEND the main motion by adding the words “as no property containing an ADU shall be offered or utilized in any way for Short-Term Rentals.” Comments and conversation continued until the final amendment was written with Jeremia Pollards’ help. Gordon Bailey explained the amendment, that 30 days or more not a short-term rental. The amendment would keep both the accessory dwelling and the main house as rental options. Bobbi Koz Paley spoke of having tiny houses and more flexibility. The amendment was restated after consulting with counsel and then seconded by Sean Regnier. After more discussion by Cornelia Kalisher, Josh Bloom, Hyden Kuhn, Caroline Young, Peter Bluhm, Jim Harding, and Gordon Bailey, there was a voice vote on the amendment. The moderator then asked for a clicker vote (division of assembly). ARTICLE 8 AMENDMENT FAILED 44-YES 52-NO 4 ABSTAIN majority.

Discussion on the unamended article continued. Cornelia Kalisher was concerned about the amount of parking space. Josh Bloom thought that section 6 and C7 are too restrictive, and asked if there was a “grandfather” clause, Jeremia Pollard responded that it would be grandfathered in when it’s preexisting and non-conforming are legal if they preexist zoning. Buck Donovan confirmed 1 ADU. Bobbi Koz Paley wanted a mandate for parking. ARTICLE 8 PASSED 60-YES 22-NO 6-ABSTAIN via voice vote with 2/3 votes.

j. A statement describing whether the STR building is served by a septic tank or municipal sewer.

(1) If served by a municipal sewer, the statement shall describe the number of bedrooms.

(2) If served by a septic system, the statement shall describe the number of bedrooms rated under its septic permit and the date that the septic tank was last pumped.

(3) If served by a composting or innovative or alternative system, the statement shall include a currently valid maintenance agreement for that system.

k. A statement of whether the property is served by municipal water supply or a well. If a well, the statement shall state that the well has been tested within the preceding five years and was found to be potable and safe for personal consumption.

1. A statement and diagram showing the number and location of off-street parking spaces.

2. Each STR registration received by the Town Clerk in proper form and accompanied by the required fee shall be assigned a Lee STR Registration Number, which shall be consistent from year to year.

3. Registrations of STRs shall expire every year on December 31. Renewal registrations may be filed during each December for the following year. The annual registration fee shall be \$100 per rental unit or as otherwise set by the Select Board.

H. Enforcement. Operating an STR without a currently valid registration or in violation of any regulation under subsection F above is a violation of the Lee zoning bylaw, chapter 199. In addition to the penalties otherwise provided for zoning violations, the Select Board, after notice and hearing, may revoke an STR Landlord's registration, for up to twelve months, if it finds that the STR Landlord:

1. Has accrued three or more violations of this section within a 12-month period;

2. Has failed to update all required contact information and has not responded to an inquiry after 20 days; or

3. Has failed to provide access to STR properties for authorized inspection or has failed to comply with orders to correct STR deficiencies.

## **Article 8 – Zoning Bylaws – Accessory Dwelling Units (2/3 Vote)**

Shall the town amend the zoning bylaw by adding a new Section 199-4.5 to the existing zoning bylaw, as follows, relating to “Accessory Dwelling Units”, or take any other action relative thereto,

### **199-4.5 ACCESSORY DWELLING UNITS**

#### **A. Purpose and Intent**

The purposes of this section are to:

1. Provide homeowners with a means of obtaining rental income, companionship, security and personal services, and thereby to enable homeowners to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;

2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households that might otherwise have difficulty finding housing;
3. Develop housing units in residential neighborhoods that are appropriate for households at a variety of life stages and for persons with disabilities; and
4. Protect property values and the character of the town's residential neighborhoods.

B. ADUs Allowed with Special Permit

1. In any residential or business district, on a lot used for a single-family residence, a single (attached or detached) accessory dwelling unit (ADU) is allowable following issuance of a special permit by the Planning Board. Only one ADU may be allowed per lot. Where a lot contains a nonconforming structure, the Planning Board may consolidate the ADU proceeding with any special permit proceeding under article 6.
2. Before granting a special permit, the Planning Board shall make all the findings required by section 13.3 and, in addition, a finding either that the new ADU would be served by town sewer facilities or that the applicant has obtained certification from the Board of Health that the waste disposal system will comply with the State Environmental Code, "Title V" regulations (310 CMR 15.00).

C. ADU Requirements

1. Minimum lot size. Minimum lot size requirements for a single-family dwelling with an ADU shall be the same as for a single-family dwelling. An ADU shall not be established on any lot smaller than 15,000 square feet.
2. Gross floor area. The gross floor area of an ADU shall not be less than 400 square feet nor more than 900 square feet.
3. Setbacks and lot coverage. All applicable setbacks apply to each dwelling unit. Lot coverage limitations apply to the combined dwellings.
4. Separation. Each ADU must function as a fully separate dwelling unit, with separate kitchen, bathroom, and egress and remains subject to the building code.
5. Parking. The site plan for every lot with an ADU shall include at least three off-street parking spaces
6. Home occupation. A home occupation may be conducted in an ADU if the home occupation meets the requirements of this bylaw. Only one home occupation is permitted per lot.
7. Short-Term Rentals. No ADU shall be offered or utilized for short-term rental.
8. A lot on which a detached ADU has been constructed cannot be divided or conveyed in a way that divides ownership of the primary dwelling and the ADU.