



Town Clerk
Elizabeth Gaffey

Town of Walpole
Commonwealth of Massachusetts

Town Hall
135 School Street
Walpole, MA 02081

ARTICLE 16: *On Motion by the Finance Committee; it was Moved & Seconded:*

That the Town vote to approve Article 16 as printed in the warrant.

As printed in the Warrant:

To see if the Town will vote to amend the Zoning Bylaws, Schedule of Use Regulations Table 5-B.1.3.w, Section 5-B.2, and Section 14 by deleting all existing language within these referenced sections regarding Accessory In-Law Suites, and replacing that with language for the allowance of Accessory Dwelling Units as written herein. Or do or act anything in relation thereto. (Petition of the Select Board).

Table of Use Regulations 5-B.1.3.w

	R A	R B	G R	R	PS RC	B	CB D	H B	L M	IN D	PARKING CODE
w. Accessory Dwelling Unit ⁴	A	A	A	A	X	X	X	X	X	X	

Section 5-B.2. Accessory Dwelling Unit:

1. Purpose

The purpose of this section of the Bylaw is to allow the creation of Accessory Dwelling Units (ADUs) on lots where single-family homes are allowed specifically in order to:

- a. Provide property owners with an opportunity to age in place by creating an independent living space for individuals over the age of 55;
- b. Provide a living space for relatives ~~related within a third degree of kinship~~ of the owner of the primary dwelling unit.

2. Definition

ACCESSORY DWELLING UNIT - a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; and (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller.

3. Use and Regulations

In all residential zoning districts, ADUs may be constructed or established as a matter of right on a lot where a single-family dwelling exists or is allowed, provided the occupancy of said ADU is regulated consistent with the bylaws purpose, as defined within 5-B.2.1., the meets the construction and permitting regulations defined herein.

- a. The Building Commissioner may issue a Building Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner-occupied, single-family dwelling only when the following conditions are met:
 1. Only one accessory dwelling unit may be created within a single-family house or lot.
 2. The unit will be a complete, separate housekeeping unit containing sleeping quarters, kitchen and bath.
 3. The accessory dwelling unit shall be physically attached to the primary dwelling unit by sharing no less than one (1) exterior wall, or be contained entirely within the primary dwelling unit's footprint.
 4. The gross floor area of an accessory dwelling unit (including any additions) shall not be greater than nine hundred (900) square feet.
 5. Once an accessory dwelling unit has been added to a single-family residence or lot, the accessory dwelling unit shall never be enlarged beyond the nine hundred (900) square feet allowed by this bylaw.
 6. The owner(s) of the residence in which the accessory dwelling unit is created must occupy the primary dwelling unit or its ADU as their primary residence.
 7. Any exterior changes for an accessory dwelling unit shall be similar in style to the primary dwelling unit.
 8. Any new separate outside entrance serving an accessory dwelling unit shall be located on the side or in the rear of the primary dwelling unit.
 9. An accessory dwelling unit may not be occupied by more than two (2) people nor have more than two (2) bedrooms.
 10. Short-term rentals within the accessory dwelling unit are prohibited.
 11. The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws/ordinances and regulations.
 12. Off-street parking shall be provided for use by all occupants of both the primary and accessory dwelling units.
 13. For an upper floor accessory dwelling unit created within a primary dwelling unit, a secondary egress shall either be created within the envelope of the structure or be constructed on the exterior to the rear or side of the primary dwelling unit.

14. The accessory dwelling unit and primary dwelling unit must comply with the Table of Dimensional Regulations. Otherwise, an applicant may apply for appropriate relief with the Zoning Board of Appeals as set forth in these zoning bylaws.
- b. To obtain a permit for an accessory dwelling unit, the owner of the property shall submit the following to the Building Commissioner:
 1. A notarized letter identifying all the owners of the property and attesting under oath that one or more of the owners, each identified by name, will occupy the property as the owner's primary residence, except for bona fide temporary absences of up to one year;
 2. A floor plan showing the proposed interior and exterior changes to the primary dwelling unit, and space provided for required parking.
 - c. Prior to issuance of an occupancy permit for an accessory dwelling unit, the owner of the property shall record a Notice of ADU with the Norfolk County Registry of Deeds, in form reviewed and approved by the Building Commissioner, identifying the ADU and permits granted therefor and noting that an owner must occupy the property as his/her principal residence and must submit a notarized letter to the Building Commissioner attesting to their occupancy. The Notice shall be recorded in the chain of title to the property and proof of recording provided to the Building Commissioner prior to occupancy.

4. Administration and Enforcement

- a. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Bylaw.
- b. No building shall be constructed or changed in use or configuration, until the Building Commissioner has issued a permit. No permit shall 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 bylaws. Any new construction shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
- c. The Building Commissioner shall refuse to issue any permit which would result in a violation of any provision of this section of the Zoning Bylaws.
- d. The Building Commissioner shall 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 chapter.

- e. The owner of the property shall certify biannually, or at the time of sale or change in occupancy to the Building Department that the accessory dwelling unit and primary residence are being used in accordance with these provisions. The Use must cease within 90 days if out of compliance. The Zoning Enforcement Officer shall be permitted access to the property to verify the certification.

5. Invalidity Clause

The invalidity of any provision of this Section shall not invalidate all or any other provision of this Section.

Section 14: Definitions

ACCESSORY DWELLING UNIT - a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; and (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller.

On a Standing Vote - 116 RTM's voting: Yes-82 No-34

Majority Vote Required: DECLARED FAVORABLE BY THE MODERATOR

I hereby certify that the above article declared voted by the Moderator at the Fall Annual Town Meeting first convened on October 16, 2023.

A True Copy Attest:

Elizabeth Gaffey
Town Clerk