



Town of Winchester

MaryEllen Lannon, Town Clerk

Winchester Clerk's Office
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Winchester, MA 01890
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Fall Town Meeting November 10, 2022

ARTICLE 4: **VOTED,** to amend Sections 3.2 and 10 of the Winchester Zoning Bylaw by adding a new Section 3.2.2 and a definition of "Accessory Dwelling Unit" as follows to permit accessory dwelling units.

3.2.2 Accessory Dwelling Units

Purpose

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

- 1) Provide Winchester property owners with an opportunity to age in place by creating an independent living space for persons over the age of 62.
- 2) Provide a living space for persons with disabilities that will allow them to live independently and also qualify for financial assistance that depends on the presence of a separate entrance, a bathroom, and cooking facilities within their residence.

In all districts, ADUs may be constructed or established as a matter of right on a lot where a SINGLE FAMILY or DUPLEX dwelling exists or is allowed, provided that either the primary or accessory unit is used for the purpose of creating housing options for persons with disabilities, as defined under Massachusetts General Law, or where at least one of the persons in either unit is aged 62 or older, provided the following conditions are met:

1. There shall be no more than one accessory unit per single family or duplex lot.
2. The owner must reside in either the primary dwelling unit or the accessory dwelling unit. For the purposes of this Section 3.2.2, the "owner" shall be a person (or persons) that owns either a fee simple interest in the dwelling unit or beneficial interest in the dwelling unit, as may be evidenced by a schedule of beneficial interest or other appropriate instrument, and for whom either dwelling is their primary residence.
3. The accessory dwelling unit and primary dwelling units must comply with the Table of Dimensional Requirements in Section 4. Otherwise, an applicant may apply for appropriate relief with the Zoning Board of Appeals as set forth in these zoning bylaws.
4. Any exterior changes for an accessory dwelling unit shall be constructed similarly in style to the primary residence.
5. Any new exterior entrance for the ADU shall appear secondary to the primary entrance.

6. 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.
7. The ADU must comply with all residential occupancy and building permit regulations.
8. Parking for an accessory dwelling unit shall meet the parking requirements located in Section 5.1.6 and be met off the street with at least one parking space.
9. The owner of the property shall certify annually, at the time of sale, and when there is a 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 fee for inspection certification and non-compliance shall be set by the Select Board. The Zoning Enforcement Officer shall be permitted access to the property to verify the certification.
10. The Zoning Enforcement Officer shall determine if the ADU complies with provisions 4 and 5 above, with the advice of the Design Review Committee (DRC)

Section 10,

ACCESSORY DWELLING UNIT. A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities, incorporated within the same structure as a single-family or duplex dwelling or in a detached accessory structure and that: (i) maintains a separate entrance, either directly from the outside or through a common entry hall or corridor shared with the primary dwelling; (ii) shall not be sold separately from the primary dwelling; (iii) is in conformance with Building Code 105 Mass. Reg. 410.400); (iv) may include up to two bedrooms; (v) has a minimum 30 day rental agreement, with a minimum of 30 days between rental starts and (vi) is not larger in FLOOR AREA than ½ the FLOOR AREA of the primary dwelling or 900 square feet, whichever is smaller.

Motion Carried
Option Technologies Electronic Vote
Yes: 104 No: 46

I certify that the foregoing is a true account of the action taken under Article 4 of the Fall Town Meeting on November 10, 2022.



MaryEllen Lannon, CMC
Winchester Town Clerk