



TOWN OF WINCHESTER
PLANNING BOARD

71 MT. VERNON STREET, WINCHESTER, MA 01890

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September 12, 2023

Public Meeting for Town Meeting Article – ADU Bylaw 3.2.2

ARTICLE __: To see if the Town will vote to amend the preamble to Section 3.2.2(2) as follows

*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, **in either the primary or accessory unit**, for persons with disabilities, as defined under Massachusetts General Law, or where at least one of the persons in either unit is aged ~~62~~ **60** 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 $\frac{1}{2}$ the FLOOR AREA of the primary dwelling or 900 square feet, whichever is smaller.