



**TOWN OF HULL
COMMONWEALTH OF MASSACHUSETTS**

2025 ANNUAL TOWN MEETING

CERTIFIED VOTE OF ARTICLE 28

To Whom It May Concern:

I hereby certify the following action taken under Article 28 of the Warrant for the Annual Town Meeting held on May 5, 2025 and adjourned on May 8, 2025

ARTICLE 28: To see if the Town will amend the Zoning Bylaw §410-3.2.A(8) Accessory Dwelling Units; §410-4.1 Site plan review; §410-4.10 ACCESSORY DWELLING UNITS; and amend §410-5.1 Table 50 as follows:

(~~Strikeout to be removed~~ / Underlined to be added)

§410-3.2 Single-Family Residence Districts A, B and C

- A. Permitted uses for Single-Family Residence Districts A, B and C
(8) Accessory Dwelling Units (ADU), subject to the requirements of §410-4.10 of this Zoning Bylaw.

§410-4.1 Site plan review

- A. Site Plan Review requirements shall not be construed to prevent compliance with
G.L c. 40A §3A or §3.
- B. Applicability: The site plan review and approval provisions of this section shall apply to the following types of structures and uses:
(5) Accessory Dwelling Units (ADU), subject to the requirements of §410- 4.10 of this Zoning Bylaw.

§410-4.10 ACCESSORY DWELLING UNITS

A. PURPOSE:

The purpose of this Bylaw is to provide:

- (1) Accessory dwelling units without significantly adding to the number of buildings in the Town or substantially altering the appearance of the residential property and for the purpose of enabling owners of single-family dwellings to share space and the burdens of homeownership with others while also protecting the stability, property values and residential character of the surrounding neighborhood.
- (2) ~~Owner occupants of single family homes with a means of obtaining rental income, companionship, and/or security, thereby enabling them to remain more comfortably in homes and neighborhoods they might otherwise be forced to leave;~~
- (3) ~~A limited number of Accessory Dwelling Units via special permit which allows for orderly development and ultimately limited impact on the community;~~

- (2) Provide housing units for persons with diverse housing needs including, without limitations, persons with mental and physical disabilities.
- (3) To enable the Town to monitor Accessory Dwelling Unit (ADU) construction and use for code compliance.

B. DEFINITIONS (unless superseded by 760 CMR

71.00): ACCESSORY DWELLING UNIT (ADU)

~~A self-contained housing unit incorporated within a single-family dwelling and clearly subordinate in size to the principal dwelling in a manner that maintains the character and structural appearance of a single-family dwelling consistent with the provisions of §410-4.10 and G.L. Chapter 40A §1A Definition of "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 Building Code for safe egress; (ii) is not larger in Gross Floor Area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; (iii) is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in M.G.L. c. 64G, § 1; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

GROSS FLOOR AREA

As applied to ADUs, Gross Floor Area shall mean the sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

PRINCIPAL DWELLING

For the purposes of this §410-4.10 is a single-family dwelling exclusive of the area that constitutes the Accessory Dwelling Unit (ADU). A structure, regardless of whether it, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a ADU.

A single-family dwelling with an Accessory Dwelling Unit (ADU) shall not be deemed to be a two-family dwelling.

C. PROCEDURES

- (1) Accessory Dwelling Units created under this by-law shall require a ~~special permit site plan review from~~ by the Board of Appeals under §410-4.1. Specifically, §410-4.1.C(1) process; §410-4.1.C(2)(a)[1]-[4] submission materials; §410-4.1.C(4) public hearing; §410-4.1.C(5)(a) board action.

(It shall be understood that for a site plan review for ADU under §410-4.1 the "Board of Appeals" shall substitute for "Planning Board" where identified in the code).

Review shall be restricted to ADU location, location and design of parking areas and driveways, exterior lighting, screening, and any applicable local design guidelines or aesthetic standards.

Best efforts shall be made by the Board of Appeals to hold the public hearing, complete its review and provide a decision within 45 days of receiving an application.

- (2) The owner shall submit an application for a building permit for an ADU, along with building plans, and survey and site plans of the existing and proposed conditions, to the Building Commissioner for review.
- (3) If the Building Commissioner determines the proposed ADU is in compliance with this zoning bylaw §410-4.10, and all code requirements for residential use the application ~~may~~shall be submitted to the ~~Planning Board~~Board of Appeals for review and decision.

D. GENERAL CONDITIONS

Any Permit for an Accessory Dwelling Unit (ADU) issued pursuant to this §410-4.10 shall be subject to, and shall incorporate the following conditions:

- (1) Owner Occupation
 - (a) The owner of the single-family dwelling shall occupy either the principal dwelling or the ADU as the owner's primary residence. Temporary absences of the owner for a period of not more than six months in the aggregate in any twelve- month period and active military service of the owner for any length of time shall not be deemed a violation of this requirement provided that the dwelling units may only be occupied by family members of the owner during the owner's absence.
 - (b) The owner shall recertify annually, by submission of a notarized affidavit to the Building Commissioner: that the owner shall continue to occupy either the principal dwelling or the ADU as the owner's primary residence, except for bona fide temporary absence as provide above in subsection D(1)(a).
 - (c) Upon the sale or other conveyance or transfer of a single-family dwelling which has been issued an ADU Permit, the new owner shall, within thirty (30) days of such transfer, submit a notarized affidavit to the Building Commissioner certifying that the owner will continue to occupy either the principal dwelling or the ADU as the owner's primary residence and comply with all conditions of the ADU Use, if the owner intends to maintain the ADU permit.
- (2) One (1) ADU is allowed per lot in conjunction with a Principal Dwelling in all zoning districts where single-family residential dwellings are allowed. No more than one (1) ADU is allowed per lot.
- (3) Compliance – The owner shall recertify annually, by application for Board of Health Housing Code Division Certificates of Occupancy and comply with the rules and regulations of the Board of Health.
- (4) Transfer - Neither the principal dwelling nor the Accessory Dwelling Unit may be sold or otherwise conveyed or transferred separately from the other.
- (5) Short Term Rental - A Principal Dwelling or Accessory Dwelling Unit shall not be used for boarding and lodging, or other commercial use. A Principal Dwelling or ADU may be rented for periods not shorter than 6 months at a time, and are prohibited from any use as rental units on a weekly or daily basis as a Short-Term

E DIMENSIONAL AND DESIGN REQUIREMENTS:

Any ~~special permit site plan review~~ for an Accessory Dwelling Unit (ADU) issued pursuant to this §410-4.10 shall be subject to, and shall incorporate the following conditions:

- ~~(1) Any property/structure that has received a special permit or variance to expand square footage of the structure after the date of adoption of the ADU bylaw is not eligible for an ADU special permit.~~
- ~~(2) An Accessory Dwelling Unit shall not be larger in floor area than ½ the floor area of the principal dwelling or 900 square feet, whichever is smaller.~~
- ~~(3) An Accessory Dwelling Unit shall not have more than two bedrooms.~~
- ~~(4) An Accessory Dwelling Unit shall not create an undue burden on the neighborhood.~~
- (1) An Accessory Dwelling Unit shall not be metered separately from the principal dwelling for electric, gas, water, or sewer utilities serving the single-family dwelling unless directed by the governing utility.
- (2) ~~The parking requirement for an ADU is one off street parking space per bedroom in addition to the minimum required two off street parking spaces for a single-family dwelling, which shall be provided on the premises, as per Section 410-5.2.A. Table 55 Parking.~~
Parking: One off-street parking space shall be required per ADU with the exception that areas within 0.5 mile radius of a transit station (as defined by 760 CMR 71) are exempt from any off-street parking requirements.
Driveways should be designed and located to preserve on-street parking and reduce impervious surfaces where possible. The Board of Appeals may waive the off-street parking requirement where it is determined to be beneficial to the neighborhood (public safety, environmental, pedestrian circulation, etc.).
- (3) ~~Any new e-Entrance for the Accessory Dwelling Unit or the an ADU within a principal dwelling shall be located on the side or in the rear of the single-family dwelling, and all stairways to upper stories shall be enclosed within the exterior walls of the single-family dwelling, so as to be less visible from the street.~~
- (4) Additional or modified landscaping, fences or other buffers may be necessary to protect abutting properties from potential negative visual or auditory impacts of the ADU provided such conditions do not nullify, substantially diminish or interfere with or impose excessive costs on the use or development of the ADU.
- (5) Best efforts shall be made for building design to be compatible with the character of the surrounding neighborhood.
- (6) ADUs are subject to all minimum yard dimensions, maximum height of buildings, and maximum lot coverage requirements for Principal Dwellings or Accessory Structures in §410-5.1 Table 50.
- (7) Historic District ADUs shall be required to meet all requirements under the Historic District Regulations

F. SEVERABILITY:

All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.

§410-5.1 Table 50

	SF-A	SF-B	SF-C
Maximum Number of Dwelling Units per Lot	1+ADU	1+ADU	1+ADU
Maximum Number of Buildings per Lot (<u>does not include Accessory Structures</u>)	1+ <u>ADU</u>	1+ <u>ADU</u>	1+ <u>ADU</u>

or take any other action relative thereto. (Inserted at the request of the Planning Board)

MOVED: Move by the Planning Board:

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VOTED: Motion passed by a vote of 126 to 41.

Witness my hand and seal of the Town of Hull on this 13th day of May, 2025.

Attest:

**Lori West
Town of Hull Town Clerk**