



TOWN OF FAIRHAVEN TOWN CLERK'S OFFICE

ELISABETH E. HORAN
INTERIM TOWN CLERK

TOWN HALL · 40 CENTER STREET · FAIRHAVEN, MA 02719

**SPECIAL TOWN MEETING
TUESDAY, NOVEMBER 19, 2024
WALTER SILVEIRA AUDITORIUM
ELIZABETH I. HASTINGS MIDDLE SCHOOL
TOWN MEETING MEMBERS PRESENT 218 – QUORUM REQUIRED 100**

ARTICLE 13: BYLAW AMENDMENTS, CHAPTER 198 ZONING

To see if the Town will vote to amend Chapters 198-16, 198-17, 198-18, 198-22, 198-27, 198-32.1 and 198-33 to conform to “An Act Relative to the Affordable Homes Act” (Ho. H4977, Acts 2024, Chapter 150, Approved by the Governor, August 6, 2024) and the proposed changes therein to MGL Chapter 40A, Section 1A and Chapter 40A, Section 3 with regard to accessory dwelling units or take any action relative thereto. *Petitioned by: Planning Board*

Motion: To amend as written in the warrant

Motion was made seconded.

Motion was declared carried by majority vote at 8:48pm.

A TRUE COPY, ATTEST:



Elisabeth E. Horan, Interim Town Clerk

APPENDIX B

Chapter 198 Zoning

Sections of 198 to be amended:

Section 198-16 Use Regulation Schedule

Activity or Use	RR & RA	RB	RC	P	B	I	AG	MU ¹⁴	WRP ¹⁶
Dwelling conversion (subject to the provisions § 198-32.1)	AY	A	A	N	A	A	A	A	A
Accessory apartment/inlaw apartment	AY	A	A	N	N	N	A	Y	Y
Short term rental	Y	Y	Y	N	N	N	Y	Y	N
<u>Short term rental of principal residence</u>									
<u>Short term rental of accessory dwelling unit</u>	N	N	N	N	N	N	N	N	N

Section 198-17 Intensity of use regulations

Section 198-17.D

Not more than one single-family, semidetached or two-family dwelling shall be erected on a lot, not including accessory dwelling units in accordance with this chapter. Not more than one principal building other than the above shall be erected on a lot unless each such building is served by access and utilities determined by the Building Commissioner to be functionally equivalent to those otherwise required for separate lots. Two or more principal buildings on a single lot, if listed as uses on separate rows in § 198-16, must each meet the minimum dimensional requirements of this section without counting any lot area twice.

Section 198-18 Intensity of Use Schedule

Minimum Lot Requirements									
	RR	RA & RB	RC	P	B	I	AG	MU	WRP
Lot area (sq. ft.)	30,000	15,000 ¹	100,000 ²	100,000	15,000	50,000	50,000	-- ³	100,000

¹Increase 50% for permitted semidetached and two-family dwellings other than accessory dwelling units.

Section 198-22 Accessory buildings and uses

Buildings and uses, which are customarily incidental and subordinate to the uses allowed as permitted uses in any zone are allowed as accessory buildings and uses, except as expressly restricted or prohibited in this chapter. Accessory buildings and uses are subject to the provisions of this section. This section shall not apply to accessory dwelling units.

Section 198-27 Parking; loading and landscaping requirements

Section 198-27.B.(1) Parking Schedule. Residential.

Section 198-27.B.(1)(e) Accessory Dwelling Units: One space. No additional parking spaces shall be required for an accessory dwelling located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal, or bus station.

Section 198-32.1 Accessory Dwelling Units

Purpose. For the purpose of promoting the development of affordable rental housing, dwelling conversions may be allowed by special permit of the Planning Board subject to the standards and conditions listed below the use of land or structures for accessory dwelling units and dwelling unit conversions may be allowed pursuant to §198-15 and §198-16 and subject to the standards and conditions listed below:

~~198-32.1.A: Dwelling conversions shall not be allowed unless the lot meets the minimum lot size in § 198-18 or 22,500 square feet, whichever is greater.~~

198-32.1.BA: Accessory Dwelling Units created through dwelling conversions shall not be less than 1,000 square feet, not including areas of the basement, attic or garage. larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller.

198-32.1.CB: The applicant shall illustrate to the Planning Board that the requirements of the State Building Code are met. Accessory Dwelling Units shall not be used for Short-Term Rentals as defined in General Code §190-10.

198-32.1.C: The use of land or structures for accessory dwelling units and dwelling unit conversions shall be subject to the following dimensional requirements:

(1) No detached accessory dwelling unit shall exceed 20 feet in height, or be higher than the principle building, whichever is lower;

(2) No detached accessory dwelling unit shall be allowed in a required front yard or in the area between two lines drawn from the principle structure at its widest point to the lot frontage, and perpendicular to the frontage line of the lot;

(3) No detached accessory dwelling unit shall lie closer than ten feet to any lot line or structure and shall not be built over utility or drainage easements;

(4) Attached accessory dwelling units shall be subject to the height and setback requirements of the zoning district, pursuant to §198-18;

(5) Both attached and detached accessory dwelling units shall be subject to the maximum lot and building coverage restrictions of the zoning district, pursuant to §198-18;

198-32.1.D: Site requirements.

~~(1) No expansion to the existing structure.~~ **The use of land or structures for an accessory dwelling unit under this section shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling.**

(2) Parking shall be as provided for in § 198-27B(1).

~~(3) No portion of the basement, attic or garage may be used for dwelling purposes.~~

(4) Use of an existing on-site septic system to service proposed units shall be permitted only upon approval of the Board of Health.

198-32.1.E: Special permits shall not be required for the use of land or structures for the creation or conversion of a single Accessory Dwelling Unit per lot in the Single Residence District or Rural Residence District. The required permitting for the creation or conversion of accessory dwelling units in all other Districts is subject to §198-15 and §198-16.

198-33 Definitions and word use

Section 198-33.B.

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; (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; and (iii) is subject to such additional restrictions set forth in §198. This definition also includes "Accessory Apartments" and/or "Inlaw Apartments" as such terms are used in this chapter.

Nonfamily accommodations - Boardinghouses, lodging houses, guesthouses, tourist homes, dormitories or similar accommodations. Accommodations shall be considered hotels or motels if having a sign in excess of two square feet or other departure from residential character or if having a specified term of residence of less than one week, except where there is a resident family on the premises and accommodations for fewer than 10 nonresidents. Accommodations having individual kitchen facilities (two or more of the following: stove, refrigerator, sink) shall be considered dwelling units. Accessory dwelling units are excluded from this definition.