

TOWN OF MARION
TOWN MEETING MINUTES
from the Annual Town Meeting held May 12, 2025



Article 33. Motion was made and seconded to see if the Town will vote to amend Section 8.14 (Reserved) of Chapter 230 (Zoning) of the Code of Marion, by adding the following:

Section 8.14 (Protected Use Accessory Dwelling Units)

1. Purpose. The purpose of this bylaw is to permit as of right Protected Use Accessory Dwelling Units in accordance with General Laws Chapter 40A, Section 3, with the goal of increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and all stages of life. This will add much needed housing stock to address the Commonwealth's housing needs.

2. Definitions.

PROTECTED USE 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 1200 square feet, whichever is smaller.

Any Accessory Apartments approved by special permit under 230-8.6 prior to Month 1, 202X, shall be deemed to meet the requirements under this section.

3. General Requirements.

- A. Protected Use Accessory Dwelling Units are allowed as of right in the following Zoning Districts: Residence A, Residence B, Residence C, Residence D, Residence E, General Business, Marine Business, Limited Business, and Limited Industrial.
- B. Not more than one Protected Use Accessory Dwelling Unit shall be established on a lot.
- C. A Protected Use Accessory Dwelling Unit shall not be owned separately from the principal dwelling with which it is associated.
- D. A Protected Use Accessory Dwelling Unit may be attached to a principal dwelling, detached in an existing accessory structure, or detached in a newly constructed accessory structure.
- E. A Protected Use Accessory Dwelling Unit shall have one (1) additional dedicated off-street parking space, unless waived by Special Permit by the Zoning Board of Appeals upon a finding that sufficient off-street or on-street parking exists to support the Protected Use Accessory Dwelling Unit. A Protected Use Accessory Dwelling Unit located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station shall not require an additional dedicated off-street parking space.
- F. A Protected Use Accessory Dwelling Unit shall not be used as a short-term rental, as defined in General Laws Chapter 64G, Section 1. The minimum leasing term for the Protected Accessory Dwelling Unit shall be for a term greater than thirty-one (31) days. Any Accessory Apartments approved by special permit under 230-8.6 prior to February 1, 2025, may be used as a short-term rental.
- G. Any person or entity applying for building and occupancy permits under the State Building Code for a building that will include a Protected Use Accessory Dwelling Unit, whether detached or attached, shall state in the application that the project proposes to include a Protected Use Accessory Dwelling Unit.
- H. Protected Use Accessory Dwelling Units shall comply with all federal, state, and local laws and regulations, applicable to single-family residential dwellings in the zoning district in which the Protected Use Accessory Dwelling Unit is proposed. These include, but are not limited to, (1) Title V (310 CMR 15.00) requirements for the siting, construction, inspection, upgrade and expansion of on-site sewage treatment and disposal systems and (2) a Special Permit in a floodplain or aquifer protection overlay if required for the Principal Dwelling unit.
- I. A Protected Use Accessory Dwelling Unit in a sewer service area that is eligible for connection shall be connected to the public sewer system and shall comply with the Town of Marion Sewer Regulations. Any Building Permit shall be subject to review by the Department of Public Works as to the ability of the sewer system to accept additional capacity and/or identification of any specific conditions.
- J. A Protected Use Accessory Dwelling Unit in a water service area shall be connected to the public water system. Any Building Permit shall be subject to review by the Department of Public Works for identification of any specific conditions.

4. Compliance.

Protected Use Accessory Dwelling Units must satisfy the requirements as outlined in this Bylaw, the State Building Code, the State Fire Code, and any applicable health regulations. If the Protected Use Accessory Dwelling Unit has been built or is being operated in violation of the provisions of this Section, the Building Commissioner may order corrective action and/or issue fines in accordance with Section 230-2.1 and G.L., c 40A, § 7.

5. Effective Date.

This Section (8.14) shall apply to all building permits issued after February 1, 2025, for alteration of existing structures or construction of new structure.

or take any action thereon.

Motion declared carried at 8:02 PM

I, Elizabeth Magauran, hereby certify that the forgoing is a true copy of the minutes of the action taken under Article 33 of the Annual Town Meeting held on May 13, 2025.

Elizabeth Magauran
Town Clerk