



Office of the Town Clerk

TOWN OF NORWELL

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The following is a “True Copy Attest” of the “doings” of Article 34 of the Annual Town Meeting, which was convened on Monday, May 4, 2026, at 7:00pm at the Norwell Middle School and was dissolved at 10:29pm on the same date:

Article 34:

Amendment to Zoning Bylaws Update to ADU Provisions

To see if the Town will vote to amend the Norwell Town Code, Division 3: Zoning Bylaw, as follows:

- (1) By deleting the definition of Accessory Dwelling Unit (ADU) in §201-1.2 Definitions and replacing it with the following new definition of Accessory Dwelling Unit as follows:

ACCESSORY DWELLING UNIT (ADU). 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: (a) 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; (b) 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 (c) is subject to the additional restrictions lawfully imposed herein by the Town, including, but not limited to, prohibitions regarding Short-term Rentals as defined in section 1 of chapter 64G and dimensional requirements set forth herein.

- (2) By deleting the definition of Dwelling Unit in §201-1.2 Definitions and replacing it with the following new definition of Dwelling Unit as follows:

DWELLING UNIT. A single housing unit that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

- (3) By deleting the definition of Floor Area, Gross in §201-1.2 Definitions and replacing it with the following new definition of Floor Area, Gross as follows:

FLOOR AREA, GROSS. 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 a Lot, the gross floor area of the largest principal Dwelling shall be used for determining the maximum size of a Accessory Dwelling Unit (ADU).

- (4) By deleting the definition of Lot in §201-1.2 Definitions and replacing it with the following new definition of Lot, as follows:

LOT. An area of land with definite boundaries, as established by a metes and bounds description set forth in a recorded deed or by boundary lines shown on a recorded surveyed plan, that is used or available to be used for a building or structure. The area of a lot shall not include any part of a way, public or private, which adjoins the Lot. For an ADU only, a Lot may be nonconforming as provided for herein

- (5) By adding to §201-1.2 the following new definitions in appropriate alphabetical order:

ADU PRINCIPAL DWELLING. A structure, regardless of whether it conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, and that contains at least one Dwelling Unit and is (or will be) located on the same Lot as a Protected Use ADU. However, the ADU Principal

Dwelling shall have sufficient frontage for a single-family use.

BUILDING CODE. The Massachusetts State Building Code, 780 CMR.

DESIGN STANDARDS. The clear, measurable and objective provisions of set forth in the Norwell Code, which are made applicable to the exterior design of, and use of materials for an ADU.

FIRE CODE. The Massachusetts State Fire Code, 527 CMR 1.00.

MODULAR DWELLING UNIT. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof room, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.

PRINCIPAL DWELLING. A structure, regardless of whether it conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is located on the same Lot as a Protected Use ADU.

PROTECTED USE ADU. (Protected ADU). An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and no other Accessory Dwelling Unit is located said lot that is a Protected Use ADU. An ADU that is nonconforming to zoning shall still qualify as Protected Use ADU if it otherwise meets this definition; provided however, any new Protected ADU shall not increase any existing zoning nonconformity and any new Protected Detached ADU that is proposed shall conform to the same dimensional requirements, including frontage, setback, bulk and height requirements that apply to all single-

family residential structures, unless proper zoning relief is obtained from the ZBA.
SINGLE-FAMILY RESIDENTIAL DWELLING. A residential structure on a Lot containing not more than one Dwelling Unit.

- (5) By deleting §201-8.1 Residential Districts E. Accessory dwelling units, in its entirety and replacing it with the following:

§201-8.1 RESIDENTIAL DISTRICTS.

A. PROTECTED ACCESSORY DWELLING UNITS.

- (1) **Purposes. A Protected ADU unit shall be allowed as of right on a Lot as required under MGL c.40A, §3 (St. 2024, c.150, §8) and as set forth below, for the following purposes.**
- (a) To encourage housing options for persons of all income levels and all ages;**
- (b) To allow a single-family homeowner(s) the opportunity to derive rental income to allow the homeowner the financial ability to stay in place;**
- (c) To allow a single-family homeowner(s) the opportunity to accommodate other family members in a Protected ADU; and**
- (d) To encourage the availability of moderately priced year-round rental units and promote greater housing diversity in the Town and to promote greater availability of affordable housing for young adults and senior citizens.**
- (2) **Applicability. A maximum of one Protected ADU per Lot shall be allowed as of right, which shall mean that the development of a Protected ADU may proceed without the need for a special permit, variance, waiver or any other discretionary zoning approval, provided the requirements set forth below are satisfied.**
- (3) **Protected Interior and Detached ADU Requirements:**
- (A) **Interior Protected ADU. An Interior Protected ADU shall be allowed as of right on a Lot, if it is located entirely within an ADU Principal Dwelling and provided it satisfies**

all of the following minimum criteria:

1. **It shall have and shall maintain a separate entrance from the entrance for the ADU Principal Dwelling, either by entry directly from the exterior or through an entry hall or corridor that leads to the outside that is shared with the ADU Principal Dwelling and that is sufficient to meet the requirements of the state building code for separate and safe egress;**
2. **It shall not be larger in floor area than 1/2 of the Gross Floor Area of the ADU Principal Dwelling or 900 square feet, whichever is smaller;**
3. **It shall not be used as a Short-Term Rental, and a restrictive covenant shall be recorded against the Lot to that effect before any occupancy permit issues for a Protected ADU, and the covenant shall run to the Town and be enforceable by the Town through injunctive relief and with the Lot owner(s) required to pay the Town's reasonable legal fees and costs for successful enforcement of any violation of the restrictive covenant;**
4. **Unless located within 0.5 miles of a Transit Station as defined as defined under Mass. Gen. L. c. 40A §3 or 760 CMR 71.02 and exempted from having one dedicated parking space on the same Lot, it shall have at least one dedicated parking space on the same Lot and shall use the same driveway that is used for the ADU Principal Dwelling and there also shall be at least two parking spaces for the ADU Principal Dwelling;**
5. **The Lot owner(s), via the Board of Health, before any building or occupancy permit issues, first shall document to the Building Official/Zoning Officer that sewage disposal for the Lot will satisfactorily provide for the proposed ADU in accordance with the provisions of Title 5 and with Board of Health regulations, which may be more restrictive than Title 5 but only if they also apply to all single-family residential uses in the Zoning District in which the**

Protected ADU is located; and,

6. No commercial use, except for a single permitted home occupation, shall be allowed on a Lot on which there is an Interior Protected ADU.

(B) Detached Protected ADU. A Detached Protected ADU shall be allowed as of right on a Lot, provided that it satisfies all of the following criteria:

1. It shall not be larger in floor area than 1/2 the Gross Floor Area of the ADU Principal Dwelling or 900 square feet, whichever is smaller. If the Detached Protected ADU is part of a larger accessory structure, the Lot owner(s) shall designate which distinct portion of the structure's larger floor space will be used as a Protected Detached ADU.
2. It shall not be used as a Short-Term Rental, and a restrictive covenant shall be recorded against the Lot to that effect before any occupancy permit issues for the ADU, and the covenant shall run to the Town and be enforceable by the Town through injunctive relief and with the Lot owner(s) required to pay the Town's reasonable legal fees and costs for successful enforcement of any violation of the restrictive covenant;
3. It shall have at least one dedicated parking space on the Lot and shall use the same driveway that is used for the ADU Principal Dwelling and there shall be at least two parking spaces for the ADU Principal Dwelling;
4. The Lot owner(s) who proposes a Detached Protected ADU shall, via the Board of Health, first document to the Building Official/Zoning Officer, before any building or occupancy permit issues, that sewage disposal for the Lot shall be satisfactorily provided for in accordance with both the provisions of Title 5 and with Board of Health regulations, which may be more restrictive than Title 5 but only if they also apply to all

single-family residential uses in the Zoning District in which the Protected ADU is located.

5. No new structure for a Detached Protected ADU shall be allowed to be sited unless it satisfies all frontage, setback, bulk and height requirements applicable to a principal dwelling or accessory structure in the zoning district in which the Lot is located or obtains the necessary relief from the ZBA to allow a new nonconforming structure.
 6. A Detached Protected ADU may be a Modular Dwelling Unit; and
 7. No commercial use, except for a single permitted home occupation in the ADU Principal Dwelling, shall be allowed on a Lot on which there is a Detached Protected ADU.
- (4) Address Assignment. All Protected ADUs shall be assigned an address consistent with the most recent Address Standard published by MassGIS and ADU addresses, when assigned, shall be reported by the Assessor to Mass GIS and the Executive Office of Housing and Livable Communities after assignment.
- (5) Severability. If any portion of the zoning adopted pursuant to this article is determined to be invalid, that determination shall not invalidate any remaining portion.

and further, that the Town Clerk be authorized to make such formatting and other non-substantive changes needed to incorporate said amendments into the Norwell Zoning Bylaw, or to take any other action relative thereto.

Requested by the Planning Board

The Advisory Board recommended this Article.

MOTION: A motion was made by Brian Greenberg, Planning Board, that the Town vote to approve the amendment to the Norwell Town Code, Division 3: Zoning Bylaw as

set forth in Article 34 of the May 4, 2026 Annual Town Meeting Warrant.

TWO-THIRDS (2/3rds) MAJORITY VOTE REQUIRED

ACTION: On Article 34 of the Annual Town Meeting, the motion passed by a unanimous voice vote. Declared by the Moderator. May 4, 2026 at 10:23pm.

A True Copy Attest,

Dannielle C. Shepherd
Town Clerk