

Definitions

1. 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 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 and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling. [General references to ADUs in this by-law include both Protected Use ADUs and Local ADUs.]
2. Design Standards. Clear, measurable and objective provisions of zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU when those same design standards apply to the Principal Dwelling to which the ADU is an accessory.
3. Dwelling Unit. A single-housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This can include a housing unit within a single-family, duplex, or multi-unit development.
4. Gross Floor Area. 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.
5. Local ADUs. An ADU that is not a Protected Use ADU but includes rules specific to Charlemont.
6. Lot. An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of zoning.
7. Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems, in compliance with the Building and Fire Code, 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, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.
8. Pre-Existing Nonconforming Structure. A structure that does not conform to zoning.
9. Principal Dwelling. 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 Protected Use ADU.
10. Protected Use ADU. An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller [or a larger Gross Floor Area, if allowed by the Municipality], provided that only one ADU on a Lot may qualify as a Protected Use

ADU. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

Section 40 Accessory Dwelling Units

Section 40.1 Purpose

Accessory dwelling units (ADUs) became a protected use in 2025 under M.G.L c. 40A §3 and accompanying regulations 760 CMR 71. ADUs can serve the following purposes:

1. Provide older homeowners with a means of obtaining rental income, companionship, security, and services, enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
2. Provide younger homeowners with a means of obtaining rental income and thereby enabling them to own a home they might otherwise not afford;
3. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to households who might otherwise have difficulty finding housing and
4. Provide housing units for persons with disabilities.

Section 40.2 Regulations

1. General Provisions for All ADUs

- a. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code.
- b. ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations for a Single-Family Residential Dwelling in the Single Family Residential Zoning District in which the Protected Use ADU is located.

2. Protected Use ADUs. The Building Inspector shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

- a. Dimensional Standards
 - i. Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet.
 - ii. A Protected Use ADU on a Lot with a Single-Family Residential Dwelling Unit or Principle Dwelling shall not have more restrictive dimensional standards than those required for the Single-Family Residential Dwelling or Principle Dwelling.
- b. Off-Street Parking. One additional off-street parking space shall be required for Protected Use ADUs located outside the ½-mile radius of a Franklin Regional Transit Authority (FRTA) bus stop. For lots within ½ mile of a bus stop, providing parking for the accessory dwelling unit is optional.

4. Special Permit for an additional ADU on a Lot. A second ADU on a Lot in a Single-Family Residential Zoning District in which a Protected Use ADU is already located shall

require a Special Permit from the Planning Board. The additional ADU shall be classified as a [Local ADU].

5. Nonconformance

- a. A Protected Use ADU shall be permitted within, or on a Lot with, a Pre-existing Nonconforming Structure so long as the Protected Use ADU can be developed in conformance with the Building Code, 760 CMR 71.00, and state law.
- b. [A Protected Use ADU shall be exempt from any required finding under M.G.L. c. 40A §6.]
- c. [A finding under M.G.L. c 40A §6, that the extension or alteration of the pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood, shall be made by the Planning Board in an as-of-right process, without requiring a Special Permit or other discretionary waiver.]

Section 40.3. Administration and Enforcement

1. The Building Inspector shall administer and enforce the provisions of this Section [40].
2. No building shall be changed in use or configuration without a Building Permit from the Building Inspector
3. No building shall be occupied until a certificate of occupancy is issued by the Building Inspector, where required.
4. The Building Inspector shall apply the Dover analysis as articulated in the standards in 760 CMR 71.03(3)(a), to any request for a Protected Use ADU Building Permit and shall waive any zoning requirement that the Building Inspector finds to be unreasonable under the Dover analysis.