

COMPILATION OF LANGUAGE FOR PUBLIC POSTING OF 2026 PROPOSED ZONING BYLAW  
CHANGES CONSIDERED AT FEBRUARY 11, 2026 PUBLIC HEARING

## A. Regarding Kennels

*Please note: this has already been passed by a majority vote at the spring 2025 Town Meeting. However, the vote was not recorded as a hand-count of 2/3 majority by the moderator but as a voice vote. Therefore, the Attorney General requires a new vote.*

### Rationale:

- Relieves zoning restriction on the number of dogs one may own for personal reasons while maintaining zoning restrictions on kennels operated for commercial purposes.
- The number of pet dogs residents allowed to have is not a zoning issue. Commercial operations are a zoning issue.
- Under state law, the number of pet dogs is the responsibility of the Town Clerk and Animal Control Officer.

### Changes to 2200 Use Regulations

#### a. 2234. Business/Industrial Uses

Strikethrough:

	RV	RR	RO	BB	CO
Kennel	N	N	N	SP	SP

Replace with:

	RV	RR	RO	BB	CO
Personal Kennel	Y	Y	Y	Y	Y

#### b. Changes to 2240. Accessory Buildings and Uses.

*Add to accessory use section [New Section]:*

**2249.** Personal kennels are allowable in all districts as an accessory use.

#### c. Changes to Article VI. Definitions

*Remove current definition:*

Kennel shall mean one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes, and including any shop where dogs are on sale, and also including every pack or collection of more than three (3) dogs, three months old or older, owned or kept by a person on a single premises regardless of the purposes for which they are maintained or kept.

*Replace with new language that adheres to state law:*

Kennel shall mean a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

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## B. Regarding Ground-Mount Solar Electric

*Please note, this proposed revision was brought to the 2025 Town Meeting but not brought to a vote. The Planning Board was asked to review and ensure that the new height restriction met existing building height restrictions code. The proposed revision did meet that standard; to make it even more clear the Planning Board kept the maximum height standard, when the applicant will be required to have Site Plan Review, and where the height triggers a special permit application.*

### Rationale:

- Relieves highly-restrictive zoning on the height of ground-mounted solar installations, in keeping with advancements in technology and innovation.
- Relieves a costly site plan review for every ground-mounted solar installation, instead providing cost-burden reductions on ground-mounted solar installations less than 20 feet in height.
- Area solar installers provided evidence that most installations are not above 20 feet. Few, if any, installations would exceed 30 feet.
- Site plan review would be required for installations above 20 feet and would trigger a special permit process.
- This change to the zoning code does not alleviate the requirement to comply with all setbacks or to obtain a proper building permit for the solar installation.

### Changes to 4970 Ground-Mounted Solar Electric

**[Bold = new language; strikethrough shows language to be removed]:**

Small-scale (less than 1,750 square feet of panels) ground or building-mounted solar electric installations which are an accessory structure to an existing residential or non-residential use do not need to comply with this section but require a building permit and must comply with the other provisions of Leverett's zoning bylaws **and shall be subject to Site Plan Review if in excess of 20 feet in height. Such ground-mounted solar electric installations shall require a special permit if excess of 35 feet in height.** ~~, such small-scale ground-mounted solar electric installations shall be subject to Site Plan Review if in excess of 9 feet in height and not in excess of 20 feet in height and shall require a special permit if greater than 20 feet in height and shall not exceed 35 feet in height.~~

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## C. Regarding Manufactured Homes

*Please note, this proposed change passed at Town Meeting 2025 by the required vote, but the Attorney General has placed it on hold to verify that the public hearing notice requirements were met. The Planning Board and Town Clerk are working together to provide evidence of correct postings. However, we are including it here in case the Attorney General does not respond before the 2026 Town Meeting, on the chance we will need to vote again.*

### Rationale:

- The purpose of this proposed change is to bring the Town's code in alignment with state definitions, per the recommendation of FRCOG.
- A March 2024 Massachusetts amendment stipulates that municipalities must allow manufactured housing wherever single-family dwellings are allowed, subject to the same design criteria as conventional single-family homes. Massachusetts law (MGL c. 140, §§ 32A-32S) defines a "manufactured home" as a structure built to national standards (HUD code) that is transportable in one or more sections, is at least 8 feet wide or 40 feet long (or 320+ sq ft), built on a permanent chassis, and designed for use with or without a permanent foundation.
- The change eliminates the use of the term "mobile home" in Definitions and updates Use Regulations to replace "mobile homes" with "manufactured homes."

### Changes to 2200 and Definitions

#### a. 2200 Use regulations

Change: "One-family dwelling incl. mobile homes" to "Dwelling Single Family, shall include manufactured homes"

#### b. Article VI: Definitions

~~Mobile Home shall mean a structure transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, but not including recreational vehicles or travel trailers.~~

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## D. Regarding Site Plan Review

### Rationale:

- Rewrite Section 3900 of the zoning bylaw to streamline Site Plan Review (SPR) procedures while maintaining public oversight and participation.

#### Why this matters:

The current SPR process is confusing for applicants, cumbersome for the Town Clerk, and requires the same extensive documentation regardless of project complexity or impact. Multiple printed documents and maps are required even when digital formats would serve all parties more effectively.

#### What stays the same:

- SPR and Planning Board approval still required before building permits for all applicable projects
- Site plan documentation publicly available at Town Hall
- Same advance public notice of SPR hearings
- All current SPR triggers remain in effect (flexible development in RO districts, duplexes, nonresidential/nonagricultural construction, Rattlesnake Gutter and Upper Elevation overlay districts, solar installations above specified thresholds)

#### What will change:

- Documentation requirements scaled to project complexity rather than one-size-fits-all
- Digital submission accepted where appropriate
- Administrative procedures codified in Planning Board regulations, allowing updates without Town Meeting votes

#### Authority and transparency:

Per our zoning, the Planning Board can adopt regulations for administrative procedures not already in the zoning bylaw or town code, provided they're compatible with both.

Per town counsel, the Planning Board can relieve SPR requirements case-by-case. However, for transparency and a clearly established process, the Planning Board has simplified the bylaw and use regulations to spell out SPR requirements for known cases.

This approach was recommended by past Planning Board members.

#### What we're proposing:

Rewrite Section 3900 of the zoning bylaw to streamline Site Plan Review (SPR) procedures while maintaining public oversight and participation.

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#### Authority and transparency:

Per zoning, the Planning Board can adopt regulations for administrative procedures not already in the zoning bylaw or town code, provided they're compatible with both.

Per town counsel, the Planning Board can relieve SPR requirements case-by-case. However, for transparency and a clearly established process, the Planning Board prefers to simplify the bylaw and use regulations to spell out SPR requirements for known cases.

This approach was recommended by past Planning Board members.

#### **Changes to 3900 Site Plan Review**

[**Bold** = new language; strikethrough shows language to be removed]:

##### a. Changes to 3910. Applicability and Procedure.

Applications for ~~building permits for duplexes, or for nonresidential or nonagricultural construction, including applications for extensions, alterations, or changes to duplexes, available as of right, Site Plan Review~~, shall be accompanied by an ~~approved~~**Application for Site Plan Review**, prepared in accordance with the criteria specified below. ~~An~~ ~~Such~~ approval from the Planning Board shall be obtained prior to application for a building permit. An applicant shall file a completed application with the Town Clerk. The Town Clerk shall acknowledge receipt of the plans by signing and dating the

application form. The application submitted to the Town Clerk shall include seven (7) copies of each of an application form, the Site Plan **Drawing Package** and any narrative documents as outlined in the submittal requirements **below**. Upon receipt of the application, the Town Clerk shall transmit copies of the application to the **pertinent Town boards, e.g.** Planning Board, Conservation Commission, Board of Health, Highway Superintendent, Fire Chief and the Police Chief. These Town Boards and municipal officials shall have 45 days from the date the completed application is received by the Town Clerk to report to the Planning Board their findings and recommendations, and they can attend the public hearing(s). No building permits for projects requiring Site Plan Review shall be issued until the Planning Board has approved the Site Plan or unless the required time period for taking action on a Site Plan has lapsed without action from the Planning Board. Public Hearing. The Planning Board shall hold a public hearing within 65 days after the filing of an application and shall take final action on an application for Site Plan approval within 90 days of the close of the public hearing. Notice and posting of the public hearing shall comply with regulations adopted by the Planning Board, which the Planning Board may amend from time to time. To the extent permitted by law, the public hearing should be coordinated with any other public hearing required for a definitive subdivision plan.

b. Changes to 3920. Plans. Plans subject to this section shall ~~show~~:

~~3921. Existing and proposed topography at 2 foot or 1 meter contour intervals;~~

~~3922. Water provision, including fire protection measures;~~

~~3923. Sanitary sewerage;~~

~~3924. Storm drainage, including means of ultimate disposal and calculations to support maintenance of the requirements in Sections 3000 and 4000 of the Planning Board's Subdivision Rules and Regulations;~~

~~3925. Parking, access, and egress provisions;~~

~~3926. Planting, landscaping, and screening;~~

~~3927. All boundary line information pertaining to the land sufficient to permit location of same on ground;~~

c. Changes to 3928, include striking part of 3928 and combining with 3920 to complete the sentence.

i. ~~3928. Compliance with all applicable provisions of this Zoning By-Law. comply with Planning Board Regulations for Site Plan Review.~~

~~d. 3930. Site Plans shall be submitted on 24 inch by 36 inch sheets. Plans shall be prepared by a Registered Professional Engineer and a Registered Land Surveyor. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"-200'.~~

3940. Decision. The Planning Board's action shall consist of either:

a. Approval of the site plan based upon the determination that the proposed project is in compliance and consistent with the criteria set forth in this By-law;

- b. Approval of the site plan subject to conditions, modifications, and restrictions as the Planning Board may deem necessary; or
- c. Denial of the site plan based upon specific findings such a determination that there was insufficient information submitted with the proposal to adequately review it or that the project is inconsistent with the requirements of these Zoning By-laws.

Site Plan approval may be granted upon determination by the Planning Board that the following conditions have been satisfied. The Planning Board may impose reasonable conditions, even at the expense of the applicant, to ensure that the following conditions have been satisfied. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

- 3941. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
- 3942. Maximize pedestrian and vehicular safety both on the site and egressing from it;
- 3943. Minimize obstruction of scenic views from publicly accessible locations;
- 3944. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- 3945. Minimize glare from headlights through plantings or other screening;
- 3946. Minimize lighting intrusion through use of such devices as cut-off luminaries confining direct rays to the site, with fixture mounting not higher than 20 feet;
- 3946. Minimize unreasonable departure from the character and scale of building in the vicinity, as viewed from public ways.
- 3947. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

The decision of the Planning Board shall be filed with the Town Clerk within 90 days of the close of the Public Hearing and the written record of the decision including any approved Site Plan shall be filed with the Town Clerk within 14 days of the final vote or sooner to meet the 90 day maximum time frame. A copy of any approved Site Plan and the decision of the Planning Board shall be sent by the Applicant to the Building Inspector and to the Registry of Deeds.

3950. Lapse. Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

3960. Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines.

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## **E. Regarding ADUs**

### **Rationale:**

- Leverett's Comprehensive Master Plan process showed significant support for ADUs; soon thereafter, the Commonwealth adopted state ADUs laws. We are now changing our bylaws to be in compliance with state law.
- As of 2024–2025, Massachusetts has updated its housing laws to treat manufactured homes and accessory dwelling units (ADUs) as critical components of affordable housing, requiring towns to update their zoning bylaws to be less restrictive.
- ADUs By-Right (Effective Feb 2, 2025): Zoning must permit one accessory dwelling unit (ADU) on any lot with a single-family detached dwelling, without requiring a special permit.
- Size and Structure: By-right ADUs must be no larger than 900 square feet or half the gross floor area of the principal dwelling, whichever is smaller.
- Removal of Restrictions: Towns cannot mandate owner-occupancy for ADUs, nor can they require excessive parking or separate utility connections that effectively block construction.
- Modular Home Parity: Prefabricated or modular homes used as ADUs must be allowed if they comply with the Massachusetts Building Code.
- Any part of a town's zoning bylaw that conflicts with the state law (e.g., requiring a special permit for an ADU that should be by-right, or having prohibitive setback/lot coverage rules only for ADUs) is unenforceable as of February 2, 2025.
- Leverett retains discretion over reasonable restrictions like size limits (max 900 sq ft or 50% of main house), site plan review, setbacks, height/bulk rules, short-term rental rules, and utility/septic (Title V) requirements, as long as they don't prevent ADUs or require owner-occupancy, special permits, or excessive parking (beyond 1 space if >0.5 mi from transit) for the primary by-right ADU.

### **Proposed changes to the Leverett Zoning Bylaw**

To comply with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units, the Leverett Planning Board will ask our Town Meeting on May 2<sup>nd</sup> 2026 to approve the Zoning Bylaw changes described below. These changes will clarify our Zoning Bylaw and bring it into alignment with Massachusetts General Law to support ADUs built by-right in Leverett.

### **Amend Section 2244. One house trailer...**

Under 2240. Accessory Buildings and Uses, Section 2244 currently states:

2244. One house trailer, mobile home, camping vehicle, or tent may be used as an accessory dwelling on a lot for not more than thirty (30) days in any twelve (12) month period. One house trailer, mobile home, camping trailer, or similar vehicle, not used for dwelling purposes, may be stored out of doors on a lot.

Amend Subsection 2244 by inserting the **bold text** and deleting the ~~strike-through text~~ as follows:

2244. One house trailer, ~~mobile home~~, camping vehicle, or tent may be used as an accessory dwelling on a lot for not more than thirty (30) days in any twelve (12) month period. **One mobile dwelling unit that does not qualify as an ADU or meet the conditions of Section 2400 may be used as an accessory dwelling on a lot for not more than thirty (30) days in any twelve (12) month period.** One house trailer, mobile home, camping trailer, or similar vehicle, not used for dwelling purposes, may be stored out of doors on a lot.

So amended, Subsection 2244 will state:

2244. One house trailer, camping vehicle, or tent may be used as an accessory dwelling on a lot for not more than thirty (30) days in any twelve (12) month period. One mobile dwelling unit that does not qualify as an ADU or meet the conditions of Section 2400 may be used as an accessory dwelling on a lot for not more than thirty (30) days in any twelve (12) month period. One house trailer, mobile home, camping trailer, or similar vehicle, not used for dwelling purposes, may be stored out of doors on a lot.

## Amend Section 2245. No garage building...

Under 2240. Accessory Buildings and Uses, Subsection 2245 currently states:

2245. No garage building or accessory building shall be used as a dwelling unit if it is located on a lot with a principal structure serving as a residence.

Amend Subsection 2245 by inserting the **bold text** and deleting the ~~strike-through text~~ as follows:

2245. ~~No garage building or accessory building that does not qualify as an ADU or meet the conditions of Section 2400~~ shall be used as a dwelling unit if it is located on a lot with a principal structure serving as a residence.

So amended, Subsection 2245 will state:

2245. No building that does not qualify as an ADU or meet the conditions of Section 2400 shall be used as a dwelling unit if it is located on a lot with a principal structure serving as residence.

## Amend Section 2247. Dimensional Regulation: Accessory Uses.

Under 2240. Accessory Buildings and Uses, Subsection 2247 currently states:

2247. Dimensional Regulation: Accessory Uses. Accessory structures may not be placed within required yards, except that permitted signs may be located within a required front yard, and a permitted one-story accessory structure may be located within a required rear yard provided that it occupies not more than 25% of the required yard, and provided that it is not located within 10 feet of any property line.

Amend Subsection 2247 by inserting the **bold text** and deleting the ~~strikethrough text~~ as follows:

2247. Dimensional Regulation: Accessory Uses. Accessory structures may not be placed within required yards, except that permitted signs may be located within a required front yard, ~~and a permitted one-story accessory structure may be located within a required rear yard provided that it occupies not more than 25% of the required yard; and provided that it is not located within 10 feet of any property line, and a structure that qualifies as an ADU and meets the conditions of Section 2400 may be located within a required yard provided that it meets all dimensional requirements that apply to single-family dwelling units.~~

So amended, Subsection 2247 will state:

2247. Dimensional Regulation: Accessory Uses. Accessory structures may not be placed within required yards, except that permitted signs may be located within a required front yard, a permitted one-story accessory structure may be located within a required rear yard provided that it occupies not more than 25% of the required yard and provided that it is not located within 10 feet of any property line, and a structure that qualifies as an ADU and meets the conditions of Section 2400 may be located within a required yard provided that it meets all dimensional requirements that apply to single-family dwelling units.

## Amend Section 2340. Dimensional Schedule.

Under 2300. Dimensional Requirements, Subsection 2340 currently states:

2340. Dimensional Schedule. (For accessory buildings, see Section 2247, for Wireless Telecommunication Facilities see Section 4900, for Ground-Mounted Solar Electric Installations see Section 4970.)

Amend Subsection 2340 by inserting the **bold text** as follows:

2340. Dimensional Schedule. (For accessory buildings, see Section 2247, **for Accessory Dwelling Units (ADUs), see Section 2400**, for Wireless Telecommunication Facilities see Section 4900, for Ground-Mounted Solar Electric Installations see Section 4970.)

So amended, Subsection 2247 will state:

2340. Dimensional Schedule. (For accessory buildings, see Section 2247, for Accessory Dwelling Units (ADUs), see Section 2400, for Wireless Telecommunication Facilities see Section 4900, for Ground-Mounted Solar Electric Installations see Section 4970.)

## Amend Section 2400. Accessory Apartments.

### Step 1 of 2: Strike the entire section

Remove the existing content of Section 2400 in its entirety:

2400. Accessory Apartments.

~~2410. Purpose. For the purpose of providing small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town, and for the purpose of enabling owners of single family dwellings larger than required~~

for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements:

2420. ~~Procedure.~~ Accessory apartments may be allowed on special permit, which shall lapse every two years, by the Board of Appeals, in accordance with the special permit process in this Zoning By Law, as set forth in Section 5300, and provided that each of the following additional criteria are met:

2430. ~~Conditions.~~

2431. A plot plan, prepared by a Registered Land Surveyor, of the existing dwelling unit and proposed accessory apartment shall be submitted to the Board of Appeals, showing the location of the building on the lot, proposed accessory apartment, location of any septic system and required parking. A mortgage inspection survey, properly adapted by a surveyor, shall be sufficient to meet this requirement;

2432. Any special permit shall be subject to review and approval by the Board of Health as to sanitary wastewater disposal in full conformance with the provisions of 310 CMR 15.00 (Title V of the State Environmental Code). The Board of Health shall also approve water supply and drainage resulting from the proposed accessory apartment as adequate for the proposed construction;

2433. Certification by affidavit shall be provided that one of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence;

2434. Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 1,200 sq. ft. in floor space and shall be located as part of the single family structure on the premises;

2435. The external appearance of the structure in which the accessory apartment is to be located shall not be significantly altered from the appearance of a single family structure, in accordance with the following:

a. Any stairways or access and egress alterations serving the accessory apartment shall be enclosed, screened, or located so that visibility from public ways is minimized;

b. Sufficient and appropriate space for at least one (1) additional parking space shall be constructed by the owner to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway.

2440. ~~Conditions for Issuance and Renewal of Special Permits.~~ The initial term and subsequent terms of a special permit for an accessory apartment shall expire after two years. Subsequent special permit issuances for existing accessory apartments shall be granted after certification by affidavit is made by the applicant to the Board of Appeals that the accessory apartment has not been extended, enlarged, or altered to increase its original dimensions, as defined in the initial special permit application.

2450. ~~Decision.~~ Special permits for an accessory apartment may be issued by the Board of Appeals upon a finding that the construction and occupancy of the apartment will not be

~~detrimental to the neighborhood in which the lot is located and after consideration of the factors specified in Section 5300 of this Zoning By-Law, governing special permits.~~

## **Step 2 of 2: Add a new section based on the model bylaw**

Replace Section 2400 with the following content based on the Model Zoning for Accessory Dwelling Units.

### **2400. Accessory Dwelling Units (ADUs).**

#### **2410. Purpose.**

The purpose of this Section 2400 is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as of-right in Zoning Districts that allow single-family dwelling units as a Principal Use in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This zoning provides for by-right ADUs to accomplish the following purposes:

1. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
2. Develop small-scale infill housing that fits in the context of zoning districts that allow single-family housing while providing gentle/hidden density.
3. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
4. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

#### **2420. General Provisions for All ADUs.**

1. Code Compliance
  - 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 Zoning District in which the ADU is located.
  - c. ADUs shall be designed, built, and maintained in compliance with all other applicable Building, Health, and Fire Codes.
2. An ADU may be located in an existing structure or as a new structure located on the same lot as the Principal Dwelling.
3. An ADU on a Lot with a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for the Single-Family Residential Dwelling (Section 2300: Dimensional Requirements) or accessory structure (Section 2247: Dimensional Regulation: Accessory Uses) within the same district, whichever results in more permissive regulation.

4. An ADU on a Lot with a Principal Dwelling that is not a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for its Principal Dwelling (Section 2300: Dimensional Requirements), or Single-Family Residential Dwelling (Section 2300: Dimensional Requirements), or accessory structure (Section 2247: Dimensional Regulation: Accessory Uses) within the same district, whichever results in more permissive regulation.
5. Off-Street Parking. An ADU must have a minimum of one (1) off-street parking space provided in addition to the off-street parking spaces required for the Principal Dwelling and utilize the current driveway/curb cut used by Principal Dwelling.
6. Short-Term Rentals. ADUs may be operated as Short-Term Rentals subject to any restrictions or prohibitions by ordinance or by-law adopted by Leverett pursuant to M.G.L. c. 64G, § 14.

2430. Protected Use ADU Conditions and Requirements. The Building Inspector, as Zoning Enforcement Officer, shall approve a Building Permit authorizing Protected Use ADU installation and use within or on a Lot with a Principal Dwelling in a Zoning District that allows a single-family dwelling as a Principal Use, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

1. A Protected Use ADU shall comply with Section 2420. General Provisions for All ADUs.
2. Dimensional Standards. A Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet or half (1/2) the Gross Floor Area of the Principal Dwelling, whichever is smaller. Where there are multiple Principal Dwellings on the Lot, the Gross Floor Area of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.
3. If there is a Transit Station established in the Town of Leverett, a Protected Use ADU located within one half (1/2) mile radius of the Transit Station will be exempt from the Off-Street Parking requirement in Section 2420.
4. Only one ADU on a Lot may qualify as a Protected Use ADU.

2440. Special Permit for Local ADUs. The Board of Appeals, as the Special Permit Granting Authority, shall approve a Special Permit authorizing a Local ADU installation and use within, or on a Lot with, a Principal Dwelling in a Zoning District that allows a single-family dwelling as a Principal Use, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met.

2441. A Local Use ADU shall comply with Section 2420.

2442. Dimensional Standards

- a. A Local ADU must be larger than 900 square feet or there must be a Protected Use ADU already built on the same property.
- b. A Local ADU shall not be larger than a gross floor area of 1,200 square feet.

2450. Special Permit for Multiple ADUs on a Lot. A special permits for an ADU on a Lot where an ADU is already located in a Zoning District that allows a single-family dwelling as a Principal Use may be issued by the Board of Appeals upon a finding that the construction and occupancy of the additional ADU will not be detrimental to the neighborhood in which the Lot is located, after consideration of the factors specified in Section 5300 of this Zoning By-Law, governing special permits, and the following conditions are met.

2451. The additional ADU shall be classified as a Local ADU and must comply with Section 2440.

2452. A plot plan, prepared by a Registered Land Surveyor, showing the existing and proposed structures, septic systems, and parking, shall be submitted to the Board of Appeals. A mortgage inspection survey, properly adapted by a surveyor, shall be sufficient to meet this requirement.

2453. Any special permit shall be subject to review and approval by the Board of Health as to sanitary wastewater disposal in full conformance with the provisions of 310 CMR 15.00 (Title V of the State Environmental Code). The Board of Health shall also approve water supply and drainage resulting from the proposed ADU as adequate for the proposed construction.

2460. Special Permit Granting Authority. The Board of Appeals shall be the Special Permit Granting Authority under this Section 2400.

2461. A special permit granted by the Board of Appeals shall lapse every two years in accordance with the special permit process in this Zoning By-Law, as set forth in Section 5300.

## **Amend Section 3120. Schedule of Parking Area Requirements**

Under 3100. Parking and Loading Requirements, Subsection 3120 currently states:

3120. Schedule of Parking Area Requirements. In applying for a building or occupancy permit, the applicant must demonstrate that the following minimums will be met for the new demand without counting existing parking:

Dwellings: Two spaces per dwelling unit.

Amend Subsection 3120 by inserting the **bold text** and deleting the ~~strikethrough text~~ as follows:

3120. Schedule of Parking Area Requirements. In applying for a building or occupancy permit, the applicant must demonstrate that the following minimums will be met for the new demand without counting existing parking:

**Principal Use** Dwellings: Two spaces per dwelling unit.

**Accessory Dwelling Units (ADUs): One space per dwelling unit. See Section 2400.**

So amended, Subsection 2247 will state:

3120. Schedule of Parking Area Requirements. In applying for a building or occupancy permit, the applicant must demonstrate that the following minimums will be met for the new demand without counting existing parking:

Principal Use Dwellings: Two spaces per dwelling unit.

Accessory Dwelling Units (ADUs): One space per dwelling unit. See Section 2400.

## **Amend ARTICLE VI. DEFINITIONS**

## **Replace “Accessory Apartment”**

Delete the current definition:

~~Accessory Apartment shall mean a self-contained dwelling unit consisting of one or more rooms with separate kitchen facilities, at least one bathroom, and not more than two (2) bedrooms, incorporated within the single-family structure on the premises.~~

Replace with the definition of “Accessory Dwelling Unit (ADU)” from the model bylaw:

Accessory Dwelling Unit (ADU) shall mean 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.

## **Add “Gross Floor Area”**

Add the definition of “Gross Floor Area” from the model bylaw:

Gross Floor Area (GFA) 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.

## **Add “Local ADU”**

Add the definition of “Local ADU” from the model bylaw:

Local ADU shall mean an ADU that is not a Protected Use ADU and may include rules specific to Leverett.

## **Add “Protected Use ADU”**

Add the definition of “Protected Use ADU” from the model bylaw:

Protected Use ADU shall mean an attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Zoning District that allows single-family dwelling units as a Principal Use, built as of-right in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

## **Add “Short-Term Rental”**

Add the definition of “Short-Term Rental” from the model bylaw:

Short-Term Rental shall mean an owner-occupied, tenant-occupied, or non-owner-occupied property as defined in M.G.L. c. 64G § 1, including, but not limited to, an apartment, house,

cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant for a period of 90 consecutive days or less; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

## **Add “Transit Station”**

Add the definition of “Transit Station” from the model bylaw:

Transit Station shall mean a Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.