



TOWN OF  
**MONTAGUE**  
MASSACHUSETTS

TOWN HALL  
One Avenue A  
Turners Falls, MA 01376

DEPARTMENT OF PLANNING &  
CONSERVATION  
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**MEMORANDUM**

TO: Selectboard  
FROM: Maureen Pollock, Director of Planning & Conservation  
RE: Planning Board's Petition for adoption of new Zoning Bylaw section 8.5 Accessory Dwelling Units  
DATE: January 29, 2026

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**PLANNING BOARD RECOMMENDATION:**

On January 27, 2026, the Montague Planning Board voted 5-0, to recommend the Town of Montague to adopt the proposed Accessory Dwelling Unit (ADU) zoning amendments. Specifically, the Board requests the Town to initiate the following zoning amendment petitions to the Selectboard:

- Strikeout term "Accessory Apartments" and replace with "Accessory Dwelling Units (ADU)" in Section 5.4.
- Remove Section 8.5 Accessory Apartments and replace with an entirely new section.
- Remove "Accessory Apartments within existing single family homes, per §8.5" in Section 9.1.2(e).

The proposed zoning amendments is result of many discussions and reviews by the Planning Board, comments received by members of the public and staff, initial review from the Massachusetts Attorney General's Office Senior Counsel for Housing and Municipal Law; and from reviewing fully approved ADU zoning amendments in MA.

**BACKGROUND:**

Montague has permitted ADUs through its Zoning Bylaw for many years. Since the 1990s, ADUs have been allowed as Accessory Apartments, often requiring a Special Permit with specific conditions. One key condition, owner occupancy, has remained in the Bylaw through subsequent amendments.

In 2019, the Zoning Bylaw was significantly revised to introduce different types of ADUs and updated general requirements. The maximum allowed size for ADUs was increased to 900 square feet of gross floor area, up from the 700 square feet permitted under the 1996 Bylaw.

The updates aimed to encourage the construction of different types of ADUs, which are viewed as an effective way to create an additional unit on a single-family property. More ADUs have been permitted and constructed in town, since the Bylaw update.

In August 2024, Governor Healy signed the Affordable Homes Act into law (Chapter 150 of the Acts of 2024). Sections 7 and 8 of the Affordable Homes Act amends the Zoning Act, Massachusetts General Laws (MGL) Chapter 40A, to allow ADUs up to 900 square feet to be built by-right in any single-family residential zoning district. The effective date of these changes to MGL was delayed until February 2, 2025, at which time there would be Rules and Regulations published and additional guidance from the State.

The Planning Board began drafting updates to the Bylaw in Spring 2025. The Planning Board knew

they needed a bylaw that addressed the new protected use ADUs which do not require any land use permitting and cannot be unreasonably regulated by local zoning. There were questions about ADU size, parking, dimensional standards, and occupancy requirements. As the Board continued discussions about the draft zoning amendments, Planning staff provided informational updates from the State, such as the final Rules and Regulations, a model zoning bylaw, webinars and legal determinations made by the Attorney General's Office.

The new State legislation has two parts: a definition for ADUs and the law that governs this new protected use category of ADUs. The definition describes ADUs as a self-contained housing unit with a separate entrance that meets building code, is not larger than ½ the gross floor area of the principal dwelling or 900 square feet (whichever is smaller) and that ADUs can be subject to reasonable restrictions imposed by a municipality, including for short term rentals. The law that governs the protected use category of ADUs limits the ability of local zoning bylaws to overly regulate ADUs as it: prohibits requiring a special permit or other discretionary zoning approvals; prohibits requiring owner occupancy of either the ADU or principal dwelling; prohibits requiring more than one parking space if the ADU is located within a ½ mile of a bus station/stop. Further, as a protected use, local regulations concerning dimensional standards (setback, height, lot coverage) and design standards must be reasonable.

The State's Rules and Regulations include a statement of purpose, definitions, description of prohibited and unreasonable regulations, and limits the ability of a municipality to enforce local regulations on pre-existing ADUs that meet the standards of the new legislation. Although the Rules and Regulations are intended to expand and clarify the legislation to help municipalities develop and administer local zoning, there were still questions by the Planning Board, staff and other communities. More recently, determinations by the Attorney General's Office have provided further clarification and interpretation of the legislation and Rules and Regulations by reviewing zoning amendments passed by municipalities and submitted for State approval.

The current zoning amendment proposed by the Planning Board incorporates comments and feedback from Board members, the public and staff, while also adhering to the new legal framework. The proposal defines two types of ADUs—a local ADU and the protected use ADU. These two types of ADU's have similar definitions and would follow the same nine general requirements in the proposed bylaw amendment. The proposed local ADU, like the protected use ADU, are not currently defined in the Bylaw. There are five key differences that apply to the local ADU and not the protected use ADU:

1. A local ADU may be as large as 1,200 square feet of Gross Floor Area.
2. The Gross Floor Area for a Local ADU does not include the area of unfinished basement space used for storage or utilities.
3. A local ADU requires Special Permit approval from the Zoning Board of Appeals
4. A Local ADU shall be designed so that the appearance and scale of the structure is compatible with the Principal Dwelling.
5. A minimum of one (1) on-site parking space shall be provided for any local ADU regardless of whether it is located within ½ mile of a commuter rail station or bus stop.

The strategy for offering a local ADU option is that it helps existing ADUs that do not meet the definition and standards of the protected use ADUs from becoming non-conforming, and with its larger size, it may incentivize owners to choose this option, i.e. persons with disabilities.

#### **PROCESS FOR TOWN MEETING ADOPTION OF THE ZONING AMENDMENTS:**

1. Selectboard Referral – February 2, 2026  
Planning Director introduce the zoning amendment petitions to Selectboard and answer preliminary questions and request that the zoning amendments be referred to the Planning Board

for public hearing.

2. Planning Board Public Hearing –February 24, 2026  
Planning Board will open the public hearing to review the zoning amendment petitions. Public comments will be taken. If ready, the Planning Board will close the public hearing and vote to recommend the adoption of proposal at the May 2, 2026 Annual Town Meeting.
3. Warrant Article Submission to Selectboard – March 11, 2026  
Planning Director will notify the Selectboard of the Planning Board’s vote with submitted Planning Board Report. At its April 6, 2026 meeting, the Selectboard executes the warrant for the upcoming Annual Town Meeting scheduled on May 2, 2026.
4. Pre-Town Meeting Forum – April 28, 2026  
Planning Director will review amendments with Annual Town Meeting members and answer questions.
5. Annual Town Meeting– May 2, 2026  
At this meeting, Town Meeting members will vote on the zoning amendments.
6. Attorney General’s Review/Approval– After May 2, 2026  
Post-vote, the amendments will be submitted for state review and approval.