

See Track Changes on pages 35-39, as of November 26, 2024

nuisance or safety hazard. Feed must be secured in accordance with best management practices.

- (d) In all districts for parcels of 5 or more acres, if the keeping of livestock is an agricultural use, then the provisions of this section shall not apply.

8.4.4 Keeping of poultry

The raising or keeping of poultry for pets or for use by residents of the premises but not for commercial agricultural purposes is permitted on residential parcels as follows:

- (a) Roosters (male chickens) are prohibited, with the exception of properties in the Agricultural-Forestry or Rural Business Districts.
- (b) The structures housing or sheltering the poultry must be located at least 30 feet from any abutting residence, business, school, or church (the principal building, not the property line or accessory structure).
- (c) The poultry must be restricted to the property.
- (d) All stormwater runoff from the coop, run, and compost area shall be contained on the premises and must be maintained to control dust and odor so as to not constitute a nuisance or safety hazard. Feed must be secured in accordance with best management practices.
- (e) In all districts, for parcels of 5 or more acres, if the keeping of poultry is an agricultural use, then the provisions of this section shall not apply.

8.4.5 Kennels

Kennels are permitted by Special Permit in the Agriculture- Forestry Districts, Rural Business District and Industrial District provided the following standards are met:

- (a) Any structures housing the animals are either located in an area where sound will be buffered so as to not cause a disturbance to the neighborhood or the buildings are sound insulated and must be located a minimum of 100 feet from any abutting residence business, school, or church (the principal building, not the property line or accessory structure).
- (b) All animal wastes shall be collected and properly disposed of in a manner to prevent pollution of surface or ground water.
- (c) Dogs shall not be permitted to bark excessively at night (e.g. for periods longer than fifteen minutes) so as to create a nuisance.

PROPOSED ZONING AMENDMENTS TO THE MONTAGUE ZONING BYLAW (Required revisions under the Affordable Homes Act Signed by Governor Maura Healey relative to Accessory Dwelling Units)

8.5 Accessory Dwelling Apartments Units

8.5.1 Purpose

The purpose of permitting accessory ~~apartments~~ dwelling units is to:

- (a) Develop housing units ~~in owner occupied~~ single-family homes that are appropriate for households at a variety of stages in their life cycle;

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- (b) Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise leave;
- (c) Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to low and moderate income households who might otherwise have difficulty finding housing;
- (d) Provide housing units for persons with disabilities;
- (e) Protect stability, property values, and the residential character of a neighborhood, and
- (f) Encourage increased housing density.

8.5.2 Definitions

~~ACCESSORY APARTMENT, WITHIN: an Accessory Apartment that is within a single family dwelling is a self-contained housing unit incorporated within the single family dwelling that is clearly a subordinate part of the single family dwelling and complies with each of the criteria stated in this bylaw.~~

~~ACCESSORY APARTMENT, ATTACHED: an attached Accessory Apartment is a self-contained housing unit added as an addition to a single family dwelling that is clearly a subordinate part of the single family dwelling and complies with each of the criteria stated in this Bylaw. This definition does not include a trailer or mobile home, however mounted.~~

~~ACCESSORY APARTMENT, DETACHED: a detached Accessory Apartment is a self-contained housing unit that is located on the same lot as the structure of a single family dwelling and may be incorporated within a garage or carriage house or other accessory structure or as a stand alone structure that is clearly subordinate to the primary use as a single family unit and complies with each of the criteria stated in this Bylaw. This definition does not include a trailer or mobile home, however mounted.~~

ACCESSORY DWELLING UNIT: Pursuant to MGL c. 40A §1A, an Accessory Dwelling Unit is a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal single-family 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 single-family 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 single-family dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions found in this Bylaw.

The gross floor area of the Accessory Dwelling Unit shall be calculated as gross square feet, in accordance with the Massachusetts Building Code.

An Accessory Dwelling Unit may be contained within an existing single-family dwelling, attached to an existing single-family dwelling, detached as a separate building or within a detached structure (i.e. above an existing detached garage).

8.5.3 Applicability

- (a) An Accessory Dwelling Unit may be permitted in the AF, AF-2, AF-4, RS-1, RS-2, RB, NB, and GB Zoning Districts, following review of the proposed accessory use by the Building Inspector and verification that it meets the requirements of this Bylaw and the General Requirements found below in Section 8.5.4. Accessory Apartment, Within. The Inspector of Buildings may issue a Building Permit authorizing the installation and use of an Accessory Apartment within an existing or new owner-occupied, single family dwelling unit.
- ~~(b) Accessory Apartment, Attached. An attached Accessory Apartment shall require a Special Permit granted by the Zoning Board of Appeals.~~
- ~~(c) Accessory Apartment, Detached. A detached Accessory Apartment shall require a Special Permit granted by the Zoning Board of Appeals.~~

8.5.4 ~~Standards~~General Requirements. The following requirements shall apply:

- ~~(a) Only one (1) Accessory Apartment Dwelling Unit shall be permitted by-right, as accessory to a single-family dwelling, located on the same lot, may be created within a single family dwelling or on a house lot.~~
- ~~(b) A lot with an Accessory Dwelling Unit shall not be subdivided or split, and shall remain as one property with a principle Single-Family Dwelling and an Accessory Dwelling Unit.~~
- ~~(c) The principal Single-Family Dwelling and Accessory Dwelling Unit shall remain under single ownership and the ownership shall not be split into a condominium.~~
- ~~(d) Accessory Dwelling Units shall follow all dimensional requirements in the Zoning Bylaw, however, as an accessory use, Accessory Dwelling Units are exempt from the additional lot area/dwelling unit requirements, under Section 5.5 of this Bylaw.~~
- ~~(e) The maximum size of an Accessory Dwelling Unit shall not be is not larger in gross floor area than 1/2 the gross floor area of the principal single-family dwelling or 900 square feet, whichever is smaller. The gross floor area of the Accessory Dwelling Unit shall be calculated as gross square feet, in accordance with the Massachusetts Building Code.~~
- ~~(f) An Accessory Dwelling Unit shall not be used as a Short-Term Rental, as defined under MGL c. 64G §1.~~
- ~~(g) A minimum of one (1) off-street parking space shall be provided for an Accessory Dwelling Unit, located on the same lot.~~
- ~~(h) Adequate off-street parking shall be provided for the Accessory Dwelling Unit, as provided on a parking plan.~~

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- (i) All exterior lighting shall be designed and installed so as to be shielded, downcast, and dark sky compliant to avoid light trespass onto adjacent properties.
- (j) On-site storage and management of waste and recycling shall occur on the interior of the dwelling, within an attached garage or other accessory outbuilding, or screened appropriately from public view. There shall be no freestanding dumpster or storage unit associated with a property regulated under this section, except on a temporary basis in association with construction or similar temporary purposes.
- (k) The Accessory Dwelling Unit and property shall be operated in accordance with a Management Plan submitted to and approved by the Building Inspector. Upon any change in ownership, a new Management Plan shall be filed in a timely manner with the Building Inspector for review and approval.
- (l) To the extent feasible, newly constructed Accessory Dwelling Units shall be located behind the front building line of the primary structure.
- (m) To the extent feasible, any new entrances for an Accessory Dwelling Unit attached or contained to the existing primary structure shall be located on the side or rear of the building and any exterior changes shall conform to the character of the neighborhood.
- (n) A reflective street address sign for each unit shall be installed at the street in a manner ensuring their visibility for public safety personnel from any approach.
- (o) The Accessory Dwelling Unit shall be designed so that the appearance and scale of the building is compatible with the primary single-family dwelling unit. Detached Accessory Dwelling Units shall be clearly accessory to the primary dwelling unit.
- (a) Utilities and water supply shall be integrated with the single family dwelling.
- (b) The owner(s) of the residence in which the Accessory Apartment is created must continue to occupy at least one of the dwelling units as their primary residence. A covenant, in a form satisfactory to Town Counsel, stating the conditions of any permit issued under this Section must be recorded in the Franklin County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Inspector of Buildings, prior to the occupancy of the Accessory Apartment.
- (c) The Accessory Apartment shall be designed so that the appearance of the building remains that of a single family residence as much as feasibly possible. Any new entrances shall be located on the side or rear of the building. A detached accessory apartment shall be compatible in design with the primary residence. Any stairways, access, or egress alterations serving the Accessory Apartment shall be enclosed, screened, or located so that visibility from public ways is minimized.
- (d) The maximum gross floor area of Accessory Apartment shall be no greater than nine hundred (900) square feet.

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- ~~(e) A minimum of two (2) but no more than four (4) off street parking spaces must be available for use by the owner-occupants and tenants.~~
- ~~(f) When a property with an Accessory Apartment is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Inspector of Buildings stating that they will occupy one of the dwelling units on the premises as their primary residence. This statement shall be listed as a condition on any Permits which are issued under this Section.~~
- ~~(g)(a) Prior to issuance of a Building or Special Permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.~~
- ~~(h) For dwellings to be served by on-site septic system, the owner must obtain a letter from the Board of Health stating that the existing sewage disposal system is adequate for the proposed Accessory Apartment before a Building or Special Permit can be obtained.~~
- ~~(i) Accessory Apartments in the AF-1, RS-2 and RB districts will not require additional minimum lot size requirements in § 5.5.1, provided that the standard in § 8.5.4 (i) is satisfied.~~
- ~~(j) In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Inspector of Buildings or the Zoning Board of Appeals may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.~~

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8.6 Telecommunication Facilities

8.6.1 Purpose

To allow telecommunication and wireless communication services with minimal effect to the safety and general welfare of the public primarily through the following methods:

- (a) Minimizing the required number of such facilities by maximizing the shared use of any new or existing structures.
- (b) Minimizing the adverse visual impacts through careful design, siting, and screening.

8.6.2 Definitions

TELECOMMUNICATION FACILITIES: includes towers, antennas, buildings and accessory structures designed or modified to provide personal communications services, radio and television broadcast or reception, wireless communications, or similar communication services. Not included are antennas used for personal television and radio reception or radio facilities actively used under a Federal Communication Commission amateur radio license or antennas that are located on existing utility poles within a street right of way. A Telecommunication Facility shall be considered a Public Utility for the purposes of this Bylaw (See §2).

8.6.3 Applicability