



TOWN OF
MONTAGUE
MASSACHUSETTS

TOWN HALL
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DEPARTMENT OF PLANNING &
CONSERVATION
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MEMORANDUM

TO: Town Meeting
FROM: Maureen Pollock, Director of Planning & Conservation
RE: Article 28 - Planning Board Report to Town Meeting – Accessory Dwelling Units (ADUs) Rezoning
DATE: May 2, 2026

Recommendation: On February 24, 2026 the Planning Board voted 5-0-0 in favor of recommending to amend the Zoning Bylaws by amending:

- Section 5.4, Accessory Uses, to strikeout term “Accessory Apartments” and replace with “Accessory Dwelling Units (ADU)”
- Section 8.5, Accessory Apartments, to remove this section and replace it with an entirely new section.
- Section 9.1.2(e), to remove “Accessory Apartments within existing single family homes, per §8.5”.

with the full text of the above amendments and a copy of the proposed zoning text is on file with the Office of the Town Clerk and available on the Town’s website at: https://montague-ma.gov/files/TM_Article_28_ADU_Rezoning_Text_05-02-2026.pdf, or to pass any vote or votes in relation thereto.

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.

Public Hearing Process: After the Selectboard referred the above listed zoning amendments and changes to the Official Zoning Map to the Planning Board, the Board opened the public hearing within 65 days on February 24, 2026, at which time, the Board considered the proposal and accepted public comments. The Planning Board closed the public hearing on February 24, 2026 and unanimously voted 5-0-0 to recommend the Town of Montague to adopt the proposal, subject to technical adjustments based on comments from the February 24, 2026 Public Hearing, as proposed by consultants, Town staff, and KP Law, and as discussed.

The public hearing notice was duly published in the Greenfield Recorder on Monday, February 9, 2026 and Monday, February 16, 2026. Additionally, a public hearing notice was published in the Montague Reporter on Thursday, February 19, 2026. The notice was also posted on the physical bulletin board at Town Hall and on the online Town Calendar, starting on Monday, February 9, 2026. Notice of the hearing was also sent to the Executive Office of Housing and Livable Communities (EOHLC), Franklin Regional Council of Governments (FRCOG), and the planning board of each abutting community.

During the public hearing, there were approximately 7 individuals who provided public comment. There was support for the zoning amendments which aims to encourage housing in residential neighborhoods. There were questions about setbacks, parking, and clarifying the difference between a Protected Use ADU versus the Local ADU. Much of the Planning Board's discussion during the hearing was in response to the public's questions.

The Planner clarified the difference between a Protected Use ADU versus a Local ADU, which includes:

An ADU is a self-contained living area, with kitchen, bath, and sleeping area, separate entrance. It can be attached, within, or detached from principal building.

If you own a home in Montague, and you would like to build an ADU on your property in a Zoning District that allows a single-family home.

Here are your permitting options:

Protected Use ADU:

You may build one 'Protected Use' ADU that is up to 900 square feet by-right. No Zoning Board of Appeals (ZBA) approval is needed, just a building permit.

Protected Use ADU meets the state-mandated law & zoning:

- Maximum size is 900 square feet
- Protected Use ADU is allowed by-right in any zoning districts that allows a single-family home
- No minimum lot size required (e.g. a non-conforming lot can have an ADU)
- A minimum of one parking space for the ADU is required.
- However, if the ADU is located within a ½ mile of a bus stop then the Town cannot require a parking space for the ADU, per state mandate
- Can only have one Protected Use ADU total per lot

Local ADU:

You may build one ADU that is up to 1,200 square feet by Zoning Board of Appeals (ZBA) Special Permit approval.

Local Use ADU meets Montague zoning requirements:

- Maximum size is 1,200 square feet
- Gross floor area doesn't include area of unfinished basement space use for storage or utilities
- Needs to be designed so appearance and scale is compatible with principal dwelling
- Allowed by Zoning Board of Appeals (ZBA) Special Permit approval
- Needs to meet the minimum lot size requirement
- Parking space is required even if it's located within ½ mile of a bus stop
- Can only have one Local ADU total per lot

Quantum of Vote: After reviewing the full text of the Zoning Amendment and changes to the Official Zoning Map, the Town's legal counsel advises that at a favorable 2/3 vote of Town Meeting is required.