

Town of Montague – Planning Department
Draft Accessory Dwelling Unit (ADU) Zoning Amendment
Revision Date: March 4, 2026
For May 2, 2026 Annual Town Meeting consideration & vote – Article 28

Article 28. To see if the Town will vote to amend its Zoning Bylaws by amending Section 5.4 - Accessory Uses by inserting the text shown as underlined and deleting text shown as ~~struckthrough~~, by deleting Section 8.5 - Accessory Apartments and replacing it with an entirely new Section 8.5 – Accessory Dwelling Unit, and by amending Section 9.1.2(e) by deleting text shown as ~~struckthrough~~, all as shown below, or take any action relative thereto.

SECTION 5. DISTRICT REGULATION

5.4 Accessory Uses

Any use which is, in Franklin County, customarily accessory and incidental to a permitted Principal Use shall be permitted on the same lot with said Principal Use, or on a lot adjacent thereto in the same ownership, and with the exception of Protected Use Accessory Dwelling Units, all accessory uses are subject to the general limitation that it shall not be detrimental to the neighborhood or the property in the vicinity, and subject further to the following provision: wherever a Principal Use is allowed by Special Permit then Accessory Uses to the Principal Use shall be subject to a Special Permit, unless otherwise provided in the bylaws, and with the exception of Protected Use Accessory Dwelling Units. The following accessory uses have specific requirements in Section 8

SPECIAL REGULATIONS:

- *Trailers, Mobile Homes, and Campers, §8.1*
- *Home Occupations, §8.3*
- *Boarding of Animals, §8.4*
- *~~Accessory Apartments~~ Accessory Dwelling Units (ADU), §8.5*
- *Solar Energy Installations, §8.9*

SECTION 8.5 ACCESSORY DWELLING UNIT

8.5.1 Purpose

Accessory Dwelling Units (ADUs) allow the Town of Montague to expand and diversify its housing supply by making efficient use of resources without requiring the creation of new lots. ADUs are intended to meet the changing housing needs of the community by providing smaller units in existing residential neighborhoods.

8.5.2 Applicability

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The Town of Montague permits two types of Accessory Dwelling Units: a Protected Use ADU in accordance with MGL c. 40A §3 and 760 CMR 71.00, and a Local ADU. Both types of ADUs shall be permitted in any single-family residential zoning district that allows a single-family dwelling as-of-right or by Special Permit, including: AF, AF-2, AF-4, RS-1, RS-2, RB, NB, GB, HI, and SGODs Zoning Districts.

- (a) A Protected Use ADU shall meet the State definition per MGL c. 40A §1A, as well as State regulations under 760 CMR 71.00. The use of land or structures for a Protected Use ADU shall be as-of-right, meeting all requirements associated with the issuance of a building permit and meeting certain requirements listed in this section of the Zoning Bylaw, provided, however, that only one ADU on a lot may qualify as a Protected Use ADU.
- (b) A Local ADU shall meet the definition and specific requirements in this section of the Zoning Bylaw and shall only be allowed by Special Permit from the Zoning Board of Appeals. When a lot has a Protected Use ADU and a second Protected Use or Local ADU is proposed, the second ADU shall be permitted by a Special Permit from the Zoning Board of Appeals.
- (c) Either ADU type may be completely contained within the Principal Dwelling, attached to a Principal Dwelling, detached as a separate building or within a detached structure (e.g. above an existing detached garage). Any ADU may be within an existing building or new construction.

8.5.2 Definitions

For the purposes of this section of the Zoning Bylaw, the following definitions shall apply:

- (a) **Local Accessory Dwelling Unit (Local ADU):** A Local ADU that is not a Protected Use ADU and shall be a self-contained residential dwelling unit, inclusive of sleeping, cooking, and sanitary facilities on the same lot as a Principal Dwelling that: (i) 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 state building code for safe egress; (ii) is not larger than a Gross Floor Area of 1,200 square feet; and (iii) is subject to such additional requirements found in this section of the Zoning Bylaw.
- (b) **Protected Use Accessory Dwelling Unit (Protected Use ADU):** Pursuant to MGL c. 40A §1A, and its associated state regulations under 76 CMR 71.00, a Protected Use ADU is a self-contained residential dwelling 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 (i) 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 state building

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code for safe egress; (ii) is not larger than a gross floor area of 900 square feet, provided that only one ADU on a Lot may qualify as a Protected Use ADU; and (iii) is subject to such additional requirements found in this section of the Zoning Bylaw.

- (c) **Gross Floor Area (GFA).** 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.
- (d) **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.
- (e) **Transit Station.** A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.
- (f) **Bus Station.** A location serving as a point of embarkation for any bus operated by a Transit Authority.

8.5.3 General Requirements for Protected Use Accessory Dwelling Units and Local Accessory Dwelling Units

- (a) All ADUs shall be located on the same lot as the Principal Dwelling.
- (b) There shall be no more than one Local ADU and one Protected Use ADU permitted on the same lot as the Principal Dwelling.
- (c) All ADUs are exempt from the additional lot area/dwelling requirements of Section 5.5.1 of the Zoning Bylaw.
- (d) All ADUs shall meet the dimensional requirements for accessory structures under Section 5.5.2 of the Zoning Bylaw.
- (e) No additional or separate driveway curb cut to serve any ADU shall be permitted unless approved by the Department of Public Works.

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- (f) 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.
- (g) On-site storage and management of waste and recycling shall be located on the interior of the dwelling, within an attached garage or other accessory outbuilding, or screened appropriately from public view.
- (h) To the extent feasible, a newly constructed detached ADU shall be located behind the front building line of the Principal Dwelling closest to the street.
- (i) No camper or mobile home, as defined in Section 8.1.2 of the Zoning Bylaw, may be used as a Protected Use or Local ADU, nor may either ADU be mounted on a trailer.

8.5.4 Specific Requirements for Protected Use Accessory Dwelling Units

- (a) There is no minimum lot size required for a Protected Use ADU.
- (b) The more permissive (i.e. least restrictive) dimensional regulations found in Section 5 of the Zoning Bylaw for a detached single-family dwelling, the Principal Dwelling or an accessory structure, shall apply to the Protected Use ADU.
- (c) A minimum of one (1) parking space shall be provided for a Protected Use ADU that is further than 1/2 mile from the nearest transit station. In accordance with 760 CMR, no parking space shall be required for a Protected Use ADU located within 1/2 mile of a transit station.

8.5.5 Specific Requirements for Local Accessory Dwelling Units

- (a) A minimum of one (1) parking space shall be provided for a Local ADU.
- (b) A Local ADU shall be designed so that the appearance and scale of the structure is compatible with the Principal Dwelling.
- (c) The Gross Floor Area for a Local ADU does not include the area of unfinished basement space used for storage or utilities.

SECTION 9. SITE PLAN REVIEW AND SPECIAL PERMITS

9.1. Site Plan Review

9.1.1 Purpose

The purpose of the Site Plan Review process is to provide detailed review of certain uses and structures which have a potential for significant impact on the character, infrastructure, and natural resources of the Town of Montague.

9.1.2 Applicability

The following activities and uses are subject to site plan review:

(a) All uses that involve the construction or expansion or change of use of over 3,000 square feet of floor area.

(b) All uses that involve the development of over 130,680 square feet (3 acres) of land.

(c) Any new structure, group of new structures, changes of use, or additions which result in an increase of 500 or more vehicle trips per day, as proposed in an applicant’s business plan acceptable to the reviewing authority or estimated by a professional engineer.

(d) All uses that involve the construction or expansion of a parking area that creates ten (10) or more new parking spaces, per §7.2.6

(e) Specific Uses identified elsewhere in this bylaw:

- ~~• Accessory Apartments within existing single family homes, per §8.5~~
- Self-storage facilities, per §8.9
- Solar energy and battery energy storage facilities, per §8.9
- Medical Marijuana Treatment Center or Marijuana retailer, cultivation, production, research or testing, per §8.10
- Open Space Residential Development, per §8.11
- Planned Unit Development, per §8.12