

Proposed Changes to Gill Zoning Bylaws; ADUs

Section 2: USE REGULATIONS

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Section 4: ACCESSORY DWELLING UNITS

A. Purpose

The purpose of this Section 4 is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as-of-right in Gill 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 the 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 context of town 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.

B. Definitions

For purposes of this Section 4, the following definitions shall apply:

1. **Accessory Dwelling Unit (ADU).** 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 ingress and egress. ADUs may be detached, attached, or internal to the Principal Dwelling. Only one (1) Protected Use ADU is allowed on a lot.

- 2. Gross Floor Area.** The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including lofts, basements, 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, porches, and similar spaces.
- 3. Modular Dwelling Unit.** A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems, in compliance with the Building and Fire Code, prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities. A Manufactured Home that does not comply with the Building Code or Fire Code shall not be considered a Modular Dwelling Unit.
- 4. 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.
- 5. Protected Use ADU.** An attached, detached, or internal ADU that is located, or is proposed to be located, on a Lot with a Principal Dwelling in the Residential, Residential-Agricultural, or Village Commercial Zoning District and is not larger in Gross Floor Area than 1200 square feet, provided that only one ADU per lot may qualify as a Protected Use ADU; or in the Village Residential Zoning District and is not larger in Gross Floor Area than 900 square feet, provided that only one ADU per lot may qualify as a Protected Use ADU. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.
- 6. Short-Term Rental.** 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 31 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.
- 7. Transit Station.** A Transit Station includes a subway station, commuter rail station ferry terminal or bus station serving as a point of embarkation for any bus operated by the Franklin Regional Transit Authority. There are currently no Transit Stations in Gill, nor does the closest Transit Station have a half-mile radius that extends in Gill (as of May 2026).

C. Regulations

1. General Provisions for All ADUs

a. Code Compliance

i. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe ingress and egress under the Building Code and Fire Code.

ii. ADU Construction shall comply with the 780 CMR 71.00: Massachusetts State Building Code and 310 CMR 15.000: The State Environmental Code, Title 5 regulations, Building Code and Fire Code.

b. Short-Term Rentals

i. ADUs may not be operated as Short-Term Rentals.

2. Protected Use ADUs.

The Building Inspector shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling, including within, or on a lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

a. Dimensional Standards.

i. A Protected Use ADU shall not be larger than a Gross Floor Area of 1200 square feet in the Residential, Residential-Agricultural, and Village Commercial Zoning Districts. A Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet in the Village Residential Zoning District.

ii. A detached Protected Use ADU may be located within a garage, barn, or other accessory structure in existence on May 4, 2026, or within a new accessory structure located within 100 feet of the existing Principal Dwelling. Upon written request by the applicant, the Planning Board may waive or increase the 100 foot separation requirement by a majority vote upon written findings that: 1. special circumstances of the site, its surroundings, or the proposal design that negate the need for imposition of the requirement, or the objectives of this section may be met in alternative manner; and 2. that such a waiver or reduction will not derogate from the public purposes and intent of this zoning bylaw.

iii. A Protected Use ADU shall not have more restrictive dimensional standards than those required for a Single-Family Residential Dwelling, Principal Dwelling, or accessory structure within the same district, whichever results in more permissive regulation.

b. Off-Street Parking.

i. A maximum of one (1) additional off-street parking space shall be required for Protected Use ADUs in addition to the off-street parking spaces required for the Principal Dwelling. For lots within a half-mile of a Transit Station, providing parking for the ADU is not required. (As of May 2026, there are no Transit Stations in Gill, nor does a half-mile radius of a Transit Station extend into Gill).

c. Allowed/Disallowed Building Types.

i. Building Code-compliant dwelling structures, including Modular Dwelling Units, may be used as an ADU. A recreational vehicle or trailer or Manufactured Home, not compliant with the Building Code or Fire Code, may not be used as an ADU.

d. Sale of ADU.

i. A Protected Use ADU may not be sold separately from the Principal Dwelling.

3. Nonconformance.

i. A Protected Use ADU shall be permitted within, or on a Lot with, a Pre-Existing Nonconforming Structure so long as the Protected Use ADU can be developed in conformance with the Building Code, 760 CMR 71.00, and state law.

D. Administration and Enforcement

1. The Building Inspector shall administer and enforce the provisions of this Section 4.
2. No building shall be changed in use or configuration without a Building Permit from the Building Inspector.
3. No building shall be occupied until a Certificate of Occupancy is issued by the Building Inspector, where required.
4. The Building Inspector, when applicable, shall apply the Dover analysis as articulated in the standards in 760 CMR 71.03(3)(a), to any request for a Protected Use ADU Building Permit and shall waive any zoning requirement that the Building Inspector finds to be unreasonable under the Dover analysis.

E. Severability

If any subsection, sentence, clause, phrase, or other portion of this Section 4 is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be

severed and all other provisions of this Section 4 shall continue in full force and effect.

Section 17: DEFINITIONS

ACCESSORY DWELLING UNIT (ADU): As defined in Section 4.

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