



**Town of Bridgewater**  
**Community and Economic Development Committee**

February 19, 2025

6:30 PM

**Joint meeting with Planning Board**

The meeting will be held virtually via Zoom.

To attend via video, click on the link below:

<https://us06web.zoom.us/j/85907288967>

To attend via phone, dial: 1(646) 876-9923

**Meeting ID: 859 0728 8967**

**MEETING AGENDA**

**Disclosure:** Pursuant to Section 20 of Chapter 20 of the Acts of 2020, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, and the March 31, 2025, extension granted by Chapter 22 of the Acts of 2022, this meeting for the Town of Bridgewater will be fully remote and accessible to the public through remote participation to the greatest extent possible. No in-person attendance is permitted. Citizens who wish to tune in to the meeting may do so via Zoom.

- A. Call to Order**
- B. Public Comment**
- C. Public Hearing**
  - a) Proposed Zoning Ordinance D-FY25-014: Zoning Amendment for Accessory Dwelling Units
- D. Adjournment of Meeting**



# Bridgewater Town Council

Introduced By: Kevin Perry, Councilor  
 Date Introduced: 1/7/2025  
 First Reading: 1/7/2025  
 Second Reading:  
 Amendments Adopted:  
 Third Reading:  
 Date Adopted:  
 Date Effective:

## Proposed Zoning Ordinance D-FY25-014: Zoning Amendment for Accessory Dwelling Units

**ORDERED**, pursuant to MGL, Chapter 40A that the Town Council assembled voted to amend Zoning Ordinance amendment pursuant to Accessory Dwelling Units and Amend Section 3.3.3, Section 4.1, creation of Section 4.5, amendments to Definitions and Table of Uses and Footnote 3, Table of Dimensional Requirements as attached:

**Explanation:**

*For the last few months, the CED Department and Planning Board have worked on language for an amendment for Council consideration based around the Section 8 of the Affordable Homes Act amends the Zoning Act to allow ADUs up to 900 square feet to be built by right in single-family zoning districts within Massachusetts. Currently, Bridgewater utilizes language called “Expanded Living Area in Place” which caps the square footage at 800 sq. ft and requires unrestricted passage. The law goes into effect February 2, 2025.*

**Committee Referrals and Dispositions:**

Referral(s)	Disposition(s)
<ul style="list-style-type: none"> <li>Town Council</li> </ul>	<ul style="list-style-type: none"> <li>1/7/25: Referred to Community and Economic Development and Planning Board</li> </ul>
<ul style="list-style-type: none"> <li>Community and Economic Development</li> </ul>	<ul style="list-style-type: none"> <li>2/19/25: Joint Public Hearing with Planning Board (<i>Advertised in the 2/4/25 and 2/11/25 Enterprise</i>)</li> </ul>
<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>

Attachments:

1. ADU 11-18-24
2. Expanded Living Area in Place - Bridgewater
3. Zoning Act Reforms in Housing Bond Bill of 2024

Zoning Amendment for Accessory Dwelling Units

*Amendments to Section 3.3.3, Section 4.1, creation of Section 4.5, amendments to Definitions and Table of Uses and Footnote 3, Table of Dimensional Requirements*

**3.3.3 Residential Accessory Uses.**

The following accessory uses are specifically permitted as of right or by special permit in the Residence Districts, as set forth herein:

1. Boarders in Single-Family Dwelling. The renting of rooms and/or furnishing of board to not more than two persons in a single-family dwelling by the owner/occupant thereof shall be a permitted accessory use.
2. **Accessory Dwelling Units (as defined in these ordinances) in single family houses. Accessory Dwelling Units shall follow dimensional requirements as noted in Section 4.5.**

4.4 Accessory Structures (no changes)

4.4.1 Dimensional Requirements and Location. Except as otherwise provided herein, the following dimensional rules shall apply to accessory structures:

1. Accessory structures or buildings with a footprint of 150 – 300 square feet or less may be located within five (5) feet of a rear or side property line.
2. Accessory structures or buildings with a footprint larger than 300 – 900 square feet may be located within ten (10) feet of a front, rear or side property line after issuance of a special permit from the Board of Appeals
3. Accessory structures or buildings with a footprint larger than 900 square feet shall require a special permit and shall be set back from side or rear property lines in accordance with the provisions of the Table of Dimensional Requirements.
4. An accessory building attached to its principal building or within ten (10) feet of it shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building.
5. Accessory structures and buildings shall be located on the same lot as the principal structure on the premises.

#### **4.5 Accessory Dwelling Units (ADU)**

- 1.) Accessory Dwelling Units (conversion, attached, or detached) shall be subject to the General Regulations (Section 4.1) & Table of Dimensional Requirements and applicable to the principal building within the Zoning District.**
- 2.) Applicability of Other Regulations. Nothing in this Section shall limit the applicability of G.L. c. 131, s. 40 or the following (where applicable): 1. 780 CMR Massachusetts State Building Code; & 310 CMR 15, Title V, Minimum Requirements for Subsurface Disposal of Sanitary Sewage (DEP).**
- 3.) ADUs shall be limited to only Single Family Dwellings and limited to one Accessory Dwelling Unit per lot.**
- 4.) Accessory Dwelling Units shall be prohibited from short-term rental use as defined in section one of M.G.L. Chapter 64G.**
- 5.) The principal dwelling or the Accessory Dwelling Unit cannot be sold or otherwise conveyed or transferred separately from the other.**
- 6.) Prior to the issuance of a Building Permit, a floor plan shall be submitted showing both existing and proposed changes to the interior and exterior of the building. The exterior of the structure shall in the opinion of the Building Inspector retain the characteristics of a single family residence.**

#### **Definitions:**

---

~~Expanded Living Space (In-law living area): Shall be limited to one bedroom of no more than 200 square feet or two bedrooms of no more than 150 square feet each. Total living area for expanded living space including bath, kitchen, living room, bedroom shall not exceed 800 square feet of living area. Unrestricted passage must be maintained on each floor level between units.~~

#### **Becomes**

**“Accessory dwelling unit”, 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: (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 in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in section 1 of chapter**

**64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.**

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, as identified in 6.30 Table of Use Regulations, i. Accessory Uses and Off-Street Parking. An accessory use by area shall not exceed ~~40~~ 50 percent of the total area of the structure(s) ~~and/or lot~~ in which such use is located. Only one accessory use shall be allowed by right for each lot.

**Table of Uses Changes:**

I.	ACCESSORY USES AND OFF-STREET PARKING	RES A/B	RES C	RES D	CBD	SBD	BUS B	GATEWAY	EAST GATEWAY	IND A	IND B	IND E	PD	MHEC	PC
13	Adult social day care home	PB	PB	PB	PB	PB	PB	PB	PB	N	N	N	N	N	D
14	Expanded living space (in-law living area) in single family dwelling	Y	Y	Y	BA	BA	BA	Y	Y	BA	BA	BA	BA	BA	N/A
15	Rooftop Solar Photovoltaic Panels, in all districts except the Historic District, roof top solar photovoltaic panels are allowed by-right subject to a height restriction of five (5) feet above the roof.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N/A

I.14 would change to Accessory Dwelling Unit in single family dwelling. Nothing would change the table.

Table of Dimensional Requirements Footnote (3)

~~On lots abutting more than one street, the front yard requirements shall apply to one of the abutting streets where not less than the required frontage distance for the lot exists. The “front yard” shall be so designated in any application to build on such lots.~~

To

**On lots abutting more than one street (corner lots) the front yard setback requirements shall apply to BOTH of the abutting streets. Corner lot has a front yard along each abutting way and no rear yard. The corner lot may have one or more side yards.**

**Essential Services:** Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, excluding power plants or transfer stations. Facilities necessary for the provisions of essential services include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety and general welfare.

**Expanded Living Space (In-law living area):** Shall be limited to one bedroom of no more than 200 square feet or two bedrooms of no more than 150 square feet each. Total living area for expanded living space including bath, kitchen, living room, bedroom shall not exceed 800 square feet of living area. Unrestricted passage must be maintained on each floor level between units.

**Family:** A group of persons related to each other by marriage or blood, or not more than three unrelated individuals, living together under a single roof and comprising a household.

**Fast Food and Ice Cream Stands:** An establishment whose principal business is the sale of pre-prepared or rapidly prepared food or ice cream for sale directly to the customer in a ready to consume state for consumption either within the restaurant building, in the parking lot, or off premises and generally requiring ordering food at a counter with no interior seated dining area.

**Fast Order Food:** Food which is (a) primarily intended for immediate consumption; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; (d) served on disposables or in paper containers, consumed with plastic utensils; and (e) of a self-service nature, that is, no waitresses or waiters are involved. Patrons place their order at a counter or remotely and take it to a table on the premises or leave the premises.

**Fast Order Food Establishment:** An establishment whose primary business is the sale of fast order food for consumption on or off the premises.

**Front Yard:** An area extending the entire width of a lot from side lot line to side lot line and from the street line to the front line of a building for the required front yard distance as established under Section 4.0.

**Funeral Home:** Facility for the conducting of funerals and related activities such as embalming.

**General Service Establishment:** Shop for lawn mower or small appliance repair, upholstery or furniture repair, bicycle repair person, shoe repair, printer, blacksmith, builder, carpenter, caterer, electrician, lawn mower service person, mason, painter, plumber or roofer.

**Greenhouse:** A structure and establishment for the growing of plants for wholesale or retail sale, otherwise not exempt as an agricultural use pursuant to G.L. c. 40A, s. 3.

I.	ACCESSORY USES AND OFF-STREET PARKING	RES A/B	RES C	RES D	CBD	SBD	BUS B	GATEWAY	EAST GATEWAY	IND A	IND B	IND E	PD	MHEC	PC
13	Adult social day care home	PB	PB	PB	PB	PB	PB	PB	PB	N	N	N	<b>N</b>	N	D
14	Expanded living space (in-law living area) in single family dwelling	Y	Y	Y	BA	BA	BA	Y	Y	BA	BA	BA	BA	BA	N/A
15	Conversion of existing structure into a mixed use with a maximum of one commercial use on the first floor and two residential units. The conversion shall maintain the appearance of the existing structure	N	N	N	Y	N	N	N	N	N	N	N	N	N	U
16	Rooftop Solar Photovoltaic Panels, in all districts except the Historic District, roof top solar photovoltaic panels are allowed by-right subject to a height restriction of five (5) feet above the roof.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N/A

## **Zoning Act Reforms in Housing Bond Bill of 2024**

Compiled by Jeff Lacy, Rural Planning Associates

### Definition and Exemptions for Accessory Dwelling Units

SECTION 7. Section 1A of chapter 40A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the definition “Accessory dwelling unit” and inserting in place thereof the following definition:-

“Accessory dwelling unit”, 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: (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 in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short term rental, as defined in section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.

SECTION 8. Section 3 of said chapter 40A, as so appearing, is hereby amended by adding the following paragraph:-

No zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single accessory dwelling unit, or the rental thereof, in a single-family residential zoning district; provided, that the use of land or structures for such accessory dwelling unit under this paragraph

may be subject to reasonable regulations, including, but not limited to, 310 CMR 15.000 et seq., if applicable, site plan review, regulations concerning dimensional setbacks and the bulk and height of structures and may be subject to restrictions and prohibitions on short-term rental, as defined in section 1 of chapter 64G. The use of land or structures for an accessory dwelling unit under this paragraph shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling; provided, that not more than 1 additional parking space shall be required for an accessory dwelling unit; and provided further, that no additional parking space shall be required for an accessory dwelling located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station. For more than 1 accessory dwelling unit, or rental thereof, in a single-family residential zoning district there shall be a special permit for the use of land or structures for an accessory dwelling unit. The executive office of housing and livable communities may issue guidelines or promulgate regulations to administer this paragraph.

#### Renumbering

SECTION 9. Section 3A of said chapter 40A is hereby amended by striking out the words “section 27”, as appearing in section 152 of chapter 7 of the acts of 2023, and inserting in place thereof the following words:- section 27½.

#### Exemption to the “Merger Doctrine” for Certain Lots in Common Ownership

SECTION 10. Section 6 of said chapter 40A, as appearing in the 2022 Official Edition, is hereby amended by inserting after the fourth paragraph the following paragraph:-

Adjacent lots under common ownership shall not be treated as a single lot for local zoning purposes if, at the time of recording or endorsement, the lots: (i) conformed to then existing requirements of area, frontage, width, yard or depth, where each such lot has not less than 10,000 square feet of area and 75 feet of frontage; and (ii) are located in a zoning district

that allows for single-family residential use. Any single-family residential structure constructed on said lot shall not exceed 1,850 square feet of heated living area, shall contain not less than 3 bedrooms and shall not be used as a seasonal home or short-term rental.

### Making Appeals of Zoning Decisions More Difficult

SECTION 11. The first paragraph of section 17 of said chapter 40A, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:-

If the complaint is filed by someone other than the original applicant, appellant or petitioner, then each plaintiff, whether or not previously constituting parties in interest for notice purposes, shall also sufficiently allege and must plausibly demonstrate that measurable injury, which is special and different to such plaintiff, to a private legal interest that will likely flow from the decision through credible evidence.

SECTION 12. Said section 17 of said chapter 40A, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The court, in its discretion, may require a plaintiff in an action under this section appealing a decision to approve a special permit, variance or site plan to post a surety or cash bond in an amount of not more than \$250,000 to secure the payment of and to indemnify and reimburse damages and costs and expenses incurred in such an action if the court finds that the harm to the defendant or to the public interest resulting from delays caused by the appeal outweighs the financial burden of the surety or cash bond on the plaintiffs. The court shall consider the relative merits of the appeal and the relative financial means of the plaintiff and the defendant. Nothing in this section shall require bad faith or malice of a plaintiff for the court to issue a bond under this section.

SECTION 13. Said section 17 of said chapter 40A, as so appearing, is hereby further amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

Costs, including reasonable attorneys' fees, in an amount to be fixed by the court may be allowed against the party appealing from the decision of the board or special permit granting authority if the court finds that the appellant or appellants acted in bad faith or with malice in making the appeal to court.

Option for Preferences for Veterans in Certain Housing Developments

SECTION 14. Said chapter 40A is hereby further amended by adding the following section:-

Section 18. (a) Notwithstanding any general or special law to the contrary, a city or town that permits or adopts inclusionary zoning, incentive zoning, a density bonus ordinance or by-law pursuant to this chapter or a housing production plan submitted to the executive office of housing and livable communities may enter into an agreement with a housing developer or residential development owner to provide a preference for affordable housing to low- or moderate-income veterans, as defined in clause Forty-third of section 7 of chapter 4. The preference shall be for up to 10 per cent of the affordable units in a particular development.

(b) The preference under this section shall be established in the applicant selection process for available affordable units. Applicants who are veterans and who apply within 90 days of the initial marketing period of the development shall receive preference for the rental of up to 10 per cent of the affordable units. After the first 90 days of the initial marketing period, if any of the units subject to the preference remain available, applicants from the general public shall be considered for occupancy. Following the initial marketing period, qualified applicants who are veterans shall be placed on a waiting list for the preference-occupied units for veterans and on any general waiting list. The veterans on the preference-occupied waiting list shall be given

preference for affordable units, as the units become available, whenever the percentage of preference-occupied units falls below 10 per cent.

(c) Any agreement to provide affordable housing preferences for veterans pursuant to this section shall not affect a municipality's ability to receive credit for the unit for affordable housing pursuant to chapter 40B or any other law. The agreement may be monitored by a third party assigned by the municipality.

(d) This section shall not require an increase in the existing amount of affordable units set by the city or town.

(e) The city or town may require proof of veteran status and income eligibility as the city or town.