



MEMORANDUM

TO: Elizabeth Sullivan, Town Administrator
FROM: Paul H. Foley, Town Planner
DATE: March 3, 2025
SUBJECT: Zoning Amendments relative to “Protected ADU”, Lot Merger and Accessory Structures

PROCESS: The Planning & Appeals Department has been working with the Planning Board and Zoning Bylaw Study Committee to amend the bylaws for the Annual Town Meeting in May to address the new State Laws relative to Accessory Dwelling Units (ADU) “by right” and Lot Merger for lots of a certain size and age. A duly noted public hearing was held at the Planning Board Meeting on February 10, 2025 and continued to March 3, 2025. The Zoning Bylaw Study Committee attended the March 3, 2025 public hearing.

MOTION: On March 3, 2025, after two public hearings, the Planning Board voted unanimously to send the Warrant Articles re ADU-Lot Merger-Accessory Structures (draft dated 2025-03-03) to the Select Board for inclusion in the Annual Town Meeting Warrant. Motion Made by Elizabeth Patterson and seconded by John Terrio Jr.

PURPOSE: The purpose of the proposed zoning bylaw amendments is to amend the Accessory Dwelling Unit bylaw (§4.11) to be consistent with *MA Chapter 150 of the Acts of 2024, M.G.L. c. 40A, § 3, ¶ 11 and 760 CMR 71.00*, which protects certain Accessory Dwelling Units (§7 and §8) and allows lots of a certain size and age, not buildable for 50 years, to be developed (§10). The amendments also add a maximum height to accessory structures. The primary purpose of these amendments is to take the earliest opportunity to ensure that the new protected “by-right” Accessory Dwelling Units are specifically not allowed to be Short Term Rentals.

To see if the Town of Dennis will amend the Dennis Zoning By-laws by Amending the following Sections:

- **§2.2.2 (Use Regulation Schedule);** Protected ADU to be added to the Use Regulation Schedule.
- **§2.2.2 Note 8 (Use Regulation Schedule Note);** Pursuant to §10 of Chapter 150;
- **§2.3.2 (Intensity of Use Schedule);** To set maximum Building Height for new Accessory Structures.
- **§2.3.3.6 (Accessory Structures);** To set maximum Building Height for new Accessory Structures.
- **§2.4.1.2 (Non-Conforming Conditions);** Add §2.4.1.2(A)(7): Protected ADU permitted by Building.
- **§4.11. A (Protected ADU);** New Section per protected ADU, No STR, and subject to safety codes.
- **§4.11. (ADU by Special Permit);** Existing SP language remains for more than 1 ADU or ADU > 900 sf.
- **§ 5 (Definitions);** Replace existing definition and add new State definition for ADU and Lot Merger.