

as defined in M.G.L. c.44B §2. The TRUST shall track the cost of the allowable scope through a reasonable means of cost estimating and only use the Funds for the allowable portion of the project cost.

CONTACT. The TRUST shall identify in writing a contact person responsible for the administration of the Project to be a liaison to the COMMITTEE

RESTRICTION. With respect to any real property purchased using the Funds or housing created or preserved using the Funds, the TRUST shall execute or obtain a perpetual affordable housing restriction meeting the statutory requirements of M.G.L. c.184 and M.G.L. c.44B, §12 and running to the benefit of the TOWN. The deed restrictions executed for each unit of housing created or preserved pursuant to this grant must be approved and accepted by the TOWN will have a perpetual deed restriction attached to ensure affordability. To meet the requirements of CPA, the restriction must be approved and signed by the state's Executive Office of Housing and Livable Communities. The TRUST shall provide a draft copy of the restriction with the COMMITTEE for review and a copy of the executed restriction shall be filed with the Committee.

SALE OF ANY PROPERTY FUNDED BY CPA MONIES. Within 60 days of the sale of any property funded by CPA monies, the proceeds obtained by the TRUST from the sale of any real estate interest acquired with monies from the Community Preservation Fund must be credited to the CPA Fund Community Housing Reserves in accordance with M.G.L. 44B §7(iv) and described in the Property Tax Bureau Informational Guideline Release (IGR) No. IGR 19-14 Section 8. Community Preservation Property, E. Disposition.

RECORD KEEPING. The TRUST shall keep such records with respect to the utilization of the Funds as are kept in the normal course of business and such additional records as may be required by the TOWN. Should the TRUST have multiple funding sources, the TRUST shall track specific expenditures of the Funds separate from other funding sources. The TOWN shall have full and free access to such records and may examine and copy such records. The TRUST further agrees to meet with the COMMITTEE or its designee(s), upon reasonable request, to discuss expenditures of the Project Funds.

REPORTING. The TRUST shall supply the COMMITTEE with annual reports of all CPA funds spent. The COMMITTEE needs to be able to maintain proper records of all appropriations to the TRUST and the expenditures of the TRUST.

; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Select Board Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *The Southborough CPA Funds transferred to the Trust in this article will allow the Town to act quickly and creatively in meeting the Town's affordable housing needs. Each of the obligations in this ARTICLE was discussed and agreed upon by the TRUST and the COMMITTEE during the project application process and prior to the COMMITTEE's vote to recommend the project to Town Meeting.*

ARTICLE 28: To see if the Town will vote to amend its zoning bylaws with respect to Accessory Dwelling Units, as follows:

Delete the definition of Accessory Apartment under §174.2 and replace it with the following:

ACCESSORY DWELLING UNITS. An Accessory Dwelling Unit ("ADU") is an attached or detached Dwelling Unit that is accessory to a principal single-family Dwelling Unit. An ADU shall maintain 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; Accessory Dwelling Units may not be located in a Mobile Home.

Delete §§ 174-8.4 D. (1), 174-8.6 C. (2), 174-8.12 D. (1), 174-9 B and 174-13.8 B.(1)(a) and renumber the remaining sections accordingly

Add §174-8.2 A. (11)
Accessory Dwelling units 900 square feet or less and otherwise defined in accordance with G.L. c. 40A, §1A

Add §§174-8.4 C. (13), 174-8.12 C. (10) Accessory Dwelling units greater than 900 square feet

Amend §§174-8.2 B. (1), 174-8.5 C. (2), 174-8.7 C. (2), 174-8.8 B. (1) to read:
Accessory Dwelling units greater than 900 square feet

§174-13.8 B. (1) to read:
Residential buildings, including single family houses:

Add a new section 174-13.9 as follows:

Accessory Dwelling Units by Right.

- A. Purpose and Intent. It is the purpose of this Section to provide opportunities to create and diverse housing opportunities by allowing Accessory Dwelling Units (ADUs) as a matter of right in accordance with G.L. c. 40A, §3.
- B. Use Schedule.
 - 1. ADUs are allowed as a matter of right in the RA, RB, BV, BH, ID, SP, and Downtown Zoning Districts, subject to the requirements of this Section. ADUs are prohibited in all other districts.
 - 2. Only one ADU is allowed as a matter of right on any property.
 - 3. ADUs may not be used as Short-Term Rentals, as such term is defined in G.L. c. 64G, §1 or otherwise rented for a period shorter than thirty-one (31) days.
 - 4. The ADU and primary dwelling unit must be owned by the same entity.
 - 5. All ADUs shall be required to comply with any health and building codes.
- C. Dimensional Requirements.
 - 1. An ADU may be no larger in gross floor area than one half of the gross floor area of the principal Dwelling Unit on the property or 900 square feet, whichever is less.
 - 2. ADUs shall comply with any and all frontage, setback, height, lot width and lot coverage requirements, as may be applicable to single family homes in the subject district, as set forth in the Dimensional Requirements of this Zoning Bylaw.
 - 3. Conversions of existing nonconforming non-residential accessory structures to ADUs are permitted and the above described dimensional requirements shall not apply to such conversions, provided that any expansion of any such non-conforming structure shall require a Special Permit under §174-19.A of this Bylaw, provided further that the ADU use may not be considered in any Special Permit proceeding. The space converted to an ADU shall not exceed the square footage requirements of §C.1 of this ADU Bylaw.
- D. Parking.
 - 1. There shall be no parking requirement for an ADU located within one half mile of a transit Station as such term is defined by the Executive Office of Housing and Livable Communities.
 - 2. For all other properties, at least one (1) off-street parking space must be provided for all ADUs.
 - 3. The construction of a new garage to serve an ADU shall require a Special Permit from the Board of Appeals.
- E. Abbreviated Site Plan Approval. All ADUs are required to obtain Site Plan Approval from the Planning Board pursuant to the procedures in §174-10 of this Zoning Bylaw, provided that the Site Plan Review criteria shall be limited to the following:
 - 1. The ADU should minimize tree, vegetation and soil removal and grade changes.

2. Architectural style should be generally compatible with the existing principal dwelling on the subject property.
3. The ADU shall be serviced with adequate water supply and sewer or septic service.
4. The Plan shall demonstrate adequate parking, as required hereunder and shall maximize convenience and safety for vehicular and pedestrian movement within the property and in relation to adjacent ways.

The Planning Board may request reasonable plan modifications of the Site Plan for an ADU and may impose reasonable conditions that are not inconsistent with this bylaw or the provisions of G.L. c. 40A, §3.

- F. Relationship to non-conformities. If an ADU is proposed for a pre-existing, non-conforming single-family primary residence, the requirements of §§174-19(B) and 174-19(C) of this Zoning Bylaw shall apply provided that no special permit may consider the ADU use or impose conditions on such use.

; or do or act anything in relation thereto.

Proposed by: PLANNING BOARD

Select Board Recommendation: Not Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article proposes to allow Accessory Dwelling Units (ADU) by right referred to as “by-right ADUs” for a single ADU that is no larger than 900 square feet in gross floor area or one half of the gross floor area of the principal Dwelling Unit on the property, whichever is less, to be built in zoning districts that allow for single-family residential use. This was approved by the legislature in Section 8 of Chapter 150 of the Acts of 2024, which amends M.G.L. c. 40A, § 3. The purpose of which is to encourage the production of accessory dwelling units throughout the Commonwealth with the goal of increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and at all stages of life. This new law took effect on February 2, 2025. Southborough Planning Board seeks to comply with the legislation.*

ARTICLE 29: To see if the Town will vote to amend its zoning bylaws with respect by: (1) deleting §174-9 (B) in its entirety, and renumbering the remaining section accordingly; and adding a section §174-13.9 (G) to the bylaw approved under the preceding Article, as follows:

- G. ADU units by Special Permit. Accessory Dwelling Units that do not meet the requirements of the foregoing provisions may be permitted upon an application for a special permit to the Planning Board, subject to the following procedures and requirements:
1. No special permit for an ADU be issued prior to referral of the application and receipt and consideration of a report, or after 35 days elapse without such report, from the Board of Health, certifying that adequate provisions have been made in accordance with the requirements of the Board of Health for drainage and for the disposal of sewage and waste generated by the occupancy of the apartment.
 2. The Planning Board, shall consider the lot on which the dwelling is located, the neighborhood where it is located and the effect of the proposed accessory unit thereon, the adequacy of ingress and egress provisions, and the provisions for off-street parking in a manner consistent with the character of the premises.
 3. The habitable floor area of the ADU units by Special Permit shall not exceed 25% of the habitable floor area of the entire dwelling
 4. There shall be no other accessory dwelling unit on the lot on which the ADU is proposed.
 5. The design of the ADU shall be compatible with primary dwelling on the lot.
 6. ADUs may not be used as Short-Term Rentals, as such term is defined in G.L. c. 64G, §1 or otherwise rented for a period shorter than thirty-one (31) days.

; or do or act anything in relation thereto.

Proposed by: PLANNING BOARD

Select Board Recommendation: Not Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article proposes to make the Planning Board the Special Permit Granting Authority for “ADU by special permit” Accessory Dwelling Units (ADUs). This article will place both ADU bylaws (“by-right ADU” and “ADU by special permit”) together in the same section of the Town Code, Chapter 174 Zoning.*

ARTICLE 30: To see if the Town will vote to amend its zoning bylaw §174-12. Parking and loading regulations by inserting Section G. Shared Parking as follows, and renumbering the remaining section accordingly:

- A. Shared Parking. The Planning Board, through site plan review under the provisions of § 174-10, may approve shared parking facilities, i.e., off-street parking serving more than one use or more than one property in a non-residential or mixed used development, subject to the requirements herein. Site Plan application requirements may be waived at the discretion of the Planning Board so as to reflect the limited purposes of this Shared Parking Bylaw.
- (1) Any approval shall be contingent upon execution of any necessary contracts (easements, licenses, leases) by all parties in order to ensure the long-term joint use of shared parking. A draft contract shall be provided as part of the application materials and is subject to the review and approval by the Planning Board and Town Counsel.
 - (2) Uses sharing the parking facility shall be located not more than 500 feet from the closest parking space. Lots for shared parking need not be contiguous and need not be in common ownership; and said lots may span different zoning districts. However, a permit hereunder shall not be permitted in Conservation, Residence A and Residence B districts.
 - (3) The Planning Board shall base its site plan review, and may impose conditions, based upon the following criteria:
 - (a) The hours of operation of the uses involved;
 - (b) The number of spaces required for each individual use under this section;
 - (c) The degree to which vehicles occupying a particular number of spaces are unlikely to require the use of those spaces at the same time of day or same day of the week; and
 - (d) The degree to which the proponent’s proposal promotes and accommodates other means of transportation to access the site, such as pedestrian or bicycle facilities.
 - (4) In the event that any shared parking arrangement approved hereunder is discontinued or any associated conditions change, such as, but not limited to, any change in the use of such property(ies) to a greater category of parking demand, the proponent(s) shall notify the Planning Board within 15 days. It shall be the responsibility of the proponent(s) to comply with all applicable provisions of this section within 60 days of the date of notification to the Planning Board or the date on which such notification should have occurred, or to request an amendment to the site plan in order to provide for an alternative shared parking arrangement.
 - (5) The Planning Board may require the proponent to provide a parking study with all information deemed necessary to render a decision, with such study being subject to peer review at the discretion of the Planning Board.

; or do or act anything in relation thereto.

Proposed by: PLANNING BOARD

Select Board Recommendation: Support

Advisory Committee Recommendation: Support