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Article IX Special Regulations

§ 179-42.2 Accessory single-family dwelling units (ADUs). [Added 12-3-2018 FYTM, Art. 12]

The purposes of this ADU Section are to promote the creation of year-round rental dwelling units in the Town; to increase housing choice and the diversity of housing types in the Town; and to preserve the community, especially by facilitating housing that allows seniors, working people and young adults to remain and live in Brewster; all while supporting the existing desirable character of Brewster's residential neighborhoods and districts.

Accessory single-family dwelling units shall be permitted subject to the following standards:

A. An ADU may be located within or ~~connected adjacent~~ to/ adjoining a single-family ~~dwellinghouse~~, or in a ~~detached, building~~ accessory residential building to a single-family dwellinghouse, subject to ~~the~~ Definitions of § 179-2; the requirements of Table 1, Use Regulations, and Table 2, Area Regulations/Minimum Required Lots; ~~and all~~ standards of this Section. Also see the Definitions section of this Chapter, § 179-2.

B. There shall be no more than one ADU per lot.

~~An ADU may be located within a Zone II (Zone of Contribution to a Public Drinking Water Well), in the watershed of the Herring River, or the watershed to Pleasant Bay, subject to approval of a Special Permit by the Zoning Board of Appeals. All ADUs within these areas shall be required to install advanced nitrogen treatment septic systems, if deemed necessary.~~

C. An ADU shall have no more than two bedrooms and no more than one thousand (1000) square feet of net floor area.

D. A minimum of one parking space for the ADU shall be provided in addition to the parking spaces for the principal dwelling.

E. A detached, accessory residential building in which an ADU is located shall not otherwise contain bedrooms not associated with the ADU.

F. ~~All construction in connection with an An ADU shall be subject to and comply with all other provisions of this Chapter, as applicable, including without limitation the building height, coverage and setback requirements for the underlying lot, either as set out in Table 2, Area Regulations, Table 3, Height and Bulk Regulations, or as otherwise may be permitted in Article VIII of this Chapter. To the extent there is conflict between the provisions in this Section and other provisions in this Chapter, the provisions in this Section shall control. attached to a principal dwelling shall conform to building setbacks for a single-family house in the Zoning District where it is located.~~

~~GD.~~ There shall be no minimum lot size required to construct and maintain an ADU. However, a Special Permit, pursuant to the applicable standards in Section 179-51 herein, shall be required from the Planning Board for an ADU on a lot less than 15,000 sq. ft.

H. Either the principal dwelling or the ADU shall~~must~~ be occupied by the owner of the property on a year-round basis, except for bona fide temporary absences, as defined in § 179-2 and the other remaining dwelling unit shall be for year-round dwelling purposes, leased and occupied for continuous periods of

not less than twelve (12) months at a time. Notwithstanding the foregoing, an owner who does not so occupy the property year-round may obtain a Special Permit from the Planning Board, pursuant to the applicable standards in Section 179-51 herein, authorizing either or both of the dwelling units to be used for year-round dwelling purposes, leased and occupied for continuous periods of not less than twelve (12) months at a time. Pursuant to its Special Permit authority under Section 179-51 of this Chapter, the Planning Board may consider and require, among other things, safeguards to ensure that privacy to abutting properties is reasonably maintained and that there are appropriate management and facilities in place to serve the rental unit(s).

~~The property owner shall be required to file a notarized affidavit with the Building Department annually, stating that either the principal dwelling or the accessory single family dwelling unit will be, and/or has been, used as the principal residence of the owner for the next twelve month period and that the remaining dwelling will be leased for a period of not less than 12 months.~~

~~E. No more than 20 building permits shall be issued for the combined total of ADUs and ACDUs in a single calendar year.~~

~~IF. An ADU shall be used and designed consistent with the single-family residential nature of the underlying property. There shall be no renting of rooms or boarding of lodgers in an ADU. An ADU shall not be used as or considered an accommodations-type use, such as a lodging house. There shall be no subletting, renting of rooms or boarding of lodgers in an ADU and no Short-Term Rental use on a lot containing in an ADU.~~

~~IG. An ADU shall be subject shall conform to all applicable State and local laws and regulations, regulating new construction or new residential use including without limitation the State Building Code and related Certificate of Occupancy requirements; , and applicable State plumbing, electrical, and fire codes; Title 5, 310 CMR 15.00, and the State Sanitary Code, 105 CMR 410.00, and corresponding local Board of Health regulations; health and conservation State and local Wetlands laws and regulations and bylaws. A Certificate of Occupancy shall be required for any ADU.~~

~~H. There shall be no more than two residential units in total on a lot containing an ADU.~~

~~I. A minimum of one parking space per bedroom of the ADU shall be provided.~~

~~J. An ADU shall be clearly subordinate in use, size and design to the principal single family dwelling. An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single family residential property and the privacy of abutting properties is maintained. K. An ADU shall not be severed in use or ownership from the principal dwelling to which it is accessory, including but not limited to subjecting the underlying lot or any portion thereof to the condominium form of ownership.~~

~~L. The owner of a property with an ADU shall be required to file a written affidavit with the Building Department certifying compliance with the standards of this Section, including the use and occupancy standards. The Building Department shall establish, administer and maintain, and may amend from time to time, the affidavit process and forms referenced herein.~~

~~N. The Building Commissioner is authorized to establish an administrative permitting and/ or registration process for ADUs, in addition to other permits or approvals that might be required, to assist in documenting ADUs in the Town for informational or zoning compliance purposes.~~

~~O. Without limiting other enforcement remedies or actions available under this Chapter, including fines, the Building Commissioner is authorized to order that the cooking facilities and associated utilities and fixtures within an ADU be removed in order to abate a violation of this Section.~~