

# Town of Dighton, Massachusetts

## TOWN CLERK

979 Somerset Avenue, Dighton, MA 02715  
Telephone - 508-669-5411 -- Fax - 508-669-5932  
[www.dighton-ma.gov](http://www.dighton-ma.gov)

The amendments of the Zoning By-Laws adopted under Articles 23, 24, 25 & 26 convened on June 9, 2025 having been approved on October 8, 2025 are hereby posted as required and became effective as of June 9, 2025.

General By-Law adopted under Article 10, of the warrant for the Annual Town Meeting convened on June 9, 2025 having been approved by the Office of the Attorney General on October 8, 2025 are hereby posted as required and will become effective on October 9, 2025.

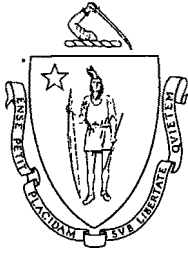
Posted as directed on October 9, 2025

I have served Attorney General Letter, Zoning By-Law and By-Law approval/update Per MGL 40 Section 32 and this packet has been posted at:

Town Hall  
North Dighton Post Office  
Dighton Post Office  
Dighton Water District – Williams St  
207 Main Street

Shara Costa  
Town Clerk





THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

ANDREA JOY CAMPBELL  
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October 8, 2025

Shara Costa, Town Clerk  
Town of Dighton  
979 Somerset Avenue  
Dighton, MA 02715

**Re: Dighton Annual Town Meeting of June 9, 2025 – Case # 11985  
Warrant Articles # 23, 24, 25 and 26 (Zoning)  
Warrant Article# 10 (General)**

Dear Ms. Costa:

**Articles 10, 23, 24, 25, and 26** - We approve Articles 10, 23, 24, 25 and 26 from the June 9, 2025 Dighton Annual Town Meeting. Our comments regarding Articles 10 and 23 are provided below.

**Article 10** - Under Article 10, the Town amended its general by-laws, Article XXXVI, "Authorized Revolving Funds," by amending two existing revolving funds: (1) Detail Cruiser Usage Fees and (2) Police Department Firearms Training Outside Usage. In addition, under Article 10 the Town amended Article XXXVI by adding a new revolving fund, "Commission on Disability." We approve Article 10 and offer comments for the Town's consideration regarding the Detail Cruiser Usage Fees Revolving Fund.

Under Article 10, the Town amended the Detail Cruiser Usage Fees Revolving Fund that allows fees collected from detail cruiser usage fees to be used to maintain, repair and acquire police vehicles and equipment and for scheduling software. According to the Department of Revenue/Division of Local Services ("DOR/DLS"), money in the Detail Cruiser Usage Fees Revolving Fund can be used for fueling and maintenance of the vehicles used for the private details but cannot be used to fund the fueling or maintenance of the department's entire fleet of vehicles. General Laws Chapter 44, Section 53C allows the Town to deposit into a fund, separate from the Town's general fund, any fees the Town receives when an off-duty police officer or other off-duty employee works a private detail.

To the extent that the Town is charging a police detail fee to offset any expense incurred for the police vehicles used during the private detail, the Town may be able to properly deposit those fees into the Police Department Detail Cruiser Usage Revolving Fund. However, according to DOR/DLS the Town must be careful to ensure that any fees in this revolving fund are used only

for maintenance of the vehicle used for private details and not for the general fueling or maintenance of the police department's entire fleet of vehicles. The Town should consult with Town Counsel and DOR/DLS regarding any questions on this issue.

**Article 23** – Under Article 23, the Town voted to amend its zoning by-laws by deleting its existing Section 2500, “Accessory Apartments,” and inserting a new Section 2500, “Accessory Dwelling Units,” to allow Protected Use Accessory Dwelling Units (“PUADUs”) as of right in the Town in compliance with G.L. c. 40A, § 3 and the implementing Regulations promulgated by the Executive Office of Housing and Livable Communities (“EOHLC”), 760 CMR 71.00, “Protected Use Accessory Dwelling Units” (“Regulations”).<sup>1</sup>

We approve Article 23 because the approved text does not conflict with state law. See Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the Constitution for the Attorney General to disapprove a by-law). However, we offer comments for the Town's consideration regarding certain approved provisions adopted under Article 23.

### **I. Summary of Article 23**

Under Article 23, the Town amended Section 2500, “Accessory Apartments,” to delete the existing text in its entirety and insert a new Section 2500, “Accessory Dwelling Units,” to allow PUADUs as of right in the Town subject to dimensional, use, and parking requirements. In addition, under Section 2500, the Town added a new Section 2550. “Special Permit for Local ADUs,” to allow ADUs larger than 900 square feet by special permit.

### **II. Summary of Recent Legislative Changes Regarding ADUs**

On August 6, 2024, Governor Healey signed into law the “Affordable Homes Act,” Chapter 150 of the Acts of 2024 (the “Act”). The Act includes amendments to the State's Zoning Act, G.L. c. 40A, to establish ADUs as a protected use subject to limited local regulation including amending G.L. c. 40A, § 1A to add a new definition for the term “Accessory dwelling unit” and amending G.L. c. 40A, § 3 (regarding subjects that enjoy protections from local zoning requirements, referred to as the “Dover Amendment”), to add a new paragraph that restricts a zoning by-law from prohibiting, unreasonably regulating or requiring a special permit or other discretionary zoning approval for the use of land or structures for a single ADU. The amendment to G.L. c. 40A, § 3, to include ADUs means that ADUs are now entitled to statutory protections from local zoning requirements.

On January 31, 2025, the EOHLC promulgated regulations for the implementation of the legislative changes regarding ADUs. See 760 CMR 71.00, “Protected Use Accessory Dwelling Units.”<sup>2</sup> The Regulations define key terms and prohibit certain “Use and Occupancy Restrictions” defined in Section 71.02 as follows:

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<sup>1</sup> The Regulations can be found here: <https://www.mass.gov/doc/760-cmr-7100-protected-use-adus-final-version/download>

<sup>2</sup> See the following resources for additional guidance on regulating ADUs: (1) EOHLC's ADU FAQ section

**ARTICLE XXXVI**  
**DEPARTMENTAL REVOLVING FUNDS**

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards or committees in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, §53E½.
2. Expenditure Limitations. A department head, board or committee may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
  - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
  - B. No liability shall be incurred in excess of the available balance of the fund.
  - C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the board of selectmen and finance committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½, and this by-law, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board or committee on appropriations made for its use.
5. Authorized Revolving Funds. The table establishes:
  - A. Each revolving fund authorized for use by a town department, board or committee,
  - B. The department or agency head, board, committee or officer authorized to spend from each fund,
  - C. The fees, charges and other monies charged and received by the department, board or committee in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant,
  - D. The expenses of the program or activity for which each fund may be used.
  - E. Any restrictions or conditions on expenditures from each fund;
  - F. Any reporting or other requirements that apply to each fund, and
  - G. The fiscal years each fund shall operate under this by-law.

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# Current Bylaw

Art #10

Pg 282

A	B	C	D	E	F	G
Revolving Fund/Department Fund	Department, Board or Committee Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/Reports	Fiscal Years
Copy, Fax & Print Services	Trustees of the Dighton Public Library	Fees charged and received by the Dighton Public Library for copying, faxing & printing services	Expended for printing and copying supplies			Fiscal Year 2019 and subsequent years
Fines	Trustees of the Dighton Public Library	Fines and monies received by the Dighton Public Library for overdue, lost, and/or damaged materials	Replacement of Library materials			Fiscal Year 2019 and subsequent years
Prime Time	Council on Aging Board	Fees charged and receipts of the Prime Time (Adult Day Supportive Care) program	Expended for the purpose of running the program	Wages of full-time employees shall be paid from the annual budget appropriation of the Prime Time Department and not from the Fund		Fiscal Year 2019 and subsequent Years
Police Department Detail Cruiser Usage Fund	Dighton Police Chief	Third Party Detail Fees	Fuel and Maintenance of Police Fleet			Fiscal Year 24 and Subsequent Years
Police Department Firearms Training Range Outside Usage	Dighton Police Chief	Third Party Use of Range Fees	Purchase of Ammunition, Range Supplies and Firearms Related Materials			Fiscal Year 24 and Subsequent Years
Police Department Youth and Community Policing Engagement Fund	Dighton Police Chief	Tuition, Donations and Other Revenue	Programs and Engagements (Youth Police Academy, Coffee with a Cop, Riverfront 5K			Fiscal Year 24 and Subsequent Years
Parks and Recreation Field Usage	Parks and Recreation	Fees Charged and Monies Received for Field Use, Recreational Programs	Field and Equipment Maintenance/Repairs and Replacement, Support Recreational Programs			Fiscal Year 24 and Subsequent Years
Police Cruiser Insurance Reimbursement	Dighton Police Chief	Insurance Payments	Repairs Directly Related to Insurance Claims			Fiscal Year 25 and Subsequent Years
Council on Aging Programs and Meals Fees	COA Director	Fees Charged for Programs and Meals	Program Vendor's Invoices and Meal Expenses			Fiscal Year 25 and Subsequent Years
Insurance Reimbursement	Town Administrator	Insurance Payments	Repairs Directly Related to Insurance Claims			Fiscal Year 25 and Subsequent Years
Municipal Building Insurance Fund	Board of Selectmen	Insurance Payments	Repairs Directly Related to Insurance Claims			Fiscal Year 25 and Subsequent Years

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*Shara Costa*

(ATM 06/05/2017), Amended (STM 03/28/2019), Deleted Council Oak Land Management Revolving Fund (ATM 06/03/2019) Amended (ATM 06/05/2023 Effective ), Amended (ATM 06/10/2024)

## B. Section 2550's Special Permit for Local ADUs

Section 2550 allows "Local ADUs", which can be a second ADU in addition to the PUADU already on the lot or can be an ADU greater than 900 square feet in size, by special permit. A Local ADU cannot be larger than thirty-five percent of the total gross floor area of the single-family dwelling before conversion; must comply with the dimensional requirements applicable to the lot and must include a minimum of one additional parking space. While we approve Section 2550, it is not clear whether the larger Local ADU authorized by special permit under Section 2550 could also, in certain circumstances, constitute the PUADU authorized under G.L. c. 40A, § 3 or is a second ADU.<sup>7</sup>

General Laws Chapter 40A, § 3A allows one ADU to be built as-of-right up to 900 square feet or ½ the gross floor area of the principal dwelling whichever is smaller. In circumstances where a Town allows only one ADU as accessory to a principal dwelling and allows that ADU to be built larger (for example, "up to 1500 square feet") it would likely be interpreted that the larger ADU constitutes the G.L. c. 40A, § 3 PUADU because Towns are authorized under 760 CMR 71.03 (7) to "adopt[ ] more permissive Zoning...than would be allowed under 760 CMR 71.03." Therefore, a larger ADU allowed under Section 2550 by special permit could be considered the substitute for the as-of-right ADU allowed under G.L. c. 40A, § 3 and the Regulations. When the larger ADU is treated as the PUADU, the Town cannot impose any requirement that would conflict with G.L. c. 40A, § 3 and the Regulations.

For this reason, we encourage the Town to consult with Town Counsel to ensure the proper application of Section 2550. Specifically, to the extent that a larger ADU constructed by special permit under Section 2550 constitutes the PUADU authorized by G.L. c. 40A, § 3, the Town must ensure that it does not impose any "Prohibited Regulations" or "Unreasonable Regulations," as part of the special permit process. See 760 CMR 71.03. Finally, the decision to seek a larger ADU by special permit must be a voluntary decision by the applicant and the applicant must be free to withdraw from the special permit process at any time and construct a PUADU as of right as authorized by G.L. c. 40A, § 3 if they so choose. The Town should consult with Town Counsel and EOHLIC with any questions on these issues.

## IV. Conclusion

We approve Article 23. However, the Town should consult closely with Town Counsel when applying Article 23's provisions to ensure that they are applied consistent with G.L. c. 40A, § 3 and 760 CMR 71.00. If the provisions in Article 23 are used to deny a PUADU or otherwise applied in ways that constitute an unreasonable regulation in conflict with 760 CMR 71.03 (3), such application would violate G.L. c. 40A, § 3 and the Regulations. The Town should consult with Town Counsel and EOHLIC to ensure that the approved by-law provisions are applied consistent with G.L. c. 40A, § 3 and the Regulations, as discussed herein.

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<sup>7</sup> See 760 CMR 71.03 (5) ("if a Municipality chooses to allow additional ADUs on the same Lot as a PUADU in a Single-family Residential Zoning District, Zoning shall require a Special Permit for the use of land or structures for the additional ADUs.")

Finally, we remind the Town of the requirements of 760 CMR 71.04, "Data Collection," that requires municipalities to maintain certain records, as follows:

Municipalities shall keep a record of each ADU permit applied for, approved, denied, and issued a certificate of occupancy, with information about the address, square footage, type (attached, detached, or internal), estimated value of construction, and whether the unit required any variances or a Special Permit. Municipalities shall make this record available to EOHLC upon request.

The Town should consult with Town Counsel or EOHLC with any questions about complying with 760 CMR 71.04.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute.

Very truly yours,

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

*Kelli E. Gunagan*

By: Kelli E. Gunagan  
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774-214-4406

cc: Town Counsel Matthew Costa



Use and Occupancy Restrictions. A Zoning restriction, Municipal regulation, covenant, agreement, or a condition in a deed, zoning approval or other requirement imposed by the Municipality that limits the current, or future, use or occupancy of a Protected Use ADU to individuals or households based upon the characteristics of, or relations between, the occupant, such as but not limited to, income, age, familial relationship, enrollment in an educational institution, or that limits the number of occupants beyond what is required by applicable state code.

While a municipality may reasonably regulate a PUADU in the manner authorized by 760 CMR 71.00, such regulation cannot prohibit, require a special permit or other discretionary zoning approval for, or impose a “Prohibited Regulation”<sup>3</sup> or an “Unreasonable Regulation” on, a PUADU. See 760 CMR 71.03, “Regulation of Protected Use ADUs in Single-Family Residential Zoning Districts.”<sup>4</sup> Moreover, Section 71.03 (3)(a) provides that while a town may reasonably regulate and restrict PUADUs, certain restrictions or regulations “shall be unreasonable” in certain circumstances.<sup>5</sup> In addition, while municipalities may impose dimensional requirements related to setbacks, lot coverage, open space, bulk and height and number of stories (but not minimum lot size), such requirements may not be “more restrictive than is required for the Principal Dwelling,

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(<https://www.mass.gov/info-details/accessory-dwelling-unit-adu-faq>) (2) Massachusetts Department of Environmental Protection’s Guidance on Title 5 requirements for ADUs (<https://www.mass.gov/doc/guidance-on-title-5-310-cmr-15000-compliance-for-accessory-dwelling-units/download>) (<https://www.mass.gov/doc/frequently-asked-questions-faq-related-to-guidance-on-title-5-310-cmr-15000-compliance-for-accessory-dwelling-units/download>); and (3) MassGIS Addressing Guidance regarding address assignments for ADUs (<https://www.mass.gov/info-details/massgis-addressing-guidance-for-accessory-dwelling-units-adus>).

<sup>3</sup> 760 CMR 71.03 prohibits a municipality from subjecting the use of land or structures on a lot for a PUADU to any of the following: (1) owner-occupancy requirements; (2) minimum parking requirements as provided in Section 71.03; (3) use and occupancy restrictions; (4) unit caps and density limitations; or (5) a requirement that the PUADU be attached or detached to the Principal Dwelling.

<sup>4</sup> For example, a design standard that is not applied to a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the PUADU is located or is so “restrictive, excessively, burdensome, or arbitrary that it prohibits, renders infeasible, or unreasonably increases the costs of the use or construction of a Protected Use ADU” would be deemed an unreasonable regulation. See 760 CMR 71.03 (3)(b).

<sup>5</sup> Section 71.03 (3)(a) provides that while a town may reasonably regulate and restrict PUADUs, a restriction or regulation imposed “shall be unreasonable” if the regulation or restriction, when applicable to a PUADU: (1) does not serve a legitimate Municipal interest sought to be achieved by local Zoning; (2) serves a legitimate municipal interest sought to be achieved by local Zoning but its application to a PUADU does not rationally relate to the legitimate Municipal interest; or (3) serves a legitimate Municipal interest sought to be achieved by local Zoning and its application to a PUADU rationally relates to the interest, but compliance with the regulation or restriction will: (a) result in complete nullification of the use or development of a PUADU; (b) impose excessive costs on the use or development of a PUADU without significantly advancing the Municipality’s legitimate interest; or (c) substantially diminish or interfere with the use or development of a PUADU without appreciably advancing the Municipality’s legitimate interest.

or a Single-Family Residential Dwelling or accessory structure in the Zoning District in which the PUADU is located, whichever results in more permissive regulation...” 760 CMR 71.03 (3)(b)(2). Towns may also impose site plan review of a PUADU, but the Regulations requires the site plan review to be clear and objective and prohibits the site plan review authority from imposing terms or conditions that “are unreasonable or inconsistent with an as-of-right process as defined in M.G.L. c. 40A, § 1A.” 760 CMR 71.03 (3)(b)(5).

We incorporate by reference our more extensive comments regarding these recent statutory and regulatory changes related to ADUs in our decision to the Town of East Bridgewater, issued on April 14, 2025 in Case # 11579.<sup>6</sup> Against the backdrop of these statutory and regulatory parameters regarding PUADUs, we review the zoning amendments adopted under Article 23.

### **III. The Approved ADU Requirements Under Article 23 Must be Applied Consistent with G.L. c. 40A, § 3 and 760 CMR 71.00**

#### **A. Section 2523’s Prohibition on Short Term Rentals**

Section 2523 prohibits short term rentals (“STRs”) as follows (with emphasis added): “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.*”

We approve Section 2523 because G.L. c. 40A, § 3 and the Regulations authorize towns to prohibit ADUs from being used as a “Short-term Rental *as defined* in section 1 of chapter 64G” (emphasis added). General Laws Chapter 64G, Section 1, defines the “Occupancy” of a STR as follows (with emphasis added):

the use or possession or the right to the use or possession of a room in a short-term rental normally used for sleeping and living purposes *for a period of not more than 31 consecutive calendar days*, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.

While we approve Section 2523’s prohibition on ADUs as STRs, it is unclear what the Town means when it prohibits ADUs from “otherwise [being] rented for a period shorter than thirty-one (31) days.” General Laws Chapter 40A, Section 3 and the Regulations provide a limited authorization on the Town’s ability to regulate the rental of ADUs. If Section 2523 is applied to prohibit the rental of ADUs other than as STRs, then it would conflict with G.L. 40A, §3 and the Regulations. See Section 71.03 (2) (c)’s prohibition on use and occupancy regulations and Section 71.03 (3)’s prohibition on unreasonable regulations. Therefore, any prohibition on the rental period of ADUs other than as allowed under G.L. c. 64G, would violate of G.L. c. 40A, § 3 and the Regulations. We suggest that the Town discuss this issue in more detail with Town Counsel.

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<sup>6</sup> This decision, as well as other recent ADU decisions, can be found on the Municipal Law Unit’s website at [www.mass.gov/ago/munilaw](http://www.mass.gov/ago/munilaw) (decision look up link) and then search by the topic pull down menu for the topic “ADUS.”

ARTICLE 10. PASSES: On Motion of Peter Caron and seconded, Mr. Moderator, I move that the Town vote to amend the town bylaws in Article XXXVI, Section 5, Authorized Revolving Funds to add and establish additional revolving funds as outlined in Article 10 of the June 9, 2025 Annual Town Meeting Warrant.

Fund #	Department Fund	Department, Board or Committee Authorized to Spend	Program or Activity Expenses Payable from Fund	Fees, Charges or Other Receipts Credited to Fund	Fiscal Years
3525	Detail Cruiser Usage Fees	Dighton Chief of Police	Maintenance, Repair and Acquisition of Police Vehicles and Vehicle Equipment; Scheduling Software	Detail Cruiser Usage Fees	Fiscal Year 26 and Subsequent Years
	Commission on Disability	Board of Selectmen	Accessibility and Inclusion Improvements to Town Facilities and/or Programs	Fines and Monies Collected from Handicap Parking Fines	Fiscal Year 26 and Subsequent Years
3535	Police Department Firearms Training Outside Usage	Chief of Police	Purchase of Ammunition, Range Supplies and Firearms related Materials	3 <sup>rd</sup> Party Usage of Range	Fiscal Year 26 and subsequent Years

Board of Selectmen Recommends

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**ARTICLE XXXVI**  
**DEPARTMENTAL REVOLVING FUNDS**

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards or committees in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, §53E½.
2. Expenditure Limitations. A department head, board or committee may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
  - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
  - B. No liability shall be incurred in excess of the available balance of the fund.
  - C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the board of selectmen and finance committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½, and this by-law, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board or committee on appropriations made for its use.
5. Authorized Revolving Funds. The table establishes:
  - A. Each revolving fund authorized for use by a town department, board or committee,
  - B. The department or agency head, board, committee or officer authorized to spend from each fund,
  - C. The fees, charges and other monies charged and received by the department, board or committee in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant,
  - D. The expenses of the program or activity for which each fund may be used.
  - E. Any restrictions or conditions on expenditures from each fund;
  - F. Any reporting or other requirements that apply to each fund, and
  - G. The fiscal years each fund shall operate under this by-law.

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*Maria Costa*

TOWN CLERK

A	B	C	D	E	F	G
Revolving Fund/Department Fund	Department, Board or Committee Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/Reports	Fiscal Years
Copy, Fax & Print Services	Trustees of the Dighton Public Library	Fees charged and received by the Dighton Public Library for copying, faxing & printing services	Expended for printing and copying supplies			Fiscal Year 2019 and subsequent years
Fines	Trustees of the Dighton Public Library	Fines and monies received by the Dighton Public Library for overdue, lost, and/or damaged materials	Replacement of Library materials			Fiscal Year 2019 and subsequent years
Prime Time	Council on Aging Board	Fees charged and receipts of the Prime Time (Adult Day Supportive Care) program	Expended for the purpose of running the program	Wages of full-time employees shall be paid from the annual budget appropriation of the Prime Time Department and not from the Fund		Fiscal Year 2019 and subsequent Years
Police Department Detail Cruiser Usage Fund	Dighton Police Chief	Third Party Detail Fees	Maintenance, Repair and Acquisition of Police Vehicles and Vehicle Equipment Scheduling Software			Fiscal Year 26 and Subsequent Years
Police Department Firearms Training Range Outside Usage	Dighton Police Chief	Third Party Use of Range Fees	Purchase of Ammunition, Range Supplies and Firearms Related Materials			Fiscal Year 26 and Subsequent Years
Police Department Youth and Community Policing Engagement Fund	Dighton Police Chief	Tuition, Donations and Other Revenue	Programs and Engagements (Youth Police Academy, Coffee with a Cop, Riverfront 5K			Fiscal Year 24 and Subsequent Years
Parks and Recreation Field Usage	Parks and Recreation	Fees Charged and Monies Received for Field Use, Recreational Programs	Field and Equipment Maintenance/Repairs and Replacement, Support Recreational Programs			Fiscal Year 24 and Subsequent Years
Police Cruiser Insurance Reimbursement	Dighton Police Chief	Insurance Payments	Repairs Directly Related to Insurance Claims			Fiscal Year 25 and Subsequent Years
Council on Aging Programs and Meals Fees	COA Director	Fees Charged for Programs and Meals	Program Vendor's Invoices and Meal Expenses			Fiscal Year 25 and Subsequent Years
Insurance Reimbursement	Town Administrator	Insurance Payments	Repairs Directly Related to Insurance Claims			Fiscal Year 25 and Subsequent Years

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*Mara Costa*

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Municipal Building Insurance Fund	Board of Selectmen	Insurance Payments	Repairs Directly Related to Insurance Claims			Fiscal Year 25 and Subsequent Years
Commission on Disability	Board of Selectmen	Fines and Monies Collected from Handicap Parking Fines				Fiscal Year 26 and Subsequent Years

(ATM 06/05/2017), Amended (STM 03/28/2019), Deleted Council Oak Land Management Revolving Fund (ATM 06/03/2019) Amended (ATM 06/05/2023 Effective), Amended (ATM 06/10/2024), Amended (ATM 6/9/2025)

**ARTICLE XXXVII**  
**STRETCH ENERGY CODE**

**1. Definitions**

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

**2. Purpose**

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

**3. Applicability**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

**4. Stretch Code**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Dighton General Bylaws.

The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of January 1, 2019, or take any other action relative thereto.

(ATM 06/04/2018 & 06/13/2018)

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the existing structure provided that existing height restrictions shall not be exceeded. In the event that the Building Commissioner determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

2460. Abandonment or Non-Use.

A nonconforming use or structure, which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning by-law.

2470. Catastrophe or Demolition.

Any nonconforming structure may be reconstructed after a fire, explosion or other catastrophe, or after demolition, provided that such reconstruction is completed within twelve months after such catastrophe or demolition, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure unless a larger volume or area is authorized by special permit from the Board of Appeals. Such time for reconstruction may be extended by the Board of Appeals for good cause.

2480. Reversion to Nonconformity.

No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

**2500. ACCESSORY APARTMENTS.**

2510. General.

An Accessory Apartment is an independent dwelling unit of five hundred (500) to nine hundred (900) square feet contained within a single family residence. The Accessory Apartment shall have a separate exterior entrance, a kitchen/living room, a bathroom and a maximum of one bedroom. Either the single family residence or the Accessory Apartment must be occupied by the owner of the lot. No more than one Accessory Apartment shall be allowed by right per single family residence provided the criteria set forth are met:

2520. Criteria.

Prior to the issuance of a building permit for an Accessory Apartment or occupancy permit for an Accessory Apartment Permit is issued, the following approvals or conditions must be met:

- a. Written approval from the Board of Health.
- b. Written approval from the Fire Department.
- c. Building, plumbing, electrical and any other required permits are obtained.
- d. The Accessory Apartment is contained within a single-family dwelling in the manner set forth in section 2510 above.
- e. If an external staircase is needed to reach an accessory apartment, this staircase must be enclosed and not change the general appearance of a single-family house.

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- f. Space may be provided by either raising the roof, or extending the dwelling, but only in accordance with the existing height and setback requirements and other dimensional requirements of the bylaw.
- g. To maintain the single-family character of the neighborhood, the entrance to the Accessory Apartment should be on the side or rear, if possible, but may be through the front door, if there is a vestibule.
- h. The owner must occupy one of the two units as set forth in section 2510 above.
- i. There shall be no more than one Accessory Apartment within a single-family dwelling.
- j. Accessory Apartments shall be occupied by no more than 2 persons.
- k. The single family dwelling containing an Accessory Apartment shall be in conformity with By-Law "Permitted Uses- Renting of rooms or furnishing of board for not more than four persons in a dwelling regularly occupied for residential purposes."
- l. The gross area of the Accessory Apartment shall be no less than 500 square feet; no more than 35% of the total area of the single-family dwelling before conversion, but shall not exceed 900 square feet, exclusive of staircase and entrance area.
- m. Off-street parking. There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space for the Accessory Apartment.
- n. Not more than one such unit shall be located on a lot.
- o. Such a unit shall be located only on the same lot as the residence of the owner of the lot.

2530. Preexisting Accessory Apartments.

Any Accessory Apartments in Existence at the adoption of this bylaw may continue upon the receipt of a satisfactory inspection by the building inspector and fire prevention officer confirming that said Accessory Apartment conforms with applicable state building code requirements and state fire code requirements, Said certificates must be received and filed with the building commissioner on or before the expiration of twelve months from the adoption of this bylaw.

2540. Administration and Enforcement.

- 1. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Bylaw.
- 2. No building shall be constructed or changed in use or configuration, until the Building Commissioner has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the town's laws and bylaws. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Commissioner where required.

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Pg 3 of 6

Original Bylaw

Art # 23

- 3. The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this chapter.
- 4. The Building Commissioner shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.

**2600. DIMENSIONAL REGULATIONS FOR PRINCIPAL STRUCTURES**

2610. General.

No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this section, unless exempted by this by-law or by statute.

2620. Table of Dimensional Requirements.

SEE APPENDIX B.

2630. Special Dimensional Regulations.

The following special dimensional regulations shall apply:

2631. Where part of a lot in a Business, Open Recreation, or Industrial District is adjacent to a Residence District, no building shall be erected with regard to the adjacent rear or side lot line except in compliance with §2620, above.

2632. Where a district boundary divides a lot, the regulations applicable to the less restricted portion of such lot may extend for not more than thirty (30') feet into the more restricted portion.

2633. On a corner lot, no planting, fence, structure, wall or other obstruction to vision more than three (3') feet high shall be located within a radius of twenty (20') feet from the point of intersection of the street lines.

2634. A corner lot or a lot opening on two streets shall be subject to the regulations for front yards set forth in §2620 with respect to every street on which it opens.

2640. Multiple Principal Structures.

Except in the Residential District, more than one principal nonresidential structure may be erected on a lot, pursuant to a special permit issued by the Planning Board in accordance with §5300 herein and the following conditions:

2641. No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;

2642. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles.

**2700. DIMENSIONAL REGULATIONS FOR ACCESSORY STRUCTURES**

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Pg 4 of 6

Original Bylaw Art #23

APPENDIX A  
USE REGULATION SCHEDULE

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
<b>A. Residential Uses</b>						
1. Single-family dwelling	Y	Y	N	N	N	N
2. Two-family dwelling	SP	SP	N	N	N	N
3. Conversion of single-family to two-family dwelling	SP	SP	N	N	N	N
4. Multi-family dwelling	N	N	N	N	N	N
5. Lodging or boarding house	N	SP	N	N	N	N
6. Conservation Subdivision	SP	SP	N	N	N	N
7. Assisted living facility	SP	SP	N	N	N	N
8. Kennel, Residential	Y	Y	N	N	N	N
<b>B. Exempt and Institutional Uses</b>						
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y
3. Family day care home	Y	Y	SP	N	N	N
4. Adult day care facility	Y	Y	SP	N	N	N
5. Child care facility	Y	Y	Y	Y	Y	N
6. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, on a parcel of more than five acres in area (not to include the cultivation of Medical Marijuana)	Y	Y	Y	Y	Y	N
7. Facilities for the sale of produce, wine and dairy products, providing that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y	N
8. Cemeteries, private	Y	Y	SP	N	N	N
9. Municipal facilities	Y	Y	Y	Y	Y	N
10. Essential services	SP	SP	SP	SP	SP	N

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Original Bylaw

Art # 23

APPENDIX A  
USE REGULATION SCHEDULE

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
<b>C. Commercial Uses</b>						
1. Nonexempt agricultural use	SP	SP	SP	SP	SP	N
2. Nonexempt farm stand for wholesale or retail sale of products	SP	SP	SP	SP	SP	N
3. Nonexempt educational use	SP	Y	SP	SP	SP	N
4. Animal clinic or hospital; kennel	SP	Y	N	N	SP	N
5. Private club or lodge	N	Y	SP	SP	SP	N
6. Nursing or convalescent home	SP	Y	N	N	N	N
7. Funeral home	Y	Y	SP	N	SP	N
8. Motel or hotel	N	Y	N	SP	N	N
9. Retail stores and services not elsewhere set forth	N	Y	N	N	Y	N
10. Motor vehicle sales and rental	N	Y	N	N	N	N
11. Motor vehicle general and body repair	N	Y	N	N	N	N
12. Motor vehicle light service; car wash	N	Y	N	N	N	N
13. Restaurant	N	Y	SP	N	SP	N
14. Restaurant, drive-in	N	Y	N	N	N	N
15. Business or professional office, including medical (not to include RMDs)	N	Y	N	N	Y	N
16. Bank, financial agency	N	Y	N	N	SP	N
20. Indoor commercial recreation	N	Y	N	N	Y	N
21. Outdoor commercial recreation	SP	Y	SP	SP	SP	N
22. Golf course	Y	Y	SP	SP	SP	N
23. Personal service establishment	N	Y	N	N	SP	N
24. Major commercial project	N	SP	N	SP	SP	N
25. Wireless communications facility	N	N	N	SP	SP	N
26. Commercial greenhouse, wholesale or retail <u>not including the cultivation of Medical Marijuana</u>	Y	Y	SP	Y	Y	N
27. Bed and Breakfast	SP	SP	SP	N	N	N
28. Contractor's yard or landscaping business on a parcel in the "R" district larger than ten acres, or elsewhere larger than two acres, with or without principal residence	SP	SP	SP	SP	SP	N
29. Marina	N	Y	SP	Y	Y	N

Appendix A  
Page 2

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APPENDIX A  
USE REGULATION SCHEDULE

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
30. Commercial parking lot	N	Y	SP	Y	Y	N
31. Registered Marijuana Dispensary; Marijuana Establishment	N	N	N	N	N	SP*
32. Medical Services – Medical clinic, Doctors’ offices, Community Hospital	N	Y	N	N	Y	Y
<b>D. Industrial Uses</b>						
1. Earth removal	SP	SP	SP	SP	SP	SP
2. Light manufacturing	N	N	N	Y	Y	Y
3. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	N	Y	N	Y	Y	Y
4. Manufacturing	N	N	N	Y	Y	Y
5. Manufacturing, hazardous materials produced, used or stored on premises	N	N	N	SP	SP	SP
6. Junkyard or automobile graveyard	N	N	N	N	N	N
7. Transport terminal	N	N	N	SP	SP	SP
8. Large scale ground mounted solar photovoltaic installation pursuant to section 4600	SP	Y	N	Y	Y	Y
9. Small scale ground mounted solar photovoltaic installation pursuant to Section 4600	SP	Y	N	Y	Y	Y
10. Marijuana Cultivator pursuant to Section 2900	N	N	N	SP	SP	SP
11. Marijuana Product Manufacturer pursuant to Section 2900	N	N	N	SP	SP	SP
12. Registered Marijuana Dispensary without Retail pursuant to Section 2900	N	N	N	N	N	SP

\* Allowed by Special Permit in limited areas of the Marijuana Overlay District, excluding those portions in the Industrial Overlay districts. See Section 2918.

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**ARTICLE 20. MOTION PASSES:** On Motion of Mark Pacheco and seconded, Mr. Moderator, I move that the Town vote to transfer from Free Cash a sum of \$7,000.00 to be expended by the Board of Selectmen to fund the implementation of the provisions of MGL Ch 53, §18B.

**ARTICLE 20: Motion for:** On motion from floor – Hand Count Requested 77 Yes Votes to Pass 38 No Votes

*Board of Selectmen Recommends  
Finance Committee Recommends Free Cash*

**ARTICLE 21. MOTION PASSES:** On Motion of Raymond Hague and seconded, Mr. Moderator, I move that the Town vote to accept the provisions of General Laws Chapter 59, §5, Clause 22J which authorizes an annual increase in the amount of the exemption under General Laws Chapter 59, §5, Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E, and Clause 22F by 100% of the personal exemption amount, subject to the conditions in Clause 22J, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025.

*Board of Selectmen Recommends*

**ARTICLE 22. MOTION PASSES:** On Motion of William Moore and seconded, Mr. Moderator, I move that the Town vote to accept Clause 54 of Section 5 of Chapter 59 of the Massachusetts General Laws, and authorize the Town to establish a minimum fair cash value required for a personal property account to be taxed, and further establish such minimum fair cash value at \$10,000.00.

*Board of Selectmen Recommends*

**ARTICLE 23. MOTION PASSES:** On Motion of Jeffrey Carvalho and seconded, Mr. Moderator, I move that the Town vote to amend the Zoning Bylaws by deleting Section 2500, Accessory Apartments, in its entirety and replacing the same with a new Section 2500, Accessory Dwelling Units, as outlined in Article 23 of the June 9, 2025, Annual Town Meeting Warrant.

**2500. ACCESSORY DWELLING UNITS**

2510. Purpose.

The purpose of this Section 2500 is to allow for Accessory Dwelling Units (ADUs) as defined under MGL Ch. 40A, Section 1A, to be built as-of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (MGL Ch. 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 by-right ADUs to accomplish the following purposes:

- 2511. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.

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2512. Develop small-scale infill housing that fits in context of zoning districts that allow single-family housing while providing gentle/hidden density.

2513. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.

2514. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

2520. Use Schedule.

2531. ADUs are allowed as a matter of right in the Residential and Business Zoning Districts, subject to the requirements of this Section. AD Us are prohibited in all other districts. (SEE Appendix A).

2532. 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.

2530. General Provisions for All ADUs

2531. Code Compliance

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

b. ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations for a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located.


2540. Protected Use ADUs

The Zoning Enforcement Officer shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling in a Single-Family Residential Zoning District, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

2541. Dimensional Standards

a. Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet or ½ the Gross Floor Area of the Principal Dwelling, whichever is smaller.

b. A Protected Use ADU on a Lot with a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for the Single-Family Residential Dwelling Section 2600 Dimensional Regulations for Principal Structures or accessory structure Section 2700 Dimensional Regulations for Accessory Structures within the same district, whichever results in more permissive regulation.

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- c. A Protected Use ADU on a Lot with a Principal Dwelling that is not a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for its Principal Dwelling Section 2600 Dimensional Regulations for Principal Structures, or Single-Family Residential Dwelling Section 2600 Dimensional Regulations for Principal Structures, or accessory structure Section 2700 Dimensional Regulations for Accessory Structures within the same district, whichever results in more permissive regulation.

2542. Off-Street Parking. Up to one additional off-street parking space shall be required for Protected Use ADUs located outside the ½-mile radius of a Transit Station. No off- street parking is required for Protected Use ADUs located within a ½-mile radius of a Transit Station.

2550. Special Permit for Local ADUs.

The Special Permit Granting Authority shall approve a Special Permit and Site Plan Review authorizing a Local ADU installation and use within or on a Lot with a Single-Family Residential Dwelling in a Single-Family Residential Zoning District if the following conditions are met:

2551. Dimensional Standards

- a. Local ADUs must be larger than 900 square feet or there must be a Protected Use ADU already built on the same property
- b. Local ADUs shall not be larger than 35% of the total gross floor area of the single-family dwelling before conversion, exclusive of staircase and entrance area.
- c. Local ADUs shall comply with the following dimensional standards for both the structure and the Lot in accordance with Section 2600 Dimensional Regulations for Principal Structures and Section 2700 Dimensional Regulations for Accessory Structures.
- d. 2552. Off-Street Parking. A minimum of one (1) additional off-street parking space shall be required for Local ADUs.

2560. Special Permit for Multiple ADUs on a Lot

More than one ADU on a Lot in a Single-Family Residential Zoning District in which a Protected Use ADU is already located shall require a Special Permit and Site Plan Review from the Special Permit Granting Authority. The additional ADU shall be classified as a Local ADU.

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2570. Nonconformance

- 2571. 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.
- 2572. A Protected Use ADU shall be exempt from any required finding under M.G.L. c. 40A§6.
- 2573. A finding under M.G.L. c 40A §6, that the extension or alteration of the pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood, shall be made by the Special Permit Granting Authority in an as-of-right process, without requiring a Special Permit or other discretionary waiver.

2580. Administration and Enforcement

- 2581. The Planning Board shall be the Special Permit Granting Authority.
- 2582. The Zoning Enforcement Officer shall administer and enforce the provisions of this Section 2500.
- 2583. No building shall be changed in use or configuration without a Building Permit from the Building Inspector.
- 2584. No building shall be occupied until a certificate of occupancy is issued by the Building Inspector, where required.
- 2585. The Zoning Enforcement Officer 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 Zoning Enforcement Officer finds to be unreasonable under the Dover analysis.

And to modify and add the following terms and definitions in proper alphabetical order to SECTION VI. DEFINITIONS

**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 egress. ADUs may be detached, attached, or internal to the Principal Dwelling. General references to ADUs in this by-law include both Protected Use ADUs and Local ADUs.

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**Design Standards.** Clear, measurable and objective provisions of zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU when those same design standards apply to the Principal Dwelling to which the ADU is an accessory.

**Dwelling Unit.** A single-housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This can include a housing unit within a single-family, duplex, or multi-unit development.

**EOHLC.** The Executive Office of Housing and Livable Communities.

**Gross Floor Area.** The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, 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, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

**Local ADUs.** An ADU that is not a Protected Use ADU but includes rules specific to Municipality or cross-reference to any existing or proposed zoning for Local ADUs.

**Lot.** An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of zoning.

**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.

**Pre-Existing Nonconforming Structure.** A structure that does not conform to zoning.

**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 and is, or will be, located on the same Lot as a Protected Use ADU.

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**Protected Use ADU.** An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than  $\frac{1}{2}$  the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller, provided that only one ADU on a 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.

**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.

**Single-Family Residential Dwelling Unit.** A structure on a Lot containing not more than one Dwelling Unit.

**Single-Family Residential Zoning District.** Any zoning district where Single-Family Residential Dwellings are a permitted or an allowable use, including any zoning district where Single- Family Residential Dwellings are allowed as of right, or by Special Permit.

**Transit Station.** A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

- a. A Bus Station includes any location serving as a point of embarkation for any bus operated by a transit authority.
- b. A Subway Station includes any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.
- c. A Commuter Rail Station includes any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.
- d. A Ferry Terminal includes any location where passengers embark and disembark from a ferry service with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

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And to amend Appendix A- Use Regulation Schedule of the Zoning Bylaws by adding a new row for Accessory Dwelling Unit under Residential Uses, noting that that the use is allowed (Y) in the Residential and Business Districts but also adding a footnote that states "See Section 2500 for additional requirements for Accessory Dwelling "See Section 2500 for additional requirements for Accessory Dwelling Units."

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
<b>A. Residential Uses</b>						
1. Single-family dwelling	Y	Y	N	N	N	N
2. Two-family dwelling	SP	SP	N	N	N	N
3. Accessory dwelling units <sup>1</sup>	Y	Y	N	N	N	N
4. Conversion of single-family to two-family dwelling	SP	SP	N	N	N	N
5. Multi-family dwelling	N	N	N	N	N	N
6. Lodging or boarding house	N	SP	N	N	N	N
7. Conservation Subdivision	SP	SP	N	N	N	N
8. Assisted living facility	SP	SP	N	N	N	N
9. Kennel, Residential	Y	Y	N	N	N	N
<b>B. Exempt and Institutional Uses</b>						
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y
3. Family day care home	Y	Y	SP	N	N	N
4. Adult day care facility	Y	Y	SP	N	N	N
5. Child care facility	Y	Y	Y	Y	Y	N
6. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, on a parcel	Y	Y	Y	Y	Y	

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<sup>1</sup> See Section 2500 for additional requirements for Accessory Dwelling Units

*Shara Costa*

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PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
of more than five acres in area <u>(not to include the cultivation of Medical Marijuana)</u>						

Board of Selectmen Recommends

**ARTICLE 24. MOTION PASSES:** On Motion of Daniel Higgins and seconded, Mr. Moderator, I move that the Town vote to amend the Zoning Bylaws by revising Section 2340, Home Occupations as of Right as outlined in Article 24 of the June 9, 2025 Annual Town Meeting Warrant.

**2340. Home Occupations as of Right.**

**Business owners of home business occupations are required to fill out and sign a Home Occupation/Home Business form and submit it to the Town Clerk for their records.**

Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling; provided, however, that all of the following conditions shall be satisfied. **Premises governed by HOA agreements, deed restrictions, covenants, or lease restrictions shall be further restricted by those agreements.**

2341. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto **which is on the same lot or on an adjoining lot in common ownership** which has been in existence at least five (5) years, without an extension thereof.

2342. Not more than thirty (30%) percent of the combined floor area of the residence and any qualified accessory structures shall be used in the home occupation provided, however, that no exterior alteration of the building shall be permitted to accommodate the home occupation.

2343. No person not a member of the household shall be employed on the premises in the home occupation.

2344. The home occupation shall not serve clients, customers, pupils, salespersons, or the like on the premises.

2345. There shall be no sign, exterior display, no exterior storage of materials, and no other exterior indication of the home occupation, or other variation from the residential character of the premises.

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Article 23: To see if the Town will vote to delete in its entirety Section 2500. Accessory Apartments and replace it with a new Section 2500. Accessory Dwelling Units, as follows:

**2500. ACCESSORY DWELLING UNITS**

2510. Purpose.

The purpose of this Section 2500 is to allow for Accessory Dwelling Units (ADUs) as defined under MGL Ch. 40A, Section 1A, to be built as-of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (MGL Ch. 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 by-right ADUs to accomplish the following purposes:

- 2511. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
- 2512. Develop small-scale infill housing that fits in context of zoning districts that allow single-family housing while providing gentle/hidden density.
- 2513. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
- 2514. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

2520. Use Schedule.

2531. ADUs are allowed as a matter of right in the Residential and Business Zoning Districts, subject to the requirements of this Section. ADUs are prohibited in all other districts. (SEE Appendix A).

2532. 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.

2530. General Provisions for All ADUs

2531. Code Compliance

- a. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code.
- b. ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations for a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located.

2540. Protected Use ADUs

The Zoning Enforcement Officer shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling in a Single-Family

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Residential Zoning District, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

2541. Dimensional Standards

- a. Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet or 1/2 the Gross Floor Area of the Principal Dwelling, whichever is smaller.
- b. A Protected Use ADU on a Lot with a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for the Single-Family Residential Dwelling Section 2600 Dimensional Regulations for Principal Structures or accessory structure Section 2700 Dimensional Regulations for Accessory Structures within the same district, whichever results in more permissive regulation.
- c. A Protected Use ADU on a Lot with a Principal Dwelling that is not a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for its Principal Dwelling Section 2600 Dimensional Regulations for Principal Structures, or Single-Family Residential Dwelling Section 2600 Dimensional Regulations for Principal Structures, or accessory structure Section 2700 Dimensional Regulations for Accessory Structures within the same district, whichever results in more permissive regulation.

2542. Off-Street Parking. Up to one additional off-street parking space shall be required for Protected Use ADUs located outside the 1/2-mile radius of a Transit Station. No off-street parking is required for Protected Use ADUs located within a 1/2-mile radius of a Transit Station.

2550. Special Permit for Local ADUs.

The Special Permit Granting Authority shall approve a Special Permit and Site Plan Review authorizing a Local ADU installation and use within or on a Lot with a Single-Family Residential Dwelling in a Single-Family Residential Zoning District if the following conditions are met:

2551. Dimensional Standards

- a. Local ADUs must be larger than 900 square feet or there must be a Protected Use ADU already built on the same property.
- b. Local ADUs shall not be larger than 35% of the total gross floor area of the single-family dwelling before conversion, exclusive of staircase and entrance area.
- c. Local ADUs shall comply with the following dimensional standards for both the structure and the Lot in accordance with Section 2600 Dimensional Regulations for Principal Structures and Section 2700 Dimensional Regulations for Accessory Structures.

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2552. Off-Street Parking. A minimum of one (1) additional off-street parking space shall be required for Local ADUs.

2560. Special Permit for Multiple ADUs on a Lot

More than one ADU on a Lot in a Single-Family Residential Zoning District in which a Protected Use ADU is already located shall require a Special Permit and Site Plan Review from the Special Permit Granting Authority. The additional ADU shall be classified as a Local ADU.

2570. Nonconformance

2571. 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.

2572. A Protected Use ADU shall be exempt from any required finding under M.G.L. c. 40A §6.

2573. A finding under M.G.L. c 40A §6, that the extension or alteration of the pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood, shall be made by the Special Permit Granting Authority in an as-of-right process, without requiring a Special Permit or other discretionary waiver.

2580. Administration and Enforcement.

2581. The Planning Board shall be the Special Permit Granting Authority.

2582. The Zoning Enforcement Officer shall administer and enforce the provisions of this Section 2500.

2583. No building shall be changed in use or configuration without a Building Permit from the Building Inspector.

2584. No building shall be occupied until a certificate of occupancy is issued by the Building Inspector, where required.

2585. The Zoning Enforcement Officer 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 Zoning Enforcement Officer finds to be unreasonable under the Dover analysis.

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And to modify and add the following terms and definitions in proper alphabetical order to SECTION VI. DEFINITIONS

**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 egress. ADUs may be detached, attached, or internal to the Principal Dwelling. General references to ADUs in this by-law include both Protected Use ADUs and Local ADUs.

**Design Standards.** Clear, measurable and objective provisions of zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU when those same design standards apply to the Principal Dwelling to which the ADU is an accessory.

**Dwelling Unit.** A single-housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This can include a housing unit within a single-family, duplex, or multi-unit development.

**EOHLC.** The Executive Office of Housing and Livable Communities.

**Gross Floor Area.** The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, 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, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

**Local ADUs.** An ADU that is not a Protected Use ADU but includes rules specific to Municipality or cross-reference to any existing or proposed zoning for Local ADUs.

**Lot.** An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of zoning.

**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.

**Pre-Existing Nonconforming Structure.** A structure that does not conform to zoning.

**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 and is, or will be, located on the same Lot as a Protected Use ADU.

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**Protected Use ADU.** An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and 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, provided that only one ADU on a 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.

**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.

**Single-Family Residential Dwelling Unit.** A structure on a Lot containing not more than one Dwelling Unit.

**Single-Family Residential Zoning District.** Any zoning district where Single-Family Residential Dwellings are a permitted or an allowable use, including any zoning district where Single-Family Residential Dwellings are allowed as of right, or by Special Permit.

**Transit Station.** A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

- a. A Bus Station includes any location serving as a point of embarkation for any bus operated by a transit authority.
- b. A Subway Station includes any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.
- c. A Commuter Rail Station includes any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.
- d. A Ferry Terminal includes any location where passengers embark and disembark from a ferry service with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

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And to amend Appendix A – Use Regulation Schedule of the Zoning Bylaws by adding a new row for Accessory Dwelling Unit under Residential Uses, noting that that the use is allowed (Y) in the Residential and Business Districts but also adding a footnote that states “See Section 2500 for additional requirements for Accessory Dwelling Units.”

APPENDIX A  
USE REGULATION SCHEDULE

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
<b>A. Residential Uses</b>						
1. Single-family dwelling	Y	Y	N	N	N	N
2. Two-family dwelling	SP	SP	N	N	N	N
3. Accessory dwelling units <sup>1</sup>	Y	Y	N	N	N	N
4. Conversion of single-family to two-family dwelling	SP	SP	N	N	N	N
5. Multi-family dwelling	N	N	N	N	N	N
6. Lodging or boarding house	N	SP	N	N	N	N
7. Conservation Subdivision	SP	SP	N	N	N	N
8. Assisted living facility	SP	SP	N	N	N	N
9. Kennel, Residential	Y	Y	N	N	N	N
<b>B. Exempt and Institutional Uses</b>						
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y
3. Family day care home	Y	Y	SP	N	N	N
4. Adult day care facility	Y	Y	SP	N	N	N
5. Child care facility	Y	Y	Y	Y	Y	N
6. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, on a parcel of more than five acres in area (not to include the cultivation of Medical Marijuana)	Y	Y	Y	Y	Y	N
7. Facilities for the sale of produce, wine and dairy products, providing that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y	N

11

<sup>1</sup> See Section 2500 for additional requirements for Accessory Dwelling Units

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Appendix A  
Page 1

*Maria Costa*

**APPENDIX A  
USE REGULATION SCHEDULE**

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
8. Cemeteries, private	Y	Y	SP	N	N	N
9. Municipal facilities	Y	Y	Y	Y	Y	N
10. Essential services	SP	SP	SP	SP	SP	N
<b>C. Commercial Uses</b>						
1. Nonexempt agricultural use	SP	SP	SP	SP	SP	N
2. Nonexempt farm stand for wholesale or retail sale of products	SP	SP	SP	SP	SP	N
3. Nonexempt educational use	SP	Y	SP	SP	SP	N
4. Animal clinic or hospital; kennel	SP	SP	N	N	SP	N
5. Private club or lodge	N	Y	SP	SP	SP	N
6. Nursing or convalescent home	SP	Y	N	N	N	N
7. Funeral home	Y	Y	SP	SP	SP	N
8. Motel or hotel	N	Y	N	N	N	N
9. Retail stores and services not elsewhere set forth	N	Y	N	N	Y	N
10. Motor vehicle sales and rental	N	Y	N	N	N	N
11. Motor vehicle general and body re. air	N	Y	N	N	N	N
12. Motor vehicle light service; car wash	N	Y	N	N	N	N
13. Restaurant	N	Y	SP	N	SP	N
14. Restaurant, drive-in	N	Y	N	N	N	N
15. Business or professional office, including medical (not to include RMDs)	N	Y	N	N	Y	N
16. Bank, financial agency	N	Y	N	N	SP	N
20. Indoor commercial recreation	N	Y	N	N	Y	N
21. Outdoor commercial recreation	SP	Y	SP	SP	SP	N
22. Golf course	Y	Y	SP	SP	SP	N
23. Personal service establishment	N	Y	N	N	SP	N
24. Major commercial project	N	SP	N	SP	SP	N
25. Wireless communications facility	N	N	N	SP	SP	N
26. Commercial greenhouse, wholesale or retail <u>not including the cultivation of Medical Marijuana</u>	Y	Y	SP	Y	Y	N
27. Bed and Breakfast	SP	SP	SP	N	N	N


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APPENDIX A  
USE REGULATION SCHEDULE

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
28. Contractor's yard or landscaping business on a parcel in the "R" district larger than ten acres, or elsewhere larger than two acres, with or without principal residence	SP	SP	SP	SP	SP	N
29. Marina	N	Y	SP	Y	Y	N
30. Commercial parking lot	N	Y	SP	Y	Y	N
31. Registered Marijuana Dispensary, Marijuana Establishment	N	N	N	N	N	SP*
32. Medical Services - Medical clinic, Doctors' offices, Community Hospital	N	Y	N	N	Y	Y
<b>D. Industrial Uses</b>						
1. Earth removal	SP	SP	SP	SP	SP	SP
2. Light manufacturing	N	N	N	Y	Y	Y
3. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	N	Y	N	Y	Y	Y
4. Manufacturing	N	N	N	Y	Y	Y
5. Manufacturing, hazardous materials produced, used or stored on premises	N	N	N	SP	SP	SP
6. Junkyard or automobile graveyard	N	N	N	N	N	N
7. Transport terminal	N	N	N	SP	SP	SP
8. Large scale ground mounted solar photovoltaic installation pursuant to section 4600	SP	Y	N	Y	Y	Y
9. Small scale ground mounted solar photovoltaic installation pursuant to Section 4600	SP	Y	N	Y	Y	Y
10. Marijuana Cultivator pursuant to Section 2900	N	N	N	SP	SP	SP
11. Marijuana Product Manufacturer pursuant to Section 2900	N	N	N	SP	SP	SP
12. Registered Marijuana Dispensary without Retail pursuant to Section 2900	N	N	N	N	N	SP

\*Allowed by Special Permit in limited areas of the Marijuana Overlay District, excluding those portions in the Industrial Overlay districts. See Section 2918

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Town Clerk-Dighton, MA  
APR 09 2025  
Time: 4:08 pm  
By: 

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Appendix A  
Page 3

Pg 1 of 5

# Article #24 Original Bylaw

occupancy for living or business is prohibited, except as follows:

- a. Temporary occupancy of a trailer or mobile home by a non-paying guest of the owner or occupant of the land may be permitted for a period not to exceed seven (7) days.
- b. Temporary use and occupancy of a mobile home as an office or dwelling incidental to construction on the site may be authorized by special permit by the board of appeals, subject to the approval of the board of health, for a term not to exceed six months.

2324. 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. The renting of rooms and/or furnishing of board to three or more persons in a single-family dwelling by the owner/occupant thereof shall be deemed a boarding house subject to the provisions of §2230, herein.

2325. Family Day Care Homes. In all districts, family day care may be provided as an accessory use upon the issuance of special permit by the Board of Appeals.

2340. Home Occupations as of Right.

Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling; provided, however, that all of the following conditions shall be satisfied:

2341. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto which has been in existence at least five (5) years, without extension thereof.

2342. Not more than thirty (30%) percent of the combined floor area of the residence and any qualified accessory structures shall be used in the home occupation; provided, however, that no exterior alteration of the building shall be permitted to accommodate the home occupation.

2343. No person not a member of the household shall be employed on the premises in the home occupation.

2344. The home occupation shall not serve clients, customers, pupils, salespersons, or the like on the premises.

2345. There shall be no sign, exterior display, no exterior storage of materials, and no other exterior indication of the home occupation, or other variation from the residential character of the premises.

2346. No disturbance shall be caused, nor shall the home occupation use or store hazardous materials in quantities greater than associated with normal household use.

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2347. Traffic generated shall not exceed volumes normally expected in a residential neighborhood.

2350. Home Occupations by Special Permit.

Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling upon the issuance of a special permit by the Board of Appeals; provided, however, that all of the following conditions shall be satisfied:

2351. All of the requirements of §§2341, 2342, and 2347.

2352. Not more than three (3) persons not a member of the household shall be employed on the premises in the home occupation.

2353. The visibility of exterior storage of materials and other exterior indications of the home occupation, or other variation from the residential character of the premises, shall be minimized through screening and other appropriate devices. Signs advertising the home occupation shall not exceed one square foot in area.

2354. Parking generated by the home occupation shall be accommodated off-street, other than in a required front yard.

2355. No disturbance, as defined in §3410, shall be caused. The use or storage of hazardous materials in quantities greater than associated with normal household use shall be subject to design requirements to protect against discharge to the environment.

**2400. NONCONFORMING USES AND STRUCTURES.**

2410. General.

This zoning by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G. L. c. 40A, §5 at which this zoning by-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

2420. Nonconforming Uses.

The Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

2421. Change or substantial extension of the use;

2422. Change from one nonconforming use to another, less detrimental, nonconforming use.

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APPENDIX A  
USE REGULATION SCHEDULE

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
<b>A. Residential Uses</b>						
1. Single-family dwelling	Y	Y	N	N	N	N
2. Two-family dwelling	SP	SP	N	N	N	N
3. Conversion of single-family to two-family dwelling	SP	SP	N	N	N	N
4. Multi-family dwelling	N	N	N	N	N	N
5. Lodging or boarding house	N	SP	N	N	N	N
6. Conservation Subdivision	SP	SP	N	N	N	N
7. Assisted living facility	SP	SP	N	N	N	N
8. Kennel, Residential	Y	Y	N	N	N	N
<b>B. Exempt and Institutional Uses</b>						
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y
3. Family day care home	Y	Y	SP	N	N	N
4. Adult day care facility	Y	Y	SP	N	N	N
5. Child care facility	Y	Y	Y	Y	Y	N
6. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, on a parcel of more than five acres in area (not to include the cultivation of Medical Marijuana)	Y	Y	Y	Y	Y	N
7. Facilities for the sale of produce, wine and dairy products, providing that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y	N
8. Cemeteries, private	Y	Y	SP	N	N	N
9. Municipal facilities	Y	Y	Y	Y	Y	N
10. Essential services	SP	SP	SP	SP	SP	N

Appendix A  
Page 1

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APPENDIX A  
USE REGULATION SCHEDULE

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
<b>C. Commercial Uses</b>						
1. Nonexempt agricultural use	SP	SP	SP	SP	SP	N
2. Nonexempt farm stand for wholesale or retail sale of products	SP	SP	SP	SP	SP	N
3. Nonexempt educational use	SP	Y	SP	SP	SP	N
4. Animal clinic or hospital; kennel	SP	SP	N	N	SP	N
5. Private club or lodge	N	Y	SP	SP	SP	N
6. Nursing or convalescent home	SP	Y	N	N	N	N
7. Funeral home	Y	Y	SP	SP	SP	N
8. Motel or hotel	N	Y	N	N	N	N
9. Retail stores and services not elsewhere set forth	N	Y	N	N	Y	N
10. Motor vehicle sales and rental	N	Y	N	N	N	N
11. Motor vehicle general and body repair	N	Y	N	N	N	N
12. Motor vehicle light service; car wash	N	Y	N	N	N	N
13. Restaurant	N	Y	SP	N	SP	N
14. Restaurant, drive-in	N	Y	N	N	N	N
15. Business or professional office, including medical (not to include RMDs)	N	Y	N	N	Y	N
16. Bank, financial agency	N	Y	N	N	SP	N
20. Indoor commercial recreation	N	Y	N	N	Y	N
21. Outdoor commercial recreation	SP	Y	SP	SP	SP	N
22. Golf course	Y	Y	SP	SP	SP	N
23. Personal service establishment	N	Y	N	N	SP	N
24. Major commercial project	N	SP	N	SP	SP	N
25. Wireless communications facility	N	N	N	SP	SP	N
26. Commercial greenhouse, wholesale or retail <u>not including the cultivation of Medical Marijuana</u>	Y	Y	SP	Y	Y	N
27. Bed and Breakfast	SP	SP	SP	N	N	N
28. Contractor's yard or landscaping business on a parcel in the "R" district larger than ten acres, or elsewhere larger than two acres, with or without principal residence	SP	SP	SP	SP	SP	N
29. Marina	N	Y	SP	Y	Y	N

Appendix A  
Page 2

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APPENDIX A  
USE REGULATION SCHEDULE

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
30. Commercial parking lot	N	Y	SP	Y	Y	N
31. Registered Marijuana Dispensary; Marijuana Establishment	N	N	N	N	N	SP*
32. Medical Services -- Medical clinic, Doctors' offices, Community Hospital	N	Y	N	N	Y	Y
<b>D. Industrial Uses</b>						
1. Earth removal	SP	SP	SP	SP	SP	SP
2. Light manufacturing	N	N	N	Y	Y	Y
3. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	N	Y	N	Y	Y	Y
4. Manufacturing	N	N	N	Y	Y	Y
5. Manufacturing, hazardous materials produced, used or stored on premises	N	N	N	SP	SP	SP
6. Junkyard or automobile graveyard	N	N	N	N	N	N
7. Transport terminal	N	N	N	SP	SP	SP
8. Large scale ground mounted solar photovoltaic installation pursuant to section 4600	SP	Y	N	Y	Y	Y
9. Small scale ground mounted solar photovoltaic installation pursuant to Section 4600	SP	Y	N	Y	Y	Y
10. Marijuana Cultivator pursuant to Section 2900	N	N	N	SP	SP	SP
11. Marijuana Product Manufacturer pursuant to Section 2900	N	N	N	SP	SP	SP
12. Registered Marijuana Dispensary without Retail pursuant to Section 2900	N	N	N	N	N	SP

\*Allowed by Special Permit in limited areas of the Marijuana Overlay District, excluding those portions in the Industrial Overlay districts. See Section 2918.

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Appendix A  
Page 3

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
of more than five acres in area (not to include the cultivation of Medical Marijuana)						

**Board of Selectmen Recommends**

**ARTICLE 24. MOTION PASSES:** On Motion of Daniel Higgins and seconded, Mr. Moderator, I move that the Town vote to amend the Zoning Bylaws by revising Section 2340, Home Occupations as of Right as outlined in Article 24 of the June 9, 2025 Annual Town Meeting Warrant.

**2340. Home Occupations as of Right.**

**Business owners of home business occupations are required to fill out and sign a Home Occupation/Home Business form and submit it to the Town Clerk for their records.**

Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling; provided, however, that all of the following conditions shall be satisfied. **Premises governed by HOA agreements, deed restrictions, covenants, or lease restrictions shall be further restricted by those agreements.**

2341. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto **which is on the same lot or on an adjoining lot in common ownership** ~~which has been in existence at least five (5) years, without an extension thereof.~~

2342. Not more than thirty (30%) percent of the combined floor area of the residence and any qualified accessory structures shall be used in the home occupation provided, however, that no exterior alteration of the building shall be permitted to accommodate the home occupation.

2343. No person not a member of the household shall be employed on the premises in the home occupation.

2344. The home occupation shall not serve clients, customers, pupils, salespersons, or the like on the premises.

2345. There shall be no sign, exterior display, no exterior storage of materials, and no other exterior indication of the home occupation, ~~or other variation from the residential character of the premises.~~

A TRUE COPY ATTEST

*Shara Costa*

TOWN CLERK

2346. No disturbance shall be caused, nor shall the home occupation use or store **inflammable or hazardous materials** in quantities greater than associated with normal household use.

2347. Traffic generated shall not exceed volumes normally expected in a residential neighborhood.

2348. There shall be no offensive noise, vibration, smoke, cinders, dust, fumes, gases, smoke, radiation, or other particulate matter, odors, heat, humidity, glare, excessive refuse or waste materials, or other objectionable effects.

2349. All heavy equipment (e.g., tractor trailers, semi-trailers, or construction equipment) must be either garaged or screened with plantings or fencing to at least the height of the equipment. One commercial vehicle which is not heavy equipment and which is not more than two tons in rated capacity may be parked outdoors on the property.

*Planning Board Recommends  
Board of Selectmen Recommends*

**ARTICLE 25. MOTION PASSES:** On Motion of Daniel Higgins and seconded, Mr. Moderator, I move to amend the Zoning Bylaws by revising Section 2350, Home Occupations by Special Permit, and Section IV, Definitions, as Outlined in Article 25 of the June 9, 2025, Annual Town Meeting Warrant.

**2350. Home Occupations by Special Permit.**

Business owners of home business occupations are required to fill out and sign a Home Occupation/Home Business form and submit it to the Town Clerk for their records. Businesses or professions incidental to and customarily associated with the principal residential use of premises or artisan manufacturing may be engaged in as an accessory use by a resident of that dwelling upon the issuance of a special permit by Board of Appeals; provided, however, that all of the following conditions shall be satisfied. **Premises governed by HOA agreements, deed restrictions, covenants, or lease restrictions shall be further restricted by those agreements.**

2351. All of the requirements of §§2341, 2342, and 2347, 2348, and 2349.

2352. Not more than three (3) persons not a member of the household shall be employed on the premises in the home occupation.

2353. The visibility of exterior storage of materials and other exterior indications of the home occupation, or other variation from the residential character of the premises, shall be minimized through screening and other appropriate devices. Signs advertising the home occupation shall not exceed one square foot in area.

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TOWN CLERK

ARTICLE 24 : To see if the Town will vote to delete in its entirety Section 2340 Home Occupations as of Right and replace it with a new Section 2340 Home Occupations as of Right.

**2340. Home Occupations as of Right.**

Business owners of home business occupations are required to fill out and sign a Home Occupation/Home Business form and submit it to the Town Clerk for their records. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling; provided, however, that all of the following conditions shall be satisfied. Premises governed by HOA agreements, deed restrictions, covenants, or lease restrictions shall be further restricted by those agreements.

2341. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto which is on the same lot or on an adjoining lot in common ownership ~~which has been in existence at least five (5) years, without an extension thereof.~~

2342. Not more than thirty (30%) percent of the combined floor area of the residence and any qualified accessory structures shall be used in the home occupation provided, however, that no exterior alteration of the building shall be permitted to accommodate the home occupation.

2343. No person not a member of the household shall be employed on the premises in the home occupation.

2344. The home occupation shall not serve clients, customers, pupils, salespersons, or the like on the premises.

2345. There shall be no sign, exterior display, no exterior storage of materials, and no other exterior indication of the home occupation, or other variation from the residential character of the premises.

2346. No disturbance shall be caused, nor shall the home occupation use or store inflammable or hazardous materials in quantities greater than associated with normal household use.

2347. Traffic generated shall not exceed volumes normally expected in a residential neighborhood.

2348. There shall be no offensive noise, vibration, smoke, cinders, dust, fumes, gases, smoke, radiation, or other particulate matter, odors, heat, humidity, glare, excessive refuse or waste materials, or other objectionable effects.

2349. All heavy equipment (e.g., tractor trailers, semi-trailers, or construction equipment) must be either garaged or screened with plantings or fencing to at least the height of the equipment. One commercial vehicle which is not heavy equipment and which is no more than two tons in rated capacity may be parked outdoors on the property.

AT TOWN CLERK  


And to modify Appendix A Use Regulation Schedule


✓  
Not  
needed

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TOWN CLERK

C. Commercial Uses	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
1. Nonexempt agricultural use	SP	SP	SP	SP	SP	N
2. Nonexempt farm stand for wholesale or retail sale of products	TOWN CLERK SP	SP	SP	SP	SP	N
3. Nonexempt educational use	SP	Y	SP	SP	SP	N
4. Animal clinic or hospital, kennel	SP	SP	N	N	SP	N
5. Private club or lodge	N	Y	SP	SP	SP	N
6. Nursing or convalescent home	SP	Y	N	N	N	N
7. Funeral home	Y	Y	SP	SP	SP	N
8. Motel or hotel	N	Y	N	N	N	N
9. Retail stores and services not elsewhere set forth	N	Y	N	N	Y	N
10. Motor vehicle sales and rental	N	Y	N	N	N	N
11. Motor vehicle general and body repair at Home Occupations of at least two acres on a parcel in the "R" district	SP	N	N	N	N	N
11a. Motor vehicle general and body repair not elsewhere set forth	N	Y	N	N	N	N
12. Motor vehicle light service; car wash	N	Y	N	N	N	N
13. Restaurant	N	Y	SP	N	SP	N
14. Restaurant, drive-in	N	Y	N	N	N	N
15. Business or professional office, including medical (not to include RMD's) at Home Occupations on a parcel in the "R" district	SP	N	N	N	N	N
15a. Business or professional office, including medical (not to include RMD's) not elsewhere set forth	N	Y	N	N	Y	N
16. Bank, financial agency	N	Y	N	N	SP	N
20. Indoor commercial recreation	N	Y	N	N	Y	N
21. Outdoor commercial recreation	SP	Y	SP	SP	SP	N
22. Golf course	Y	Y	SP	SP	SP	N
23. Personal service establishment at Home Occupations on a parcel in the "R" district	SP	N	N	N	N	N
23a. Personal service establishment not elsewhere set forth	N	Y	N	N	SP	N
24. Major commercial project	N	SP	N	SP	SP	N
25. Wireless communications facility	N	N	N	SP	SP	N
26. Commercial greenhouse, wholesale or retail, not including the cultivation of Medical Marijuana	Y	Y	SP	Y	Y	N

*Mara Costa*

TOWN CLERK

NOT NEEDED

27. Bed and breakfast	SP	SP	SP	SP	N	N	N	N
28. Contractor's yard or landscaping business on a parcel in the "R" district larger than ten acres, or elsewhere larger than two acres, with or without principal residence	SP	SP	SP	SP	SP	SP	SP	N
29. Marina	N	Y	SP	SP	Y	Y	Y	N
30. Commercial parking lot	N	Y	SP	SP	Y	Y	Y	N
31. Register <sup>ed</sup> Marijuana Dispensary; Marijuana Establishment	N	N	N	N	N	N	N	SP*
32. Medical Services -- Medical clinic, Doctors' offices, Community Hospital	N	Y	N	N	N	N	Y	Y

A TRUE COPY ATTEST

*Shara Costa*

TOWN CLERK

**RECEIVED**  
Town Clerk-Dighton, MA

APR 09 2025  
Time: 4:09 PM  
By:

291004

Article # 25  
Original Bylaw

~~2347. Traffic generated shall not exceed volumes normally expected in a residential neighborhood.~~

2350. Home Occupations by Special Permit.

Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling upon the issuance of a special permit by the Board of Appeals; provided, however, that all of the following conditions shall be satisfied:

2351. All of the requirements of §§2341, 2342, and 2347.

2352. Not more than three (3) persons not a member of the household shall be employed on the premises in the home occupation.

2353. The visibility of exterior storage of materials and other exterior indications of the home occupation, or other variation from the residential character of the premises, shall be minimized through screening and other appropriate devices. Signs advertising the home occupation shall not exceed one square foot in area.

2354. Parking generated by the home occupation shall be accommodated off-street, other than in a required front yard.

2355. No disturbance, as defined in §3410, shall be caused. The use or storage of hazardous materials in quantities greater than associated with normal household use shall be subject to design requirements to protect against discharge to the environment.

~~2400. NONCONFORMING USES AND STRUCTURES.~~

~~2410. General.~~

~~This zoning by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G. L. c. 40A, §5 at which this zoning by-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.~~

~~2420. Nonconforming Uses.~~

~~The Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:~~

~~2421. Change or substantial extension of the use;~~

~~2422. Change from one nonconforming use to another, less detrimental, nonconforming use.~~

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*Shane Costa*

TOWN CLERK



APPENDIX A  
USE REGULATION SCHEDULE

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
<b>A. Residential Uses</b>						
1. Single-family dwelling	Y	Y	N	N	N	N
2. Two-family dwelling	SP	SP	N	N	N	N
3. Conversion of single-family to two-family dwelling	SP	SP	N	N	N	N
4. Multi-family dwelling	N	N	N	N	N	N
5. Lodging or boarding house	N	SP	N	N	N	N
6. Conservation Subdivision	SP	SP	N	N	N	N
7. Assisted living facility	SP	SP	N	N	N	N
8. Kennel, Residential	Y	Y	N	N	N	N
<b>B. Exempt and Institutional Uses</b>						
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y
3. Family day care home	Y	Y	SP	N	N	N
4. Adult day care facility	Y	Y	SP	N	N	N
5. Child care facility	Y	Y	Y	Y	Y	N
6. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, on a parcel of more than five acres in area (not to include the cultivation of Medical Marijuana)	Y	Y	Y	Y	Y	N
7. Facilities for the sale of produce, wine and dairy products, providing that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y	N
8. Cemeteries, private	Y	Y	SP	N	N	N
9. Municipal facilities	Y	Y	Y	Y	Y	N
10. Essential services	SP	SP	SP	SP	SP	N

Mara Costa

APPENDIX A  
USE REGULATION SCHEDULE

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
<b>C. Commercial Uses</b>						
1. Nonexempt agricultural use	SP	SP	SP	SP	SP	N
2. Nonexempt farm stand for wholesale or retail sale of products	SP	SP	SP	SP	SP	N
3. Nonexempt educational use	SP	Y	SP	SP	SP	N
4. Animal clinic or hospital; kennel	SP	SP	N	N	SP	N
5. Private club or lodge	N	Y	SP	SP	SP	N
6. Nursing or convalescent home	SP	Y	N	N	N	N
7. Funeral home	Y	Y	SP	SP	SP	N
8. Motel or hotel	N	Y	N	N	N	N
9. Retail stores and services not elsewhere set forth	N	Y	N	N	Y	N
10. Motor vehicle sales and rental	N	Y	N	N	N	N
11. Motor vehicle general and body repair	N	Y	N	N	N	N
12. Motor vehicle light service; car wash	N	Y	N	N	N	N
13. Restaurant	N	Y	SP	N	SP	N
14. Restaurant, drive-in	N	Y	N	N	N	N
15. Business or professional office, including medical (not to include RMDs)	N	Y	N	N	Y	N
16. Bank, financial agency	N	Y	N	N	SP	N
20. Indoor commercial recreation	N	Y	N	N	Y	N
21. Outdoor commercial recreation	SP	Y	SP	SP	SP	N
22. Golf course	Y	Y	SP	SP	SP	N
23. Personal service establishment	N	Y	N	N	SP	N
24. Major commercial project	N	SP	N	SP	SP	N
25. Wireless communications facility	N	N	N	SP	SP	N
26. Commercial greenhouse, wholesale or retail not including the cultivation of Medical Marijuana	Y	Y	SP	Y	Y	N
27. Bed and Breakfast	SP	SP	SP	N	N	N
28. Contractor's yard or landscaping business on a parcel in the "R" district larger than ten acres, or elsewhere larger than two acres, with or without principal residence	SP	SP	SP	SP	SP	N
29. Marina	N	Y	SP	Y	Y	N

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*Maria Costa*

APPENDIX A  
USE REGULATION SCHEDULE

PRINCIPAL USE	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
30. Commercial parking lot	N	Y	SP	Y	Y	N
31. Registered Marijuana Dispensary; Marijuana Establishment	N	N	N	N	N	SP*
32. Medical Services – Medical clinic, Doctors’ offices, Community Hospital	N	Y	N	N	Y	Y
<b>D. Industrial Uses</b>						
1. Earth removal	SP	SP	SP	SP	SP	SP
2. Light manufacturing	N	N	N	Y	Y	Y
3. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	N	Y	N	Y	Y	Y
4. Manufacturing	N	N	N	Y	Y	Y
5. Manufacturing, hazardous materials produced, used or stored on premises	N	N	N	SP	SP	SP
6. Junkyard or automobile graveyard	N	N	N	N	N	N
7. Transport terminal	N	N	N	SP	SP	SP
8. Large scale ground mounted solar photovoltaic installation pursuant to section 4600	SP	Y	N	Y	Y	Y
9. Small scale ground mounted solar photovoltaic installation pursuant to Section 4600	SP	Y	N	Y	Y	Y
10. Marijuana Cultivator pursuant to Section 2900	N	N	N	SP	SP	SP
11. Marijuana Product Manufacturer pursuant to Section 2900	N	N	N	SP	SP	SP
12. Registered Marijuana Dispensary without Retail pursuant to Section 2900	N	N	N	N	N	SP

\*Allowed by Special Permit in limited areas of the Marijuana Overlay District, excluding those portions in the Industrial Overlay districts. See Section 2918.

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*Mara Cosa*

TOWN CLERK

2346. No disturbance shall be caused, nor shall the home occupation use or store **inflammable** or hazardous materials in quantities greater than associated with normal household use.

2347. Traffic generated shall not exceed volumes normally expected in a residential neighborhood.

2348. There shall be no offensive noise, vibration, smoke, cinders, dust, fumes, gases, smoke, radiation, or other particulate matter, odors, heat, humidity, glare, excessive refuse or waste materials, or other objectionable effects.

2349. All heavy equipment (e.g., tractor trailers, semi-trailers, or construction equipment) must be either garaged or screened with plantings or fencing to at least the height of the equipment. One commercial vehicle which is not heavy equipment and which is not more than two tons in rated capacity may be parked outdoors on the property.

*Planning Board Recommends  
Board of Selectmen Recommends*

**ARTICLE 25. MOTION PASSES:** On Motion of Daniel Higgins and seconded, Mr. Moderator, I move to amend the Zoning Bylaws by revising Section 2350, Home Occupations by Special Permit, and section IV, Definitions, as Outlined in Article 25 of the June 9, 2025, Annual Town Meeting Warrant.

**2350. Home Occupations by Special Permit.**

Business owners of home business occupations are required to fill out and sign a Home Occupation/Home Business form and submit it to the Town Clerk for their records. Businesses or professions incidental to and customarily associated with the principal residential use of premises or artisan manufacturing may be engaged in as an accessory use by a resident of that dwelling upon the issuance of a special permit by Board of Appeals; provided, however, that all of the following conditions shall be satisfied. Premises governed by HOA agreements, deed restrictions, covenants, or lease restrictions shall be further restricted by those agreements.

2351. All of the requirements of §§2341, 2342, and 2347, 2348, and 2349.

2352. Not more than three (3) persons not a member of the household shall be employed on the premises in the home occupation.

2353. The visibility of exterior storage of materials and other exterior indications of the home occupation, or other variation from the residential character of the premises, shall be minimized through screening and other appropriate devices. Signs advertising the home occupation shall not exceed one square foot in area.

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TOWN CLERK

**2354.** Required zoning setbacks may be increased as a condition of the Special Permit for any activity that could potentially detract from the residential area. Potentially detracting activities include, but are not limited to: employee parking areas, loading zones, and storage sheds. Additional screening may also be required to shield these accessory uses from abutting residential lots or street view. occupation shall not exceed one square foot in area.

~~2354~~ 2355. Parking generated by the home occupation shall be accommodated off-street, other than in a required front yard.

~~2355~~ 2356. No disturbance, as defined in §3410 and §3420, shall be caused. The use or storage of **inflammable** or hazardous materials in quantities greater than associated with normal household use shall be subject to design requirements to protect against discharge to the environment.

~~2356~~ 2357. Automotive service shops operating out of a residential property may have no more than two (2) garaged vehicles to be serviced or repaired located on the premises at any one time.

**2358. Waiver of Compliance.** The special permit granting authority may, upon written request of the applicant, waive any of the requirements of §2350 where the project involves relatively simple development plans or constitutes a minor site plan.

And to modify and add the following terms and definitions in proper alphabetical order to SECTION VI. DEFINITIONS

**Artisan Manufacturing.** Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupies no more than 1000 square feet of gross floor area. Typical uses have negligible negative impact on surrounding properties and may include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

And to modify Appendix A Use Regulation Schedule

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TOWN CLERK

Revisions to Appendix A Use Regulation Schedule

C. Commercial Uses	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
1. Nonexempt agricultural use	SP	SP	SP	SP	SP	N
2. Nonexempt farm stand for wholesale or retail sale of products	SP	SP	SP	SP	SP	N
3. Nonexempt educational use	SP	Y	SP	SP	SP	N
4. Animal clinic or hospital, kennel	SP	SP	N	N	SP	N
5. Private club or lodge	N	Y	SP	SP	SP	N
6. Nursing or convalescent home	SP	Y	N	N	N	N
7. Funeral home	Y	Y	SP	SP	SP	N
8. Motel or hotel	N	Y	N	N	N	N
9. Retail stores and services not elsewhere set forth	N	Y	N	N	Y	N
10. Motor vehicle sales and rental	N	Y	N	N	N	N
11. Motor vehicle general and body repair at Home Occupations of at least two acres on a parcel in the "R" district	SP	N	N	N	N	N

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*Shara Costa*

TOWN CLERK

	Residential	Business Open Space / Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
C. Commercial Uses					
11a. Motor vehicle general and body repair <i>not elsewhere set forth</i>	N	Y	N	N	N
12. Motor vehicle light service; car wash	N	Y	N	N	N
13. Restaurant	N	Y	SP	N	SP
14. Restaurant, drive-in	N	Y	N	N	N
15. <i>Business or professional office, including medical (not to include RMD's) at Home Occupations on a parcel in the "R" district</i>	SP	N	N	N	N
15a. Business or professional office, including medical (not to include RMD's) <i>not elsewhere set forth</i>	N	Y	N	N	Y
16. Bank, financial agency	N	Y	N	N	SP
20. Indoor commercial recreation	N	Y	N	N	Y
21. Outdoor commercial recreation	SP	Y	SP	SP	SP
22. Golf course	Y	Y	SP	SP	SP
23 <i>Personal service establishment at Home Occupations on a parcel in the "R" district</i>	SP	N	N	N	N
23a. Personal service establishment <i>not elsewhere set forth</i>	N	Y	N	N	SP
24. Major commercial project	N	SP	N	SP	SP
25. Wireless communications facility	N	N	N	SP	SP
26. Commercial greenhouse, wholesale or retail, not including the cultivation of Medical Marijuana	Y	Y	SP	Y	Y

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*Shara Costa*

C. Commercial Uses	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
27. Bed and breakfast	SP	SP	SP	N	N	N
28. Contractor's yard or landscaping business on a parcel in the "R" district larger than ten acres, or elsewhere larger than two acres, with or without principal residence	SP	SP	SP	SP	SP	N
29. Marina	N	Y	SP	Y	Y	N
30. Commercial parking lot	N	Y	SP	Y	Y	N
31. Registered Marijuana Dispensary, Marijuana Establishment	N	N	N	N	N	SP*
32. Medical Services – Medical clinic, Doctors' Offices, Community Hospital	N	Y	N	N	Y	Y

*Board of Selectmen Recommends  
Planning Board Recommends*

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TOWN CLERK



ARTICLE 25: To see if the Town will vote to delete in its entirety Section 2350 Home Occupations by Special Permit and replace it with a new Section 2350 Home Occupations by Special Permit.

2350. Home Occupations by Special Permit.

Business owners of home business occupations are required to fill out and sign a Home Occupation/Home Business form and submit it to the Town Clerk for their records. Businesses or professions incidental to ~~and customarily associated with~~ the principal residential use of premises or *artisan manufacturing* may be engaged in as an accessory use by a resident of that dwelling upon the issuance of a special permit by Board of Appeals; provided, however, that all of the following conditions shall be satisfied. Premises governed by HOA agreements, deed restrictions, covenants, or lease restrictions shall be further restricted by those agreements.

2351. All of the requirements of §§2341, 2342, and 2347, 2348, and 2349.

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2353. The visibility of exterior storage of materials and other exterior indications of the home occupation, or other variation from the residential character of the premises, shall be minimized through screening and other appropriate devices. Signs advertising the home occupation shall not exceed one square foot in area.

2354. Required zoning setbacks may be increased as a condition of the Special Permit for any activity that could potentially detract from the residential area. Potentially detracting activities include, but are not limited to: employee parking areas, loading zones, and storage sheds. Additional screening may also be required to shield these accessory uses from abutting residential lots or street view.

2354 2355. Parking generated by the home occupation shall be accommodated off-street, other than in a required front yard.

2355 2356. No disturbance, as defined in §3410 and §3420, shall be caused. The use or storage of inflammable or hazardous materials in quantities greater than associated with normal household use shall be subject to design requirements to protect against discharge to the environment.

2356 2357. Automotive service shops operating out of a residential property may have no more than two (2) garaged vehicles to be serviced or repaired located on the premises at any one time.

2358. Waiver of Compliance. The special permit granting authority may, upon written request of the applicant, waive any of the requirements of §2350 where the project involves relatively simple development plans or constitutes a minor site plan.

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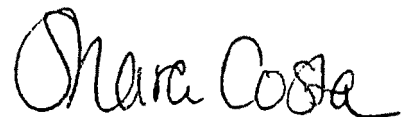
TOWN CLERK

And to modify and add the following terms and definitions in proper alphabetical order to  
SECTION VI. DEFINITIONS

**Artisan Manufacturing.** Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupies no more than 1000 square feet of gross floor area. Typical uses have negligible negative impact on surrounding properties and may include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

And to modify Appendix A Use Regulation Schedule

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TOWN CLERK

Commercial Uses	Residential	Business	Open Space/Recreation	Industrial	Industrial Overlay District	Marijuana Overlay District
1. Nonexempt agricultural use	SP	SP	SP	SP	SP	N
2. Nonexempt farm stand for wholesale or retail sale of products	SP	SP	SP	SP	SP	N
3. Nonexempt educational use	SP	Y	SP	SP	SP	N
4. Animal clinic or hospital, kennel	SP	SP	N	N	SP	N
5. Private club or lodge	N	Y	SP	SP	SP	N
6. Nursing or convalescent home	SP	Y	N	N	N	N
7. Funeral home	Y	Y	SP	SP	SP	N
8. Motel or hotel	N	Y	N	N	N	N
9. Retail stores and services not elsewhere set forth	N	Y	N	N	Y	N
10. Motor vehicle sales and rental	N	Y	N	N	N	N
11. Motor vehicle general and body repair at Home Occupations of at least two acres on a parcel in the "R" district	SP	N	N	N	N	N
11a. Motor vehicle general and body repair not elsewhere set forth	N	Y	N	N	N	N
12. Motor vehicle light service; car wash	N	Y	N	N	N	N
13. Restaurant	N	Y	SP	N	SP	N
14. Restaurant, drive-in	N	Y	N	N	N	N
15. Business or professional office, including medical (not to include RMD's) at Home Occupations on a parcel in the "R" district	SP	N	N	N	N	N
15a. Business or professional office, including medical (not to include RMD's) not elsewhere set forth	N	Y	N	N	Y	N
16. Bank financial agency	N	Y	N	N	SP	N
20. Indoor commercial recreation	N	Y	N	N	Y	N
21. Outdoor commercial recreation	SP	Y	SP	SP	SP	N
22. Golf course	Y	Y	SP	SP	SP	N
23. Personal service establishment at Home Occupations on a parcel in the "R" district	SP	N	N	N	N	N
23a. Personal service establishment not elsewhere set forth	N	Y	N	N	SP	N
24. Major commercial project	N	SP	N	SP	SP	N
25. Wireless communications facility	N	N	N	SP	SP	N
26. Commercial greenhouse, wholesale or retail, not including the cultivation of Medical Marijuana	Y	Y	SP	Y	Y	N

*Steve Case*  
Residential

27. Bed and breakfast	SP	SP	SP	SP	N	N	N
28. Contractor's yard or landscaping business on a parcel in the "R" district larger than ten acres, or elsewhere larger than two acres, with or without principal residence	SP	SP	SP	SP	SP	SP	N
29. Marina	N	Y	SP	Y	Y	Y	N
30. Commercial parking lot	N	Y	SP	Y	Y	Y	N
31. Registered Marijuana Dispensary; Marijuana Establishment	N	N	N	N	N	N	SP*
32. Medical Services - Medical clinic, Doctors' offices, Community Hospital	N	Y	N	Y	N	Y	Y

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pg 1 of 2

ARTICLE #26

Original Bylaw

APPENDIX B  
TABLE OF DIMENSIONAL REGULATIONS

DISTRICT OR USE	Min. Lot Area (sq. ft.)	Min. Lot Frontage (ft.)	Min. Front Setback (ft.)	Min. Side Yard (ft.)	Min. Rear Yard (ft.)	Max. Bldg. Coverage (% of lot)	Min. Distance between bldgs. (ft.)	Max. Bldg. Ht. (ft.)	Max. # of Stories	Max. Ht. Of Projections (ft.)	Other Requirements
Single family dwelling, all districts	35,000	175	55	15	15	25	10	35	2.5	40	Lots without water or sewer shall have a min. area of 43,560 sq. ft. and 250' of frontage
Other permitted uses in Residence District	35,000	175	55	15	15	25	10	35	2	65	Same as above
Other permitted uses in Open Recreation District	35,000	175	55	15	15	15	10	35	2.5	40	
Other permitted uses in Business District	18,750	150	75	30	30	30	10	35	1	65	
Other permitted uses in Industrial District	60,000	250	100	100	75	35	10	65	Any	65	Side yard of 50' required when abutting land zoned Ind.

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Original Bylaw

Art 26

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APPENDIX B  
TABLE OF DIMENSIONAL REGULATIONS

NOTES TO TABLE

1. For accessory structure requirements, see §2700.
2. Front yard requirement measured from center of public way.
3. Projections included chimneys, towers, spires, antennae, water tanks, and other structures carried above the roofline not used for human occupancy. Greater height for such features may be authorized by special permit from the Zoning Board of Appeals

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**ARTICLE 26. MOTION PASSES:** On Motion of Jeffrey Carvalho and seconded, Mr. Moderator, I move that the Town vote to amend section 2620. Table of Dimensional Requirements, to more clearly define water or sewer connection as outlined in Article 26 of the June 9, 2025, Annual Town Meeting Warrant.

**APPENDIX B  
TABLE OF DIMENSIONAL REGULATIONS**

DISTRICT OR USE	Min. Lot Area (sq. ft.)	Min. Lot Frontage (ft.)	Min. Front Setback (ft.)	Min. Side Yard (ft.)	Min. Rear Yard (ft.)	Max. Bldg. Coverage (% of lot)	Min. Distance between bldgs (ft.)	Max. Bldg. Ht. (ft.)	Max. # of Stories	Max. Ht. Of Projections (ft.)	Other Requirement
Single family dwelling, all districts	35,000	175	55	15	15	25	10	35	2.5	40	Lots without Town water or sewer connection (one required) shall have a min. area of 43,560 sq. ft. and 250' of frontage
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Other permitted uses in Open Recreation District	35,000	175	55	15	15	15	10	35	2.5	40	
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**NOTES TO TABLE**

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2. Front yard requirement measured from center of public way.
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*Board of Selectmen Recommends*

*Mara Costa*

TOWN CLERK

Final Version of bylaw as amended 11/17/26 pg 10/22

ARTICLE 26: To see if the Town will vote to amend section 2620. Table of Dimensional Requirements to more clearly define water or sewer connection, or take any action thereon.

APPENDIX B  
TABLE OF DIMENSIONAL REGULATIONS

DISTRICT OR USE	Min. Lot Area (sq. ft.)	Min. Lot Frontage (ft.)	Min. Front Setback (ft.)	Min. Side Yard (ft.)	Min. Rear Yard (ft.)	Max. Bldg. Coverage (% of lot)	Min. Distance between bldgs. (ft.)	Max. Bldg. Ht. (ft.)	Max. # of Stories	Max. Ht. Of Projections (ft.)	Other Requirements
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*Maria Costa*



Final Version of Bylaws as Amended Art # 26

Pg 22/22

NOTES TO TABLE

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3. Projections included chimneys, towers, spires, antennae, water tanks, and other structures carried above the roofline not used for human occupancy. Greater height for such features may be authorized by special permit from the Zoning Board of Appeals

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*Mara Costa*

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Appendix B  
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