On September 29, 2026 the Attorney General's Municipal Law Unit approved the Zoning Bylaw Change attached hereto. A person shall not be deprived of the right to assert a claim of invalidity arising out of any possible defect in the procedure of adoption or amendment as provided in M.G.L. c. 40, section 32 and in section 5 of chapter 40A. Claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety days of such posting or of the second publication. Copies of the by-law may be examined and obtained at the Town Offices in the Town Clerk's Office.

TOWN OF CHESHIRE

TOWN CLERK

P.O. BOX S, 191 CHURCH STREET CHESHIRE, MASSACHUSETTS 01225
PHONE (413)743-1690 EXT 104 | EMAIL TOWNCLERK@CHESHIRE-MA.GOV

ANNUAL TOWN MEETING
TOWN OF CHESHIRE
Commonwealth of Massachusetts
Berkshire SS.
Monday, June 8, 2026, at 7:00 PM
191 Church Street

ARTICLE 31: AMEND THE ZONING BY-LAWS

To see if the town will vote to amend the Cheshire Zoning By-laws by deleting the current section 225-4.3 replacing with the new language in section 225-4.3 Accessory Dwelling Units; by creating a new section 225-3.14 Performance Standards for Short-Term Rentals, by Amending section 225-3.2 adding Short Term Rentals to the Table of Use Regulations and by amending section 225-6.2 to include Parking Schedule for Accessory Dwelling units as set forth below or take any other action in relation thereto.

Item 1. **Amend §225-4.3 Additional dwelling units on a lot, by deleting the language shown below with a strikethrough line and adding the language in italics.**

~~§ 225-4.3. Additional dwelling units on lot.~~

~~A. No more than one dwelling shall be built upon any lot, except that additional dwelling units may be allowed by special permit on a lot that meets the frontage and setback requirements and has a minimum lot size of "n" multiplied by 60,000 square feet, where "n" equals the total number of dwelling units.~~

~~B. Adequate access, as determined by the special permit granting authority, must be provided for each dwelling unit.~~

~~C. Any roads constructed must meet the standards specified in the Rules and Regulations Governing the Subdivision of Land, Cheshire, Massachusetts.~~

§225-4.3 Accessory Dwelling Units

A. ***Purpose:*** *The purpose of §225-4.3 is to allow for Accessory Dwelling Units, as defined M.G.L. c. 40A, §1A, to be built as-of-right in residential zoning districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 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 Protected Use Accessory Dwelling Units to accomplish the following purposes:

1. *Increase housing production.*
2. *Provide more moderately priced housing options.*
3. *Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.*

***B. Definitions**: As used in this section, the following terms shall have the meanings indicated:*

ACCESSORY DWELLING UNIT: A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that 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

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.

LOCAL ACCESSORY DWELLING UNIT: An Accessory Dwelling Unit that is larger than 900 square feet or ½ the Gross Floor Area of the principal dwelling but not larger than 1,200 square feet.

PROTECTED ACCESSORY DWELLING UNIT: 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 ½ 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.

C. Use Regulations:

1. One Protected Accessory Dwelling Unit is permitted by right in all zoning districts.
2. A Local Accessory Dwelling Unit is permitted by Special Permit granted by the Planning Board.
3. More than one Accessory Dwelling Units on a lot is permitted by Special Permit granted by the Planning Board. Additional Accessory Dwelling Units on a lot shall be classified as Local Accessory Dwelling Units.

D. Code Compliance:

1. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code.
2. ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations, and the state Building Code in which the ADU is located.

E. Dimensional Requirements:

1. An Accessory Dwelling Unit shall comply with the same minimum front, side, and rear yard setbacks as a principal dwelling established in 225-4.2.
2. A Protected Accessory Dwelling Unit 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.
3. A local Accessory Dwelling Unit shall not be larger than a Gross Floor Area of 1,200 square feet.
4. 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 or accessory structure within the same district, whichever results in more permissive regulation.
5. 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, or Single-Family Residential Dwelling or accessory structure within the same district, whichever results in more permissive regulation.

F. Parking Requirements

One off-street parking space shall be provided in accordance with 225-6.2 unless the Accessory Dwelling Unit is located within ½ mile radius of a transit station. There are no off-street parking requirements for ADUs within ½ mile radius of a transit station. All required parking spaces, including the parking space for the Accessory Dwelling Unit must be provided no closer to the street than the building setback line.

G. Administration and Enforcement

1. The Building Inspector shall administer and enforce the provisions of 225-4.3.

2. No building shall be changed in use or configuration without a building permit from the building inspector.

3. No building shall be occupied until certificate of occupancy is issued by the building inspector.

4. The building inspector shall apply the Dover analysis as articulated in the standards in 760 CMR 71.03 (3) (a) to any request for a Protected Use Accessory Dwelling Unit and shall waive any zoning requirement that the building inspector finds to be unreasonable under the Dover analysis.

H. Nonconformance

1. 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.

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

3. 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 Permit Granting Authority in an as-of-right process, without requiring a Special Permit or other discretionary waiver.

Item 2. Create a new section 225-3.14, Performance standards for short-term rentals as written below.

225-3.14. Performance standards for short-term rentals

The Town of Cheshire supports the safe and legal operation of short-term rental dwellings to support the local economy and offer a variety of overnight lodging options for visitors to the Town. The performance standard section will offer the assurance that all short-term rental properties will be acceptable uses within the Town of Cheshire if the performance standards are met for any given property and that the property owner has applied for and received a registration of the property as a short-term rental and applied for and received a business certificate.

A. The property owner must apply to register the property on a form provided by the Town of Cheshire and receive a business certificate from the Town of Cheshire.

B. The property shall follow all relevant state and local statutes, rules and regulations pertaining to health and safety.

C. The property owner shall provide, with the registration application, a copy of the registration certificate with the MA Department of Revenue for each dwelling unit they are registering.

D. A registration fee of $100 shall be paid at the time of registration and $100 at each annual renewal.

E. A lack of compliance with these standard or any complaint arising from the use of the property will be referred to the appropriate Town department for investigation. If the property owner is found to be in violation of a performance standard, the short-term rental registration may be revoked after a hearing with seven days' advance notice and may not be renewed until the property complies.

Item 3. **Amend §225-3.2 Table of Use Regulations by adding the following uses to the table.**

		Zoning Districts			
(a) Principal Uses		R-1	A-R	B	LI*
Residential Uses					
20.	Short-term Rentals	YES	YES	YES	YES
		Zoning Districts			
(b) Accessory Uses		R-1	A-R	B	LI*
Residential Uses					
20.	Short-term Rentals	YES	YES	YES	YES
21.	Protected Accessory Dwelling Unit	YES	YES	YES	YES
22.	Local Accessory Dwelling Unit	SPP	SPP	SPP	SPP

Item 4. **Amend § 225-6.2. Parking Schedule, by adding the requirements for Accessory Dwelling Units as written below.**

Structure/Use	Minimum Number of Spaces Required
Accessory Dwelling Unit	1 off-street parking space unless the ADU is located within ½ radius of a transit station. There are no off-street parking requirements for ADUs within ½ mile radius of a transit station.

2/3 Vote Required

Motion to accept the article as presented was made and seconded.

Discussion: Questioned, if this would allow the town to take on appearance of a city, becoming too congested. Answered by Planning Board Chair, Peter Traub, that this is good for the town, allowed by right, while regulating process. **Card Vote – 56 in favor, 1 opposed; Article Passed**

Posted in Cheshire at Town Offices, Post Office, Police Station, Senior Center, and Library on November 18th, 2026 at 10:00AM.

True Copy Attest: Whitney E. Flynn

Whitney E. Flynn
Cheshire Town Clerk