



ADU Resource Center FEASIBILITY STUDY

DATE: Click or tap here to enter text.
 CLIENT: Click or tap here to enter text.
 TOWN: Orleans, MA

Thank you, Click or tap here to enter text., for inquiring into the possibility of building an ADU at Orleans, MA. We conducted some preliminary research based on the conversation we had as to whether your property is eligible to build an ADU. We are happy to provide the following information:

PROPERTY OVERVIEW	
PROPERTY ADDRESS	Click or tap here to enter text.
YEAR BUILT	Click or tap here to enter text.
PARCEL ID	Click or tap here to enter text.
PRIMARY DWELLING (SQ. FT.)	Click or tap here to enter text.
LOT AREA (SF)	Click or tap here to enter text.
# OF BEDROOMS	
ZONING DISTRICT	Click or tap here to enter text.
ZONING OVERLAY DISTRICT(S)	Click or tap here to enter text.
TYPE OF STRUCTURE	
INTENTION FOR STRUCTURE	

ELIGIBILITY FOR ADU		
PROPERTY MEETS <u>ALL</u> OF	THE FOLLOWING CRITERIA:	See Page for More Information
YES <input type="checkbox"/> NO <input type="checkbox"/> Need more information, contact town <input type="checkbox"/>	<input type="checkbox"/> Septic <input type="checkbox"/> Zoning (by right) <input type="checkbox"/> Setbacks	Pg. 3 Pg. 4 Pg. 4



Instructions for Hyperlinks in Document: Hold down CTRL button & Click on Link (in bold green font) at same time.



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OVERVIEW: Orleans ADU Bylaw

***On May 13, 2024, at Town Meeting, the voters approved an amendment to the ADU bylaws.**

The newly adopted Accessory Dwelling Unit (ADU) Bylaw is intended to increase the number of small dwelling units available for rent in Orleans and to encourage greater diversity of the population, with particular attention to young adults, and senior citizens. While the Town voted to approve the bylaw amendment, the State Attorney General's Office has 90 days to review it and give a final approval before they are officially enacted.



Accessory Dwelling Units (ADUs) are now allowed "BY RIGHT" provided they meet all zoning requirements, health codes and conservation regulations.

General Information

The Accessory Dwelling Unit Bylaw is intended to diversify the types of housing available in Orleans and to support a strong, stable, and diverse year-round community. ADU's may be located within the principal residence or in an accessory building on the same property. The dwellings if leased shall be for periods of not less than ninety (90) days. See: [§ 164-40 5.](#)

Size & Location

- An ADU shall contain no more than ***1,200 square feet of habitable space.**
- Any building addition which is involved shall not increase existing lot coverage by more than two percent (2%) of the lot area.
- ~~Lot area must equal at least 30,000 square feet of contiguous buildable upland.~~

Preliminary Steps for Property Owner

1. Verify property location relative to zoning districts and/or ponds, salt marshes, bogs, etc.
2. Verify that the existing septic system is sized appropriately for additional bedrooms to the property.
3. Review full Bylaw language.

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PROPERTY RESEARCH – Health and Septic Regulations

► Health Regulations Related to Septic/Title V



FINDING:

Lot Size: Click or tap here to enter text.

Bedrooms: Click or tap here to enter text.



[Bedroom Definition/BOH Regulation for Orleans](#)

Septic Capacity: Click or tap here to enter text.

Capacity to Expand: Click or tap here to enter text.

Health Department Confirmed: Click or tap here to enter text.

Notes: Click or tap here to enter text.



We recommend contacting the Health Department to clear the way for any additional next steps.

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PROPERTY RESEARCH - Zoning, Buildability and Setbacks

FINDINGS:

RESIDENTIAL BUILDING PROVISIONS

TOWN OF ORLEANS - MINIMUM YARD DIMENSIONS							
District	Min. Size (SF)	Min. Frontage (Feet)	Front Setbacks (Feet)	Side Setbacks (Feet)	Rear Setbacks (Feet)	Maximum Building Height (Feet)	Maximum Lot Shape Number
R Residential	40,000 ⁵	150 ¹²	25	25	25	30	22
RB	—	100 ¹	25	25	25	30	N/A
LB	—	—	25	10	10	30	N/A
GB	—	—	25	10	10	30	N/A
VC	—	—		See § 164-22, Subsection 1	30	30 ¹²	N/A

¹ Refer to § 164-22H.

⁵ The building coverage in a Residential District shall not exceed fifteen percent (15%) of the buildable upland. However, building coverage in a Residential District shall not exceed four thousand (4,000) square feet without the issuance of a Special Permit under the provisions of § 164-44. In no event shall the Board of Appeals be authorized to grant a Special Permit which would result in building coverage which exceeds fifteen percent (15%) of the buildable upland.

In all zoning districts, all construction, with the exception of water-dependent facilities, such as piers, docks, floats, boathouses, structures used in conjunction with fishing and shell fishing and structures used for agricultural purposes, shall be set back a minimum distance equal to one and one-half (1 1/2) times the building height from any coastal bank, coastal beach, coastal dune, salt marsh, inland pond, lake or inland bank bordering on any pond or lake. "Building height," for the purpose of this section, shall be the vertical distance from the preexisting natural grade at the foundation on the side of a building facing the coastal bank, coastal beach, coastal dune, salt marsh, inland pond, lake or inland bank bordering on any pond or lake, as defined herein, to the highest point of the building(s). Notwithstanding anything contained in this section, no building shall be required to be set back more than fifty (50) feet from any coastal bank, coastal beach, coastal dune, salt marsh, inland pond, lake or inland bank bordering on any pond or lake. The terms "coastal bank," "coastal beach," "coastal dune," "salt marsh," "inland bank," "pond" or "lake," as used in this section, shall be defined as in the Massachusetts Wetlands Protection Act, MGL C. 131, § 40, and the regulations issued thereunder, 310 CMR 10.04, as of May 2008.

[Added 5-5-1987 ATM, Art. 44; amended 5-11-2009 ATM, Art. 25] See: § 164-21



[Click Here to watch a brief video offering an overview on Building Setbacks](#)




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PROPERTY RESEARCH - Zoning, Buildability and Setbacks

ZONING: Accessory Uses Chart (see below or view [164 Attachment 1](#))

P= Use Permitted | O= Use Prohibited | A= Use allowed: A, under Special Permit by the Board of Appeals as provided in section 164-44



ACCESSORY USE	R	RB	LB	GB	VC ⁵	I	CD ⁶	SC	MB
Accessory dwelling (See § 164-40A) [ATM 5/6/85 Article 63]	P	P	P	P	P	P	O	O	P
Accessory scientific use (see § 164-16) [ATM 5/1/78 Article 48]	A	A	A	A	A	A	A	A	A
Building for the raising, boarding or breeding of dogs or livestock by principal occupant of agricultural premises	A	P	A	O	O	O	O	O	O
Garage, barn and boathouse for the principal occupant of residential premises [STM 6/8/72 Article 16]	P	P	P	A	A	O	O	O	P
Guest House	P	P ⁴	P	O	O	O	O	O	P ⁴
Roadside stand, for products raised on the premises, less than 100 s.f. in area	P	P	P	P	P	P	P	P	P
Shed or other building to house maintenance equipment and supplies for apartment complex [ATM 5/6/82 Article 49]	O	A	A	A	A	O	O	O	O
Storage Trailers	O	O	O	O	O	P ⁹	O	O	O
The use of a room or rooms in a dwelling, the use of premises or buildings thereon by resident occupants for a recognized profession and for customary home occupations as defined in § 164-4	A	P	P	O	O	O	O	O	P

NOTES:

- (1) Intending that the retail business be incidental to and directly related to permitted use. [ATM 3/13/73 Article 46]
- (2) Total retail business floor area, exclusive of storage and office space, shall be limited to 1,500 sq. ft. per business. No parking within the Front and Side yard setbacks is permitted.
- (3) Must conform to minimum lot size currently in force in the Residential District. Any lot which existed prior to March 9, 1971 which contains 15,000 sq. ft. but less than the current minimum area may be used for a single-family dwelling but not for a two-family dwelling or a guest house, or any lot which existed prior to August 2, 1973 containing at least 20,000 sq. ft. but less than the current minimum area may be used for a single-family dwelling but not for a two-family dwelling or a guest house.
- (4) Except "A" if creating more than 2,500 square feet of gross floor area in commercial use whether through new construction, addition, or change of use. Such special permits are subject to § 164-38 and § 164-39. The calculation of the total gross floor area in commercial use shall include all existing and proposed floor area.
- (5) See § 164-19.1 for possible exclusions in the VC District.

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KEEP IN MIND....

POTENTIAL UPFRONT PRE-PLANNING COSTS

Many homeowners don't realize that you often need to have engineered site plans, septic plans, and floor plans BEFORE you apply for a building permit.

There are several tasks that may need to be completed beforehand that could involve upfront costs. Whether you need to apply for a Special Permit, or a Zoning Variance first, or you are simply ready to apply for a Building Permit, you may need to engage the services of:



A SEPTIC ENGINEER, if the Health Department indicates your system is not compliant and you require a new Septic Design Plan.



A LAND SURVEYOR or CIVIL ENGINEER to conduct a **professionally engineered site plan**, especially if you have decided on a new build that is a standalone structure. This will be helpful if there is any question about where on your property a new structure can be built (considering setbacks, the location of underground utilities, wetlands etc.)



AN ARCHITECT or DESIGN FIRM to draw up preliminary sketches/designs for the build or **PURCHASE PLANS ONLINE**.



A LAND-USE ATTORNEY to represent you at any Zoning or Planning Board hearings.

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POTENTIAL NEXT STEPS...



HELPFUL TIP: *Contacting the appropriate Town Hall department staff directly and making good friendly connections with each office will greatly help your process. Department employees are extremely knowledgeable and are there to assist homeowners with each step in the process.*



CONTACT the [Health Department](#):

- Confirm septic/bedroom data.
- Form a working relationship.
- If necessary, discuss the next steps for dismantling bedroom and/or septic upgrades.



CONTACT the [Planning Department](#):

- Form a working relationship.
- If necessary, discuss [Zoning Board of Appeals Application](#) process for [Special Permit](#) and [Variance](#) requests.



[Town of Orleans Zoning Board of Appeals Application Materials](#)



CONTACT [Lenders](#) to discuss financing options.



INTERVIEW & SELECT: Builder/General Contractor

- **Interview**, (gain references, check licenses/insurance, see portfolio of example work) **and then decide upon an experienced, [licensed general contractor](#)** who can act as your representative and start the permitting process on your behalf.



PRE-PLAN & DESIGN: Steps before applying for a BUILDING PERMIT.



BEGIN PERMIT PROCESS (usually handled by your General Contractor)



[ORLEANS Building Permit Procedures](#)

[ORLEANS Building Permit and Instructions](#)

[ORLEANS Building Department Fees](#)



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HELPFUL CONTACT INFORMATION

Orleans Town Hall

Main Number 508-240-3700
Monday- Friday 8:30-4:30



TOWN STAFF DIRECTORY

Meservey, George	Director of Planning and Community Development	Contact George Meservey	508-240-3700, ext. 2335
Jenkins, Elizabeth	Assistant Director of Planning and Community Development	Contact Elizabeth Jenkins	508-240-3700, ext. 2310
Sharpless, Karen	Administrative Assistant	Contact Karen Sharpless	508-240-3700, ext. 2334
Fitch, Alexandra	Health Agent	Contact Alexandra Fitch	508-240-3700, ext. 2450
Messier, Kelly	Interim Health Agent	Contact Kelly Messier	508-240-3700, ext. 2450
Campbell, Bonnie	Principal Clerk	Contact Bonnie Campbell	508-240-3700, ext. 2450
Baci, Leah	Principal Clerk	Contact Leah Baci	508-240-3700, ext. 2450
Nelson, John	Water/Sewer Program Coordinator	Contact John Nelson	508-240-3700, ext. 2319

As you progress further through this process, the ADU Resource Center has information to support you along the way, including:

- Lists of [Site Engineers](#), [Architects](#), [Contractors](#) and other professionals
- [Loans and financing options.](#)



Check out our website for more information: <https://www.lowercapehousing.org/adus>



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ADDITIONAL USEFUL INFORMATION

Attached Documents		Related Notes or Links
1	FIELD / PROPERTY CARD	Attached
2	ZONING MAP	https://www.town.orleans.ma.us/DocumentCenter/View/659/2018-Town-of-Orleans-Zoning-Map-PDF?bidId= & attached
3	ORLEANS ZONING BYLAW 164.401	<i>Attached -old version – new version to be approved by Attorney General in Fall 2024</i>
4	ORLEANS ZONING BYLAWS (Full Document)	https://www.town.orleans.ma.us/364/Zoning-Bylaws-Regulations <i>old version – new version to be approved by Attorney General in Fall 2024</i>
	ORLEANS BUILDING PERMIT PROCEDURES	https://www.town.orleans.ma.us/DocumentCenter/View/178/Building-Permit-Procedures-PDF & attached
6	ORLEANS BUILDING PERMIT INFO & APPLICATION	https://www.town.orleans.ma.us/DocumentCenter/View/176/1-and-2-Family-Building-Permit-Applications-PDF & attached
7	ORLEANS SCHEDULE OF USE REGULATIONS	https://www.town.orleans.ma.us/DocumentCenter/View/183/Schedule-of-Use-Regulations-PDF & attached
8	ORLEANS SPECIAL PERMIT	Attached
9	ORLEANS ZONING BOARD OF APPEALS APPLICATION PROCESS	Attached
10	ORLEANS BUILDING CODE-SETBACKS, LOT SIZE	https://ecode360.com/14200318 & attached
11	ORLEANS HOUSING PROFILE – CAPE COD COMMISSION	https://capecodcommission.org/resource-library/file/?url=/dept/commission/team/Website_Resources/housing/town_profiles/Orleans-Housing-Profile.pdf & attached
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Prepared By: Talitha Abramsen

If you have any questions, please feel free to contact us at the ADU Resource Center:
508-290-0119 or Talitha@capecdp.org



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HOMEOWNER'S NOTES