

Accessory Apartment Amendments

Docket #192 -22

Zoning and Planning Committee
July 18, 2022



Overview

- Recap of April Meeting
- Proposed Amendments
- Examples of Recent Projects
- Next Steps

Recap of April Meeting

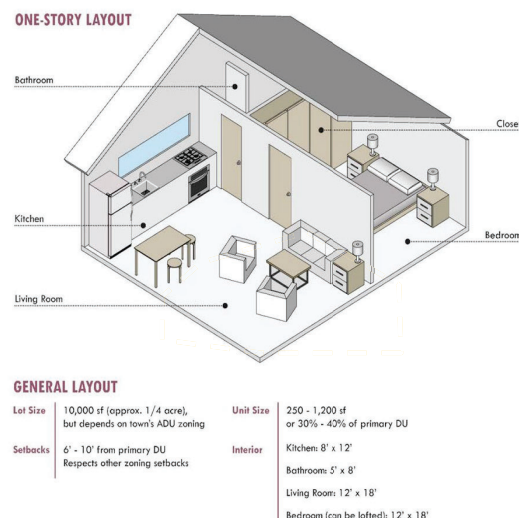
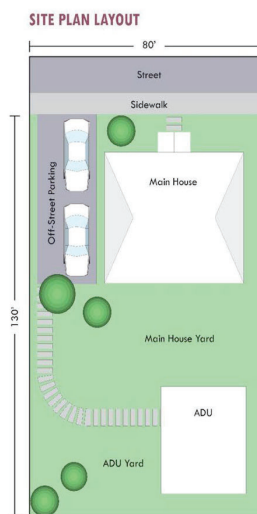
Interior & Detached ADUs



Image Source: Google Earth

Benefits of ADUs

- Diversify housing options
- Flexibility for homeowners
- Allow for new housing without adding new buildings
- Support for aging in place & needs of a dynamic, changing community



GENERAL LAYOUT

Lot Size	10,000 sf (approx. 1/4 acre), but depends on town's ADU zoning	Unit Size	250 - 1,200 sf or 30% - 42% of primary DU
Setbacks	6' - 10' from primary DU Respects other zoning setbacks	Interior	Kitchen: 8' x 12' Bathroom: 5' x 8' Living Room: 12' x 18' Bedroom (can be lofted): 12' x 18'

Image Source: Living Little, MAPC

Proposed Amendments:

1. Remove the 4 -year lookback period for ADUs

2. Allow small detached ADUs by -right

- a. Maximum size allowed by -right
- b. Updated setback requirements

1. Remove 4-year lookback



Why?

- A primary residence must be at least 4 years old to get a permit for an ADU, except by special permit
- Allowing ADUs to be part of a building process from the beginning can enable the owner to intentionally fold in accessibility features and egress in the design stage
- ADUs are not a bonus on top of the allowed by right FAR, so the square footage can be distributed

1. Remove 4-year lookback



Proposed change - remove Sec. 6.7.1.C.5 (below)

Current	Proposed
<p><i>The principal dwelling unit must have been constructed 4 more years prior to the date of application for a permit to construct an accessory apartment as evidenced by a certificate of occupancy for the original construction of the dwelling or, where no certificate is available, the owner provides other evidence of lawful occupancy of the existing dwelling on or before a date at least 4 years prior to the date of application, except by special permit;</i></p>	<p><i>The principal dwelling unit must have been constructed 4 more years prior to the date of application for a permit to construct an accessory apartment as evidenced by a certificate of occupancy for the original construction of the dwelling or, where no certificate is available, the owner provides other evidence of lawful occupancy of the existing dwelling on or before a date at least 4 years prior to the date of application, except by special permit;</i></p>

1. Remove 4-year lookback

Case Study - 17 Walnut Place

- Primary dwelling unit: 2,425 sf
- Internal ADU addition: 948 sf
- Actual FAR=2425+948 =3,373 sf
- Allowable FAR= **3,448 sf**

FAR calculation: SR3, lot size 7,335 sq ft=FAR of .47 = 3,448 sq ft

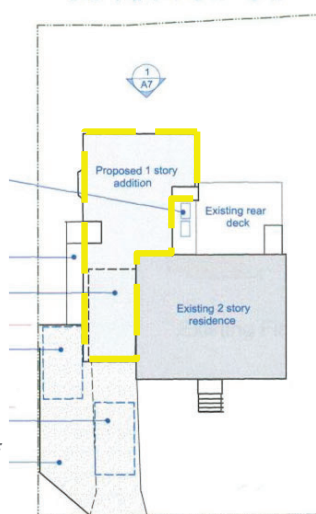
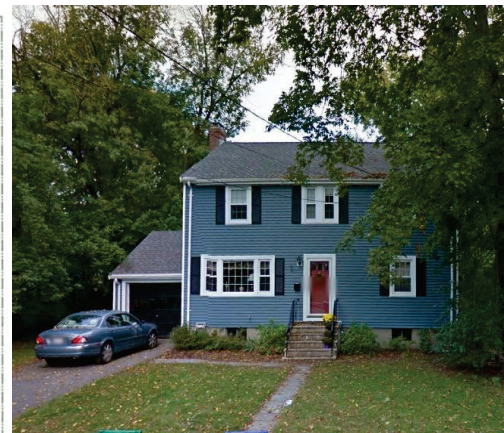


Image Source: Google Earth



Note: ADU cannot be seen from the street

9

2. Allow small detached ADUs by -right - max. size

Why?

- Except for some historic carriage houses, all detached ADUs require a special permit
- Very few homeowners pursue detached ADUs in new structures, or non historic ones
- Special permit requirement has deterred some from pursuing an ADU

2. Allow small detached ADUs by -right - max. size

Proposed change - Amend Sec.6.7.1.E.1

	Current	Proposed
Allowed by-right	Not allowed (except historic carriage houses in non-historic districts)	250 sf- 900 sf or 50% of total Habitable Space, whichever is less
Allowed by Special Permit	- 250 sf- 1200 sf or 40% of total Habitable Space, whichever is less - Or up to 1,500 sq. ft.	Up to 1,500 sq. ft.

11

2. Allow small detached ADUs by -right - max. size

Case Study - 1224 Boylston

- Pre-existing accessory building
- Meets all dimensional requirements
- No changes proposed to interior or exterior of accessory building
- Needed Special Permit to become ADU regardless



Image Source: Newton Inspectional Services Department

12

2. Allow small detached ADUs by -right - reduce setbacks

Why?

- Significant amount of existing accessory buildings do not meet the setback requirements of the principal dwelling
- Common setback relief granted by special permit for detached ADUs

Lots with Accessory Buildings

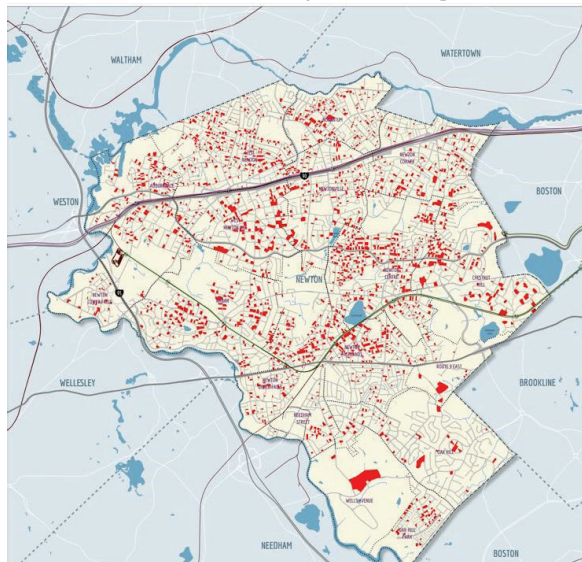


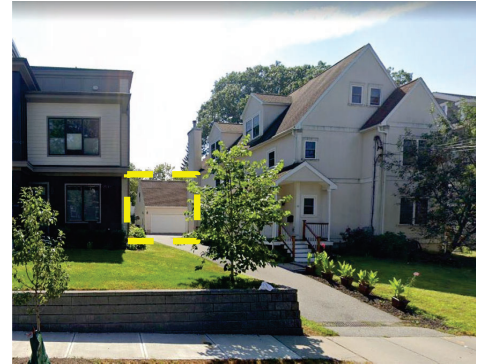
Image Source: Newton Pattern Book

2. Allow small detached ADUs by -right - reduced setbacks

Proposed change - Amend Sec.6.7.1.E.5

Current	Proposed
<ul style="list-style-type: none"> - A detached ADU must meet the setback requirements of the principal dwelling unit, except by special permit 	<ul style="list-style-type: none"> - A detached ADU must meet the setback requirements for Accessory Buildings (5 ft rear and side yard setbacks) - Additional screening requirements if detached ADU setbacks are less than the principal dwelling unit requirements <ul style="list-style-type: none"> - Dense planting - Fencing

Case Study - Existing accessory building setbacks



15

Looking Ahead:

- Refine proposals based on Committee feedback
- Set public hearing date

Thank you!

16