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Barney S. Heath  
Director

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**MEMORANDUM**

**DATE:** September 9, 2022

**TO:** City Council

**FROM:** Barney Heath, Director, Department of Planning and Development  
Jennifer Caira, Deputy Director Department of Planning and Development  
Zachery LeMel, Chief of Long Range Planning

**RE:** **#192-22 Request for review and amendments to Section 6.7.1**  
COUNCILORS CROSSLEY, DANBERG, LIPOF, KELLEY, ALBRIGHT, NORTON, BOWMAN, GREENBERG, HUMPHREY, LEARY, RYAN, AND KRINTZMAN requesting a review of and possible amendments to, Section 6.7.1 Accessory Apartments, to remove barriers to creating accessory apartments, such as to consider conditions under which detached ADUs may be allowed by right, and under which ADUs may be permitted as part of new construction.

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Accessory apartments, or accessory dwelling units (ADUs), are self-contained apartments in an owner-occupied home or lot. An ADU can be attached or detached from the structure of the primary home and are allowed in conjunction with single- or two-family homes (with a maximum of one ADU per property). Newton adopted an Accessory Apartment Ordinance in 1987, which has evolved significantly in that time. The policy has led to the creation of several dozen new housing units and legalized many existing units. The City Council has consistently recognized and affirmed the role ADUs can play in fostering a diverse housing stock in a number of adopted City policies and plans.

With the item currently before the City Council for a vote, Planning staff are providing additional information comparing the existing and proposed changes related to setbacks for detached ADUs. The following table is attached for reference:

Attachment A            ADU Setback Comparison Table

#192-22 Accessory Apartment Ordinance Amendments

**Intent:**

Amendments to the Accessory Apartment (ADU) Ordinance are intended to make it easier to develop an attached or detached ADU in order to provide a smaller, more affordable, housing option currently lacking in the Newton market. The table below compares the proposal to relax side and rear setback requirements for detached ADUs with the current setback requirements for principal buildings, ADUs, and all other accessory buildings. All setbacks shown are minimums.

**Comparison Table (Old Lot Standards):**

Zoning District	Existing		Proposed			Existing (for comparison)		
	Principal Building* / ADU		ADU Only			Other Accessory Buildings (ex. garage, guest house)**		
	Side Setback	Rear Setback	Side Setback	Rear Setback	Height / Footprint	Side Setback	Rear Setback	Height / Footprint
SR1	12.5 ft	25 ft	7.5 ft	12.5 ft	1.5 stories / 700 sf	5 ft	5 ft	1.5 stories / 700 sf
SR2	7.5 ft	15 ft	7.5 ft	7.5 ft	1.5 stories / 700 sf	5 ft	5 ft	1.5 stories / 700 sf
SR3	7.5 ft	15 ft	7.5 ft	7.5 ft	1.5 stories / 700 sf	5 ft	5 ft	1.5 stories / 700 sf
MR1	7.5 ft	15 ft	7.5 ft	7.5 ft	1.5 stories / 700 sf	5 ft	5 ft	1.5 stories / 700 sf
MR2	7.5 ft	15 ft	7.5 ft	7.5 ft	1.5 stories / 700 sf	5 ft	5 ft	1.5 stories / 700 sf
MR3	7.5 ft	15 ft	7.5 ft	7.5 ft	1.5 stories / 700 sf	5 ft	5 ft	1.5 stories / 700 sf

Denotes change in required setback

\* A principal building can be up to 2.5 stories and has not footprint size restrictions

\*\* Accessory Buildings, other than ADUs, can be 5 ft from any side and rear lot line at the same maximum height and size