



Tips for Implementing Accessory Dwelling Units Legislation in Your Community

MAPC

December 9th, 2024



Notification of Meeting Being Recorded

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Welcome!

Agenda

1. *Welcome and Introductions*
2. *ADUs in Massachusetts Overview*
3. *Polling – Where you are right now*
4. *Municipal ADU Zoning Examples*
5. *ADU Best Practices*
6. *Q+A*



Source: California ADU Accelerator

MAPC Team and Panelists

Stoneham, MA



Erin Wortman

Director of
Planning and
Community
Development

Hudson, MA



**Kristina
Johnson**

Director of
Planning and
Community
Development

MAPC



Alexis Smith

Principal Housing
and Land Use
Planner



**Gwendolyn
Hellen-Sands**

Housing Planner II

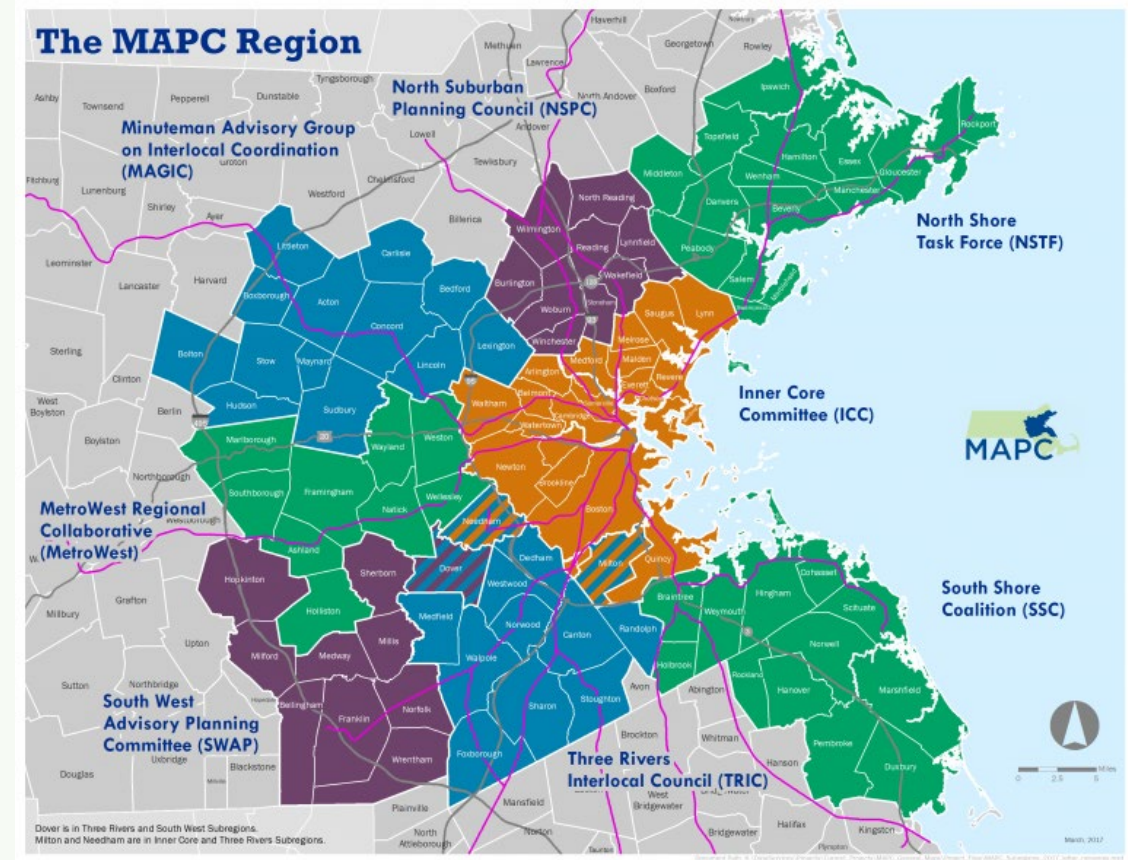


**Andrea
Harris-Long**

Director of Land Use

Who is MAPC

The Metropolitan Area Planning Council (MAPC) is the regional planning agency serving the people who live and work in the 101 cities and towns of Metropolitan Boston. Our mission is to promote smart growth and regional collaboration.



Goals of the Webinar

- *Provide an overview of the Massachusetts accessory dwelling unit legislation*
- *Explain what the new legislation means for municipalities*
- *Provide examples of updated municipal bylaws*
- *Highlight best practices for creating your own municipal ADU zoning*
- *Answer your questions about implementation*



Source: Real Estate Exchange

ADUs in Massachusetts

What the Law Says

On August 6, 2024, Governor Maura Healey signed the Affordable Homes Act into law. With this legislation, **Accessory Dwelling Units (ADUs) are permitted by-right in single-family zoning districts in all communities.** The final legislation defines ADUs, prohibits owner occupancy requirements, and sets maximum parking requirements.



Source: Mass.gov

EOHLC is preparing to release further guidelines and regulations that will guide the implementation of the law.

Regulations are out now!

Check them out on the EOHLC Website!

ADUs By Right In Massachusetts



ATTACHED

Source: AARP



ABOVE - GARAGE

Source: HGTV Home



INTERNAL

Source: AARP



DETACHED

Source: Berkshire Eagle

Why are ADUs important?

ADUs are beneficial because they can:

- Create modestly-priced housing
- Increase housing supply in residential areas through low-impact infill
- Create housing options for small households (i.e. for seniors or young adults)
- Generate supplemental income



Source: BostonPads.com

February 2nd 2025 Effective Date!

The law goes into effect on February 2nd, 2025, which is 180 days after the law was signed.

On February 2nd, any municipal ADU zoning that is not consistent with the state ADU law will no longer be enforceable.

Municipalities are not required to have an ADU bylaw/ordinance or to update their ADU zoning to be compliant.

Where are you now?

A few polling questions

Mentimeter Polling

We will be using Mentimeter for our digital engagement today

Join the activity at menti.com

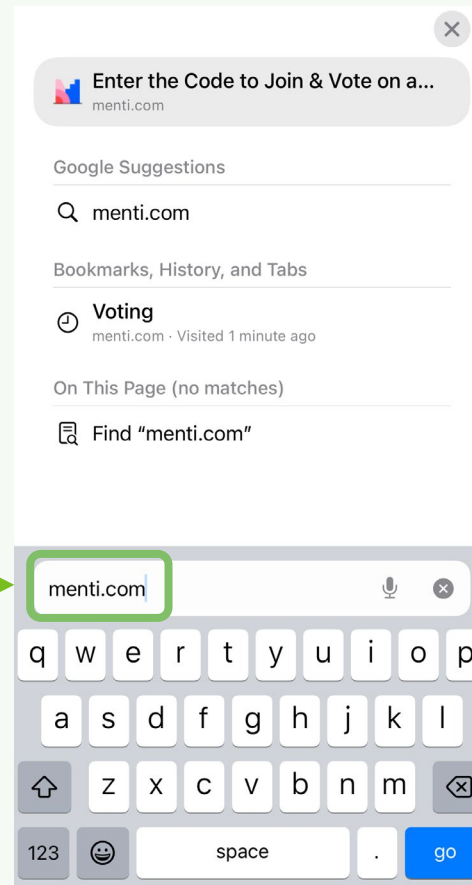
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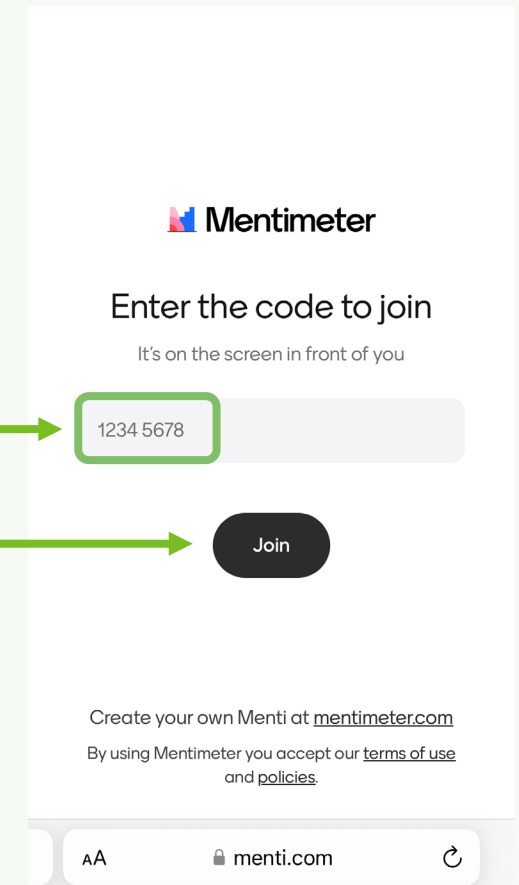
How to Join

Join the activity at **menti.com**
Use code: **8137 0715**

Open your internet browser
and type in menti.com



Once on the website
enter the provided code



After you click join the
first question should
appear

If you are having trouble joining you can let us know in the chat and someone will try to help you

Which municipality do you work for or live in?

leader bold
creative
fast focus
transpiration inspiration



What is your role?



Does your municipality currently have an ADU bylaw?

0

Yes

0

No

0

I'm not sure



Join at menti.com | use code **8137 0715**

How are you planning to update or amend your local regul

Municipal Examples

Stoneham and Hudson



IMPLEMENTING ADU LEGISLATION IN YOUR COMMUNITY

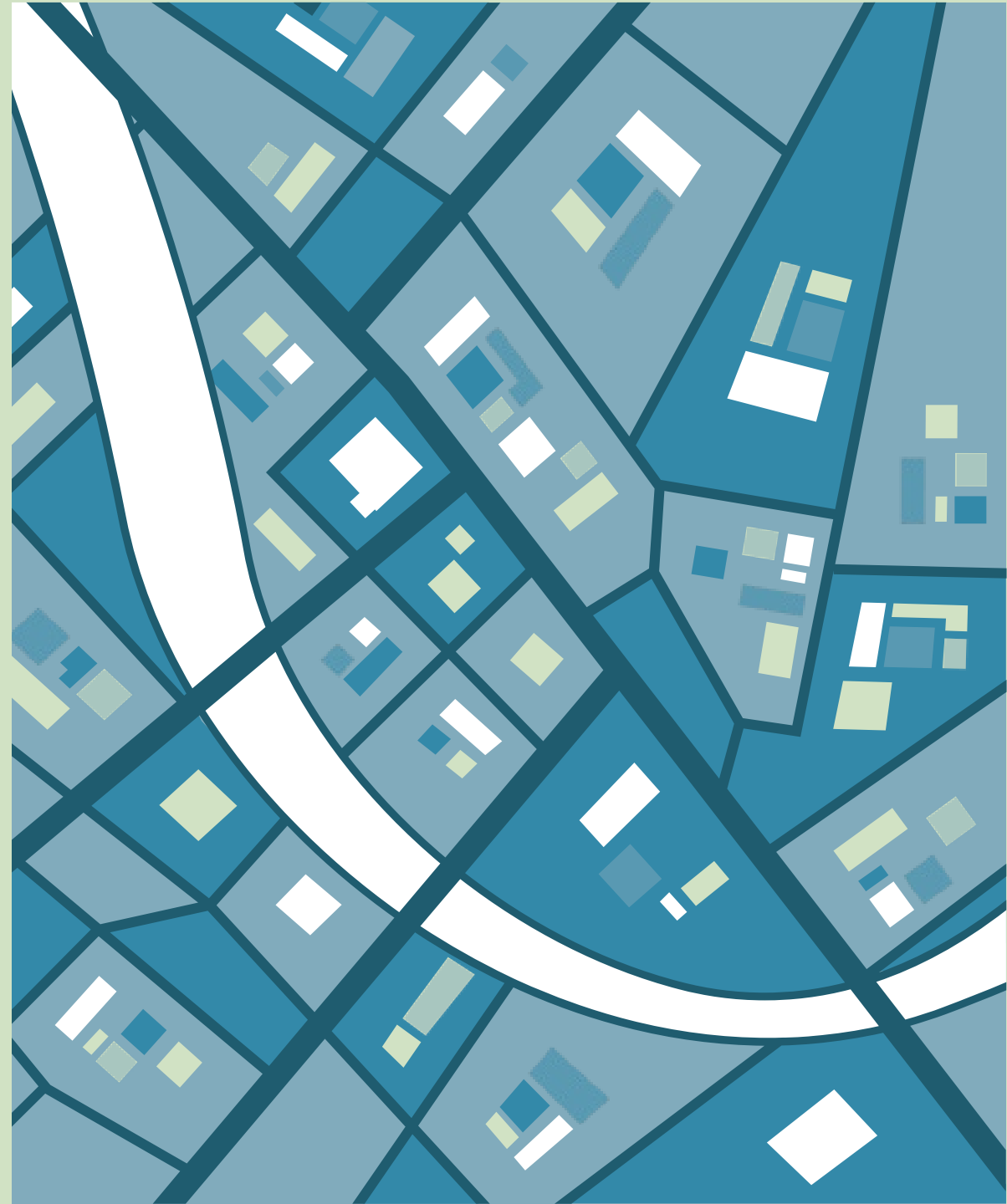
Erin Wortman
Director of Planning &
Community Development
Town of Stoneham, MA

OVERVIEW OF STONEHAM

- 24,000 RESIDENTS IN 6.2 SQUARE MILES
- 36.5% OF LAND IS PERMANENTLY PROTECTED CONSERVATION LAND
- 8 MILES FROM DOWNTOWN BOSTON
- RESIDENTS SELF-IDENTIFY AS “SMALL TOWN”
- ELECTED SELECT BOARD & PLANNING BOARD
- 1 IN EVERY 3 HOUSEHOLDS QUALIFY FOR SOME FORM OF HOUSING ASSISTANCE
- OPEN TOWN MEETING FORM OF GOVERNMENT

OUR APPROACH

- ASSESSMENT
- PROPOSE COMPLIANCE
- TEMPERATURE CHECK
- TOWN MEETING
- LOOKING AHEAD



ASSESSMENT

A stylized background graphic of a city map. It features a grid of streets in light yellow/green lines on a blue background. The map is partially obscured by three dark blue horizontal bars containing white text.

REVIEW EXISTING ZONING

UNDERSTAND THE PROCESS

COLLABORATE WITH ZONING
ENFORCEMENT

STONEHAM'S PREVIOUS ADU BYLAW

4.2.4 Uses Permitted on a Special Permit Granted by the Planning Board:

4.2.4.1 Accessory Dwellings (family apartments)

(a) Owner occupancy required: The owner(s) of the single-family lot and dwelling upon which the accessory dwelling unit, or family apartment, is located or to be located shall occupy at least one (1) of the dwelling units on the subject property. The Special Permit shall be issued to the owner of the subject property and shall be filed with the Registry of Deeds and the Planning Board shall forward a copy to the Inspector of Buildings. In the event there is a change in ownership of the subject property via a transfer to a family member an amendment to the Special Permit must be applied for. The Planning Board retains rights of rescission should any portion of conditions be violated.

(b) In the event a change in residence of either family member occurs, or a conveyance occurs that is to someone other than a family member, or a voluntary surrender of the Special Permit, the subject property will automatically revert to a single family dwelling and no longer enjoy the rights granted under the Special Permit that allowed for the accessory dwelling. This does not preclude a new application for a Special Permit in accordance with the described use at any time in the future.

(c) The gross floor area of the accessory dwelling, or family apartment, shall not exceed 750 square feet under any circumstance or condition. The accessory dwelling unit must be attached to the subject property primary dwelling unit by way of minimum shared wall coverage of 75% (of length). In addition all utility services shall be single service (meter) to the subject property primary dwelling and accessory dwelling.

(d) One additional parking space shall be provided for the accessory dwelling, or family apartment, in addition to a minimum of two spaces for the principal unit, or other parking requirements as determined by the Planning Board.

(e) Occupancy of the accessory dwelling, or family apartment, shall be limited to two people and may not be used for business or commercial purposes.

(f) A deed restriction for the affected lot must be filed with the Registry of Deeds to the effect that principal dwelling or accessory dwelling, or family apartment, be owner occupied as a condition for the issuance of an occupancy permit for the subject accessory dwelling, or family apartment.

(g) Construction and occupancy of the accessory dwelling, or family apartment shall comply with all applicable state, federal, and local laws and regulations. No Certificate of Occupancy shall be issued until evidence of the recording of the Special Permit and Deed Restriction has been provided to the Planning Board and Building Inspector.

(h) Ownership of the principal dwelling and the accessory dwelling, or family apartment, shall be one and the same, and may not be separated. There shall be one accessory dwelling allowed per single family dwelling. There is to be no other apartment or accessory dwelling unit on the subject lot. (10-27-03, Art. 21)



PROPOSED COMPLIANCE

STRIKE ENTIRE SECTION & REPLACE WITH..

Section 4.2 RESIDENCE A DISTRICTS:

- 4.2.2 Uses Permitted:
- 4.2.2.4 Accessory Dwelling Unit

Section 6.3.3 Minimum Number of Spaces by Use

- Residential
 - f. Accessory Dwelling Unit 1 per dwelling unit

TEMPERATURE CHECK

- MEET & SHARE PROPOSED CHANGES WITH PLANNING BOARD
- COMPLIANCE IS BASELINE
- ABOVE & BEYOND - WHAT IS THE APPETITE?
 - SECOND ADU OPTION?
 - LOWERING PARKING MORE? (IF POSSIBLE)
 - WHAT ARE THEIR QUESTIONS?
- LOCAL ZONING CODE NEEDS TO BE CONSISTENT WITH STATE LAW



A stylized graphic of a map or zoning plan on the left side of the slide. It features various colored polygons (green, blue, orange, white) representing different land use zones, separated by dark blue lines. The map is partially cut off by the edge of the slide.

TOWN MEETING

- UTILIZE TOWN COUNSEL
- INDIVIDUALS MAY DISAGREE, IT'S NOT YOUR JOB TO CONVINCE THAT THIS IS A "GOOD" LAW
- REMIND THE PUBLIC THAT ZONING IS ROOTED IN TRANSPARENCY & SHARED EXPECTATIONS FOR ALL
- BE THE EXPERT



LOOKING AHEAD

- ONCE APPROVED, CIRCLE BACK WITH ZONING ENFORCEMENT
 - IS THE PROCESS STRAIGHT-FORWARD?
 - NEW FORMS REQUIRED?
 - ANYONE ADDITIONAL NEED TO BE INVOLVED WITH THE REVIEW?
 - BE THEIR SUPPORT



HUDSON
MASSACHUSETTS

Accessory Dwelling Unit By-law Update
MAPC Webinar
December 9, 2024



Hello from Hudson!

- 20,000 residents- approximately 45 minutes northwest of Boston; 15 minutes east of Worcester. Share municipal borders with Stow, Sudbury, Bolton, Berlin, and Marlborough.
- Open Town Meeting and Elected Planning Board and Select Board.
- Significant population with Portugal—specifically the Azores.
- Home of Governor and Ambassador Paul Cellucci and Nuno Bettencourt, lead singer and guitarist of the Rock Band Extreme.
- Winner of the 2021 Best Main Street in America Award.



Definition of an Accessory Dwelling Unit

- An Accessory Dwelling Unit (ADU) is a secondary residential living space located on the same lot of a single-family home
- Colloquially known as “granny flats” or “in-law suites”
- ADUs can be within an existing primary residence, like converting a basement into an apartment, attached to a primary residence as a new construction addition, or completely detached, like a cottage or converted detached garage in a backyard.
- Maximum size of an ADU is no more than half of the gross floor area of the principal dwelling, or 900 square feet, whichever is smaller (as defined in statute)
- ADUs are not considered a multifamily unit



Hudson's Accessory Dwelling Unit By-law

- Hudson adopted an ADU Zoning By-law in 2007
- Attached and detached ADUs less than 900 square feet are allowed in a single family zoned district by Special Permit of the Zoning Board of Appeals.
- Requires two off-street parking spaces (not tandem)
- Requires owner occupancy of either the main dwelling of the ADU. Enforced via an affidavit kept on file with the Town and recorded at the Middlesex County of Deeds
- Requires a separate entrance to the ADU be located on the side or the rear of the building.
- Requires that the ADU not be occupied by more than three people
- Since 2016, **24 ADUs** have been permitted by the Zoning Board of Appeals



Recent Amendments to MGL Chapter 40A (Zoning Act)

Section 8 of the Affordable Homes Act becomes effective on February 2, 2025

WHAT THIS MEANS...

MUNICIPALITIES CAN REGULATE/REQUIRE	MUNICIPALITIES CANNOT REGULATE/REQUIRE
Site Plan Review if review thresholds are triggered.	Any discretionary zoning approval for the use or rental of an ADU in a single family zoning district. Only a Building Permit is required.
Compliance with Title 5 requirements/other Board of Health regulations.	Require owner occupancy for the ADU or principal single or regulate who can live in the ADU.
Conformance to existing dimensional standards in the Zoning by-laws	Require more than one (1) parking space.
Impose a prohibition on the use of the ADU for short-term rentals as defined by MGL Chapter 64G Section 1	

Definition of Short Term Rentals- MGL Chapter 64 G Section 1

"Short-term rental", an owner-occupied, tenant-occupied or non-owner occupied property 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; 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.



Approach for Updating the Existing ADU By-law

5.2.6 Accessory Dwelling Units

5.2.6.1 Purpose and Intent

The intent of allowing accessory dwelling units is to:

- 1) Preserve the residential character of a neighborhood.
- 2) Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate-income households who might otherwise have difficulty finding housing;
- 3) Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;

- 4) Provide housing units for persons with disabilities;

5.2.6.2 Definitions:

- 1) Accessory Dwelling Unit (ADU): A self-contained housing unit incorporated within a single-family dwelling or existing detached structure that is clearly a subordinate part of the single-family dwelling and which complies with each of the use and dimensional regulation stated in section

5.2.6.4 below.

- 2) Building, Attached: A building having any portion of one or more walls in common or within five feet of an adjacent building.

- 3) Building, Detached: A building having five feet or more of open space on all sides.

- 4) Dwelling, Single-Family: A building designed or used exclusively as a residence and including only one dwelling unit.

- 5) Dwelling Unit: One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of single-family maintaining a household. This definition does not include a trailer, however mounted.

- 6) ~~Primary Domicile: That place where a person has his or her true, fixed, and permanent home and principal establishment, and to which he or she is never absent more than 6 months.~~

- 7) ~~Temporary Absence: Absence of no more than 6 months.~~

5.2.6.3 Procedural Requirements:

- 1) ~~An application for an Accessory Dwelling Unit Special Permit shall be filed with the Zoning Board of Appeals in accordance with its applicable filing requirements. A Building Permit application for an Accessory Dwelling Unit shall be filed with the Building Commissioner.~~

- 2) ~~The Zoning Board of Appeals shall not grant any variances under this section except as noted in 5.2.6.4 (2). The Accessory Dwelling Unit shall comply with dimensional standards in Section 7.3 and Section 7.2.1.3 and relief from thereof shall not be granted except as noted in Section 5.2.6.4 (1)~~

5.2.6.4 Use and Dimensional Regulations:

- 1) ~~The Zoning Board of Appeals as the Special Permit Granting Authority (SPGA) may issue a Special Permit authorizing the installation and use of an accessory dwelling unit in a single-family home or lot provided the following conditions are met: The Building Commissioner shall issue a Building Permit authorizing the installation and use of an accessory dwelling unit in a single-family home or lot provided the following conditions are met.~~

- a) ~~The accessory dwelling unit may be located in the primary domicile single-family dwelling.~~

- b) ~~The primary domicile to be altered to include an accessory dwelling unit shall maintain the appearance of a single-family structure. The single-family dwelling may be altered to include an Accessory Dwelling Unit.~~

- c) ~~The unit will consist of a complete, separate housekeeping unit containing both kitchen and bath. The Accessory Dwelling Unit shall consist of a complete, separate housekeeping unit containing both kitchen and bath~~

- d) ~~Only one accessory dwelling unit may be created within a single-family house or house lot. Pursuant to MGL Chapter 40A Section 3A, more than one accessory dwelling unit within a single-family home or house lot shall require a Special Permit from the Zoning Board of Appeals pursuant to MGL Chapter 40A Section 9 and Section 9.2 of the Hudson Zoning By-laws.~~

- e) ~~The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence, except for bona fide temporary absences.~~

- f) Any new separate outside entrance serving an accessory dwelling unit shall be located on the side or in the rear of the building as remote as possible from one another.

- g) ~~The habitable floor area of the accessory unit shall not exceed twenty-five (25%) of the habitable floor area of the entire dwelling or 900 square feet, whichever is greater. The habitable area of the Accessory Dwelling shall not exceed ½ the gross floor area of the principal dwelling or 900 square feet, whichever is smaller.~~

- h) ~~An accessory dwelling unit may not be occupied by more than three (3) people nor have more than two bedrooms. An Accessory Dwelling Unit may not have more than two bedrooms~~

- i) The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws and regulations.

Approach for Updating the Existing ADU By-law

j) Sufficient and appropriate space for at least ~~two (2)~~ one (1) additional parking spaces shall be provided by the owner to serve the accessory dwelling unit. Said parking space shall be constructed of material consistent with the existing driveway and shall have vehicular access to the driveway. Stacking of vehicles for the different dwelling units shall not be allowed. A separate driveway opening for the accessory dwelling unit shall not be allowed.

k) The proposed use is determined to be in harmony with the intent and purpose of the Zoning By-Law.

l) ~~The use of the Accessory Dwelling Unit for short-term rentals, as defined in MGL Chapter 64G Section 1, shall be prohibited.~~

2) ~~The Accessory Dwelling Unit shall comply with the dimensional requirements pursuant to Section 7.3 and Section 7.2.1.3 of this By-law.~~ In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the SPGA may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

3) ~~Approval for an ADU requires that the owner must occupy one of the dwelling units. The zoning approval and the notarized letters required in 5.2.6.4 (4) & (5) below must be recorded in the Middlesex South County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.~~

4) ~~Prior to issuance of a special permit, the owner(s) must furnish an affidavit, sworn under the pains and penalties of perjury, stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence, except for bona fide temporary absences.~~

5) ~~When a structure, which has received a special permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Special Permit, must, within thirty (30) days of the purchase, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences.~~

6) Prior to the issuance of a ~~special permit~~ Building Permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

5.2.6.5 Administration and Enforcement

1) It shall be the duty of the Building Commissioner as Zoning Enforcement Officer to administer and enforce the provisions of this Bylaw.

2) No building shall be 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. Any building alteration 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.

3) The Building Commissioner shall refuse to issue any permit, which would result in a violation of any provision of this chapter or in a violation of the conditions or terms of any special permit or variance granted by the Zoning Board of Appeals or its agent.

4) The Building Commissioner shall have the authority to 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.

5) ~~Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this chapter unless the construction or use is begun within a period of not more than six months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner~~ **Construction or use according to the building permit shall conform to any subsequent amendments to these provisions, MGL Chapter 40A, and/or Massachusetts Building Code unless the construction or use is begun within a period of not more than six months after the issuance of the building permit before the effective date of the amendments. To qualify for the exemption, construction must be completed in a continuous and expeditious manner.**

Q+A – Questions for Erin and Kristina!



Source: www.stoneham-ma.gov



Source: New England Explorer

Best Practices

ADU Best Practices

- *Dimensional regulations no more restrictive than for single family homes*
- *Allow ADUs on non-conforming lots*
- *ADUs should not be required to have their own septic system*
- *Allow anyone to reside in an ADU – no familial requirements*
- *Permitting process should be quick and easy*
- *No additional permitting fees should be charged*

Next Step: Review Regulations!

ADU Helpful Resources

EOHLC ADU Resource Page

www.mass.gov/info-details/accessory-dwelling-units

MAPC ADU Resource Page

www.mapc.ma/adus

AARP ADU Resources

www.aarp.org/livable-communities/housing/info-2019/accessory-dwelling-units-adus/

Boston ADU Guidebook

www.bostonplans.org/adu_zoning#ADU%20Guidebook

MAPC Living Little

Living-little.mapc.org

We will be emailing out the slides so you can access the links that way

Question and Answer

Thank you for joining us!

MAPC ADU Website: Mapc.ma/adus

Panelist Contact Information:

Erin Wortman - ewortman@stoneham-ma.gov

Kristina Johnson - kjohnson@townofhudson.org

Alexis Smith - asmith@mapc.org

Gwendolyn Hellen-Sands - ghellensands@mapc.org