

## **Frequently Asked Questions: Accessory Dwelling Units (ADUs)**

### What is an Accessory Dwelling Unit?

An ADU is a small apartment or housing unit on the same lot as a single-family home and are frequently referred to as “in-law apartments.” They can be attached or detached from the principal dwelling. They are owned, bought, and sold together with the principal dwelling on the lot, and at least one of the units on the property (either the ADU or the “principal dwelling”) must be owner-occupied.

### What are the benefits of ADUs for Wellesley?

- Community Development:
  - To facilitate low-impact, sustainable housing production, diversity, and affordability in the Town’s neighborhoods that don’t require expansions of Town infrastructure.
- Diversity & Inclusion:
  - To allow older adults to remain in Wellesley by providing a potential income stream, enabling sharing of a home with the next generation, and making home maintenance and mobility easier.
  - To allow greater opportunities for smaller families, young professionals, and the Town’s workforce to become part of the community.
  - To better accommodate adult children and people with disabilities.
- Sustainability:
  - To use energy, water, materials, and the Town’s infrastructure more efficiently by increasing the Town’s housing supply through focused, small-scale development.
  - To advance the town’s climate change goals by facilitating lower carbon footprints for residents
- Historic Preservation:
  - To preserve historic homes, carriages houses, and barns by providing an alternative option to a tear down.
- Demographic Change:
  - To accommodate evolving lifestyles and multi-generational living
- Recognition of Existing Units:
  - To establish a procedure to allow residents with unauthorized ADUs to ensure the units conform to health standards and building codes

### Do other communities in Greater Boston have ADUs?

Yes. Nearby communities where ADUs are currently allowed include Arlington, Dedham, Dover, Lexington, Lincoln, Needham, Newton, Waltham, Wayland, and Weston. Many require a special permit for all ADUs, while more recent ones, such as Arlington's, allow certain ADUs as of right.

#### Do ADUs align with the Town's plans/goals?

The Town's Unified Plan and Housing Production Plan both indicate the need to increase the types of housing options and increase housing overall in Wellesley. Both plans recommend the adoption of an ADU bylaw as a means of diversifying the types of housing in town.

#### Will ADUs impact the look and feel of Wellesley's neighborhoods?

ADUs are to be subordinate in appearance to the principal dwelling to minimize any impact on existing neighborhoods. ADUs must match the style and architecture of the principal dwelling. Many ADUs are internal to existing houses and thus don't change the external appearance of the property. Detached ADUs are most often converted garages or carriage houses.

#### Won't this encourage the proliferation of short-term rentals, such as Airbnb's in Wellesley?

The driving purpose of allowing ADUs is to create new, stable housing, not to encourage Airbnb's. The proposed bylaw requires a minimum leasing period of 30 days and does not allow leasing more than once every thirty days, reducing the ability to rent the units for short-term stays.

#### How will ADUs make Wellesley's housing more affordable?

ADUs will increase housing options in Wellesley. The proposed bylaw specifically mandates that ADUs are smaller units (a maximum of 900 square feet), which will create market rate units in Wellesley at a lower price point than is commonly found today. For the homeowner, creating an ADU will allow for a potential revenue stream, and a sharing of household expenses, making an existing home more affordable.

#### What are the environmental benefits of ADUs?

ADUs are explicitly intended to have a small building footprint, as reflected in the maximum permitted size of 900 square feet. ADUs may also allow homeowners, and renters, to move closer to both their places of work and to public transportation than they otherwise would have, thus reducing transportation-related emissions. More broadly, development in established neighborhoods helps reduce the need for creating new infrastructure, increased development, and habitat destruction related to new development.

Will Wellesley's building and zoning requirements apply to ADUs?

Yes. Any dimensional requirements, setbacks, and other provisions of the Zoning Bylaw and Town Bylaws will apply to ADUs, just like they would apply to a single-unit home. Projects on non-conforming lots require ZBA approval. Also changes to non-conforming structures will require ZBA approval unless the change is for an entrance and small landing.

How big can ADUs be in Wellesley?

In January 2021, Governor Baker signed An Act Enabling Partnerships for Growth which allows communities to adopt certain housing provisions by a simple majority, rather than the standard 2/3 majority, including allowing communities to allow ADUs of up to 900 square feet, which is why Wellesley has chosen 900 square feet as a maximum size. The proposed bylaw also stipulates that ADUs must have a minimum size of 250 square feet, a figure borrowed from Newton's bylaw.

Where in Wellesley will ADUs be allowed?

ADUs may be built in Single Districts and in other districts, such as General Residence, where Single Residence Uses are allowed. Only one ADU will be allowed for each single-family home. ADUs are not allowed in Two-Family Dwellings, Town Houses, or other buildings with multiple dwellings.

Can the homeowner live in the ADU while renting out the "principal dwelling"?

Yes. The proposed bylaw intentionally allows the owner to live in either the ADU or the principal dwelling in anticipation that some seniors will want to downsize inside their own homes and rent out the principal dwelling to another person.

Can both the principal dwelling and ADU be rented out at the same time?

No. The proposed bylaw aims to prevent this by requiring one of the housing units on the property to be owner-occupied.

Where will ADU residents park?

Wellesley's overnight parking ban, enforced between 2 AM and 6 AM, ensures that ADU residents will not be allowed to park on the street overnight. The proposed bylaw does not require any additional parking to be designated specifically for ADUs due to concerns that doing so would increase impervious surfaces in town. Tenants could be able to park in the existing driveway or garage, or the owner may create additional on-site parking, but this is up to the owner.

How does this bylaw effect current noncompliant ADUs in town?

If a homeowner has an existing ADU it is violation of Town bylaws and will remain in violation until brought into compliance with the ADU bylaw and applicable building codes. Homeowners may be able to avoid some penalties for addressing existing violations if building permits for such work are issued by December 31, 2024, and construction is completed by December 31, 2025.

How would I get permission to build an ADU?

Under the proposed bylaw, a building permit application will be required to state than an ADU is being proposed. Upon receipt of the building permit application, or the Building Inspector determining that the plans include an ADU, the Building Department will notify the Planning Department of the proposed ADU.

The Planning Department will determine whether the ADU will comply with the operational and ownership requirements of the bylaw. The applicant will also be required to file a notice in the Registry of Deeds that the property contains an ADU subject to the requirements of the ADU. The Planning Department will advise the Building Department that the ownership and operational requirements have been met. The process will be similar to the process used for determining whether homes are subject to the Historic Preservation Demolition Delay Bylaw.

Detached ADUs will require a special permit from the ZBA.

Once the Planning Department has reviewed the application and ZBA approval, if needed, is issued, the Building Department will then issue a building permit if the project complies with the State Building Code and other Zoning Bylaw requirements.

How would the ADU bylaw be enforced after an ADU is constructed?

ADU owners would be required to submit an annual certification to the Planning Department verifying that the ADU complies with the bylaw. They would also be required to notify the Planning Department when the property is sold. If an ADU does not conform to the bylaw, the Building Inspector may order the removal of certain features that facilitate permanent residence, such as kitchens.

Can ADUs be built in new structures?

Yes. There is nothing in the bylaw that prevents a resident from building a new home with an ADU, whether attached or detached, at the same time. However, all provisions of the ADU Application and verification process and other provisions of the Zoning Bylaw still apply to such a scenario.

How many ADUs will be built in Wellesley per year?

It's hard to know for sure. There may be a surge in ADU production shortly after legalization due to people acting on pent-up interest and coming forward with existing unauthorized ADUs. However, Newton, a city three times Wellesley's size, builds 7 per year on average.

If adopted at Town Meeting, when will this new bylaw take effect?

The bylaw will take effect on September 1, 2022.