

Accessory Dwelling Units (ADUs)

ARTICLE 40

2025 Annual Town Meeting
April 2025

Overview: What is an ADU?



ADU Over Garage



Basement ADU



Attached ADU



Detached ADU

- An ADU is a self-contained housing unit within or on the same property as a single-unit residential dwelling, that is subordinate to the main (or principal) dwelling unit
- Provides its own sleeping, cooking, and sanitary facilities
- Provides separate entrance
- Complies with all provisions of Zoning, Building & Health Codes.

History and Purpose

- **2018:** ADUs called for in Unified Plan (2018-2028)
- **2022:** ADU bylaw approved in Wellesley by ATM 2022
 - To date, 4 ADUs have been permitted in Wellesley since bylaw's adoption
- **2024:** MA Legislature passed the Affordable Homes Act, allowing ADUs by-right in all single-family residential zoning districts, state-wide, effective February 2, 2025

History and Purpose

- This article amends Wellesley's ADU Zoning Bylaw, by addressing two glaring discrepancies by amending the owner occupancy requirement and the need for a special permit for detached ADUs.
- This article also amends language requiring both occupant owners and owners who rent out both the primary and ADU units to comply with operational and permitting requirements.
- The Planning Board sees this as the first step of a two-step process to update the ADU Bylaw.
- Since the ATM warrant closed in late-December, the state has issued regulations which provide definitions and details about the administration of the ADU provisions in the State Zoning Act.

Removal of the Owner-Occupancy Requirement

5.13.D – Operational Requirements

- i. The ~~ADU Property Owner~~ **record owner** shall record in the Registry of Deeds a notice, in form approved by the Planning Board, stating that the property includes an Accessory Dwelling Unit subject to the provisions of the Zoning Bylaw.
- ~~ii. The ADU Property Owner must reside in either the Principal Dwelling or the Accessory Dwelling Unit on the lot for at least 184 days of each calendar year. The ADU Property Owner may not lease the Owner Unit for any duration during periods when the ADU Property Owner is not residing in the Owner Unit.~~
- ~~iii.~~ **ii.** The minimum leasing term for the ~~unit that is not occupied by the ADU Property Owner~~ shall be the greater of 30 days or such other period governing short term rentals which may be set forth from time to time in the Town Bylaws. The Accessory Dwelling Unit may not be leased more than once in any 30-day period.
- ~~iv.~~ **iii.** There shall be no pickup or delivery of products and/or articles at the premises that is not customary in a residential area.
- ~~v.~~ **iv.** The Accessory Dwelling Unit may not be used for a Home Occupation.

Removal of the Special Permit Requirement for Detached ADUs

5.13 E – Permitting Requirements

i. Any person or entity applying for building and occupancy permits under the State Building Code for a building which will include an Accessory Dwelling Unit shall state in the application that the project proposes to include an Accessory Dwelling Unit. The Inspector of Buildings shall not issue a building permit for construction of such building or issue a certificate of occupancy for such building until the Planning Department, in accordance with Rules and Regulations adopted by the Planning Department, certifies that the building is in compliance with the provisions of Section 5.13.D

~~ii. All detached Accessory Dwelling Units and all Accessory Dwelling Units which are constructed as part of other accessory structures on a property, including carriage houses, barns, or detached garages, will require a Special Permit to be issued by the Zoning Board of Appeals as Special Permit Granting Authority in accordance with Section 6.3.~~

~~iii.~~ **ii.** The ADU Property Owner **record owner** must submit an annual certification to the Planning Department, in a form determined by the Planning Board, that the Accessory Dwelling Unit has been constructed and is owned and operated in compliance with all provisions of the Zoning Bylaw.

~~iv.~~ **iii.** Notice of Sale of the property containing the Accessory Dwelling Unit must be provided to the Planning Department.

~~v.~~ **iv.** If the Accessory Dwelling Unit has been built or is being operated in violation of the provisions of this Section the Inspector of Buildings may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking, and eating.