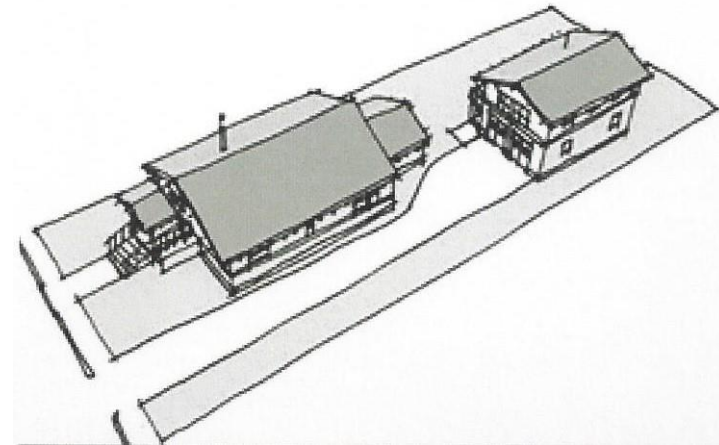
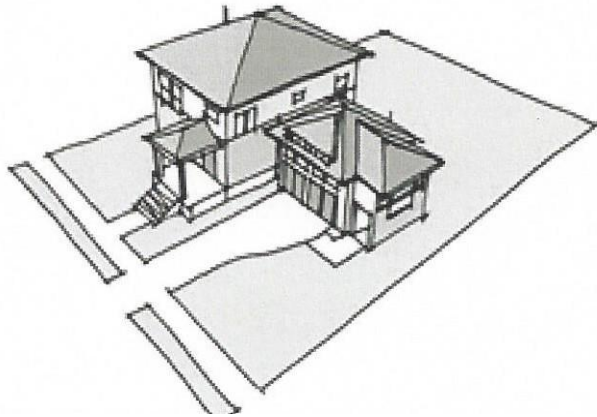


ACCESSORY DWELLING UNITS (ADUs)

Zoning Amendments
- Articles for 2021 Annual Town Meeting



Two Articles:

- First article changes the rules for what are currently called “accessory apartments” in Section 4.2.9 of the Zoning Bylaw. Includes allowing detached accessory dwellings, subject to site plan review with neighbor notification. Also includes changes relating to size, parking, short-term rentals and additional design rules for detached units.
- Second article (if the first passes) allows a small increase in the allowed size of an accessory dwelling unit if it meets standards for Universal Design or Enhanced Energy Efficiency.

BACKGROUND: Housing Needs

- **Comprehensive Plan, 2013** – notes high senior population, rising house prices; calls for greater variety of housing opportunities, and study of under-served markets (incl. young households, seniors on fixed incomes, very low income households, special needs)
- **COA Needs Study, 2018** – focuses on growing senior demographic; notes increased preference to age in place (house/community) and shortage of down-sizing opportunities
- **Housing Study, 2019** – further analyses data and opinions on housing; recommendations include “Provide more flexibility to create ADUs”

What is an ADU?

You may know it as a granny flat, mother-in-law suite, carriage house, or an accessory or garage apartment

- **SECONDARY:** An additional housing unit on a single family residential lot
- **INDEPENDENT:** A separate dwelling unit with its own cooking, sleeping, and sanitary facilities
- **LEGAL:** Meets zoning and building codes
- **SMALL:** Subordinate in size and character
- **OWNER OCCUPIED:** The owner's primary residence is in either dwelling unit

Bedford's current Zoning Bylaw

(Accessory apartments, Sec 4.2.9)

- Allows ADUs that are internal or attached to a building constructed as a single family house
- Doesn't currently allow detached units
- Introduced in early 1990s, first for internal units then attached
- Sets many requirements (incl. minimum size of house to qualify, percentage size relationship, appearance, parking and landscaping)
- "By right" rather than special permit process
- 64 units approved to date (approx. 2 per year)
- Sizes have ranged from 390 to 3,098 square feet

Research

- Other towns: Some towns already allow detached ADUs (e.g. Lincoln, Lexington and Reading; Acton and Concord added recently). Variations in size rules and other details.
- Model bylaws from AARP, Massachusetts Smart Growth/Smart Energy Toolkit, and west coast-based accessorydwellings.org
- Research report on ADUs in Greater Boston by Pioneer Institute: Points to potential housing contribution; favors flexible rules and “by right”. Notes typically low numbers of applications even with relaxed rules.
- Bedford schools’ data on students generated by different types of housing. Much lower for apartments than single-family houses.
- Ideas in Governor’s Housing Choice bill, now passed as part of Act Enabling Partnerships for Growth. Includes a definition of ADUs, with size rules.

Public input and outreach

- Public forum (afternoon and evening sessions), May 13, 2019 – explored all aspects of the topic
- 1st public hearing, September 10, 2019
- Fall Special Town Meeting, November 2019 – version presented received 130 votes for to 80 against – not quite the 2/3 needed to pass
- 2nd public hearing, January 14, 2020 – revisions made. Item placed on warrant for 2020 Annual Town Meeting but postponed
- 3rd public hearing, January 26 & February 9, 2021 - further minor revisions
- Other Planning Board public meetings and presentations to other boards/committees throughout the process
- Information on Town website and via local media

Further details of the above are available at www.bedfordma.gov/planning

Summary of the proposed amendments

(changes since 2019 Fall Special Town Meeting shown in red)

- Allow detached accessory units, by right **with a butter notification and site plan review by Planning Board**
- Some special rules for detached units:
 - Greater minimum setbacks compared to other accessory buildings (15 ft side, **20 ft rear**, rather than 10 ft)
 - Main door of detached unit must face lot interior or street, and no windows above 1st floor facing nearest lot line (unless frosted or stained glass or similar materials).
Note: existing bylaws require all accessory buildings to be further back than rear of main dwelling and no higher than 25 ft and 1 ½ stories.
- Keep rule of only one ADU per lot (whether internal/attached or detached), and owner presence
- Clarify short-term rentals - only allow by ZBA special permit
- Eliminate 1800 sf minimum house size to qualify to have an accessory unit

....

Summary of the proposed amendments (contd.)

- Set maximum size for all ADUs of 900 sf **or ½ floor area of principal dwelling (whichever is less)**, with bonus of additional 100 sf for Enhanced Energy Efficiency or Universal Design features*; keep maximum of 2 bedrooms
- Reduce parking requirement for ADUs to one space
- Keep rules for parking location and landscaping
- **(Also revised purpose section, and reference to zoning bylaw section that applies to nonconforming properties)**

*Enhanced Energy Efficiency standard set as 5 HERS points (or equivalent) better than applicable building code requirement.

Universal Design standard set as: low threshold entrance and no interior thresholds, a bedroom on main entry level, infrastructure in bathrooms to accommodate grab bars, and door openings min. 32".

Who would benefit from the zoning amendments?

Potentially:

- Empty nester homeowners looking to down-size within their own properties and have a rental income
 - Homeowners seeking care or company to help them to age in place
 - Homeowners looking to create an apartment for a young adult or senior relative, with or without care needs
 - Renters competing for a limited supply of small/moderate priced dwelling units
- ...

Who would benefit (contd.)

- Persons with disabilities who would benefit from units that meet the Universal Design criteria
- Young or low-income house buyers who could buy a house with a rental apartment as a way into ownership
- Everyone, from energy and emissions reductions compared to other housing types
- Everyone, from reductions in sprawl and traffic compared to other development patterns.

How will site plan review work?

- Owner submits application showing layout and surroundings
- Abutters are notified by letter (no newspaper ads)
- Planning Board holds review in public meeting and invites comments
- Adjustments or conditions can be discussed

Will there be any significant negative impacts?

- Planning Board does not anticipate a flood of applications, only a trickle (past rate of attached units has averaged 2 per year; detached ones may offer a better option for some people but are typically more expensive)
- Still only allowing one ADU per lot, and controlling size more tightly
- Units are suited to small households, including our growing senior population, so low impact on traffic, school enrollment etc.
- We will monitor the number of units and any issues that arise

What is the effect of the recent changes to the state Zoning Act on these Articles?

- As it developed its bylaw amendments, the Planning Board was aware of changes being discussed under the Governor's Housing Choice Bill. Part of the reason for setting a maximum size of 900 sf for ADUs was to match the main metric being discussed at state level.
- The Housing Choice provisions were passed, as part of the Act Enabling Partnerships for Growth, during the time that the Planning Board was holding its latest public hearing. Local zoning amendments that meet the state definitions for desirable types of housing development, including ADUs, can now be passed by a simple majority at Town Meeting.
- The Board reviewed the new statutory provisions in detail and consulted town counsel. It concluded that to fully align its definition of an ADU with the one in the statute, it would need to incorporate a rule that the size of the ADU does not exceed $\frac{1}{2}$ the floor area of the principal dwelling, and remove the provision for a bonus floor area allowance related to Enhanced Energy Efficiency or Universal Design. The Board voted unanimously to pursue that route. The result is the first Article. The Board also determined that the bonus floorspace provision could be reworded as a separate article that would need the normal $\frac{2}{3}$ majority to pass, and it voted 4-1 to pursue that route. Members noted that the Board could choose not to propose the second Article at Town Meeting if the first did not pass.

Recommendation

- The Planning Board recommends that Town Meeting approves both of the Articles relating to ADUs.

