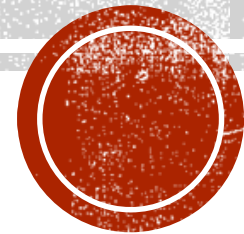


ACCESSORY DWELLING UNITS IN HAMILTON

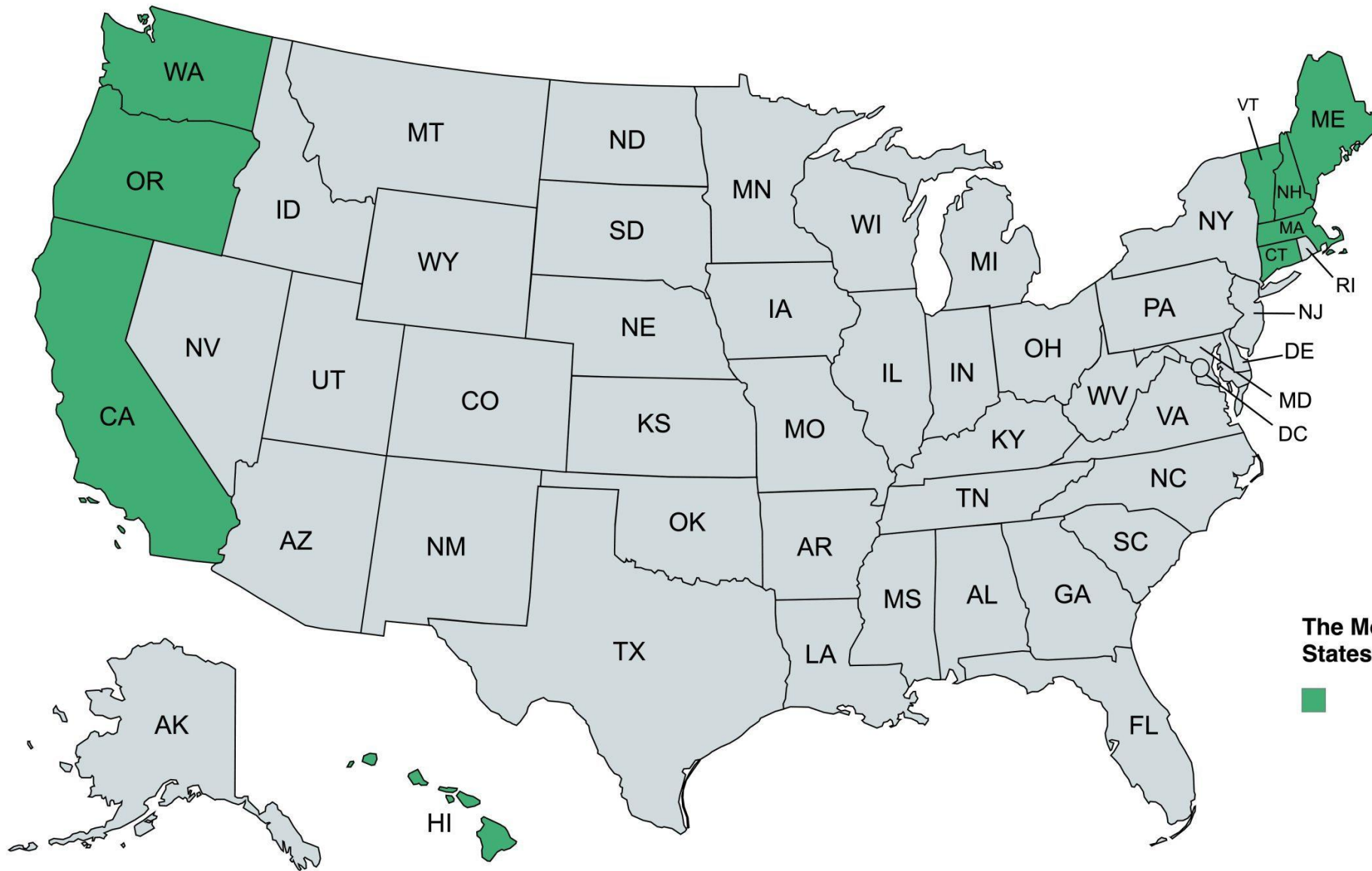
Hamilton Planning Board, November 26, 2024



ACCESSORY DWELLING UNITS IN A NUTSHELL

- A self-contained dwelling unit - inclusive of sleeping, cooking, and sanitary facilities – located on the same lot as a primary dwelling unit that is
- Hamilton already permits Accessory Dwelling Units by Special Permit
- Provides a more accessible additional housing option
- Provides homeowners additional income stream
- Traditionally popular for multigenerational living, care-giving
- Less disruptive and more environmentally friendly alternative to many other forms of housing development
- Attractive option for smaller households or for relatives/caregivers
 - Increased trend of smaller single-member households
- More inconspicuous, less likely to concern neighbors
- Passage of the Affordable Homes Act requires municipalities to permit ADUs by right.
 - Still several unknowns as we are waiting for EOHLC to promulgate regulations.
 - Municipalities cannot unreasonably restrict provision of ADUs
 - ADU provisions become effective on February 2, 2025.





The Most ADU Friendly States



EXISTING REQUIREMENTS IN HAMILTON

- Sections 3.4 (Conversion for Temporary Additional Living Area), 3.6 Accessory Apartment, 3.7 Accessory Apartments on Large Lots
- Section 3.6 is the most relevant section
- Permitted by Special Permit
- Must maintain single-family character and appearance
- Limited to 900 square-feet and no more than 2 bedrooms and 1 bathroom
- Lot must be 10,000 square-feet in size, unless ZBA finds that smaller can meet all ancillary demands (parking and septic)
- Owner must reside on property (in ADU or primary dwelling)
- Can be attached or detached to primary dwelling
- No new utility meter
- One parking space available for exclusive use of ADU
- Separate door shall be on side or rear of structure
- No separate ownership (condo-ization of the ADU from primary dwelling)



AFFORDABLE HOMES ACT



- Signed by Governor Healey in August 2024
- At \$5.2 billion, largest housing bond bill in history of Commonwealth
- Governor's office estimates addition of 65,000 new housing units
- Adds ADUs to list of uses, including childcare facilities, handicap exit ramps, solar energy systems, and religious & educational programs – that are deemed important enough to justify state-level protection from local regulation



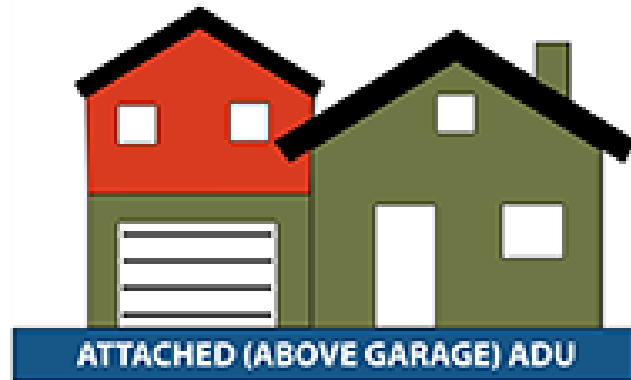
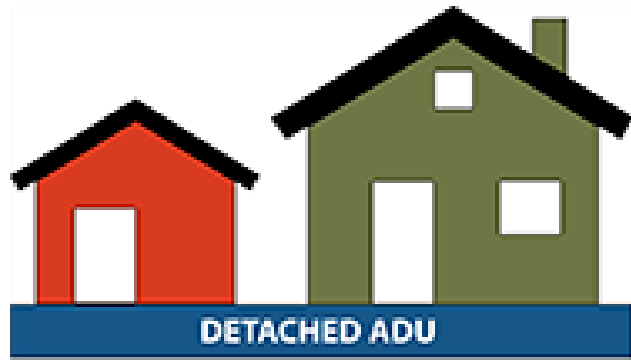
MASSACHUSETTS DEFINITION, ACCESSORY DWELLING UNIT:

- “Accessory dwelling unit”, a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.

HAMILTON’S EXISTING DEFINITION ACCESSORY APARTMENT (3.6)

Apartment: An additional dwelling unit, subordinate in size and accessory to the principal dwelling unit on the lot, located in either the principal dwelling or an accessory structure on the lot. An Apartment is constructed so as to maintain the appearance and essential character of the single family dwelling or accessory structure to which it is added.







900 SQUARE-FEET



WHAT IS CLEAR ABOUT THE ADU LAW:

- ADUs must be permitted by right in single-family zoning districts
- ADUs can be attached to the primary dwelling or in a detached structure
- Municipalities CAN restrict ADUs from serving as short-term rentals
- Municipalities are restricted in imposing parking requirements:
 - Cannot require any additional parking for ADUs within $\frac{1}{2}$ mile of commuter rail station.
 - Cannot require more than one parking space for all other ADUs
- Municipalities are restricted from imposing owner-occupancy requirements
- ADUs tenancy generally cannot be restricted by municipality
- Municipalities CAN restrict ADUs from serving as short-term rentals
- Municipalities CAN enforce reasonable regulations on ADUs, including dimensional requirements
- Second ADU on single property by special permit only
- ADU definition likely needs to match or closely mirror state definition
- Still awaiting issuance of Draft Regulations from EOHLC



BEST PRACTICES IN ADU REGULATIONS

- Keep it relatively simple (main audience is existing homeowners)
 - Fact sheets/informational or promotional materials
- Encourage re-use renovation of historic barns/out-buildings
- Requirements to maintain single-family character and appearance
 - No new driveway curb cut
 - No second garage or pool to serve ADUs
 - Detached ADUs limited to side or rear yards
 - Limit footprint size of detached ADUs



THE PATH FORWARD

- Lack of EOHLIC Regulations, even in draft form, is a barrier to drafting local bylaw
- State Regulations are expected imminently
- Bylaw language should be reasonably straight-forward
- Opportunity to merge three sections of bylaws governing ADUs
- Would recommend April 2024 Town Meeting consideration of revised bylaw
 - Minimize interim period where legislation becomes effective and draft bylaw is considered.
- If bylaw is successful, outreach materials for homeowners

