

ACCESSORY DWELLING UNIT FREQUENTLY ASKED QUESTIONS



Q1: What is an ADU?

A1: An Accessory Dwelling Unit (ADU) is a small residential living space located on the same lot as another home. ADUs can be internal 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.

Q2: Why was a law passed regarding ADUs in Massachusetts?

A2: Massachusetts passed the Affordable Homes Act in 2024 to, among other things, allow ADUs to be built by-right in single-family zoning districts. As per the state, it is intended to help address rising housing costs and the housing availability crisis.

Q: What is required by the state law?

A: There are a few basic requirements for what are termed “Protected Use” ADUs in the state law. There can be only one such unit per lot; they must maintain a separate entrance; they can be no larger than 900 square feet or 50% of the gross floor area of the Principal Dwelling, whichever is smaller; they must meet reasonable Town restrictions; and they must avoid the key state prohibitions like owner-occupancy requirements, discretionary review, or excessive parking requirements.

Q: What is Belmont trying to accomplish with its ADU By-Law?

A: Develop a By-Law that is compliant and reasonable; Includes provisions like definitions, standards, and process that are workable; ensure that the proposed By-Law meets all state requirements; and is not meaningfully different from the state requirements.

Q: How does Belmont’s By-Law differ from the state requirements?

A: It is nearly the same. Belmont provided some lot coverage and open space flexibility so that some units could be built as accessory buildings. This works as follows: Any lot seeking to establish an ADU is entitled to an additional 5% of lot coverage beyond the current maximum in the By-Law to allow a unit in an addition to the primary dwelling or as an accessory building. Required minimum open space has been correspondingly reduced. This has been proposed so that lots that cannot reasonably situate them in their current building footprint can expand their building envelope or build a separate accessory building for the ADU.

Q: How many ADUs will be built in Belmont if this By-Law is passed?

A: There is no way to predict with perfect accuracy but one analysis estimates 1,439 lots in Belmont qualify for a detached ADU and 3,991 qualify for an internal ADU. Data from other regions where ADU laws have been loosened indicates that less than 2% of qualifying lots will build an ADU annually (all

other variables being equal). With building and energy code requirements, a slow economy, high interest rates, and the high cost of building materials, this would be even less. Using the figure of 1.0% annually, it is estimated that up to 43 ADUs would be built in a year.

Q: This is for single-family zoning districts so ADUs are only eligible for single-family lots, correct?

A: No. While the law applies to zoning districts where single-family homes are allowed, if a district allows or even contains multi-family housing like a two-family, those lots allow one Protected Use ADU unit to be established by-right. In Belmont, this includes Single-Residence A through D, General Residence, and Local Business 1 through 3.

Q: Is this another situation where we need to be concerned about impacts to the Town budget due to an influx of school children?

A: No. Typically ADUs are primarily studios and one-bedroom units, with a few two-bedroom units occasionally built. Most are rented to aging parents or homeowners, single individuals, adults with physical or developmental disabilities, caregivers, empty nesters, and others who need a smaller space in which to live. Based on other communities, it is estimated that 0.1% average school child per ADU would be generated.

Q: What about cars emanating from ADUs, impacting traffic and parking?

A: Not anticipated to be a problem. With the type of household typically occupying ADUs, it is likely that most would generate zero or one car per unit. If 43 are built in a year, this would be, at most, 43 additional cars, and many of those would not be regular commuters. Each ADU built within 0.5 mile of a transit station, occupants would have an easy walk to the bus or train so a car isn't necessary. Those units are not required to have a parking space regardless. For ADUs more than 0.5 miles from a transit station, only one parking space can be required.

Q: Will ADUs be allowed to be rented as short-term rentals like AirBnB?

A: No. As the law allows, Belmont will be prohibiting short-term rentals in ADUs.

Q: How will this new By-Law impact establishing an ADU in a Historic Accessory Building and in other historic properties and districts?

A: Section 6.14 provisions include a requirement that a new ADU to be located in an existing Historic District or in a historic building will require a Certificate of Appropriateness from this Historic District Commission if any exterior renovations or additions are proposed.

Q: Will other dimensional requirements like building height and building setbacks be applicable?

A: Yes. All current zoning dimensional requirements in Belmont's By-Law will be applied to new ADU development.

If you have any questions on the proposed By-Law, please visit <https://www.belmont-ma.gov/2029/Accessory-Dwelling-Units-By-Law> or email Christopher Ryan at cryan@belmont-ma.gov