

## ADU Discussion amongst Other MA Communities

### **Message: 1**

Date: Tue, 18 Oct 2022

Good evening Massplanners,

It would be great to hear about either or both of the following:

If you have an ADU bylaw where one of the units must be owner occupied, how do you define "occupied"? Is there a specific time period stipulated that the owner must live on the property...or do you sort of set it and forget it?

Do you have language to prevent ADU's from being used as short term rental units?

Thank you so much!

Laura Harbottle AICP  
Interim Town Planner  
Dover, MA 02030

### **Message: 2**

Date: Wed, 19 Oct 2022

Hi Laura

Harvard had recently added the following:

<<https://ecode360.com/37677439#37677439>> Limitations. The special permit and/or building permit shall be issued only if the application contains the following limitations and conditions:

<<https://ecode360.com/37677440#37677440>> The owner(s) shall continue to reside on the property as their principal residence.

Which doesn't provide clarity for you? I tried to have the Board go further and eliminate the owner occupancy requirement, but they did not want to do that yet.

Good book on ADU which includes barriers to succeeding in development is called Backdoor Revolution: The Definitive Guide to ADU Development. In it the author notes that the owner occupancy requirement restricts valuations and the ability to get financing to build.

Good luck

Chris

**Message: 5**

Date: Wed, 19 Oct 2022

Good Morning Laura:

The City of Greenfield has the following under its ADU Ordinance:

(8) <<https://ecode360.com/39222185#39222185>>

Prior to issuance of a permit, the owner(s) must send a notarized letter to the appropriate permitting authority stating that the owner(s) will occupy one of the dwelling units on the premises as the owner's permanent/primary residence.

(9) <<https://ecode360.com/39222186#39222186>>

When a structure which has received a permit for an accessory dwelling unit is sold, the new owner(s), if they wish to continue to exercise the permit, must, within 30 days of the sale, submit a notarized letter to the Inspector of Buildings stating that they will occupy one of the dwelling units on the premises as their primary residence. This statement shall be listed as a condition on any permits which are issued under this section.

(10) <<https://ecode360.com/39222187#39222187>>

Permits issued under this section shall specify that the owner must occupy one of the dwelling units. The special permit and the notarized letters must be recorded in the Franklin County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Inspector of Buildings, prior to the occupancy of the accessory dwelling unit.

Eric

**Message: 6**

Date: Wed, 19 Oct 2022

Laura,

Wellesley adopted an ADU bylaw this spring available at:

<https://www.wellesleyma.gov/DocumentCenter/View/30044/Section-513-Accessory-Dwelling-Units>

Definitions are available in the complete bylaw:

<https://www.wellesleyma.gov/DocumentCenter/View/12119/Full-Zoning-Bylaw-as-of-2022-ATM?bidId=>

It has operational requirements relating to owner occupancy and a limitation on rentals. It also requires annual certifications to be delivered to track compliance which we are still working on.

Glad to discuss and get thoughts on how better to do things.

Thanks,

Don McCauley  
Planning Director  
Town of Wellesley