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**Office of:
Planning Department**

Date: April 27, 2023
To: Planning Board
From: Jon Idman, Town Planner
Re: ADU provisions revisited- Talking Points and Considerations
ZBL Sections 179-2, 179-42.2, Table 1, Table 2

A. Policy Considerations

- a. Whether to consolidate ADUs and “accessory apartment” uses
- b. Owner Occupancy
 - i. Allow part-time residents/ not principal residents to have ADU?
 - ii. Recognize bona fide temporary absences of owner?
 - iii. Offer a ZBA special permit to rent both units? Condition to year-long lease?
- c. Add ‘Purpose’ statement, underscoring year-round housing opportunities.
- d. Clarify further that ADUs are not commercial uses, not for short term rentals, and that properties w/ ADUs remain single family residential properties.
- e. 12 mo. lease ADU vs year-round housing: allow 6 mo. lease term as consistent with year-round housing purpose?
- f. Should there be an annual building permit cap on ADUs/ ACDUs (which the ZBL currently contains-20)?
- g. ADUs: ‘subordinate to...’ vs ‘consistent with single family residential use’
- h. Eliminate % size approach of ADUs to main dwelling.
- i. Introduce new concept of not severing ‘ownership’ or use between principal dwelling and ADU.

B. Administrative Considerations

- a. Difficulty/ fairness of administering ADU size as a percentage of principal dwelling.
 - i. Unfairly advantages large main dwellings.
 - ii. May require an addition to main dwelling to achieve reasonably-sized ADU.
 - iii. “Zeno’s Paradox” problem of ADUs in main dwelling- size of ADU must be deducted from main dwelling but size of ADU is based on existing floor area of main dwelling.
- b. Replace “Habitable Area”- not a defined term and has a special meaning under the SBC.
- c. Special Permits
 - i. Zone II and PB Watershed- there are already flow and nitrogen controls on development?
 - ii. There is no Herring River Watershed map in the ZBL.
 - iii. Is 30,000 sq ft the right threshold for a ‘small lot?’ Look at historical zoning?
- d. Difficult enforcement: ADU vs. Residential Accessory Building w/ Bedrooms. Allowable in same structure?
- e. New ADU zoning permit/ registration program to document compliance.

- f. Clarify “Dirt Road Special Permits” and ADUs.
- C. Mechanical Drafting Issues
 - a. ADU definition: Substantive terms should be moved to main provisions of ZBL.
 - i. Align definition for consistency with other existing related definitions (“dwelling unit”) (“habitable area” vs. “net floor area”) and ADU provisions in body of ZBL.
 - b. Clarify that all ADUs are subject to ZBLs dimensional requirements (not just setbacks).
 - i. Recognize that setback analysis for buildings in R districts is complicated (e.g. nonconforming structures; pre-existing developed lots).