



# ADU LISTENING SESSION

Brewster Planning Board

June 28, 2023



# MEETING TOPICS/ PUBLIC INPUT

- Discuss Existing Zoning Bylaw
- Discuss General ADU Criteria
- Discuss potential amendments
- General observations, experiences, comments & suggestions







# WHAT IS AN ADU?

- Regulated by zoning
- Accessory single- family dwelling unit
- Accessory use to main home- not independent
- Self-contained living (cooking, sanitary, sleeping) facilities
- Same lot as main dwelling



# EXISTING ADU ZONING



- Size: lesser of 40% main home or 900 sq ft
- Can be attached, within or detached
- Owner occupancy req'd- 12 mos.
- Lease term 12 mos.
- Additional parking spaces req'd
- No more than 2 bedrooms
- Max 2 dwelling units per lot, incl. ADU
- Annual ADU permit cap- 20
- No boarding/ lodging
- Design subordinate to main house
- ZBA approval req'd in water protection overlay districts and on lots >30,000 sf







## TYPICAL CONSIDERATIONS- ZONING

- “Purpose” clause (intent)
- Owner occupancy
- Tenancy
- Lot size/ dimensional regulations
- ADU Size
- Design requirements
- Special permit?
- Enforcement/ administration
- Annual permit cap
- Reference to related laws and regs (health, bldg, etc)

# "PURPOSE" CLAUSE

- Brewster ADU Zoning does not currently have one
- Inclusion could bolster year-round housing intent



# OWNER OCCUPANCY

- Required currently for continuous 12 mo. period (either unit)
- No express bona fide absence clause
- Part time residents can't have an ADU under current language





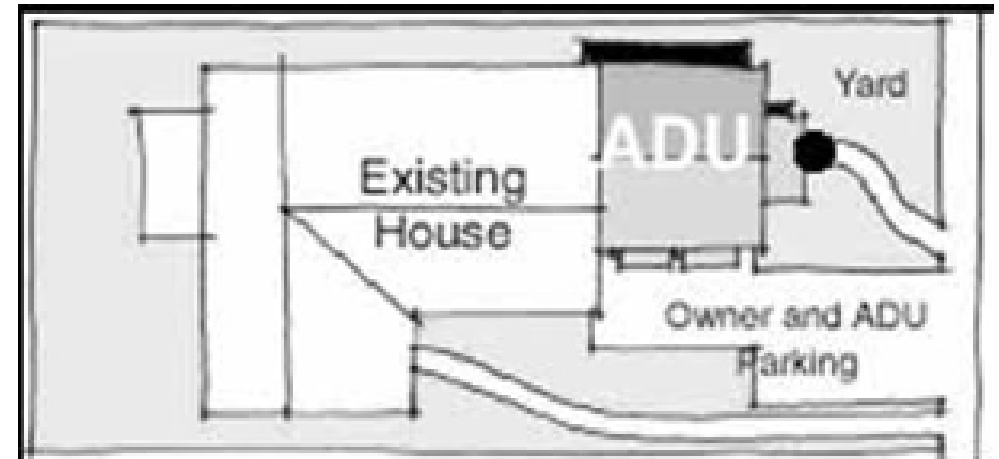
# TENANCY

- Must be 12 mo. lease currently
- Does year-round housing = 12 mo. lease?



# LOT SIZE/ DIMENSIONAL REGS

- ZBA Special Permit for less than 30000 sq ft lot- (historical zoning in Brewster was 25k or 15k)
- ZBL currently only references setbacks for attached ADUs (not other dimensional reqs. like coverage, height, etc. or detached buildings)
- Refers to 'conforming' setback for district (ZBL Table 2)
- Brewster Zoning has unique setbacks- "per lot" not district- back to when lot was created



# ADU SIZE

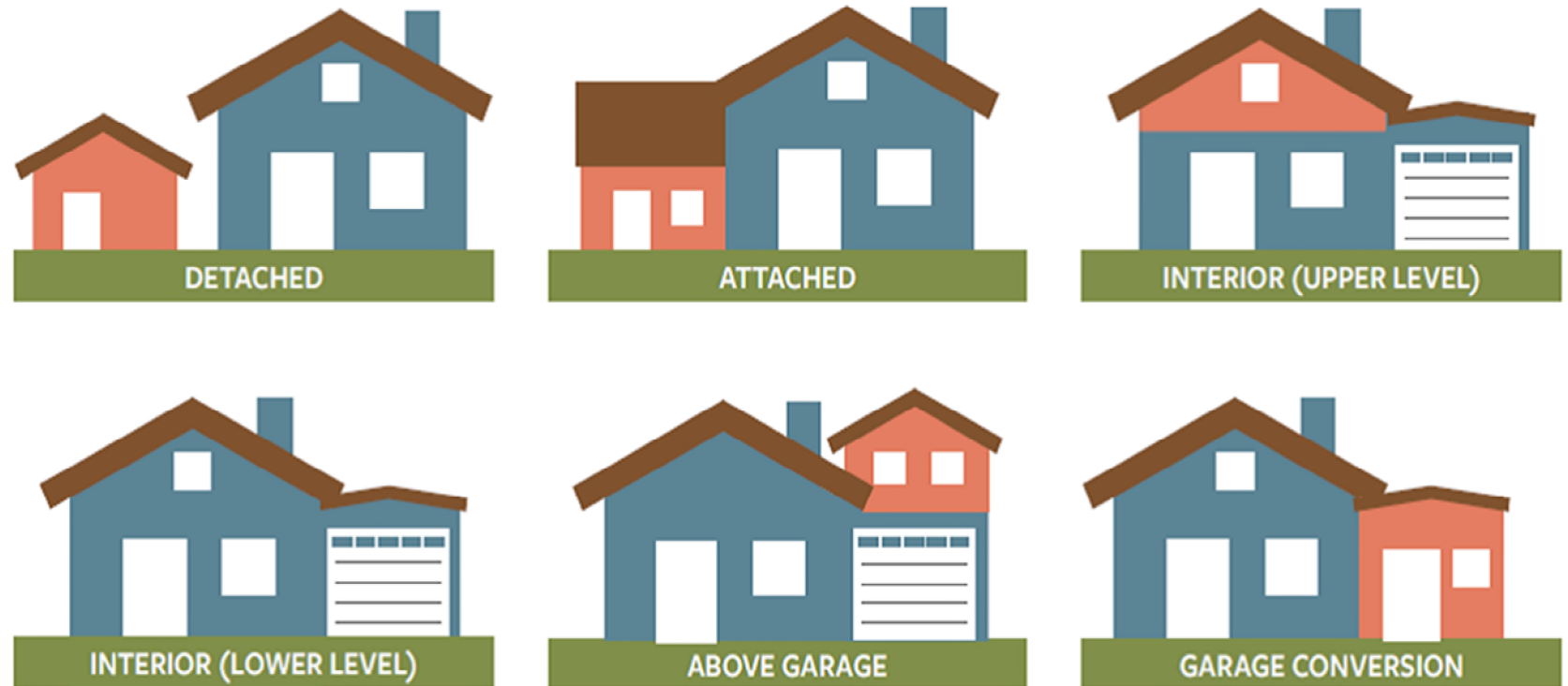
- 40% habitable space of main house or 900 sq ft, whichever is less
- 'Habitable' not defined under the ZBL- under SBC excludes bathrooms, halls, closets, utility spaces
- % approach advantages a) larger existing homes, and b) can be confusing and difficult to calculate.
- Examples:
  - 40% ADU WITHIN an existing 1500 sq ft dwelling= approx. 400 sq ft ADU allowed
  - 40% ADU within a DETACHED building accessory or ADDITION to an existing 1500 sq ft dwelling= approx. 600 sq ft ADU
  - Existing 2250 sq ft home necessary to get max 900 sq ft ADU based on 40% rule (if ADU proposed as an addition or detached building)





# DESIGN

- “Clearly subordinate” to main house
- Is this a use or design provision?
- Focus on single-family residential character of property?



# ADU SPECIAL PERMIT

- Zoning Board of Appeals (ZBA) approval req'd:
  - Lots less than 30,000 sq ft
  - Herring River Watershed
  - DCPC (Zone II & Pleasant Bay Watershed)
  - Water overlays occupy entire south part of Town
  - See GIS map:  
<https://www.mapsonline.net/brewsterma/index.html>
  - DCPC zoning includes groundwater protection provisions re: Nitrogen
- Planning Board SPGA?
- Adopt unique Special Permit standards for ADUs?
- 15k & 25k sq ft historic lot sizes under zoning



# ENFORCEMENT/ ADMINISTRATION

- Building Commissioner
- Annual affidavit required (currently ZBL prescribes content)
- No existing tracking or registration mechanism
- In some rare cases, a CO or construction permit under the SBC might not be required
- Existing permit cap of 20/ year
  - Haven't been close to approaching
- Other laws and regulations are referenced in the ZBL (Title 5, SBC, etc.)





# GENERAL OBSERVATIONS, EXPERIENCES, COMMENTS & SUGGESTIONS



- THANK YOU! YOUR INPUT IS VALUED!

