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Wellesley OKs accessory dwelling units

April 13, 2022 by Bob Brown — Leave a Comment

An article several years in the making to allow homeowners to carve out self-contained accessory dwelling units (ADU) on their property passed intact at Wellesley Town Meeting on Tuesday night after withstanding several attempts to amend it with restrictions.

Article 39 Motion 1, brought to Town Meeting by the Planning Board and supported by the Select Board and Advisory Committee, passed by a vote of 187 to 21, with 6 members abstaining. Discussion of Article 39 Motion 1 and the amendments consumed the entire 3-plus hour Night #6 of Town Meeting, and we've embedded the Wellesley Media recording below. Town Meeting will continue on April 25, after public school vacation week, and at that time the last couple of articles will be discussed and voted on.

Accessory dwelling units (ADUs) are also known as in-law apartments, though proponents argue they can be used for way more than that to address a variety of housing needs, as outlined in the town's Unified Plan and Housing Production Plan, and as addressed by new state rules. Those needs include possible income for homeowners, such as those who need that money to afford the high cost of living here. ADUs, which must include their own sleeping, cooking and sanitation facilities, also have sustainability benefits (though some say adding detached units might have the opposite effect), and can preserve historic homes and other buildings such as carriage houses and barns, according to proponents.

In addition to the Planning Board, an advocacy group called Building a Better Wellesley has been pushing for ADUs to improve housing affordability and attainability.

Those raising questions about ADUs cited concerns about possible abuse of a new zoning bylaw amendment. They worry that ADUs could be used, for example, for short-term rentals that might disrupt neighborhoods. Questions were raised about the possibility of private equity firms swooping in to snap up properties and take advantage of new ADU rules, or whether other corporate entities might find angles to exploit that aren't in the spirit of the proposed zoning bylaw change.

A Board with a Plan

The Planning Board played defense via offense regarding proposed amendments to the Article's Motion 1, with Board Chair Jim Roberti urging fellow Town Meeting Members during his opening presentation to reject more restrictive amendments. The Board covered possible criticisms of the Article and shored up its responses during a meeting in late March, so Planning Board and Department members were ready with answers to most questions raised. Roberti noted that Needham is looking to remove restrictions during its Town Meeting.

During his presentation on the Article, Roberti stressed the detailed and public process used to craft Article 39 to amend the town's zoning bylaw. This process included a close look at how dozens of other communities have approached ADUs. He stressed that ADUs, which would not exceed 900 sq. ft. in size, must comply with all other zoning, building, and heath rules in town regardless of whether they are attached to an owner's primary property. Those detached would require additional scrutiny, and all units would require annual certification.

Based on a review of how ADUs have played out in other communities, Roberti said we're most likely looking at three to five new ones per year. Most lots in town couldn't accommodate new ADU structures due to setback and other rules, he said.

Those proposing and backing amendments suggested more restrictions might help the town feel its way through the beginnings of documented ADUs in town, including enforcement, and allow for loosening of rules later on if so desired by the community. Numerous references to walking before running were made.

Amendments proposed

The first two proposed amendments were brought forth by the versatile David Himmelberger, who earlier during Town Meeting temporarily stepped in for the moderator. The first proposed amendment sought to extend the initial minimum leasing period from 30 to 90 days in order to "make short-term rental abuse less possible" and the second would have disallowed the building of new detached structures for ADUs out of concern that single-residence districts could get denser in a hurry despite Planning Board assurances that a relatively small percentage of properties would be candidates for construction of such buildings.

The proposed amendments generated plenty of discussion, including by those who cited uncomfort-

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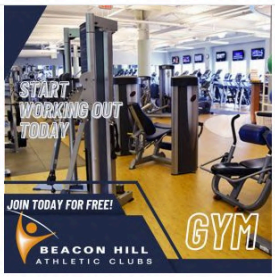

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Lenten Choral Evensong, St. Andrew's Episcopal Church

FEB 27 — 7:00 pm - 8:00 pm
Author visit: 'Before Brooklyn: The Unsung Heroes Who Helped Break Baseball's Color Barrier'

MAR 2 — 6:30 pm - 9:30 pm
Trivia Night to support Wellesley Historical Society

MAR 4 — 8:00 am - 11:00 am
Maple Magic Pancake Breakfast

MAR 5 — 3:00 pm - 4:30 pm
Wellesley Historical Society program—Route 9, A Journey Through Time

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  - Upham Elementary School (35)
  - Wellesley College (614)

The proposed amendments generated plenty of discussion, including by those who cited uncomfortable experiences with short-term rentals near them. Others weren't clear on what such concerns were all about. Town Meeting Member Caren Parker said she was against the first proposed amendment: "I can think of many legitimate reasons why somebody might want to rent for a month, such as their other lease or house starts in a month and they want to live in the area before then....maybe visiting the area for medical treatment...staying with family who maybe can't accommodate them in their own home..."

The second proposed amendment got more Town Meeting support. Questions were raised on everything from the impact of new buildings on the town's tree bylaw to the tax impact.

The first proposed amendment was defeated by a vote of 102 yeses/115 nos/3 abstentions, and the second by a vote of 107/111/4.

The third and fourth proposed amendments were brought forth by Ryan Daws, who said he supported Article 39 though saw it a "niche solution" to the housing shortage "given how expensive it would be to build one of these." The third proposed amendment recommended that no more than three people could occupy an ADU, and the fourth recommended limiting ADUs to having at most two bedrooms.

"We can always relax these restrictions at a later date, but it would be hard to undo what's done if we learn opportunistic owners are taking advantage of this situation," Daws said. "I think it gets back to what we talked about earlier, being a little bit more incremental. Let's walk before we run."

Discussion and voting ensued. Among the concerns raised about the amendments were how these restrictions would play under federal fair housing laws, and how they might exclude families from moving here. Town Meeting Member Lina Musayev spoke out against these amendments: "I'm hearing a lot of exclusionary talk tonight and that concerns me. Let's encourage more families to move here. For example, if the outside of an exterior structure matches the architectural style of the primary dwelling, why should we set limits on the number of bedrooms? We don't do this with new house construction..."

Both amendments failed to pass, by counts of 49 yeses/165 nos/4 abstentions, and 56/160/4, respectively.

Bringing it home

The last half hour or so of the meeting turned back to the original Article 39 Motion 1, which passed easily. Among those in support was John Schuler, who shared that his four children after graduating years ago from college all sought and found work in Wellesley, but couldn't find housing here. "For a variety of reasons I strongly support Article 39," he said. "For those of you who are newer Town Meeting members, this is my 70th consecutive year as a Town Meeting member and it has long been my hope that we would have this sort of an article brought before us."

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