

## Warrant Article Submission Form

### PETITION OF TEN REGISTERED VOTERS FOR INSERTION OF ARTICLE INTO THE WARRANT FOR THE ANNUAL (SPECIAL) TOWN MEETING.

File Completed Form with the Board of Selectmen's Office no later than Friday, January 31, 2020, 12:00/Noon.

We, the undersigned registered voters (10 for Annual, 100 for Special) of the Town of Arlington, hereby petition the Board of Selectmen pursuant to MGL c.. 39, § 10 to insert the following article(s) into the warrant for the Annual (Special) Town Meeting.

#### ARTICLE

Proposed Title:

**Article to Propose the Adoption of Accessory Dwelling Units (ADUs)**

Subject Matter: **Accessory Dwelling Units**

The purpose of this article is to see if the town will vote to allow Accessory Dwelling Units (ADUs) in single and two-family dwellings in residential districts, or take any action related thereto by amending

**Section 1.2 Purposes** to add “to encourage housing for persons at all income levels *and stages of life*”:

and

**Section 2 5 Definitions Associated with Dwelling:** to add *An ACCESSORY DWELLING UNIT, OR ACCESSORY APARTMENT, “Accessory dwelling unit”, four or more rooms constituting a self-contained accessory housing unit, inclusive of sleeping, cooking and sanitary facilities on the same premises as the principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code and state fire safety code; (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling.*

and

**Section 3.3.3 Special Permits** to add “*in the case of requests for special permits for Accessory Dwelling Units, the use will add to the need for a range of affordable housing opportunities for the Town.*”

and

**Section 5.2.3 Districts and Uses:** to add “to allow for the creation of accessory dwelling units in all zoning districts which allow residential use. (Include in Section 5.4 Residential Districts)

#### NOTE:

This warrant article is intended to recognize and build on the majority support for ADU's from both the 2019 town meeting and from town residents who recognize a clear need to:

1. make available more reasonably priced housing opportunities for people need housing of a type or for a price not currently available to them and

2. offer homeowners with larger homes and available space (“overhoused”), but who have limited incomes, an opportunity to monetize that space in order to continue to live in their homes and be able to pay their rising Arlington property taxes
3. create a space in their home to care for elderly or disabled family members or to be cared for themselves as they age

The attached draft language draws on ADU legislation from several municipalities near and comparable to Arlington. It is intended to emphasize the purpose of ADUs in helping to resolve the above problems currently facing town citizens.

Accessory Dwelling Units. The purpose of this is to allow for the creation of accessory apartments in single and two family residential districts. These districts contain a number of large single family homes that are underutilized, often occupied by one or two people who are “overhoused” in homes with three or more bedrooms. Under current law, alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing zoning standards.

The provision of accessory dwelling units in owner occupied one and two family dwellings is intended to:

1. Increase the number of small dwelling units available for rent in the town,
2. Encourage the availability of lower cost housing opportunities
3. Increase, the diversity of housing options for town residents, in response to demographic changes such as smaller households, older households, an increase in single parent and single person households;
4. Encourage better utilization of existing housing stock, particularly for older owners of larger homes;
5. Bring existing Accessory Apartments up to code for health and safety, and eliminate apartments that cannot be made safe, or do not comply with the provisions of this Zoning By-Law, and
6. Eliminate the continued construction of illegal unregulated apartment units.
7. Take advantage of the “overhousing” that exists as a result of “empty nesters” not moving out of their larger, single family, multi bedroom, long time homes.
8. Encourage greater diversity of population with particular attention to young adults and senior citizens, and
9. Encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.

Given contemporary lifestyles, housing needs and energy and maintenance costs, it is beneficial to the Town to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of such residential districts. This Subsection gives the Board of Zoning appeal authority to relax such zoning requirements in certain instances consistent with the above objectives and as enumerated below.

Subsection 2: In a single or two family residential district the Board of Zoning Appeals may grant a special permit for alteration of a single family, detached dwelling legally in existence as of the effective date of this Subsection to provide one accessory apartment if the following conditions are met:

1. The dwelling was constructed prior to **Jan. 1, 2020**,
2. Prior to alteration the dwelling contains at least fifteen hundred (1,500) square feet of gross floor area.
3. Such accessory apartment shall not occupy more than fifty (50) percent of the gross floor area of the principal dwelling in existence prior to the effective date of this Subsection.

In granting a special permit the Board may impose such conditions, including requirements

for off street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeals shall evaluate each special permit application which involves exterior changes with the appearance of and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way.

#### SPECIAL PERMIT GRANTING PROCEDURES:

1. The proposed Accessory Apartment is in harmony with and will promote the purposes of the Zoning By-Law;
2. The specific site is an appropriate location for such a use, structure or condition;
3. The use as developed will not adversely affect the neighborhood;
4. There will be no nuisance or serious hazard to vehicles or pedestrians;
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
6. In granting a special permit, the TOWN may impose such additional conditions as it may deem necessary to protect the single or **two** family appearance of the dwelling, and to bring the dwelling as close to conformity with the conditions and requirements for new accessory apartments, as is feasible.
7. A special permit granted by the TOWN shall include a condition that a certificate of occupancy shall be obtained for periods not to exceed three years. No subsequent certificate of occupancy shall be issued unless there is compliance with the plans and conditions approved by the TOWN.
8. If a special permit is granted and corrective changes are required, they must be completed within 90 days of the date of granting the permit. When required changes are completed, the building commissioner will issue a certificate of occupancy.
9. If a special permit is denied, the second dwelling unit shall be terminated within one year of the date of the denial.
10. Upon a conveyance of the property, the subsequent owner shall submit to the Zoning Enforcement Officer a certificate of compliance with prior conditions.
11. A Special Permit-Accessory Apartment shall be required for all units meeting the definition of an Accessory Dwelling Unit and designated in this Zoning By-Law as requiring a Special Permit-Accessory Apartment before the Inspector of Buildings may issue a building permit or an occupancy permit. The Board of Appeals shall not approve any such application unless it finds that in its judgement all of the criteria for a Special Permit set forth in above Sections of the By-Law have been satisfied and, in addition, that the following conditions are met:
  - a) The proposed Accessory Apartment is in harmony with and will promote the purposes of the Zoning By-Law (PURPOSE);
  - b) The specific site is an appropriate location for such a use, structure or condition;
  - c) The use as developed will not adversely affect the neighborhood;
  - d) There will be no nuisance or serious hazard to vehicles or pedestrians;
  - e) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Requested by:  
Barbara Thornton  
Precinct 16,  
223 Park Ave, Arlington  
617-699-2213, barbarathornton1@gmail.com

**For Office Use Only – Do Not Write In This Area**

Proposed Name/Subject Matter: \_\_\_\_\_

The primary motion for this article will come from:

Board of Selectmen

Redevelopment Board

Finance Committee

The following groups will comment on this article:

Board of Selectmen

Redevelopment Board

Finance Committee

Proposed Title/Subject Matter: **Accessory Dwelling Units**

**Signatures**

**Printed Name & Address**

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(please use additional sheets of paper for signatures if needed)