

Frequently Asked Questions: Accessory Dwelling Units (ADUs)

2023

What is an Accessory Dwelling Unit?

- An ADU is a small apartment or housing unit on the same lot as a single-family home (frequently referred to as an “in-law apartment”)
- ADUs can be attached to or detached from the principal dwelling
- They are *owned, bought, and sold* together with the principal dwelling on the lot
- ADUs are always intended to be subordinate to the principal dwelling on the lot

Does Dover Already Allow ADUs?

- Yes
- §185-43 (Accessory apartments), added at Town Meeting in May of 1986 by Article 16 allows for “Accessory Apartments in some circumstances” but only in homes built prior to 1985.

Why is the Planning Board proposing changes to the existing bylaw (§185-43)?

- The Planning Board works to be responsive to resident feedback regarding the limited range of housing options in town
- While Dover has allowed accessory apartments since 1986 (§185-43), the existing bylaw limits the number of allowable ADUs in Dover to 10% of the single-family dwellings in town and allows ADUs only in single family homes built and occupied prior to January 1, 1985 (i.e. no homes built since 1985 are eligible)

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What is the difference between an Accessory Apartment and an Accessory Dwelling Unit?

- Dover currently refers to *Accessory Apartments* in our Zoning Bylaw, a term that is not consistent with more up to date use of the term “Accessory Dwelling Unit.”
- A component of this proposed Zoning Bylaw update includes replacing the term “Accessory Apartment” with the term “Accessory Dwelling Unit” and updating the definition of an Accessory Dwelling Unit as follows:

Accessory Apartment: Current Definition in Dover Bylaw (§185-5: Definitions)	Accessory Dwelling Unit: Proposed Update to (§185-5: Definitions)
<p>In Section 185-5 of the Zoning Bylaw, Definitions, the existing definition for an Accessory apartment is:</p> <p>An apartment within a single-family dwelling or a detached structure that is accessory to a single-family dwelling, that is a second, self-contained, separate housekeeping unit inclusive of sleeping, cooking and sanitary facilities. This unit is subordinate in size to the principal dwelling, and construction or renovation of such unit is done in a manner to maintain the outward appearance and essential character of the single-family dwelling.</p>	<p>In Section 185-5 of the Zoning Bylaw, Definitions, the existing definition for Accessory apartment will be deleted and a new definition for Accessory dwelling unit will be added as follows:</p> <p>A residential living unit that is within or attached to a single -family dwelling, or within a detached structure on the same lot as a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.</p>

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What are some of the benefits of ADUs for Dover?

- ADUs can enable the sharing of a home across generations
- ADUs have the potential to create more opportunities for caregivers, young professionals, aging parents, and the Town's workforce to become part of the community.
- ADUs can offer residents of all ages an economic option for remaining in town, by providing a potential income stream from a tenant
- ADUs accommodate evolving lifestyles and multi-generational living

Do ADUs impact the look and feel of Dover?

- ADUs are intended to be subordinate in appearance to the principal dwelling in order to minimize any impact on existing neighborhoods.
- ADUs must match the style and architecture of the principal dwelling.
- Many ADUs are internal to existing houses and thus don't change the external appearance of the property.
- Detached ADUs are often converted garages, barns or carriage houses
- The requirement of Planning Board Site Plan Review for all ADUs provides a safeguard on this issue
- The requirement of a Special Permit for all detached ADUs further strengthens this safeguard.

Do other communities in Greater Boston have ADUs?

- Yes. Nearby communities where ADUs are currently allowed include Arlington, Concord, Dedham, Lexington, Lincoln, Needham, Newton, Waltham, Wayland, Wellesley and Weston
- Dover already allows ADUs

Where in Dover are ADUs allowed?

- An owner or owners of a single-family dwelling in an R, R-1, R-2, B, M, M-P or R-M District may request approval for the construction and occupancy of not more than one (1) accessory dwelling unit on a single family lot
- ADUs will not be allowed in Two-Family Dwellings, Town Houses, or other buildings with multiple dwellings

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How many ADUs are allowed on a single family home lot?

- One

Do Dover's building and zoning requirements apply to ADUs?

- Yes - absolutely
- Any dimensional requirements, setbacks, septic and well requirements, along with other provisions of the Zoning Bylaw and Town Bylaws will apply to ADUs
- The Board of Health will continue to have responsibility for ensuring that the total number of bedrooms on a property do not exceed the design of the septic system and that the property has a sufficient water supply to serve the ADU

How big can ADUs be in Dover?

- 900 square feet is the maximum allowable size for an ADU

How is parking addressed in the bylaw

- Driveways and Parking are included in the standards of review for ADUs.
 - Attached and detached ADU's must use the same driveway opening and curb cut as the principal residence.
 - Adequate provision needs to be made for off-street parking of cars associated with the ADU.
 - The Boards of Appeals or Planning Board both include parking considerations in their review processes.

Can the homeowner live in the ADU while renting out the “principal dwelling”?

- Yes
- The proposed bylaw intentionally allows the owner to live in either the ADU or the principal dwelling

Is owner-occupancy required?

- Yes
- The proposed bylaw update requires the owner to occupy either the principal residence or the ADU

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How would I get permission to build an ADU?

One of the goals of the Bylaw update is to clarify this process for residents, homeowners and builders.

- Upon receipt of the building permit application, or the Building Inspector determining that the plans include an ADU, the Building Department will notify the Planning Department of the proposed ADU
- Attached ADUs will require Site Plan Review by the Planning Board.
- Detached ADUs will require Site Plan Review by the Planning Board and a special permit from the ZBA
- For any renovations or new construction related to an Attached or Detached ADU, the applicant must obtain all required approvals from the Board of Health
- In both cases, once the Planning Department has reviewed the application and ZBA approval, if needed, is issued, the Building Department will then issue a building permit if the project complies with the State Building Code and other Zoning Bylaw requirements

Will ADUs be allowed in new home construction?

- Yes. If passed, ADUs will be allowed in new home construction, subject to all provisions of the Town Bylaw, building code, and relevant approvals.

How many ADUs will be built in Dover per year?

- There may be an uptick in ADU production if this bylaw revision passes at town meeting due to residents/homeowners acting on pent-up interest.

Will any changes in this bylaw encourage the proliferation of short-term rentals, such as Airbnb's in Dover?

- The proposed bylaw update specifically prohibits short-term rentals in ADUs

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How are ADUs taxed?

- If the ADU is located inside the primary residence, additional finished square footage (if there is an addition) and additional fixtures (kitchen, bath) will be assessed
- If the ADU is above a detached garage or barn, that structure would be on a separate card and the Town would assess the additional finished square footage and fixtures (kitchen, bath)
- As of now, there is not a land use code (LUC) for ADU's

What happens if the Town does not approve the updates to the Zoning ByLaw?

- If the town does not approve this bylaw with a simple 50% majority, the existing bylaw will remain in force.
- Thus, ADUs will still be an option for Dover homeowners (limited to 10% of existing single family dwellings) with single family homes built before January 1, 1985 and subject to Special Permitting in all cases.