

Frequently Asked Questions: Accessory Dwelling Units (ADUs)

1. What is an Accessory Dwelling Unit (ADU)?

An ADU is a small apartment or housing unit on the same lot as a single-family home and are frequently referred to as “in-law apartments.” They can be attached or detached from the principal dwelling. They are owned, bought, and sold together with the principal dwelling on the lot, and at least one of the units on the property (either the ADU or the “principal dwelling”) must be owner-occupied.

2. What are the benefits of ADUs for Needham?

- A Livable Community for all Ages:
 - To increase the number and type of housing options to accommodate evolving lifestyles and multi-generational living.
 - To allow older adults to remain in Needham by providing a potential income stream, enabling sharing of a home with the next generation, and making home maintenance and mobility easier.
 - To allow greater opportunities for young professionals and Needham’s workforce to become part of the community.
 - To help young and older adults and people with disabilities stay in town
 - To enable onsite independent living for caregivers.
- Sustainability:
 - To use energy, water, materials, and the Town’s infrastructure more efficiently by increasing the Town’s housing supply through focused, small-scale development.
 - To advance the town’s climate action goals by facilitating lower carbon residential footprints.
- Preservation:
 - To preserve existing homes by providing an alternative option to a tear down.

3. Do other communities in Greater Boston have ADUs?

Yes. Nearby communities where ADUs are currently allowed include Arlington, Dedham, Dover, Lexington, Lincoln, Needham, Newton, Waltham, Wayland, Wellesley and Weston. Many require a special permit for all ADUs, while more recent ones, such as Arlington’s, Bedford’s, and Lexington’s, allow certain ADUs as of right.

4. Do ADUs align with the Town’s plans/goals?

The Town’s Housing Plan indicates the need to increase the types of housing options. The Plan recommends changes to the current ADU By-Law to better promote such units in the community to further diversify housing.

5. Will ADUs impact the look and feel of Needham’s neighborhoods?

ADUs are to be subordinate in appearance and size to the principal dwelling to minimize any impact on existing neighborhoods. ADUs must match the style and architecture of the principal dwelling. ADUs must maintained the appearance and essential character of a single-family dwelling or a single-family dwelling with an accessory structure. Many ADUs are internal to existing houses and thus don’t change the external appearance of the property. Detached ADUs can include converted garages in the rear of the property.

6. Won’t this encourage the proliferation of short-term rentals, such as Airbnb’s in Needham?

Short-term rentals are already prohibited in Needham for all housing types. The driving purpose of allowing ADUs is to create new, stable housing. The proposed By-Law requires a minimum leasing period of 6 months to prevent short-term high frequency leases.

7. How will ADUs make Needham’s housing more affordable?

ADUs will increase housing options in Needham. The proposed By-Law specifically mandates that ADUs are smaller units (1-bedroom with a maximum of 900 square feet), which will create market rate units in Needham at a lower price point than is commonly found today, largely because of their smaller size and integration into an owner-occupied property. For the homeowner, creating an ADU will allow for a potential revenue stream, and a sharing of household expenses, making an existing home more affordable.

8. What are the environmental benefits of ADUs?

ADUs are explicitly intended to have a small building footprint, as reflected in the maximum permitted size of 900 square feet. ADUs may also allow homeowners, and renters, to move closer to both their places of work and to public transportation, thus reducing transportation-related emissions. More broadly, development in established neighborhoods helps reduce the need for creating new infrastructure, avoid the impacts of new construction, and also avoid disrupting the natural habitats related to undeveloped sites. Extending the livability of an existing house can avoid a teardown replaced by a significantly larger home.

9. Will Needham’s building and zoning requirements apply to ADUs?

Yes. Any permitted ADU is required to meet the state building code and stretch-energy code. Any accessory building used as an ADU must comply with all current requirements of the Zoning By-Law applicable to accessory structures in the district in which the property is located. If a lawfully preexisting nonconforming structure as of the effective date of this By-Law is converted to an ADU, the non-conformity shall not be extended nor increased. In the residential districts, such detached accessory dwellings units are required to be setback a minimum of five (5) feet from the side and rear lot lines, consistent with the setback for other accessory structures. If the structure exceeds fifteen (15) feet in height, the setback must comply with the underlying district’s increased rear or side setback requirements (typically 12’ in a non-conforming lot and 14’ in a conforming lot). A minimum distance of ten (10) feet is required between the ADU detached dwelling and any other structure or building on the lot. Additions must comply with the underlying zoning.

10. How big can ADUs be in Needham?

The proposed By-Law would allow ADUs of up to 900 square feet (up from the current 850 square feet). Any finished basement in an accessory building with an ADU shall count towards the maximum allowable 900 square feet of living space. They can have no more than one bedroom with occupancy limited to three persons.

11. Where in Needham will ADUs be allowed?

Only one ADU will be allowed for each single-family home. ADUs are not allowed in Two-Family Dwellings, Town Houses, or other buildings with multiple dwellings.

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

Yes. The proposed By-Law intentionally allows the owner to live in either the ADU or the principal dwelling in anticipation that some owners will want to downsize inside their own homes and rent out the principal dwelling.

13. Can both the principal dwelling and ADU be rented out at the same time?

No. The proposed By-Law prevents this by requiring one of the housing units on the property to be owner-occupied.

14. Where will ADU residents park?

Needham’s overnight parking ban ensures that ADU residents will not be allowed to park on the street overnight. The proposed By-Law would require off-street parking, with at least one parking space per dwelling unit.

15. How does this By-Law effect current noncompliant ADUs in town?

If a homeowner has an existing ADU that does not have a permit, it is in violation of Town By-Laws and will remain in violation until brought into compliance with the ADU By-Law and applicable building codes.

16. How would I get permission to build an ADU?

Review of proposed building plans for attached or interior ADUs by the Building Commissioner should suffice to ensure compliance with the By-Law both dimensionally and in terms of maintaining the general appearance of a single-family dwelling. In circumstances where the Building Commissioner is in doubt as to compliance with the above-noted design guidelines, the By-Law further provides for the issuance of an advisory report from the Design Review Board upon the Building Commissioner’s request.

Detached ADUs will require a special permit from the Zoning Board of Appeals.

17. How would the ADU By-Law be enforced after an ADU is constructed?

In January of each year after the anniversary of the issuance of the occupancy permit, the Owner files with the Building Commissioner a certification that the home continues to be the owner's primary residence along with a copy of the current lease. Furthermore, at any time upon written request from the Building Commissioner, the Owner must provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the By-Law. In the event the Owner fails to comply with the above requirements, the Building Commissioner, within thirty (30) days of a written request, may revoke the occupancy permit for the ADU. If the ADU is within an accessory building, the Building Commissioner may also revoke the Special Permit for the ADU.

18. Can ADUs be built in new structures?

Yes. There is nothing in the By-Law that prevents a resident from building a new home with an ADU, whether attached or detached, at the same time. However, all provisions of the ADU application and verification process and other provisions of the Zoning By-Law still apply.

19. How many ADUs will be built in Needham per year?

It is hard to predict with certainty. However, since implementation began of Needham's first ADU By-law, adopted in 2019, the Zoning Board of Appeals has granted a total of 12 Special Permits for ADUs (an average of 4 per year). For comparison, Newton, a city three times Needham's size, builds 7 per year on average.

Passage of ADU Bylaws in other Massachusetts cities and towns has not led to a surge of development. While ADUs can provide an important option to help diversify Needham's housing stock, there are factors that limit broad adoption by homeowners including lot coverage restrictions, dimensional requirements, building code compliance, and upfront costs to build or renovate an ADU. There are many Needham homeowners who do not have a life circumstance (familial, economic, or otherwise) that would make building an ADU attractive. This Bylaw is proposed to be available to those who do.

20. Do we know the impact this will have on school enrollment?

While we do not have enrollment projections specific to this ADU Bylaw, the January 2023 Needham Public Schools Population and Enrollment Forecasts, 2023-24 through 2037-38, provides relevant migration trends and the related impacts on school enrollment. The Forecast reports that over the next 15 years, the 70+ age group will be the second largest population moving out of Needham (after 18-24 year olds). The "turn over" of those single-family homes owned by empty nest households (age 70+) to families with school-aged children is incorporated into the overall forecast and is identified as a primary factor causing the district's enrollment to rise and then stabilize over the next 15 years.

Expansion of ADUs in Needham may delay some turn-over of empty-nest homes if owners are able to secure a rental income stream while remaining in the principal residence. Other turn-over may continue as anticipated, with a new family moving into the principal residence, but with the

homeowner able to stay rather than leaving Needham. Of the 12 ADUs that have been permitted in Needham since 2019:

- 8 (66%) had the homeowners living in the “principal residence” with the ADU being built for the homeowner’s parent(s).
- 3 (25%) had the homeowners living in the “principal residence” with the ADU being built for an adult family member (two adult children and one sibling, who is a veteran with a disability).
- 1 (8%) had the senior homeowner moving into the ADU; their family moved into the primary residence.

NPS regularly updates its enrollment forecasts, incorporating major changes in local development and migration trends, so the Town can monitor and plan for fluctuations over time.

21. If adopted at Town Meeting, when will this new By-Law take effect?

The By-Law will take effect after the Attorney General approves the By-Law, typically by later summer or early fall.