

ADU Information Event

Presented by:

Belmont Age Friendly Action Committee

Belmont Housing Trust



AGENDA

- Welcome
- Introductions and Thank You
- Speakers:
 - Christopher Ryan, Director, Belmont Planning and Building Department
 - Lt. Kristin Daley
- Q&A with Specialists

Belmont Age Friendly Action Committee

AFAC Members:

Judy Morrison - COA representative
Tim Flood - Special Needs Task Force
Michael Marotta- Housing
May Forkin - Library
Lt Kristin Daley, BPD - Public Safety
Zehra Abid-Wood – School Committee
TBD-Recreation
Susan Polit- Resident
Robin Baker - Resident

Housing Subcommittee:

Lt Kristin Daley
Jackie Dobson
Hildy Dvorak
Michael Moratta
Judy Morrison
Susan Polit
Ellen Sullivan
Erik Rhodin

Belmont ADU By-Law

What to Know About Zoning and Permitting
May 28, 2025



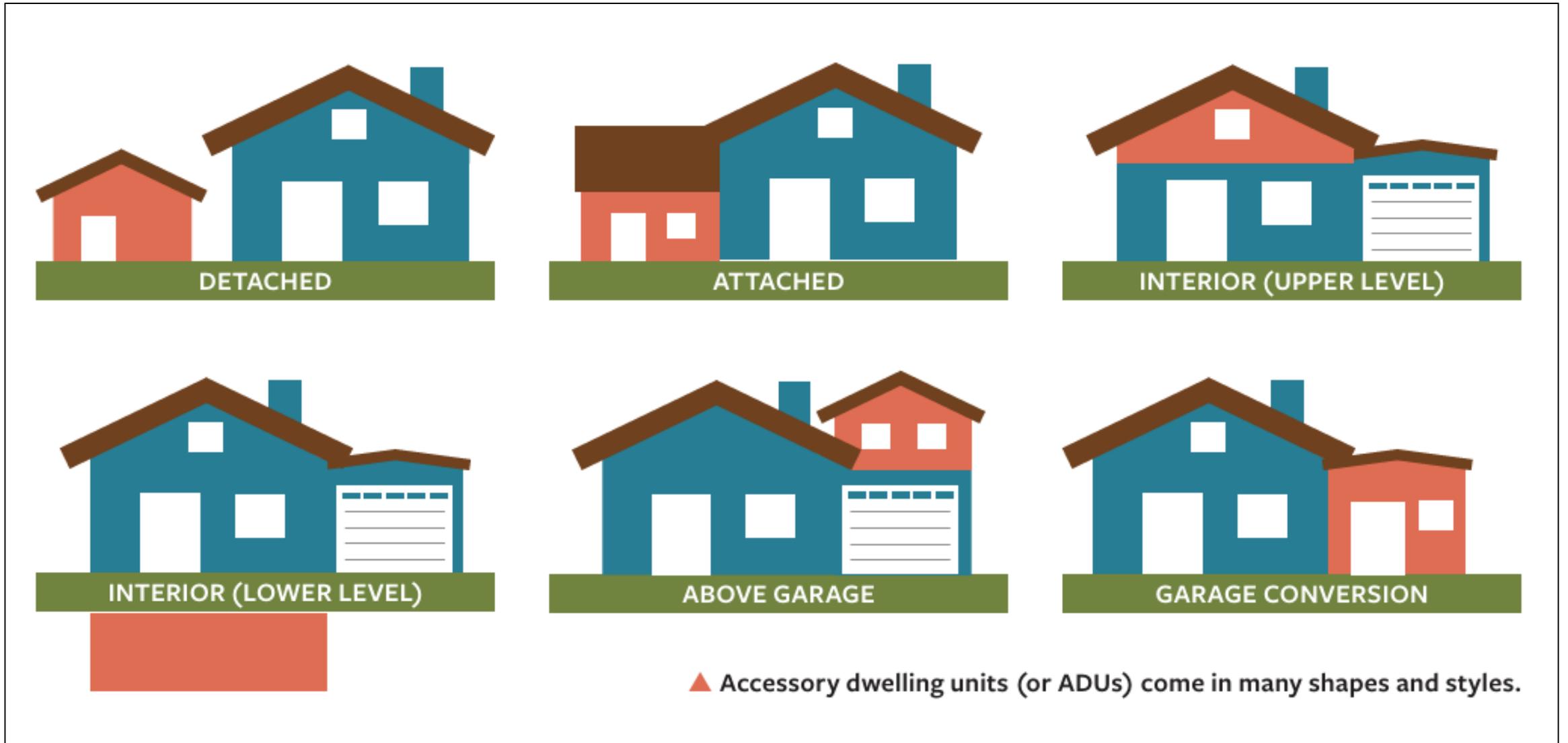
What is an ADU – Summary & Background

- An Accessory Dwelling Unit (ADU) is a small residential living space located on the same lot as another home. ADUs can be internal within an existing primary residence, like converting a basement into an apartment, attached to a primary residence as a new construction addition, or completely detached, like a cottage or converted detached garage in a backyard.
- Massachusetts passed the ***Affordable Homes Act*** in 2024 to, among other things, allow ADUs to be built by-right* in single-family zoning districts. It is intended to help address rising housing costs and the housing availability crisis.



* Without any special reviews or permitting from a Town board

Figure 1 – The Various Forms of Accessory Dwelling Units



Source: The ABCs of ADUs, AARP, <https://www.aarp.org/content/dam/aarp/livable-communities/housing/2022/ABCs%20of%20ADUs-web-singles-082222.pdf>

Basics of the Zoning

- ❖ A single “protected use” ADU can be established “by right” wherever a single-family home is located or can be built. However, in some cases, Site Plan Review may be required.
- ❖ ADUs can be any of the following (See Figure 1, Slide 3):
 - Stand Alone (Detached) Accessory Building
 - Above a Detached Garage
 - Attached to the Main House (Principal Dwelling)
 - Within the Main House (Upper Level/Attic or Lower Level/Basement)
 - Attached Garage Conversion
 - Above Attached Garage
- ❖ ADUs must maintain a separate entrance from the principal dwelling.
- ❖ Size Limitation: No larger than half the area (GFA) of the main house (principal dwelling) or 900 square feet, whichever is smaller.

Basics of the Zoning

❖ Reasonable restrictions established by Belmont:

- Setback, height, and bulk restrictions (must meet the dimensional criteria for the zoning district in which it is located except for lot coverage and open space)
- Site Plan Review required in certain cases (see next slide)

❖ Belmont remains in line with state law by:

- Owner-occupancy of either principal dwelling or ADU is not required
- No parking spaces are required to be provided if the unit is within ½ mile of a transit station or a bus stop. Only one (1) parking space is required outside of transit zone

Basics of the Zoning

❖ Site Plan Review is required when:

- The proposed ADU will exceed the height of the main house (principal dwelling) up to the maximum height allowed in the Zoning District,
- A two-story Accessory Building or adds a second story to an existing accessory building;
- Increases the Lot Coverage above the maximum for a lot without an ADU;
- Decreases the Open Space below the minimum for a lot without an ADU;
- Where Design and Site Plan Review is required according to Section 1.5.4 of this By-Law; or
- A building is being converted or added to to accommodate the ADU that has one or more pre-existing nonconformities. Non-conformities are a little too complicated for this discussion—see OPB staff for consultation on these as you may need a Special Permit.

❖ In all other cases, simply a building permit will be necessary

Where Can an ADU be Built in Belmont?

- Anywhere a single-family home is allowed by-right or by Special Permit, which includes the vast majority of Belmont's residential areas:
 - Single Residence (SR) - A, B, C, and D
 - General Residence (GR)
 - Other Districts (where a single or two-family is allowed or currently located)
- Two-family homes and multifamily may also have a single ADU on the parcel.
- You technically could build an ADU in a Local Business district, but there would need to be an existing principal dwelling (i.e. no ADUs attached to a shop or restaurant)

The Zoning By-Laws

- The Belmont Zoning By-Laws have five (5) sections that should be referenced related to ADUs and may be applicable. These are:
 1. Section 1.4, Definitions and Abbreviations
 2. Section 3.3, Schedule of Use Regulations
 3. Section 4.3.5, Accessory Buildings
 4. Section 6.11, Historic Accessory Building Preservation
 5. Section 6.14, Accessory Dwelling Units
- You and your contractors (architect, engineer, builder...) should be familiar with the relevant provisions based on the type of ADU you wish to build. If you need assistance on the zoning, please contact the Office of Planning and Building (OPB).

Setbacks and Other Dimensions

- State law is clear that standards for dimensional requirements for ADUs such as setbacks must be set to the most permissive level in the By-Law.
- This means that if the By-Law set an accessory building setback at 5', you could not set a greater setback for ADUs in accessory buildings.
- Required setbacks for the Principal Dwelling (main house) will be used for building additions establishing a Protected Use ADU in that dwelling.

ADU Dimensional Standards

- Belmont developed a system for additional maximum lot coverage and lower minimum open space to facilitate ADUs. See table on next slide.
- This moderately increases lot coverage beyond the current maximum in the By-Laws. These modifications are only available for developing an ADU that adds to lot coverage.
- Existing lots that are non-conforming regarding lot size, will not have that non-conformity applied for ADUs, but such lots would be subject to Design and Site Plan Review (DSPR).

Dimensional Analysis

The proposed By-Law amendments establish the 5% lot coverage bonus consistently across all single-family zoning districts. The table below shows how that would work:

Zoning District	Lot Area	Lot Coverage (Base)	Additional Lot Coverage	Maximum Lot Coverage (ADUs)
SR-A	25,000	20%	5%	25%
SR-B	12,000	25%	5%	30%
SR-C	9,000	25%	5%	30%
SR-D	25,000	20%	5%	25%
GR	5,000	30%	5%	35%

Single Residence (SR) - A, B, C, and D
General Residence (GR)

Project Approvals

- The following five (5) Situations will require Design and Site Plan Review (DSPR):
 - Proposed ADU of greater height than principal dwelling
 - Accessory building used for ADU of more than one (1) story
 - Increases in Lot Coverage and/or reductions in Open Space beyond §4.2.1
 - Where DSPR is required as per §1.5.4
 - Existing non-conforming building used for ADU
- All other applications for an ADU which are compliant with this Section 6.14 will be reviewed and approved administratively and must meet building code requirements.

Building Permits

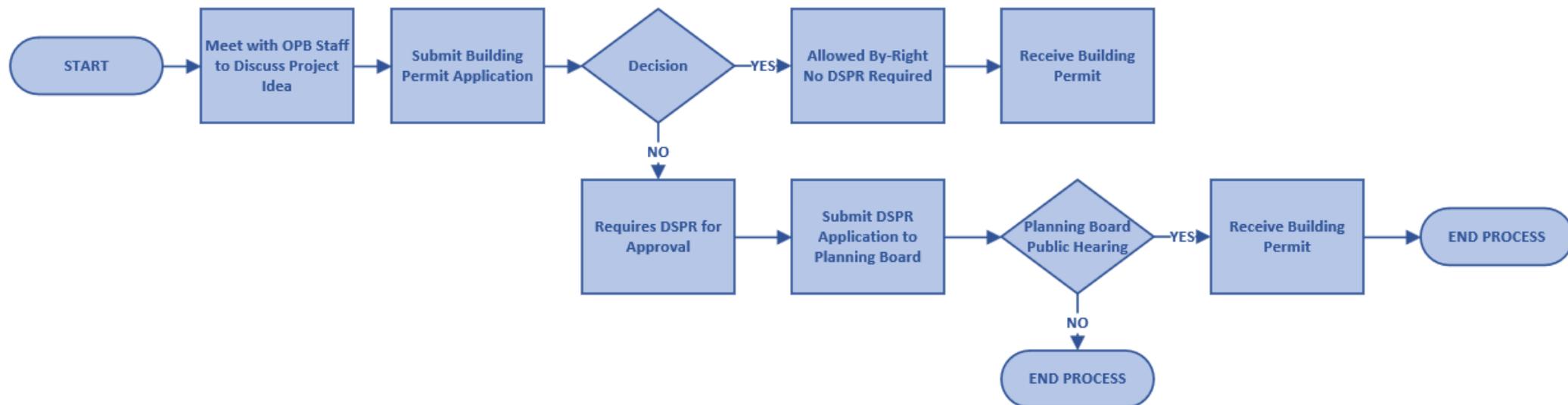
Building Code Regulations and Requirements

- If the existing home is a **single-family dwelling**:
 - An attached ADU must comply with the tenth (10th) edition International Residential Code (IRC) and the 2121 International Energy Conservation Codes (IECC).
 - A standalone new structure for an ADU must comply with the IRC and the Opt-in Spatialized Stretched Energy Code, or also known as Net Zero structure.
 - Any additions, being attached or standalone accessory structures, must also comply with sections 4.2.2-A-2 and 4.3.5 c) of the zoning By-Laws.
- If the existing home is a **two- or more family dwelling**:
 - An attached ADU will “convert” a two-family to a three-family for building code purposes and must comply with the tenth (10th) edition International Building Code (IBC) and the 2121 International Energy Conservation Codes (IECC).
 - A standalone new structure for an ADU must comply with the IRC and the Opt-in Spatialized Stretched Energy Code, also known as a “Net Zero” structure.
 - Any additions, attached or standalone, must also comply with sections 4.2.2-A-2 and 4.3.5 c) of the zoning By-Laws.
- All ADUs must comply with current Plumbing, Gas, Electrical, and Fire Code.
- Water supply and sanitary sewer connections to ADUs must comply with current Town of Belmont Department of Public Works and Engineering requirements.

Where to Start

- Before you begin, you are strongly encouraged to review zoning and then meet with the Office of Planning and Building's staff for specifics of your project.
- This could help you decide which ADU option would be the most beneficial and feasible for you.
- It is recommended that before you expend funds on plot or architectural plans, surveys, or any other step with a cost, that you take advantage of this consultation with the Town.
- Please contact our Inspector of Buildings Ara Yogurtian at ayogurtian@belmont-ma.gov or call 617-993-2650.

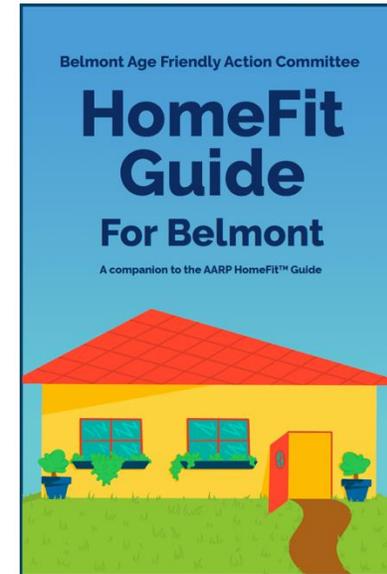
Recommended Steps for ADU Building Process in Belmont



Belmont HomeFit Guide

Lt. Kristin Daley

- **HOW** - The Belmont HomeFit Guide helps you implement changes.
 - Considerations hiring a Contractor
 - Due diligence
 - Review WRITTEN Contract
 - When something goes wrong ...
 - Belmont Permitting process
 - Support from town and state



Belmont HomeFit Guide

- Planning
 - Consult with town Office of Planning and Building
 - Design
 - Work with architect or designer for larger projects
 - Budget
 - Materials
 - Written Plan – Before engaging contractors
 - Describe in writing – even small projects

Managing Your Project and Working with a Contractor



Before You Begin Your Project

- Determine **the design** and **your budget**, consulting an architect or designer if needed.
- Determine the **materials** you will use.
- Clearly **describe in writing** the work you wish to have done before engaging a contractor.



Before You Hire A Contractor

- Interview at least **3 contractors** and obtain a detailed written estimate
- Confirm with **Board of Building Regulations and Standards** that the contractor is licensed, registered, and insured with the state. (This will assure you are protected under the Home Improvement Contractor Law.)
- Home Improvement Contractor Registration Board of Building Regulations and Standards
- Search the database at www.Mass.gov/ocabr
Scroll to Homeowner Resources
- Check references for each contractor. Look at their work if possible and speak with others who have used this contractor.

check references!

Belmont HomeFit Guide

- Selecting a contractor – Due diligence
 - Interview at least 3
 - Get written estimates
 - Check license, registration
- Get a written contract (sample in Guide)
- Before you sign:
 - Review against sample contract
 - Price and payment schedule
 - Detailed list of work and materials
 - Start and completion dates

Before You Sign a Contract



Obtain a detailed written contract. State law requires this for projects over \$1,000.

The contract should include the following:

- Identification of contractor, including registration number
- Total price of work
- Payment schedule
- A provision for extras or changes
- Detailed list of specifications/materials
- Start and completion dates
- Copy of contractor's insurance
- A permit notice warning you that if you obtain your own permit or using unregistered contractors, you will not be eligible for the Guaranty Fund
- A 3-day cancellation notice, if you sign the contract in your home or not at the contractor's office
- Other details specific to your project



A sample contract from the state is included at the end of this brochure.

Helpful Tips:

- Be sure the contractor obtains the building permit. With the permit comes a town inspection that insures your contractor has done the job correctly.
- By law, the contractor cannot collect more than one-third of the cost of the contract in advance, unless special materials are needed.
- If you are financing your home improvements, do not allow a contractor to lend you the money or act in association with any lending institution if home is used as collateral.



All communication with a contractor should be in writing. Do not rely on a "handshake" or phone call.

Belmont HomeFit Guide

What if something goes wrong?

- Communicate – with contractor and document in writing any dispute
- Mediation – Contact Attorney General's Office
- Arbitration – Home Improvement Arbitration Program
- Court Action – Legal advice should be sought for all claims

Assistance – Contact Consumer Affairs and Business Regulation

- 617-973-8787
- 888-283-3757

When Something Goes Wrong

If you have a contract dispute or if you think the job was not done correctly, explore the following options:

- **Communication:** with the Contractor to clarify in writing any disputes
- **Mediation:** the Attorney General's Office can provide information
- **Arbitration:** through the Home Improvement Arbitration Program
- **Court Action:** A claim under \$2,000 would go to Small Claims Court. Larger claims are heard in District or Superior Court. Legal advice should be sought for all claims

 **For Assistance, Contact:**
**Office of Consumer Affairs
and Business Regulation**

501 Boylston Street, Suite 5100
Boston, MA 02116



- Consumer Hotline: 9:00 A.M. - 4:30 P.M.
(617) 973-8787
- Toll-Free Consumer hotline:
(888) 283-3757
- Fax: **(617) 973-8799**

Belmont HomeFit Guide

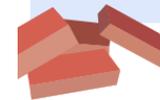
Belmont Permitting process:

- Your contractor must get all required permits
- When do you need a permit?
 - Guideline – if you put a hole in the wall, you need a permit. New lighting, plumbing
 - See Pages 16 and 17 of this presentation.

Town of Belmont Requirements by Project Type



Job	Permit Y/N	Type of Permit	Notes
Installing Grab Bars or handrails	No	N/A	As long as no walls are opened no permit needed
Installing bathroom or laundry room in existing structure	Yes	Building, electrical, and plumbing	
Installing temporary wheelchair ramp	No	N/A	If installing a permanent ramp: building is needed
Lowering sink and countertops to wheelchair height	Yes	Plumbing	Building permit will be needed if walls are opened
Installing chair lift	Maybe	Electrical	Depends upon make and model. If electrical upgrade needed, then permit needed
Adding additional lighting to home	Yes	Electrical	
Widen doorways	Yes	Building	



Q&A with ADU experts

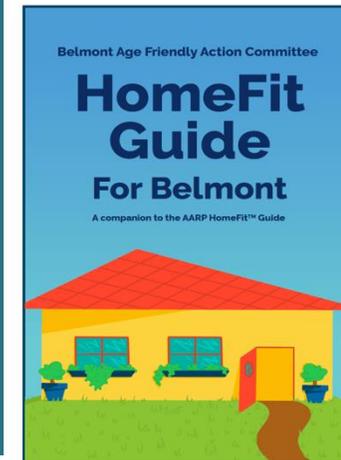
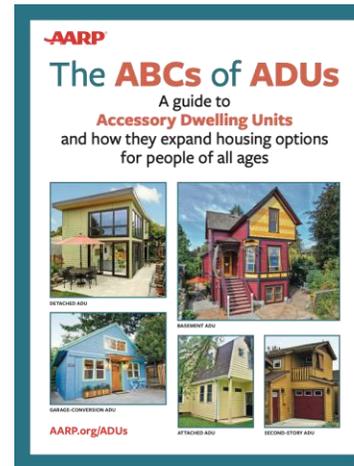
Expert Resources:

- Belmont Planning and Building Director – Christopher Ryan
- Home Modification Consultant – Jackie Dobson
- Housing Trust – Michael Marotta
- Builders and Remodelers Assoc. of Greater Boston – Gary Wilder
- Home Modification Loan Program – Cathi Tammany

Resources at Tables:

- Architect – Erik Rhodin
- AARP – Rosemary Kulas

Free Publications:



ACCESSORY DWELLING UNIT (ADU) RESOURCE LIST	
AARP	https://www.aarp.org/livable-communities/housing/info-2019/accessory-dwelling-units-adu.html (All About Accessory Dwelling Units: Links to Numerous Resources)
AARP	https://www.aarp.org/topics/livable-communities/housing/accessory-dwelling-units-guide-design-development/ (Accessory Dwelling Units: A step-by-step guide to Design and Development)
AARP	https://www.aarp.org/livable-communities/housing/info-2019/accessory-dwelling-units-guide-download.html (The ABC's of ADUs: Learn what accessory dwelling units are and how they expand housing options for people of all ages)
City of Boston	https://content.boston.gov/departments/housing/planning-your-accessory-dwelling-unit (Planning Your Accessory Dwelling Unit)
Housing Assistance, Cape Cod	https://hacapecod.org/program-services/adu-program/
Contractors/Builders	https://hbrama.com/ (Home Builders and Remodelers Association of Massachusetts)
Architects	https://www.architects.org/news/adu-architect-directory-launch (Boston Society of Architects)
Lenders	Check references from neighbors, friends, family, etc....

Questions?

