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ARTICLE 39

Administrative Clarification to Accessory Dwelling Units

Annual Town Meeting || April 27, 2026

Kin Lau, Chair
Arlington Redevelopment Board



Administrative Clarification to Accessory Dwelling Units

- Article 39 would bring Zoning Bylaw Section 5.9.2, Accessory Dwelling Units (ADUs), further into compliance with Massachusetts General Law (M.G.L.) Chapter 40A, § 3 and the implementing regulations promulgated by the Executive Office of Housing and Livable Communities.
- According to state law, ADUs must be allowed by right and cannot require a Special Permit. As written, Arlington’s Zoning Bylaw requires a Special Permit when a proposed ADU is within rear and side setbacks (such as the conversion of a pre-existing, non-conforming garage).
- The Attorney General’s Municipal Law Unit recommends changing the Special Permit condition to a finding, which Article 39 would do.





AMENDMENT TEXT

Article 39



AMENDMENT TEXT

Amend Section 5.9.2.B.(1)(e)(iii), as follows:

5.9.2 Accessory Dwelling Units

A. Requirements

(1) ...

e) An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the principal dwelling unit; or (iii) an accessory building that conforms to the setback requirements of this Bylaw for accessory structures in the district in which it is located. An accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit. If an accessory building is located within the setback, then such accessory dwelling unit shall be allowed only if the applicable Special Permit Granting Authority ~~acting pursuant to Section 3.3, grants a Special Permit upon its finding~~ finds that the location of such accessory dwelling unit is not substantially more detrimental to the neighborhood or town than the use of such accessory building as a private garage or other allowed use.

