

Article P21: ADU Adjustments

Andover Legal Department



Article P21



Article

To see if the Town will vote to amend the Andover Zoning Bylaw, Article VIII Section 7.9 “Accessory Dwelling Units” to render the section *consistent with 760 C.M.R. 71.00* as follows:

7.9 ACCESSORY DWELLING UNITS.

7.9.2 Dimensional Regulations.

ADUS are permitted subject to the following dimensional and density regulations:

1. ADUs are permitted only on lots allowing a lawful principal dwelling unit. Simultaneous construction of principal and accessory dwelling units shall be permitted.
2. One ADU is permitted per each lot with a principal dwelling unit or units.
3. ADUs are limited in gross floor area to 900 square feet or one-half the total gross floor area of the principal dwelling unit or units, whichever is smaller.
4. ADUs must comply with all dimensional requirements of the underlying zoning district, special districts, and/or cluster developments as set forth in Section 4 of this bylaw and/or cluster development permits, including but not limited to building setbacks and building height.

7.9.5 Parking.

ADUs located more than 0.5 miles from a commuter rail station or bus station must provide one dedicated off-street additional parking space per ADU unless Site Plan Review determines sufficient parking exists at the time of Site Plan Review/a building permit is sought as determined by the Zoning Board of Appeals or their designee consistent with the parking requirements of Section 5 of this Bylaw.

; or take any action related thereto.

What is adjusted and why.



➤ 2025 Andover Town Meeting Passed Article 22 adopting an ADU Bylaw

- ADUs allowed by right by Affordable Homes Act
- Municipalities afforded some additional regulatory rights
- Andover's Bylaw asserted maximum rights plus...
- Some novel additions (e.g. prohibiting condo conversion and requiring existing principal unit).
- Included severability clause

➤ Attorney General's Office Struck Several Provisions Upon Review based on 760 CMR 71.00

- 760 CMR 71.00 rolled out mid-Town Meeting season;
- Simultaneous Principal and Accessory development must be allowed;
- Underlying zoning must be the most favorable available to ADUs; and
- One parking spot, not a "minimum of one" may be required in SPR
- Language disapproved is technically stricken

Article P21 Unpacked



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3. ADUs are limited in gross floor area to 900 square feet or one-half the total gross floor area of the principal dwelling unit or units, whichever is smaller.
4. ADUs must comply with all dimensional requirements of the underlying zoning district, special districts, and/or cluster developments ~~for the principal dwelling unit~~ as set forth in Section 4 of this bylaw and/or cluster development permits, including but not limited to building setbacks and building height.

7.9.5 Parking.

ADUs located more than 0.5 miles from a commuter rail station or bus station must provide ~~a minimum~~ of one dedicated off-street additional parking space per ADU unless Site Plan Review determines sufficient parking exists at the time of Site Plan Review/a building permit is sought as determined by the Zoning Board of Appeals or their designee consistent with the parking requirements of Section 5 of this Bylaw.

; or take any action related thereto.

Recommendation



Confirm & Clarify in 2026

- ❖ Clarify clauses affected by severance
- ❖ Codify changes for consistency with 760 CMR 71.00

Revisit in 2027 and Beyond

- ❖ Dimensional & Density Regulations
- ❖ Other substantive changes as merited by Andover's ADU experience.