

# Williamstown Planning Board Grapples With Accessory Dwelling Unit Issue

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The Williamstown Planning Board meets in front of a dozen or so residents at Town Hall on Tuesday.

**WILLIAMSTOWN, Mass.** — The Planning Board on Tuesday debated some of the thorny issues that likely will define its conversation about a potential proposal to amend the town's zoning ordinances.

In the spring, faced with intense opposition from a vocal group of residents, the board abandoned a proposal to implement changes that would have eased zoning restrictions and created more flexibility in residential zones.

At the time, the members of the board committed to continuing the conversation after May's town election, and, joined by two new members, it has done just that this summer.

On Tuesday, the planners spent two hours going point-by-point through a model ordinance from the state that, if adopted, could conceivably make it easier for Williamstown homeowners to add accessory dwelling units, or ADUs, to residential properties in town.

But reaching consensus on how to implement such a bylaw promises to be no easy task.

A particular sticking point was section 4.3 of the state's model bylaw, which deals with the question of owner-occupied homes.

As drafted, ADUs are only allowed if the home's owner occupies one of the dwelling units — either the "main" or the "accessory."

And the model ordinance goes a step further, requiring that if a home with an accessory unit is sold, "the new owner(s), if they wish to continue to exercise the Permit, must, within 30 days of the sale, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence ... ."

"Looking back at the some of the questions we had about the zoning articles we did in the spring, that issue came up," Chair Amy Jeschawitz said of the owner-occupied question. "It's something that might be good to get some feedback on before we make a decision.

"I'm for less restrictions, for sure. Going through the [2002] Master Plan and the [2015] Economic Development Committee report, you'll find one of the things outlined was having fewer hurdles for people."

Alex Carlisle, who was elected to the board in May, was quick to disagree.

"It's just the question of having an owner occupy one unit," Carlisle said. "It may be restrictive, but it's part and parcel of what an accessory dwelling unit is."

Susan Puddester noted that the state model bylaw's own definition of an ADU, in section 2, makes no reference to owner occupation.

"An Accessory Dwelling Unit is a self-contained housing unit incorporated within a single-family dwelling (not within accessory structures, except with a Special Permit) that is clearly a subordinate part of the single-family dwelling and complies with each of the criteria stated below."

The criteria then go on to specify things like the presence of "cooking, sleeping and sanitary facilities" in each dwelling unit.

"I just think this is an essential concept in trying to build out a neighborhood," Carlisle said.

"I disagree 100 percent," Puddester responded.

Carlisle explained that the owner-occupied provision preserves the notion of what the ADU bylaw attempts to allow: "an owner who adds an apartment."

"It is a separate concept to have a two-unit dwelling where two different people live there," Carlisle said. "I'd be happy to think separately about two-unit or three-unit buildings, and we may come to the conclusion that they're allowed everywhere."

Chris Winters sided with Puddester.

"I think when we start to stipulate forms of ownership, we get into weird and uncomfortable territory for me," Winters said. "Let's say my elderly mother decides to add an ADU to her big house. That's fine, if she wants to live in half. But she dies, and I inherit the house. Now, all of a sudden, I have no choice but to sell the house."

"I don't think anyone is saying that," Carlisle answered.

"That's exactly what it's saying," Puddester replied.

At another point, Carlisle and Winters debated the "owner-occupied provision in reference to section 4.1(c) of the model bylaw.

"If someone wants to buy a house and turn it into an apartment building, that's a separate issue than this," Carlisle said.

Winters responded that there might be "political expediency" to an incremental approach to less restrictive zoning that only allows ADUs in owner-occupied residences.

"I don't think it's politically expedient," Carlisle said. "It's an identified housing type.

"We're not going to fix all the housing issues with one rewrite. We'll have to do it piecemeal."

Making any fixes to the zoning bylaw could be an uphill task for the Planning Board.

Despite a year-long study conducted with Mass Housing Partnership that found a shortage of variety in the town's housing stock and oft-stated concern among town officials about the lack of housing available to potential low- and moderate-income residents, the first question the planners received from the floor on Tuesday showed not everyone agrees with the need for change.

"We have a premise there's a need for more housing," resident Roger Lawrence said. "I'm not dead sure who we're providing housing for.

"It's going back to the root of what we're trying to accomplish.

"I think the emerging phenomenon of Air BnB and landlords is cutting into the housing stock. You can't blame people for doing it. But if we as a community need to address some of the lack of housing that comes about as a consequence and need to sacrifice the existing character of our community in order to do it, that hurts all of us."

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