

March 23, 2024

To: Town Council and Mayor
Re: Revised ADU Ordinance

All:

The HPC discussed the revisions to the Planning Commission’s proposed ADU ordinance at its March meeting. We think the review committee revisions may have missed the points that both the HPC and the PC agreed on were critical to the success of the ordinance.

The introduction of ADUs changes the single-family zoning of the Town to allow multi-family dwellings as a limited use. Since the establishment of the Washington Grove zoning authority 70 years ago, the Town has not permitted multi-family dwelling units. Given the radical nature of the change in zoning that ADUs allow and the added risk due to the scale of dwellings, the more prudent approach for ensuring that the historic character of the Town is maintained is exhibited by the Subdivision approval process where the potential risk is mediated by the ability of the Planning Commission to condition approval including upon recommendations by the HPC. For this reason, the HPC and the PC used the Subdivision Permitting process as the model for the ADU approvals.

The preamble as edited by the TC somewhat misconstrues the function of the HPC design guidelines, which are neither “voluntary” nor “recommended.” The design guidelines have been established by the HPC based on the original National Register Nomination and historical research by the HPC. They will soon be adapted to reflect the work by Robinson and Associates in putting together the recent National Register update. When the HPC currently reviews a building permit application it uses the design guidelines to come up with its recommendations. These recommendations are advisory; that is the applicant voluntarily considers them in the normal course of a building permit application. In the case of ADUs both the PC and HPC envisioned that the HPC should be advising not just the applicant but the Planning Commission as well, as is the case with the added risk of Subdivisions.

The three modifications the PC and HPC proposed work together. We have revised them somewhat to be clearer as below:

To section 6.11.2, Use Standards for all Accessory Dwelling Units, add the enabling clause that empowers the PC to condition the approval:

k. As a limited use, the Planning Commission may condition approval of an Accessory Dwelling Unit on such terms as may achieve compatibility with the existing structure, the

neighborhood and the Historic District and thus promote the purposes of the Comprehensive Plan and the Zoning Ordinances of the Town of Washington Grove.

To section 6.12.2, Attached ADU Use Standards, revise as follows:

d. If the Attached Accessory Dwelling Unit increases the enclosed space of the existing main building, the modifications should be compatible with the existing structure, the neighborhood and the Historic District. To that end, the Historic Preservation Commission has developed guidelines for review of additions and new construction. This review will be the basis of recommendations for possible conditions of approval by the Planning Commission.

And to 6.13.2, Detached ADU Use Standards, revise as follows:

d. The Detached Accessory Dwelling Unit should be compatible with the existing structures, the neighborhood, and the Historic District. To that end, the Historic Preservation Commission has developed guidelines for review of additions and new construction. This review will be the basis of recommendations for possible conditions of approval by the Planning Commission.

With these provisions, we believe the impacts of the new limited use can be successfully managed by the Town.

Thanks for your consideration,

Robert Booher
Chair, Washington Grove HPC