



A Guide to ADUs in Billerica

Overview

In August 2024, M.G.L. Ch. 40A, Section 3 was updated to include a new definition of Accessory Dwelling Units (ADU) and provides for the protection of ADUs as a by-right accessory residential use. Regulations can be found under 760 CMR 71.00

“PROTECTED ACCESSORY DWELLING UNITS”

Summary

What is the updated definition of Accessory Dwelling Units (ADU)?	“Accessory dwelling unit”, a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance , either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet , whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality , including, but not limited to, additional size restrictions and restrictions or prohibitions on short term rental, as defined in section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.
What can I build on my property under this new law?	Property owners may build attached or detached accessory dwelling units on the same lot as a residential dwelling. The maximum size cannot exceed 900 SF or half the gross floor area of the principal dwelling, whichever is smaller . NOTE: Gross Floor Area includes all areas of all stories, including basements.
Is owner occupancy required?	No, owner occupancy is not required . However, this new law does not protect the creation of ADUs for short term rental use.
What other permits may I need in addition to a building permit?	DPW Permits may be required for modifications to water service, the construction of new driveways, and for tying into sewer if the ADU exceeds the capacity of an existing septic system. Wetland Permitting (NOI or RDA) may be required if proposed additions or detached structures fall within a local and/or state wetland jurisdictional area.
What are the zoning restrictions?	NOTE: All current building, environmental, and fire codes apply for ADUs. Bulk dimensional requirements such as setbacks, lot coverage, and height restrictions for ADUs shall be the same as other structures in the district in which the proposed ADU is to be located. (See Table 7.L of Zoning Bylaw). Deviations from these requirements may be pursued through a variance process from the Zoning Board of Appeals . ADUs may only be constructed in zoning districts where single-family dwellings are allowed by-right or by special permit. (See Table of Use Regulations Sec 5.F. of Zoning Bylaw) Dwellings located in districts where single-family dwellings are not allowed are considered pre-existing non-conforming. Property owners in these districts may pursue ADUs through a special permit from the Zoning Board of Appeals .
Other Considerations	Building code and fire code requirements that may affect the construction of an ADU include: 2-Hour Fire Rated Walls separating the principal dwelling from the ADU for attached units. Code-Compliant Egress in and out of the ADU. Smoke Alarm Specifications tying the principal dwelling alarms to the ADU for attached units.

Relevant Resources

Other permits and approvals may be required to construct your ADU

Visit https://www.mapsonline.net/billericama/building.php?&use_react=yes for Building, DPW, and other permit applications.

Still have questions?

For more information, please contact the Building Department at 978-671-0959.