

ADU FAQ



*An overview of the Commonwealth's law, the regulations,
and how Tewksbury implements the use*

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What is an Accessory Dwelling Unit (ADU)?

An accessory dwelling unit (ADU) is a small residential living space located on the same lot as another home. ADUs can be internal within an existing primary residence, like converting a basement into an apartment, attached to a primary residence as a new construction addition, or completely detached, like a cottage or converted detached garage in a backyard.

How did the law change?

- In August 2024, [M.G.L. Ch. 40A, Section 3](#) was updated to include a new definition of Accessory Dwelling Units (ADU) which provides for the protection of ADUs as a by-right accessory residential use through the adoption of the Affordable Homes Act ([Chapter 150 of the Acts of 2024](#)).
- Section 8 of the Affordable Homes Act amends the Zoning Act to allow ADUs up to 900 square feet to be built by right in single-family zoning districts. Protected use ADUs took effect under Section 3 on February 2, 2025.

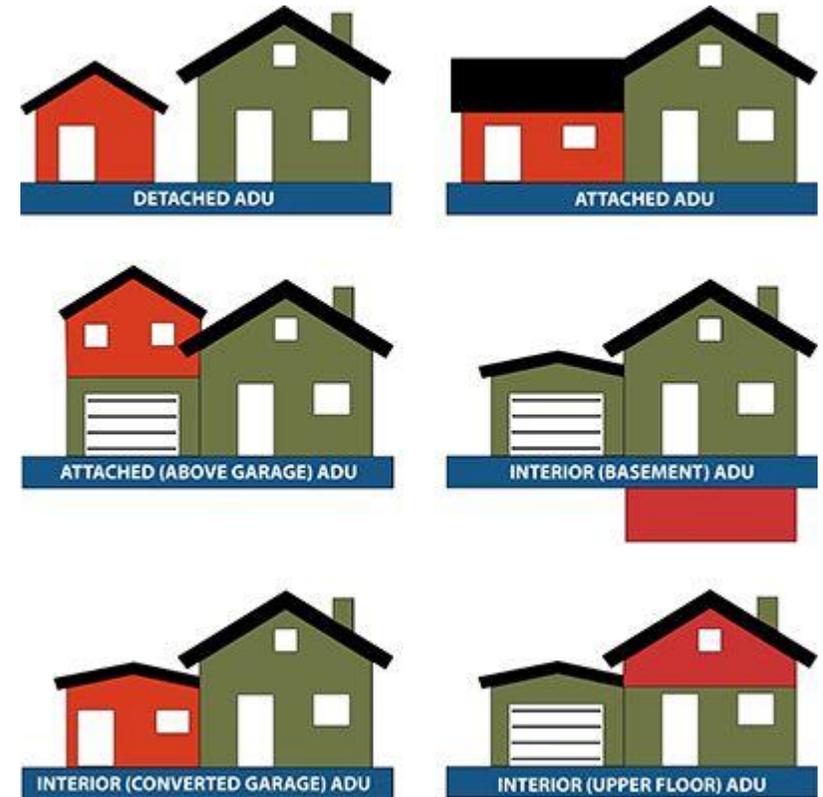


What are the regulations?

- The Affordable Homes Act gave the Executive Office of Housing and Livable Communities (EOHLC) the authority to develop regulations for the administration of protected use ADUs.
- The final regulations can be found under [760 CMR 71.00 “PROTECTED ACCESSORY DWELLING UNITS”](#) which became effective January 31, 2025.
- These regulations were drafted, publicized, and promulgated through the public hearing process where municipal officials, developers, board and committee members, as well as other members of the public submitted written and oral testimony for consideration.
- The regulations include important definitions, prohibitions, and guidance for non-conforming structures.

What is the definition of an ADU under this new law?

“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...;** (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...** provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental. **[Emphasis added]**



Did Tewksbury adopt bylaws for ADUs?

DISTRICT	Minimum Lot Area	Minimum Frontage (Ft)	Minimum/Maximum Front Setback (Ft)	Minimum Side & Rear Setbacks (Ft)
F	1.5 acres	150	50/NA	15
R40	1.0 acre	150	25/NA	15
MF ^F	1.0 acre	150 ^A	25 ^B NA	15
VR	1.0 acre ^E	50	20/40	10 ^D

DISTRICT	Maximum Height (Stories) ^F	Maximum Height (Ft) ^F	Minimum Open Space (% Lot Area)	Maximum Building Coverage (% Lot Area)
F	2.5	35	N/A	20%
R40	2.5	35	N/A	15% ^C
MF	3.0	45	20%	N/A
VR ^F	2.5	35	15%	30%

NOTES:

^A May be reduced to 40 feet by special permit.

^B Does not apply to multifamily dwellings by special permit.

^C For a lawfully preexisting lot with 15,000 square feet or less of land, the maximum building coverage shall be 20 %.

^D May be reduced to 0 feet by special permit to accommodate “zero lot line” development.

^E May be reduced to a minimum of 7,500 square feet by special permit.

^F Planning Board may approve a maximum height increase to 4 stories and 50 feet encourage a mix of housing and affordable housing.

- Tewksbury did **not** adopt any new or specific bylaws related to the implementation of ADUs.
- Bulk dimensional requirements such as **setbacks, lot coverage, and height restrictions** for ADUs are the same as other structures in the district. Deviations from these requirements may be pursued through a **variance** process from the **Zoning Board of Appeals**.
- All current building, environmental, fire, and other applicable codes apply to ADUs without exception.
- Additional permitting through the Department of Public Works (DPW) or Conservation Commission may be required, depending on the scope of the ADU construction.

What else do I need to know if I want to build an ADU?

- Building permits are required.
- Owner occupancy is not required.
- ADUs may be rented.
- A family suite and an ADU are not interchangeable or directly convertible.
- 2-hour fire separated walls are required separating the principal dwelling from the ADU for attached units.
- Smoke alarm specifications tying the principal dwelling alarms to the ADU for attached units are required.
- ADUs may only be constructed on lots where single-family dwellings are allowed by right or special permit.



A scenic landscape featuring a calm lake in the middle ground, surrounded by trees with sparse autumn foliage. In the foreground, a rustic wooden fence runs across the frame. The sky is a clear, pale blue. The word "Questions" is overlaid in the center in a large, white, sans-serif font, with a white wavy underline beneath it.

Questions