

Accessory Dwelling Units (ADUs)

Summary Information in Response to Public Questions

At a community meeting on January 25th and on an online forum posted on the Town website, the Town of Barnstable received many questions about the proposed Accessory Dwelling Unit ordinance. The following information responds to the most frequently asked questions.

Purpose and Intent

The intent of allowing Accessory Dwelling Units is to increase the number of dwelling units available for year-round rental in Town while remaining within our current wastewater capacity limitations; Adapt single-family residential properties so they are supportive of residents at a variety of stages in their life cycle; Encourage greater diversity and support of all populations with particular attention to young adults and senior citizens; Encourage a more economic and efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and Provide homeowners with a means of obtaining rental income to defray housing costs.

Rental and Occupancy

Rental Duration

The proposed ordinance requires ADUs to be offered for rent, and also allows the principal dwelling to be offered for rent. A minimum lease term of 12 months would be required for any rental of the ADU or principal dwelling. Rentals of any other duration would not be permitted.

Rental to Family Members

The proposed ordinance does not restrict who an ADU can be rented to, but does require ADUs to be rented with a 12 month lease. The Town also allows the establishment of family apartments according to the regulations in Zoning Code [§240-47.1](#). Residents are encouraged to evaluate both programs and the requirements associated with both.

Occupancy

The proposed ordinance limits occupancy of an ADU to two adults (over 18). Additional adult occupants may be permitted with the grant of a Special Permit from the Zoning Board of Appeals.

Common Ownership Requirement

The proposed ordinance requires the principal dwelling and ADU and lot on which they are located remain in common ownership.

Rental Registration & Enforcement

The owner of any unit that is rented in the Town of Barnstable is required to register that unit with Town's Health Division's Rental Registration Program. All rentals units are subject to inspection and must comply with state requirements for upkeep of the unit.

Properties that successfully register with the Rental Registration Program receive a Rental Certificate which sets out the requirements for each unit. Rental certificates for ADUs would reflect the maximum occupancy requirements and minimum lease term requirements proposed in the ordinance, and require owner to produce a lease upon the request of the Town.

Building, Health & Septic/Title V

Building an ADU

ADUs would be required to be compliant with Building Code requirements for an independent dwelling unit. Building and occupancy permits would be required for all ADUs.

The cost of constructing an ADU will align with market rate for construction materials and labor costs and will be dependent on the configuration of the ADU being constructed.

Septic/Title V

All properties served by Title V Septic Systems will be required to comply with the current state and local regulations for maximum number of bedrooms. The total number of bedrooms in the principal dwelling and the ADU could not exceed the maximum allowed under Title V and local regulations. Bedrooms in the principal dwelling could be eliminated in accordance with Title V standards to allow for the creation of an ADU.

Alternative septic systems are only allowed with variances from the Board of Health and DEP and may not allow for an increase of total number of bedrooms allowed on a property.

Setbacks and Lot Sizes + Number and Size of ADUs

Setbacks & Lot Size

An ADU would be required to comply with all applicable zoning requirements, including but not limited to building height and yard setbacks, for the zoning district in which it is located.

The ordinance does not propose a minimum lot area requirement specific to ADUs.

Number of ADUs

The proposed ordinance allows only one ADU per lot and prohibits seeking a variance from that limit.

Size of ADUs

The proposed ordinance regulates the size of ADUs in two ways: Number of bedrooms and square footage.

- The number of bedrooms in an ADU is limited to two. An owner may apply to the Zoning Board of Appeals for a Special Permit for an ADU with more than two bedrooms. (If the property has a septic system, there must be adequate septic capacity to allow the increase.)
- The size of an ADU is limited to 900 square feet, or 50% of the habitable floor area of the principal dwelling, whichever is smaller. An owner may apply to the Zoning Board of Appeals for a Special Permit for an ADU that exceeds these size limitations.

Permit Requirements and Neighbor Notices

The proposed ordinance allows ADUs “by-right” -- with administrative review and a building permit. No neighbor notice or public hearing is required or would be provided.

ADUs that would have more than two adult occupants or more than 900 sq.ft would require a Special Permit from the Zoning Board of Appeals (ZBA). A Special Permit application requires the ZBA to hold a public hearing; mailed notice to neighbors (abutters and owners within 300’ of the subject property) of ZBA hearings is required.

Private Covenants and Deed Restrictions

Some properties may be subject to private covenants, homeowners’ association regulations, or deed restrictions. The Town does not enforce these private restrictions.

Taxation of ADUs

The Town Assessor's Office considers units with independent entrances/egresses and separately metered utilities as additional dwelling units; a single-family residential property with an ADU may be valued as a two-unit property (use code 104) or two units on one parcel (use code 109).

If you have any additional questions, please contact Elizabeth Jenkins, Director of Planning & Development at elizabeth.jenkins@town.barnstable.ma.us.