

Accessory Dwelling Unit

Frequently Asked Questions

April 15th 2025

The Warrant for Town Meeting includes three articles covering Accessory Dwelling Units “ADUs”. Members of the Planning Board prepared this guide to ADUs to help residents understand Warrant Articles 8, 9 and 10. In summary:

Article 8 fixes our Zoning By-Law so that Manchester’s restrictions on ADUs sized 900 square feet or smaller conform to current State Law and puts as many guardrails on these smaller ADUs as are allowed by law. Article 8 also removes our existing ADU rules.

Article 9 adds a new Zoning By-Law that contains rules for ADUs that are between 901 square feet and 1200 square feet. These Larger ADUs have additional requirements including a special permit requirement.

Article 10 prohibits the short-term rental of any ADU.

Definitions

ADU

An ADU is an “Accessory Dwelling Unit.” The most common examples of ADUs are: a carriage house, a tiny house, a basement or attic apartment, and a garage apartment. ADUs are either enclosed in a home, attached to a home, or contained within a detached structure that is on the same lot as the home.

The State of Massachusetts defines an ADU as:

A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, ... that:

- 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; and
- Is not larger in gross floor area than ½ the gross area of the principal dwelling or 900 square feet, whichever is smaller.

Principal Dwelling

The State defines a Principal Dwelling as: A structure, regardless of whether it, or the Lot it is situated on, conforms to Zoning ... that contains at least one Dwelling Unit and is, or will be, located on the same Lot as an ADU.

The State defines a Dwelling Unit as: A single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Standard ADU (Article 8)

An ADU that complies with the State’s as-of-right ADU. The Standard ADU is 900 SF or half the size of the Primary Dwelling, whichever is smaller. (State regulations refer to this as a “Protected Use ADU”)

Large ADU (Article 9)

A Large ADU is up to 1200 SF or half the size of the Primary Dwelling, whichever is smaller. It requires a special permit.

Short-term rental (GL c. 64G, section 1)

At least 1 room or unit is rented to an occupant or sub-occupant; and all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such for up to 31 days

Does Manchester currently have any rules that allow or restrict ADUs?

Yes, Manchester’s Zoning By-Laws contain provisions that allow an ADU with a special permit from the Zoning Board of Appeals but only under certain circumstances. Unfortunately, under the new State Law, these By-Laws are now unenforceable for smaller (900 SF) ADUs and are out of date.

What does this new State Law¹ regarding ADUs require?

As of February, State Law states that all cities and towns can no longer “prohibit, unreasonably restrict, or require a special permit or other discretionary zoning approval for the use of land or structures for a **single accessory dwelling unit [of 900 SF or less]**, or the rental thereof, in a single-family residential zoning district.”

That Law is already in effect, so any property owner in Manchester can now have a Standard ADU in any area of Town, except in the Limited Commercial District, regardless of Manchester’s Zoning By-Law.

¹ Section 8 of Chapter 150 of the Acts of 2024

What is Manchester proposing so that our Zoning By-Law regarding ADUs will comply with State Law but will also give Manchester local control over ADUs?

Proposed Article 8 contains the Zoning By-Law fix that will regulate ADUs that are 900 square feet or smaller in a way that complies with State Law. Article 8 refers to those ADUs as “Standard” ADUs. As the Law requires, Article 8 states that Standard ADUs are now allowed by-right in every zoning district, except the Limited Commercial District.

Article 8 replaces the Town’s current ADU regulations with the State Law’s new definitions and requirements, and Article 8 updates our Table of Uses so that it accurately reflects the requirements of the State Law.

Article 8 amends our Zoning By-Law regarding ADUs to include “reasonable regulations” to include:

- Dimensional setbacks and the bulk and height of structures
- Prohibitions against short-term rentals,
- Special Permits for more than one ADU on a Lot.
- Special Permit for a by-right ADU in a floodplain or water resource overlay district
- Compliance with Historic District requirements if the ADU is within an historic district.
- No lease less than six months
- One additional off-street parking space is required for standard ADUs outside of ½ mile of MBTA station
- Only one Standard ADU is allowed per Lot
- The ADU must remain on the same title as the Principal Dwelling

Article 8 also requires:

- Architectural floor plans and exterior elevations for new ADUs
- An Engineered Site Plan
- Compliance with Floodplain and water resource overlay rules
- Historic Commission review, if the ADU is in Historic District
- One public water and sewer service per lot (to accommodate both the Principal Dwelling and the ADU)
- Compliance with setback, height and dimensional requirements
- Construction on a permanent foundation (no temporary structures)
- The Existing driveway must be suitable for vehicular access for the ADU

Do State regulations prohibit any restrictions that we might want to include in our new Zoning By-Law regarding by-right [Standard] ADUs?

Yes, according to the State Law and the accompanying regulations, Manchester's new zoning by-law **cannot** impose any of the following restrictions on by-right ADUs:

- Owner occupancy of either the by-right ADU or the Principal Dwelling
- More than 1 parking space for a by-right ADU, and if the by-right ADU is located within ½ mile of Manchester's train station, no parking can be required
- Anytown-wide cap, limit, or quota ... on the [total] number of [by-right] ADUs
- A requirement that by-right ADUs must be either attached to the Principal Dwelling or must be detached from the Principal Dwelling (in other words, both options must be allowed.)
- Design standards that are not already required for single-family dwellings
Dimensional requirements (height, lot coverage, open space, bulk, height, number of stories) that are more restrictive than those applicable to a single-family dwelling
- Separate utility connections (although separate metering is OK).
- Environmental regulations that are more restrictive than those applicable to a single-family dwelling.
- Impact Analysis, studies and fees
- Any requirement that prohibits, regulates or restricts a Modular Dwelling Unit from being used as an ADU that is more restrictive than the State Building Code.

What if a property owner wants to construct a new ADU that is larger than 900 square feet?

Article 9 proposes a new zoning by-law to allow ADUs up to 1200 square feet, and defines these as "**Large**" ADUs. However, **Article 9** imposes the same restrictions as for Standard ADUS plus the following **additional** limitations on Large ADUs:

- Require a Special Permit from the Zoning Board of Appeals
- Allowed only in Zoning Districts A, B, C, and E
- Large ADUs in accessory buildings that are constructed after April 28, 2025 (the date of the Town Meeting) must comply with setback requirements of Principal Dwellings (accessory structures themselves have smaller setbacks)
- Prohibited if a Lot already contains an ADU
- Require two off-street parking spaces
- Prohibited on nonconforming lots

I have a pre-existing ADU that is 900 square feet or smaller, but the special permit I received required that it could be used only by an employee. Is that enforceable?

Any restrictions on ADUs that are half the size of the primary dwelling or 900 square feet (whichever is less) or smaller are now specifically prohibited by the new State Law are no longer valid or enforceable.

Manchester currently has ADUs that are larger than 900 square feet. Will those become illegal?

No. The State Law allows larger ADUs but requires a special permit for ADUs larger than 900 square feet. New ADUs 901-1200 SF in size, will require a special permit if Article 9 passes.

Does State Law require Manchester to allow Large ADUs?

No.

I have a pre-existing ADU that is larger than 1200 feet. Is that now illegal?

No. As long as it was properly permitted.

I have an ADU that was granted a special permit. Do those restrictions still apply?

Yes. If your pre-existing ADU is larger than 900 square feet, requirements in the special permit are still enforceable.

I have a 1200 square foot ADU on my Lot. Must I apply for a Special Permit if I want to now add a Standard ADU?

No. A special permit is not required, but the other requirements of **Article 8** will apply.

Can a multifamily housing building in a CHOD overlay district add a Standard ADU?

We don't know. Both laws are new, so courts have not interpreted this situation yet.

What is the purpose of **Article 10**?

If **Article 8** does not pass at Town Meeting, then Article 10 will be proposed. Article 10 prohibits short-term rentals in all ADUs. If Article 8 passes, then the prohibition against short-term rentals will be in force, so Article 10 will not be needed.