

ADU Policy and Implementation Analysis

City of Greenfield, MA

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Contents

	ADU OVERVIEW	3
	ADUS IN MASSACHUSETTS	6
	ADUS IN GREENFIELD	9



CommunityScale is an urban planning consultancy focused on helping communities across the country improve equity, economic mobility, and housing attainability. CommunityScale provides a range of services and analytics products designed to help our clients make more informed and targeted decisions around policy and investment, from development opportunity assessments to zoning reviews to housing needs assessments. The firm's clients include municipalities, counties, regional planning agencies, and developers located across the country.



ADU Overview

EXECUTIVE SUMMARY

ADU defined

Regulation PROTECTED USE ACCESSORY DWELLING UNIT:

Accessory Dwelling Unit (ADU). 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:

- A. 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 Building Code for safe egress;
- B. is not larger in Gross Floor Area than $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and
- C. 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 ADU that is not a Short-term Rental.

Types of ADUs



Image source: Metropolitan Area Planning Council

There are several possible variations from these three primary configurations, including:

- **Interior ADU:** Integrated within the primary structure by mostly or fully utilizing existing volume and building footprint.
- **Attached ADU:** Added to the primary structure by expanding the building's footprint, such as to the side or rear.
- **Detached ADU:** Built as a separate structure not connected to the primary structure.

EXECUTIVE SUMMARY

ADU examples

In practice, ADUs can take a wide variety of forms depending on the context, existing structure(s) on site, and financial capacity of the owner. Internal and attached ADUs are typically more cost effective because they utilize existing structures. Detached ADUs are generally more expensive to build but can offer greater separation and privacy between residents of each unit on the property.

The images at right illustrate examples of ADUs that are visually evident from outside. Internal ADUs are not pictured because they often not discernible from the exterior.

Libraries of ADU examples for further reference:

- [accessorydwellings.org](https://www.accessorydwellings.org)
- [AARP](https://www.aarp.org)
- [Eugene, OR pre-approved designs](https://www.eugene-or.gov/pre-approved-designs)
- [atlcitydesign.com](https://www.atlcitydesign.com)





ADUs in Massachusetts S



EXECUTIVE SUMMARY

Massachusetts Affordable Homes Act

The recently passed Affordable Homes Act (AHA) includes several requirements regarding how Massachusetts municipalities can and cannot regulate ADU development, design, and occupation through local zoning.

In general, ADUs are to be considered by right uses in all districts that allow single family homes. ADUs cannot be subject to regulations any more restrictive than those governing single family homes in the same zoning district. There can be no discretionary approvals imposed.

However, local zoning can regulate many fundamental features such as setbacks, height and bulk limits, septic system capacity, and the use of ADUs as short-term rentals.

What can communities do effective Sunday, February 2, 2025 on single ADUs in single-family zoning districts?	
Municipalities may impose reasonable restrictions and requirements for:	Municipalities cannot:
<ul style="list-style-type: none"> • Site Plan Review 	<ul style="list-style-type: none"> • Require owner occupancy nor family relationship for the ADU or the principal dwelling
<ul style="list-style-type: none"> • Title V requirements 	<ul style="list-style-type: none"> • Require a special permit or other discretionary zoning approval for the use or rental of an ADU
<ul style="list-style-type: none"> • Regulations concerning dimensional setbacks and the bulk and height of structures 	<ul style="list-style-type: none"> • Require more than 1 parking space for an ADU located outside 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station
<ul style="list-style-type: none"> • Short-term rentals 	<ul style="list-style-type: none"> • Require any parking for an ADU located within 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station

Source: [mass.gov](https://www.mass.gov)

EXECUTIVE SUMMARY

Massachusetts Affordable Homes Act

Some key features of the new regulations as released January 17, 2025 (and subject to change in a final form on or by February 2, 2025):

Occupancy: Municipalities cannot require that ADUs or the primary structure are owner-occupied. Either or both may be rented to tenants.

Parking: Municipalities cannot require more than one off-street parking space for an ADU (and no parking can be required if within a half mile of a bus stop).

Floor area: ADUs cannot be larger than the lesser of 900sf or ½ the area of the primary dwelling.

Site plan review: Municipalities can require site plan review for ADUs but terms and conditions of approval must be clear and objective (not discretionary).

Setbacks and lot area: Municipalities cannot require stricter setbacks or open space requirements than those governing single family houses in the same district.

Utilities, safety, and emergency access: ADUs must comply with all building, fire, and health codes. Municipalities cannot require separate utility connections for ADUs unless otherwise required by an external utility, board, or commission.

Zoning definition

Accessory Dwelling Unit (ADU). 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:

(a) 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 Building Code for safe egress;

(b) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and

(c) 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 shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

[Full state regulation document as of January 17, 2025](#)



EXECUTIVE SUMMARY

Greenfield is unique

Most municipalities across the Commonwealth include zoning districts that only allow single family units. In such districts, two-family structures are not allowed by right. Therefore, building an ADU is the only way to add a second unit to the parcel outside of a zoning variance.

However, in Greenfield, all residential districts allow up to three-family structures by right. Therefore, even before the Commonwealth's Affordable Homes Act, the owner of a single-family parcel in Greenfield has been allowed to add one or two additional units by right, regardless of ADU designation, assuming they comply with existing setbacks, lot area, frontage, and other dimensional and massing requirements.

Importantly, if operating outside the ADU designation, additional units must be attached to the primary structure, they cannot be "detached." The AHA adds the ability to build detached units by right (as ADUs) such that attached is no longer the only by right option. However, a detached unit would be subject to the maximum floor area size limits of an ADU whereas an attached unit can be larger (as long as not designated an ADU).

CITY OF GREENFIELD



CITY OF GREENFIELD

ZONING ORDINANCE

CODE OF THE CITY OF GREENFIELD, MASSACHUSETTS
As Amended through October 20, 2021

EXECUTIVE SUMMARY

How are ADUs treated by different City departments?

The “accessory dwelling unit” designation is only meaningful from some regulatory perspectives. For example, from a zoning standpoint, ADUs are treated somewhat differently compared to conventional units. However, from a building code standpoint, they are treated the same as any other unit on a parcel.

The following describes how different City departments view and regulate ADUs. In many cases, these regulations are no different than those applied to conventional housing structures and unit configurations.

In some cases, regulations relate to multiple departmental perspectives (though there is typically one designated governing authority for each specific rule). For example, both the Building and Fire Departments oversee aspects of fire protection, suppression, and safety.

These departments **do** distinguish between ADUs and other units:

Planning and Zoning

Department of Public Works

These departments **do not** distinguish between ADUs and other units:

Building Department

Fire Department

Health Department

EXECUTIVE SUMMARY

Planning and Zoning

ADUs are treated differently from other units in the zoning code. The following are unique characteristics of and regulation for ADUs based on Greenfield's existing zoning ordinance as well as the draft regulations released by the Commonwealth as part of the Affordable Homes Act roll out:

ADUs can be detached. Typical 1-3 family parcels in Greenfield can only include a single primary structure containing dwelling units. ADUs can be built as independent structures detached from the primary structure.

Owner-occupied or rented. ADUs (and their primary structure) do not have to be owner-occupied and can be rented. However, Greenfield can prohibit ADUs being used as short term rentals (such as Airbnb).

Parking may not be required. If located within a half mile of a bus station, the ADU does not need an off-street parking space. The definition of "bus station" seems to include all FRTA stops along its Greenfield routes ("Bus Station. A location serving as a point of embarkation for any bus operated by a Transit Authority.")

ADUs can be held to the same massing, height, and bulk requirements as conventional houses. Under this scenario, ADUs would have to adhere to underlying dimensional requirements such as front, side, and rear setbacks; height limits; and open space.

Building separation: A unit built within 10' of the primary structure is considered part of the same structure. In this respect, a "detached ADU" built within several feet of the primary structure is not considered "detached" by building code standards.

A second ADU is allowed by special permit. The Greenfield zoning ordinance defines the first ADU on a property as "protected" in reference to its by right status as enforced by the Affordable Homes Act. A second ADU is defined as "unprotected" which refers to the fact that the AHA does not require municipalities allow it by right. In Greenfield, a second ADU is allowed by special permit.

EXECUTIVE SUMMARY

Department of Public Works

The Department of Public Works (DPW) treats internal and attached ADUs in the same way as any other multifamily structure. However, a house with a detached ADU on the same parcel is treated somewhat differently than two attached or detached units that are on different parcels.

All ADUs must tie into the existing water line on the metered side. ADUs - even detached - cannot establish a new connection to the water main in the street. Instead, they must tie into the existing water line serving the primary structure on the “metered side” such that the meter registers their water usage in addition to that of the primary structure.

Separate sewer connections are required for detached ADUs.* Attached and internal ADUs can tie into the sewer connection serving the primary structure.

The water line serving an ADU can be submetered only if under condo ownership. The City allows condo owners and associations to apply to install water submeters which would measure the water usage of an ADU as distinct from that of the primary structure. However, it is unclear if ADUs can be held under separate condo ownership separate from their primary structure given they share the same parcel.

Rules governing utility connections may vary by provider. Some utility companies may permit connecting ADUs to the primary structure’s existing service. Others may require separate connections for ADUs of certain types. The AHA allows some discretion on this topic so it is unlikely utilities will be fully consistent in their requirements. People developing ADUs on their property should consult with the relevant providers for guidance.

DPW can deny building permits for new units served by City sewer and water if local lines cannot accommodate the added demand. In practice, most sewer lines in Greenfield have adequate capacity to support adding ADUs. Some water lines are more limited, though newer mains will generally offer sufficient capacity. In some cases, a property may need to upgrade its water service line from ½ inch to 1 inch depending on site conditions and ADU design.

* Per the AHA, municipalities cannot require separate utility connections for ADUs (such as water, sewer, etc.) as a zoning or land use requirement. However, local departments and agencies may do so as a matter of discretion, as is the case in Greenfield.

EXECUTIVE SUMMARY

Department of Public Works (continued)

During the process, DPW staff asked the following question which required legal consultation to address:

Under the AHA, is it legal for a municipality to deny an ADU building permit on the basis that the street's sewer or water line lacks capacity to support the extra unit?

Response from Jonathan Silverstein, Land Use Attorney with Blatman, Bobrowski, Haverty & Silverstein, LLC:

If there is a demonstrable lack of capacity, a municipality may adopt a sewer connection moratorium. The courts have established standards for process, duration and justification for such a moratorium. In the absence of such a moratorium, I would be skeptical that a court would uphold denial of a building permit for an ADU based upon sewer capacity.

Note that the EOHLC regulations prohibit: “[a]ny regulation for the protection of public health, safety, welfare and the environment ... and for the Transport and Disposal of Septage, that is more restrictive than is required for a Single-family Residential Dwelling in the Zoning District in which the Protected Use ADU is located.” 760 CMR 71.03(3)(4).

Therefore, at a minimum, the municipality would have to demonstrate that single-family homes are subject to similar capacity limitations. For example, if a community claims there is insufficient capacity for a one-bedroom ADU, they could not then allow an existing single-family home expansion that adds an additional bedroom.

EXECUTIVE SUMMARY

Building Department

From a building code perspective, an ADU is considered no different than a conventional separate unit on the same parcel. For reference, key building code standards for dwelling units include the following.

Facade materials and window design must be properly fire-rated for ADUs built close to but not integrated with the primary structure. Exact specifications vary by the distance of the separation. The closer the buildings, the more fire resistant both facing facades must be and the less window coverage allowed.

Nonconformity: A nonconforming structure or use is one that does not align with the underlying zoning code. For example, this can occur when a structure predates the zoning district it resides in. Typically, if a proposed improvement exacerbates the nonconformity, it may not be allowed. However, if the improvement does not impact the nonconformity or make it worse, the improvement would be allowed (assuming it satisfies all other zoning and code requirements). In this way, an ADU would be allowed even if other, unrelated nonconformities are present.

Massachusetts Building Code
780 CMR

EXECUTIVE SUMMARY

Building Department (continued)

The Massachusetts Office of Occupational Safety and Inspections recently released the guidance at right to help determine how the building code applies to ADUs in different configurations.

Point #3 likely refers to the question of whether or not the combined structure requires sprinklers (typically, a 2-unit building does not but a 3-unit building does).

1. ADUs are just dwelling units under the building code.
2. If an ADU is attached to a single-family dwelling, the building must now be treated as a two-family dwelling under the Residential Code.
3. If an ADU is attached to a two-family dwelling, a building evaluation under the Existing Building Code is required to determine what code requirements are triggered.
4. If a detached ADU is built on the same lot as a structure regulated by the Residential Code, the structure is treated as a single-family dwelling under the Residential Code.
5. If a detached ADU is built on the same lot as a structure(s) regulated by the Commercial Code, an analysis must be done to determine if the detached ADU is treated as part of the other structure(s) or if it treated as a stand alone dwelling, and that will determine which code to apply.
6. If a detached ADU is built on the same lot as a structure regulated by the Residential Code, the structure is treated as a single-family dwelling under the Residential Code.

EXECUTIVE SUMMARY

Building Department (continued)

During the process, City staff asked the following question which required legal consultation to address:

If by right dimensional standards don't allow the addition of an ADU, does the AHA require that the municipality allow the property owner to "break the rules" to the extent necessary to fit an ADU on the property? Or would the response be that they are always allowed to do an internal ADU within the existing footprint so that would have to be their course of action if they want to add an ADU?

Response from Jonathan Silverstein, Land Use Attorney with Blatman, Bobrowski, Haverty & Silverstein, LLC:

It is difficult to determine exactly how this type of issue will play out. The EOHLC regulations provide the following multi-part test to determine whether a local regulation is "unreasonable":

Any restriction or regulation imposed by a Municipality shall be unreasonable if the regulation or restriction, when applicable to a Protected Use ADU:

1. Does not serve a legitimate Municipal interest sought to be achieved by local Zoning;
2. Serves a legitimate Municipal interest sought to be achieved by local Zoning but its application to a Protected Use ADU does not rationally relate to the legitimate Municipal interest; or
3. Serves a legitimate Municipal interest sought to be achieved by local Zoning and its application to a Protected Use ADU rationally relates to the interest, but compliance with the regulation or restriction will:
 - a. Result in complete nullification of the use or development of a Protected Use ADU;
 - b. Impose excessive costs on the use or development of a Protected Use ADU without significantly advancing the Municipality's legitimate interest; or
 - c. Substantially diminish or interfere with the use or development of a Protected Use ADU without appreciably advancing the Municipality's legitimate interest.

Taking this regulation literally, it would appear that any regulation that prevents "the use or development" of an ADU would be deemed unreasonable, even if it is rationally related to a legitimate zoning objective. This would include a dimensional regulation. Note, however, that there has been no court decision that has interpreted, applied or ruled on the legality of the EOHLC regulation.

EXECUTIVE SUMMARY

Fire Department

From a fire protection perspective, an ADU is considered no different than a conventional separate unit on the same parcel. For reference, key fire protection standards for dwelling units include the following.

Fire suppression. Structures with three or more units must include a sprinkler system. If an internal or attached ADU brings the structure's total unit count from two to three, fire suppression must be added throughout the structure as part of the project. If a detached ADU is added to a two-family parcel, fire suppression is not required because no structures on the parcel contain three or more units.

Smoke alarms. If built before 1975, buildings containing multiple units require battery operated alarms in common areas that communicate with each other. If built after 1975, common area alarms may communicate with each other wirelessly but must be hard-wired to a commercial power source.

Access from exterior. Especially considering new structures located behind existing buildings and without their own street frontage, an access road must be located within 25 feet of an exterior door which must be openable from the outside.

EXECUTIVE SUMMARY

Health Department

From a health code perspective, an ADU is considered no different than a conventional separate unit on the same parcel. For reference, key Health Department standards for dwelling units include the following.

Minimum size. In this case, the minimum size of a dwelling unit is driven by the occupancy. A single-occupancy unit can be as small as 150sf. 100sf additional area is required for each additional occupant.

Kitchen appliances. All units must have a working sink and stove.

Bathroom ventilation. All units must have a bathroom with a window or mechanical ventilation.

Emergency egress. All units must include two means of escape in the event of a fire or other emergency.

Septic capacity. If not connected to public sewer, a parcel must include a septic system with capacity sized to the number of bedrooms present on the site across all units. If a homeowner on septic is interested in adding an ADU, they would need to verify their septic can accommodate the additional load with a Title V study. Alternatively, they could consider an internal ADU that subdivides the existing house into two units, avoiding the overall addition of bedrooms.

Rental units. If offered for rent, all units must comply with [410 CMR renter code](#) which covers some of the topics on this page and many more.



ADU Policy and Implementation Analysis

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Prepared by:

 **CommunityScale**