



# How to Create an ADU in the Town of Barnstable

*The purpose of this guide is to provide people interested in creating an Accessory Dwelling Unit (ADU) with information about the program requirements and expectations in the permitting process. This guide was updated in June 2025 in accordance with amendments in compliance with revisions to Chapter 40A of the General Laws, the State Zoning Act, as set forth in the Affordable Homes Act.*

**The Accessory Dwelling Unit (ADU) program is intended to:**

- Increase the number of dwelling units available for rental in Town while remaining within our current wastewater capacity limitations;
- Adapt 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 REQUIREMENTS

*What to know going in:*

- Both the principal dwelling and the ADU may be rented at any given time.
- The ADU cannot be used as a short-term rental. The ADU must be rented for more than 31 consecutive calendar days in accordance with [Massachusetts General Laws Chapter 64G Section 1](#).
- If the owner of the principal dwelling chooses to reside in the ADU, the principal dwelling shall not be used as a short-term rental during the period in which the property owner resides in the ADU.
- An ADU may be located within the principal residence, or in an accessory, detached building on the same property. While an ADU has limitations on size there are no income or family restrictions placed on the tenant.
- The use of land or structures for an ADU shall not require owner occupancy of either the ADU or the principal dwelling.
- To learn more about registering the ADU please visit the Town's [Health Division's Rental Registration Program](#).

## SEPTIC CAPACITY & NITROGEN LOADING RESTRICTIONS

*Consider this first if your property has a septic system:*

To add an ADU to a property with a septic system, you will need to contact the Health Division at (508) 862-4644 or [health@town.barnstable.ma.us](mailto:health@town.barnstable.ma.us) and ask to speak to a Health Inspector to verify the capacity of your septic system, coordinate a determination as to whether or not the property is located within a nitrogen sensitive area, and a determination as to how many bedrooms are allowable at the property in accordance with the State Environmental Code, Title 5 and Town of Barnstable codes. You may consider eliminating bedrooms from the principal dwelling to allow for bedrooms in an ADU. See [Options for Resolving Your Bedroom Count Issue](#) for further insight.

## ZONING REQUIREMENTS

- Only one ADU is allowed per lot.
- An ADU shall have a maximum habitable floor area that is not larger than  $\frac{1}{2}$  of the gross floor area of the principal single-family dwelling unit (exclusive of floor area that converted to the ADU) or 900 square feet, whichever is smaller.
- Only existing structures with a gross floor area greater than 900 square feet shall be considered for a Special Permit from the Zoning Board of Appeals.
- An ADU must be kept in common ownership with the principal dwelling and the lot on which it is located (no creation of condominiums).
- Parking for the ADU must be provided on-site. No more than one additional parking space per ADU shall be required, provided that no additional parking shall be required when an ADU is located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station.

## ADDITIONAL RESOURCES & CONTACTS

Planning & Development Department | 508-862-4678  
Town Hall (3rd Floor), 367 Main Street, Hyannis, MA 02601

## NEW CONSTRUCTION OR ADDITIONS

The following requirements apply for ADUs that are attached to the principal dwelling, or in a detached accessory structure:

- New construction must comply with setback and height requirements for the zoning district in which the property is located.
- An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property. Any addition or new construction shall be consistent in design with the principal single-family dwelling, considering the following: architectural details, roof design, building spacing and orientation, door and window location, and building materials.
- The ADU shall maintain 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.
- If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.

## Permits & Applications Checklist

### Old Kings Highway (if applicable)

#### ☐ Certificate of Appropriateness

*If the proposed construction is within the Old King's Highway Regional Historic District (all properties located north of Route 6/Mid-Cape Highway).*

**CONTACT:** Erica Brown, Planning & Development Department  
508-862-4787 • [erica.brown@town.barnstable.ma.us](mailto:erica.brown@town.barnstable.ma.us)  
[www.townofbarnstable.us/boardscommittees/OldKingsHighway/](http://www.townofbarnstable.us/boardscommittees/OldKingsHighway/)

### Zoning Board of Appeals (if applicable)

#### ☐ Special Permit

*If the proposed ADU is an existing structure and it triggers the need for a Special Permit from the Zoning Board of Appeals due to size.*

**CONTACT:** Anna Brigham, Planning & Development Department  
508-862-4682 • [anna.brigham@town.barnstable.ma.us](mailto:anna.brigham@town.barnstable.ma.us)  
[www.townofbarnstable.us/boardscommittees/ZoningBoard/](http://www.townofbarnstable.us/boardscommittees/ZoningBoard/)

### Building Permit

A building permit can be applied for through the online permit system accessed [here](#). Once a complete application has been submitted, all relevant Town departments will review the proposal to ensure it conforms with all applicable Federal, State, and local laws and regulations. In addition to building permit submission requirements, the following must be included in the permit application:

- ☐ Site plan identifying location of off-street parking for the ADU
- ☐ Floor plans, labeled sufficiently to demonstrate compliance with square footage limitations
- ☐ Exterior Elevations for new construction and detached ADUs demonstrating consistency with the requirements to minimize view of a separate entrance (attached ADUs) and consistency in design with principal single-family dwelling

### Wastewater

#### ☐ Septic

*If the property is served by an on-site septic system, a determination by the Health Division that adequate septic capacity is available to serve the additional unit will be required. See [Options for Resolving Your Bedroom Count Issue](#) for further insight.*

**CONTACT:** Health Inspector  
508-862-4644 • [health@town.barnstable.ma.us](mailto:health@town.barnstable.ma.us)

#### ☐ Sewer

*If the property is served by municipal sewer, a determination by the Department of Public Works confirming adequate capacity is available to serve the additional unit is required.*

**CONTACT:** Town Engineer  
508-790-6400 • [griffin.beaudoin@town.barnstable.ma.us](mailto:griffin.beaudoin@town.barnstable.ma.us)

- **Sewer Assessment Ordinance:** A \$10,000 maximum sewer betterment assessment per dwelling unit may apply, including for ADUs. Contact Mark Milne, Director of Finance, at 508-862-4660 or email [mark.milne@town.barnstable.ma.us](mailto:mark.milne@town.barnstable.ma.us) for more information.
- **Sewer Connection Costs:** Property owners are responsible for paying the cost to connect to the public sewer system.

### Rental Registration & Affidavit:

Once construction is complete and you are ready to occupy your ADU, you must:

- ☐ Obtain a Rental Certificate through the Town's [Health Division's Rental Registration Program](#).

**CONTACT:** Tamara Froes  
508-862-4072 • [tamara.froes@town.barnstable.ma.us](mailto:tamara.froes@town.barnstable.ma.us)

- ☐ A Rental Affidavit shall be provided to the Town annually stating the unit is leased consistent with the provisions of the ADU ordinance.