



# **TOWN OF UPTON, MASSACHUSETTS**

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## **LAND USE & INSPECTIONAL SERVICES**

### **Town of Upton, MA**

### **Accessory Dwelling Unit for Single Family Homes**

### **Guidelines and FAQ's**

Updated October 2025



## TOWN OF UPTON, MASSACHUSETTS

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### LAND USE & INSPECTIONAL SERVICES

#### **What is an Accessory Dwelling Unit? (ADU)**

In Early 2025 The State of Massachusetts adopted 760 CMR 71.00 allowing protected use ADUs in residential districts by right.

An ADU is a secondary separate dwelling located on the same lot as a single family home. ADUs can provide additional housing options while allowing homeowners to maximize use of their property.

An ADU can be attached to an existing home, built within an existing home such as a basement conversion or built new as a detached structure.

#### **What does protected use mean?**

Protected use pertaining to ADUs means that an ADU will be allowed at a single family property with only a building permit. To be protected the ADU must meet the definition of protected use ADU in 760 CMR 71.00.- See link for State of MA ADU regulations below.

#### **Will I need a special permit or variance for my ADU?**

Maybe.

Special permits are required for:

- ADUs that exceed 900 SF up to 50% of the principal dwelling size
- ADUs located in a business district
- ADUs that change the exterior footprint of pre-existing non-conforming building in regards to dimensional regulations
- More than 1 ADU on a property



## TOWN OF UPTON, MASSACHUSETTS

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### LAND USE & INSPECTIONAL SERVICES

#### **What size can my ADU be?**

A protected use ADU can be up to 900SF of gross floor area or ½ the square footage of gross floor area of the principle home. Whichever is smaller.

- For example, if your home is 2000SF of gross floor area, an ADU up to 900SF would be allowed by right. If your home is 1600SF, an ADU up to 800SF would be allowed by right.
- Spaces that count as your gross floor area in accordance with 760 CMR 71.00 are basements, lofts, and intermediate floored tiers.
- Spaces that do not count are garages, porches, decks, and crawl spaces.
- An ADU over 900SF can be allowed up to ½ the square footage of the principle dwelling by a special permit through the zoning board of appeals- See link for Upton's ADU Bylaw below

#### **Can my existing home be an ADU if I build a larger home on the property?**

No. An existing home on a property is the principal dwelling and will be used to size and added ADU.

#### **How many ADUs can I build on my property.**

One ADU is allowed by right on a single-family home in residential districts. A special permit through the Zoning Board of Appeals is required for multiple ADUs, ADUs added to multifamily buildings or ADUs in business districts.

#### **Who can live in an ADU?**

ADU's can be occupied by anyone. The state guidelines prevent towns from regulating who may live in an ADU or the principal dwelling. Meaning it can be used for family members or long term yearly or longer rentals.

Short term rentals such as Air BnB and VRBO are not an allowed use for any home or ADU in Upton.



## TOWN OF UPTON, MASSACHUSETTS

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### LAND USE & INSPECTIONAL SERVICES

#### **What regulations will apply to an ADU on my property?**

While the ADU may be protected from certain zoning requirements it is still subject to several regulations in regard to construction. The list below provides a guideline for regulations that may apply to your ADU before it can be constructed.

##### **Zoning:**

- Dimensional regulations- building setbacks and height requirements must still be met. There is no exception for an ADU- See 300-4.2 in Upton's zoning by-law for dimensional information
- Districts- ADUs are only allowed by right in Upton's residential zoning districts
- Use- Short term rentals (Air BnB, VRBO etc.) are not an allowed use in any zoning district

##### **Title V Septic:**

- Septic systems are designed on number of bedrooms in your home. If you are adding 1 or more bedrooms to your property with an ADU, the existing septic may not be designed to carry the extra capacity. If this is the case an upgrade to your existing septic system may be necessary. See Title V info link below.

##### **Building Code- MA 10<sup>th</sup> Edition 780 CMR:**

- Any ADU must receive a building permit before work can begin
- An attached or built within ADU must have a 1 hr fire separation between the existing dwelling and ADU
- Any ADU must have 2 separate means of egress
- One entry must remain separate from the principal dwelling
- A dwelling must contain a place for living, cooking, sleeping and sanitation
- MA 225 CMR stretch energy code applies to ADUs and may affect the entire house under certain circumstances
- Smoke Detectors- Smoke/ CO detectors must be installed per chapter 3 of building code. These alarms must be interconnected with an existing attached dwelling



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#### **Does my ADU need separate utilities?**

Upton does not have a requirement to have separate utilities for an ADU. In most cases your existing services can be extended to the ADU. You are encouraged to reach out to appropriate departments or utility companies about your specific needs.

#### **Will my ADU receive a new separate address?**

Address assignments are at the discretion of Upton's Police Chief. Typically, an attached or built within ADU at an existing property will not receive a new address to avoid confusion for first responders in an emergency. Address assignments would be determined once you have reached the building permit stage of your project.

#### **Will adding my ADU change my property taxes?**

Yes. Adding value to your property will raise your property taxes.



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#### **Accessory Dwelling Unit Reference Material**

**State ADU Resources-** <https://www.mass.gov/info-details/accessory-dwelling-units>

**MA 760 CMR 71.00-** <https://www.mass.gov/regulations/760-CMR-7100-protected-use-accessory-dwelling-units>

**Upton ADU Bylaw-** [https://www.uptonma.gov/DocumentCenter/View/6265/ADUs\\_AG-Draft-Revised\\_6-27-25\\_CLEAN](https://www.uptonma.gov/DocumentCenter/View/6265/ADUs_AG-Draft-Revised_6-27-25_CLEAN)

**Title V/ Septic ADU Information-** <https://www.mass.gov/doc/guidance-on-title-5-310-cmr-15000-compliance-for-accessory-dwelling-units/download>

**Title V/ Septic FAQs-** <https://www.mass.gov/doc/frequently-asked-questions-faq-related-to-guidance-on-title-5-310-cmr-15000-compliance-for-accessory-dwelling-units/download>

**MA 10<sup>th</sup> Edition Building Code-** <https://www.mass.gov/handbook/tenth-edition-of-the-ma-state-building-code-780>