

BOSTON  
INDICATORS



MAY 2026

# ADUs TURN ONE

Regulatory Barriers to Production in  
Massachusetts and Ideas for Further Reform



# **Part One:**

An analysis of a model of zoning reform,  
state legalization versus municipal

# **Part Two:**

What is needed next for ADU regulatory reform

# Part One:

An analysis of a model of zoning reform,  
state legalization versus municipal

- Persuasion
- Incentives
- Mandates
- Direct changes



Require **local** legislative action



Requires only **state** legislative action

# Approaches to state-level zoning reform

- Persuasion
- Incentives
- Mandates
- Direct changes



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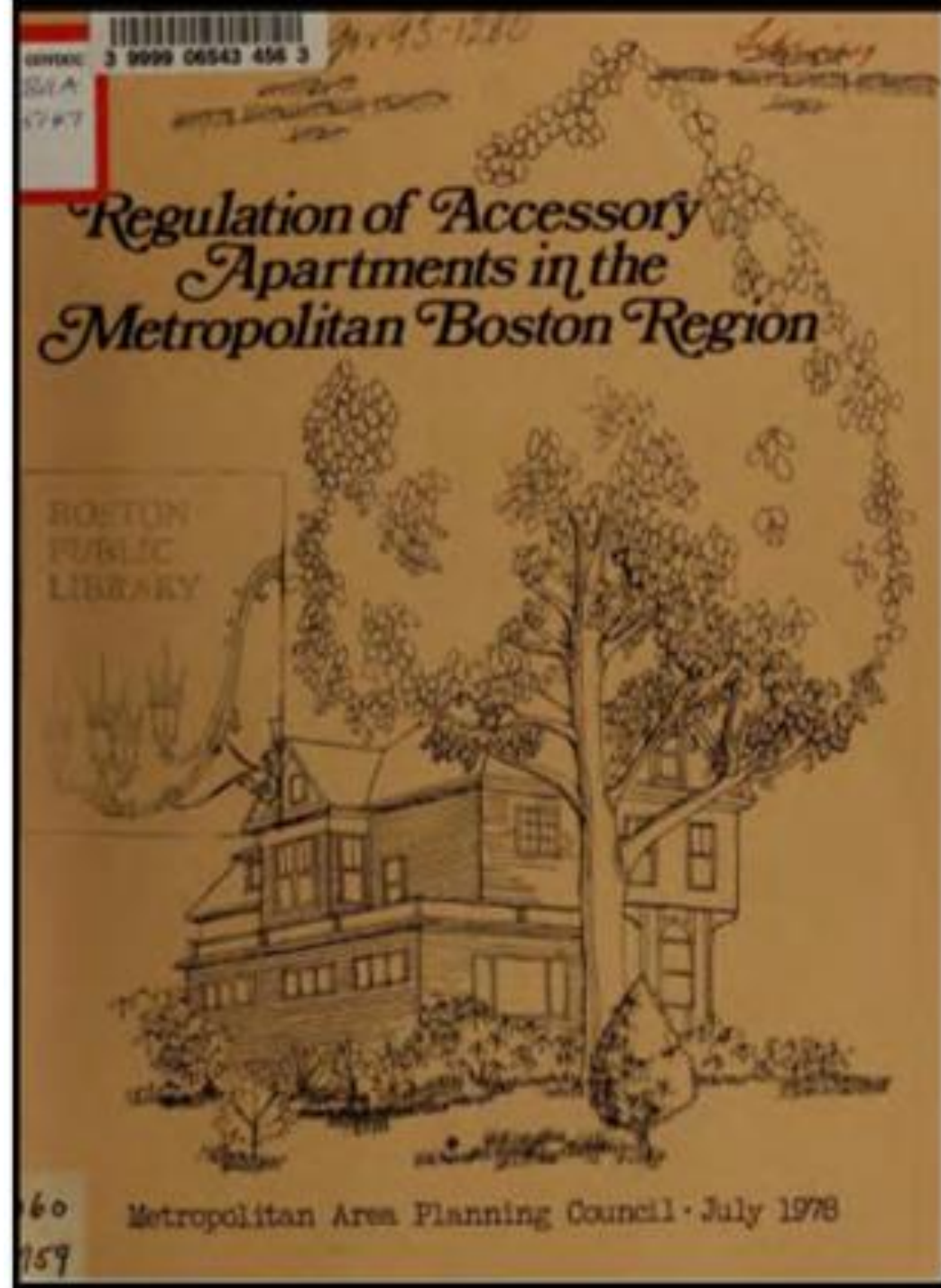
# ADU zoning: pre-history



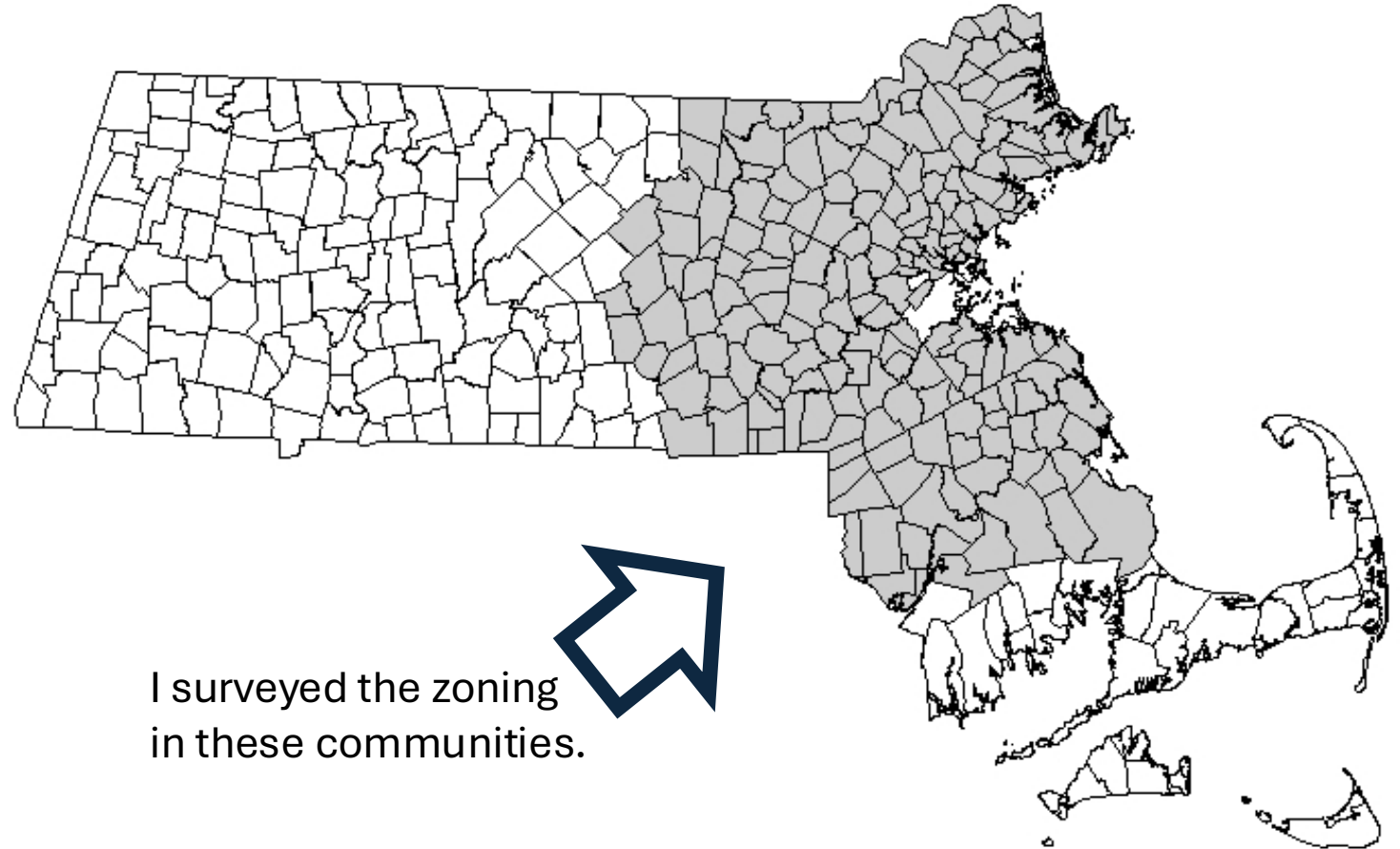
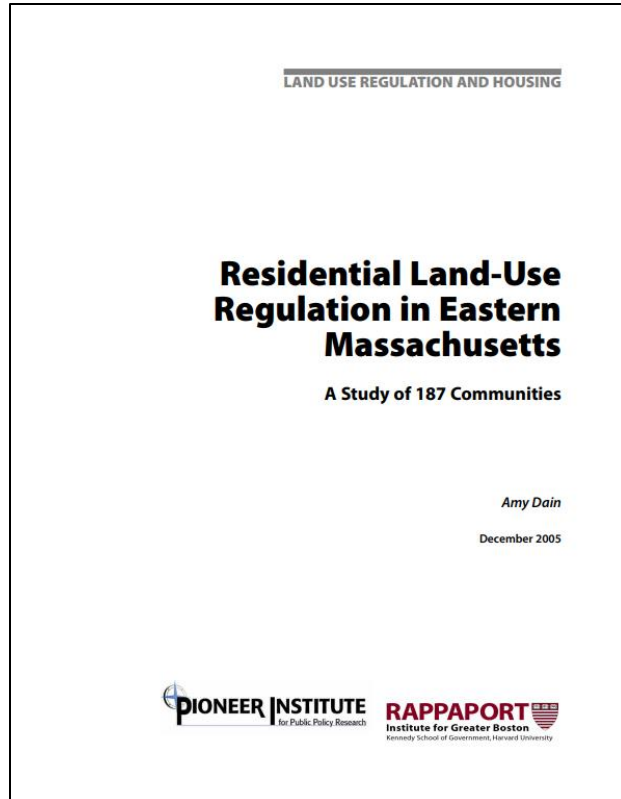
## Early zoning (with no mention of ADUs)



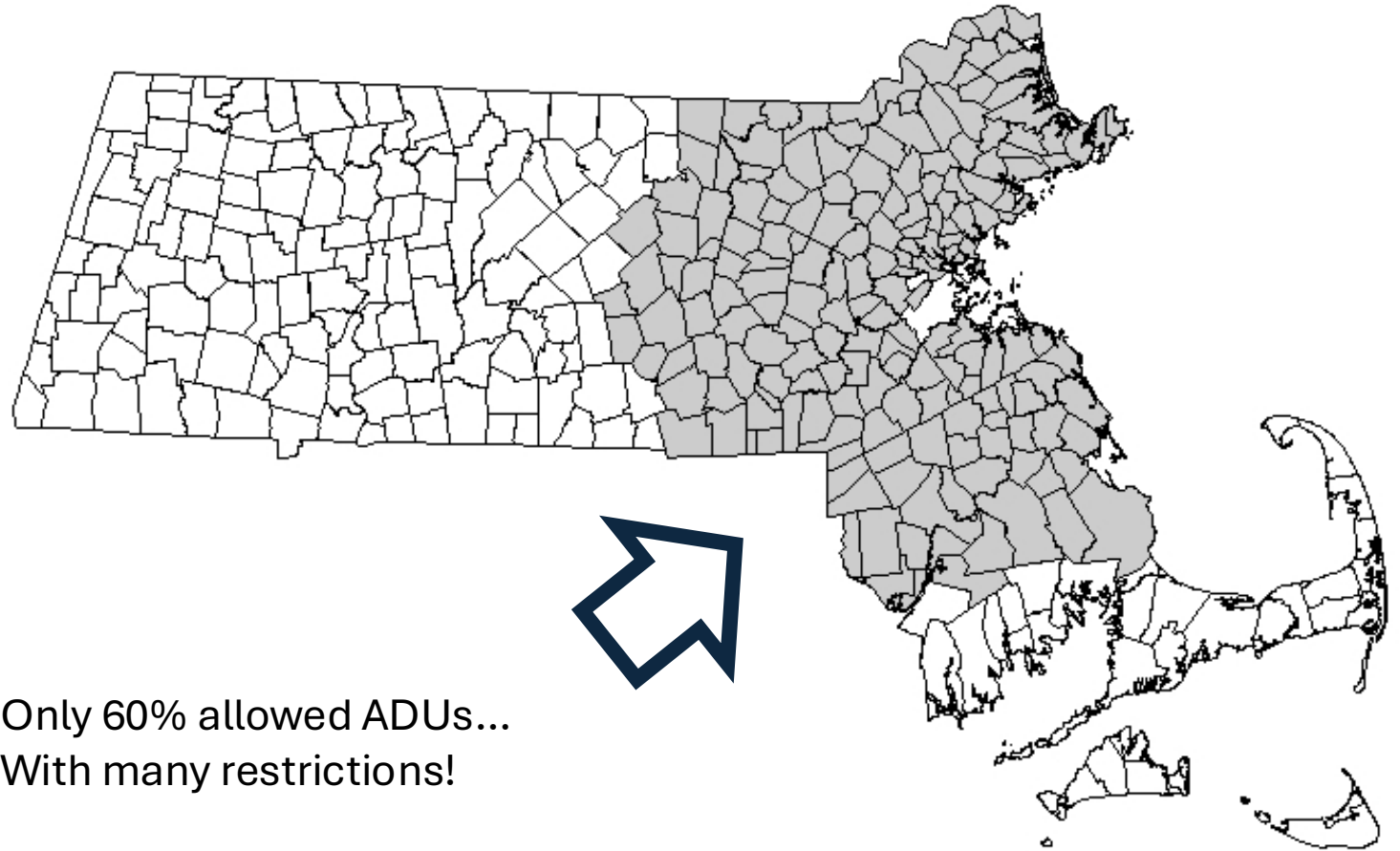
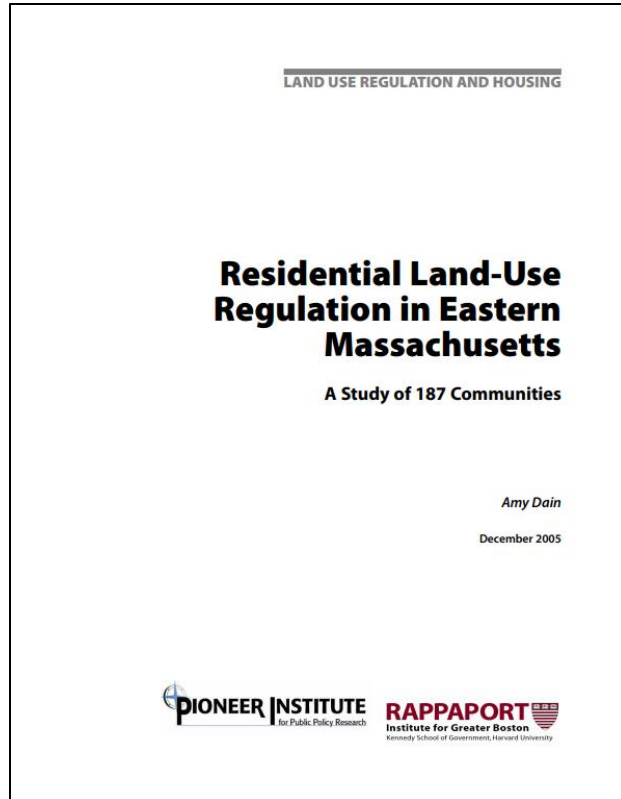
1970s



# 2004 study

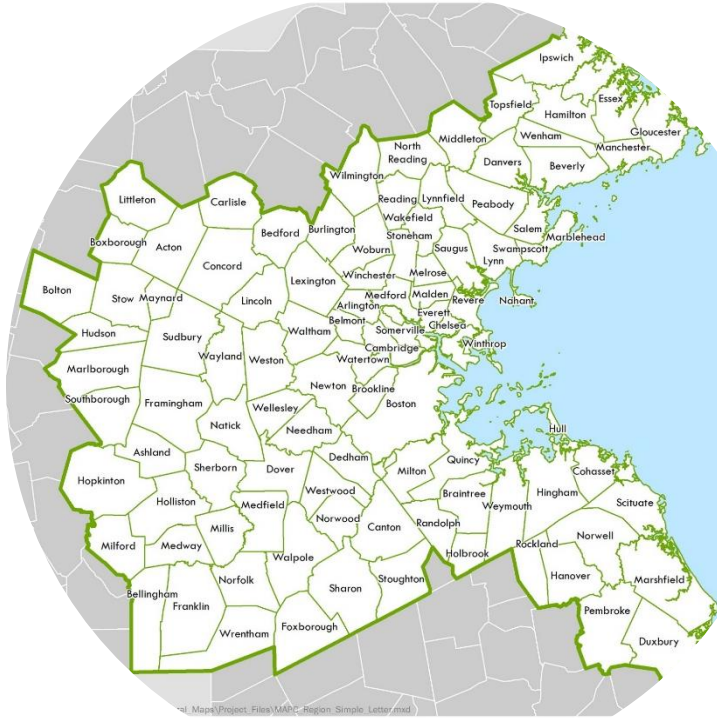


# 2004 study



Only 60% allowed ADUs...  
With many restrictions!

# 2018 study of 100 municipalities



69 allowed ADUs\*

\*27 restrict residency

31 did not allow ADUs

# ADU Regs in 2018

- In **Weston**, ADUs could be added to homes that have at least 3,000 square feet of floor area.
- In **Manchester-by-the-Sea**, ADUs could go on lots that are twice the minimum lot size for the zoning district.
- In **Medfield**, ADUs could be added to houses built before 1938 that are at least 2,000 square feet.
- In **Hudson** (and a lot of towns), ADUs would have to have two off-street parking spaces.
- In **Duxbury**, the primary house could not be expanded to accommodate an ADU, there could be no exterior changes.
- In **Belmont**, ADUs were allowed only to preserve historic accessory buildings, like carriage houses. They were not allowed within houses.

# How many ADUs were permitted 2015-2017

Acton	** ,1	(only had data for one year)
Ashland	0,1,0	
Bellingham	3,4,18	(includes renewals)
Belmont	1,1,0	
<b>Concord:</b>	<b>5,2,5</b>	
Dover	0,0,0	
Foxborough	2,2,5	
<b>Franklin</b>	<b>5,5,5</b>	
Halifax	3,3,1	
Hamilton	0,0,2	
Holliston	1,1,0	
Hopkinton	2,3,1	
Hudson	0,1,3	
<b>Ipswich</b>	<b>5,12,6</b>	
Lincoln	0,2,1	
Littleton	1,2,2	
Manchester	0,0,0	
<b>Marshfield</b>	<b>15,15,15</b>	(“We average about fifteen per year”)
Maynard	0,1,1	(“Maybe two units every three years”)
Medfield	2,2,2	(“Maybe six units in the last three years”)
Melrose	1,2,2	
Norwell	1,0,0	(“My guess is one, if that”)
Stoneham	1,5,6	
Swampscott	1,0,0	
Wenham	0,2,3	
<b>Wilmington</b>	<b>12,6,0</b>	

# Approaches to state-level zoning reform

1) Persuasion

2) Incentives

3) Mandates

4) Direct changes



Require **local** legislative action

Requires only **state** legislative action

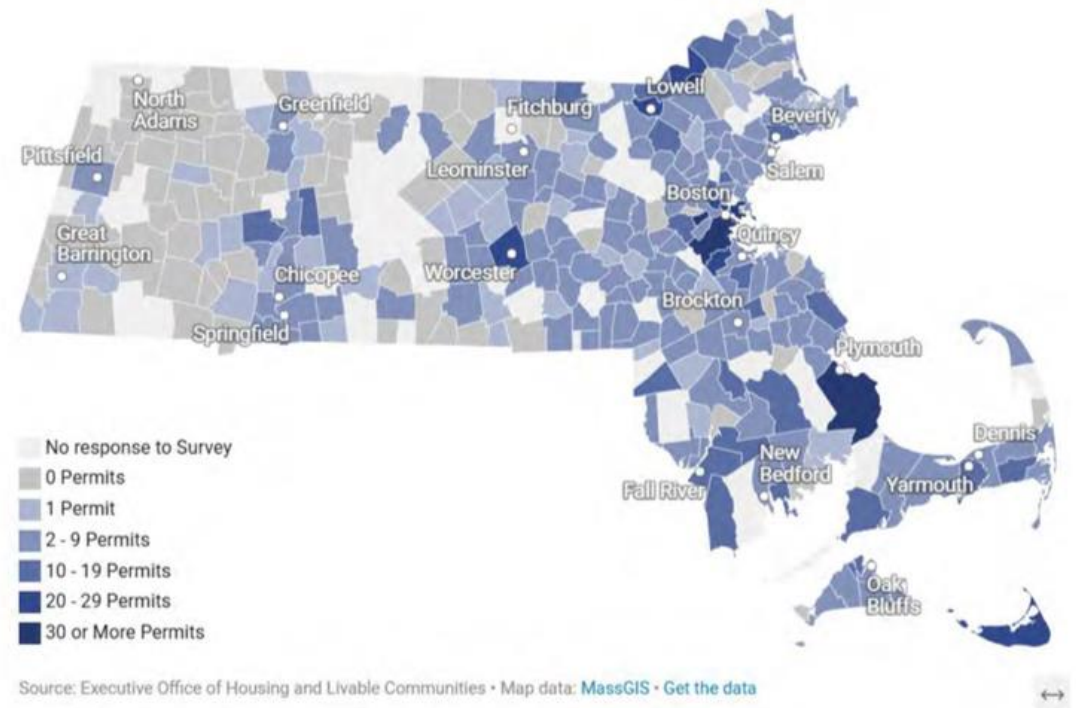
# Statewide legalization

- August 2024, Affordable Homes Act
- February 2025, legalization went into effect
  
- Protected use ADU: No more than 900 sf or half the floor area of the principal dwelling, whichever is smaller
- By right
- No unreasonable local restrictions
- No min lot size requirements
- Localities can adopt dimensional regs regarding, for example, setbacks, height, bulk
- Other regs (septic systems, building code) remain same

# Immediate increase in ADU production

- 1,639 permit applications
- 1,224 permits granted
- 217 municipalities issued at least one permit
- Average of 3.5 ADUs permitted per community (351)

Total ADU Permits in 2025





# Evidence of increase

- Compare 2025 to 2015-2017
- Some communities permitted ADUs in 2025 that formerly prohibited them.
- Number of detached units



## 2018 study:

Municipalities that  
allowed detached  
ADUs  
(under some  
circumstances)

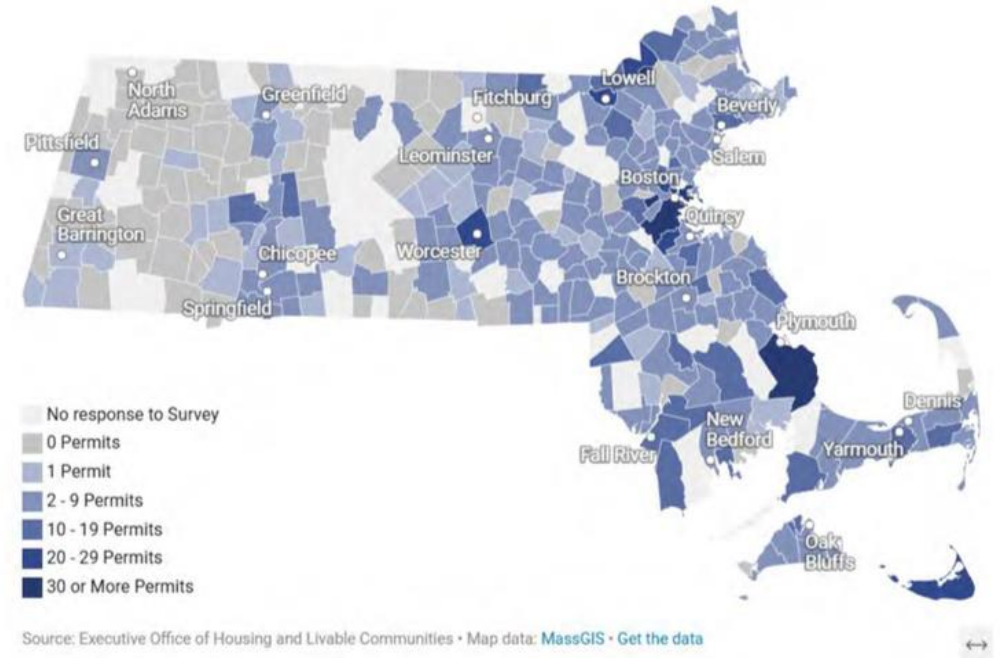
1. Acton
2. Belmont
3. Canton
4. Carlisle
5. Dedham
6. Hamilton
7. Hudson
8. Ipswich
9. Lexington
10. Littleton
11. Newton
12. Scituate
13. Stow
14. Sudbury
15. Wenham
16. Weston



# Immediate increase in ADU production

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# Finding One:

State-level legalization of housing (via zoning reform) can work, yielding immediate results.

In first year:

- 1,639 permit applications
- 1,224 permits granted
- 217 municipalities issued at least one permit

# Part Two:

But there's more to the story!



This is a story of  
unnecessary and costly  
regulatory complexity.

# Zoning

State legalization still allows municipalities to adopt reasonable dimensional requirements:

- Setbacks
- Lot coverage
- Open space
- Bulk
- Height
- Number of stories

# Zoning: Measuring height

Variations in starting point of measurement:

## **(2004 study)**

- Belmont: “average finished grade within 20 feet of structure on the street side.”
- Cohasset: “mean level of the ground within 10 feet of the outside walls of the structure.”
- Dedham: “average finished grade of the lot between the frontage street and rear building line”
- Leicester: “established lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and property line adjoining the building”
- Mendon: “from the sill plate of the foundation to the mid-point of the attic”

E. **Original Grade.** The grade of the lot before any regrading, demolition, development, or redevelopment begins based on the following standards:

1. If a lot,
  - a. Has an existing building that is to be demolished or modified, the original grade of the lot shall be the grade that existed prior to any activity caused a change in position or location of soil, sand, rock, gravel, or similar earth material, which changes the grade of the lot, that occurred after January 1, 2025 and within five (5) years of the date of application for the building permit for such demolition or modification of the existing building; or
  - b. Has no existing building on the property, the natural grade of the property, prior to any activity that causes a change in position or location of soil, sand, rock, gravel, or similar earth material, which changes the grade of the lot, shall be considered the original grade; or
  - c. Is a new subdivision, notwithstanding anything to the contrary contained in the City of Newton Zoning Ordinance, the original grade shall mean the approved and recorded grade.
2. The original grade shall be certified by a registered Massachusetts licensed professional land surveyor and shown on a certified plot plan to be verified by the Building Inspector prior to commencement of work on the property with all elevations in Newton City base.

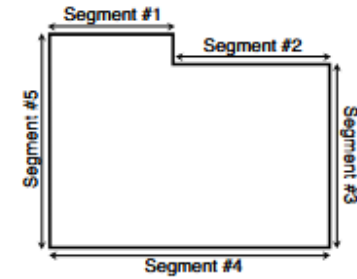
F. **Grade Plane Average.** A horizontal reference plane for a building as a whole representing the original or proposed grade, whichever is lower, elevations around the perimeter of a building, as determined by the length-weighted mean formula below. All walls of length six (6) feet or greater shall be included in segments of consistent grade or slope.

1. In cases where the walls of the building are more than five (5) feet from the nearest street line, the grade shall refer to the mean elevation of the ground adjoining said wall; and in all other cases, the mean elevation of the nearest sidewalk.

$$\Sigma = \frac{(e1 + e2) / 2 \times L}{P}$$

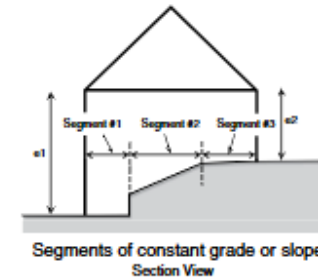
Where:

- $\Sigma$  sums the weighted average grades of all segments;
- Segments less than 6 feet in length are not included as separate segments;
- e1 and e2 are the elevations of the original or proposed ground level, whichever is lower at the respective ends of each segment, determined as the lowest point at each end of the segment within 6 feet of the foundation or the lot line, whichever is closer;
- L is the corresponding horizontal length of the segment; and
- P is total horizontal length of all segments.

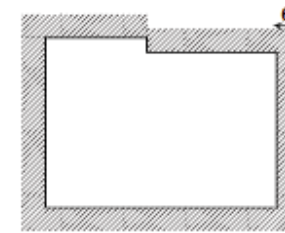


**Determining Segments**

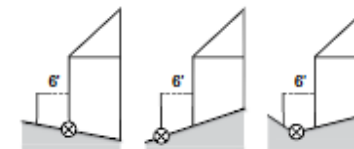
Plan View  
walls less than 6' in length are not included as separate segments



Segments of constant grade or slope  
Section View



Segment ends use lowest elevation within 6' of the building  
Plan View



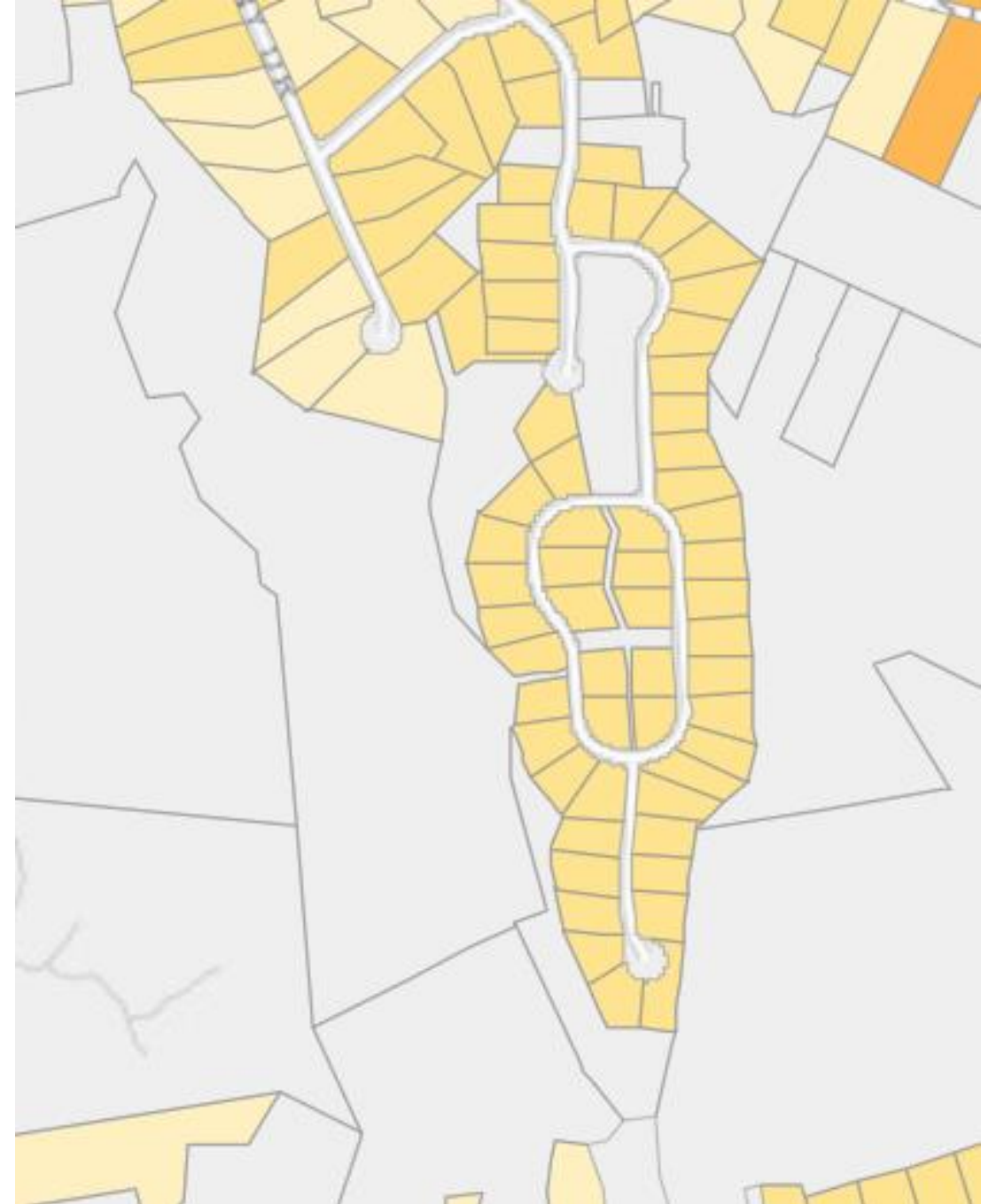
Segment ends use lowest elevation within 6' of the building  
View along segment

$$\Sigma = \frac{(e1 + e2) / 2 \times L}{P}$$

Where:

- $\Sigma$  sums the weighted average grades of all segments;
- Segments less than 6 feet in length are not included as separate segments;
- e1 and e2 are the elevations of the original or proposed ground level, whichever is lower at the respective ends of each segment, determined as the lowest point at each end of the segment within 6 feet of the foundation or the lot line, whichever is closer;
- L is the corresponding horizontal length of the segment; and
- P is total horizontal length of all segments.

# Zoning: Setbacks



# Septic Systems

In 2004, 109 of 187 municipalities had their own septic system regs

- Depth to groundwater
- Design flow
- Bedroom counts
- Percolation rates
- Setbacks
- Size of leaching fields
- Shared systems
- Seasonal prohibitions on installation and perc tests



# Wetlands

--2004--

131 of 187 municipalities had local wetlands provisions.

Wetlands Protection Act: “isolated land subject to flooding” (standing water, volume  $\frac{1}{4}$  acre-foot, once/year)

## 59 municipalities expand definition of flooding

11:	1/8 acre-foot
5:	2,000 sq.ft. (1/20 <sup>th</sup> of acre)
Dover:	1/6 acre-foot
Hingham:	1/16 acre-foot
Gloucester:	1/43 acre-foot
Wrentham:	3/43 acre-foot
Taunton:	1,000 sq.ft. surface area and 100 cubic feet volume
Wayland:	500 sq.ft. surface area
Swansea:	1,000 sq.ft. surface area that floods once every five years.
24:	various-“temporary inundation covering land not usually under water”

Many lack definitions of flooding altogether, even when they indicate some increased protection for LSF.



# Stormwater



# Building, Fire, Energy Codes

# IMAGINE A CHART: Left Column

Massachusetts Cities and Towns (351)

Abington	Carlsde	Freetown	Leverett	Newbury	Russell	Walpole
Acton	Carver	Gardner	Lexington	Newburyport	Rutland	Walsham
Acushnet	Charlemont	Georgetown	Leyden	Newton	Salem	Ware
Adams	Charlton	Gill	Lincoln	Norfolk	Salisbury	Wareham
Agawam	Chatham	Gloucester	Littleton	North Adams	Sandisfield	Warren
Alford	Chelmsford	Goshen	Longmeadow	North Andover	Sandwich	Warwick
Amesbury	Chelsea	Gosnold	Lowell	North Attleborough	Saugus	Washington
Amherst	Chester	Grafton	Ludlow	North Brookfield	Savoy	Watertown
Andover	Chesterfield	Granby	Lunenburg	North Reading	Scituate	Wayland
Aquinnah	Chicopee	Granville	Lynn	Northampton	Seelick	Webster
Arlington	Chilmark	Great Barrington	Lynnfield	Northborough	Sharon	Wellesley
Ashburnham	Clinton	Greenfield	Malden	Northbridge	Sheffield	Wellesley Hills
Ashby	Clarksburg	Groton	Manchester-by-the-Sea	Northfield	Shelburne	Wendell
Ashfield	Clinton	Groveland	Mansfield	Norton	Sherborn	Wenham
Ashland	Cohasset	Hadley	Marblehead	Norwell	Shirley	West Boylston
Athol	Colrain	Halifax	Marion	Norwood	Shrewsbury	West Bridgewater
Attleboro	Concord	Hamilton	Marlborough	Oak Bluffs	Shutesbury	West Brookfield
Auburn	Conway	Hampden	Marshfield	Catham	Somerset	West Newbury
Avon	Cummington	Hancock	Mashpee	Orange	Somerville	West Springfield
Ayer	Dalton	Hanover	Mattapoisett	Orleans	South Hadley	West Stockbridge
Barnstable	Danvers	Hanson	Maynard	Otis	Southampton	West Tibury
Barre	Dartmouth	Hardwick	Medfield	Oxford	Southborough	Westborough
Becket	Deerham	Hanvard	Medford	Palmer	Southbridge	Westfield
Bedford	Deerfield	Hanvich	Medway	Paxton	Southwick	Westford
Belchertown	Dennis	Haverhill	Melrose	Peabody	Spencer	Westhampton
Bellingham	Dighton	Hawley	Mendon	Pelham	Springfield	Westminster
Bellmont	Douglas	Heavily	Merrimac	Pembroke	Stamford	Weston
Berkley	Dover	Heath	Methuen	Pepperell	Stockbridge	Westport
Berlin	Dracut	Hingham	Middleborough	Peru	Stoneham	Westwood
Bernardston	Dudley	Hinsdale	Middlefield	Petersham	Stoughton	Weymouth
Beverly	Dunstable	Holbrook	Middleton	Philliston	Stow	Whately
Billerica	Duxbury	Holden	Milford	Fitzfield	Sturbridge	Whitman
Blackstone	East Bridgewater	Holland	Milbury	Plainfield	Sudbury	Williamham
Blandford	East Brookfield	Holliston	Mills	Plainville	Sunderland	Williamburg
Bolton	East Longmeadow	Holyoke	Milville	Plymouth	Suton	Williamstown
Boston	Eastham	Hopedale	Milton	Plympton	Svamoscott	Wilmington
Bourne	Easthampton	Hookinton	Monroe	Princeton	Svancea	Winchendon
Boxborough	Easton	Hubbardston	Monson	Provincetown	Taunton	Winchester
Boxford	Edgartown	Hudson	Montague	Quincy	Templeton	Windsor
Boylston	Egremont	Hull	Monterey	Randolph	Temisbury	Winthrop
Braintree	Erving	Huntington	Montgomery	Raynham	Tisbury	Woburn
Brewster	Essex	Ipswich	Mount Washington	Reading	Tolland	Worcester
Bridgewater	Essex	Kingston	Nahant	Reading	Topsfield	Worthington
Brimfield	Fairhaven	Lakeville	Nantucket	Revere	Townsend	Wrentham
Brookton	Fall River	Lancaster	Natick	Richmond	Troy	Yarmouth
Brookfield	Falmouth	Lanesborough	Needham	Rochester	Tyngsborough	
Brookline	Fitchburg	Lawrence	New Ashford	Rockland	Tyringham	
Buckland	Florida	Lee	New Bedford	Rockport	Upton	
Burlington	Foxborough	Leicester	New Braintree	Rowe	Uxbridge	
Cambridge	Framingham	Lenox	New Marlborough	Rowley	Warefield	
Canton	Franklin	Leominster	New Salem	Royalston	Wales	

# **IMAGINE A CHART: Across the top**

**Zoning-Septic systems-Wetlands-Stormwater-Fire-Building-Energy-Utilities**

# IMAGINE A CHART: Within Each Cell

- Local unique promulgated rules, beyond state or within state framework
- Local logistics: forms, schedules, staffing, boards, commissions
- Local policies (unpromulgated): The stuff you learn with practice.

# Fill in the chart

Zoning

Septic systems

Wetlands

Stormwater

Fire

Building

Energy

Utilities

# Cost

- Cost of construction (labor, materials, high cost of borrowing)
- Permitting also drives costs (delays, uncertainty, inability to achieve economies of scale, and direct costs)

**Our system of local land use regulation  
undermines economies of scale.**

# Two lessons

- 1) State-level legalization of housing (via zoning reform) can work, yielding immediate results.
- 2) But, to scale the success, for affordable development of small residential projects across thousands of sites, the state should standardize land use regulations and undertake further regulatory reform.

# Thank you!

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