

# Town of Palmer, Massachusetts

## Chapter 171 - Zoning Ordinance

### Article XXII

#### Seasonal Cottage Resorts

§ 171-123. Reserved

§ 171-124 Reserved

§ 171-125. Seasonal Cottage Resort

#### **A. Intent.**

A Seasonal Cottage Resort (SCR), in accordance with this ordinance, shall be allowed by Special Permit and Site Plan Review in all parts of the Rural Residential District except the Flood Plain District. Seasonal Cottage Resort shall mean a comprehensively planned, seasonal residential development in which housing types, called seasonal cottages, and other community amenities including recreational and/or commercial uses and activities, allowed under the permit, are clustered together in a pattern of aesthetically integrated, accessible open space.

Seasonal Cottage Resort (SCR) development standards are designed to support the town's goals of preserving its open space and traditional New England rural character. Open space is created by requiring units to be clustered in efforts to protect existing natural and historical features of the site, to minimize the impact of the development on the Town's resources and to minimize the area of impervious surfaces. The more compact development results in less infrastructure to be constructed and reduces site disturbance as a whole. Similarly, higher densities permitted with this type of compact development preserves open space and maximizes the use of the infrastructure. These features localize growth and preserve the town's rural character.

An SCR may be allowed by special permit in the Rural Residential District, except in those areas located in the Flood Plain District as designated on the FEMA Q3 Flood Plain Overlay Map, if the Planning Board determines that it meets the standards of this section and the zoning ordinance.

#### **B. Purposes.**

The purposes of the Seasonal Cottage Resort are:

- 1) To allow for greater flexibility and creativity in the design of residential development;
- 2) To insure that, to the greatest extent possible, residential developments leave untouched and undisturbed the natural and historic features of the land, including but not limited to, wetlands, watercourses, forests, prime agricultural land, steep slopes, plants, wildlife, historic sites, stone walls, scenic views and rural character;
- 3) To encourage the permanent preservation of open space as defined in section 171-5 of the Zoning Ordinance and natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources;
- 4) To encourage more compact and efficient forms of residential development that minimizes site disturbance and impervious surfaces and that conforms to existing topography and natural and historic features;

- 5) To maintain the town's traditional New England rural character and land use pattern in which small villages contrast with open space and farmlands;
- 6) To facilitate the construction of streets, utilities and management of town services in an efficient manner and to encourage connection to town water and sewer services;
- 7) To provide wildlife corridors connecting open spaces;
- 8) To encourage development of seasonal residential properties to enhance recreational and other appropriate land uses;

### **C. Definitions.**

In addition to the definitions elsewhere in this Zoning Ordinance, the following definitions apply:

**Accessways:** Shall mean privately traversed ways, inclusive of driveways, for vehicular use within a Seasonal Cottage Resort; and for the purposes of this ordinance shall include both paved and gravel travel surfaces of varying widths and construction buildup. Final width and construction standards of accessways shall be determined with input from the Planning Board and Public Safety departments.

**Base Maximum Density:** Shall mean the maximum number of allowed seasonal cottage units (“unit”) for a Seasonal Cottage Resort before accounting for any density bonuses as described in section I of this ordinance. This number shall be equal to 5 units per each Net Developable Acre (or one Seasonal Cottage Unit per 8712 s.f. of Net Developable Acreage expressed in square feet).

**Commercial:** Shall mean those accessory uses subordinate to the Seasonal Cottage Units and which are in keeping with a resort development and are operated by the SCR management agency for public or private use including but not limited to a restaurant, beach house or maintenance facility.

**Common Open Space:** Shall mean the space within a SCR which is not occupied by seasonal cottages or associated private patios, walks, or gardens for the residents, and not occupied by roadways, access ways, driveways, off-street parking or loading areas, community room or center or other facilities which are not for common recreational use; but which may include common walkways, green spaces (natural or landscaped), gazebos, swimming pool or beach facilities, tennis, basketball or other “hard court” areas, common buildings such as fitness or recreation centers, common garden, recreation field or similar areas.

**Community Amenities:** Shall mean attractions and elements proposed or constructed as part of a SCR which are open to or accessible to the members of the SCR and which generally enhance the experience of the SCR including but not limited to ponds, common gardens, swimming pool and beach facilities, recreation fields and courts, walking paths and gazebos.

**Development:** Shall mean a Seasonal Cottage Resort project inclusive of all facilities, seasonal cottage units, common open space, access ways and all other amenities proposed for the project.

**Facility or Facilities:** Shall mean built portions of a Seasonal Cottage Resort exclusive of individual Seasonal Cottage Units.

**Gross Land Area:** Shall mean the total acreage of a Seasonal Cottage Resort lot inclusive of existing private rights of ways or easements expressed in acres.

**Net Developable Acreage:** Shall be used in the computation of Base Maximum Density. The Net Developable Acreage shall equal the Gross Land Area less the following (in acres):

- 1) The area of natural slopes greater than 25%.
- 2) Area of wetlands as defined in this ordinance and delineated as such by the Palmer Conservation Commission under G. L. c. 131 the Town of Palmer ordinances.
- 3) Area equaling five percent (5%) of the Gross Land Area.

**Net Developable Acre:** Shall be used to describe the Net Developable Acreage on a “per acre” basis.

**Historic Structure:** Shall mean a structure or other historic resource as defined in MG.L c. 44B § 2, listed on the National Register of Historic Places or as identified by the Palmer Historic Commission as locally architecturally or historically significant.

**Recreation or Recreational Use:** Shall mean the performance of such activities as typically related to leisure time, social or athletic events or functions or a use promoting such activities.

**Seasonal Cottage:** Shall mean: A one-family efficiency dwelling located within a Seasonal Cottage Resort, which shall be occupied only from March 1<sup>st</sup> to November 30<sup>th</sup> of each year. Seasonal Cottages shall have a building footprint between 500 and 1,200 square feet.

#### **D. Use Regulations.**

Only the following uses will be allowed in a Seasonal Cottage Resort:

- 1) Seasonal Cottages;
- 2) A single dwelling unit designed for year-round use and occupied on a year round basis by an on-site residential manager;
- 3) Recreational uses and/ or a community facility or facilities which are integral to and serve the residents of the seasonal cottages including but not limited to facilities such as tennis courts, swimming pools, gardens, community buildings and clubhouse;
- 4) Commercial uses specifically allowed during the hearing process and by the SCR Special Permit so long as they are directly accessory to the proposed development.

#### **E. Restrictions.**

The above uses shall also abide by the following:

- 1) Occupancy of the development is limited to the dates March 1<sup>st</sup> to November 30<sup>th</sup> inclusive. A year-round, on-site resident, live-in manager is required to oversee the maintenance and security of the development.

- 2) The applicant and the association of residents must guarantee reasonable and safe access to the development throughout the year to ensure access for fire and police vehicles and apparatus.
- 3) Domestic water services to the cottages shall be suspended between December 1<sup>st</sup> and February 28<sup>th</sup> of each year but provided year round to the on-site manager's house. Water supply systems for fire protection shall remain active year-round.
- 4) Each cottage unit shall have a required minimum size of 500 square feet and a maximum size of 1,200 square feet.

#### **F. Applicability.**

- 1) Fifty (50) Acre Minimum. A person may apply for an SCR for land in the Rural Residential District other than any part thereof within the Flood Plain District for a parcel of at least fifty (50) contiguous acres of gross land area.

#### **G. Base Maximum Density.**

- 1) One seasonal cottage will be allowed for every 8,712 square feet of Net Developable Acreage. The Planning Board will not allow more than a Base Maximum Density of 5 units per net developable acre.
- 2) One on-site residential manager "one-family dwelling" shall be permitted per project in addition to the Base Maximum Density established under 171-125 (G) (1).

#### **H. Net Developable Acreage.**

- 1) Net Developable Acreage shall be used in the computation of Base Maximum Density as defined herein in Section 171-125 (C).

#### **I. Increase in Permissible Density.**

- 1) The Planning Board may award a density bonus to allow an increase in the number of seasonal cottages beyond the Base Maximum Density. The density bonus for the SCR shall not, in the aggregate, exceed 75% of the Base Maximum Density. Calculations shall be rounded down to the nearest whole number when applying this bonus. A density bonus may be awarded for each of the following circumstances:
  - (a) Minimizing environmental impacts: for SCR developments connected to public sewer system, a bonus of 10% of the Base Maximum Density may be awarded.
  - (b) Minimizing environmental impacts: for SCR developments connected to public water service, a bonus of 10% of the Base Maximum Density may be awarded.

- (c) Preserving open space: For each additional ten percent (10%) of the Gross Land Area (over and above the required 30% per Section 171-125 (L).) set aside as common open space; a bonus of 10% of the Base Maximum Density may be awarded.
- (d) Preserving historic community character: For every historic structure or other historic feature preserved and made subject to a historic preservation restriction, a bonus of 10% of the Base Maximum Density may be awarded.
- (e) Provisions for creation or extension of public trail network (public access to privately owned trails): A SCR agreeing to allow public access, limited to pedestrian use only, to trails on the property, a bonus of 10% of the Base Maximum Density may be awarded. In determining this increase in density the Planning Board will look at the overall linear feet devoted to such trails, their location in a wooded area or other area of scenic beauty and such factors, which relate to the overall quality of the public trail network.
- (f) Provisions for public access to recreational open space amenities and public access to recreational amenities on property owned by the Association: An SCR agreeing, as a condition of the Special Permit, to allow free public access to recreational open space and recreational amenities may be awarded a bonus of 10% of the Base Maximum Density.
- (g) Provisions for reduced impacts upon community recreational amenities: Developers/Owners of an SCR agreeing to contribute a one time fee of \$500.00 per each seasonal cottage proposed within the development, as allowed and calculated under Section G of this Ordinance, may be awarded a bonus of 5% of the Base Maximum Density.

## **J. Dimensional Requirements.**

The dimensional requirements applicable to a Seasonal Cottage Resort are as follows:

- 1) The parcel must have a minimum of one hundred (100) feet of frontage on a public way. Parcels within the SCR have no minimum frontage requirement.
- 2) The minimum front yard setback shall be fifty (50) feet. Side and rear yard setbacks shall be thirty (30) feet. These setbacks apply only to and are measured from the perimeter of the property. There are no internal setback requirements for the individual structures within the Seasonal Cottage Resort, other than as may be required by other fire protection or governing building codes.
- 3) The plan must show and the applicant must maintain a buffer strip suitable and sufficient to provide a visual barrier between adjoining properties in conformance with Section 171-93.
- 4) The Planning Board may modify or waive the buffer requirement in cases where topography or other circumstances prove to provide a sufficient visual buffer.

- 5) The Planning board shall allow a reduction in the side or rear yard setbacks when such property line is defined by a waterbody.

#### **K. Parking and Circulation Requirements.**

All Seasonal Cottage Complex Resorts shall provide for the following:

- 1) An adequate, safe and convenient arrangement of pedestrian circulation, roadways, driveways and parking.
- 2) Vehicular access from an existing public way, which in the opinion of the Planning Board is adequate to serve the proposed development. The board may, after review by the police and fire departments require, in its sole discretion, an alternative or additional access for emergency use.
- 3) Accessways and walkways within the Seasonal Cottage Resort shall be privately owned and maintained by the association of owners and shall be designed in accordance with sound engineering practices and shall be designed with sufficient width, suitable grade and adequate construction to safely provide for the needs of vehicular and pedestrian traffic generated by the development.
- 4) At least one (1) parking space shall be provided for each seasonal cottage unit. Parking shall be provided for guests and shall not be less than one (1) additional space per every two seasonal cottage units. Overall, one and one-half (1.5) parking spaces per each seasonal cottage unit shall be provided in aggregate for the project.

#### **L. Common Open Space Requirements.**

All Seasonal Cottage (SCR) shall provide the following:

- 1) The area of the Common Open Space shall equal at least thirty (30%) percent of the Net Developable-Acreage of the site. Such land shall have a shape, dimension, character and location suitable to assure its use for gardens, park, recreation, or conservation purposes by all the residents of the development. Stormwater management facilities may be included within Common Open Space areas calculations. Waters of the Commonwealth, as defined in Section 4.02 of CMR 4.00, and wetlands, as defined in Section 171-5 on the Town of Palmer's Zoning Ordinance, may not be included in Common Open Space calculations.
- 2) Suitable and usable outdoor recreational area or areas shall be provided for the use of the development residents and their guests. The area required for Common Open Space may include land reserved for passive or active recreational uses, trails or paths, buffers, as well as land set aside as protected wildlife habitat or other conservation purposes. The Planning Board may permit up to three (3) percent of the Common Open Space area to be paved or built upon for structures accessory to the dedicated use of open space as stated in Section 171-125 L. (1).

- 3) Further subdivision of Common Open Space, or its use for other than recreation or conservation, except for easements for underground utilities or stormwater management, shall be prohibited. Provision shall be made so that the Common Open Space shall be owned in common and accessible to the owners and residents of all seasonal cottage units in the development, or by membership, corporation, trust or association whose members are the owners and residents of the units.

#### **M. Community Facility**

- 1) Unless waived by the Planning Board, a community room or facility must be established for use by the residents. There shall also be room for meetings and other functions held by the residents. The community building shall not be calculated into the Common Open Space.

#### **N. Homeowner's Association.**

- 1) A homeowner's association shall be established, requiring membership of each unit or seasonal cottage owner, in the Seasonal Cottage Resort. The association shall be responsible for the permanent maintenance of communal water, sewage, and other common utilities, recreational, common open space and common access ways, and said agreement shall include language guaranteeing the continued maintenance of such common utilities, land and facilities, assessing each unit or cottage a share of maintenance expenses. As a condition of the Special Permit, the association agreement or covenants shall be submitted to the Planning Board and such agreement shall be forwarded to the town attorney for his/her comments to assist in the Planning Board's final approval of the document(s).
- 2) The Homeowner's Association agreement, owner's covenant, and any other recordable documents, once executed, shall be recorded in the Hampden County Registry of Deeds, and proof of said recording shall be provided to the Palmer Planning Board.

#### **O. Application Requirements**

- 1) Application requirements are as specified in the Special Permit Application and Site Plan Review sections of this ordinance (Sections 171.28 and 171.29), respectively and the Rules and Regulations of the Town of Palmer Planning Board, Article 9.