

ARTICLE XXII Seasonal Cottage Overlay District.

§300-139. Purposes.

The purposes of the Seasonal Cottage Overlay District (SCOD) are to provide for the development of cottages for seasonal use in a manner that is appropriate for each site and sensitive to surrounding land uses, and to benefit the Town of Salisbury by:

- (1) Creating a new type of seasonal housing in a managed development;
- (2) Encouraging better overall site planning;
- (3) Preserving the natural and scenic features of land;
- (4) Protecting environmental resources;
- (5) Providing suitable areas both for active and passive recreation; and
- (6) Generating additional tax revenue without imposing undue burdens on Town services.

§300-140. Establishment.

The Seasonal Cottage Overlay District is hereby established as an overlay district. The district is shown on the map titled "Seasonal Cottage Overlay District," dated April 14, 2010, on file with the Town Clerk, which map is hereby incorporated in and made part of this section and supplemented by the following list of parcels that are included in the district:

Assessors Map-Lot	
21-76	21-92
21-12	21-93
21-13	21-94
21-83	26-48
21-84	26-32
21-85	26-1
21-86	26-57
21-87	26-33
21-88	26-34
21-89	26-35
21-90	26-36
21-91	

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§300-141. Relationship to existing zoning.

In the Seasonal Cottage Overlay District, all requirements of the underlying district shall remain in effect except where these regulations provide an alternative to such requirements, in which case these regulations shall supersede. In the event that an applicant wishes to develop in accordance with the regulations hereunder, the rules and regulations of the Seasonal Cottage Overlay District shall apply, and by filing an application for a special permit, site plan review, or building permit under this ARTICLE XXII, the owner shall be deemed to accept and agree to them. In such event, where the provisions of the Seasonal Cottage Overlay District are silent on a zoning regulation that applies in the underlying district, the requirements of the underlying district and other provisions of the Zoning Bylaw shall apply.

§300-142. Definitions.

The following definitions apply to development in the Seasonal Cottage Overlay District:

SEASONAL COTTAGE

A detached, permanent, wood framed seasonal dwelling unit with no greater than 825 sq ft of living space, which contains facilities for cooking and sleeping, with at least one bathroom designed, intended, or used for temporary or intermittent occupancy from April 11th to November 12th ;

SEASONAL COTTAGE COMPLEX

A planned vacation or resort development of seasonal cottages, including uses accessory thereto, on a development site composed of one or more parcels under one ownership or control, together containing at least fifty (50) contiguous acres

§300-143. Use regulations.

(1) Permitted uses. Uses permitted in the underlying district shall be permitted in the Seasonal Cottage Overlay District.

(2) Uses authorized by special permit. The following uses may be allowed by special permit from the Planning Board.

(a) Seasonal Cottage Complex, cottage complex, which may include accessory uses, such as

[1] Property management office

[2] Dwelling unit for a caretaker

[3] Public utilities

(b) Shared or common accessory facilities for exclusive use by residents of a

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Seasonal Cottage Complex and their guests, such as but not limited to:

- [1] Club house, fitness center, gym, playground, swimming pool, pavilion or gazebo; or a function hall, excluding commercial cooking facilities and all non-motorized outdoor recreational uses . excepting electric golf carts
- [2] Post office
- [3] Seasonal convenience store, excluding a gas station and including a restaurant area not exceeding 15 seats
- [4] Automated teller machine (ATM)

(3) Prohibited uses. The following uses shall be prohibited in the Seasonal Cottage Overlay District:

- (a) Winter storage of vehicles, trailers, boats, recreational vehicles, or construction equipment
- (b) Kennel
- (c) Any other uses prohibited under § 300-12 of this bylaw

§300-144. Dimensional regulations.

The following dimensional and density regulations shall apply in the Seasonal Cottage Overlay District.

(1) Uses permitted in the underlying district shall be subject to Article IV, Dimensional Regulations.

(2) Seasonal Cottage Complex.

- (a) Minimum development site: Fifty (50) contiguous acres.
- (b) Minimum frontage: Fifty (50) feet.
- (c) Minimum common open space: Thirty three and a third percent (33.33%) of the required development site, subject to § 300-148.
- (d) Minimum perimeter setback: Fifty (50) feet, except as provided in § 300-149.

(e) Maximum gross density: One (1) ~~unit~~ seasonal cottage per 10,000 sq. ft., provided that not

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more than thirty three and a third percent (33.33%) of the wetlands on the development site shall be included in the total area used for purposes of calculating maximum gross density.

(f) Maximum building coverage: Fifteen percent (15%) provided that not more than thirty three and a third percent (33.33%) of the wetlands on the development site shall be included in the total area used for purposes of calculating maximum building coverage.

(g) Maximum building height:

Cottages: Twenty-five (25) feet and one and one-half (1.5) stories.

Other Buildings: Thirty-five (35) feet and two and one-half (2.5) stories.

(h) Minimum separation between buildings: Twenty (20) feet.

(i) Minimum front setback for each seasonal cottage: Ten (10) feet. The minimum front setback shall be measured from a-the right-of-way line of the way giving legal access to the unit where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line ~~ten~~fifteen (15) feet from and parallel with the centerline of the traveled way. In the case of a corner lot, the distance of the front setback shall apply to any structure adjacent to either right-of-way.

§300-145. Site plan review.

A Seasonal Cottage Complex shall require site plan review as a major project under Article XVIII in addition to a special permit under this ARTICLE XXII. The special permit and site plan review applications shall be filed as a combined submission and the Planning Board shall review the same in accordance with the provisions of § 300-146. Where there is a conflict between the procedures or the review and decision periods in § 300-146 and Article XVIII, § 300-146 shall govern.

§300-146. Special permit.

(1) The Planning Board shall be the special permit granting authority for the Seasonal Cottage Overlay District.

(2) Procedures.

(a) Submission requirements and procedures for a Seasonal Cottage Complex special permit and site plan review shall be in accordance with the Planning Board's rules and regulations and Article XVIII of this bylaw.

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(b) The Planning Board shall conduct a public hearing within sixty-five (65) days of the filing of the Seasonal Cottage Complex application. Notice of such hearing shall be in accordance with M.G.L. c. 40A, § 11.

(c) The Planning Board shall make a decision on a Seasonal Cottage Complex application within ninety (90) days following the date of the public hearing unless such time has been extended by mutual agreement, in writing, between the applicant and the Planning Board and such extension has been filed with the Town Clerk.

(3) Decision standards.

(a) The Planning Board shall base its decision on the special permit criteria in § 300-35 and the degree to which the proposed Seasonal Cottage Complex:

[1] Addresses the purposes of the Seasonal Cottage Overlay District, and

[2] Mitigates adverse impacts, if any, on the surrounding neighborhood.

(4) Conditions of approval. The Planning Board may impose conditions in its decision as necessary to ensure compliance with this Article. In addition, the following conditions shall be incorporated in a Seasonal Cottage Complex special permit:

(a) There shall be no further division of land which increases the number of lots or units without a modification of the special permit.

(b) Land used to meet the minimum dimensional requirements of this Article XXII, or comprised of structures, roadways, driveways, necessary infrastructure or utilities (including sewerage treatment or disposal and stormwater management), and common open space, once used in accordance with the provisions of this Article, shall be subject to a restrictive covenant, approved as to form by Town Counsel and recorded within the chain of title, which shall be enforceable by the Town as a condition for compliance with this bylaw. Notwithstanding any inconsistent provisions of this bylaw, such restrictive covenant shall prohibit the open space from being used for any other purposes other than in a Seasonal Cottage Complex approved hereunder.

§300-147. Site design process.

The applicant for a Seasonal Cottage Complex special permit shall demonstrate to the Planning Board's satisfaction that the following design process was followed in determining the layout of proposed streets, dwelling locations, and open space.

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- (1) Understanding the development site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.
- (2) Evaluating site context. The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g. road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.
- (3) Designating the open space. The third step is to identify the buffer areas and the contiguous open space to be preserved on the site. Areas designated as open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend or connect neighborhood open space networks.
- (4) Location of development areas. The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with Salisbury's historical development patterns.

§300-148. — ~~Common~~ Open space.

~~The common~~ Open space required in a Seasonal Cottage Complex under § 300-144 shall meet all of the following requirements.

- (1) The ~~common~~ open space shall be preserved in perpetuity.
- (2) The ratio of uplands to wetlands within the ~~proposed proposed common~~ open space shall be equal to or greater than the ratio of uplands to wetlands on the development site; provided, however, that the Planning Board may reduce the ratio if it determines that doing so will further the goals of this Article XXII and be in the best interests of the Town. For purposes of calculating the ratio required hereunder, wetlands shall include any area subject to protection under M.G.L. c. 181, § 40 and 310 CMR 10.00.
- (3) Use, shape, and location.
 - (a) Wherever possible, the ~~common~~ open space shall be laid out in a manner that provides for contiguous green areas uninterrupted by roadways and structures.
 - (b) The ~~common~~ open space shall be designed to provide an aesthetically pleasant setting for a Seasonal Cottage Complex within the neighborhood,

and wherever possible, the open space shall be linked to other existing open space.

(c) ~~Wherever possible, some or all of the 25% of the common~~ open space shall be accessible to the general public and not for the exclusive use of a homeowners association or non-profit organization, ~~except that for open space maintained in active agricultural use, public access may be limited or prohibited.~~

(d) The ~~common~~ open space shall be suitable for and protected and maintained for either wildlife habitat, conservation, historic preservation (landscapes and/or structures), outdoor education, passive and limited active outdoor recreation, parks, agriculture, horticulture, forestry, or a combination thereof, and it shall be served by suitable access for such purposes. The Planning Board may permit up to five percent (5%) of the open space to be paved or built upon for structures accessory to the use or uses of such open space, such as pedestrian walks and bike paths. Wherever possible, pervious paving materials shall be encouraged.

(e) ~~O~~~~Common~~ open space shall not include parking areas and areas used for vehicular access or egress.

(f) At the discretion of the Planning Board, subsurface wastewater and stormwater management systems serving a Seasonal Cottage Complex may be located within the common open space only if the open space is to be maintained and owned by a corporation or trust in accordance with ~~§300-148.4.b. XX~~

below. If the subsurface system is contained on a separate lot within the common open space, the remainder of the open space may be conveyed to the Town or a nonprofit organization in accordance with ~~§300-148.4.a. XX~~ below. Surface systems, such as retention and detention ponds, shall not count toward the minimum required ~~common~~ open space unless such systems are determined by the Planning Board to be nonstructural, natural-like stormwater management systems that do not create impervious surfaces, that enable infiltration, and that are otherwise compatible with the proposed uses of the adjacent open space.

(4) Ownership.

(a) A restriction will be placed on the open space enforceable by the Salisbury Conservation Commission or other Town board under M.G.L. c. 184, §§ 31-32 shall be recorded, providing that such land shall be kept in perpetuity in an open or natural state, and the Board of Selectmen is hereby authorized to accept such restrictions if the Conservation Commission declines to do so in any instance.

(b) If the ~~common~~ open space in a Seasonal Cottage Complex is conveyed to a corporation or trust, ownership shall pass with conveyance of the Seasonal Cottage in perpetuity. Maintenance of the ~~common~~ open space shall be permanently guaranteed by such corporation or trust, which shall

provide for mandatory assessments for maintenance expenses to each dwelling or lot. Each such trust or corporation shall be deemed to have granted permission to the Town to perform open space maintenance if the trust or corporation fails to provide adequate maintenance, and shall be deemed to have granted the Town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the Town may perform it. The trust or corporation shall be liable to the Town for the reasonable expenses associated with such maintenance performed by it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval and shall thereafter be recorded with the Registry of Deeds.

(c) Any such conservation restriction and/or conveyance shall be in a form satisfactory to Town Counsel and the Planning Board and shall be completed and recorded, and evidence thereof shall be submitted to the Planning Board and the Building Inspector prior to issuance of the first occupancy permit.

(5) Open space alternatives.

(a) With the approval of the Planning Board, the ~~common~~-open space requirement for a Seasonal Cottage Complex may be met by the applicant in one or more of the following ways:

[1] By providing some or all of the required open space on an alternate site, or

[2] By entering into a binding, written agreement with the Town of Salisbury, with appropriate payment security arrangements, to make open space/recreation contribution payments, or in kind work/contributions to the Town of Salisbury in lieu of setting aside common open space on the development site, provided that the sum of such payments or in kind work/contributions is determined by the Planning Board to provide an equivalent open space value to the Town.

(b) No such alternative shall be approved if reducing the minimum required common open space on the development site is determined by the Planning Board to be inconsistent with the design process set forth in §300-147.

§300-149. Minimum perimeter setback.

A non-disturbance buffer area of fifty (50) feet shall be provided at the perimeter of the development site, except for driveways and roadways necessary for access and egress to and

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from the site; provided, however, that existing structures and existing access roadways are exempt from the requirements set forth herein. Within the buffer area, no vegetation shall be disturbed, destroyed, or removed, except for normal maintenance. The Planning Board may reduce the minimum perimeter setback requirement, for up to 25% of the perimeter, if the Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein, but in no event shall the perimeter setback be less than twenty-five (25) feet.

§300-150. Reserve strips.

Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Planning Board, such strips shall be in the public interest.

§300-151. Development standards.

Each Seasonal Cottage Complex shall comply with the following development standards:

(1) Roadways ~~and driveways.~~

(a) All public and private ways within the development shall comply with the Planning Board's subdivision regulations under Chapter 465 of the Town Code, except that for private ways, the following reductions shall apply:

[1] Minimum width of right of way: 30 feet

[2] Minimum pavement width: 18 to 20 feet

[3] Minimum horizontal radius:100ft

[4] Minimum intersection offset:50ft

[5] Minimum sight distance:150ft

[6] Maximum dead end length:800ft

(b) Private ways shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the applicant, if servicing less than 10 cottages and proper emergency access can be proven these portions of the private ways do not need pavement

(2) Water Supply. A Seasonal Cottage Complex shall be served by the public water system or by private communal water systems which conform to all applicable regulations of the Commonwealth of Massachusetts and the Town of Salisbury. The water supply shall be sufficient at all times to meet domestic and fire protection requirements and shall incorporate the reasonable recommendations of the Salisbury Water and Fire Departments. All service lines for water, sewer, and utilities shall be located underground or as

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otherwise approved by the Planning Board. Mains that service fire protection and the caretaker's unit shall be buried at a depth of five (5) feet and mains that service the cottages shall be buried at a depth of approximately two (2) feet.

(3) Stormwater management. To the maximum extent feasible, the development shall incorporate best management practices for stormwater management as set forth in the most recent edition of the Massachusetts Stormwater Handbook issued by the Massachusetts Department of Environmental Protection (DEP).

(4) Drainage. To the extent practical, the stormwater runoff shall be conveyed through the use of surface drainage features such as swales and other natural appearing features. Where existing natural drainage features exist, they shall be incorporated into the overall design and /or preserved as part of the common open space. ~~Natural surface drainage channels shall be incorporated into the overall design or preserved as part of the common open space. The Planning Board may require the development to be served by storm sewers.~~

(5) Off-street parking. There shall be two and one-half (2.5) parking spaces provided for each cottage, with at least one (1) parking space located within one hundred (100) feet of such cottage. Adequate provisions for aisles, drives, visitor parking, and snow disposal shall be provided. Separate buildings for parking may be permitted or located and designed so as to complement the building design and site layout as determined and approved by the Planning Board through site plan review. Whenever possible, parking areas should be composed of pervious or semi pervious material. Parking areas are not required to be paved as long as they comply with the disability access requirements of the Massachusetts Architectural Access Board (AAB) or the State Building Code, as applicable. If gravel is used for parking spaces, the gravel shall be 3/8" or smaller.

(6) Maximum floor area. The maximum gross floor area of a Seasonal Cottage shall be 825 square feet.

(7) Screening. All sewage facilities, service areas and equipment, trash, recycling, conveniences, parking, and recreational areas shall be suitably screened with landscaping, fencing, or a combination thereof, as determined by the Planning Board.

(8) Landscaping. The development site shall be preserved and enhanced by retaining and protecting trees, shrubs, ground cover, stone walls, and other site features insofar as practicable. Additional new plant materials shall be added for privacy, shade, beauty of building and grounds, and to screen features which the Planning Board deems detrimental to the aesthetics of the development. No plants classified as invasive, likely invasive, or potentially

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invasive by the Massachusetts Invasive Plant Advisory Group shall be planted on the site. Irrigation shall not be served by public water supply and may only be served by private on-site water.

(9) Lighting. Exterior lighting shall be non-glaring and dark-sky compliant, and shall be planned, installed, and operated so as to best serve each building or group of buildings as determined by the Planning Board. Parking areas, drives, and other roadways shall be designed and landscaped so that all dwellings units and abutting lots are reasonably screened from motor vehicle headlights and so that parking area lighting will not directly and/or unreasonably illuminate lots abutting a Seasonal Cottage Complex.

(10) Rubbish Disposal. Rubbish, recycling and garbage disposal facilities with screening shall be provided in full conformity with all applicable health or other laws and regulations and shall be protected against scattering of contents, rodent or other unhealthy infestation or condition, and odor transmission.

(11) Environmental Protection. There shall be no filling, draining, altering or relocation of any stream, lake, pond, river, or wetland or work within applicable buffer zones except that performed in full compliance with all applicable permits, laws except ~~t that performed in full compliance with applicable laws,~~ the requirements of pertinent governmental agencies and the requirements of the Salisbury Conservation Commission. Provisions for Wwastewater treatment and/or disposal shall be completed in accordance with the provisions of applicable regulations of the Commonwealth of Massachusetts Department of Environmental Protection and applicable regulations of the Salisbury Board of Health.

§300-152. Rules and regulations.

The Planning Board may, after proper notice and public hearing, adopt administrative rules and regulations for the Seasonal Cottage Overlay District, provided that such rules and regulations shall not be inconsistent with this bylaw or in conflict with state law.

§300-153. Severability.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.