

# APPENDIX D

Draft 09/03/16

**ARTICLE 2016/10 3-2. TO SEE IF THE TOWN WILL VOTE TO ADD THE FOLLOWING NEW PROVISIONS TO THE ZONING BY-LAW TO CREATE A “COTTAGE HOUSING DEVELOPMENT OVERLAY DISTRICT (CHDOD).”**

**Item 1. Add the following new Section 9.7:**

## **SECTION 9.7 COTTAGE HOUSING DEVELOPMENT OVERLAY DISTRICT (CHDOD)**

**9.7.1 Purpose.** The purpose of this Section is:

1. To provide for a Cottage Housing Development (CHD) that responds to changing household sizes and targets empty nesters, young couples, and single professionals.
2. To provide opportunities for ownership of small dwelling units within a small neighborhood.
3. To create innovative land plans to gain an affordability advantage that is consistent with the Town’s Master Plan.
4. To retain and enhance the Town’s strong residential character, foster strong neighborhoods, expand the range of options for detached housing and enhance affordability.
5. To encourage creation of more useable open space for the residents of the development through flexibility in density.
6. To provide guidelines to ensure compatibility with surrounding land uses.
7. To provide infill housing options in areas of the Town within a reasonable proximity to major travel ways, retail locations and business locations.
8. To provide an alternative land use not presently available in the Town resulting in a development that is the highest and best use of the subject parcel.

**9.7.2 Overlay District.** The CHDOD is an overlay district superimposed on all underlying zoning districts. The Zoning By-law governing the underlying zoning district(s) shall remain in full force and effect except as provided herein. When a building permit is issued for any CHD approved in accordance with this Section, the provisions of the underlying district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant hereto for such CHD.

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**9.7.3 Definitions.** See Section 11.0, “Cottage Housing Overlay District.”

**9.7.4 Special Permit.** The Planning Board may grant a special permit for a CHD as an alternative to conventional single family residential uses or other allowed uses. Subdivision approval pursuant to G.L. c. 41, s. 81K-81GG may not be required where a condominium form of ownership is proposed.

**9.7.5 Dwelling Units.** No CHD dwelling unit shall contain more than three bedrooms.

**9.7.6 Architectural Design Standards.** A plan prepared by a registered architect depicting representative elevations and floor plans of a representative CHD dwelling unit shall be submitted to the Planning Board at the time of submission of the CHD special permit application. The design of all CHD dwelling units shall include the following features which shall be depicted on the plans submitted to the Planning Board:

1. All CHD dwelling units shall contain a front porch consisting of a minimum of 80 square feet.
2. All CHD dwelling units shall contain uniform and consistent windows, exterior doors, exterior trim, exterior siding and exterior light fixtures.
3. All CHD dwelling units shall contain exterior elements of a design native to New England.
4. Walkways must be poured concrete, brick or other similar product and may not be asphalt.

**9.7.7 Landscape Design Standards.** A detailed plan prepared by a registered landscape architect depicting proposed landscaping of the Common Land shall be submitted to the Planning Board at the time of submission of the CHD special permit application. Planting design shall provide for adequate buffer from all abutting properties. Trees shall be planted in hierarchy of street, shade and under-story. Shrubs shall be used to delineate various use areas and buffer private areas from common areas. The organization of the planting shall reinforce the architectural structure of the community and provide amenities of shade, buffer and color, both Spring and Fall. Landscape design shall incorporate appropriate pedestrian access features as determined by the Planning Board.

**9.7.8 General Standards.**

*1. Permitted Uses*

- a. Single family residential use and allowed accessory uses.
- b. Existing structures may be converted into a dwelling with more than one dwelling

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unit as long as there are also single family cottages.

## **2. Area and Dimensional Requirements**

- a. The maximum number of dwelling units shall not exceed one dwelling unit per 8,000 square feet of area in the CHDOD..
- b. The minimum area for a parcel to be rezoned to the CHDOD shall be two (2) acres of contiguous upland, with or without existing structures.
- c. A CHD must have at least 40 feet of frontage on a public way.

## **3. Height Limit**

- a. The height limit for housing structures in a CHD shall be 25 feet.

## **4. Lot Coverage**

- a. The maximum coverage permitted for all structures in a CHD shall not exceed 35 percent of the area in the CHDOD.
- b. The perimeter of the CHD shall have a 40 foot buffer zone from non-CHD property and other than porch stairs, no other building components are allowed in the buffer zone. Paving for the purpose of ease in turning but not for parking, may extend into the buffer zone by as much as ten feet. Entry travelways may also extend into the buffer zone.

## **5. Yards**

- a. There shall be a minimum of ten (10) feet between structures in a CHD. The following projections may extend into the ten foot separation area:
  - i. Eaves;
  - ii. Gutters and downspouts;
  - iii. Fixtures not exceeding 5 square feet in area including but not limited to air conditioning units, gas meters, electric meters and vent pipes.

## **6. Parking**

- a. Two spaces per unit is required; one space for a unit with one bedroom..
- b. Parking shall be screened from public streets and adjacent non CHD residential

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structures. No parking spaces shall be located in front of any building front line. Parking spaces or lots are encouraged behind principal structures.

### **7. *Driveways and Utilities***

- a. All travelways, walkways, sewage facilities, drainage facilities and utilities shall be designed and constructed in compliance with the Town Subdivision Regulations, except as specifically modified by the grant of the special permit.

### **9.7.9 Site Development Standards.**

1. Within the CHD adequate access shall be provided to each unit. Units need not have frontage or be adjacent to parking areas but access shall be convenient by walkways and appropriate for residents and emergency services.
2. To the extent possible, open space and common lands, unit siting, walkways and travelways shall be designed with due respect to existing site conditions, views, drainage paths, soils and topography.
3. CHD units shall, to the extent possible, be situated so as to create a landscaped courtyard setting with the front of said units, to the extent possible, facing said courtyard or any common land within the CHD.
4. All utilities shall be installed underground.

**9.7.10 Common Land.** In a CHD at least 40% of the total tract area shall be set aside as common land for the use of the CHD residents and their guests. The following additional requirements shall apply:

1. Common Land shall be planned as large contiguous parcels whenever possible. Strips or narrow parcels shall be permitted only when necessary for providing access to the Common Land and for 20 foot perimeter buffer strips or where they help promote compliance with the purposes of this Section.
2. Common Land may be set aside in one or more parcels provided that the size and shape and location of such parcels are suitable for the designated uses.
3. All wetlands and sensitive areas shall be part of the Common Land.

**9.7.11 Use of Common Land.** The Common Land shall be used for buffering, natural resource protection, recreation, community building with not more than 2,500 square feet of gross floor area, other community facilities, outdoor education, agriculture or for any combination of such uses. The following additional uses are also allowed:

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1. The Common Land may be used for the construction of leaching areas associated with septic disposal systems serving the CHD, for water supply wells serving the CHD and for drainage structures and appurtenances serving the CHD. Septic disposal easements shall be not larger than reasonably necessary. If any portion of the Common Land is used for the purpose of such leaching areas or wells, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the Condominium Association within the CHD.

2. The Common Land may also be used for travel and access ways, pedestrian walkways, horse trails, bicycle paths, parking areas and resident and emergency access to and from the Common Land and CHD units.

**9.7.12 Ownership of Common Land.** The Common Land shall be owned by the condominium association made up of the owners of the units within the CHD, or other acceptable entity. If applicable, the Planning Board's legal counsel shall approve the form of the condominium documents creating and governing the condominium association as to form. Said documents, including at a minimum, a trust and master deed, shall be submitted to the Planning Board prior to the issuance of any certificate of occupancy.

**9.7.13 Application Process.** The Special Permit application shall contain a plan in a form and with the contents consistent with requirements of the Town's site plan approval zoning by-law.

**9.7.14 Decision.** In addition to the criteria set forth in Section 10.5.2 of this By-Law, the Planning Board shall consider whether the proposed CHD promotes diversity in the types and sizes of dwelling units available in the Hamilton housing market.

**9.7.15 Change of Plans after Granting of Special Permit.** Minor changes may be made to the approved plans with the consent of the Planning Board, and without requiring a public hearing. Major modifications or substantial changes shall require a new or amended Special Permit and site plan approval.

**9.7.16 Waiver of Strict Compliance.** The Planning Board, in the grant of a special permit, may waive any requirement set forth in Section H, subsections 2-7 inclusive, if so doing in its opinion results in a CHD which better promotes the objectives of Section A with regard to the site and the neighborhood.

**Item 2. Add the following new definitions to Section 11.0 at the appropriate alphabetical location:**

**Cottage Housing Development Overlay District (CHDOD):** The following definitions shall apply in Section 9.7:

**Cottage:** A small single family dwelling containing at least eight hundred (800) and no

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more than one thousand five hundred (1,500) square feet of gross floor area, constructed as part of a Cottage Housing Development and subject to the requirements of Section 9.7.

**Cottage Housing Development:** An alternative type of development comprised of small Cottages clustered around common open space, with possible conversion of existing dwellings, with accessory uses and parking.

**OR WHAT IT WILL DO IN RELATION THERETO.**