



Town of Palmer

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August 10, 2026

Sponsor: Administration

Town Ordinance 2027-02 P

AMENDMENT TO THE ZONING CODE OF ORDINANCES OF THE TOWN OF PALMER

BE IT ENACTED BY THE PALMER TOWN COUNCIL

That the Code of Ordinances of the Town of Palmer, Chapter 171, Sections 5 and 89 be amended as follows:

Strikethrough or amend the following language in 171-5,

Definitions:

~~**ACCESSORY APARTMENT:** A subordinate dwelling unit that is intended for use as a complete, independent living facility located in a residence constructed as, and having the character of, a single family residence, which subordinate dwelling unit does not substantially alter the character and appearance of the residential structure or its conformity with the character of the neighborhood.~~

~~**DWELLING UNIT:** Three or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for~~

~~living, sleeping, eating, cooking, and sanitation; and including any unit which is rented, leased, or including a unit available under a condominium or cooperative arrangement.~~

~~**DWELLING UNIT, EFFICIENCY:** One or two living and/or sleeping rooms providing complete living facilities for one or two individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking, and sanitation; and including any unit which is rented, leased, or including a unit available under a condominium or cooperative arrangement.~~

~~**DWELLING, ONE FAMILY:** A detached building containing one dwelling unit, also referred to as a "single family dwelling."~~

~~**GROSS FLOOR AREA, COMMERCIAL USE:** The sum of the gross horizontal area of the several floors, including basements, of a principal building as measured from the interior faces of its exterior walls. It does not include cellars; unenclosed porches or attics not used for human occupancy; malls within a shopping center utilized purely for pedestrian circulation and/or decorative purposes between individual shops of the center; any floor space in an accessory or principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this chapter; or any such floor space intended or designed for accessory heating, ventilating and air-conditioning equipment.~~

Insert the following into section 171-5, Definitions:

ACCESSORY DWELLING UNIT (ADU): A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling. There are two types of accessory dwelling unit that may be allowed within the Town of Palmer. The first type shall be the "Protected Use" accessory dwelling unit and the second shall be the "Local" accessory dwelling unit. General references to ADUs in this ordinance include both Protected Use ADUs and Local ADUs.

DWELLING UNIT: A single-housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This can include a housing unit within a single-family, duplex, or multi-unit development.

LOCAL ADUS: An ADU that is not a Protected Use ADU but may be allowed in accordance with § 171-89 of the Zoning Ordinance.

MODULAR DWELLING UNIT: A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems, in compliance with the Building and Fire Code, prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.

PROTECTED USE ADU: An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller, provided that only one ADU on a Lot may qualify as a Protected Use ADU. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

SHORT-TERM RENTAL: An owner occupied, tenant-occupied, or nonowner occupied property as defined in M.G.L. c. 64G § 1, including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant for a period of 31 consecutive days or less; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.]

DWELLING UNIT, SINGLE-FAMILY RESIDENTIAL: A structure on a Lot containing not more than one Dwelling Unit, also referred to as "one-family dwelling".

SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT: Any zoning district where Single-Family Residential Dwellings are a permitted or an allowable use, including any zoning district where Single Family Residential Dwellings are allowed as of right, or by Special Permit.

TRANSIT STATION: A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

- A. A Bus Station includes any location serving as a point of embarkation for any bus operated by a transit authority.

- B. A Subway Station includes any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.
- C. A Commuter Rail Station includes any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.
- D. A Ferry Terminal includes any location where passengers embark and disembark from a ferry service with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

GROSS FLOOR AREA, RESIDENTIAL USE: The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

DWELLING, PRINCIPAL: A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU

Strike through the existing language in 171-89, Accessory Dwelling Units:

~~§ 171-89. Accessory Dwelling Units.~~

~~A. Accessory dwelling units are allowed in certain situations to:~~

- ~~(1) Create new housing units while respecting the look and scale of single-dwelling neighborhoods.~~
- ~~(2) Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives.~~
- ~~(3) Allow more efficient use of existing housing stock and infrastructure.~~
- ~~(4) Provide a mix of housing that responds to changing family needs and smaller households.~~
- ~~(5) Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services.~~
- ~~(6) (6) Provide a broader range of accessible and more affordable housing.~~

~~B. Where These Regulations Apply.~~

- ~~(1) An accessory dwelling unit may be added to a house, attached house, or manufactured home in an R zone only as indicated in Article VII Use Regulations and the Tables of Use Regulations.~~

~~C. Design Standards.~~

- ~~(1) Purpose. Standards for creating accessory dwelling units address the following purposes:~~

- ~~(a) Ensure that accessory dwelling units are compatible with the desired character and livability of Palmer's residential zones.~~
- ~~(b) Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards.~~
- ~~(c) Ensure that accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes.~~
- ~~(d) Provide adequate flexibility to site buildings so that they fit the topography of sites.~~

- ~~(2) Generally. The design standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zone development standards apply.~~

~~D. Requirements for all accessory dwelling units.~~

~~All accessory dwelling units must meet the following:~~

- ~~(1) Creation. An accessory dwelling unit may only be created through the following methods:
 - ~~(a) Converting existing living area, attic, basement or garage.~~
 - ~~(b) Adding floor area.~~
 - ~~(c) Constructing a new house, attached house, or manufactured home with an internal accessory dwelling unit.~~~~
- ~~(2) Other uses. An accessory dwelling unit is prohibited in a house with a Home Occupation except when the accessory dwelling is for a family member.~~
- ~~(3) Location of entrances. Only one entrance to the house may be located on the front facade of the house, attached house, or manufactured home facing the street, unless the house, attached house, or manufactured home contained additional front doors entrances before the conversion accessory dwelling unit~~

~~was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.~~

~~E. Parking.~~

- ~~(1) Purpose. The parking requirements balance the need to provide adequate parking while maintaining the character of single dwelling neighborhoods and reducing the amount of impervious surface on a site. More parking is required when a vacant lot is being developed because generally, the site can more easily be designed to accommodate two parking spaces while minimizing impervious surface. In the Village Center Districts where an accessory dwelling unit is being added to a site with an existing dwelling unit, it may be permissible to not require additional impervious surface if adequate on-street parking is available such as in a municipal lot.~~
- ~~(2) The following parking requirements apply to accessory dwelling units. All parking must meet the requirements of Article XVIII Parking Standards:~~
 - ~~(a) No additional parking space required. No additional parking space is required for the accessory dwelling unit if it is created on a site with an existing house, attached house, or manufactured home.~~
 - ~~(b) One additional parking space required. One additional parking space is required for the accessory dwelling unit as follows:~~
 - ~~[1] When the accessory dwelling unit is created at the same time as the house, or manufactured home.~~

~~F. Maximum size.~~

~~The size of the accessory dwelling unit may be no more than thirty three percent (33%) of the living area of the house, attached house, or manufactured home or eight hundred (800) square feet, whichever is less.~~

~~G. Additional requirements for accessory dwelling units created through the addition of floor area.~~

- ~~(1) Accessory dwelling units created through the addition of floor area must meet the following design standards:~~
 - ~~(a) Exterior finish materials. — The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the house, attached house, or manufactured home.~~
 - ~~(b) Roof pitch. — The roof pitch must be the same as the predominant roof pitch of the house, attached house, or manufactured home.~~

~~(c) Trim. Trim on edges of elements on the addition must be the same in type size and location as the trim used on the rest of the house, attached house, or manufactured home.~~

~~(d) Windows. Windows must match those in the house, attached house, or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical).~~

~~(e) Eaves. Eaves must project from the building walls the same distance as the eaves on the rest of the house, attached house, or manufactured home.~~

Replace 171-89, Accessory Dwelling Units with the following, updated language:

§ 171-89. Accessory Dwelling Units.

A. Purpose

The purpose of this Section § 171-89 is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as-of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This Section provides for by-right ADUs to accomplish the following purposes:

- (1) Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
- (2) Develop small-scale infill housing that fits in the context of zoning districts that allow single-family housing while providing gentle/hidden density.
- (3) Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
- (4) Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

B. General Regulations

General Provisions for All ADUs

(1) Code Compliance

- a. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling.
- b. ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations for a Single-Family Residential

Dwelling in the Single Family Residential Zoning District in which the Protected Use ADU is located.

- c. ADU's shall be allowed only as accessory to a principal dwelling.

(2) Short-Term Rentals

- a. The use of an ADU as a short-term rental as that term is defined in Chapter 64G of the Massachusetts General Laws is specifically prohibited.

C. Protected Use ADUs

A Building Official shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling in a Single-Family Residential Zoning District, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

(1) Dimensional Standards

- a. Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet or $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling, whichever is smaller.
- b. A Protected Use ADU on a Lot with a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for the Single-Family Residential Dwelling (Section §171-35: Dimensional Standards) or accessory structure (Section §171-40: Accessory Structures) within the same district, whichever results in more permissive regulation.
- c. A Protected Use ADU on a Lot with a Principal Dwelling that is not a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for its Principal Dwelling (Section §171-35: Dimensional Standards), or Single-Family Residential Dwelling (Section §171-35: Dimensional Standards), or accessory structure (Section §171-40: Accessory Structures) within the same district, whichever results in more permissive regulation

(2) Off-Street Parking.

- a. One additional off-street parking space shall be required for Protected Use ADUs if all portions of the Lot are located outside a $\frac{1}{2}$ -mile radius of a Transit Station. No off-street parking is required for Protected Use ADUs if all portions of the Lot is located within a $\frac{1}{2}$ -mile radius of a Transit Station.

D. Local ADUs

The Zoning Enforcement Officer shall approve a Building Permit authorizing Local ADU installation and use within, or on a Lot with a Principal Dwelling in a Single-Family

Residential Zoning District, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

- (1) Local ADUs must be larger than 900 square feet.
- (2) Local ADUs shall not be larger than a gross floor area of 1,250 square feet or $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling, whichever is smaller.
- (3) Local ADUs shall comply with the following dimensional standards for both the structure and the Lot in accordance with Section §171-35: Dimensional Standards and Section §171-40: Accessory Structures.
- (4) One additional off-street parking space shall be required for Local ADUs.

E. Site Plan Approval for Multiple ADUs on a single Lot

More than one (1) ADU on a Lot in a Single-Family Residential Zoning District on which an ADU is already located shall require Site Plan Approval from the Planning Board. A maximum of two (2) ADUs may be allowed. The additional ADU shall be classified as a Local ADU and shall adhere to the following requirements:

- (1) An additional Local ADU is allowed on lots which are 3 acres or more
- (2) Two additional off-street parking spaces shall be required for the second ADU.
- (3) A sanitarian or professional engineer, registered in the Commonwealth of Massachusetts, has certified that the existing or proposed improvements to new or existing sewage disposal systems are adequate and in accordance with 310 CMR 15.000, the State Environmental Code, Title 5.

F. Nonconformance

- (1) A Protected Use ADU shall be permitted within, or on a Lot with, a Pre-Existing Nonconforming Structure so long as the Protected Use ADU can be developed in conformance with the Building Code, 760 CMR 71.00, and state law.
- (2) A Protected Use ADU shall be exempt from any required finding under M.G.L. c. 40A §6.
- (3) A finding under M.G.L. c 40A §6, that the extension or alteration of the pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood, shall be made by the Special Permit Granting Authority in a by-right process, without requiring a Special Permit or other discretionary waiver.

G. Administration and Enforcement

- (1) The Zoning Enforcement Officer shall administer and enforce the provisions of this Section § 171-89.
- (2) No building shall be changed in use or configuration without a Building Permit from the Building Official.
- (3) No building shall be occupied until a certificate of occupancy is issued by the Building Commissioner where required.

(4) The Zoning Enforcement Officer shall apply the Dover analysis as articulated in the standards in 760 CMR 71.03(3)(a), to any request for a Protected Use ADU Building Permit and shall waive any zoning requirement that the Zoning Enforcement Officer finds to be unreasonable under the Dover analysis.

Adoption History:

Agenda item and First Reading at Regular Town Council Meeting held on July 13, 2026

Public Hearing was warned in the Palmer Journal Register on Thursday July 23, 2026

Public Hearing and Second Reading at Regular Town Council Meeting held on August 10, 2026

Vote on Ordinance at Regular Town Council Meeting and entered in the minutes of this meeting on August 10, 2026, Town Ordinance 2027-02 PASSED/ FAILED by a vote of 5-0

Published upon final passage in the Palmer Journal Register on August 13, 2026

Effective Date: September 11, 2026

