Town of Westford, Massachusetts

Zoning Bylaw

From the Bylaws
of the
Town of Westford

First adopted on March 12, 1955

With amendments through Annual Town Meeting of March 24, 2012
As approved by the Attorney General's Office on May 1 and 2, 2012,
Which, on May 17, 2012 are Retroactive to October 17, 2011 and March 24, 2012

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ZONING BYLAW OF THE TOWN OF WESTFORD

SECTION 1.0 INTRODUCTION

1.1 TITLE

These regulations shall be known and may be cited as the "Zoning Bylaw of the Town of Westford, Massachusetts."

1.2 AUTHORITY

These Bylaws are authorized by, but not limited by, the provisions of the Zoning Act, G.L. c. 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.3 PURPOSE

These regulations are enacted to promote the purposes set forth in 1975 Mass. Acts 808, which include, but are not limited to, the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the town, including consideration of the recommendations of the most recent Master Plan adopted by the Planning Board and the comprehensive plan, if any, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives. Said regulations may include but are not limited to restricting, prohibiting, permitting or regulating:

1. uses of land, including wetlands and lands deemed subject to seasonal or periodic flooding;
2. size, height, bulk, location and use of structures, including buildings and signs except that billboards, signs and other advertising devices are also subject to the provisions of G.L. c. 93, ss. 29-33, inclusive, and to G.L. c. 93D;
3. uses of bodies of water, including water courses;
4. noxious uses;
5. areas and dimensions of land and bodies of water to be occupied or unoccupied by uses and structures, courts, yards and open spaces;
6. density of population and intensity of use;
7. accessory facilities and uses, such as vehicle parking and loading, landscaping and open space; and

8. the development and preservation of the natural, scenic and aesthetic qualities of the community.

1.4 APPLICABILITY

Unless exempt by federal, state, or local law, any building or structure hereafter erected, reconstructed, altered, enlarged or moved or any use of premises hereafter established, altered or expanded in the Town of Westford shall be in conformity with the provisions of this Zoning Bylaw.

1.5 CONFLICT OF LAWS

Where this Zoning Bylaw imposes a greater restriction upon the use of buildings or premises than is imposed by existing provisions of law or other Bylaws, the provisions of this Zoning Bylaw shall control. Where a provision of this Zoning Bylaw may be in conflict with any other provision or provisions of this Zoning Bylaw, the more stringent or greater requirements shall control.

1.6 AMENDMENT

This Zoning Bylaw may be amended from time to time at an Annual or Special Town Meeting pursuant to the provisions of G.L. c. 40A, s. 5. The effective date of an amendment to this Zoning Bylaw shall be the date on which such amendment was adopted by a favorable two-thirds vote of Town Meeting, subject to approval by the Attorney General and its publication in a town bulletin or pamphlet and posting or its publication in a newspaper as provided in G.L. c. 40, s. 32.

1.7 SEVERABILITY

The invalidity of any section or provision of this Zoning Bylaw shall not invalidate any other section or provision hereof.

SECTION 2.0 DISTRICTS

2.1 DISTRICTS

2.1.1 Establishment. [Amended 3-28-2011 Adj. ATM, Art. 32] For the purpose of this Zoning Bylaw, the Town of Westford is hereby divided into the following districts:

Residence A	RA
Residence B	RB
Business	B
Business, Limited	BL
Commercial Highway	CH
Industrial A	IA
Industrial B	IB
Industrial Highway	IH
Industrial C	IC
Industrial D	ID

The following overlay districts are also hereby established with the Town of Westford:

Water Resource Protection Overlay District	WRPOD
Floodplain Overlay District	FOD
Conservation Overlay District	COD
Senior Residential Multifamily Overlay District	SRMOD
Mill Conversion Overlay District	MCOD
Route 110 Minot's Corner Overlay District	R110MCOD

2.2 ZONING MAP

2.2.1 Location and Boundaries of Districts. Said districts are defined and bounded on the Zoning Map, adopted May 5, 2000, as the same may be hereafter amended. The Zoning Map and all supporting materials are filed in the office of the Town Clerk and, with their notations printed thereon and annexed thereto, are hereby made a part of this Bylaw.

2.2.2 Interpretation of Boundaries. Unless otherwise indicated on the Zoning Map, the boundaries between districts are to be determined according to the following criteria:

1. Where a boundary line is shown following a street, railroad or utility, the boundary shall be the centerline thereof.
2. Where a boundary is shown outside a street, railroad or utility and approximately parallel thereto, the boundary shall be deemed parallel to the nearest line thereto; and the figure placed on the Zoning Map between the boundary and such line shall be the distance in feet between them, as measured at a right angle from such

line unless otherwise indicated.

3. Where a boundary is shown following a watercourse, the boundary shall coincide with the centerline thereof as said line existed at the date of the Zoning Map.
4. Where the location of a district boundary is otherwise uncertain, the Building Commissioner shall determine its position in accordance with the distance in feet from other lines as given or as measured from the scale of the map. Where a district boundary line divides any parcel existing at the time such line is adopted, the regulations, including the required open space percentage as shown in the Table of Dimensional and Density Regulations for the less restricted portion of such parcel shall extend not more than thirty (30) feet into the more restricted position, provided that the parcel has frontage on a street in the less restricted district.
5. Where a boundary is shown as a shoreline, the boundary shall coincide with the shoreline as that shoreline existed at the time of the Zoning Map.

SECTION 3.0 USE REGULATIONS

3.1 PRINCIPAL USES

3.1.1 General. No land shall be used and no structure shall be erected or used except as set forth in the following Table of Use Regulations, including the notes thereto, or as otherwise set forth herein, or as exempted by General Laws. Any building or use of premises not herein expressly permitted is hereby prohibited. Uses authorized in the Table of Principal Use Regulations shall be in conformity with all dimensional regulations and any other pertinent requirements of this Zoning Bylaw. Not more than one principal use or structure shall be allowed on any lot, except as otherwise may be provided herein.

3.1.2 Table of Principal Use Regulations. See Appendix A. Within said Table, the following symbols shall have the meaning set forth below:

Y = Permitted use.

SPA = Use allowed under a special permit by the Board of Appeals as provided hereafter.

SPB = Use allowed under a special permit by the Planning Board as provided hereafter.

N = Prohibited use.

3.1.3 If Classified Under More than One Use. Where an activity may be classified as more than one of the principal uses listed in the Table of Use Regulations, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.

1. Where classified as a Major Commercial Project or Major Retail Project, that classification shall govern and the Planning Board shall be the Special Permit Granting Authority.

3.2 ACCESSORY USES

3.2.1 Residential Accessory Uses. The following accessory uses are allowed as set forth in the Table of Accessory Use Regulations, Appendix B.

1A. *Family Day Care, Small.* Small family day care homes, registered with and licensed by the Commonwealth of Massachusetts Office of Children, with not more than six nonresident children served on the premises.

1B. *Family Day Care, Large.* Large family day care homes, registered with and licensed by the Commonwealth of Massachusetts Office of Children, are allowed in all districts only upon the grant of a special permit by the Planning Board.

2A. *Adult Day Care, Large*. Such facilities are allowed in all districts only upon the grant of a special permit by the Planning Board.

2B. *Adult Day Care, Small*. Such facilities are allowed in all districts only upon the grant of a special permit by the Planning Board.

3. *Boarders in Single-Family Dwelling.* The renting of rooms and/or furnishing of board to not more than five persons in a single-family dwelling by the owner/occupant thereof shall be a permitted accessory use. The renting of rooms and/or furnishing of board to six or more persons in a single-family dwelling by the owner/occupant thereof shall be deemed a boarding house subject to the provisions of the Table of Principal Use Regulations, Appendix A.

4. *Temporary Trailer.* A trailer may be used for temporary dwelling purposes during the construction, reconstruction, alteration, or repair of a permanent dwelling (not including trailer), for a period not to exceed six (6) months by the issuance of a building permit, or extended period or periods in hardship cases, but no such extended period of use of such trailer shall be continued or extended without the grant of a special permit by the Board of Appeals and after the approval of the Board of Health.

5. *Accessory Residential Structure.* Structure accessory to residential use such as a playhouse, greenhouse, toolshed, antenna structure used by a federally licensed amateur radio operator, private swimming pool or similar accessory structure.

6. *Garage*. Garage for not more than 3 motor vehicles.

7. *Stabling of Horses.* Stabling of horses for noncommercial purposes after a permit has been issued by the Board of Health with such restrictions as it shall deem necessary.

8. *Storage of One Unregistered Motor Vehicle.* One unregistered motor vehicle may be stored as an accessory use provided that:

   a. it shall be stored within the principal or an accessory building; or

b. it shall be stored in the rear yard of the premises not less than 35 feet from side or rear lot lines and screened from public view. No such unregistered motor vehicle shall be stored as an accessory use when it has been rendered inoperable by dismantling or removing parts.

9. *Storage of Trailer or Boat.* Accessory storage of one trailer or boat provided that:

   a. it shall be stored within the principal or an accessory building; or

   b. it shall be stored in the rear yard of the premises but not in a required side or rear yard and screened from public view. By special permit, the Board of Appeals may vary the location of such storage requirements. No such trailer shall be used for dwelling purposes, nor shall such trailer be stored as an accessory use when it has been rendered inoperable by dismantling or removing parts.

10. *Parking of Commercial Vehicle*. Parking of one (1) commercial vehicle and the storage so as not to be visible from any street or way of not more than two (2) additional commercial vehicles. Nothing herein shall be construed to prohibit the parking or storage of farm vehicles.

3.2.2 Accessory Uses in Nonresidential Districts. In districts other than RA and RB, any use permitted as a principal use is also permitted as an accessory use provided such use is customarily incidental to the main or principal building or use of the land. Any use authorized as a principal use by special permit may also be authorized as an accessory use by special permit provided such use is customarily incidental to the main or principal building or use of the land. Any use not allowed in the district as a principal use is also prohibited as an accessory use. Accessory uses are permitted only in accordance with lawfully existing principal uses. The following nonresidential accessory uses are allowed as set forth in the Table of Accessory Uses, Appendix B.

1. *Storage.* Outside or inside storage accessory to the operation and conduct of a permitted use; provided, however

   a. that if outside, the storage shall be located to the rear of the principal structure and shall be screened from view from any public way or adjacent residential district property line;

   b. that if inside, the gross floor area for storage purposes shall not exceed 50% of the gross floor area for the use permitted on the site if located in the B, CH, IH, IA, IB, IC, ID, or BL Districts, whether in a separate structure or not, without a special permit from the Planning Board.

2. *Storage of Vehicles and Trailers.* Accessory storage, whether garaged or not, of vehicles and trailers necessary for the conduct of a permitted use, provided that the vehicles or trailers are screened from adjacent public way and adjacent residential district property line.

3.2.3 General Accessory Uses. The following general accessory uses are allowed as set forth in the Table of Accessory Use Regulations, Appendix B.

1. *Accessory Scientific Uses.* Uses, whether or not the same parcel as activities permitted as a matter of right, accessory to activities permitted as of right, which activities are necessary in connection with scientific development or related production, provided that the Board of Appeals grants a special permit after determining that the proposed accessory use does not substantially derogate from the public good.
2. *Split Lot Accessway.* Accessway across a lot split by a district boundary from the less restricted through the more restricted district
3. *Common Driveway.* Common driveway as set forth herein.
4. *Private Parking Garage.* Private parking garages, indoor display sales, cafeteria, accessory to the operation and conduct of a permitted use. (Amended STM 10/26/96)

3.3 ACCESSORY DWELLING UNITS

3.3.1 Purpose. This section has been adopted to promote the following purposes:

1. To provide small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town;
2. To enable owners of single family dwellings larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership;
3. To provide additional living space for extended family members.

3.3.2 Special Permit Required. Accessory dwelling units may be allowed by special permit by the Board of Appeals, which shall terminate either upon transfer of the ownership of the premises or when the owner no longer occupies the premises as his legal residence, and subject to the following considerations.

3.3.3 Procedures. An application for a special permit shall be governed by the following procedures:

1. *Plot Plan.* A plot plan, prepared by a Registered Land Surveyor, of the existing dwelling unit and proposed accessory dwelling unit shall be submitted to the Board of Appeals, showing the location of the building on the lot, proposed accessory dwelling unit, location of any septic system and required parking. A mortgage inspection survey, properly adapted, shall be sufficient to meet this requirement.
2. *Board of Health.* Any special permit application shall be subject to review and approval by the Board of Health as to sanitary wastewater disposal in full conformance with the provisions of 310 CMR 15.00 (Title V of the State Environmental Code). Therefore, applicants are encouraged to seek Board of Health review prior to making an application to the Board of Appeals. The Board

of Health shall also approve water supply and drainage resulting from the proposed accessory dwelling unit as adequate for the proposed construction.

3. *Affidavit.* Certification by affidavit shall be provided that one of the two dwelling units shall be occupied by the owner of the property at least six months in any calendar year.

3.3.4 Standards. Accessory dwelling units shall be subject to the following standards:

1. *Limit.* Not more than one accessory dwelling unit may be established on a lot. The accessory dwelling unit shall not exceed 33% of the gross living space of the existing or expanded principal structure or 800 square feet, whichever is greater.
2. *Location*. The accessory dwelling unit may be located in the principal structure or in a detached accessory structure; provided, however, that an accessory dwelling unit may be located in such detached accessory structure only where such detached accessory structure has been in existence for at least ten (10) years.
3. *Appearance*. The external appearance of the structure in which the accessory dwelling unit is to be located shall not be significantly altered from the appearance of a single family structure, in accordance with the following:
   a. Any accessory dwelling unit construction shall not create more than a 15% increase in the gross floor space of the structure;
   b. Any stairways or access and egress alterations serving the accessory dwelling unit shall be enclosed, screened, or located so that visibility from public ways is minimized;
   c. Sufficient and appropriate space for at least one (1) additional parking space shall be provided by the owner to serve the accessory dwelling unit. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway; and
   d. All construction and/or renovation shall be performed in accordance with the applicable requirements of the State Building Code.

3.3.5 Conditions for Issuance and Renewal of Special Permits. The initial term and subsequent terms of a special permit for an accessory dwelling unit shall terminate upon transfer of the ownership of the premises or when the owner no longer occupies the premises as his or her legal residence. Subsequent special permit issuances for existing accessory dwelling units may be granted after certification by affidavit is made by the applicant to the Board of Appeals that the accessory dwelling unit has not been extended, enlarged, or altered to increase its original dimensions, as defined in the initial special permit application.

3.3.6 Decision. Special permits for an accessory dwelling unit may be issued by the Board of Appeals upon a finding that the construction and occupancy of the dwelling unit complies with foregoing provisions and will not be detrimental to the neighborhood

in which the lot is located and after consideration of the criteria specified in Section 9.3 of this Zoning Bylaw.

3.4 HOME OCCUPATIONS

3.4.1 Professional Office. The use of a room or rooms in a dwelling for a physician, lawyer, architect, engineer, accountant, real estate broker, insurance broker or similar professional person is allowed in all districts, except the IC, ID, and BL Districts, as of right.

3.4.2 Other Home Occupations. The use of a dwelling unit for home occupation clearly incidental and subordinate to its use for residential purposes by it occupants is allowed in the B, CH, IH, IA, and IB Districts as of right, and in the RA and RB Districts by the grant of a special permit by the Board of Appeals. All such home occupations shall be subject to the following conditions:

1. There shall be no change in the outside appearance of the building or premises and there shall be no visible evidence of the conduct of such home occupation other than the permitted sign.
2. The use shall be conducted entirely within the dwelling or accessory building and shall be carried on by the inhabitants of said dwelling and by not more than one (1) person not an inhabitant of said dwelling.
3. The use shall not substantially change the character of the dwelling or accessory building or adversely affect the uses permitted in the residential district.
4. The use shall not create substantial additional traffic or require additional parking space.
5. No area greater than one-third (1/3) of the area of one (1) floor of the dwelling structure is used for uses.
6. The use shall be limited in time for a period no longer than the period of occupancy or ownership, whichever is shorter, of the premises by the applicant.
7. No more than one (1) commercial-type vehicle shall be used or parked on the premises in connection with the home occupation.

3.5 ACCESSORY STRUCTURES

3.5.1 Permit Required. An accessory structure with 120 square feet or less of gross floor area may be erected without a building permit. An accessory structure with more than 120 square feet of gross floor area shall require a building permit.

3.5.2 Dimensional Requirements. Accessory structures shall be allowed subject to the following conditions:

1. *Front Yard*. No accessory building or structure, except a permitted sign or roadside stand, shall be located within a required front yard setback.
2. *Side or Rear Yard*. A detached accessory building or structure shall be located in the side or rear yard areas and on the same lot as a principal building, provided that not more than twenty-five (25) percent of the required yard area shall be so occupied.
3. *120 Square Feet or less.* An accessory structure with 120 square feet or less of gross floor area shall be located at least ten (10) feet from any side or rear lot line.
4. *More than 120 Square Feet.* An accessory structure with more than 120 square feet of gross floor area shall be located in the side or rear yard in accordance with the Table of Dimensional and Density Regulations, Appendix C.
5. *Attached Structures.* An accessory building attached to its principal building or within ten (10) feet of it shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building.
6. *Outside Structures.* If outside, the storage shall be located in the rear yard or not less than 35 feet from any side lot line and shall be screened from view from any public way.
7. *Inside Structures.* If inside, the gross floor area for storage purposes shall not exceed 30% of the gross floor area of the building if located in the RA or RB districts, or 50% of the gross floor area for the use permitted on the site if located in the B, BL, CH, IH, IA, IB, IC districts, whether in a separate structure or not, without a special permit from the Planning Board.

3.5.3 Permitted Accessory Structures. The following accessory structures are permitted in all districts:

1. *Fences; Flagpoles.* Fences of a height not to exceed six (6) feet and flagpoles of a height not to exceed 20 feet shall be exempt from the setback requirements of this Section. Any fence or flagpole erected prior to enactment of this Bylaw may be repaired or replaced to original configuration and location.
2. *Pools; Game Courts.* Swimming pools, game courts, and the like are accessory structures and shall comply with the State Building Code and all applicable

setback requirements of this Zoning Bylaw.

3.5.4 Accessory Structures in the CH, IH, IC, ID, and BL Districts. An accessory structure shall conform to all of the following provisions:

1. *Rear Yard.* It shall not occupy more than twenty-five percent (25%) of the required rear yard.
2. *Setbacks.* It shall comply with all of the minimum setback provisions applicable to a principal building.
3. *Area and Open Space.* It shall be combined with the principal buildings for purposes of determining compliance with the maximum building area and minimum open space requirements.

3.6 NONCONFORMING USES AND STRUCTURES

3.6.1 Applicability. This Zoning Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this Zoning Bylaw, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

3.6.2 Nonconforming Uses. The Board of Appeals may grant a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

1. Change or substantial extension of the use;
2. Change from one nonconforming use to another, less detrimental, nonconforming use.

3.6.3 Nonconforming Structures. The Board of Appeals may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

3.6.4 Variance Required. Except as provided in subsection 5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to

increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

3.6.5 Alteration of Nonconforming Single and Two Family Residential Structures - As of Right. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

1. alteration to a structure which is located on a lot with insufficient area, where such alteration complies with all current setback, yard, building coverage, and building height requirements.
2. alteration to a structure which is located on a lot with insufficient frontage, where such alteration complies with all current setback, yard, building coverage, and building height requirements.
3. alteration to a structure which encroaches upon one or more required yard or setback areas, where such alteration will comply with all current setback, yard, building coverage and building height requirements.
4. alteration to the side or face of a structure which encroaches upon a required yard or setback area, where such alteration will not encroach upon such area to a distance greater than the existing structure.
5. alteration to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.

3.6.6 Alteration of Nonconforming Single and Two Family Residential Structures - by Special Permit. In the event that the Building Commissioner determines, after consideration of Section 3.6.5, above, that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

3.6.7 Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this Zoning Bylaw.

3.6.8 Catastrophe or Demolition. Any nonconforming structure may be reconstructed after a fire, explosion or other catastrophe, or after demolition, provided that such reconstruction is completed within twelve (12) months after such catastrophe or after

voluntary demolition. Such time for reconstruction may be extended by the Board of Appeals for good cause.

1. *As of Right.* The building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure and located on the original building footprint.
2. *By Special Permit.* A larger volume or area or a new building footprint may be authorized by special permit from the Board of Appeals.

3.6.9. Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

3.6.10. Public Acquisition Creates Nonconforming Situation. [added 3-28-2011 Adj. ATM, Art. 32]

1. If, as a result of public acquisition, any building, structure, lot, parking space, loading bay, sign, landscaping or other dimensional factor no longer complies with this Bylaw, it shall be deemed to be lawfully preexisting, nonconforming and entitled to the treatment afforded by this article provided it was in compliance at the time of the public acquisition.
2. Exemption for Route 110 Minot's Corner Overlay District.
   a. Applicability and Purpose.

      A set of properties along Route 110 will be affected by right of way acquisition from the Minot's Corner intersection redesign in or after 2011. This section is intended to preserve the development opportunities of these lots. These lots are designated as the Route 110 Minot's Corner Overlay District (R110MCOD).

   b. Dimensional Relief Provisions.

      If, as a result of public acquisition, any building, structure, lot, parking space, loading bay, sign, landscaping or other dimensional factor within the R110MCOD, no longer complies with the dimensional provision(s) of this Bylaw,: (i) it shall be deemed to conform to such dimensional provision(s) to the degree provided that, at the time of public acquisition or taking, such property conformed or had been authorized by a dimensional variance; or (ii) it shall be deemed to continue to be lawfully preexisting nonconforming provided that it was lawfully preexisting nonconforming at the time of prior to the public acquisition or taking.

   c. Affirmative Finding.

      Before this exemption takes effect for any property in the R110MCOD, the property owner or authorized representative shall submit to the Building Commissioner an affirmative finding of conformance, or a finding that it meets the provisions of Section 3.6.10.2.b for the property. The Building Commissioner may accept or reject said finding of conformance, provided that any rejection shall be in writing, shall occur within 30 days of submittal

and shall include specific reason(s) for such rejection. The Building Commissioner's determination shall be appealable to the Board of Appeals. Upon acceptance by the Building Commissioner or, in the alternative, a vote by the Board to accept said affirmative finding, it shall be recorded with the Town Clerk.

d. Effective Date.

The date such affirmative finding is recorded with the Town Clerk is the date from which the legally conforming status shall apply.

SECTION 4.0 DIMENSIONAL REGULATIONS

4.1 GENERAL REGULATIONS

4.1.1 General. No structure shall be erected or used, premises used, or lot changed in size or shape, except in conformity with the requirements of this section, or unless exempted by this Zoning Bylaw or by statute.

4.1.2 One Structure per Lot. Except as otherwise provided herein, not more than one principal structure may be placed on any lot.

4.1.3 Multiple Buildings on Same Lot. The Planning Board may allow multiple buildings on the same lot in the following circumstances:

1. as part of a Planned Commercial or Planned Industrial Development; or
2. within a CH or IH district after approval of a site plan pursuant to Section 9.4.

4.1.4. Reduction of Lot. [Added 3-28-2011 Adj. ATM, Art. 32] No lot shall be changed in size or shape so that the height, area, yard or off-street parking and loading requirements prescribed by this Bylaw are no longer satisfied. This provision shall not apply where a lot is reduced by public acquisition.

4.2 HEIGHT REGULATIONS

4.2.1 Exceptions. [Amended 10-17-2011 STM, Art. 12] The provisions of this Zoning Bylaw governing the height of the building shall not apply to appurtenances that are incorporated for and consistent with the primary use of the building; examples of such appurtenances include chimneys, poles, steeples, spires, cupolas, tanks, bulkheads, skylights, ventilators, cooling towers, electronic equipment, elevator penthouses, and material processors. Such appurtenances:

1. shall not have horizontal cross-sections that occupy more than twenty percent (20%) of the ground floor area of the building;

2. shall not have an overall height above ground and/or mean sea level that would require air navigation safety lighting or be considered a hazard to air navigation pursuant to state and federal regulations;
3. shall be screened from public view to the maximum extent feasible and/or have architectural characteristics that are consistent with the building's architecture;
4. shall not be habitable.

Notwithstanding this subsection 4.2.1, RTFs are subject to the Section 6.2 and Section 9.4 of this Zoning Bylaw and associated Regulations.

4.2.2 Measurement of Height. The measurement of maximum building height shall be accomplished by measuring from the highest point of the structure, excluding items set forth above to the mean finished grade on every facade of the structure.

1. A habitable basement having one-half (1/2) or more of its height above ground or an attic shall be counted as a story, provided that a story in a sloping roof, the area of which story at a height four feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it, shall be counted as a half-story.

4.3 SPECIAL DIMENSIONAL REGULATIONS

4.3.1 Corner Clearance. No wall, fence, structure, shrubbery, or planting on a corner lot shall be maintained where it would obstruct the view of a driver approaching the street intersection.

4.3.2 Appurtenant Open Space. No yard, lot area or other open space required for a building by this Zoning Bylaw shall, during the existence of such building, be occupied by or counted as open space for another building.

4.3.3 Projections. Nothing herein shall prevent the projection of steps, eaves, cornices, windowsills, or belt courses into any required yard.

4.3.4 Dwellings in Business or Industrial A or B Districts. In Business or Industrial A or B Districts, any building erected for residence purposes and their premises shall conform to the lot size, frontage, yard, and other regulations of this Article applicable to a Residence A District, except that in an Industrial B District, in addition to the foregoing requirements, no building shall be allowed or used for residence purposes except by the grant of a special permit by the Board of Appeals.

4.3.5 Prohibition of Irregular Shaped Lots. No building lot shall be laid out which is substantially irregular in shape. Provisions of this subsection shall not apply to lots shown on plans recorded before the effective date of this amendment. Such lots shall not be considered to be nonconforming for other applicable provisions of this Bylaw.

4.3.6 Exemptions for Substandard Lots. One (1) building and its accessory buildings may be erected on any lot which, at the time this Zoning Bylaw was adopted, cannot be made to conform to the area and frontage requirements in the Table of Dimensional and Density Regulations for Residence, Business and Industrial A Districts.

4.3.7 Regulations for CH, IH, IC, ID, and BL Districts. The dimensional and density regulations for Commercial Highway and Industrial Highway, Industrial C, Industrial D, and Business, Limited Districts are set forth in the Table of Dimensional and Density Regulations and in this section.

1. For buildings existing prior to February 15, 1979, on any premises subject to the requirements of this section, yard requirements shall be those herein set forth, except that if any such existing building shall encroach upon one or more of said yards, then with respect to such one (1) or more yards only, the yard requirements for such building and any subsequent additions thereto shall be not less than thirty-five (35) feet if a front yard, fifteen (15) feet if a side yard and thirty (30) feet if a rear yard or the yards physically existing on said premises prior to February 15, 1979, whichever is the greater.
2. The lot, yard area or open space required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provision of this Zoning Bylaw, nor may these areas include any property of which ownership has been transferred subsequent to the effective date hereof if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.
3. Lots shall not be so separated or transferred in ownership so as not to comply with the provisions of this Zoning Bylaw.
4. No building shall be erected or placed in any area subject to periodic flooding. An area shall be deemed subject to periodic flooding if such area would be flooded during a one hundred (100) year span.
5. Principal structures on corner lots shall be set back to provide the minimum front yard on each street.
6. Principal structures on through lots shall be set back to provide the minimum front yard on each street.
7. Projections into required yards or other required open spaces are permitted subject to the following:
    a. Balcony or bay window, limited in total length one-half of the building, shall project not more than two feet.

b. Steps or stoop, bulkheads, windowsill, chimney, roof eaves, fire escape, fire tower, storm enclosure or similar architectural features shall project not more than two (2) feet.

4.4 HAMMERHEAD LOTS

4.4.1 General. The frontage requirement for a hammerhead lot may be reduced to fifty (50) feet, subject to the following conditions:

1. The total lot area is at least one hundred twenty thousand square feet;
2. The access driveway to the house shall not be longer than six hundred (600) feet, with a grade and width adequate to permit access by fire, police and other emergency vehicles;
3. The nearest point of any building or structure shall be set back fifty feet from all lot lines;
4. No more than two (2) hammerhead lots shall have contiguous frontage.

SECTION 5.0 GENERAL REGULATIONS

5.1 OFF-STREET PARKING REGULATIONS

5.1.1 General. Off-street parking spaces shall be provided for every new building, the enlargement of an existing building, the development of a new land use or any change in any existing use in accordance with the Table of Off-Street Parking Regulations in Appendix D.

5.1.2 Table of Off-Street Parking Regulations. See Appendix D.

5.1.3 Shared Parking. Notwithstanding any other provisions of this Bylaw, common parking areas may be permitted by the Planning Board, subject to site plan approval, for the purpose of servicing two (2) or more principal uses on the same or separate lots, provided that:

1. Evidence is submitted that parking is available within four hundred (400) feet of the premises, which lot satisfies the requirements of this Bylaw and has excess capacity during all or part of the day, which excess capacity shall be demonstrated by competent parking survey conducted by a traffic engineer registered in the Commonwealth of Massachusetts.
2. A proposed contract, agreement, or suitable legal instrument acceptable to legal counsel, shall be filed with the Planning Board specifying the location of all spaces to be jointly used, the number of such spaces, the hours during the day that such parking shall be available, and the duration or limit, if any on such parking.

3. Any reduction in area required for parking because of these joint use provisions may be required as reserved landscaped open space.
4. Nothing in this section shall relieve the owner from providing parking facilities in accordance with this Bylaw if subsequently the joint use of parking facilities shall terminate.

5.1.4 Special Permit. In all nonresidential districts, the required number of parking spaces may be reduced by the grant of a special permit from the Planning Board where the applicant demonstrates that such parking spaces will not be needed for the proposed use, subject to the condition that the area necessary for those spaces is available on the lot and is designated on the approved plan of record. If anytime after the special permit is granted the Building Commissioner determines that a need exists for the additional spaces, the Building Commissioner may require that the spaces be added.

5.1.5 Parking Standards. The following standards shall apply to off-street parking:

1. *Parking Space Size.* Each parking space shall measure nine (9) feet in width and eighteen (18) feet in length.
2. *Allowance for Compact Cars.* On all properties containing general office buildings, research/office park facilities or manufacturing facilities and which contain at least forty thousand (40,000) square feet of gross floor area in the building(s), thirty (30) percent of the required parking may be in stalls for compact cars, provided that area for these stalls is designated by signs and other markings and each parking space shall measure at least eight (8) feet in width and sixteen (16) feet in length.
3. *Handicapped Parking.* Parking spaces for the exclusive use of handicapped individuals shall be provided in accordance with the most recent rules and regulations of the Architectural Access Board, 521 CMR 23.00.
4. *Lighting.* All parking areas which are proposed to be illuminated shall provide an illumination of at least one (1) foot candle. All illumination shall be shielded so as not to shine directly onto a public or private way or onto any property in a residential district.
5. *Prohibition.* Parking spaces shall be arranged so as not to require backing of automobiles onto any street.

5.1.6 Additional Parking Standards for Areas with More than Five Spaces. All parking areas containing over five spaces, including automobile and drive-in establishments of all types, shall be either contained within structures or subject to the following:

1. *Surface.* The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation away from adjacent public ways.

2. *Storage*. There shall not be any storage of materials or equipment or display of merchandise within required parking area except as part of approved building operations.
3. *Location*. Parking shall not be located nearer than fifteen (15) feet from any lot line.

5.1.7 Landscaping in Parking Areas.

1. The area shall be effectively screened on each side which adjoins or faces the side or rear lot line of a lot situated in any RA or RB District, consisting of a solid fence or wall not less than three (3) feet nor more than six (6) feet in height at the time of occupancy of such lot.
2. Plantings shall thereafter be maintained by the owner and/or occupant so as to maintain a dense screen year round. At least fifty percent (50%) of the plantings shall consist of evergreens and they shall be evenly spaced along the length of the buffer strip. No plantings shall be required until such time as the adjacent land contains any building in which people live or work within five hundred (500) feet of the commercially or industrially zoned district line.
3. In parking areas with more than five (5) spaces, curbed planting strips uniformly twenty-five (25) feet in width shall be provided at the front line except for entrances and exits.
4. Curbed planting strips will be provided in all parking areas with a gross area of two or more acres. Planting strips will be a minimum of ten (10) feet wide and spaced between every third doublebay parking aisle or two hundred (200) feet, whichever is greater.
5. Landscaping of planting strips shall consist of one (1) shade tree at least ten (10) feet in height and at least two (2) inches in diameter measured at a point six (6) inches above finished grade. There shall be at least one (1) tree for each one hundred square feet of required landscaped area.

5.1.8 Additional Parking Regulations in IB Districts.

1. No parking area on the lot line shall be located within ten (10) feet of the exterior line of any street on which the lot abuts, and if a boundary line of the lot abuts on land in a residential district, no such parking area shall be located within ten (10) feet of such boundary line.
2. Parking areas on the lot shall be provided with adequate driveways providing access to a street. The width and the entrance of all driveways to a street shall be delineated on the site plan submitted to the Planning Board as part of an application for any special permit.

5.2 LOADING REQUIREMENTS

5.2.1 General. Off-street loading spaces or loading areas shall be provided and maintained by the owner of the property for each nonresidential building or use which is erected, enlarged or altered after the effective date of this Bylaw, according to the following regulations.

5.2.2 Same Lot. All loading spaces or loading areas required by this Bylaw shall be on the same lot as the building or use which they are intended to serve, and in no case shall any required loading area be part of an area used to satisfy the off-street parking requirements of this Bylaw.

5.2.3 No Queues or Backing onto Street. No loading facility shall be designed to require trucks to queue on a public way while awaiting off-loading. No loading facility shall be designed to require vehicles to back onto a public way; all turning maneuvers shall be accommodated on the premises.

5.2.4 No Reduction. Loading spaces or loading areas initially required and constructed shall not be reduced or encroached upon in any manner unless, after site plan review, such modification is approved by the Planning Board.

5.2.5 Shared Loading. No part of an off-street loading area required by this Bylaw for any nonresidential building or use shall be included as part of an off-street loading area similarly required for another building or use, unless the type of buildings or uses indicates that the usage of such loading area would not occur simultaneously, as determined by the Planning Board.

5.2.6 Number of Loading Spaces. The following number of off-street loading spaces shall be the minimum required for the uses indicated:

1. *Retail Stores and Services.* For each establishment with a net floor area from five thousand (5,000) to eight thousand (8,000) square feet, at least one (1) berth shall be provided. Additional space is required at the rate of one (1) berth per eight thousand (8,000) square feet or nearest multiple thereof. Where two (2) or more such establishments are connected by a common wall such as in a shopping center, common berths may be permitted for the use of all establishments at the rate of one (1) berth space per eight thousand (8,000) square feet in the entire shopping center.
2. *Office Buildings.* For each office building with net area of four thousand (4,000) square feet or more, at least one (1) berth shall be provided.
3. *Manufacturing, Industrial Uses or Warehousing.* For manufacturing, industrial uses or warehousing and similar uses up to eight thousand (8,000) square feet of net floor area, at least one (1) berth shall be provided. For larger floor areas, additional berths shall be provided as required by the Building Commissioner adequate for off-street loading and unloading.

5.2.7 Screening. Loading areas shall be screenEd in accordance with Section 5.4.

5.2.8 Size. Loading bays shall not be less than twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) feet in height, exclusive of driveway and maneuvering space.

5.2.9 Location. No loading dock or bay shall be located within twenty (20) feet of the boundary of any RA or RB District.

5.2.10 Special Permit. Any loading requirement set forth herein may be reduced upon the issuance of a special permit by the Planning Board if the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit.

5.2.11 Additional Loading Regulations in IB Districts.

1. No loading area on the lot line shall be located within ten (10) feet of the exterior line of any street on which the lot abuts, and if a boundary line of the lot abuts on land in a residential district, no such loading area shall be located within ten (10) feet of such boundary line.
2. Loading areas on the lot shall be provided with adequate driveways providing access to a street. The width and the entrance of all driveways to a street shall be delineated on the site plan submitted to the Planning Board as part of an application for any special permit.

5.3 SIGNS [Replaced 03-28-2011ATM adj. session, Art. 31]

5.3.1 Purpose. To regulate the quantity, location, sizes and appearance of signs.

5.3.2 Applicability. No sign shall hereafter be erected or maintained except as provided by this Section and after a permit has been issued by the appropriate permit granting authority. All signs erected hereunder shall be erected in the exact location and manner described in the permit. The permit number shall be clearly visible on the sign.

5.3.3 Exemptions. No permit is required for the following types of signs:

1. A sign in a Residential A or Residential B District erected in accordance with the provisions of Section 5.3.7 herein.
2. Any sign legally erected before the date of the Town Meeting approving this Section shall be exempt from the requirements herein. The exemption herein granted shall terminate with respect to any sign which:
   a. shall have been abandoned;
   b. advertises or calls attention to any products, businesses or activities which

are no longer carried on or sold, whether generally or at the particular premises;

c. shall not have been repaired or properly maintained within 60 days after notice to that effect has been given by the Building Commissioner; or

d. has been rebuilt or relocated without a permit hereunder subsequent to the date of the Town Meeting approval.

3. Any sign erected or required by the Town or by the Commonwealth of Massachusetts or by the United States, or any subdivision or agency thereof, or for any sign intended solely for the protection of life or property.

4. Temporary sign which does not exceed 12 square feet in area and which advertises the sale of services or products, which shall be allowed for a period not to exceed 14 days~~.~~ per quarter of the calendar year. Such quarter is defined as the periods from January 1st to March 31th, from April 1st to June 30th, from July 1st to September 30th and from October 1st until December 31st. There shall be at least fourteen (14) days between the display of temporary signs.

5.3.4 Definitions. See Section 10.2 of the Zoning Bylaw.

5.3.5 Signs Allowed in Business (B), Commercial Highway (CH) and Business, Limited (BL) Zoning Districts. The following signs are allowed in the Business and Commercial Districts with a permit:

1. No sign shall be allowed other than 1 wall sign, individual letter sign, roof sign or projecting sign affixed to a building for each store, except as provided in subsection 3, below, or as otherwise allowed in this section. No sign shall project above the highest line of the roof or building; provided, however, that if the sign is attached to a wall having a parapet extending above the highest line of such roof, then the sign may reach but may not project above the top of the parapet wall. A wall sign, individual letter sign or roof sign shall not exceed 6 feet overall in height. A wall sign or individual letter sign on the exterior wall of the first floor of a building shall not exceed an area of 1.5 square feet of each linear foot of the front store wall. No such sign shall exceed 40 feet overall in width or extend beyond the full width of the front store wall. The length of signs of stores occupying other than the first floor of a building shall not exceed 6 feet.

2. Projecting signs shall not project more than 6 feet and shall not contain more than 24 square feet of exposed area.

3. There shall be no more than 1 exterior sign for each business unit, except that if the business unit has a direct entrance into the store in a wall other than the storefront, there may be a secondary sign affixed to such wall, and if the store has a wall other than the storefront that faces upon a street or parking area, there may be a secondary sign affixed to such wall, whether or not such wall contains an entrance to the store; provided, however, that no store shall have more than 2

secondary signs in any event. The exposed area of each of the secondary signs shall not exceed 6 square feet. In addition to the foregoing sign or signs, there may be 1 directory of the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building or freestanding elsewhere on the premises. Such directory shall not exceed an area determined on the basis of 2 square feet for each occupant or tenant of the building.

4. Any business may divide the 1 exterior sign affixed to the front wall of the building, to which it is entitled or hereinabove provided, into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business if the permit granting authority determines that the business includes separate operations or departments; provided, however, that the total of the width of the separate signs shall not exceed the maximum width allowed under this Bylaw for a single exterior sign on such wall.

5. The permit granting authority may allow a single freestanding pole or ground sign, provided that such sign shall not exceed an area of one-half the maximum area of the wall sign, individual letter sign or roof sign allowed for the applicant's store or business under Subsection 5.3.5.1 of this section nor 15 feet in overall height, if, in the permit granting authority's discretion, unusual circumstances such as landscaping, land contours, building setback or building design preclude effective use of otherwise allowed signs.

6. Where a building contains more than one (1) business or store where a building is a commercial multi-tenant structure, and the permit granting authority determines that the building is a commercial multi-tenant structure with more than one business or store, the permit granting authority may permit one (1) single freestanding pole sign for such building or multi tenant structure if, in the discretion of the permit granting authority, unusual circumstances such as landscaping, land contours, building setback or building design preclude effective use of otherwise permitted signs. If this provision is used, then Subsection 5.3.9.5, above, shall not apply.

   Such sign shall not exceed an area of one-half (1/2) the maximum area of the wall sign, individual letter sign or roof sign permitted for the applicant's building under subsection 1 of this section nor fifteen feet in overall height.

   In addition to the foregoing sign and in the discretion of the permit granting authority, there may be one (1) directory of the occupants or tenants of the building integrated into and attached to the permitted freestanding pole sign, not to exceed an area determined on the basis of two (2) square feet for each occupant or tenant of the building. The directory shall not cause the freestanding pole sign to exceed fifteen (15) feet in overall height.

7. The standard type of gasoline pump bearing thereon in ~~un~~usual size and form the name and type of gasoline and the price thereof shall not be deemed to be a sign under this Bylaw.

8. During construction of a new building, a freestanding pole or ground sign may be

erected upon the premises to identify the building, the owner, the contractor, the architect or the engineers as well as advertise the rental, sale or lease of the premises, provided that such a sign shall not exceed 32 square feet in area or 10 feet in width or height. Each sign shall be removed within 7 days of issuance of an occupancy permit. If such a sign permit is sought and approved, then no such sign as described in Section 5.3.5.9 below shall be allowed.

9. If no permit for a sign is sought under Subsection 5.3.5.8, above, then 1 wall sign, freestanding pole or ground sign or temporary sign not exceeding 12 square feet in area, advertising the rental, lease or sale of the premises, is allowed without a permit; provided, however, that such a sign shall be removed within 7 days of the rental, lease or sale of the premises.

10. Freestanding pole signs allowed under Subsection 5.3.5.5 of this section shall be set back at least 20 feet extending back from the front lot line and at least 20 feet extending inward from the side lot lines.

5.3.6 Signs Allowed in Industrial Highway (IH), Industrial A (IA), Industrial B (IB), Industrial C (IC) and Industrial D (ID) Zoning Districts. The following signs are allowed in the Industrial Districts with a permit:

1. All signs allowed under Section 5.3.5 shall be allowed in an industrial district, subject to all the provisions and restrictions set forth therein; provided, however, that in any industrial district the sign shall not exceed 32 square feet.

2. Projecting sign shall not project more than 6 feet and shall not have an exposed area of more than 4 square feet. One projecting sign shall be allowed per doorway.

3. Freestanding pole signs allowed under this Section shall be set back at least 30 feet extending back from the front lot line and at least 35 feet extending inward from the side lot lines.

5.3.7 Signs Allowed in Residential A (RA) and Residential B (RB) Zoning Districts. The following signs are allowed in the Residential Districts without a permit:

1. One wall sign or freestanding pole or ground sign which does not exceed 2 square feet in area, having the name of the occupant or designation of any authorized occupation allowed in the district, or both, shall be allowed.

2. One wall sign, freestanding pole or ground sign or temporary sign which does not exceed 6 square feet in area, advertising the rental, lease or sale of the premises, shall be allowed; provided, however, that such sign shall be removed within 7 days of the rental, lease or sale of the premises.

3. Temporary signs not exceeding 6 square feet in area may be erected to warn against contagious diseases, to warn against danger or to ensure silence where serious illness exists.

5.3.8 General Standards.

1. Electric Signs.
   a. Electric signs are not allowed within RA or RB Districts.
   b. No red or green or other colored lights shall be used on any sign if, in the opinion of the permit granting authority, such light would create a driving hazard.
   c. No sign may be illuminated more than 30 minutes after closing of any store or business or 30 minutes after working hours in an industrial building, except signs identifying public buildings; provided however, that the, permit granting authority in granting a permit, may, for good cause shown, extend the time during which a sign may be illuminated.
   d. No sign shall use exposed Light Emitting Diodes (LEDs) for direct illumination. LEDs may be used for internal illumination of backlit signs
2. Moving Signs. The following signs are prohibited:
   a. swinging signs
   b. flashing signs
   c. revolving signs
   d. signs consisting of pennants, ribbons, streamers, spinners, strings of light bulbs, revolving beacons
   e. searchlights
   f. animated signs
   g. signs illuminated to create the illusion of motion.
3. No sign shall be erected so as to obstruct any fire escape, window, door, or other opening or so as to prevent free passage from one part of a roof to any other part thereof.
4. No sign shall be attached in any manner to a fire escape or shall be placed to interfere with an opening which is required for ventilation.
5. No exposed, uninsulated parts of an electrical sign shall be allowed.
6. No sign shall be erected that shall in any way create a traffic hazard nor in any way obscure or confuse traffic control.
7. No sign or sign structure shall project or extend over a public way, including sidewalks.
8. Letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any sign, shall

be safely and securely built or attached to the sign structure.

9. Signs shall be designed, constructed and erected in accordance with this Zoning Bylaw and the State Building Code.

10. No sign shall be posted on or attached to utility poles, trees nor attached to any parapet.

11. Maintenance. Every sign shall be maintained by the owner in a clean, sanitary condition and in good repair. In addition, every freestanding pole or ground sign shall be kept free and clear of all obnoxious substances, rubbish and weeds.

5.3.9 Permit Procedures.

1. *Application.* Application for a sign permit shall be made in writing upon forms furnished by the Building Department. Such application shall contain the location by street number of the proposed sign, the name and address of the owner of the sign, the name and address of the sign contractor or erector, if any, and a scale drawing showing the construction, the method of installation or support, colors, dimensions, and position of the sign, method of illumination and such other relevant information as may be requested.

2. *Fee*. A sign permit fee shall be paid to the town for each permit in accordance with the schedule established by the Building Department.

3. *Reviewing Authority*. When a sign permit is proposed within a project that is subject to site plan review by the Planning Board, the Planning Board shall be the permit granting authority for the sign permit and shall process the site plan review application and the sign permit application concurrently to the maximum extent practicable. When a sign permit is proposed within a Comprehensive Permit project that is subject to review by the Board of Appeals, the Board of Appeals shall be the permit granting authority for the sign permit(s) and shall process the Comprehensive Permit application and the sign permit application concurrently to the maximum extent practicable. For all other sign permits required by this Bylaw, the Board of Selectmen shall be the permit granting authority.

4. *Inspection*. The Building Commissioner shall inspect every sign within 30 days after it is erected and shall report to the permit granting authority that said sign has been erected properly and in accordance with the provisions of this Section and any other applicable law.

5. *Constructive Grant.* If no sign permit has been denied within 60 days after application therefor has been made, it shall be deemed to be approved.

6. *Lapse*. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months from the date of the permit; provided, however, that the permit granting authority may, in its discretion, issue extensions covering a period not to exceed 1 year from the date

of issue of the original permit. The applicant shall notify the Building Commissioner of completion of work under a permit within 10 days of completion.

7. *Special Permit.* Notwithstanding the provisions set forth in this Section 5.3, the Planning Board may authorize larger signs or a greater number of signs by the grant of a special permit, where such relief is not detrimental to the neighborhood or the town.

8. *Nonprofit Organizations*. The permit granting authority may waive any requirement or regulation pertaining to any sign for any nonprofit organization which it deems will not be detrimental to the neighborhood.

5.3.10 Enforcement. See section 9.1.3 of the Zoning Bylaw.

5.4 LANDSCAPING REQUIREMENTS

5.4.1 Purpose. In order to protect against potential noxious, visual or disruptive effects of adjacent land uses of different character, buffer areas shall be provided in all Commercial Highway, Industrial Highway, Industrial C, Industrial D, and Business, Limited Districts.

5.4.2 Side or Rear Lot Line. Where a side or rear lot line of a development in a Commercial Highway District, Industrial Highway District, Industrial C, Industrial D, or Business, Limited District adjoins a residential district, the owner of such development shall maintain as open space a strip of land extending inward at least fifty feet from such side or rear zoning district lines. Such strip of land shall contain a continuous screen of planting of vertical habit in the center of the strip not less than three (3) feet in width and six (6) feet in height at the time of occupancy of such lot. Plantings shall thereafter be maintained by the owner or occupant so as to maintain a dense screen year round. At least fifty percent (50%) of the plantings shall consist of evergreens and they shall be evenly spaced along the length of the buffer strip. In lieu of continuous planting, a solid brick, stone, or wood fence not less than six (6) nor more than eight (8) feet in height may be established and maintained, such fence to be complemented with plantings in an amount no less than twenty percent (20%) of the amount required under the foregoing provisions of this subsection. No plantings or fence shall be required until such time as the adjacent residential land contains any building in which people live that lies within five hundred (500) feet of the commercially or industrially zoned district line.

5.4.3 Commercial Highway District. In any Commercial Highway District, each commercial lot shall have a buffer area of at least twenty-five (25) feet in width extending back from the front line and a buffer area at least fifteen (15) feet in width extending inward from the side and rear lot lines.

1. Except for approved signs and access driveways, front buffer areas shall be

landscaped to contain only the following:

a. A mixture of shade trees shall be planted, composed of all native species, with anticipated mature heights of greater than fifty (50) feet. Acceptable species include, but are not necessarily limited to: White Pine (Pinus strobus), Eastern Hemlock (Tsuga canadensis), White Ash (Fraxinus americana), American Beech (Fagus grandifolia), White Birch (Betula papyrifera), Sugar Maple (Acer saccharum), Red Maple (Acer rubric), Sycamore Maple (Acer pseudoplatanus), American Linden (Tilia americana), White Oak (Quercus alba), Red Oak (Quercus rubra), Pin Oak (Quercus palustris), Tulip Tree (Liriodendron tulipifera), Black Tupelo (Nyssa sylvatica). Trees shall be planted with a minimum size of two inch caliper (at least two inches in diameter at a point six inches above the finished grade) and at least ten (10) feet in height. Trees shall be spaced to provide at least one (1) tree within each fifty (50) linear feet. Trees shall be planted and maintained in a manner which is consistent with good horticultural and landscaping standards.

b. Well maintained grass, bark mulch or other ground cover.

2. To at least the depth of the developed portions of the lot, side buffer areas shall meet the requirements of subsection 1.a, above.

3. If the developed portions of the lot come within seventy-five (75) feet of the rear lot line, rear buffer areas shall meet the requirements of subsection 1.a, above.

5.4.4 Industrial Highway or Industrial C District. In any Industrial Highway or Industrial C District, each industrial lot shall have a buffer area at least one hundred (100) feet in width extending back from the front lot line and a buffer area at least twenty-five feet in width extending inward from the side and rear lot lines.

1. Except for approved signs and access driveways, front buffer areas shall consist either of natural vegetation or of landscaping consisting of a mixture of shade trees, deciduous shrubs and evergreens. In either case (natural vegetation or landscaping), such areas shall include two (2) or more shade trees [at least ten (10) feet in height and at least two (2) inches in diameter at a point six (six) inches above the finished grade] within each fifty (50) linear feet or portion thereof.

2. To at least the depth of the developed portions of the lot, side buffer areas shall meet the requirements of subsection 5.4.3.1.a, above.

3. If the developed portions of the lot come within seventy five (75) feet of the rear lot line, rear buffer areas shall meet the requirements of subsection 5.4.3.1.a, above.

5.4.5 Industrial D District. In any Industrial D District, each lot shall have a buffer area at least one hundred (100) feet in width extending back from the front lot line and a buffer area at least fifty (50) feet in width extending inward from the side and rear lot lines. The buffer areas shall meet the specific requirements of Section 5.4.4.1 to 5.4.4.3, above.

5.4.6 Business, Limited District. In any Business, Limited District, each lot shall have a buffer area at least fifty (50) feet in width extending back from all lot lines. The buffer areas shall meet the specific requirements of Section 5.4.4.1 to 5.4.4.3, above.

5.4.7 Landscaped Strips. In any Commercial Highway, Industrial Highway, Industrial C, Industrial D, and Business, Limited District, each principal and accessory commercial building shall have landscaped strips on all sides (loading and access areas excepted) within twenty-five (25) feet of each such building as follows:

1. The landscaped strip facing the front lot line shall be at least ten (10) feet in width. The landscaped strip facing the side and rear lot lines shall be at least five (5) feet in width.
2. No such strip shall be required on any side of a building where public parking is not permitted and where there is no public access to or from the building.
3. In all such strips, landscaping shall be installed and maintained as follows:
   a. Some combination of shade trees, deciduous shrubs and evergreens; and/or
   b. Well maintained grass, bark mulch or other ground cover.
4. For buildings existing prior to February 15, 1979, on any premises subject to the requirements of this section, the requirements of this Section shall apply only in the event of an alteration of any such building and only if any such building as a result of any such alteration shall be closer to any one (1) or more lot lines of such premises, in which case the requirements of this Section shall apply, both to the existing building and any such alterations thereto, with respect to the entire yard bounded by any such lot line.

SECTION 6.0 SPECIAL REGULATIONS

6.1 ADULT USES

6.1.1 Special Permit Required. The following adult uses may be allowed under a special permit by the Board of Appeals:

1. Adult Bookstore
2. Adult Live Entertainment Establishment
3. Adult Motion Picture Theater

6.1.2 Dimensional Restrictions. Adult uses hereunder shall be separated by not less than seven hundred fifty (750) feet from:

1. Each other;
2. Residential districts;
3. Public or private schools;
4. Churches or places of worship; or
5. Establishments licensed under provisions of G.L. c. 138, s. 12 where alcoholic beverages are sold or served.

6.1.3 Special Permit Procedures. The Board of Appeals shall act on an application for a special permit according to the procedures set forth in G.L. c. 40A, s. 9A. The Board of Appeals may impose reasonable conditions upon the grant of any special permit.

6.2 SITING OF RADIO TELECOMMUNICATIONS FACILITIES (RTFs)

[Replaced 10-17-2011 STM, Art. 12]

6.2.1. Purposes. The purposes of this section are:

1. To enable Radio Telecommunications to benefit the people of Westford in a manner that is consistent with the purpose and intent of the Zoning Bylaw.
2. To ensure that Westford's regulation of RTFs is in compliance with applicable federal and state law and regulations, including but not limited to:
   a. For Personal Wireless Service Facilities (PWSFs), the Telecommunications Act of 1996 Section 704 provisions relating to the placement, construction, and modification of personal wireless service facilities.
   b. For Amateur Radio RTFs, the federal and state laws requiring minimum practicable regulation of Amateur Radio facilities.
   c. For Other Radio Services, federal and state laws enabling the public to employ certain types of antennas.
3. To minimize undesirable impacts of RTF development in Westford.
4. To ensure that the benefits of RTFs outweigh potential detrimental impacts on the Town's scenic and historic assets, safety, health, environment, general welfare, values and quality of life.

6.2.2. Scope of Authority. Pursuant to the purposes stated in Section 1.3 and 6.2.1, the Town will exercise its bylaw authority with the following scope:

1. To ensure that RTF's comply with local, state and federal regulations.
2. To ensure that the location, height and design of RTFs are reasonably regulated within a public review process.

6.2.3. Special Permit Granting Authority (SPGA). The SPGA for all Special Permits issued pursuant to this Section 6.2 shall be the Board of Appeals.

6.2.4. Personal Wireless Service Facilities (PWSFs).

1. **Applicability**. No PWSF shall be erected, installed or modified except upon issuance of a special permit in compliance with the provisions of this bylaw, whether the PWSF is considered a principal use or an accessory use. However, a PWSF is exempt from the special permit requirement ("Exempt PWSF") if it is an Indoor RTF, including but not limited to internet-connected "femtocells," indoor distributed antenna systems and bi-directional amplification systems.
2. **Preferences: PWSF Locations and Types**.
   a. **PWSF Locations**. PWSF may be permitted within any district by Special Permit, subject to the purposes and standards established in this bylaw. The following list of allowable PWSF Locations is presented in order of preference:
      i. **First Preference: PWSF Non-Residential**. A site located within any Commercial (CH) or Industrial District (IA, IB, IC, ID or IH).
      ii. **Second Preference: PWSF Residential**. A site located within any Residential (RA, RB) or Business District (B, BL).
   b. **PWSF Installation Types**. The following list of PWSF Installation Types is presented in order of preference:
      i. **First Preference: PWSF Site Sharing**. Of highest preference, a new PWSF may employ Site-Sharing with existing PWSFs, to the extent that such site-sharing is found by the SPGA to be consistent with the purposes and standards established in this bylaw.
      ii. **Second Preference**: The following PWSF Installation Types are of equal preference to one another, and collectively are subordinate to the First Preference: PWSF Site Sharing:
         (i) **PWSF Collocation**. A new PWSF may Collocate on any existing structure, to the extent that such Collocation is found by the SPGA to be consistent with the purposes and standards established in this bylaw.
         (ii) **PWSF on Existing Electrical Utility Infrastructure**. A PWSF may Collocate on existing electrical utility infrastructure such as utility poles or streetlights using unobtrusive architectures such as Distributed Antenna Systems (DAS). With respect to the use of utility poles, Collocation on existing electrical utility poles (and replacements thereof) is preferred above the installation of new electrical utility poles in public/private ways. In neighborhoods with underground electrical utilities, pole-mounted PWSF on existing electrical utility infrastructure are discouraged in favor of less

visually obtrusive alternatives, such as placing a small antenna installation on existing electrical utility poles on a nearby street.

(iii) **Other Implementations**. A PWSF may be located using innovative alternatives that are in keeping with the purpose and intent of this Bylaw and that may become available after the adoption of this bylaw.

iii. **Third Preference: PWSF with new Antenna Tower**. PWSFs which require the construction of a new Antenna Tower are least on the order of preference.

c. **Waiver of Preferences**. The SPGA may waive the preference orders designated for siting and types of PWSF pursuant to Section 6.2.4.5.c upon a finding that the siting at a location of lesser preference, or the installation of a PWSF type of lesser preference, would achieve a result more consistent with the purposes and standards established in this bylaw.

3. **General Requirements**.

a. **Use**. PWSFs shall only be employed for the purpose of delivering PWS to subscriber devices or supporting public safety communications, and shall not be used for storage, office, manufacturing, repair, or other activities unless separately permitted for such other activities.

b. **Demonstration of Need**.

i. **Need for Service**. The Applicant must demonstrate the service objectives in Westford that the proposed PWSF will address in whole or in part. Such demonstration shall include:

(i) substantial written evidence including technical documentation demonstrating that there is a substantial deficiency in the Applicant's provision of service to Westford which fails to satisfy the service objectives;

(ii) detailed information about all existing and pending PWSFs regardless of the Applicant proposing the PWSF or the jurisdiction in which they are located, and associated coverage maps;

(iii) information about terrain, vegetation and land use within the proposed coverage area;

(iv) estimates with supporting documentation of the number of mobile and stationary subscribers affected by the substantial deficiency;

(v) network performance factors; and

(vi) other information relevant to the Applicant's service objectives, or as may be required by the SPGA.

ii. **Need for Location**. The Applicant must provide substantial written evidence including clear documentation showing how the improved service to Westford that the Applicant seeks could not be substantially provided by utilizing one or more locations of higher preference as described in Section 6.2.4.2, or, alternatively, how the proposed PWSF achieves a better result as described in Section 6.2.4.2.c.

c. **Availability of Alternatives**. The SPGA, at its discretion, may require the Applicant to consider specific potential alternatives at any level of the

hierarchy in Section 6.2.4.2, if the SPGA determines that such locations may better achieve the purposes established in this bylaw.

d. **Visual Guidelines**. The construction, erection, installation and/or placement of all PWSF shall be reviewed by the SPGA within the public hearing process based on the following visual guidelines:

   i. **Concealment**. To the maximum extent practicable, PWSFs shall conceal equipment, cables, and antennas within architectural surfaces that are ordinary and consistent with the context of the PWSFs Westford environs, such as steeples, concealed-antenna monopoles, flagpoles, smokestacks, faux chimneys and cupolas.

   ii. **Screening, Camouflage and Landscaping**. Wherever possible, PWSF shall be sited so as to minimize the visibility of such devices from adjacent property and shall be suitably screened from abutters and residential neighborhoods. Where elements of a PWSF will be visible to residential parcels and public or private ways, PWSFs shall employ screening and/or camouflage methods that are consistent with the context of the surrounding area such as fencing, vegetation, and paint color or patterns to match underlying surfaces in order to mitigate any undesirable visual bulk and distraction. Installation of free-standing PWSF shall minimize the removal of trees and other existing vegetation.

   iii. **Scale**. The visual characteristics of a PWSF shall be minimized with respect to being unreasonable in scale, such as a dominant or looming visual experience, disproportion to the site and its surroundings, or undesirable shadowing impacts.

   iv. **Color**. Free-standing, wall mounted and roof-mounted devices may be required to be painted or otherwise colored or finished in a manner which aesthetically minimizes the visual bulk of the devices to the surrounding landscape or on the building or structure to which they are attached.

   v. **Signs**. There shall be no advertising permitted on or in the vicinity of PWSF. There shall be a sign not exceeding four square feet in area at each PWSF which shall display a phone number where the person responsible for the maintenance of the PWSF may be reached on a 24 hour basis.

   vi. **Lighting**. Outdoor lighting of PWSFs shall be limited to that which is necessary for security and temporary maintenance at the discretion of the SPGA. PWSFs that are required to be marked and lighted for air navigation safety are discouraged.

   vii. **Maintenance**. The visual characteristics of a PWSF shall be maintained, repaired and replaced as necessary and as an ongoing condition of compliance to retain the characteristics approved by issuance of a special permit.

   viii. **Prohibitions**. The following are specifically prohibited:

      (i) Lattice style Antenna Towers and facilities requiring three or more legs and/or guy wires for support; and

(ii) Fences utilizing razor wire or barbed wire or similar wire types.

e. **Height and Setbacks**.

i. **PWSF Non-Residential**. PWSFs in PWSF Non-Residential locations may exceed the height limit of the underlying district, whether attached to existing structures or mounted on new Antenna Towers, subject to the following criteria:

(i) **Non-Residential Height.**

1. New Antenna Towers in PWSF Non-Residential locations are limited to a height of up to 100 feet.
2. Subject to the following findings, and such findings as required for issuance of a waiver pursuant to Section 6.2.4.5.c, the SPGA may approve a PWSF Antenna Tower at a height up to 150 feet upon a finding that:
   a. Such greater height is more consistent with the purposes established by this bylaw than a lesser height;
   b. The PWSF is at least 2 times its height from the nearest residential structure not on the PWSF parcel; and
   c. The PWSF is substantially screened from view to residential buildings, public or private ways and public or private conservation land by existing terrain, vegetation, camouflage and/or development.

(ii) **Non-Residential Setbacks**.

1. PWSFs must satisfy the property line setbacks of the underlying district.
2. New Antenna Towers that are greater than the building height limit of the underlying zoning district shall be set back from all parcels in residential districts by a factor of 1.0 times the height above ground of the Antenna Tower, including appurtenances.
3. On existing structures, PWSFs that are greater than 15 feet above the height of the structure shall be set back from all parcels in residential districts by a factor of 1.0 times the height above ground of the PWSF, including appurtenances.

ii. **PWSF Residential:** PWSFs in PWSF Residential locations may exceed the height limit of the underlying district, whether attached to existing structures or mounted on new Antenna Towers, subject to the following criteria:

(i) **Residential Height.**

1. New Antenna Towers in PWSF Residential locations are limited to:
   a. Sixty feet above ground in areas where there is no significant tree cover; or
   b. Ten feet above the average existing tree cover within a 150 foot radius, as determined by the SPGA; or

c. Such lesser height that the SPGA finds is appropriate for the site of the PWSF based on the purposes and standards established in this bylaw.

2. Subject to the following findings, and such findings as required for issuance of a waiver pursuant to Section 6.2.4.5.c, the SPGA may approve a PWSF Antenna Tower at a height of between 60 feet and 150 feet upon a finding that:
   a. the location of the Antenna Tower is visually remote from surrounding residential uses; and
   b. such height increase is consistent with the purposes and standards established in this bylaw.

(ii) **Residential Setbacks**.

1. PWSFs must satisfy the property line setbacks of the underlying district.
2. New Antenna Towers that are greater than the building height limit of the underlying zoning district shall be set back from all parcels in residential districts by a factor of 1.25 times the height above ground of the Antenna Tower, including appurtenances.
3. On existing structures, PWSFs that are greater than 12 feet above the height of the structure shall be set back from all parcels in residential districts by a factor of 1.25 times the height above grade of the PWSF, including appurtenances.

iii. **Additional Required Setbacks.** In all districts, PWSFs shall be placed no closer than 3 times the height of the Antenna above grade to an existing Dwelling, school, Child Care Facility, Nursing or Convalescent Home, or an Assisted Living Facility.

f. **National, State and Local Environmental Policy**. PWSFs shall be compliant with the National Environmental Policy Act ("NEPA") and relevant state and local regulations pertaining to environmental compatibility. The Applicant shall provide an evaluation, prepared by a qualified independent expert, of the NEPA criteria demonstrating that an Environmental Assessment is not required, pursuant to 47 CFR §1.1307.

g. **Special Permits Criteria**. In addition to the standards in this Section 6.2, the SPGA shall review the Special Permit application for compliance with Section 9.3.2 Special Permits Criteria.

4. **Application Procedures**.

a. **Application Process**. For PWSFs other than Exempt PWSFs, the application process consists of two distinct phases: the Preliminary Application Phase and the Application Phase.

i. **Preliminary Application Phase**. Applicants are strongly encouraged to contact the SPGA's office to initiate a dialogue well before final site selection and detailed application development. The Preliminary Application Phase is intended to:

(i) Provide the Applicant with the opportunity to discuss and clarify Zoning Bylaws and SPGA Rules and Regulations (hereinafter

"Regulations" adopted by the SPGA pursuant to Section 9.3.7) relevant to the Applicant's prospective PWSF proposal; and

(ii) To review general concepts related to the PWSF and alternative means of implementation to determine the SPGA's preferences.

ii. **Application Phase**. The Application Phase of the process begins with the receipt by the SPGA of a complete application including all elements required by this bylaw and the Regulations, including receipt of all required technical review fees and administrative fees.

(i) **Timing**.

1. **Completeness Review**.

a. The SPGA may adopt Regulations on the format and content of specific information the SPGA, in its discretion, may require from PWSF Applicants before and during the public hearing process. Such information may include, without limitation: publicly noticed visibility testing and photography; photo-simulations of the proposed PWSF; alternative designs or placements on the parcel; evidence submitted by a registered structural engineer based on site inspection, if applicable, demonstrating that the Tower or structure to which the PWSF will be mounted has the structural integrity to support such device, and a certification that a proposed use of an Antenna Tower is designed to withstand stresses in accordance with TIA 222 standards (latest revision); and analysis of economic or safety impacts; each as determined by the SPGA in the context of the specific application.

b. Within 30 days of receipt, the SPGA or its designee shall review the application for consistency and completeness with respect to the Application Requirements in this bylaw and the Regulations, including receipt of all required technical review fees and administrative fees, and shall notify the Applicant in writing of any deficiency in the completeness of the application.

2. **Final Action**. The SPGA shall take regulatory notice of the Federal Communications Commission (FCC) presumption that the final action of the SPGA on a new Antenna Tower should take no more than 150 days from the date of receipt of the completed application, and that final action on a Collocation or Site Sharing application should take no more than 90 days from the date of receipt of the completed application except upon written extension of these timelines by mutual agreement between the SPGA and the Applicant, said written extension to be placed on file with the Town Clerk. (FCC Declaratory Ruling, Nov. 18, 2009). The SPGA shall comply with any relevant

successor regulation or bulletin, as same may be amended from time to time.

(ii) **Modification to Existing PWSF**. A modification of an existing Special Permit and/or a new Special Permit is required for any change in the facility that would be visible from or beyond a property boundary, including but not limited to an increase in height, bulk, surface area presented to one or more viewpoints, size or quantity of any exterior elements of an individually permitted PWSF, including without limitation, additions or changes to outdoor equipment or antennas.

(iii) **Site Plan Review**. Nothing in this section is intended to exempt PWSF from the requirement to receive Site Plan Approval pursuant to Section 9.4.

iii. **Consultant Review**. When considering an application for a PWSF, the SPGA may determine the need for the assistance of a consultant technical expert in matters involving the placement, construction and modification of PWSFs, under the Zoning Bylaw and the Telecommunications Act of 1996, at the Applicant's expense pursuant to G.L. c. 44 s. 53G. To make the most productive use of the limited time authorized by the FCC to hear the application, the SPGA may at its discretion engage a consultant immediately upon receipt of an application.

5. **Decision**.

a. **Required Findings**. To approve a Special Permit for a PWSF, the SPGA must make the following findings:

i. That the Applicant or co-Applicant has:

(i) demonstrated that it is a PWS provider in the Westford area, and has sufficient leasehold interest in the proposed site to construct the PWSF;

(ii) provided written assent to the Town that the Applicant will allow Site-Sharing, to the extent reasonably practicable and that is appropriate for the site and surroundings, in a reasonable and nondiscriminatory manner; and

(iii) demonstrated that the construction, operation and maintenance of the proposed PWSF are consistent with applicable environmental regulations including, but not limited to, NEPA criteria.

ii. That the proposed PWSF (with conditions, if applicable):

(i) is part of the orderly development of PWSFs in Westford, and will result in a substantial improvement in the provision of Personal Wireless Service in Westford;

(ii) is compatible with Westford's character and is designed and screened in a manner that is sensitive to the surrounding neighborhood as well as the community at large;

(iii) protects adjacent properties from unreasonable risks of PWSFs, to the extent permitted by law, including without limitation excessive noise levels, falling objects, fuel spills, and attractive nuisance;

(iv) if the proposed PWSF will Site-Share with an existing PWSF(s), that such Site Sharing is found by the SPGA to be consistent with the purposes established in this bylaw;

(v) conforms with the PWSF Location and PWSF Installation preferences of Section 6.2.4.2 to the extent necessary to conform with the purposes established in this bylaw;

(vi) ensures that all RF emissions shall comply with the FCC requirements codified in 47 CFR § 1.1307 *et seq* as further interpreted by FCC Office of Engineering and Technology Bulletin 65, *Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Magnetic Fields*, or any successor regulation or bulletin, as same may be amended from time to time.

(vii) if proposed as a new Antenna Tower, the Applicant has documented that no combination of one or more alternative Collocations and/or Site Sharing can:

1. substantially satisfy the Applicant's coverage objectives; and
2. present a substantially less detrimental impact on Westford.

(viii) satisfies the Purposes established by the Zoning Bylaw and, without limitation, the specific requirements and guidelines established in this bylaw; and

(ix) if applicable, that:

1. Existing vegetation will be preserved or improved, and disturbance of the existing topography has been minimized; or
2. Proposed manipulation of vegetation and disturbance of topography results in a lesser visual impact.

b. **Form of Decision**. The SPGA shall act on a Special Permit request for the placement of a PWSF in accordance with G.L. c. 40A, s.9 and may approve, approve with conditions, or deny an application. The Decision of the SPGA shall be timely, in writing and based upon substantial evidence in the written record.

i. **Approval**. Any approved Special Permit shall authorize specific PWS provider(s) and specific wireless service(s) to be operated by the Applicant(s) at the Antenna height(s) or positions specified in the application or approval document.

ii. **Approval with Conditions**. The SPGA may impose conditions of approval as necessary to ensure that the purposes of this bylaw are achieved. For any condition that the SPGA establishes with reporting or monitoring requirements, including without limitation noise or radio frequency emissions, the SPGA shall seek the advice of an expert in the relevant field pursuant to Section 6.2.4.4.b.iii to identify the least burdensome protocol that is consistent with a legitimate public purpose identified by the SPGA.

iii. **Denial**. Any denial shall be in writing and supported by substantial evidence contained in the record as required by the Telecommunications Act of 1996.

iv. **Reconsideration pursuant to Telecommunications Act**. If the SPGA fails to find in favor of all elements of Section 6.2.4.5.a, the SPGA shall reconsider the proposed PWSF in the context of the Telecommunications Act of 1996. To approve the Special Permit under this section, the SPGA must make the following findings:

(i) That a significant gap exists in the coverage area of the proposed PWSF, which significant gap is not necessarily equivalent to the lack of the Applicant's stated coverage objectives;

(ii) That there are no viable alternatives involving one or more PWSFs to serve the significant gap;

(iii) That not granting a Special Permit for the proposed PWSF (including conditions, if any) would effectively prohibit the provision of PWS;

(iv) That not granting a Special Permit for the proposed PWSF (including conditions, if any) would unreasonably discriminate among providers of functionally equivalent services; and

(v) That, in addition to any findings in this Section 6.2.4.5.b.iv, the SPGA has made any other findings that are necessary to grant approval under local, state and federal law.

c. **Waivers**. The SPGA may at its discretion authorize waivers in the Special Permit Approval with respect to the orders of preference in Section 6.2.4.2, and any dimensional or other requirements of Section 6.2.4.3.e upon a finding that such waiver will achieve better results consistent with the purposes and standards established in this Section 6.2.4.

d. **Removal of abandoned Antenna Towers and PWSFs**. Any PWSF Antenna Tower, PWSF Communications Device, or PWSF that is not commercially operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such Antenna Tower, PWSF Communications Device, or PWSF shall remove same within ninety (90) days of receipt of notice from the Town notifying the owner of such abandonment. If such tower or facility is not removed within said ninety (90) days, the Town may cause such tower or facility to be removed at the owner's expense. If there are two or more users of a single tower, the height may be reduced to that required by the remaining user(s). If the permit holder for the tower ceases operation, the remaining users may be required to apply for a new Special Permit.

6.2.5. Amateur Radio Services.

1. **Authority**. Pursuant to G.L. c. 40A s. 3, and 47 CFR §97.15, this Zoning Bylaw does not prohibit the construction or use of an Antenna Tower for the purpose of operating Amateur Radio Services by a federally licensed radio amateur. The use is allowed in all districts subject to the permitting processes established herein.
2. **Purposes**. This bylaw sets forth applicable criteria and review processes in order to:
   a. comply with federal and state obligations to reasonably regulate the location and height of such antenna structures for the purposes of health, safety, or aesthetics; and

b. reasonably allow for sufficient height of such antenna structures so as to effectively accommodate amateur radio communications by federally licensed amateur radio operators applying the minimum practicable regulation necessary to accomplish the legitimate public purposes of the Town of Westford.

3. **Dimensional Standards.** The dimensional setback of an Amateur Radio Service Antenna Tower shall conform to the dimensions that apply generally to the zoning district in which the Antenna Tower is built.
4. **Review Process**.
   a. **Amateur Radio Service allowable By Right**. A height of up to the district height limits specified in the Table of Dimensional and Density Regulations in Appendix C is allowed by right.
   b. **Amateur Radio Service allowable by Site Plan Review**. A height of up to 70 feet above ground is permitted by right, subject to site plan review by the Planning Board. There shall be no application fees or fees related to public hearing notice and mailings for Site Plan Review of an Amateur Radio Service Antenna or Amateur Radio Service Antenna Tower.
   c. **Amateur Radio Service allowable by Special Permit**. Heights greater than 70 feet (above grade) are permissible without variance, subject to a Special Permit from the Special Permit Granting Authority (SPGA), which shall be based only on the following findings:
      i. The Amateur Radio Service licensee is the Applicant.
      ii. The Applicant has made a reasonable demonstration that the requested height (greater than 70 feet above grade) is necessary for the intended use of the facility.
      iii. The proposed Amateur Radio Service Antenna does not substantially derogate the health, safety, general welfare and quiet enjoyment of the Antenna site's neighbors and public and private ways.
      iv. The RF emissions of the proposed Amateur Radio Service Antenna will be compliant with federal and state regulations (47 CFR 1.1307 *et seq*., and 105 CMR 122).
5. **Fees**. There shall be no application fees or fees related to public hearing notice and mailings imposed for Special Permit applications for an Amateur Radio Service Antenna or Amateur Radio Service Antenna Tower.

6.2.6. Other Radio Services.

1. **Broadcast Radio and Television Reception Antennas**. Broadcast Radio and Television Reception Antennas shall be afforded the same rights and responsibilities as Subscriber Antennas subject to relevant criteria of Section 6.2.6.2, below.
2. **Certain Reception and/or Transmission Antennas at Subscriber Locations**. Subscriber Antennas are allowed in all districts subject to the following permitting processes:
   a. **Subscriber Antennas Allowable By Right**. Pursuant to Massachusetts Building Code regulation of television Antennas, Subscriber Antennas may be installed by right provided that the total height above ground of a

Subscriber Antenna, including mast or mounting apparatus, shall not exceed the following:

i. Located on existing building or structure: 12 feet above the point of attachment to the building or structure, regardless whether the overall height above ground exceeds the height limit for the district.

ii. New Antenna Tower: 12 feet above the district height limit.

b. **Subscriber Antennas allowable by Site Plan Review**. Subscriber Antenna installations that exceed the height restrictions of the previous subsection ("Subscriber Antennas Allowable By Right"), and/or are not compliant with other dimensional criteria the district in which the Subscriber Antenna will be installed, shall be subject to Site Plan Review as limited by the following:

i. Site Plan Review shall not impair installation, maintenance, or use of a Subscriber Antenna. Impairment occurs if implementation:

(i) Unreasonably delays or prevents installation, maintenance, or use;

(ii) Unreasonably increases the cost of installation, maintenance, or use; or

(iii) Precludes reception or transmission of an acceptable quality signal.

ii. Application fees and fees related to public hearing notice and mailings, if any, for Site Plan Review shall be waived for Subscriber Antenna Applicants.

iii. Pursuant to federal regulation 47 CFR 1.4000, Site Plan Review of a proposed Subscriber Antenna shall be limited to the following controls:

(i) The proposed Subscriber Antenna shall not derogate public safety from hazard such as falling objects, Antennas, and support structure; attractive nuisance; lightning or fire; or other matters of safety that are regulated under Site Plan Review.

(ii) The proposed Subscriber Antenna shall be placed and installed in a manner that its impact on any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion on, the National Register of Historic Places is compliant with the National Historic Preservation Act of 1996, as amended.

(iii) If the proposed subscriber antenna is not compliant with a dimensional requirement of the zoning district in which the Subscriber Antenna will be installed, the Applicant for Site Plan Review shall demonstrate that there is no location on the parcel that is both more compliant with the dimensional criteria and is capable of reliably providing the service of the Subscriber Antenna. If there is a more dimensionally compliant location for the Subscriber Antenna, the SPGA may require the Applicant to install the Subscriber Antenna at such location.

(iv) The SPGA may require the Applicant to perform reasonable mitigation of the visual impact of the proposed Subscriber Antenna and mounting apparatus.

3. **Public Safety Service Facilities**. Radio communications antennas and equipment installed exclusively for the use of municipal and/or state

communications for police, fire, EMS, highway and other public safety purposes may be installed by right if the antennas and mounting apparatus extend no more than 20 feet above an existing structure. Site Plan Review is required for such antenna facilities if new structures are proposed or if antennas and mounting apparatus will exceed 20 feet above the existing structure to which they are mounted.

4. **Other Personal, Business, Institutional or Unlicensed Facilities**.
   a. **Applicability**. Antennas used for purposes other than those described in the previous subparagraphs of this Section 6.2.6 may be installed by right if they extend no more than 12 feet above the ground or the existing structure to which they are attached, provided that from any horizontal perspective the surface area of the antennas and related apparatus does not exceed 20 square feet. Antennas and related apparatus attached to an existing building or structure, or to a new Antenna Tower, may extend to the height limit of the zoning district in which they are located either by and/or exceed 20 square feet from any horizontal perspective, but not more than 40 square feet, subject to Site Plan Review. Among the criteria of Site Plan Review, the visual characteristics that will be visible from public ways and abutting properties shall be considered.
   b. **Limitations**. This section 6.2.6.4 is not applicable to uses in conjunction with an educational, religious, or day care use that is partially excepted from local zoning regulation pursuant to G.L c. 40A s. 3. The requirements of Section 9.4 of this Zoning Bylaw remain applicable to the extent indicated in said Section 9.4.

6.2.7. Severability. The provisions of this section are severable. If any provision of this section is held invalid, the other provisions shall not be affected but shall remain in full force.

6.3 GROWTH MANAGEMENT [Added 2-12-1996, STM; Amended 7-17-2000; 11-13-2000, STM; 5-11-2002, ATM; 5-5-07 ATM, Art. 21; 5-10-08 ATM, Art. 27]

6.3.1 Intent and Purpose. This Section 6.3 is adopted pursuant to the provisions of Massachusetts General Laws, Chapter 40A and the Home Rule Amendment, Article 89 of the Massachusetts Constitution, for the following purposes:

1. To ensure that growth occurs in an orderly and planned manner, at a rate that can be supported by Town services, while avoiding large year-to-year variations in the development rate;

2. To provide the Town with time to study the effect of growth on the municipality's infrastructure, character and municipal services;

3. To relate the timing of residential development to the Town's ability to provide adequate public safety, schools, roads, municipal infrastructure, and human services at the level of quality which citizens expect, and within the Town's

ability to pay under the financial limitations of Proposition 2-1/2, as outlined in the Town's 1995 Master Plan;

4. To preserve and enhance the existing community character and value of property; and

5. To allow departures from the strict application of the growth rate measures herein, in order to encourage certain types of residential growth which address the housing needs of specific population groups, or which provide significant reductions in the ultimate residential density of the Town.

6.3.2 Applicability and Effect. [Amended 5-5-07 ATM, Art. 21; 5-10-08 ATM, Art. 27]

1. On or after the date of adoption of this Sec. 6.3, no building permit for a new dwelling unit or units in the Town of Westford shall be issued, unless in accordance with the regulations of this Sec. 6.3.

2. The provisions of this Section 6.3 shall expire on May 11, 2009; however, by vote of Town Meeting before said date, the provisions of this Section 6.3 may be extended for an additional five years, in order to continue comprehensive municipal planning studies necessary to promote orderly growth. In the event such action is taken by the Town Meeting prior to May 11, 2007, these provisions shall not be construed to have lapsed on such date.

3. Appendix E summarizes the growth management provisions of this Section 6.3 as they apply to various categories of residential development. In the case of conflict between Appendix E and the textual provisions of this Section 6.3, the textual provisions shall prevail.

6.3.3 Growth Rate Limit.

1. The growth rate limit and other provisions of this Subsection 6.3.3 shall apply to the development of all new dwelling units in the Town of Westford, unless that development is specifically exempted by the provisions of Subsections 6.3.4 or 6.3.6 herein.

2. The growth rate limit shall be thirty (30) dwelling units per calendar year.

3. Complete building permit applications for dwelling units subject to the growth rate limit shall be dated and time-stamped, and placed in a stand-by list in the order in which they are received. This list shall be posted in the Building Department within the Westford Town Hall. Trading or selling of stand-by list placement is expressly prohibited.

4. From January 1 until December 15 in a calendar year, the Building Commissioner may issue up to six (6) building permits to any one development subject to the growth rate limit, according to their placement in the stand-by list.

From December 16 to December 31 in a calendar year, permits may be issued on a first-come, first-served basis, up to the growth rate limit, without restriction as to total number per development or placement in the stand-by list. Building permits not issued by the end of the calendar year shall not be carried forward to the next calendar year.

5. Whenever the number of building permits issued in one calendar year for dwelling units subject to the growth rate limit equals that limit, the Building Commissioner shall not issue building permits for any additional dwelling unit or units in that year. Completed applications for which building permits are not granted in one calendar year shall be carried over onto the next year's stand-by list, with priority for the permits available that year, in the same order they were recorded in the first year.

6. Building permits issued, but subsequently abandoned under the provisions of the State Building Code, shall not be counted in administering the growth rate limit.

6.3.4 Development Scheduling.

1. This Subsection 6.3.4 shall apply to the following types of development which would result in the creation of new dwelling units:

   a. Development projects which create dwelling units for senior residents, as specified in section 8.4 herein, where occupancy of the units is restricted to senior persons through a properly executed and recorded deed restriction running with the land. For purposes of this Subsection, "dwelling units for senior residents" shall be construed to mean that said units are to be owned and occupied only by persons at least one (1) of whom shall be fifty-five (55) years of age or older.

   b. Development projects which voluntarily agree to a minimum twenty-five percent (25%) permanent reduction in density below the density permitted under zoning and feasible given the environmental conditions of the tract, with the surplus land equal to at least five (5) buildable acres and permanently designated as open space and/or farmland. The land to be preserved shall be protected from development by an Agricultural Preservation Restriction, Conservation Restriction, dedication to the Town, or other similar mechanism that will ensure its protection.

2. Building permits for the construction of new dwelling units in any one development of the types set forth in Subsection 6.3.4.1 shall be authorized at a rate determined by the Planning Board. The development rate shall be established by the Planning Board for each applicable development individually. Development schedules shall be established consistent with the following criteria:

a. To minimize the disruption to existing traffic patterns and to prevent the creation of public safety hazards related to the construction at the site or trip generation by new residents;

b. To minimize danger to the environment, especially the town aquifer and water table caused by construction at the site;

c. To minimize the impact on public safety services, educational facilities and town infrastructure caused by increased use; and

d. To minimize the impact on surrounding neighborhoods by preserving their character and configuration.

The Planning Board shall weight its determinations with regard to the above criteria based upon the reports and recommendations of its technical consultants and the reports and recommendations of other town commissions, boards, and staff. Other criteria may be established by the Planning Board.

3. The Planning Board shall not establish any development schedule which phases development for longer than a ten (10) year period.

6.3.5 Procedures for Development Schedules.

1. In order to facilitate review, the applicant shall submit a written proposed development schedule to the Planning Board as part of any application for a development of any type set forth in Subsection 6.3.4.1. The development schedule shall state the month and year proposed for the authorization of a building permit for each unit in the development. For other types of development not specified in Subsection 6.3.4.1, the applicant may submit a voluntary development schedule to the Planning Board.

2. The Planning Board shall vote to approve (with or without changes) or disapprove any development schedule submitted to it.

3. Approved development schedules shall be incorporated as part of the decision filed with the Town Clerk, whether inscribed on the plan or filed as an attached document.

4. No approved development schedule shall take effect for the purposes of obtaining building permits until recorded separately or as part of the decision.

5. Approved development schedules shall be posted in the Building Department within the Westford Town Hall. Trading or selling of development schedules is expressly prohibited.

6. If applications for building permits in a development are made at a slower rate

than authorized in a development schedule, applications for the unused permits from one period may be made in a later period, and such applications shall be approved and the permits issued.

7. Upon transfer of any lot or unit in the types of development subject to development scheduling, the deed shall reference the development schedule and state the earliest date on which construction may be commenced in accordance with the provisions of this Section 6.3.

6.3.6 Dwelling Units Not Subject to this Section 6.3. The following dwelling units are specifically not subject to the growth rate limit and development scheduling provisions of this Section 6.3:

1. Dwelling units in the types of developments which are statutorily exempt by virtue of the provisions of Massachusetts General Laws, Chapter 40A, Section 6;

2. An application for a building permit for the enlargement, restoration or reconstruction of a dwelling in existence as of the effective date of this Sec. 6.3, provided that no additional residential unit is created;

3. Dwelling units for low- and/or moderate income families or individuals, where all of the following conditions are met:

   a. Occupancy of the units is restricted to households earning less than 80% of the median family income for the Greater Lowell Statistical Area as determined by the Department of Housing and Urban Development from time to time; and

   b. The affordable units are subject to a properly executed and recorded deed restriction running with the land as approved by the Massachusetts Department of Housing and Community Development for a minimum of thirty (30) years.

The market rate units in those developments which contain affordable units are subject to the applicable Subsections of this Section 6.3;

4. Any tract of land existing and not held in common ownership with an adjacent parcel on the effective date of this Section 6.3 shall be entitled to a one-time exemption only for one (1) building permit, for the purpose of constructing one (1) single-family dwelling on that tract of land;

5. Dwelling units as set forth in the Mill Conversion Overlay District Bylaw, Section 8.5 herein; and

6. Dwelling units in Assisted Living Facilities, as set forth in Section 7.3 herein.

7. Dwelling units as set forth in Accessory Dwelling Units Section, Section 3.3 herein.

6.3.7 Zoning Change Protection. Any protection against zoning changes provided by Massachusetts General Laws, Chapter 40A, Section 6, shall be extended to the earliest date on which the final unit in the development could be authorized under this Section 6.3.

6.3.8 Separability. The provisions of this Section 6.3 are hereby declared separable, and if any provision shall be held invalid or unconstitutional, it shall not be construed to affect the validity of any of the remaining provisions of this Section 6.3.

6.4 PLANNED COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

6.4.1 General. Planned Commercial Developments (PCD) and Planned Industrial Developments (PID) may be developed in accordance with the following regulations.

6.4.2 Permitted Uses.

1. *PCD*. Except as otherwise specified in Table of Use Regulations, the same uses shall be permitted in a PCD as are permitted in any lot in a Commercial Highway District.

2. *PID*. Except as otherwise specified in the Table of Use Regulations, the same uses shall be permitted in a PID as are permitted in any lot in an Industrial Highway District.

6.4.3 Minimum Dimensional Requirements.

1. *PCD*. Any tract of two hundred thousand (200,000) square feet or more in size in a Commercial Highway District may be developed as a PCD.

2. *PID*. Any tract of four hundred thousand (400,000) square feet or more in size in an Industrial Highway District may be developed as a PID.

6.4.4 Design Requirements.

1. *Dimensional Requirements*. For dimensional, density and regulations in a PCD or PID, see Section 4.3.7. PCDs and PIDs shall conform to the sign and off-street parking and loading regulations of this Zoning Bylaw as well as to the specific provisions for buffer areas provided for Commercial Highway Districts and Industrial Districts in Section 5.4.

2. *Water and Sewer*. The development shall be served by a public water system and

by a public sewer system, unless a sanitary engineer approved by the Planning Board and the Board of Health and paid for by the developer shall furnish to the Planning Board and the Board of Health detailed design and location plans of the onsite sewage disposal and certify to the Boards that the onsite sewage disposal system will adequately service the users to be located on the development and will not pollute existing waterways, wetlands or brooks nor permit sewage to surface or run into adjoining properties. In lieu of a public water system, the developer may install a private onsite system, subject to the same being approved by the Board of Health.

6.4.5 Contents of Application. The applicant for a special permit to develop a PCD or a PID shall submit to the Planning Board for approval a site plan for the entire tract at a scale of one (1) inch equals one hundred (100) feet, prepared by a registered landscape architect, a registered architect, a registered land surveyor, or a registered professional engineer, showing at least the following:

1. Development name, boundaries, true North point, date and scale.

2. Names and addresses of record owner and applicant.

3. Names of all the abutters as they appear on the most recent tax list, including owners of land separated from the tract only by a street, and zoning district boundaries, if any.

4. Existing and proposed lines of streets, lots, rights of way, easements and public or common areas. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Planning Board.) Purpose of easements shall be indicated.

5. Location, names and present widths of streets bounding, approaching and within reasonable proximity of the tract.

6. Location of natural waterways and water bodies within and adjacent to the tract.

7. Major site features, such as existing stone walls, fences, buildings, large trees, rock ridges and outcroppings, and wetlands.

8. Sufficient data, including length, bearings, radii and central angle, to determine the exact location, direction and length of every street and way line, lot line, and boundary line and to establish these lines on the ground.

9. Location of all permanent monuments and bench marks and each proposed lot marker, properly identified as to whether existing or proposed. All bench marks shall be tied into and employ the United States Geological Survey data system.

10. Name of the engineer, architect and/or surveyor who prepared the plan; certificates and seals of the engineer and surveyor that they actually prepared the

plan; and an additional certificate by the surveyor that all surveying conforms to the technical standards for property surveys of the American Congress on Surveying and Mapping.

11. Suitable space to record the action of the Planning Board and the signatures of each of the members of the Planning Board on each page of the plan.

12. Existing and proposed topography at two-foot contour intervals, unless the Board agrees that the natural surface of the ground may be adequately represented by contours at larger intervals or by figures of elevation.

13. Profiles on the right of way lines of proposed streets at a horizontal scale of one (1) inch equals forty (40) feet and a vertical scale of one (1) inch equals four (4) feet or such other scale acceptable by the Board. All elevations shall refer to United States Geological Survey datum. Profiles shall also indicate the location of any intersecting public or private ways and the location of existing and proposed storm drains, water mains, sewers, and their appurtenances and any other underground utilities.

14. Locations of existing and proposed storm drains, water mains, sewers, gas mains, electric and telephone lines.

15. On the same sheet, there shall be drawn cross sections of the proposed streets, properly located and identified by station number, at such intervals along the streets as will adequately indicate any variations in its section, supplemented, where necessary, by lines on the layout plan showing the width and location of proposed roadways, planting strips, gutters, sidewalks, and similar physical features.

16. The results of borings or soil exploration sufficient to establish the character of the site's geology, water table and drainage features which would affect wastewater system design.

17. Proposed locations of all buildings, exits and entrances, parking areas, and screening and buffer strips.

18. Building size and location, including setback measurements, distance between buildings and plan view exterior measurements of individual buildings.

19. Internal roads, sidewalks and parking areas (with dimensions of paving and indication of number of parking spaces).

20. Total site area in square footage and acres, and area to be set aside as open space and common land.

21. Percentage of lot coverage, including the percentage of the lot covered by

buildings, and percentage of open space and common land.

22. Representation of all proposed facade elevations, indicating height of building and construction.

23. Floor plans, including area in square feet of each floor.

24. Proposed schedule for completing the proposed development, including therein, as appropriate, designation of specific section or buildings proposed to be completed for occupancy prior to overall completion.

6.4.6 Findings of Board. In any application for a special permit under this section, the Planning Board, with due regard to the nature and condition of all adjacent structures and uses and the district within which the same if located, shall find all of the following conditions to be fulfilled in addition to those set forth in Section 9.3.2:

1. Adequate screening from the street and abutting properties is provided in accordance with the buffer regulations in Section 5.4;

2. Safe entrances and exits are provided and sufficient off-street parking spaces are provided to meet the needs of all employees and invitees.

3. Any aboveground sewage disposal facilities and any provisions for disposition of surface water are such that no pollution or nuisance will be caused directly or indirectly.

6.4.7 Exemption and Modification. The Planning Board shall not exempt the applicant from any provision of this Zoning Bylaw not specifically ruled upon by said Board or specifically set forth as excepted in this particular case by a provision herein. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use of any building, structure or lot or change any required limitations or special conditions imposed by said Board in authorizing a special permit without appealing to said Board for a new special permit, which said Board shall have complete authority to deny, approve or modify.

6.5 CHILDCARE FACILITIES

In Residence A and Residence B, the footprint of a building which is principally used as a child care facility shall not exceed 2,500 square feet. As used in this paragraph, the term "footprint" shall mean the land area occupied by a building, at the surface of the ground, excluding open porches. As used in this paragraph, the term "child care facility" shall mean a day care center or school age child care program as those terms are defined in Massachusetts General Laws Chapter 28A, Section 9. The provisions of this paragraph shall not apply to child care facilities which are located in buildings owned by non profit organizations and used in whole or in part by such non profit organizations for their non profit purposes.

SECTION 7.0 SPECIAL RESIDENTIAL REGULATIONS

7.1 OPEN SPACE RESIDENTIAL DEVELOPMENT

7.1.1 Purpose. The purpose of Open Space Residential Development (OSRD) is to provide an acceptable alternative design to the development in residential districts located within the town. OSRD will serve the public by:

1. Encouraging better overall site planning;
2. Preserving the natural and scenic amenities of the property;
3. Providing open-space areas for both active and passive recreations;
4. Providing more efficient natural drainage systems;
5. Providing natural aquifer recharge systems;
6. Providing visual screening between the new construction and existing roads by means of trees and other natural vegetation;

7.1.2 Applicability. All projects involving the construction of single family residential units subject to regulation and approval by the Planning Board pursuant to an applicable section of the Subdivision Control Law, G.L. c. 41, ss. 81K through 81GG and meeting the minimum requirements of this section may seek approval through the provisions of this section.

1. All projects involving the construction of single family detached dwellings subject to regulation and approval by the Planning Board pursuant to the Subdivision Control Law and involving the subdivision of ten (10) acres or more of land and/or the construction of one thousand (1,000) feet or more of roadway and located in the RA District shall submit an application for Open Space Residential Development and conform to the requirements of this section, unless waived by vote of the Planning Board in consideration of the submittal of a special permit application for Flexible Development pursuant to this Bylaw. Discontinuance of this alternative application shall render all related approvals null and void. Dimensional controls shall be those provided in the Table of Dimensional and Density Regulations, except as provided herein:

Minimum Lot Area	20,000 square feet
Minimum Frontage	50 feet
Average Total Aggregate Frontage	100 feet
Minimum Lot Width at the Nearest Point on the Front Wall of the Dwelling	100 feet

7.1.3 Planning Board Determination. The Planning Board shall make a determination for all projects involving the subdivision of ten (10) acres or more of roadway and/or

the construction of one thousand (1,000) feet or more of roadway and located in the RA District following a review of materials presented pursuant to this section. The Planning Board may, in turn, require the application of this section generally or may waive the application to allow conventional subdivision.

7.1.4 Minimum Dimensional Requirements. Open space residential development, as defined above, shall be allowed on parcels of land having a minimum contiguous area of ten (10) acres and which are located within a residential district. These proposals shall be permitted only within a subdivision as defined in Chapter 41 of the Massachusetts General Laws.

The total number of residential lots allowable within an Open Space Residential Development shall not exceed the number of lots allowed in the zoning district in which the property is located (i.e. conventional subdivision). The burden of proof shall be upon the applicant to submit such evidence as necessary to support the calculation of the allowable number of lots, based upon accepted standards of soil testing for sewage disposal systems on the individual lots, limitations due to wetlands, flood plains and steep slopes, and requirements of the Planning Board's "Rules and Regulations Governing Subdivisions." If an Open Space Residential Development is situated in more than one zoning district, once the total number of residential lots allowed within the development is established, as aforesaid, the location of the OSRD lots shall be allowed without regard to the location of such multiple zoning districts. Dimensional controls shall be provided in the Table of Dimensional and Density Regulations, except as provided herein:

Minimum Lot Area	20,000 square feet
Minimum Frontage	50 feet
Average Total Aggregate Frontage	100 feet
Minimum Lot Width at the Nearest Point on the Front Wall of the Dwelling	100 feet

7.1.5 Minimum Yard Requirements. The minimum yard requirements shall be those as set forth in the Table of Dimensional Regulations1 provided, however, that with the approval of the Planning Board pursuant to the definitive subdivision plan approval process, the yard requirements may be reduced or increased as shown by dashed lines identified as "building location boundaries" on each such affected lot on the definitive subdivision plan to be recorded at the Registry of Deeds, except that the front yard shall not be less than fifteen (15) feet.

7.1.6 Common Land. The common land shall contain no less than ten thousand (10,000) square feet of dry land (non-wet land) for each building lot or dwelling unit, and for each twenty-five (25) lots or twenty-five (25) dwelling units, or fraction thereof, one (1) acre of the common land shall be level, dry land suitable for baseball or other similar recreational purposes. In developments of twenty-five (25) lots or more, said land must not be designated open space, excepting, however, that in an Industrial A

District, the total common land shall not be less than thirty percent (30%) of the parcel which is the subject of the subdivision. All land within one hundred (100) feet of any building lot shown on an open-space residential development plan shall be designated as open space.

1. Common land other than designated open space may contain accessory structures for educational, recreational, cultural or community utility service for the development.
2. All common land must have access to a roadway within the subdivision. The minimum width shall be twenty-five (25) feet.

7.1.7 Other Design Requirements.

1. Open Space Residential Developments shall be served by a water system approved by the Planning Board under the special permit process with the recommendation of the Conservation Commission and the Board of Health of the Town of Westford. This provision shall not apply in an Industrial A District.

2. Natural surface drainage channels shall be either incorporated into the overall design or preserved as part of the common land. The developed areas shall be served by storm sewers.

7.1.8 Legal Requirements for Common Land Ownership and Maintenance.

The common land and other facilities which may be held in common shall be conveyed to the mandatory homes' association, whose membership includes the owners of all lots or units contained in the tract, or if the development is a cooperative, then the owners of the shares in the cooperative association.

1. The developer shall include in the deed to the owners of individual lots beneficial rights in said common land and shall grant a conservation restriction to the Town of Westford over such land pursuant to G.L. c. 184, ss. 31-33, to ensure that such land shall be kept in an open or natural state and not be built upon for residential use or developed for accessory uses such as parking or roadways. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by G.L. c. 184, s. 33. In addition, the developer shall be responsible for the maintenance of the common land until such time as the homes' association is capable of assuming said responsibility or, in the case of a trust, for the benefit of the tenant upon the execution of the trust.
2. In order to ensure that the homeowners' association will properly maintain the land deeded to it under this section, the developer shall prepare a declaration of covenants and restrictions, which shall at a minimum provide the following:
   a. Mandatory membership in an established homes' association as a requirement of residence or ownership of any lot in the tract.
   b. Provisions for maintenance and tax assessment of all lots in order to ensure that the common land is maintained in a condition suitable for the uses approved by the homes' association. Failure to pay such assessment shall create a lien on the property assessed, enforceable by either the homeowners'

association or the owner of any lot.

c. Provisions which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the common land will not terminate by operation of law.

d. This declaration of covenants and restrictions shall be reviewed and approved by the Planning Board and then shall be recorded with the Middlesex Registry of Deeds. A copy of said declaration or trust shall also be filed with the Town Clerk. Prior to the Building Commissioner's issuance of a building permit for any lot, the developer shall provide satisfactory assurance of the conveyance and recording as required above, in the form of copies of the recorded instruments bearing the recording stamps.

3. As an alternative to the procedures outlined in paragraphs 7.1.8.1 and 7.1.8.2, with the vote of the Planning Board, some or all of the common land open space may be conveyed to the Town of Westford to be administered by the Conservation Commission.

7.1.9 Special Regulations. In an Industrial A District, or in an Industrial C District, notwithstanding anything above to the contrary or act in relation thereto:

1. A developer may convey all of the common land designated on the plan to the Town of Westford, to be held and used for purposes set forth in this section, without the necessity for compliance with other provisions or paragraph E above stated. If the Town fails to vote to accept all of said common land within one (1) year from the date of delivery of the deed, the developer shall place on such land not accepted, a conservation restriction to the Town of Westford over such land pursuant to G.L. c. 184, ss. 31-33, to ensure that such land shall be kept in an open or natural state and not be built upon for residential use or developed for accessory uses such as parking or roadways. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by G. L. c. 184, s. 33.

2. The common land may be designated in relation to phases within a subdivision. If all lots within a phase are withdrawn from a subdivision, or not built, then the common land associated with that phase will not be subject to this Section.

7.1.10 Procedures for Approval.

1. *Filing of Application.* Any application for the granting of a special permit by the Planning Board to approve an open space residential development shall be filed with the Board, with a copy filed forthwith with the Town Clerk, and shall be accompanied by six copies of a preliminary plan for the entire tract under consideration, prepared by a registered professional architect, engineer or landscape architect.

2. *Contents of Application.* Said application and plan shall be prepared in accordance with requirements for a preliminary subdivision plan in the rules and

regulations of the Planning Board governing subdivision of land and shall include proposed location, bulk and height of all proposed buildings. In addition, the applicant shall provide the following information:

a. An analysis of the site, including wetlands, slopes, soil conditions, areas within the one-hundred year flood zone, trees over six (6) inches and other natural features as the Planning Board may request.

b. A summary of the environmental concerns relating to the proposed plan.

c. A description of the neighborhood in which the tract lies, including utilities and other public facilities and the impact of the proposed plan upon them.

d. Evaluation of the open land proposed within the cluster with respect to size, shape, location, natural resource value, and accessibility by residents of the Town or of the cluster.

7.1.11 Review by Other Boards. Before acting upon the application, the Board shall submit it with the plan to the following boards, which may review it jointly or separately: the Board of Health, the Superintendent of Streets and the Conservation Commission. Any such board or agency to which petitions are referred for review shall submit such recommendations as it deems appropriate to the Planning Board and the applicant. Failure to make recommendations within thirty-five (35) days of receipt shall be deemed lack of opposition.

7.1.12 Public Hearing. After the opportunity for review by other boards has taken place, the Planning Board shall hold a hearing under this section in conformity with the provisions of G.L. c. 40A, s. 9, and this Zoning Bylaw.

7.1.13 Relation to Subdivision Control Act. Planning Board approval of a special permit hereunder shall not substitute for compliance with the Subdivision Control Act nor oblige the Planning Board to approve any related definitive plan for subdivision nor reduce any time periods for Board consideration under the law. However, in order to facilitate processing, the Planning Board shall, insofar as practical under existing law, accept regulations establishing procedures for submission of a combined plan and application which shall satisfy this section and the Board's regulations under the Subdivision Control Act.

7.1.14 Findings of Board. The Board may grant a special permit under this section only if it finds that the applicant has demonstrated the following:

1. That the OSRD will be in harmony with the general purposes of this chapter and the requirements of Chapter 40A of the General Laws and the long-range plan of the town (if any);
2. That the OSRD will not have a detrimental impact on the neighborhood;
3. That the OSRD will be designed with due consideration for health and safety;

4. That the OSRD is superior to a conventional plan in preserving open space, minimizing environmental disruption, allowing for more efficient provision of services;
5. That the OSRD allows for greater variety in prices or types of housing;
6. That the OSRD meets the specific requirements identified above.

7.2 FLEXIBLE DEVELOPMENT

7.2.1 Purpose. The purpose of this section, Flexible Development, are:

1. To encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use;
2. To promote the development of housing for affordable low, moderate, and median income families;
3. To preserve historical and archeological resources, to protect the natural environment, including Westford's varied landscapes and water resources;
4. To protect the value of real property;
5. To promote more sensitive siting of buildings and better overall site planning;
6. To perpetuate the appearance of Westford's traditional New England landscape;
7. To facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
8. To offer an alternative to standard subdivision development; and
9. To promote the development of housing for persons over the age of fifty-five.

7.2.2 Applicability. Upon the issuance of a special permit by the Planning Board, and in accordance with the following provisions, a Flexible Development project may be created, whether a subdivision or not, from any parcel or set of contiguous parcels held in common ownership and located entirely within the Town of Westford. Notwithstanding the provisions of Section 7.1, all projects meeting the threshold set forth therein shall a submit a plan for a Flexible Development, and, if such special permit is granted, shall conform with the requirements set forth in this Section 7.2.

7.2.3 Procedures. Applicants for the Flexible Development shall file with the Planning Board seven (7) copies of the following:

1. A development plan conforming to the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board.
2. Where wetland delineation is in doubt or dispute, the Planning Board may require appropriate documentation.
3. Data on proposed wastewater disposal, which shall be referred to a consulting engineer for review and recommendation.

4. The Planning Board may also require as part of the development pan any additional information necessary to the make the determinations and assessments cited herein.
5. As part of the Application and Design Process, the Planning Board shall obtain and receive input from all Land Use Boards, Departments, and Commissions.

7.2.4 Design Process. Each development plan shall follow the design process outlined below. When the development plan is submitted, applications shall be prepared to demonstrate to the Planning Board that this Design Process was considered in determining the layout of proposed streets, house lots, and contiguous open space.

1. *Understanding the Site.* The first step is to inventory existing site features, talking 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 Contiguous Open Space.* The third step is to identify the contiguous open space to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open-space networks.
4. *Location of Development Area.* 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 Westford's historical development patterns.
5. *Lot Lines.* The final step is simply to draw in the lot lines (if applicable).

7.2.5 Modification of Lot Requirements. The Planning Board encourages applicants for Flexible Development to modify lot size, shape, and other dimensional requirements for lots within a Flexible Development, subject to the following limitation:

1. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the Flexible Development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhoods.

2. At least 50% of the required side and rear yards in the district shall be maintained in the Flexible Development.

7.2.6 Basic Maximum Number of Dwelling Units. The Basic Maximum Number of dwelling units allowed in a Flexible Development shall not exceed the number of lots allowed in the zoning district in which the property is located (i.e. conventional subdivision). The burden of proof shall be upon the Applicant to submit such evidence as necessary to support the calculation of the allowable number of lots, based upon accepted standards of soil testing for sewage disposal systems on the individual lots; limitation due to wetlands, flood plains, and steep slopes; and requirements of the Planning Board's Subdivision Rules and Regulations.

7.2.7 Density Bonus. The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The density bonus for the Flexible Development shall not, in the aggregate, exceed fifty (50) percent of the Basic Maximum Number. All dwelling units awarded as a density bonus shall be limited to not more than two bedrooms. Computations shall be rounded to the next lower integer. A density bonus may be awarded in the following circumstances:

1. *Open Space*. For each additional ten (10) percent of the site (over and above the required ten (10) percent) set aside as contiguous open space, a bonus of five (5) percent of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed twenty-five (25) percent of the Basic Maximum Number. (A maximum density bonus for this provision would require a minimum of sixty (60) percent open space.)

2. *Age Restricted.* For every two (2) dwelling units restricted to occupancy by persons over the age of fifty-five, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed ten (10) percent of the Basic Maximum Number.

2. *Design*. Where the Planning Board determines that the development is in substantial conformance with design standards that shall be promulgated by the Planning Board, a bonus of up to fifteen (15) percent of the Basic Maximum Number may be awarded.

7.2.8 Affordable Component. [Amended 05-06-06 Art. 25] As a condition of the grant of any special permit for a Flexible Development, a minimum of fifteen (15) percent of the total number of dwelling units shall be restricted in perpetuity to people/persons with families who meet or qualify under this Bylaw's definition of low, moderate, or median income. The perpetuity restriction shall be approved as to form by legal counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the Westford Housing Authority for a period not less than 120 days after notice thereof. The affordable component shall be divided as follows:

1. Five (5) percent of the units shall be affordable to persons or families qualifying as low income;
2. Five (5) percent of the units shall be affordable to persons or families qualifying

as moderate income; and

3. Five (5) percent of the units shall be affordable to persons or families qualifying as median income.

When computing the number of affordable units, the number will be rounded to the next lower integer.

7.2.9 Standards. The following standards shall apply in a Flexible Development:

1. *Types of Buildings.* The Flexible Development may consist of any combinations of single-family, two-family, and multifamily residential structures. A multifamily structure shall not contain more than five (5) dwelling units. The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominately wood siding, an articulated footprint, and varied facades. Residential structures shall be oriented toward the street serving premises and not the required parking area.

2. *Roads*. The principal roadway(s) serving the site may be designed to conform with the standards of the Planning Board where the roadway is or may be ultimately intended for dedication and acceptance by the Town of Westford. 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.

3. *Parking.* Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation.

4. *Buffer Areas.* A buffer area of one hundred (100) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed, or removed, except for normal maintenance. The Planning Board may waive the buffer requirement.

   a. where the land abutting the site is the subject of a permanent restriction for conservation or recreation so long as a buffer is established of at least fifty (50) feet in depth which may include such restricted land area within such buffer area calculation;

   b. where the land abutting the site is held by the Town for conservation or recreation purpose; or

   c. the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

5. *Drainage.* Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board.

7.2.10 Contiguous Open Space. A minimum of ten (10) percent of the parcel shown on the development plan shall be contiguous open space. Any proposed contiguous open space, unless conveyed to the Town and administered by the Conservation Commission, shall be subject to a recorded restriction pursuant to G.L. c. 184 enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational, or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purpose.

1. The percentage of the contiguous open space which is wetlands shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purpose set forth in Section 7.2.1, above. In no case shall the percentages of contiguous open space which is wetlands exceed fifty (50) percent of the tract.
2. The contiguous open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.
3. The contiguous open space shall remain unbuilt upon, provided that the Planning Board may permit up to twenty (20) percent of such open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bike paths.
4. Underground utilities to serve the Flexible Development site may be located within the contiguous open space.

7.2.11 Ownership of the Contiguous Open Space. The contiguous open space shall, at the Planning Board's election, be conveyed to:

1. The Town of Westford and administered by the Conservation Commission;
2. A nonprofit organization, the principle purpose of which is the conservation of open space and any of the purposes for such open space set forth above; and
3. A corporation or trust owned jointly or in common by the owners of lots within the Flexible Development. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town of Westford to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the Town an easement for this purpose. In such an 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. 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.

7.2.12 Decision. The Planning Board may approve, approve with conditions, or deny a special permit for a Flexible Development after determining whether the Flexible Development better promotes the purposes of Section A of this Flexible Development Bylaw than would a conventional subdivision development of the same locus.

7.2.13 Relation to Other Requirements. The submittals and permits of this Section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw.

7.3 ASSISTED LIVING FACILITIES

7.3.1 Purpose. The purpose of this Section is to provide a mechanism for the approval of:

1. Assisted living facilities (ALF) that offer supportive services to individuals who are unable to live independently in the community by offering supervision and/or assistance with basic activities of daily life, such as, but not limited to, dressing, bathing, toileting, and nutrition;
2. The development of ALF in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas as well as encouraging the renovation and rehabilitation of older, existing buildings;
3. The development of ALF in a manner harmonious with the surrounding land uses while protecting natural resources and open space; and
4. The appropriate reuse of land and buildings that are no longer needed or suitable for their original use, and to permit reuses which are compatible with the character of the neighborhood and which take into consideration the interests of abutters, neighbors and the public, especially where the site abuts a residential area or the building(s) merit preservation.

7.3.2 Special Permit Granting Authority. The Planning Board shall serve as the special permit granting authority pursuant to this section. The Planning Board may waive the submittal of technical information or documents otherwise required hereunder where the applicant demonstrates that, due to the simplicity of the proposal, such information is not necessary for or applicable to the Planning Board's decision pursuant to this section. An application for a special permit shall be governed by the following rules.

7.3.3 Application. An application for a special permit shall be submitted to the Planning Board on forms furnished by the Planning Board. Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of

G.L. c. 41, ss. 81O and 81T as the same may be from time to time amended and the Regulations of the Planning Board and a filing fee determined in accordance with said Regulations. In addition the applicants shall submit:

1. *Plans.* The following plans:
   a. A site plan and all supporting documents as set forth in Section 9.4.
   b. A plan at a scale of 1" = 40' showing the topography of the site at a minimum of two foot intervals, as well as vegetation and special features, including wetlands, perennial streams and ponds, trees of more than 8" caliper, rock outcroppings, slopes in excess of 15%, existing and proposed trails and paths, open vistas, structures of historical importance and biological or wildlife habitats, and proposed conservation and recreation easement areas.
   c. A plan illustrating preliminary landscaping and architectural design, showing types, location and layout of buildings, and typical elevations, as well as the general height, bulk and appearance of structures. The Planning Board may subsequently require perspective drawings.
2. *Narrative Reports.* The following narrative reports or data:
   a. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion.
   b. A development impact statement prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, police, fire, emergency services and water.
   c. Information pertaining to any organization which the Applicant proposes to form where the development is to be a condominium development, including forms and plans to be used to organize and manage the same, for approval as to form by Town Counsel.
   d. Copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the Town, the Conservation Commission, utility companies, any condominium organization and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Town Counsel.
   e. Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.

7.3.4 Waiver of Submittal Compliance. The Planning Board may, upon written request of the applicant, waive any of the technical submittal requirements where the project has relatively simple development plans.

7.3.5. Standards. In order to be eligible for consideration for a special permit pursuant to

this Section, the proposed development shall meet all of the following standards:

1. *Size of Parcel.* In the Residence Districts, the parcel on which the ALF will be located shall have at least five (5) acres. In all other eligible districts, the minimum lot size shall control.
2. *Maximum Lot Coverage.* Maximum lot coverage by buildings in the Residence Districts shall not exceed 30%; maximum lot coverage by impervious surfaces in the Residence Districts shall not exceed 50%. The remaining space, to the extent possible, should be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses.
3. *Buffer.* In all eligible districts except the Residence Districts, a buffer area of one hundred (100) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. In the Residence Districts, the following buffer shall be required:

Size of Parcel	**Required Buffer (Ft.)**
5 to 7.5 acres	100
7.5 acres to 10 acres	150
More than 10 acres	200

No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may require additional vegetative screening in the buffer area. To allow some flexibility in achieving the best design for a parcel, the Planning Board may waive the buffer requirement along particular lot lines or portions of lot lines when it determines that a smaller buffer will suffice to accomplish the objectives set forth herein so long as (i) the net amount of buffer is not reduced, and (ii) the buffer is not less than 50 feet in depth.

4. *Removal and Replacement of Vegetation.* Within the site, no clear cutting shall be permitted, except incidental to construction of buildings, roads, trails and parking areas.
5. *Roadways.* The public roadway providing access to the site shall be a thoroughfare. The principal roadway(s) within the site shall be designed to conform to the standards of the Town where the roadway is or may be ultimately intended for dedication and acceptance by the Town of Westford. Private ways within the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.
6. *Parking.* The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces provided on the site

shall be 0.3 parking space per dwelling unit in an ALF. One (1) parking space shall be provided for every three (3) employees during the largest shift. The Planning Board may increase the required parking by up to 10% to serve the needs of employees, visitors and service vehicles. All parking areas shall be screened from view from adjacent residentially zoned or occupied premises located outside the site, including public ways, by a landscaped border at least ten (10) feet in width. Parking lots in front setbacks in residential zones, and in buffer areas in all zones, with the exception of necessary access driveways, are prohibited. Parking areas in residential districts shall be located to the side or rear of all buildings. Parking lot layouts shall be planned to permit landscaping, buffering, or screening to prevent direct views of parked vehicles from adjacent streets. The use of traditional picket fencing, hedges, walls, or landscape berms to define parking areas is encouraged. In parking areas of eleven or more parking stalls, at least one tree of three-inch or greater caliper shall be planted for every six parking places. Adequate tree wells and irrigation shall be provided for all parking lot landscaping. Pedestrian access is to be taken into consideration in parking lot design. The use of separate walkways is encouraged. Textured paving or grade separated (elevated) walkways are desired on all pedestrian access ways.

7. *Loading*. Loading areas must be at least 20 X 9 feet, and have a minimum overhead clearance of 10 feet. Screening and landscaping shall be provided to block all views of loading areas (except those specifically designated for emergency vehicles) from the public right of way and adjacent properties.

8.

9. *Surface Drainage.* The surface drainage system shall be designed in accordance with the Regulations of the Planning Board, Board of Health and Conservation Commission.

10. *Utilities.* All electric, gas, telephone, and water distribution lines shall be placed underground, except upon a demonstration of exceptional circumstances. The facility shall be served by the municipal water system.

11. *Paths*. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, adequate connectivity, completeness of access to the various amenities and facilities on the site and to pathways on adjacent sites.

12. *Paving and Curbing.* Where the roadway is or may be ultimately intended for dedication and acceptance by the Town of Westford, granite curbing, gray in color, is required, except in areas of very low traffic volume where no curbing will be required. Rolled asphalt (Cape Cod berm) curbing is unacceptable in all such ways. Curbing is to be sloped or cut to provide a barrier free transition at road crossings and building entrances. Paving should be textured or of different materials at pedestrian crossings and walkways. The use of stone, brick or cultured stone pavers for entrance walkway borders is encouraged. The use of textured materials for walkway borders is encouraged.

13. *Number of Bedrooms.* In Residence Districts, the number of bedrooms in an ALF shall not exceed eight (8) per acre of parcel size.

14. *Buildings; Design and Architectural Character.* An ALF may consist of a single building or multiple buildings. The maximum building height and maximum number of stories shall be as set forth in the requirements for the district in which the parcel is located.

    a. Massing and Style. Building massing and style must be distinctively residential in character, drawing on the historical design elements that are contextually consistent with regional New England architecture. Historical and traditional design elements are encouraged. Front yards which use boxwood hedges, evergreen hedges, traditional style picket fences, stone walls, or iron picket fences with granite curb and pilasters is encouraged. Fences or hedges should not exceed three feet in height at the fronts of buildings. Fences and landscaping to screen service areas may exceed this height, consistent with the intent and use of the space.

    b. Roofs. Preference shall be given to roof pitches consistent with single family, residential design. New England traditional or vernacular styles are preferred. Material must be consistent with the architecture of the building. Composition shingle material is acceptable, providing that it is of high quality and provides architectural definition to the tab shingle to emulate traditional wood shingle styles. Tile, slate, or metal roofing is permitted, provided it is consistent with the architectural style of the building. Gutters and downspouts are encouraged to provide drainage away from foundations,

but must be consistent with the other architectural elements of the building. All buildings should have a chimney to convey the look and feel of residential use. No service equipment, including HVAC equipment, shall be carried above the roofline so as to be visible from adjacent properties or public roads.

c. Facade element. Design of the facade shall be highly detailed and articulated to be compatible with the scale and sensitivity to the residential uses of the project. Facades should have a well-defined foundation, a modulated wall element, and pitched roof or articulated cornice, which defines the character of the building, and provides relation to the human scale of typical family residences.

d. Entrances. Building entrances must comply with all current accessibility regulations, however the use of ramps and lifts is discouraged. Buildings should be designed with entrances that are barrier free for the intended residential or commercial uses. The use of sloping entry walks, covered entryways, porticos, arcades, and covered porches is encouraged. Where grade separation of an entrance is required because of site topography, accommodation should be provided in the architectural detail of the entry to allow barrier free use by building residents and visitors.

e. Door and window openings. Doors and windows form the transition from public to private space, and should reflect residential detailing in design and placement. The use of cornices, architectural moldings, sidelights, transom lights, and raised panels in doors is encouraged. Window openings should vary between buildings, but should not be unbroken and continuous in any circumstance. The use of opening sash windows with true divided lights, or detailing to convey the character of divided lights is encouraged. The use of shutters consistent with the architecture of a building is encouraged. A wide range of material for doors and windows is acceptable, except that the use of commercial, anodized or painted aluminum or steel storefront assemblies is discouraged.

f. Materials and design elements. Materials chosen for exterior elements should be consistent with the intent and use of materials traditionally found in residential design in New England. Siding materials such as clapboard and shingle are preferred, and the use of new materials, which reduce maintenance, but emulate the look and feel of traditional materials, is encouraged. The use of a variety of trim materials to provide detail at the eaves, comers, gables, pediments, lintels, sills, quoins, and balustrades is encouraged. The use of bays, towers, cupolas, cross gables, and dormers to provide unique character to a building and provide articulation of the facade is encouraged. The color palette chosen for any building should be consistent with colors traditionally found in residential design in New England.

15. *Accessory Structures and Uses.* Structures and uses accessory to the ALF may also be provided, including, but not limited to, the following: beauty and barber

salons; recreational, physical fitness and therapy services; chapel; library; bank automated teller machine; management offices; adult day care or adult day health facility; hospice residence; food service; laundry and covered parking areas; waste water treatment facilities and/or other sanitary, health or safety related features, provided, however, such accessory uses and structures shall be designed for the primary use of the residents and staff of the ALF. Such accessory uses may not be designed for or used as a general business by the general public. Such accessory uses and structures shall have no exterior advertising display.

16. *Emergency Systems.* The ALF shall have an integrated emergency call, telephone and other communications system to provide for the safety of its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Westford Fire Department for the emergency evacuation of the residents with emphasis on ensuring the safety of residents with physical impairments.

7.3.6 Affordable Units. Applicants are encouraged to provide affordable units. Such affordable units shall be integrated into the overall development of the ALF so as to prevent the physical segregation of such units. For every three (3) affordable units, the applicant may add an additional market rate unit, provided that in no event shall the total number of bedrooms exceed the computation derived from Section 7.3.5.12, above, by more than 20%. When computing the number of affordable units, the number will be rounded to the next lower integer.

7.3.7 Conversion of Structures. The provisions of this subsection shall apply only to land and buildings in municipal use previously or at the time of application and to structures of which at least 75% of such structure was constructed prior to March 12, 1955.

1. In assessing any application for a special permit hereunder, the Planning Board must find that the proposal protects Westford's heritage by minimizing removal or disruption of historic, traditional or significant uses, structures or architectural elements, whether these exist on the site or on adjacent properties. If the building is a municipally owned building, the proposed uses and structures must be consistent with any conditions imposed by the Town Meeting on the sale, lease, or transfer of the site.
2. The provisions of Section 7.3.5 shall not apply to an application for a special permit to convert an existing structure for use as an ALF to the extent that such existing structure does not comply with Section 7.3.5 as of the effective date of this Bylaw.
3. The number of bedrooms in an existing structure converted to an ALF hereunder shall be in accordance with 780 CMR 1.00 et seq and any other applicable state regulations.
4. An existing non-conforming structure may be expanded in conjunction with an application for conversion to an ALF hereunder; provided however such

expansion shall be in conformance with the Table of Dimensional and Density Regulations in the Zoning Bylaws.

5. Notwithstanding the foregoing, in the process of granting a Special Permit hereunder, the Planning Board may permit expansion of the structure, to the degree reasonably necessary to construct entryways and features to comply with A.D.A. requirements and fire escape and fire protection features.

7.3.8 Action Taken by the Planning Board. The Planning Board may grant a special permit for an ALF where it makes the following findings:

1. The proposed ALF complies with the requirements of this section;
2. The proposed ALF does not cause substantial detriment to the neighborhood after considering the following potential consequences:
   a. noise, during the construction and operational phases;
   b. pedestrian and vehicular traffic;
   c. environmental harm;
   d. visual impact caused by the character and scale of the proposed structure(s); and
   e. overall impact on the immediate neighborhood caused by the character and scale of the proposed use.

SECTION 8.0 SPECIAL DISTRICTS

8.1 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD) [Amended 5-8-2004 ATM, Art. 18]

8.1.1 Purpose. The purpose of the Water Resource Protection Overlay District is:

1. to promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses;
2. to preserve and protect existing and potential sources of drinking water supplies;
3. to conserve the natural resources of the Town; and
4. to prevent temporary and permanent contamination of the environment.

8.1.2 Authority. The Water Resource Protection Districts are adopted pursuant to authority provided by G.L. c. 40A and the Home Rule Amendment, Article 89 of the Amendments to the Constitution of the Commonwealth.

8.1.3 Establishment of Districts. [Amended 05-08-04 ATM Art. 18, 10-19-2009 ATM, Art. 11] The Water Resource Protection Districts are herein established as overlay districts. The Water Resource Protection Districts are described on a map entitled "Town of Westford Massachusetts, Zoning Map Water Resource Protection Overlay Districts 1, 2, & 3 (WRPOD)", with district boundary lines compiled by Town of Westford GIS Department dated February 2004 and amended August 2009. All maps are hereby made a part of this Zoning Bylaw and are on file in the office of the Town Clerk.

8.1.4 Boundary Disputes. Where the bounds of the Water Resource Protection Districts are in dispute, as delineated on the Water Resource Protection Districts Map, the burden of proof shall be upon the owners of the land in question to show where they should properly be located. Resolution of boundary disputes shall be through a special permit application to the Planning Board. Any application for a special permit under this subsection shall be accompanied by documentation prepared by a person who meets the following two requirements:

1. Is experienced in delineating hydrogeologic zones in Massachusetts; and
2. Has one of the following credentials:

TITLE	CONFERRING ENTITY
Registered Professional Hydrogeologist	American Institute of Hydrology
Certified Professional Geologic Scientist	American Institute of Professional Geological Scientists
Registered Professional Engineer, Sanitary	Commonwealth of Massachusetts
Certified Ground Water Professional	Association of Ground Water Scientists and Engineers
Certified Professional Soil Scientist	American Registry of Certified Professionals in Agronomy, Crops, and Soils, Ltd.

8.1.5 WRPD II Boundary Disputes. Where the WRPD II is bounded by: (a) that area of the aquifer that contributes water to a public water supply well or wellfield under the most severe pumping and recharge conditions than can realistically be anticipated, as set forth in 310 CMR 22.02's definition of "Zone II," the applicant shall provide information in substantial conformance with the criteria set forth in 310 CMR 22.00, as administered by the Massachusetts Department of Environmental Protection, to show where the boundary should properly be located; (b) an Interim Wellhead Protection Area, the applicant shall provide the results of a survey by a registered surveyor; (c) a medium yield aquifer having a transmissivity of 1,350-4,000 ft^2/d (potential well yield 100 to 300 gal/min), the applicant shall provide geologic and hydrologic information to show transmissivity rates at the subject property.

1. The Planning Board shall not grant a special permit under this section unless the

applicant demonstrates that the provisions governing the Water Resource Protection District(s) may be waived without detrimental effect to water quality as specified herein.

8.1.6 WRPD III Boundary Disputes. The applicant shall provide information in substantial conformance with the criteria set forth in 310 CMR 22.00 for the delineation of "Zone III", as administered by the Massachusetts Department of Environmental Protection, to show where the boundary should properly be located.

1. The Planning Board shall not grant a special permit under this section unless the applicant demonstrates that the provisions governing the Water Resource Protection District(s) may be waived without detrimental effect to water quality as specified herein.

8.1.7 Use Regulations. The Water Resource Protection Districts are overlay districts superimposed over the underlying districts set forth in this Zoning Bylaw. Within a Water Resource Protection District, the requirements of the underlying district continue to apply, except where the requirements of the Water Resource Protection District are more stringent.

1. Uses within WRPD I. Uses within WRPD I shall be governed by the standards set forth in 310 CMR 22.00 with regard to "Zone I" therein.
2. Uses within WRPD II and WRPD III. Uses are prohibited where indicated by "N" in the following schedule, and require a special permit where indicated by "SP", even where the underlying district requirements are more permissive. Uses permitted in a Water Resource Protection District are indicated by "Y". Where a portion of the lot is located partially within WRPD III and partially outside the Water Resource Protection Districts, site design shall, to the extent feasible, locate potential pollution sources outside the District boundaries.

1. **PRINCIPAL USES**	WRPD II	WRPD III
(a) Manufacture, use, storage, transport, or disposal of hazardous materials as a principal activity	N	N
(b) Landfills and open dumps	N	N
(c) Automobile graveyards and junkyards	N	N
(d) Wastewater treatment works for non-sanitary wastewaters that are subject to 314 CMR 5.00, including privately owned facilities, except the following: (1) replacement or repair of existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s)	N	SP
(e) Wastewater treatment works for sanitary wastewaters that are subject to 314 CMR 5.00, including privately owned facilities	SP	SP
(f) Landfilling of sludge and septage	N	N
(g) Storage of sludge and septage	SP	SP

(h) Road salt stockpile or storage of other de-icing chemicals in the following manner: (1) outside a structure (2) within a structure designed to prevent the generation and escape of contaminated runoff or leachate	N SP	N SP
(i) Gasoline station, motor vehicle repair or body shop, marine repair shop, car wash	N	SP
(j) Earth removal, in accordance with Chapter 90 of the Code of the Town of Westford; provided, however, that no earth removal shall take place within 6 feet of historical high groundwater as determined from monitoring wells and historical table fluctuation data compiled by the USGS, except for excavations for building foundations, roads or utility works, unless the substances removed are redeposited within 45 days of removal to achieve a final grading greater than 6 feet above the historical high groundwater mark	SP	SP
(k) Any building, structure, or use, other than single family dwelling with accessory structures and uses, to be served by on-site wastewater disposal system with a design capacity of greater than 10,000 gallons per day	SP	SP
2. **ACCESSORY USES**	WRPD II	WRPD III
(a) Underground storage of hazardous materials, including fuel oil and gasoline	N	SP
(b) Aboveground storage of hazardous materials in quantities greater than associated with normal household use, other than fuel oil for residential heating purposes	SP	SP
(c) Any use generating hazardous wastes in quantities greater than associated with normal household use, except the following: (1) very small quantity generators, as defined by 310 CMR 30.00; (2) household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390; (3) waste oil retention facilities required by G.L. c. 21, s. 52A; (4) treatment works approved by the DEP for treatment of contaminated ground or surface waters	N	SP
(d) Storage of animal manure. Within WRPD II, such storage must be within an enclosed building or contained in accordance with the specifications of the U.S. Soil Conservation Service	SP	Y
(e) Storage of commercial fertilizers and soil conditioners. Within WRPD II, such storage must be within a structure designed to prevent the generation and escape of contaminated runoff or leachate	SP	Y

3. **OTHER USES**	WRPD II	WRPD III
(a) Rendering impervious more than 15 percent of the lot, or 2500 sq. ft., whichever is greater, excluding operations associated with the construction or occupancy of a single-family dwelling	SP	Y
(b) Stockpiling and disposal of snow and ice containing de-icing chemicals if brought in from outside the district	N	SP
(c) Industrial and commercial uses which discharge process wastewater on-site	SP	SP

8.1.8 Special Permit Procedures.

1. *Special Permit Granting Authority.* The Special Permit Granting Authority (SPGA) shall be the Planning Board. Such special permit may be granted if the SPGA determines that the intent of this Section 8.1 as well as the specific criteria herein are met. In making such determination, the SPGA shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measures failed.
2. *Review by Other Boards and Officials.* [Amended 05-08-04 ATM Art. 18] Whenever an application for a special permit is filed with the Planning Board under this Section 8.1, said board shall transmit within six (6) working days of the filing of the completed application, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Commissioner, Director of Highway, Fire Chief, Water Department and the Town Engineer for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. An application shall not be deemed complete until all copies of required information and documentation have been filed with the Planning Board. The Planning Board shall notify applicants by registered mail, within 14 days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an application. Failure to complete an application within such time shall result in a return of all materials to the applicant, without prejudice. Reports from other boards and officials shall be submitted to the Planning Board by the date of the Public Hearing, but in any case within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the Public Hearing by the Planning Board is held prior to the expiration of the 35 day period, the Planning Board shall continue the Public Hearing to permit the formal submission of reports and recommendations within that 35 day period. The Decision/Findings of the

Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

3. *Applicability.* Any special permit required under this Section 8.1 shall be in addition to, and separate from, any other special permit required under this Bylaw.

8.1.9 Special Permit Submittals. All applications for special permits shall contain the information listed below, unless waived or modified by the SPGA, with reasons therefor.

1. A site plan, submitted on 24-inch by 36-inch sheets, on a minimum scale of one inch (1") equals 40 feet, and prepared by a Registered Professional Engineer and a Registered Land Surveyor. Site plans submitted under this section shall also include the following:
   a. All property lines;
   b. All adjacent public streets;
   c. All existing and proposed buildings, structures, parking areas, and service areas;
   d. All facilities for sewage, refuse, and other waste disposal;
   e. Facilities for surface water drainage, both temporary and permanent;
   f. Future expansion areas.

2. A narrative statement detailing all of the information set forth below, if applicable:
   a. A complete list of all chemicals, pesticides, fuels, or other potentially hazardous materials, including but not limited to road salt or de-icing chemicals, manure, and fertilizers or soil conditioners, to be used or stored on the premises in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all storage containers from vandalism, corrosion, and leakage, and to provide for control of spills.
   b. A description of all potentially hazardous wastes to be generated in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all waste storage containers from vandalism, corrosion, and leakage, and to provide for control of spills.
   c. For underground or aboveground storage of hazardous materials, certification by a Registered Professional Engineer that such storage facilities or containers are (i) in compliance with all applicable federal or state regulations, (ii) in compliance with design specifications, as prepared by a Registered Professional Engineer, and (iii) are designed with secondary containment adequate to contain a spill the size of the container's total storage capacity.

d. For any proposed activity on a lot which will render more than 15 percent of the total lot area or more than 2,500 sq. ft. impervious, a system for groundwater recharge must be provided that does not degrade groundwater quality, by stormwater infiltration basins or similar system covered with natural vegetation. Dry wells shall be used only where other methods are infeasible. Such basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants.

e. For stockpiling or disposal of snow from outside the district, earth removal, storage of sludge or septage, manure storage, treatment works, and/or discharge or process wastewater, a narrative statement, prepared by a Registered Professional Engineer, assessing the impacts, if any, of the proposed activity on groundwater and surface water quality on the premises, adjacent to the premises, and on any wellfield(s) downgradient from the proposed activity or use, accompanied by a description of the measures proposed to protect such wellfields.

8.1.10 Special Permit Criteria. Special permits shall be granted only if the SPGA determines, after reviewing the recommendations of the reviewing parties delineated herein, that groundwater quality resulting from on-site wastewater disposal or other operations on-site shall not fall below the more restrictive of federal or state standards for drinking water, or, if existing groundwater quality is already below those standards, on-site disposal or operations shall result in no further deterioration.

8.1.11 Decision. The Planning Board may approve, approve with conditions, or deny an application for a special permit that is governed, in any manner, by the provisions of this Section.

8.2 FLOODPLAIN OVERLAY DISTRICT (FOD) [Amended 3-27-2010 ATM, Art. 26]

8.2.1 Purpose. The Floodplain Overlay District (FOD) is established as an overlay district to all other districts:

1. to protect public health, safety and general welfare;
2. to protect human life and property from hazards of periodic flooding;
3. to preserve natural flood control characteristics and the flood storage capacity of the floodplain; and
4. to preserve and maintain the groundwater table and water recharge areas within the floodplain.

All development in the district, including structural and non-structural activities, whether Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

8.2.2 District Boundaries. The FOD includes all special flood hazard areas within the Town of Westford designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Westford are panel numbers 25017C0113E, 25017C0114E, 25017C0118E, 25017C0226E, 25017C0227E, 25017C0228E, 25017C0229E, 25017C0231E, 25017C0232E, 25017C0233E, 25017C0234E, 25017C0236E, 25017C0237E, 25017C0241E, 25017C0242E and 25017C0243E anticipated to be dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the floodway data tables in Middlesex County Flood Insurance Study (FIS) report anticipated to be dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Commissioner.

8.2.3 Overlay District. The FOD shall be considered as overlaying all classes of districts listed in Section 2.1. All development, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with the Massachusetts State Building Code pertaining to construction in the floodplain, G.L. c. 131, s. 40, and other pertinent regulations.

8.2.4 Uses Permitted by Right. The following uses are permitted by right since they create a minimal risk of damage due to flooding and will not constitute obstructions to flood flow, provided that they are permitted in the underlying district and that they do not require structures, fill or storage of materials or equipment:

1. Agricultural uses such as farming, grazing, truck farming, and horticulture.
2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating and play areas.
4. Conservation of water, plants and wildlife.

5. Wildlife management areas; foot, bicycle and horse paths.
6. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
7. Buildings lawfully existing prior to the adoption of these provisions May 7, 1983.

8.2.5 Uses Permitted by Special Permit. No structure or building shall be erected, constructed, substantially improved, or otherwise created or moved, and no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted by the Planning Board.

8.2.6 Special Permit Procedures.

1. Upon receipt of an application for a special permit, the Board shall transmit one (1) copy of the development plan to the Conservation Commission, the Board of Health and the Building Commissioner. Final action shall not be taken until reports have been received from the above Boards or until thirty-five (35) days shall have elapsed following referral without receipt of such reports.
2. The Planning Board may issue a special permit if the application complies with the following provisions:
   a. The proposed use complies in all respects with the provisions of the underlying district and all provisions in the Massachusetts State Building Code pertaining to construction in the Floodplain.
   b. The proposed new construction, substantial improvement and other development or encroachment within the Floodway as designated on the maps shall be accompanied by a certification by a registered professional engineer or architect demonstrating that such activity shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood.
3. Floodway Data. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
4. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 5 acres, within A zones.

8.2.7 Notification of Watercourse Alteration. [Added 3-27-2010 ATM, Art. 26]
In a riverine situation, Westford shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities
2. NFIP State Coordinator

Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

3. NFIP Program Specialist
   Federal Emergency Management Agency, Region I
   99 High Street, 6th Floor
   Boston, MA 02110

8.3 CONSERVATION OVERLAY DISTRICT (COD)

8.3.1 Purposes. This Conservation Overlay District (COD) is established to preserve a balance between developed areas of the town and areas set aside from development, for protection of water resources, for the benefits of wildlife, for passive recreational uses, for agriculture and for the preservation of scenic beauty.

8.3.2 Location. The COD shall be considered as overlaying the districts defined in Section 2.1. The COD includes the following areas:

1. A portion of the land shown on Pine Ridge Estates, Definitive Subdivision Plan of Land, Westford, Mass., Jan. 17, 1984, revisions March 16, 1984, recorded with the Middlesex North District Registry of Deeds, Book of Plans 143, Plan 111. The area within the Conservation Zone included Parcel A, Open Space, and Parcel B, Open Space, except for a nineteen-thousand square foot portion of Parcel A defined as follows: beginning where the lot 7 lot line intersects the roadway, extending North 46 degrees, 10 minutes, 25 seconds East for a distance of 82.11 feet, thence South 88 degrees, 21 minutes, 13 seconds East for a distance of 74.00 feet, and thence South 00 degrees, 21 minutes, 13 seconds East for a distance of feet, until reaching lot 7.
2. All land beyond two hundred fifty (250) feet of lots 1 through 79, inclusive, and lot 1A shown on a plan of land entitled "Vine Brook Estates of Westford" recorded with Middlesex North Registry of Deeds, Book Page 94 and Page 95, excepting lots 1 through 79, inclusive, and lot 1A, and all roadways shown on said plan, including emergency exit.
3. All land shown on a plan of land entitled "General Plan, Open Space - Multi, Pilgrim Village at Keyes Pond" dated October 1981, revised January 19, 1982, recorded in Middlesex North Registry of Deeds at Book Page 207, as Appendix B, excepting all land within one hundred (100) feet on which building, roads and walks are located, the lot designated as “Recreation Lot” and that land for which a beach and wharf project are approved under Department of Environmental Protection Order of Conditions File Number 334-0170.
4. The land shown on a plan of land entitled "Hildreth Hills Condominium site plan of land in Westford, Mass. Owned by: Hildreth Realty Trust, Scale: 1" = 100', February 25, 1987, by Dana F. Perkins and Assoc., Inc., recorded with Middlesex

North District Registry of Deeds at Plan Book 158, Plan 123, Sheets 1 through 5, both inclusive, and further defined as that area designated as "Condominium Lot A," said area containing six million two hundred thirty thousand one hundred eighty-eight (6,230,188) square feet, more or less, or one hundred forty-three and three hundredths (143.03) acres more or less, according to said plan, excepting the following: a three hundred fifty (350) foot wide New England Power Company easement area within said Lot A, eleven and twelve hundredths (11.12) acres, more or less, as shown on said plan; all land within two hundred fifty (250) feet of any building constructed within Condominium Lot A, Condominium Lot B, Condominium Lot C and Condominium Lot D as shown on said plan; land owned by the Town of Westford within said Condominium Lot A containing seventy-three thousand seventy-four (73,074) square feet more or less according to said plan; all roadways and driveways as shown on said plan; all land located within said Condominium Lot A necessary for the construction, operation, maintenance, repair and replacement of a wastewater treatment facility and related infrastructure designed to service structures within said Condominium Lots A,B,C and D; and a twenty-five (25) foot wide Town of Westford Water and access easement area as shown on said plan.

5. That portion of Parcel B as described below as shown on a plan entitled "Plan of Land, Land Off Lucille Ave., Westford, Massachusetts" dated December 6, 1993, scale one (1) inch equals fifty (50) feet, by Meisner Brem Corporation, 190 Littleton Road, Westford, Massachusetts. Specifically the land to be included in the Conservation Zone shall be that portion of the lot commencing at Lucille Avenue extending easterly and then southerly to land of the Boston and Maine Railroad, thence running southwesterly approximately five hundred eighty seven (587) feet along said land of the Boston and Maine Railroad and then turning northwesterly for approximately one hundred ninety-one (191) feet. Parcel B contains a total of 3.02 acres, of which the portion to be placed in the Conservation Zone includes approximately 2.5 acres.
6. With reference to a plan of land entitled “Plan of Land, Hartford Road, Westford, Massachusetts” dated November 16, 1993, revised 1/18/94 and 2/10/94, scale one (1) inch equals eighty (80) feet, by Meisner Brem Corporation, 190 Littleton Road, Westford, Massachusetts; the Conservation Zone includes all the frontage on Patten Road and extending from there to the wetland, extending to a depth of one hundred and fifty (150) feet from the Patten Road property line as shown on the plan, and consisting of approximately 3.4 acres.
7. That land located easterly of Tenney Road shown as “Parcel A” containing 15.30 acres as shown on a plan entitles “Plan of Land, Tenney Road, Westford, Massachusetts, prepared for Avalon Real Estate Trust Dev. Corp.” dated November 6, 1992, revised 9/9/93, scale one (1) inch equals one hundred (100) feet by VTN Northeast, Inc., 190 Littleton Road, Westford, Massachusetts 01886; or act in relation thereto.

8.3.3 Use Regulations. The following use regulations apply in the COD:

USE	STATUS P - Permitted N - Not permitted
The cultivation and harvesting of crops, flowers and hay; the planting of trees and shrubs and the mowing of grass; the grazing of livestock; and the construction and maintenance of fences necessary in connection herewith	P
The cultivation and harvesting of forest products in accordance with recognized forestry conservation practices, including the construction of fire roads, provided that all slash is removed from pubic view. The installation of underground utilities	P
Outdoor recreational uses and construction and maintenance of trails. Public access to such land and trails is not granted by this section, but is a matter under the control of the landowners	P
No building, sign, outdoor advertising display, mobile home, utility pole, or other temporary or permanent structure shall be constructed, placed or permitted to remain except as provided in above	N
No soil, peat, rock, or other mineral substance or any refuse, debris or other unsightly or offensive materials shall be placed within the COD, except as provided above	N
No soil, peat, rock, or other mineral substance or natural deposit shall be excavated or removed within the COD in such a manner as to affect the surface thereof, except as provided above	N
No trees or other vegetation within the zone shall be cut or otherwise destroyed, except as provided above	N

8.4 SENIOR RESIDENTIAL MULTIFAMILY OVERLAY DISTRICT (SRMOD)

8.4.1 Purpose. The purpose of the Senior Residential Multifamily Overlay District (SRMOD) is to provide an acceptable design for Senior Residential Multifamily Development (SRMD) within districts designated by the Town Meeting. This design serve the public by:

1. Providing a variety of housing opportunities within the Town for people who are 55 years of age and older.
2. Encouraging better overall site planning.
3. Preserving the natural and scenic amenities of the property.

4. Providing suitable areas for both active and passive recreation.
5. Assuring maximum environmental protection.

8.4.2 Town Meeting Action. The Town Meeting shall determine whether a specific parcel may be developed as part of the SRMOD after submission to it of a conceptual plan as defined herein, and such development may subsequently be allowed after site plan approval by the Planning Board, subject to the following procedures and requirements. A petition or request for designation of such SRMOD shall, in each case, be made upon a conceptual plan, as hereinafter provided, and such petition or request shall constitute a proposed amendment to this Zoning Bylaw, in accordance with Section 1.6. The Petitioner for such amendment shall present evidence to the Town Meeting that such SRMOD designation will tend to meet both the purpose and the design requirements for SRMD under this section.

8.4.3 Uses. Structures within a SRMD shall contain residential dwelling units, at least one owner and occupant of which is fifty-five (55) years of age or older ("Senior Resident"). All units shall be subject to Restrictive Covenants mandating said restriction, approved as to form by Town Counsel, recorded within the chain of title, which shall be enforceable by a Homeowners Association comprised of the owners of the units within the SRMD. Said restriction shall also be enforceable by the Town as a condition for compliance with this Zoning Bylaw.

8.4.4 Minimum Dimensional Requirements. SRMDs shall be allowed on parcels of land within the SRMOD meeting the standards set forth below:

1. *Density*. The number of dwelling units permissible shall not exceed the lesser of one (1) bedroom per eight thousand (8,000) square feet or two (2) dwelling units per acre, but not to exceed one hundred fifty (150) units total. For purposes of the SRMOD, in order to be included in the calculations for density, the land area must contain at least 75% dry land, and not more than 25% wetland. Wetlands in excess of 25% of the entire parcel shall not be used for purposes of calculating density. For purposes of this paragraph only, one acre shall mean 40,000 square feet.
2. *Dimensional Controls.* The following dimensional controls shall apply:

REQUIREMENT	SRMOD
Minimum Lot Area	Five (5) contiguous acres
Minimum Frontage	200 feet
Minimum Front Yard Setback	75 feet
Minimum Side and Rear Yards	100 feet

3. *Buffer*. A buffer area of one hundred (100) feet shall be provided at the perimeter of the property, except for driveways/roadways necessary for access

and egress to and from the site; provided, however, that existing structures and existing access roadways are exempt from the requirements set forth herein. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may waive the buffer requirement where the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

4. *Other Requirements.* Except as inconsistent with the foregoing, the dimensional controls in the Table of Dimensional and Density Regulations for RA Districts shall apply.

5. *Condition.* As a condition of approval, the land within the SRMD which is used to meet the minimum dimensional requirements herein, or comprised of structures, roadways, driveways, necessary infrastructure or utilities (including sewerage treatment or disposal and stormwater management), and open space ("Restricted Land"), once used in accordance with the provisions of this Zoning Bylaw and the associated site plan review process, shall be subject to a restrictive covenant, approved as to form by Town Counsel, recorded within the chain of title, which shall be enforceable by the Town as a condition for compliance with this Zoning Bylaw. Notwithstanding any inconsistent provisions of this Zoning Bylaw, such a restrictive covenant shall prohibit the Restricted Land from being used for any other purposes other than a SRMD as approved hereunder, including residential accessory uses.

8.4.5 Design Process. Each SRMD shall follow the design process outlined below. When the development plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that this design process was considered in determining the layout of proposed streets, dwelling locations, and contiguous open space.

1. *Understanding the 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. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend 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 Westford's historical development patterns.

8.4.6 Design Requirements. The following standards shall apply within the SRMOD:

1. *Water Supply*. SRMDs shall be served by a public water system or private communal water systems which conform to all applicable regulations of the Commonwealth of Massachusetts and the Town of Westford. The Water supply shall be sufficient at all times to meet public water supply and fire protection requirements and, in that regard, shall incorporate the reasonable recommendations of the Town Water and Fire Departments. All main service lines for water, sewer and utilities shall be underground or as otherwise approved by the Planning Board through the site plan review process.
2. *Drainage*. Natural surface drainage channels shall be either incorporated into the overall design or preserved as part of the common land. The development area shall be served by storm sewers.
3. *Building Separation*. The distance between buildings shall be a minimum of forty (40) feet, except that any building containing more than two (2) stories may not be closer than fifty-five (55) feet from any building.
4. *Parking*. Onsite paved parking areas, including at least two (2) parking spaces for every Dwelling Unit with minimum dimensions of nine by eighteen (9x18) feet and 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 the site plan review process. Parking areas shall be designed so that parking for each

   Dwelling Unit will be located within one hundred (100) feet of the entrance to such dwelling unit.
5. *Building Height*. No building shall exceed thirty-five (35) feet in height. Dwelling units located in part below the upper finished grade on sloping sites shall be deemed one (1) story.
6. *Dwelling Units per Building*. A SRMD may consist of any combination of single family, two-family and multifamily residential structures. A multifamily structure shall not contain more than five (5) dwelling units. The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominantly wood siding, an articulated footprint and varied facades. Residential structures shall be oriented toward the street serving the premises and not the required parking area.
7. *Dwelling Unit Space*. All dwelling units within multiple unit buildings shall have a minimum floor space area of seven hundred eighty (780) square feet.
8. *Bedrooms*. No SRMD shall have more than ten (10%) percent of the total number of dwelling units with three (3) bedrooms. No dwelling unit may contain more than three (3) bedrooms. A combined sleeping and living room in an efficiency or studio unit, so called, shall be considered one (1) bedroom, and any

other separate room in any unit which is not a single living room or equipped kitchen and is shown on a plan as being for other than bedroom use but which, because of location, size or arrangement could, in the opinion of the Board, be used or adapted for use as a bedroom shall be considered as a bedroom for density calculations. No attic, loft or other storage or similarly usable space shall be used as or altered to create regular bedroom space, nor shall the construction or other aspects facilitate such use or alteration.

9. *Screening*. All sewage facilities, service areas and equipment, trash, conveniences, parking, and recreational areas shall have screening as required by the Board, and as otherwise required by the Planning Board though the site plan review process.

10. *Landscaping*. The 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 Board deems detrimental to the aesthetics of the development, and as otherwise required by the Planning Board through the site plan review process.

11. *Open Space*. All of the land within a SRMD which is not used to meet building separation requirements, and is not comprised of structures, roadways, driveways, necessary infrastructure or above ground utilities (including sewerage treatment or disposal and stormwater management) shall be considered as "Open Space". Open Space shall be laid out in such manner as to tend to assure compliance with the foregoing standards, to provide for pedestrian safety within the site and to provide an aesthetically pleasant setting for the SRMD within its neighborhood. At least twenty (20%) percent of the land within the SRMD shall be designated as Open Space with a maximum of no more than twenty-five (25%) percent of said minimum required Open Space comprised of wetlands. Such Open Space shall be located and shall be laid out so as to provide for contiguous green areas uninterrupted to the degree practicable by roadways and structures. Such Open Space shall meet the ownership and maintenance and conservation restriction requirements as provided for an Open Space Residential Development, Section 7.1, herein.

12. *Lighting*. Exterior lighting shall be of a nonglaring type, and shall be planned, installed and operated so as to best serve each building or group of buildings, as required by the Planning Board through the site plan review process. Parking areas, drives and other roadways shall be designed and landscaped so that all dwellings units are reasonably screened from motor vehicle headlights and so that parking area lighting will not directly and unreasonably illuminate adjacent lots.

13. *Rubbish Disposal*. Rubbish 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.

14. *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 applicable laws, the requirements of pertinent governmental agencies and the requirements of the Westford Conservation Commission. Provisions for wastewater 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 Westford Board of Health.
15. *Roads*. The principal roadway(s) serving the SRMD may be designed to conform with the standards of the Planning Board where the roadway is or may be ultimately intended for dedication and acceptance by the Town of Westford. 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.
16. *Affordable Units*. [Amended 05-06-06 ATM Art. 26] As part of the site plan approval, a minimum of fifteen (15%) of the total number of dwelling units shall be restricted in perpetuity in the following manner:
    a. 5% of the units shall be affordable to persons or families qualifying as low income;
    b. 5% of the units shall be affordable to persons or families qualifying as moderate income; and
    c. 5% of the units shall be affordable to persons or families qualifying as median income.

The perpetuity restriction shall be approved as to form by legal counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the Westford Housing Authority for a period not less than 120 days after notice thereof. Affordable units shall be integrated into the overall development of the SRMD so as to prevent the physical segregation of such units. The Applicant shall be encouraged to seek designation of the units referenced in paragraphs a and b, above, as affordable units which qualify as part of the subsidized housing inventory as approved and complied by the Department of Housing and Community Development (DHCD). The Planning Board may require that the Applicant affirmatively take steps to utilize the Westford Housing Authority, a public agency, a nonprofit agency, limited dividend organization, or other appropriate entity, and through a Local Initiative Program Petition or other similar mechanism or program, cause application to be made to the DHCD, so as to timely furnish all forms and information necessary to promote the designation of those units referenced in paragraphs a and b, above, as affordable units qualifying as part of the subsidized housing inventory. The Planning Board may require submission of application, forms and appropriate information to the DHCD as a condition of approval.

8.4.7 Procedures for Approval. An applicant proposing a SRMD shall first submit a

petition to the Board of Selectmen in accordance with the provisions of G.L. c. 40A, s. 5 and G.L. c. 39, s. 10 requesting the designation of a specific parcel or parcels of land as a SRMOD. The applicant shall thereafter submit to the Planning Board a Conceptual Plan, as described below. Said Conceptual Plan shall be reviewed by the Planning Board prior to Town Meeting as described below. Where the Town Meeting has thereafter approved a specific SRMOD, such development may subsequently be allowed only after site Plan approval by the Planning Board, as described below:

1. *Conceptual Plan*. Before Town Meeting may designate a specific SRMOD within which a SRMD may occur, the applicant shall first submit a Conceptual Plan, containing the information described below, to the Planning Board.
   a. The Conceptual Plan shall be presented to the Planning Board at a public hearing held in accordance with the provisions of G.L. c. 40A, s. 5 regarding the proposed SRMOD amendment; notice of which public hearing shall be provided by the applicant to the Westford Conservation Commission, the Westford Board of Health, and to the abutters to the development as appearing on the most recent local tax list. The purpose of said public hearing shall be to allow the Planning Board to make an informed recommendation to Town Meeting regarding the proposed SRMOD amendment and development thereof after considering comment and input from municipal boards, abutters and interested citizens.
   b. The applicant shall then present to Town Meeting the Conceptual Plan as may be amended as a consequence of the comments and input received during the Planning Board public hearing on said Conceptual Plan. Designation as a SRMOD shall require a two-thirds (2/3) majority vote of the Town Meeting.
   c. Once the Town Meeting has designated a specific SRMOD, the plan shall undergo site plan review by the Planning Board in accordance with Section 9.4 of this Zoning Bylaw as a prerequisite to the use of such land for purposes of a SRMD.
2. *Conceptual Plan Contents*. Six (6) copies of a Conceptual Plan and text for the entire tract at a scale of one (1) inch equals one hundred (100) feet or larger, prepared by a registered architect or registered professional engineer and a registered land surveyor, showing at least the following, shall be submitted with a petition:
   a. Site dimensions (perimeter site dimensions) on a map indicating zoning prior to SRMOD designation, with scale, and north point. The minimum scale shall be one (1) inch equals one hundred (100) feet.
   b. Building size and location and the number of dwelling units and number of bedrooms to be contained in each building, including setback measurements, distances between buildings and plan view exterior measurements of each building.
   c. Internal roads, sidewalks, and parking areas (width dimensions of paving and

indication of number of parking spaces).

d. Proposed methods and means for supplying domestic water, for draining the area and for sewage disposal and the nature and extent of reliance on municipal facilities for those purposes.

e. Total site area in square footage and acres, and area to be set aside as Open Space and common land.

f. All resource areas and associated buffer zones on the site as defined by G.L. c. 131, s. 40, the Wetlands Protection Act, and the Town of Westford Wetland Bylaw and verified by the Westford Conservation Commission.

g. Percentage of lot coverage, including the percentage of the lot covered by buildings, and percentage of Open Space and common land.

h. The proposed residential density in terms of dwelling units and bedrooms per acre and the number of units proposed by type: number of one bedroom units, two bedroom units, etc.

i. A map of the proposed SRMOD in which the proposed SRMD would be located, at the same scale as the adopted Zoning Map (see Section 2.2, and a map at the same scale as the Assessors' maps for the district indicating abutting streets and lots and the names of their owners, according to the most recent tax list.

j. Applicant's (or its representative's) name, address and phone number.

k. Five (5') foot contours on the tract and within fifty (50) feet beyond the site boundaries. If the Board finds that such data cannot be obtained beyond site boundaries, the Board may accept such contours only to the site boundaries and accept such information as may be obtained from reliable sources to represent the contours beyond the site boundaries.

l. Representation of all proposed facade elevations, indicating height of building and construction material of exterior facade.

m. Typical unit floor plan (floor plan must be indicated for each type of unit proposed, that is, one bedroom, two bedroom or more). Area in square feet of each typical unit must be indicated.

n. Proposed schedule for completing the proposed development, including therein as appropriate, designation of specific sections or buildings proposed to be completed for occupancy prior to overall completion.

3. *Site Plan Review.* After designation by Town Meeting of a SRMOD, an application for review of the site plan by the Planning Board shall be submitted and reviewed in accordance with the procedures as set forth in Section 9.4. As an additional requirement for site plan review hereunder, the applicant shall notify the abutters to the development as appearing on the most recent local tax list, by certified mail, of the date, place and time of the Planning Board site plan review public meeting.

4. *Relation to Subdivision Control Act.* Planning Board approval of a site plan

hereunder shall not substitute for compliance with the Subdivision Control Act nor oblige the Planning Board to approve any related definitive plan for subdivision nor reduce any time periods for Board consideration under the law. For any project proposing a subdivision of a tract of land into two (2) or more lots as defined by G.L. c. 41, s. 81L, application for approval of a preliminary subdivision plan in accordance with the Subdivision Control Law and the applicable Rules and Regulations of the Westford Planning Board shall be submitted in satisfaction of the Conceptual Plan requirements of this Section 8.4. For any project proposing a subdivision pursuant to the Subdivision Control Law, application for approval of a definitive plan in accordance with the Subdivision Control Law and the applicable Rules and Regulations of the Westford Planning Board shall be submitted in satisfaction of the site plan review requirements of this Section 8.4.

5. *Findings of the Planning Board.* The Planning Board may approve a site plan (or definitive subdivision plan) under this Section 8.4 only if it finds that the applicant has designed the plan in substantial conformity with the Conceptual Plan presented to Town Meeting and finds that such plan substantially meets the requirements hereof.

8.5 MILL CONVERSION OVERLAY DISTRICT (MCOD)

8.5.1 Purpose. The purpose of this Section is to create an overlay district:

1. to allow for conversion of Westford's historic mills while preserving the character of nearby residential and commercial neighborhoods;
2. to encourage the preservation, reuse and renovation of historic mill properties; and
3. to promote diversified housing opportunities and uses such as commercial, retail or office use, or a combination of such uses.

8.5.2. Overlay District. The Mill Conversion Overlay District (MCOD) is hereby established and shall be construed as an overlay district. Within the MCOD all regulations of the underlying district(s) shall continue to be in full force and effect, except where these regulations supersede such underlying requirements or provide an alternative to such requirements.

8.5.3. Location. The MCOD shall consist exclusively of the following properties:

1. The Abbot Mill on Pleasant Street – Forge Village, consisting of Map 53 Parcels 11, 15 and 110.

   Parcel 11: Corner of Pleasant and Bradford Streets – 41,874 square feet.

   Parcel 15: Pleasant Street – Subdivided to Parcel A – 420,692 square feet on Plan entitled “Proposed Subdivision and Mill Conversion Overlay (“MCOD”),” scale 1”=150’, dated April 19, 2000.

Parcel 110: Pleasant Street – 10,125 square feet.

2. The Abbot Worsted Mill on North Main Street – Graniteville, consisting of Map 30 Parcels 68, 69, 70, 71, 72 and 73.

   Parcel 68: 1.2 acres with frontage on River Street.

   Parcel 69: .218 acre (9,496 square feet) off Broadway Street.

   Parcel 70: .317 acre (13,809 square feet) ROW access to Broadway Street.

   Parcel 71: .71 acre (9,322 square feet) off Broadway Street.

   Parcel 72: .852 acre (37,100 square feet) off Broadway Street.

   Parcel 73: .991 acre (43,150 square feet) direct frontage on Broadway Street.

   Of these six parcels, three have buildings on them (Parcels 68, 72 and 73).

3. The Sargent Mill on Broadway Street – Graniteville, consisting of Map 62 Parcels 35 and 36.

   Parcel 35: 21,780 square feet corner of Broadway and Church Streets.

   Parcel 36: 6.5 acres with frontage on Broadway Street

   Both of these parcels have buildings on them, with parcel 35 having been the office building and parcel 36 being the mill building.

4. The Brookside Mill on Brookside Road – Nabnasset, consisting of Map 70 Parcel 117 - 3.15 acres with frontage on Brookside Road with the mill building.

8.5.4 Special Permit Required. Within the MCOD, a MCP may be constructed upon the issuance of a special permit by the Planning Board, and upon site plan approval pursuant to Section 9.4, subject to the requirements set forth herein. No other use or structures shall be permitted in conjunction with an MCP, except as specifically provided herein.

8.5.5 Special Permit Granting Authority. The Planning Board shall serve as the special permit granting authority pursuant to this section. An application for a special permit shall be governed by the following rules.

8.5.6 Application. An application for a special permit shall be submitted to the Planning Board on forms furnished by the Planning Board in accordance with its regulations. Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of G.L. c. 41, ss. 810 and 81T as the same may be from time to time amended and the Regulations of the Planning Board and a filing fee determined in accordance with said Regulations. In addition the applicants shall submit:

1. *Plans*. The following plans:
   a. a site plan and all supporting documents as set forth in Section 9.4;
   b. a plan at a scale of 1" = 40' showing the topography of the site at a minimum

of two foot intervals, as well as vegetation and special features, including wetlands, perennial streams and ponds, waterways, waterfalls, canals and dams, trees of more than 8" caliper, rock outcroppings, slopes in excess of 15%, existing and proposed trails and paths, open vistas, structures of historical importance and biological or wildlife habitats, and proposed conservation and recreation easement areas;

c. a plan illustrating preliminary landscaping and architectural design, showing types, location and layout of buildings, and typical elevations, as well as the general height, bulk and appearance of structures. Perspective drawings may be subsequently required by the Planning Board;

d. a floor plan to scale for each floor of each building indicating, if applicable:

   1. number of units;
   2. number of bedrooms;
   3. proposed use of the floor space; and
   4. location of affordable dwelling units;

e. a plan describing the care, custody and control of all dams and water rights; and

f. a plan for any waste water treatment facility.

2. *Narrative Reports*. The following narrative reports or data:

   a. a proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion;

   b. a development impact statement prepared by qualified professionals detailing the impact of the development, at all phases including construction and operation, on:

      1. the Town's capacity to furnish services including, but not limited to, roads, police, fire, emergency services, schools, and water; and
      2. vehicular and pedestrian traffic, water and air quality, noise and light pollution and other environmental concerns;

   c. information pertaining to any organization which the Applicant proposes to form where the development is to be a condominium or other ownership organization, including forms and plans to be used to organize and manage the same, for approval as to form by Town Counsel;

   d. copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the Town, the Conservation Commission, utility companies, any condominium or other ownership organization and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Town Counsel;

   e. a concise narrative prepared by a preservation consultant including any and

all historical information to be submitted to the Westford Historical Commission and Planning Board. The narrative will include:

1. architectural history of all structures on the site, including period, style, method of building construction, and association with any particular architect or builder.
2. any important association with one or more historic persons or events.
3. any cultural, political, economic or social history of the site or any structures to the Town, Commonwealth of Massachusetts or the United States of America.

f. evidence that the proposed MCP is consistent with applicable standards of the of the National Park Service or the Westford Historic Commission; and

g. any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.

3. *Fees*. The following fees:

a. Technical Review Fee. The applicant shall pay a technical review fee pursuant to G.L. c. 44, s. 53G and the rules of the Planning Board.

b. Administrative Fee. The applicant shall pay an administrative fee pursuant to the rules of the Planning Board.

4. *Waiver*. The Planning Board may waive the submittal of technical information or documents otherwise required hereunder where the applicant demonstrates that, due to the simplicity of the proposal, such information is not necessary for or applicable to the Planning Board's decision pursuant to this section.

8.5.7 Review by Other Boards. Whenever an application for a special permit for a MCP is filed with the Planning Board, the applicant shall also file, within five (5) working days of the filing of the completed application, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Commissioner, Highway Superintendent, Police Chief, Fire Chief, and the Town Engineer for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. Reports from other boards and officials shall be submitted to the Planning Board by the date of the public hearing, but in any case within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the 35 day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that 35 day period. The Decision/Findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

8.5.8 Standards. In order to be eligible for consideration for a special permit pursuant to this Section, the proposed development shall meet all of the following standards:

1. *Buffer*. A buffer area of one hundred (100) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site; provided, however, that existing structures and existing access roadways are exempt from the requirements set forth herein. However existing structures and parking areas shall not be made more non-conforming except for ADA compliance. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may waive the buffer requirement:

   a. where the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein; or

   b. where the construction of a wastewater treatment plant necessitates such relief.

2. *Removal and Replacement of Vegetation*. Within the site, no clear cutting shall be permitted, except as authorized by special permit and incidental to construction of buildings, roads, trails and parking areas. The Planning Board may require suitable landscaping or replacement of vegetation.

3. *Roadways*. The principal roadway(s) within the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.

4. *Number of Parking Spaces* . The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces shall be computed using the requirements of Section 5.1 or other applicable provision herein. The Planning Board may increase the required parking by up to 10% to serve the needs of residents, employees, visitors and service vehicles. The Planning Board may reduce the otherwise required number of parking spaces where the applicant demonstrates that an adequate number of spaces will be provided.

5. *Commercial Vehicles.* Commercial vehicles owned or operated by owners or tenants of the MCP, or their agents, servants, licensees, suppliers and invitees shall be parked inside a garage, or suitably screened or designated area, except for delivery or service vehicles in the active service of receiving and delivering goods or services.

6. *Parking Areas.* All parking areas shall be screened from view from adjacent residentially zoned or occupied premises located outside the site, including public ways, by a landscaped border at least ten (10) feet in width. Parking lots shall be located to the rear or side of all buildings and shall not be located in front setbacks or in buffer areas; provided, however, that the Planning Board may waive these provisions for existing parking lots and/or existing buildings. Parking lot layouts shall be planned to permit landscaping, buffers, or screening to prevent direct views of parked vehicles from adjacent streets. The use of traditional picket fencing, hedges, walls, or landscape berms to define parking areas is encouraged. In parking areas of eleven or more parking stalls, at least one tree of three-inch or greater caliper shall be planted for every six parking places. Adequate tree wells and irrigation shall be provided for all parking lot landscaping. Pedestrian access is to be taken into consideration in parking lot design. The use of separate walkways is encouraged. Textured paving or grade separated (elevated) walkways are desired on all pedestrian access ways.

7. *Paving*. Paving should be textured or of different materials at pedestrian crossings and walkways. The use of stone, brick or cultured stone pavers for entrance walkway borders is encouraged. The use of textured materials for walkway borders is encouraged.

8. *Paths*. The Planning Board may require paths which shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, adequate connectivity, completeness of access to the various amenities and facilities on the site and to pathways or sidewalks to adjacent sites.

9. *Loading.* Loading areas may be required by the Planning Board where deemed necessary for the efficient operation of the MCP. Loading areas must be at least 20 X 9 feet, and have a minimum overhead clearance of 10 feet. Screening and landscaping shall be provided to block all views of loading areas (except those specifically designated for emergency vehicles) from the public right-of-way and adjacent properties.

10. *Stormwater Management.* The stormwater management system shall be designed in accordance with the Regulations of the Planning Board.

11. *Utilities.* All electric, gas, telecommunications, and water distribution lines shall be placed underground, except upon a demonstration of exceptional circumstances. The facility shall be served by the municipal water system.

12. *Emergency Systems.* The MCP shall have an integrated emergency call, and/or telephone and/or other communications system for its residents and/or other tenants. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Westford Fire Department for the emergency evacuation of the residents with emphasis on ensuring the safety of residents with physical impairments.

13. *Lighting.* Illuminated signs, parking lot lighting, building floodlighting, or other exterior lighting shall be so designed and arranged that the collective result does not create so much light overspill onto adjacent premises that it casts observable shadows, and so that it does not create glare from unshielded light sources.

8.5.9 Number of Dwelling Units. The maximum number of dwelling units shall be established by the Planning Board after reviewing the following criteria:

1. Existing structures;
2. Proposed method and efficacy of wastewater disposal;
3. Availability of public water;
4. Trip generation, traffic safety and internal site traffic;
5. Character of the proposed MCP and its relation to the surrounding neighborhood(s);
6. Character of the existing buildings and the potential for reuse thereof;
7. Number of affordable units, beyond the minimum required, proposed by the applicant;
8. Development Impact Statement;
9. Applicability of the Water Resource Protection Overlay District, Section 8.1, herein; and
10. Reports of the technical consultants of the Planning Board and all other reviewing boards.

8.5.10 Number of Bedrooms. The Planning Board may ensure the diversification of dwelling units within a MCP by establishing the number of dwelling units with one, two, or three bedrooms; but not more than 10% shall be three bedrooms.

8.5.11 Expansion of Existing Buildings. Existing buildings within a MCOD may be expanded, provided that such expansion:

1. is consistent with the existing buildings historic character and scale; and
2. does not cause substantial detriment after considering the factors set forth in Section 8.5.14.

8.5.12 New Buildings. Within the MCP, new buildings may be constructed in accordance with the following requirements:

1. The number, type, scale, architectural style, and uses within such new buildings shall be subject to Planning Board approval.
2. New buildings shall be permitted only to the extent reasonably necessary to provide for essential services such as, but not limited to, wastewater treatment

facilities.

8.5.13 Affordable Dwelling Units. [Amended 05-06-06 ATM Art. 27] As a condition of the grant of any special permit for a MCP, a minimum of fifteen (15%) of the total number of dwelling units shall be restricted in perpetuity in the following manner:

1. 5% of the units shall be affordable to persons or families qualifying as low income; and
2. 5% of the units shall be affordable to persons or families qualifying as moderate income; and
3. 5% of the units shall be affordable to persons or families qualifying as median income.
4. The perpetuity restriction shall be approved as to form by legal counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the Westford Housing Authority for a period not less than 120 days after notice thereof.
5. Affordable units shall be integrated into the overall development of the MCP so as to prevent the physical segregation of such units.
6. The Applicant shall be encouraged to seek designation of the units referenced in paragraphs 8.5.13.1 and 8.5.13.2 as affordable units which qualify as part of the subsidized housing inventory as approved and complied by the Department of Housing and Community Development (DHCD). The Planning Board may require that the Applicant affirmatively take steps to utilize the Westford Housing Authority, a public agency, a non-profit agency, limited dividend organization, or other appropriate entity, and through a Local Initiative Program Petition or other similar mechanism or program, cause application to be made to the DHCD, so as to timely furnish all forms and information necessary to promote the designation of those units referenced in said paragraphs as affordable units qualifying as part of the subsidized housing inventory. The Planning Board may require submission of application, forms and appropriate information to the DHCD as a condition of approval.

8.5.14 Action by the Planning Board. The Planning Board after considering reports from consultants and other Boards and/or Commissions, may grant a special permit for a MCP where it makes the following findings:

1. The proposed MCP constitutes an appropriate renovation as defined above; and
2. The proposed MCP does not cause substantial detriment to the neighborhood after considering the following potential consequences:
   a. noise, during the construction and operational phases;
   b. pedestrian and vehicular traffic;
   c. environmental harm;
   d. visual impact caused by the character and scale of the proposed

structure(s);and

e. for the consequences as may be set forth in the Development Impact Statement for the MCP.

SECTION 9.0. ADMINISTRATION AND PROCEDURES

9.1 GENERAL

9.1.1 Building Commissioner. This Bylaw shall be administered and enforced by the Building Commissioner. Pursuant to the State Building Code, the Building Commissioner may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth and may request advisory reviews by other municipal boards and officials.

9.1.2 Permit Required. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed with regard to size or shape or principal use until all necessary permits have been received under federal, state, or local law, including this Zoning Bylaw.

1. Construction or operations under a building permit shall conform to any subsequent amendments to this Zoning Bylaw unless the use or construction authorized by the permit is commenced within a period of six (6) months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

9.1.3 Enforcement. The Building Commissioner shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this Bylaw and of permits, special permits, variances, and site plan approval issued thereunder, including notification of noncompliance and legal action.

9.1.4 Penalties. The penalty for violation of any provision of this Bylaw, of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals, any special permit granting authority, or the site plan approval board shall be three hundred dollars ($300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

9.2 BOARD OF APPEALS

9.2.1 Establishment. [Amended 5-7-05 ATM Art. 14] There shall be a Board of Appeals of five (5) members and three (3) associate members appointed by the Board of Selectmen as provided in G.L c. 40A, s. 12, which shall act on all matters within its jurisdiction under this Zoning Bylaw in the manner prescribed in the General Laws. No member or associate member shall act on any appeal in which he/she has a

personal or financial interest. In case of the absence of or inability to act by any regular member or in the event of a vacancy, an associate member shall be assigned to act in place thereof.

9.2.2 Powers. The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this Bylaw. The Board's powers are as follows:

1. *Special Permits.* To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Section 9.3, or as otherwise specified. A special permit shall lapse within a two-year period or a shorter period if so specified, including time required to pursue or await the determination of an appeal pursuant to G.L.c. 40A, s. 17, and if substantial use thereof has not sooner commenced except for good cause, or, in the case of a permit for construction, if construction has not begun within the period except for good cause.
2. *Variances.* To hear and decide appeals or petitions for variances from the terms of this Bylaw, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10, where owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw. A use variance may be granted by the Board of Appeals to authorize a use or activity not otherwise permitted in the district in which the land or structure is located.
3. *Administrative Appeals*. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 7, 8 and 15.
4. *Comprehensive Permits*. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

9.2.3 Conditions. With regard to special permits and variances, the Board of Appeals may impose conditions, safeguards and limitations, both of time and use, including the continued existence of any particular structures; provided, however, that a variances may not be conditioned so as to pertain exclusively to the appellant, petitioner or any owner.

9.2.4 Regulations. The Board of Appeals may adopt rules and regulations for the administration of its powers.

9.2.5 Fees. The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

9.3 SPECIAL PERMITS

9.3.1 Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the special permit granting authority.

9.3.2 Criteria. Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the proposed use or structure(s) shall not cause substantial detriment to the neighborhood or the town, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth elsewhere in this Bylaw, such determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on town services, tax base, property values, and employment.

9.3.3 Procedures. Applications shall be filed in accordance with the rules and regulations of the special permit granting authority. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority.

9.3.4 Plans. An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 9.4, herein.

9.3.5 Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Bylaw.

9.3.6 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the

filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

9.3.7 Regulations. The special permit granting authority may adopt rules and regulations for the administration of this section.

9.3.8 Fees. The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

9.3A. SPECIAL PERMIT PERFORMANCE STANDARDS FOR MAJOR COMMERCIAL PROJECTS AND MAJOR RETAIL PROJECTS [Added 5-7-2005 ATM Art. 16]

9.3A.1 Purpose. The following performance standards have been adopted in order to control the size, scale, and impacts of Major Commercial Projects and Major Retail Projects which require a special permit for use from the Planning Board. The specific purposes of this Section are:

1. **Lighting.** To reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; conserve energy and decrease lighting costs without decreasing night time safety, security, and productivity; and preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.
2. **Noise.** To reduce noise pollution in order to preserve and enhance the natural and aesthetic qualities of the Town; preserve property values; and preserve neighborhood character.
3. **Landscaping and Screening.** To ensure that proposed development maximize and retain open space, and is integrated into the natural landscape, minimizing adverse environmental impacts to such features as wetlands, floodplains, and water resource protection recharge areas
4. **Stormwater Management.** To ensure that development includes adequate provisions or measures to prevent pollution of surface or groundwater, minimize erosion and sedimentation, prevent changes in groundwater levels, increased run-off and potential for flooding, and minimize adverse impacts to neighboring properties by flooding from excessive run-off.
5. **Site Development Standards.** To ensure that, to the extent practicable, the proposed development is located to preserve and enhance the natural features of the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets.
6. **Pedestrian and Vehicular Access; Traffic Management.** to ensure that proposed development and/or redevelopment is designed to (i) minimize hazards to public health and safety as a result of traffic; (ii) provide safe access and

circulation on the site for expected vehicles, pedestrians, and emergency vehicles; (iii) provide off-site traffic mitigation, where required, to offset the impact of the development; (iv) reduce the traffic impacts of the proposed development on the area and the Town by incorporating traffic management devices; and (v) minimize the impact on scenic roads, historic districts, natural resources, and community character.

7. **Community Character.** To ensure that the location, size and design, building materials, and operating characteristics of the proposed development is compatible with abutting properties, the natural and built environment in the area, and the surrounding neighborhood.

8. **Utilities; Security; Emergency Systems.** To ensure that proposed development is adequately served by public or private utilities, security systems, and emergency systems.

9. **Fiscal Analysis.** To evaluate the fiscal impact of the proposed development upon the Town's municipal services.

9.3A.2. **Procedures; Rules and Regulations**. Applicants for special permits for Major Commercial Projects or Major Retail Projects shall submit an application on a form prescribed by the Planning Board. The Planning Board may adopt rules and regulations for the administration of such special permits. The Planning Board may require the establishment of an escrow account, pursuant to M.G.L. c. 44, s. 53G, to cover all or part of the cost of the technical review required by the project, including services provided by, but not limited to, attorneys, traffic engineers, landscape architects, civil engineers, lighting engineers, fiscal analysts, and other professionals.

9.3A.4. **Standards.** The following standards shall apply to applications for special permits for Major Commercial Projects or Major Retail Projects:

1. Lighting.

A. Shielding. All outdoor light fixtures shall be shielded so as to meet the goals of this Section.

B. Light Trespass. Direct light from the light source is to be confined within the property boundaries.

2. Noise

A. Ambient Noise Level. No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 70 dBA or 10 dBA above ambient, whichever is lower, when measured at the property boundary of the receiving land use.

3. **Landscaping**. To the extent these requirements exceed those set forth in Section 5.0 of this By-law, these requirements shall control:

A. **Street Buffer Strip**. Except for a required sidewalk, a landscaped buffer strip at least twenty (20) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking

and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, evergreens and shade trees having a minimum four inches in caliper measured four feet from ground level planted at least every thirty (30) feet along the road frontage. Evergreens and shade trees shall be at least eight feet in height at time of planting.

B. **District Buffer Strip**. A continuous landscaped buffer strip of at least ten (10) feet in width shall be provided and maintained in perpetuity between business and industrial districts and any residential districts and/or property lines. The landscape buffer strip shall be of a density to substantially screen the development in question from view, along the zoning district line in question. Plantings of various approved evergreen species are encouraged and shall be planted at a minimum height of six (6) feet.

C. **Large Parking Areas**. Parking areas containing over 20 spaces shall have at least one shade tree per ten (10) parking spaces, such tree to be a minimum of 2½ inches in diameter and located either in the parking area or within 10 feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots. .

D. **Fencing**. Fencing may be allowed in lieu or in conjunction with plantings. Design and height of such fencing, with accompanying landscaping, shall be subject to the approval of the Planning Board.

E. **Retaining Walls**. Retaining walls shall be constructed to a maximum height of four (4) feet. If site conditions require elevation changes of greater than four (4) feet, retaining walls shall be terraced and landscaped.

F. **Berms**. The Planning Board may require a berm or berms in appropriate circumstances to promote the goals of this section.

G. **Screened Areas**. Exposed storage areas, refuse disposal facilities, machinery, service areas, truck loading areas, utility buildings and structures and other similar uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.

H. **Maintenance**. All landscaping features, structures and areas shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season as a condition of approval.

4. **Stormwater Management**.

A. **Consistency with the Massachusetts Stormwater Management Policy**. All development shall comply with the Department of Environmental Protection's (DEP) Stormwater Management Policy (including Phase II Stormwater Management requirements), to ensure that the rate of surface water run-off from the site shall not be increased after construction.

B. **Conservation Commission**. Where applicable, no special permit shall be issued unless a report shall have been received from the Conservation

Commission or the Planning Board's agent that the storm drainage system is consistent with DEP Stormwater Management Policy and that there is sufficient storm drainage capacity to meet the flow demands of the proposed development on-site, and where applicable, without causing surge in those storm drainage lines which serve the project and are consistent with the standards of the Town.

5. **Site Development Standards**.

   A. **Land Disturbance.** Site/building design shall preserve natural topography, reduce unnecessary land disturbance and preserve natural drainage on the site to the extent possible.

   B. **Site Design.** Placement of buildings, structures, or parking facilities shall relate to the site's scenic qualities and shall blend with the natural landscape.

   C. **Archeological or Historical Resources**. The Planning Board may require applicants to submit the proposed development plan to the Westford Historical Commission and/or the Massachusetts Historical Commission for review and comment regarding possible archaeological or historical resources on the site.

   D. **Preservation of Existing Vegetation**. Priority shall be given to the preservation of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.

   E. **Finished Grade.** Finished grades should be limited to no greater than a 3:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible.

   F. **Topsoil**. A minimum of 6" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.

6. **Pedestrian and Vehicular Access; Traffic Management**

   A. **Access.** To the extent feasible, access to nonresidential uses and structures shall be provided via one of the following (i) Access via a common driveway serving adjacent lots or premises; (ii) Access via an existing side street; (iii) Access via a cul-de-sac or loop road shared by adjacent lots or premises;

      (1) Access via roadways abutting residential districts shall be avoided where possible.

      (2) Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the Planning Board.

      (3) Access shall be obtained from existing driveways where such access is safe and efficient. Where two or more access ways now exist, the Planning Board may limit access to the more safe and efficient location.

   B. **Curb Cuts.** Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 30 feet in width unless

waived by the Planning Board for commercial truck traffic.

C. **Interior Circulation.** The proposed development shall ensure safe interior circulation within its site by accommodating and separating pedestrian, bike ways, and vehicular traffic and ensure safe access to all users of the buildings.

D. **Transportation Plan Approval**. The proposed development shall be subject to a Transportation Plan approved by the Planning Board. The Transportation Plan shall be prepared by a qualified traffic consultant and consist of the following information:

(1) A plan showing the proposed parking, loading, and traffic circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.

(2) A Transportation Impact And Access Study (TIAS), detailing the expected traffic impacts. For proposed development in excess of 25,000 gross square feet or in excess of 20 peak hour vehicle trips, the required traffic study shall substantially conform to Town of Westford Guidelines for Preparation of a Transportation Impact Assessment and the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition[1]. The Planning Board shall approve the geographic scope and content of the study. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

(3) Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.

E. **Level of Service Maintenance or Improvement**.

The suggested Level of Service (LOS) of intersections impacted by the traffic generated the development shall be:

For newly constructed floor area, LOS "D" or better

1. For all other projects subject to special permit– present LOS if present level of service is "D" or lower

where such suggested standard is not met, or where a proposed project will result in an increase of 10 seconds of delay to a signalized intersection, the PB may require the applicant to provide detailed plans (including reconstruction concepts) that when implemented would result in a intersection LOS as set forth above, or a return to existing conditions, whichever is applicable.

F. **Dangerous Intersections.** The Planning Board may require safety improvements for any net increase in traffic volumes of 10% or more at an

[1] Current edition is dated 1991 and is available through the Institute of Transportation Engineers, 1099 14th Street, NW, Suite 300 West, Washington, DC 20005-3438 USA, Telephone: 202-289-0222

intersection that has an accident history of more than 5 accidents in the last three years for which data is available.

G. **Sight Distance.** Adequate sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe-stopping sight distances as detailed in the Town of Westford Traffic and Pedestrian Safety Manual.

H. **Pedestrian and Bicycle Safety**. Pedestrian and bicycle circulation, and the amenities required thereof, on and off site, shall be in accordance with the following requirements:

(1) All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with adjoining properties, where deemed appropriate by the Planning Board.

(2) Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.

(3) All road and intersection widening and new traffic signals or modification of existing traffic signals required as part of a Development or Redevelopment shall include appropriate bicycle and pedestrian accommodation.

(4) The Planning Board may require proposed development and redevelopment to provide sufficient rights-of-way on their properties to accommodate expected needs for bicycle and pedestrian use in conformance with the general guidelines in the Route 110 Master Plan, Sidewalk Master Plan, and other Master Plans as adopted by the Town.

(5) If the property abuts a public bikeway/ right-of-way, a paved access route to the bikeway may be required.

H. **Location of Parking Areas.** Where feasible, the Planning Board may require parking areas to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood.

I. **Traffic Calming Features.** Traffic calming measures such as crosswalks, bike lanes, rumble strips and landscaped islands may be required.

7. Community Character.

A. **Compatibility with Neighborhood.** The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with abutting properties, natural and built environment in the area and the surrounding neighborhood, with consideration to be given to the following:

(1) harmony in scale, bulk, massing, architectural character, building

materials, placement and density;

(2) generation of traffic and the capacity of surrounding streets;

(3) consistency with the goals and objectives of the Town of Westford Master Plan and with any other applicable plan that has been adopted by the Town.

8. Utilities; Security; Emergency Systems

Projects may not overburden Town infrastructure services including water, gas, electricity and waste water systems. Building design may make use of water-conserving plumbing and minimize the amount of stormwater runoff through the use of best management practices for storm water management. Further, building may be designed to make use of natural and energy resources efficiently in construction, maintenance, and long term operation of the building, including supporting mechanical systems that reduce the need for mechanical equipment generally and its location on the roof specifically. Compliance with the Leadership in Energy and Environmental Design (LEED) certification standards and other evolving environmental efficiency standards shall be encouraged.

A. **Wastewater Treatment and Disposal.** The Planning Board shall require a report from the Board of Health confirming that the proposed site development provides for wastewater treatment and or disposal in a manner that is consistent with regulations of the Commonwealth of Massachusetts and the Westford Board of Health.

B. **Water.** There shall be a report from the Water Department confirming that there shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow characteristics off-site to fall below the standards adopted by the Town.

C. **Site Security.** There shall be a certification by the Police Chief or their designee that the petitioner has provided a written plan for site security, which plan has been approved by the Police Chief or their designee.

D. **Underground.** All electrical, cable and telecommunications services shall be installed underground.

E. **Fire Alarm System.** There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed site development and use under applicable codes, regulations, and statutes enforce by the Fire Chief or their designee.

9. Fiscal Analysis.

The proposed development should not place more demand on public services than it generates in tax revenue, or overburden the Town's utilities and infrastructure. The fiscal assessment will also consider how the proposed development would generate an additional need for, or affect the availability of affordable housing (and schools).

9.3A.5 Exemptions. The following are exempt from these special permit standards:

A. Emergency Response. Emergency responses performed by a private entity or a public agency and fire or burglar alarms.

9.3A.6 Waiver of Standards. The Planning Board may, in the course of granting a special permit for the project, waive any of these performance standards where such waiver is not inconsistent with public health and safety, and where such waiver does not undermine the purposes of this section and the proposed development will serve the goals and objectives set forth in Section 9.3A.1,

9.3A.7 Mitigation: Conditions. During the public hearing, the applicant may propose specific design alternatives and/or off-site improvements to municipal facilities to meet the performance standards. Where such proposal is acceptable to the Planning Board, such design alternatives and improvements may be incorporated as a condition in the special permit, if granted. Where such mitigation is required, the Planning Board may impose reasonable conditions, including, but not limited to, the following:

A. **Timing.** The Planning Board may require that all improvements shall be completed prior to the issuance of either a building permit or a certificate of occupancy for the proposed development. The Planning Board may require that improvements associated with a phased development shall be completed for that phase prior to the issuance of either a building permit or a certificate of occupancy for such phase.

B. **Cost of Improvements.** The required design work and cost of construction and implementation of improvements required as a condition of a special permit shall be the full responsibility of the Applicant.

C. **Cost of Review and Inspection.** The cost of review of plans and the cost of periodic inspection of work during construction shall be the full responsibility of the Applicant and shall be charged in accordance with procedural requirements to be adopted and from time to time, as may be amended by the Planning Board.

D. **Specifications.** All work proposed to improve or upgrade Town utilities and services shall be done according to the specifications established by the Planning Board or the appropriate Town department or official.

E. **Road and Intersection improvements.** All road and intersection improvements proposed as part of development and redevelopment shall be consistent with local plans, including but not limited to the Route 110 Master Plan and the Sidewalk Master Plan.

9.3A.8 Enforcement. The Planning Board may ensure compliance with these performance standards at the application stage by requiring evidence of probable compliance, whether by example of similar facilities or by engineering analysis, verified by

technical peer review. In addition, the Planning Board may require a monitoring program at the applicant's expense for compliance purposes for a time period as may be specified in the special permit.

9.4 SITE PLAN REVIEW

9.4.1 Applicability. [Amended 3-28-11 Adj. ATM Art. 33] The following types of activities and uses are subject to site plan review by the Planning Board:

1. Construction, exterior alteration, exterior expansion of a nonresidential or multifamily structure or tower, or change in use;
2. Construction or expansion of a parking lot associated with a nonresidential or multifamily structure or use.

9.4.2 Site Plan Review of Exempt Religious, Educational, and Child Care Uses. [Amended 3-28-11 Adj. ATM Art. 33, with exception per AG]

1. Applicability. Religious and educational uses, Day Care Centers, and school age child care programs, as those uses are defined in this Bylaw; which are partially excepted from local zoning regulation by M.G.L. Chapter 40A, Section 3, shall be subject to a modified Site Plan Review process as specified in sub section 9.4.7.2.
2. Procedures.
   a. Demonstration of Qualification. In order to qualify for the modified Site Plan Review standards in 9.4.7.2, an applicant must satisfy the Town that the USE is exempt under M.G.L. Ch. 40A, Section 3.
   b. General Review Procedure. Site Plan Review for these uses shall be reviewed by the Planning Board†, with specific review criteria specified in sub section 9.4.7.2.

9.4.3 Procedures.

1. *General.* Applicants for site plan approval shall submit five (5) copies of the site plan to the Planning Board for review. The Planning Board shall review and approve the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision.
2. *Building Permit.* An application for a building permit shall be accompanied by an approved site plan. Prior to the commencement of any activity set forth in Section 9.4.1, the proponent shall obtain site plan approval from the Planning Board. No building permit shall be issued by the Building Commissioner without the written approval of the site plan by the Planning Board, or unless 60 days lapse from the date of the submittal of the site plan without action by the

† Deleted: " pursuant to the general review process in Section 9.4" pursuant to Attorney General's letter of August 23, 2011.

Planning Board.

3. *Uses and Structures Requiring a Variance or Special Permit*. An application for a variance or special permit to conduct any activity set forth in Section 9.4.1 shall also require site plan approval from the Planning Board.

9.4.4 Plans. Plans subject to this section shall show:

1. Existing and proposed topography at 2 foot contour intervals;
2. Existing and proposed buildings and structures, including fences, loading areas, accessory buildings, waste disposal areas, and storage areas;
3. Water provision, including fire protection measures;
4. Sanitary sewerage;
5. All utilities serving the site (provisions shall be made to underground all onsite utility services);
6. Storm drainage, including means of ultimate disposal and calculations to support maintenance of the requirements in the Planning Board's Subdivision Rules and Regulations;
7. Parking, access, and egress provisions;
8. Planting, landscaping, buffers, and screening;
9. All boundary line information pertaining to the land sufficient to permit location of same on ground;
10. Compliance with all applicable provisions of this Zoning Bylaw.
11. Compliance with Americans with Disabilities Act (ADA).

9.4.5 Preparation of Plan. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer and a Registered Land Surveyor. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=40'.

9.4.6 Waiver of Technical Compliance. The Planning Board may, upon written request of the applicant, waive any of the technical requirements of Section 9.4.4 or 9.4.5 where the project involves relatively simple development plans, and may waive the associated fees for all municipal, state, or federal projects.

9.4.7 Site Plan Approvals

1. **General Review Standards**. [Amended 5-7-2005 ATM Art. 17] Site Plan approval for uses listed in 9.4.1 shall be granted upon determination by the Planning Board that the following conditions have been satisfied. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that the following conditions have been satisfied. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

   a. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;

   b. Maximize pedestrian and vehicular safety both on and offsite;

   c. Minimize obstruction of scenic views from publicly accessible locations;

   d. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

   e. Minimize glare from headlights through plantings or other screening;

   f. Minimize lighting intrusion through use of such devices as cutoff luminaries confining direct rays to the site, with fixture mounting not higher than 20 feet;

   g. Minimize unreasonable departure from the character and scale of building in the vicinity, as viewed from public ways;

   h. Minimize contamination of groundwater from onsite wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

   i. Maintain an acceptable level of traffic service, volume and infrastructure which meets the goals of the Master Plan, the Traffic and Pedestrian Safety Manual, and Route 110 Master Plan, the Sidewalk Master Plan, and other Town adopted Master Plans.

   j. Encourage alternative methods of transporting people, through public transportation, car pools and van pools, bicycling and walking, rather than near exclusive reliance on single-occupant vehicles.

2. Review Standards for Religious, Educational and Child Care Uses. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that the following conditions have been satisfied. In reviewing the site plan submittal for an exempt USE under 9.4.2, the Planning Board shall consider

the following:

a. Relationship of the bulk and height of structures and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area‡, which includes, but is not limited to, building coverage requirements, yard sizes, lot areas and setbacks;

b. Physical layout of the plan as it relates to convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;

c. Adequacy of the arrangement of parking and loading spaces and safety of proposed access and egress in relation to the proposed uses of the premises;

d. §

9.4.8 Lapse. Site plan approval shall lapse after three (3) years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

9.4.9 Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines.

9.4.10 Fee. The Planning Board may adopt reasonable administrative fees and technical review fees for site plan review.

9.4.11 Appeal. Any decision of the Planning Board pursuant to this Section 9.4 shall be appealed in accordance with G.L. c. 40A, s. 17.

9.5 REPETITIVE PETITIONS

9.5.1 Amendments. No proposed change to this Zoning Bylaw which has been unfavorably acted upon by the Town Meeting shall be considered by the Town Meeting within two (2) years after the date of such unfavorable action unless adoption of the proposed change has been recommended in the final report of the Planning Board to the Town Meeting.

9.5.2 Adjudicatory Decisions. No application for a special permit or variance, or administrative appeal, which has been unfavorably and finally acted upon, shall be acted brought within two (2) years after the date of the final unfavorable action

‡ Deleted "and compliance with other requirements of this Bylaw" pursuant to Attorney General's letter of August 23, 2011.

§ Deleted "Physical lighting of the site, especially the adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky." Pursuant to Attorney General's letter of August 23, 2011.

unless all but one (1) of the members of the Planning Board consent to a repetition after notice is given to parties in interest of the time and place of the proceedings to consider consent and unless the Board of Appeals finds specific and material changes in the conditions upon which the previous unfavorable action was based, describes such changes in its records and similarly consents.

SECTION 10.0 DEFINITIONS

10.1 INTERPRETATION

For the purpose of this chapter, certain words and terms shall have the following meanings: The words "used or occupied" include the words "designed", "arranged", "intended" or "offered" to be "used or occupied"; the word "building", "structure", "lot", "land", or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. If any word in this chapter is not so defined or is not hereafter defined, it shall have its ordinary dictionary meaning.

10.2 GENERAL DEFINITIONS [Amended 5-5-07 ATM, Art. 22]

As used in this chapter, the following terms shall have the meanings indicated:

Accessory Building or Structure: A detached building, the use of which is customarily incidental and subordinate to that of the principal building and which is located on the same lot as that occupied by the principal building.

Accessory Dwelling Unit: A dwelling unit subordinate and incidental to the principal dwelling unit located on the same premises, whether in the same structure or in a separate accessory structure.

Accessory Use: A use incidental and subordinate to the principal use of a structure or lot, or a use not the principal use which is located on the same lot as the principal structure. Unless otherwise provided herein "Accessory use" by area of the structure shall be interpreted not to exceed thirty percent (30%) of the gross floor area of the structure, excluding attic, garage and basement, or of the lot on which the structure is located.

Adequate sight distance: This term shall mean both adequate stopping sight distance and adequate intersection sight distance. Stopping sight distance (SSD) is the distance traveled that is directly related to vehicle speeds and the driver's ability to assess and react to a conflict in the roadway, and the ability to stop prior to reaching the conflict. Simply stated, SSD involves distance traveled due to perception and reaction time and braking distance. SSD is measured along the frontage roadway in relation to a proposed site driveway. The safety standard used for determining adequate SSD is the criteria cited in the AASHTO "Green Book**". This criteria is also adopted by MassHighway and noted in the MassHighway Design Manual This criteria *must* be satisfied to assure safety standards. [Added 5-7-2005 ATM Art. 18]

** *A Policy on Geometric Design of Highways and Streets;* American Association of State Highway and Transportation Officials*; 2001*

Adult Day Care, Large: Facility, whether accessory or principal, for the social day care or adult day care of more than six persons over the age of sixteen.

Adult Day Care, Small: Facility, whether accessory or principal, for the social day care or adult day care of not more than six persons over the age of sixteen.

Adult Use: One of the following types of operations:

> **Adult Bookstore**: An establishment having as a substantial or significant portion of its stock-in-trade printed matter, books, magazines, picture periodicals, motion-picture films, video cassettes, and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31.
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> **Adult Live Entertainment Establishment**: Establishment which features live entertainment which consists of entertainers engaging in sexual conduct or nudity as defined in G.L. c. 272, s. 31.
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> **Adult Motion Picture Theater**: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31.

Affordable to Persons or Families Qualifying as Low Income: Affordable to persons in the Westford area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning 50% or less of the median income.

Affordable to Persons or Families Qualifying as Median Income: Affordable to persons in the Westford area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning 120% or less but more than 80% of the median income.

Affordable to Persons or Families Qualifying as Moderate Income: Affordable to persons in the Westford area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning 80% or less but more than 50% of the median income.

Affordable Unit: A unit sold or leased at a price affordable to persons earning not more than 80% of the area median income as determined by the Massachusetts Department of Housing and Community Development. Such units shall be restricted for a period of not less than thirty (30) years.

Alteration: Any construction, reconstruction or other action resulting in a change in the height, number of stories, size, or location of a structure.

Amateur Radio Service: [Added 10-17-2011 STM, Art. 12] That category of Radio Telecommunication that is regulated under 47 CFR §97 as defined in §97.3(a)(4): "A radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest."

Ambient Noise Level: The all-encompassing noise level associated with a given environment, excluding any alleged condition of noise pollution. [Added 5-7-2005 ATM Art. 18]

Amusement Park: A commercially operated park having various devices or stands for entertainment and usually stands for the sale of food and drink.

Antenna: [Added 10-17-2011 STM, Art. 12] A device that includes conductive surfaces that transmit and/or receive Radio Telecommunications. Examples of Antenna types include dish, panel, vertical (e.g. “whip” and “collinear”), horizontal (e.g. “beam,” “yagi” and “log-periodic”).

Antenna Tower: [Added 10-17-2011 STM, Art. 12] A Tower that is constructed for the primary purpose of supporting one or more Antennas.

Applicant: The person or persons, including a corporation or other legal entity, who applies for issuance of a permit, special permit, or variance hereunder. The Applicant must own, or be the beneficial owner of, all the land included in the proposed site, or have authority from the owner(s) to act for him/her/it/them or hold an option or contract duly executed by the owner(s) and the Applicant giving the latter the right to acquire the land to be included in the site.

Appropriate Renovation: Development of a Mill Conversion Project in a manner consistent with the standards of the National Park Service for the rehabilitation of historic buildings, or the applicable standards of the Westford Historical Commission.

Aquifer: Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

Assisted Living Facility (ALF): A facility as defined in 651 CMR 12.02 (definition).

Basement: A portion of a building, partly below grade, which has more than one-half (1/2) of its height, measured from finished floor to finished ceiling, above the average finish grade of the ground adjoining the building. A "basement" is not considered a story unless its ceiling is four (4) feet or more above the finished grade.

Bedroom: A separate room intended for, or which customarily could be used for, sleeping.

Berm: A mound of earth. Such berm shall be used to shield, screen, and buffer undesirable views and to separate incompatible land uses. Berms may also be used to provide visual interest, decrease noise, control the direction of water flow, and act as dams. In traffic work, berm refers to the raised area between the curb line and right of way line. [Added 5-7-2005 ATM Art. 18]

Body art establishment: A facility for the provision of tattoos or body piercing, but not ear piercing.

Building: A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. The word "roof" shall include an

awning or any similar covering, whether or not permanent in nature.

Building Area: The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies and terraces, expressed as a percentage of total lot area.

Building, Attached: A building having any portion of one (1) or more walls in common with adjoining buildings.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Business or professional office: Miscellaneous professional and business offices and services, including but not limited to banks, financial agencies, medical, legal, accounting and other professional services, real estate and insurance offices.

Cellar: A portion of a building, partly or entirely below grade, which has more than one-half (1/2) of its height, measured from finished floor to finished ceiling, below the average established finished grade of the ground adjoining the building. A "cellar" is not deemed a story.

Certificate of Use and Occupancy: A written form, signed by the Building Commissioner, certifying that the stated and described use, structure and/or lot conforms to this chapter or, in the case of an appeal, to the written instructions of the Board.

Child Care Facility: A day care center or school age child care program, as those terms are defined in G.L. c. 28A, s. 9.

Co-location, collocation: [Added 10-17-2011 STM, Art. 12] "The mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes." (Source: Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, FCC et al, 2001).

Commercial Fertilizer: Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, limestone, wood ashes, and gypsum, as defined G.L. c. 128, s. 64.

Commercial Parking Lot: a commercial parking facility operated at retail.

Commercial Recreation, Indoor and Outdoor: Facilities operated for recreational purposes, whether for profit or nonprofit, including, without limiting the generality of the foregoing, tennis, swimming, bowling alleys or pool halls, excluding amusement parks, amusement galleries, video arcades, horse racing, dog racing and any form of recreation involving motorized vehicles.

Commercial Recreation, Winter: Commercial ski, toboggan and ice-skating areas in which may be used ski tows, snowmaking machines and in which may be rented or sold the

rights to ski, skate or toboggan, and skiing, skating, tobogganing lessons, and skiing, skating, tobogganing equipment and accessories and refreshments, and in which may be placed or erected necessary structures to house the same.

Common Driveway: A driveway providing access to two (2) or more separate lots, over which vehicular access may be provided to said lots. "Common driveways" serving two (2) or more lots shall be built as per the standards for new roadway construction as outlined in the Planning Board's Rules and Regulations.

Common Land: Any parcel or parcels of land set aside in an open space residential development, designed and intended for the use, benefit and enjoyment of the residents of the subdivision or the Town of Westford.

Communications Device: Any antennae, dish or panel mounted out of doors on an already existing building or structure used by a commercial carrier to provide telecommunications and/or data services. The term "communications device" does not include a tower.

Community Character: The image of a community or area as defined by such factors as its built environment, natural features and open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services. [Added 5-7-2005 ATM Art. 18]

Community Facility: A building and lot used and operated by a public or other nonprofit organization.

Concealed Antenna Monopole: [Added 10-17-2011 STM, Art. 12] A Monopole that fully contains Antennae and cables concealed within its tubular outer surface.

Conversion of a Dwelling: The conversion of a single-family dwelling in existence prior to the adoption of the Westford Zoning Bylaw to accommodate up to four (4) dwelling units, provided that a special permit is issued by the Board of Appeals. Applicants for such conversions shall first obtain approval of the conversion from the Board of Health before making application to the Board of Appeals. [Amended ATM 5/5/90; STM 7/17/00]

Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway. [Added 5-7-2005 ATM Art. 18]

dBA: Decibel is a unit of sound pressure level. The reference level is a sound pressure of twenty micro-newtons per square meter. Zero decibels, the starting point of the scale of noise level, is about the weakest sound that can be heard by someone with good hearing in an extremely quiet locations. The noise level in an average residence is about fifty decibels. [Added 5-7-2005 ATM Art. 18]

De-icing Chemicals: Sodium chloride, chemically treated abrasives, or other chemicals used for snow and ice removal.

DEP: Department of Environmental Protection [Added 5-7-2005 ATM Art. 18]

Development: A single parcel or set of contiguous parcels of land held in common

ownership at any time on or after the date of the adoption of Section 6.3 herein, for which one or more building permits will be sought.

Development schedule: A schedule authorized by the Planning Board in accordance with Subsections 6.3.4 and 6.3.5 herein.

Drive-up or drive-through facilities: A window or service area allowing customers to receive goods or services without leaving the motor vehicle, but not a drive-in restaurant.

Dry well: A covered pit with an open jointed lining through which water is piped or directed from roofs, basement floors, other impervious surfaces, or swales or pipes to seep or leech into the surrounding soil. [Added 5-7-2005 ATM Art. 18]

Dwelling: A privately or publicly owned permanent structure containing dwelling units. The terms "one-family" and "two-family" shall not include hotel, lodging house, hospital, membership club, trailer, or dormitory. Such term shall not be construed to include trailer, mobile or immobile, except as otherwise provided herein.

Dwelling Unit: One or more living and sleeping rooms providing complete living facilities for the use of one (1) or more individuals constituting a single housekeeping unit, including studio units. Each Dwelling Unit shall contain a kitchen, living area, bathroom and one or more bedrooms; except studio units which may contain a combination kitchen/living/bedroom area.

Earth Removal: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

Earth Station: [Added 10-17-2011 STM, Art. 12] An RTF that communicates using man-made or natural satellites by transmitting and/or receiving Radio Telecommunication with the aid of such satellites, provided that any RTF that may otherwise qualify as both an Earth Station and either an Amateur Radio Service or a Subscriber Antenna, shall not be regulated as an Earth Station under this Bylaw.

Educational use, nonexempt: Educational facilities not exempted from regulation by G.L. c. 40A, s. 3.

Essential services: [Amended 10-17-2011 STM Art. 12] Services provided by a public service corporation, as defined in G.L. c. 40A, s. 3, or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhand, but not including PWSFs. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith. Specifically excluded from this definition are buildings and overhead transmission towers. A PWSF shall not be construed as an essential service.

Family: One (1) or more persons, including domestic employees, occupying a dwelling unit and living as a single housekeeping unit.

Family day care home, large: Any private residence operating a facility for more than six nonresident children as defined in G.L. c. 28A, s. 9.

Family day care home, small: Any private residence operating a facility for not more than six nonresident children as defined in G.L. c. 28A, s. 9.

Fixed Wireless Signals: [Added 10-17-2011 STM, Art. 12] "Any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur ("Ham") radio, Citizen's Band (CB) radio, and Digital Audio Radio Service (DARS) signals." (47 CFR 1.4000 in effect as of February 10, 2011).

Flood Plain: The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by flood water. [Added 5-7-2005 ATM Art. 18]

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy.

Funeral home: Facility for the conducting of funerals and related activities such as embalming.

Garage: A building or structure or a portion thereof in which a motor vehicle containing a flammable fluid or other propellant in its fuel storage tank is stored, housed, kept, repaired, or serviced. This does not include a new car salesroom.

General Service Establishment: shop providing miscellaneous equipment repair services, excluding motor vehicles, or tradesmen services, including but not limited to carpenters, plumbers, electricians and masons.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility. [Added 5-7-2005 ATM Art. 18]

Grade: With reference to a building or structure, the average elevation of the ground adjoining the building or structure on all sides.

Greenhouse, Nursery, or Farm Stand: a facility on a parcel with less than five acres for retail sale of products which are raised on and off the premises.

Greenhouse, Nursery, or Farm Stand, Temporary: a nonexempt facility for use for a period not to exceed 4 months in any one year for retail sale of agricultural or farm products raised on the same premises.

Growth rate limit: The maximum number of residential building permits that may be authorized in a calendar year. The growth rate limit is based upon ongoing analysis of recent average growth rates, and upon the 1995 Master Plan's policies and implementation strategies to manage the current high level of residential growth in the Town.

Hazardous Materials: Any substance or mixture of physical, chemical, or infectious characteristics, poses a significant actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as toxic or hazardous under G.L. c. 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

Height: The vertical distance from the adjacent ground to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof.

Home Occupation: A nonresidential accessory activity carried on by the permanent resident of a dwelling.

Horseback Riding Academy: a facility involving the sale and giving of lessons with respect to horseback riding on the premises but not involving the renting of horses on less than five acres of land.

Hospital: A building used for the diagnosis, treatment, or other care of human ailments, including a clinic.

Hotel or Motel: A building or any part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances, including an inn, motel, and tourist court, but not including a boarding house, lodging house or rooming house.

Impervious Surfaces: Material or structure on, above, or below the ground that does not allow precipitation to penetrate into the soil.

Indoor RTF: [Added 10-17-2011 STM, Art. 12] RTFs that are all of the following: indoors, essentially not visible to persons off the parcel, and require no modification of structure or exterior surfaces to be installed and operate

Intersection sight distance (ISD) is the site triangle created with two vehicles approaching from intersecting streets, typically one from a proposed driveway. ISD is preferred to be satisfied, but under many situations, particularly in built-up areas, are often unable to be met due to physical obstructions and/or permanent structures. In rural areas, roadside vegetation, utility poles and trees of significant diameter often restrict ISD. The requirements for SSD are also outlined in AASHTO. This criteria is preferred to be satisfied. [Added 5-7-2005 ATM Art. 18]

Junk: Any worn-out, cast-off or discarded articles or material, including motor vehicles, which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

Junkyard: The use of more than six hundred (600) square feet of the area of any lot for the storage, keeping or abandonment of junk.

Land: Land, including areas covered by water, including, but not limited to, all waterways, dams, waterfalls, and canals.

Landfill or Open Dump: A facility or part of a facility for solid waste disposal (excluding transfer facilities) established in accordance with the provisions of 310 CMR 19.006.

Level of Service: A description of traffic conditions along a given roadway or at a particular intersection. [Added 5-7-2005 ATM Art. 18]

Light Manufacturing: fabrication, assembly, processing or packaging operations employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, but subject, however, to the following conditions: any light manufacturing business, the conduct of which may be detrimental to the health, safety or welfare of persons working in or living near the proposed location of such manufacturing, including, without limiting the generality of the foregoing, special danger of fire or explosion, pollution of waterways, corrosive or toxic fumes, gas, smoke, soot, dust or foul odors and offensive noise and vibrations, is expressly prohibited.

Loading Space: An off-street area for the loading and unloading of goods and materials from a vehicle.

Lodging House: A building containing lodging units.

Lodging Unit: One (1) or more rooms for the transient use of one (1) or more individuals not living as a single housekeeping unit and not having cooking facilities. A "lodging unit" shall include rooms in boardinghouses, lodging houses or rooming houses.

Lot: An area or parcel of land, not including any area in any lake or great pond, shown as a separate and distinct lot on a plan or by other means recorded as such in the Middlesex County North District Registry of Deeds or registered as such in the Middlesex County Land Court, or a combination of such lots sufficient in size to meet the requirements of this chapter.

Lot, Corner: A lot at the point of intersection of and abutting on two (2) or more intersecting streets, the interior angle of intersection of the street lot lines or, in the case of a curved street, extended lot lines, being not more than one hundred thirty-five degrees.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot Frontage: The horizontal distance measured along the front lot line between the points of intersection of the side lot lines with the front lot line and to a minimum depth of the minimum front setback for the building in that zoning district.

Lot Line, Front: The property line dividing a lot from a street or right-of-way over which line there is vehicular access to the building(s) on the lot, except as provided in the definition of "common driveway".

Lot Line, Rear: The lot line, or the point in the case of a triangular lot, opposite the front lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Major Commercial Project: [Amended 5-7-2005 ATM Art. 15] Any industrial or commercial use which has one or more of the following characteristics:

a. 15,000 square feet or more of gross floor area in any building or combination of buildings;
b. More than 100 required parking spaces;
c. Generation of more than 250 vehicle trips per day, as determined by the ITE's Trip Generation Manual.
d. The use is allowed in the district in which it will be located.

Major Retail Project: [Amended 5-7-2005 ATM Art. 15] Any retail use of property which has 15,000 square feet or more of gross floor area in any building or combination of buildings, but less than 60,000 square feet of gross floor area. No retail use shall be conducted in a facility with 60,000 or more square feet of gross floor area.

Mandatory Home Association: A private, not-for-profit corporation, association, trust, or other legal entity to be owned by the owners of lots or residential units within a tract approved as an open space residential development, for the benefit of the residents of the development, which holds title to the common land and which is responsible for the maintenance and payment of taxes of said common land. This association or legal entity shall provide voting and use rights for the common land.

Massage Establishment: Any establishment or place of business wherein massage, as defined hereafter, for hire or reward, is administered or used as the primary use of the premises. "Massage" shall mean the practice of a person by hand or by any mechanical apparatus, or both, including, without limitation, nonspecific stretching techniques, oil rubs, heat lamps, salt glows, hot or cold packs, tubs, showers, cabinet baths, steam- and dry-heat baths, and mineral water. "Massage" is also defined to include, without limitation: stroking, touching, kneading, vibration, friction, and percussion, solely or in combination, or by means of any mechanical apparatus.

Membership Club: A nonprofit social, sports or fraternal association or organization which is used exclusively by members and their guests.

Mill Conversion Project (MCP): The conversion of existing mill buildings and structures in a Mill Conversion Overlay District as specified herein to multifamily dwelling(s), assisted living facility, single-family dwelling(s), and/or nonresidential uses.

Mitigation: Methods used to alleviate or lessen the impact of development. [Added 5-7-2005 ATM Art. 18]

Monopole: [Added 10-17-2011 STM, Art. 12] A Tower that is a self-supporting vertical pole, with no guy wires, that supports Antennae and through the interior of which Antennae

and control cables are routed to maintain an uncluttered continuous exterior surface. Antennae are mounted to Monopoles in several fashions, including those mounted on wide frames or platforms extending from the Monopole surface, surface-mounted to the pole exterior (sometimes called "flush mounts"), concealed within the pole's surface (see *Concealed Antenna Monopole*) or disguised by materials such as those emulating natural vegetation.

Motor Vehicle Graveyard and Junkyard: An establishment or place of business which is used, maintained, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts, as defined in G.L. c. 140B, s. 1.

Motor Vehicle Repair Establishment: Facility for the general repair of motor vehicles, including body work, but not including a junkyard or open storage of abandoned motor vehicles.

Motor Vehicle Services: A building or part thereof, one of the principal activities of which is the selling of gasoline, oil and related products for motor vehicles, associated light repair.

Multifamily Development: A building or buildings containing two (2) or more attached dwelling units or more than one (1) dwelling unit, whether or not attached, on a single lot, and the buildings accessory thereto.

Municipal Facility: A facility owned and operated by the Town of Westford, excluding municipal parking lots, and including municipally owned drinking water filter plant, pumping plant, filtration plant, purification works and treatment works.

Municipal Parking Facility: A parking facility owned and operated by the Town of Westford.

Nonresidential Uses: Within the Mill Conversion Overlay District, any use as permitted in the underlying district set forth in the Table of Principal Use Regulations, or any accessory use or structure thereto.

Nursing or convalescent home: Any building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

Open Space: Open space located in the Town of Westford, suitable, in the opinion of the Planning Board, to be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes. Such open space may be separated by the road(s) constructed within a SRM Development. Underground utilities to serve a SRM Development may be located within Open Space.

Open Space, Contiguous: Open space suitable, in the opinion of the Planning Board, for the purposes set forth in Sections 7.2.4 and 7.2.10 herein. Such open space may be separated by the road(s) constructed within the Flexible Development. Contiguous open space shall not include required yards.

Open Space Residential Development: A residential subdivision of land where lots may be designed upon reduced dimensions to take maximum advantage of suitable land and where the unused land is retained in its undeveloped state to preserve and protect natural wetlands recharge areas and to provide recreational areas for the use of the residents.

Other Radio Service: [Added 10-17-2011 STM, Art. 12] Those Radio Telecommunications that are not Personal Wireless Services or Amateur Radio Services.

Owner: Any person having vested legal or equitable interest in the use, structure or lot in question, or his duly authorized agent, lessee or attorney.

Personal Service Establishment: a barbershop, beauty parlor, spa, salon, photography studio, health center, or like facility, but excluding massage parlor.

Personal Wireless Service (PWS): [Added 10-17-2011 STM, Art. 12] That category of Radio Telecommunication that is subject to the National Wireless Telecommunications Siting Policy [Section 704 of the Telecommunications Act of 1996 and codified in 47 USC §332(c)(7)].

Personal Wireless Service Facility (PWSF): [Added 10-17-2011 STM, Art. 12] An RTF that provides Personal Wireless Services to subscriber devices. A PWSF consists of all equipment, structures, materials, antennas and customer-side utility interfaces used by an individual provider of Personal Wireless Services at one site.

Exceptions:

1. Consumer-grade PWS devices that are authorized by the carrier and installed by the subscriber to reinforce local service;
2. PWS devices and networks that are installed inside a building to serve the occupants of the building.

Note, it is important to distinguish between a structure that may be part of a PWSF and the PWSF itself: A Tower is not a PWSF, although it may be a component of one or more PWSFs at a site.

Power Plant: Structure and the appurtenant fixtures used for generating energy for public consumption.

Pre-existing Facilities and Structures: Includes buildings, rooftops, flag poles, light posts, church steeples, water towers, electrical transmission towers, telephone poles, or any other pre-existing structure capable of supporting a WCF. Pre-existing facilities and structures explicitly exclude residential structures and/or properties with a principle residential use.

Premises: Land and structures, if any, thereupon.

PWSF Site-Sharing: [Added 10-17-2011 STM, Art. 12] The placement of a PWSF at a tower, building or structure that already has one or more PWSFs installed on such building, tower or structure. Site-Sharing is one form of collocation.

Quarrying; mining: the extraction of rock and the processing and finishing of the products

hereof, rock crushing, lime kilns, lumbering.

Radio Frequency (RF): [Added 10-17-2011 STM, Art. 12] That portion of the electromagnetic spectrum regulated by the Federal Communications Commission.

Radio Telecommunication: [Added 10-17-2011 STM, Art. 12] The transmission and/or reception of information, including but not limited to voice, video, data or radiolocation signals, by means of RF transmissions through the atmosphere.

Radio Telecommunication Facility (RTF): [Added 10-17-2011 STM, Art. 12] Any installation for the purpose of Radio Telecommunication.

Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers.

Repair: Any construction which replaces materials and does not change the height, number of stories, size, use, or location of a structure.

Research/Office Park: Buildings, structures or parts thereof constructed, altered or used for one (1) or more of the following purposes: (1) general and technical office, nonmedical; (2) research laboratory engaged in research, experimental and testing activities, including but not limited to the fields of biology, chemistry, electronics, engineering, geology, medicine and physics, provided that no recombinant DNA research or technology is involved; (3) light manufacturing, where such facilities shall occupy not more than thirty percent (30%) of building area for fabrication, assembly, processing or packaging operations employing only electric or other substantially noiseless and inoffensive motor power. Includes production of finished goods but not processing of raw materials. All power and processes shall be free of disturbing agents such as odors, gas, fumes, smoke, cinders, heat, vibration, excessively bright lights and electromagnetic radiation; (4) accessory uses, including private parking garages, indoor display sales, indoor storage of materials and products, cafeteria, limited production in conjunction with research laboratory use, warehousing and such other accessory purposes as are proper and usual with the preceding uses and are not injurious.

Restaurant: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility.

Retail: The sale of goods to the general public; provided, however, that no retail use shall be conducted in a facility with more than 60,000 square feet of gross floor area. See also the definition of "Major Retail Project."

Retail Sales of Dairy Products: Establishments selling dairy-related products at retail.

Retail Sales to the General Public: Establishments selling goods at retail to be consumed primarily by the general public, such as wholesale clubs, but not including the sale of products specifically set forth otherwise and not including selling or otherwise dealing in junk or materials from salvage or wrecking operations and not involving manufacture on the

premises except of products the major portion of which are to be sold on the premises to the consumer and further provided that no more than 4 operators shall be employed in such manufacture.

Retail Sales to Industrial or Commercial Buyers: Establishments selling goods at retail to be consumed primarily by commercial or industrial users but not including the sale of products specific set forth otherwise and not including selling or otherwise dealing in junk or materials from salvage or wrecking operations.

Retail Sales or Rental of Motor Vehicles: Establishments selling or leasing motor vehicles, tires and other accessories, boats, motorcycles and household trailers.

Rooftop Appurtenances: The visible, functional, or ornamental objects accessory to and part of the Rooftop. [Added 5-7-2005 ATM Art. 18]

Sanitary Wastewater: Any water-carried putrescible waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, showers, dishwashers, or any other source.

Satellite Dish: A device for reception of microwave signals from geostationary satellites consisting of a parabolic reflector (microwave dish) with a microwave receiver at the reflector focus.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation. [Added 5-7-2005 ATM Art. 18]

Senior Residential Multifamily Development: An age-restricted residential housing project constructed within land designated as a Senior Residential Multifamily Overlay District by Town Meeting, in accordance with this Section, and for which a site plan approval has been issued by the Planning Board in accordance with this Section.

Sign definitions. The following definitions apply to signs and their appurtenances:

Combination Sign: Any sign which combines the characteristics of two (2) or more types of signs as defined in this subsection except for electric signs or form signs. Each portion of a "combination sign" shall be subject to the regulations for that type of sign.

Directional Signs and Directories: Any sign erected near a traveled way providing indication of the direction of a residence, business or industry and/or the listing of the occupants of a building.

Display Surface: The total plane area available on the sign for the purpose of displaying a message.

Electric Sign: Any sign which has characters, letters, figures, designs, faces, backgrounds, or outlines illuminated by incandescent or fluorescent lamps or luminous tubes.

Erected: Attached, built, constructed, painted, reconstructed, altered or moved. "Erected" shall not mean repainted, cleaned, repaired or maintained, except where a structural change is made.

Form Sign: Any sign constructed in three (3) dimensions to represent an object.

Freestanding Pole and Ground Sign: Any sign that shall have its support by wood, steel columns, pipes, angle iron framing, or any other material or combination of materials independent of any building or structure.

Individual Letter Sign: Any sign made up of separate self-contained letters.

Marquee Sign: Any sign which is attached to a marquee.

Projecting Sign: Any sign, other than a wall sign, suspended from or supported by a building and projecting out therefrom.

Projection: The distance a sign extends beyond the building line.

Roof Sign: Any sign attached to the roof structure of a building.

Sign: Any letter, word, symbol, drawing, picture, design, device, article, or object that advertises, calls attention to or indicates any premises, person or activity, whatever the nature of the material and manner of composition or construction, when the same is placed out of doors in view of the general public or placed indoors for exterior observance, except temporary indoor paper signs advertising sales, promotions or special events.

Sign Structure: The supports, uprights, braces, and framework of the sign.

Temporary Sign: Any sign intended to be used for a period of time not in excess of six (6) months.

Wall Sign: Any sign attached to or erected against the wall of a building or structure, or a sign that is an integral part of the building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, building or structure and which does not project more than one (1) foot from the face of the structure.

Smart Antenna: An antenna system that uses intelligent signal processing between the transmitter and antennae to control the direction of the radio signal.

Soil Conditioner: Any manipulated substance or mixture of substances whose primary function is to modify the physical structure of soils so as to favorably influence plant growth, except unmanipulated animal and vegetable manures, marl, limestone, wood ashes, and gypsum, as defined G.L. c. 128, s. 64.

Storage or Landfilling of Sludge and Septic: Use of land to store sludge or septage as those terms are defined in 310 CMR 32.00.

Story: The portion of a building which is between one floor level and the next higher floor

level or the roof. If a mezzanine floor area exceeds one-third (1/3) of the area of the floor immediately below, it shall be deemed to be a "story." A basement shall be deemed to be a "story" when its ceiling is four (4) feet or more above the finished grade.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, tank, tunnel, tent, stadium, reviewing stand, platform, shelter, pier, wharf, bin, playhouse, greenhouse, tool shed, swimming pool, tennis court or basketball court or the like, but excepting- (i) freestanding fences not accessory to tennis courts, swimming pools, basketball courts, or the like, and (ii) movable buildings (e.g., toolsheds, playhouses) containing no more than one hundred (100) square feet of gross floor area.

Subscriber Antenna: [Added 10-17-2011 STM, Art. 12] Pursuant to 47 CFR 1.4000, an antenna that is both:

a. located on property within the exclusive use or control of the Antenna user where the user has a direct or indirect ownership or leasehold interest in the property; and
b. that is one meter (3.28± feet) or less in diameter that is used to receive (and transmit, as applicable):
    1. direct broadcast satellite service, including direct-to-home satellite service,
    2. fixed wireless signals, whether via satellite or not;
    3. video programming services via multipoint distribution services, including:
        i. multichannel multipoint distribution services,
        ii. instructional television fixed services,
        iii. local multipoint distribution services, or
        iv. fixed wireless signals other than via satellite, and
        v. an antenna that is used to receive television broadcast signals;

Substantially Irregular: A lot having a coefficient of regularity lower than four-tenths (0.4) as determined by the following formula:

$r = 16A/p^2$ Where: r = The coefficient of regularity.

A = The area of the lot in square feet.
p = The perimeter of the lot in linear feet.

The formula may be applied to the entire lot or, at the discretion of the owner, to the minimum lot area which conforms to all other requirements of this Article, including street frontage.

Telecommunication: Technology which enables the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

Thoroughfare: A street open at both ends, affording an unobstructed exit at each end into another street.

Tower: [Replaced 10-17-2011 STM, Art. 12] Any structure that is not habitable, has proportions of which the height is substantially greater than the largest dimension of its horizontal cross-section, is greater than 12 feet in height when attached to a building or other structure, and/or exceeds the height limit of the district within which it is constructed, whether or not attached to another structure. Examples of Tower types include "lattice" (open frame, truss-type construction) and "monopole" (tubular construction, defined herein).

Trailer: Any vehicle which is designed or constructed to be permanently or temporarily portable and is arranged, intended, designed or used for hauling, sleeping, eating or business or is a place in which persons may congregate, including a mobile home, house trailer or camper or utility trailer.

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged or intended or for which it may be used, occupied or maintained under this chapter.

Use, Substantially Different: A use not indicated as a use by right under the same item in the Table of Use Regulations as the use first considered or being compared to.

Veterinary Hospital or Clinic: a facility for the treatment of animals in which all animals, fowl or other forms of life are completely enclosed in structures, provided that pens, runs, cages and other outdoor structures shall be used only from 7:00 am to 7:00 p.m. and provided that such outdoor structures shall be located at least 200 feet from any side or rear lot line.

Warehouse: A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises, and excluding mini or self-storage warehouse.

Wastewater Treatment Works: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation or reuse of waterborne pollutants, but not including any works receiving hazardous waste from off the site of the works for the purpose of treatment, storage or disposal, all as defined and regulated by 314 CMR 5.00.

Water Resource Protection District I (WRPD I): The protective radius required around a public water supply well or wellfield, as set forth in 310 CMR 22.02's definition of "Zone I."

Water Resource Protection District II (WRPD II): WRPD II is bounded by the most extensive of the following parameters: (a) that area of the aquifer that contributes water to a public water supply well or wellfield under the most severe pumping and recharge conditions that can realistically be anticipated., as set forth in 310 CMR 22.02's definition of "Zone II;" (b) Interim Wellhead Protection Areas, as established by in the Town and defined by 310 CMR 22.02; and (c) the surrounding high and medium yield aquifers within the Town of Westford, having a transmissivity of 1,350-4,000 ft2/d (potential well yield 100 to 300 gal/min).

Water Resource Protection District III (WRPD III): That area of land beyond the area of WRPD II from which surface water and groundwater drain into Zone II, as the term is defined in 310 CMR 22.02.

Wetlands: Land subject to the provisions of G.L. c. 131, ss. 40 and 40A. and subject to the Westford Non-Zoning Wetlands Bylaw.

Wholesale Club: A place at which a majority of the customers make their purchases at the site; such place shall be considered to be a retail use.

Wireless Communications Facility (WCF): Any and all materials, equipment, storage structures, towers, dishes, antennas and storage, used by a commercial carrier to provide telecommunications services to customers. This definition does not include facilities used by a federally licensed amateur radio operator.

Wireless Communications Facility (WCF) definitions. The following definitions apply to Wireless Communication Facilities.

> **Co-location:** The use of a wireless communications facility by more than one (1) wireless telecommunications provider.
>
> **Distributed Antenna System (DAS):** A geographically diversified wireless communications system with a Base Station Facility at one location, and a series of antennae placed on utility poles, buildings or other locations. The antennae are driven by equipment in *Radio Access Nodes* (RANs) and are interconnected to the Base Station Facility by cables, usually fiber optic.
>
> **Façade-Mount Antennae:** One or more antennae or panels mounted on the facade of an existing building or structure, including accessory equipment and cables, if any, which facilitate wireless telecommunications services.
>
> **Feeder:** A cable connecting a transmitter to an antenna.
>
> **High Gain Antenna:** An antenna that amplifies very weak signals.
>
> **In-home routers:** Small low-powered devices, similar to broadband DSL or cable routers, which provide seamless coverage inside buildings.
>
> **Lattice Tower:** A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.
>
> **Monopole:** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Yard: A portion of a lot upon which the principal building is situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

Yard, Front: A space extending for the full width of the lot between the front line of the nearest building wall extended to the side lot lines and the front lot line. Any lot ten thousand (10,000) square feet or less shall have only one (1) "front yard."

Yard, Rear: A space, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building

wall extended to the side lot lines and the rear lot line.

Yard, Side: An unoccupied space extending for the full length of a building between the nearest building wall and the side lot line.

Appendix A:
Table of Principal Use Regulations

	DISTRICTS									
PRINCIPAL USE	**RA**	**RB**	**B**	**BL**	**CH**	**IH**	**IA**	**IB**	**IC**	**ID**
A. Residential Uses										
1. Single-family dwelling	Y	Y	Y	N	N	N	Y	SPA	SPA	N
2. Conversion of dwelling	SPA	SPA	SPA	N	N	N	SPA	SPA	SPA	N
3. Open space residential development	SPB	SPB	N	N	N	N	SPB	N	SPB	N
4. Flexible development	SPB	SPB	N	N	N	N	SPB	N	SPB	N
5. Assisted living facility	SPB	SPB	N	N	SPB	SPB	SPB	SPB	SPB	SPB
6. Trailer, mobile or otherwise	N	N	N	N	N	N	N	N	N	N
B. Exempt and Institutional Uses										
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Child care facility in existing building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Child care facility in new building	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Cemetery	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
6. Municipal facility, excluding parking lots	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
7. Municipal parking lot or garage	N	N	N	N	Y	Y	N	N	N	N
8. Essential services	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
9. Hospital or clinic	SPA	SPA	SPA	N	SPA	N	SPA	SPA	N	N
C. Agricultural Uses										
1. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Facility for the sale of produce, and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

See Definitions Y=permitted, N=not permitted SPB = special permit by Planning Board SPA = special permit by Zoning Board of Appeals

Appendix A:
Table of Principal Use Regulations

C. Agricultural Uses, cont'd	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
3. Greenhouse or nursery farm stand	N	N	N	N	Y	N	N	N	N	N
4. Temporary greenhouse or farm stand	N	N	N	N	Y	Y	N	N	N	N
5. Storage of agricultural products at nonexempt operation	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
6. Boarding, renting and sale of animals on parcels less than five acres	N	N	N	N	SPA	N	N	N	N	N
7. Boarding, renting and sale of horses on parcels less than five acres	N	N	SPA	N	SPA	N	SPA	SPA	N	N
8. Veterinary hospital or clinic	N	N	N	N	Y	N	N	N	N	N
D. Commercial Uses										
D. (A) Retail Uses										
1. Retail sales to the general public	N	N	Y	N	Y	N	Y	Y	N	N
2. Retail sales to industrial or commericial buyers	N	N	N	N	SPB	Y	N	N	N	N
3. Retail sales of dairy products	N	N	Y	N	Y	N	Y	N	N	N
4. Retail sales or leasing of motor vehicles	N	N	N	N	Y	Y	N	N	N	N
5. Major retail project	N	N	SPB	SPB	SPB	SPB	SPB	N	N	N
D. (B) Motor Vehicle Services										
1. Motor vehcile services	N	N	SPA	N	SPA	SPA	SPA	SPA	N	N
2. Motor vehicle repair establishments	N	N	SPA	N	SPA	SPA	SPA	SPA	N	N
D. (C) Other Commerical Uses										
1. Nursing or convalescent home	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
2. Funeral home	N	N	Y	N	Y	N	Y	Y	N	N
3. Hotel	N	N	Y	N	SPB	N	Y	Y	N	N
4. Restaurant	N	N	Y	Y	Y	N	Y	Y	N	N
5. Restaurant, drive-in	N	N	N	N	N	N	N	N	N	N
6. Business or professional office	N	N	Y	Y	Y	Y	Y	Y	Y	Y
7. Printing establishment; newspaper	N	N	Y	N	N	N	Y	Y	Y	Y
8. Nonexempt educational use	N	N	N	N	Y	N	N	N	N	N
9. Nonprofit membership club	Y	Y	Y	N	Y	N	Y	Y	N	N

See Definitions Y=permitted, N=not permitted SPB = special permit by Planning Board SPA = special permit by Zoning Board of Appeals

Appendix A:
Table of Principal Use Regulations

D. (C) Other Commerical Uses, cont'd	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
10. Indoor and outdoor commercial recreation	N	N	N	N	SPA	N	N	N	N	N
11. Winter commercial recreation	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
12. Horseback riding academy	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
13. Place of amusements or assembly	N	N	SPA	N	N	N	SPA	SPA	N	N
14. Indoor motion-picture establishment	N	N	N	N	Y	N	N	N	N	N
15. Golf course; golf club	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
16. Personal service establishment	N	N	Y	Y	Y	N	Y	Y	N	N
17. General service establishment	N	N	N	Y	Y	Y	N	N	Y	Y
18. Planned commercial development	N	N	N	N	SPB	N	N	N	N	N
19. Commercial parking lot	N	N	N	N	Y	Y	N	N	N	N
20. Adult entertainment establishment	N	N	N	N	SPA	N	N	N	N	N
21. Massage establishment	N	N	N	N	N	N	N	N	N	N
22. Body art establishment	N	N	N	N	SPA	N	N	N	N	N
23. Major commercial project	N	N	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
24. Adult day care facility	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
E. Industrial Uses										
1. Research/office park	N	N	N	N	Y	Y	Y	Y	Y	Y
2. Warehouse	N	N	N	N	N	SPB	SPB	SPB	SPB	SPB
3. Planned industrial development	N	N	N	N	N	SPB	N	SPB	N	N
4. Removal of sand and gravel	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Quarrying; mining	N	N	N	N	N	N	Y	N	Y	Y
6. Sawmills and wood processing	N	N	N	N	N	Y	Y	N	N	N
7. Light manufacturing	N	N	N	N	N	Y	Y	Y	Y	Y
8. Light manufacturing with not more than four employees	N	N	N	N	Y	Y	N	N	N	N
9. Wholesale trade	N	N	N	N	Y	Y	N	N	Y	Y
10. Junkyard or automobile graveyard	N	N	N	N	N	N	N	N	N	N
11. Wholesale underground fuel storage	N	N	N	N	N	SPA	N	N	N	N

See Definitions Y=permitted, N=not permitted SPB = special permit by Planning Board SPA = special permit by Zoning Board of Appeals

Appendix A:
Table of Principal Use Regulations

F. Other Uses	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
1. Research conducted by a nonprofit educational institution	SPA	SPA	SPA	SPA	N	N	SPA	SPA	SPA	SPA
2. Drive-up or drive-through facilities, except restaurants	N	N	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
3. Accessways to other districts	Y	Y	Y	Y	Y	Y	Y	N	N	N
4. RTF, including Antennas, equipment and Structures (see Section 6.2 for exemptions)	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA

Appendix B:
Table of Accessory Use Regulations

	DISTRICTS									
ACCESSORY USE (See Definitions)	**RA**	**RB**	**B**	**BL**	**CH**	**IH**	**IA**	**IB**	**IC**	**ID**
A. Residential Accessory Uses										
1. Professional Office (see Sec. 3.4.1)	Y	Y	Y	N	Y	Y	Y	Y	N	N
2. Other home occupation (see Sec. 3.4.2)	SPA	SPA	Y	N	Y	Y	Y	Y	N	N
3. (a) Family day care, small (see Sec. 3.2.1.1.A)	Y	Y	SPB	SPB	SPB	SPB	Y	SPB	SPB	SPB
3. (b) Familiy day care, large (see Sec. 3.2.1.1.B)	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
4. (a) Adult day care, small (see Sec. 3.2.1.2.B)	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
4. (b) Adult day care, large (see Sec. 3.2.1.2.A)	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
5. Accessory dwelling unit (see Sec. 3.3)	SPA	SPA	SPA	N	N	N	SPA	SPA	SPA	N
6. Board of not more than 5 persons (see Sec. 3.2.1.3)	Y	Y	Y	N	Y	Y	Y	N	N	N
7. Temporary trailer (see Sec. 3.2.1.4)	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA
8. Parking of commercial vehicle (see Sec. 3.2.1.10)	Y	Y	N	N	N	N	Y	N	N	N
9. Accessory residential structure (see Sec. 3.2.1.5)	Y	Y	N	N	Y	Y	Y	N	N	N
10. Garage for not more than 3 motor vehicles (see Sec. 3.2.1.6)	Y	Y	N	N	N	N	Y	N	N	N
11. Stabling of horses (see Sec. 3.2.1.7)	Y	Y	N	N	N	N	Y	N	N	N
12. Storage of one unregistered motor vehicle (see Sec. 3.2.1.8)	Y	Y	N	N	N	N	Y	N	N	N
13. Storage of trailer or boat (see Sec. 3.2.1.9)	Y	Y	N	N	N	N	Y	N	N	N
B. Nonresidential Accessory Uses										
1. Storage (see Sec. 3.2.2.1)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Storage of vehicles and trailers (see Sec. 3.2.2.2)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Accessory commerical use	N	N	N	N	Y	Y	N	N	N	N
C. General Accessory Uses	**RA**	**RB**	**B**	**BL**	**CH**	**IH**	**IA**	**IB**	**IC**	**ID**
1. Accessory scientific uses (see Sec. 3.2.3.1)	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA
2. Split lot accessway (see Sec. 3.2.3.2)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Appendix B:
Table of Accessory Use Regulations

3. Common driveway (see Sec. 3.2.3.3)	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
4. Private Parking Garage (see Sec. 3.2.3.4)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. RTF, including Antennas, equipment and Structures (see Section 6.2 for exemptions)	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA

Appendix C:
Table of Dimensional and Density Regulations

	DISTRICTS											
REQUIREMENT	**RA**	**RB**	**B**	**BL**	**CH**	**CH/PCD**	**IA**	**IB**	**IH**	**IH/PID**	**IC**	**ID**
Minimum lot area (square feet or as noted)	40,000	20,000	40,000	100,000	40,000	200,000	40,000	4 acres	100,000	400,000	100,000	200,000
Minimum lot frontage (feet)	200	100	200	200	200	200	200	300	250	400	250	250
Minimum front yard (feet)	50 [2]	25 [2]	35 [2]	50	75 [2]	75 [2]	35 [2]	50 [2]	100 [2]	100 [4]	100	100
Minimum side yard (feet)	15 [5]	15 [5]	15	50	35 [7]	35 [7]	15	40 [8]	35 [9]	35 [9]	35 [9]	50 [9]
Minimum rear yard (feet)	30 [5]	30 [4]	30	50	50	50	30	50 [8]	50 [9]	50 [9]	50 [9]	50 [9]
Maximum building height (feet)	35	35	40	40	40	40	40	40	40	40	40	40
Maximum building Area (stories)	2 1/2 [10]	2 1/2 [10]	3	2	3	3	4	4	3	3	3	3
Maximum building area (percent of lot area)				25	25 [11]	50			25	50	25	25
Minimum open space (percent of lot area in the zoning district) [16]												
Lots of less than 80,000 square feet as of May 5, 1990 [19]	[3]	[3]	30 [16]	50 [16]	30 [16]	30 [16]	30 [16]	30 [12, 16]	30 [16]	30 [16]	30	50 [16]
All others	[3]	[3]	30 [16]	50 [16]	50 [16]	30 [16]	30 [16]	30 [16]	50 [16]	50 [16]	30 [16]	50 [16]
Minimum distance between buildings on the same lot (feet)	20	20	20			20						

1. Not used.

2. Corner lots shall be considered to have two (2) front yards and two (2) side yards, each of which shall comply with the requirements of the front yard provisions and each of which shall comply with the dimensional requirements of the yard for whatever district the lot is located in.

3. For new residential lots, at least seventy-five (75) percent of the required minimum lot area shall be dry land; that is not wetlands as defined herein and is not in the Floodplain Overlay District described in Sec. 8.2.

4. No parking lot in first one hundred (100) feet from public way; all parking lots to be screened from a public way by either natural or vegetation or a landscaped berm, such vegetation or berm to be at least six (6) feet in height.

Appendix C:
Table of Dimensional and Density Regulations

5. No one-story accessory building shall be built or maintained within ten (10) feet of a lot line in any case, provided that in Residence B District is a building, accessory or otherwise, may be built or maintained up to ten (10) feet from any side lot on any parcel of land individually owned which is shown on a plan recorded in the Middlesex North District Registry of Deeds on or before March 12, 1955, and which contains no more than ten thousand (10,000) square feet in area and less than one hundred (100) feet of frontage.
6. Not used.
7. Fifty (50) feet where lot adjoins a residential district.
8. Sixty (60) feet where lot adjoins a residential district.
9. One hundred (100) feet where lot adjoins a residential district.
10. Three (3) stories if building sets back from each street and lot line ten (10) feet in addition to the requirements of this table.
11. Fifteen (15) percent on lots of fifty thousand (50,000) square feet or less; twenty (20) percent on lots of more than fifty thousand (50,000) square feet and less than sixty thousand (60,000) square feet; twenty-five (25) percent on lots of sixty thousand (60,000) square feet or more.
12. For each permitted principal building and open space on the lot, not occupied by any building, of seventy-five (75) percent of the area of such lot, which may be used for parking if otherwise lawful.
13. Not used.
14. For parcels of land up to two (2) acres, plus five feet for each additional acre in the parcel up to one hundred (100) feet.
15. For parcels of land up to two (2) acres, plus five feet for each additional acre in the parcel up to one hundred fifty (150) feet.
16. When wetlands, as defined under this chapter and/or M.G.L c. 131, s. 40, occur on a lot: The open space requirements for lots requiring 50% open space shall be calculated as follows: OS = 0.50(TLA – W). Lots requiring thirty (30) percent open space shall be calculated as follows: OS = 0.30(TLA – W), where OS = required non-wetland open space areas; TLA = total land area in the parcel; W = total wetland area in the parcel.
17. Not used.
18. Not used.
19. This row applies to those parcels whose area does not exceed eighty thousand (80,000) square feet according to a plan on deed recorded prior to May 5, 1990. (Amended 5/5/90 ATM Art. 20)
20. Not used.

Appendix D:
Table of Parking Requirements

PRINCIPAL USE	REQUIRED PARKING SPACES
A. Residential Uses	
1. Single-family dwelling	2 per dwelling unit
2. Conversion of dwelling	2 per dwelling unit
3. Open space residential development	2 per dwelling unit
4. Flexible development	2 per dwelling unit
5. Assisted living facility	As set forth in Section 7
B. Exempt and Institutional Uses	
1. Use of land or structures for religious purposes	1 for each 3.5 sets
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	*For elementary schools* : 1 space for each teacher and each employee and 1 space per classroom; *For secondary schools* : 1 space for each teacher and each employee and 1 space for each 4 students; *For college or other institutions of higher learning above the 12th grade* : 1 space for each 3.5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater/plus one space per employee on the largest shift
3. Child care facility in existing building	1 for each teacher and each other employee and 2 spaces per classroom
4. Child care facility in new building	1 space for each teacher and each other employee and 2 spaces per classroom
5. Cemetery	Not applicable
6. Municipal facility, excluding parking lots	As may be determined by the Planning Board during site plan review
7. Municipal parking lot	Not applicable
8. Essential services	As may be determined by the Planning Board during site plan review
9. Hospital or Clinic	2 per bed
C. Agricultural Uses	
1. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a pacel of more than five acres in area	Not applicable

Appendix D:
Table of Parking Requirements

2. Facility for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	1 space per 180 square feet of gross floor area
PRINCIPAL USE	**REQUIRED PARKING SPACES**
C. Agricultural Uses, cont'd	
3. Greenhouse or nursery stand	1 space per 180 square feet of gross floor area
4. Temporary greenhouse or stand	1 space per 180 square feet of gross floor area
5. Storage of agricultural products at nonexempt operation	Not applicable
6. Boarding, renting and sale of animals on parcels of less than five acres	As may be determined by the Planning Board during site plan review
7. Boarding, renting and sale of horses on parcels less than five acres	As may be determined by the Planning Board during site plan review
8. Veterinary hospital or clinic	1 space per 200 square feet of gross floor area
D. Commercial Uses	
D. (A) Retail Uses	
1. Retail sales to the general public	1 space per 180 square feet of gross floor area
2. Retail sales to industrial or commercial buyers	1 space per 180 square feet of gross floor area
3. Retail sales of dairy products	1 space per 180 square feet of gross floor area
4. Retail sales or leasing of motor vehicles	1 space per 180 square feet of gross floor area, plus such additional spaces as may be determined by the Planning Board during site plan review
D. (B) Motor Vehcile Services	
1. Motor vehicle services	2 spaces per service bay, plus such additional spaces as may be determined by the Planning Board during site plan review
2. Motor vehicle repair establishments	2 spaces per service bay, plus such additional spaces as may be determined by the Planning Board during site plan review
D. (C) Other Commercial Uses	
1. Nursing or convalescent home	3 per bed
2. Funeral home	1 for each two seats
3. Hotel	1 per 600 square feet of gross floor area

Appendix D:
Table of Parking Requirements

4. Restaurant	1 for each three seats
5. Restaurant, drive-in	Not applicable
6. Restaurant, fast-food	1 for each three seats
7. Business or professional office	1 per 200 square feet of gross floor area
8. Bank, financial agency	1 per 200 square feet of gross floor area
PRINCIPAL USE	**REQUIRED PARKING SPACES**
D. (C) Other Commercial Uses cont'd	
9. Printing establishment; newspaper	1 per 200 square feet of gross floor area
10. Nonexempt educational use	1 space for each teacher and each employee and 1 space for each 4 students
11. Nonprofit membership club	1 for each three seats
12. Indoor and outdoor commercial recreation	As may be determined by the Planning Board during site plan review
13. Winter commercial recreation	As may be determined by the Planning Board during site plan review
14. Horseback riding academy	As may be determined by the Planning Board during site plan review
15. Place of amusement or assembly	1 per 200 square feet of gross floor area
16. Indoor motion-picture establishment	1 for each three seats
17. Golf course; golf club	As may be determined by the Planning Board during site plan review
18. Personal service establishment	1 per 200 square feet of gross floor area
19. General service establishment	1 per 200 square feet of gross floor area
20. Planned commercial development	As may be determined by the Planning Board during site plan review
21. Commercial parking lot	Not applicable
22. Adult entertainment establishment	1 for each three seats
23. Massage establishment	Not applicable
24. Body art establishment	1 per 200 square feet of gross floor area
25. Bakery, laundry or dry cleaning plant not operated at retail	1 per 300 square feet of gross floor area
E. Industrial Uses	
1. Research/office park	1 per 300 square feet of gross floor area
2. Warehouse	1 per 400 square feet of gross floor area

Appendix D:
Table of Parking Requirements

3. Planned industrial development	1 per 400 square feet of gross floor area
4. Removal of sand and gravel	Not applicable
5. Quarrying; mining	Not applicable
6. Sawmills and wood processing	As may be determined by the Planning Board during site plan review
7. Light manufacturing	1 per 300 square feet of gross floor area
8. Light manufacturing with not more than four employees	As may be determined by the Planning Board during site plan review
PRINCIPAL USE	**REQUIRED PARKING SPACES**
E. Industrial Uses, cont'd	
9. Wholesale trade	1 per 400 square feet of gross floor area
10. Contractor's yard; landscaping service	Not applicable
11. Junkyard or automobile graveyard	Not applicable
12. Transport terminal	As may be determined by the Planning Board during site plan review
13. Wholesale underground fuel storage	As may be determined by the Planning Board during site plan review
14. Commercial communications and television tower	Not applicable
F. Other Uses	
1. Research conducted by a nonprofit educational institution	As may be determined by the Planning Board during site plan review
2. Drive-up or drive-through facilities	Not applicable
3. Access ways to other districts	Not applicable

Appendix E:
Growth Management Provisions (see section 6.3)

Category of Dwelling Unit	As referenced in:	Statutorily exempt from this Section 6.3?	Subject to Growth Rate Limit?	Subject to Development Scheduling?
Units defined prior to this bylaw's effective date (per Mass. Gen. Law, Chapt. 40A, Sect. 6):				
Pre-existing definitive subdivision plans	Mass. Gen. Law, Chapt. 40A	Yes	---	---
Pre-existing Approval Not Required (ANR)	Mass. Gen. Law, Chapt. 41, Sect. 81P	Yes	---	---
Pre-existing special permit developments	(see below)	Yes	---	---
Pre-existing use variances	Mass. Gen. Law, Chapt. 40A, Sect. 6	Yes	---	---
Units defined on or after this bylaw's effective date:				
Definitive Subdivision	Mass. Gen. Law, Chapt. 40A	No	Yes	No
Approval Not Required (ANR)	Mass. Gen. Law, Chapt. 41, Sect. 81P	No	Yes	No
Accessory Dwelling Unit (SP - ZBA)	Westford Chapt. 173, Sect. 3.3	No	No	No
Enlargement, restoration, etc. of an existing unit	Westford Chapt. 173, Sect. 6.3.6.2	No	No	No
Reduced Density Development	Westford Chapt. 173, Sect. 6.3.4.1.b	No	No	Yes
One single-family residence on an existing tract	Westford Chapt. 173, Sect. 6.3.6.4	No	No	No
Open Space Residential Development (SP - PB)	Westford Chapt. 173, Sect. 7.1	No	Yes	No
Flexible Development (SP - PB)	Westford Chapt. 173, Sect. 7.2	No	Yes	No
Assisted Living Facility (SP - PB)	Westford Chapt. 173, Sect. 7.3	No	No	No
Senior Residential Multi-Family Overlay District	Westford Chapt. 173, Sect. 8.4	No	No	Yes
Mill Conversion Overlay District (SP - PB)	Westford Chapt. 173, Sect. 8.5	No	No	No
Use variance (SP - ZBA)	Westford Chapt. 173, Sect. 9.2.2	No	Yes	No
Affordable to Low-Income Households	Westford Chapt. 173, Sect. 10.2	No	No	No
Affordable to Moderate-Income Households	Westford Chapt. 173, Sect. 10.2	No	No	No
Affordable to Median-Income Households	Westford Chapt. 173, Sect. 10.2	No	Yes	No
Other units:				

Notes:

1. SP - ZBA denotes Special Permit required from Zoning Board of Appeals; SP - PB denotes Special Permit required from Planning Board.
2. Dwelling units defined prior to the effective date of this Section 6.3 may be subject to previous versions of this Section.