



TOWN OF WESTFORD
BUILDING DEPARTMENT

TOWN HALL
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Matthew Hakala, CBO
Building Commissioner

ARTICLE A:	Section 3.2 Accessory Uses #4 Temporary Trailers	<i>Building Commissioner</i>
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To see if the Town will amend Chapter 173 section 3.2.1 of the Westford Zoning By Law to: **(added words in bold and underlined, deleted words struck out)**

3.2 ACCESSORY USES

3.2.1 Residential Accessory Uses.

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** ~~additional~~ period or periods in hardship cases, but no such **extended** period of use of such trailer shall be ~~commenced~~, continued or extended without the grant of a special permit by the Board of Appeals and after the approval of the Board of Health.

Or act in relation thereto

Rationale:

Having this section reworded now coincides with the State Zoning Act which allows for temporary trailers under certain circumstances. The original wording would have meant a person needed to have a special permit to have a trailer on their property while rebuilding after a fire or other catastrophe. In such case it could take 3 months or more for a person to get a trailer on the lot. This way the town can approve a temporary trailer for up to 6 months by way of a permit and if needed for a longer period of time the person could then go to the Zoning Board of Appeals for the special permit to extend the time.

ARTICLE B:	Section 3.5 Accessory Structures	<i>Building Commissioner</i>
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To see if the Town will vote to amend Chapter 173 section 3.5.1, 3.5.2, 3.5.3 of the Westford Zoning By-Law to: **(added words in bold and underlined, deleted words in struck out)**

3.5 ACCESSORY STRUCTURES

3.5.1 Permit Required. An accessory structure with ~~less than~~ 120 square feet **or less** of gross floor area may be erected without a building permit. An accessory structure with **more than** 120 ~~or more~~ 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. ~~Less than~~ 120 Square **Feet or less**. An accessory structure with less than 120 square feet of gross floor area shall be located at least ten (10) feet from any side or rear lot line.

4. **More than** 120 ~~or more~~ Square Feet. An accessory structure with 120 or more 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.

3.5.2 Dimensional Requirements

3. ~~Less than~~ 120 Square **Feet or less**. An accessory structure with less than 120 square feet of gross floor area shall be located at least ten (10) feet from any side or rear lot line.

4. **More than** 120 ~~or more~~ Square Feet. An accessory structure with 120 or more 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.

Rationale:

This aligns the dimensional requirements with the State Building Code. The State Building Code currently exempts accessory structures 120sq. ft. or less from a building permit. Our current zoning would not exempt an accessory structure of 120sq. ft.

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

1. *Fences; Flagpoles* ~~*Walls*~~. Fences of a height not to exceed six (6) feet ~~and~~, flagpoles of a height not to exceed 20 feet **and walls less than 4 feet in height from base to top of the wall**, shall be exempt from the setback requirements of this Section. Any fence ~~or~~, flagpole **or wall** erected prior to enactment of this Bylaw may be repaired or replaced to original configuration and location.

So that the section shall read;

1. *Fences; Flagpoles* *Walls*. Fences of a height not to exceed six (6) feet, flagpoles of a height not to exceed 20 feet and walls less than 4 feet in height from base to top of the wall, shall be exempt from the setback requirements of this Section. Any fence, flagpole, or wall erected prior to enactment of this Bylaw may be repaired or replaced to original configuration and location.

Or act in relation thereto

Rationale:

Under the current by-law there are no defined setback requirements for a wall. Under the State Building Code a wall is considered a structure that needs a permit once it is 4 feet in height or greater.

ARTICLE C:	Section 4.3.6 - Exemptions for Substandard Lots	<i>Building Commissioner</i>
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To see if the Town will vote to amend 4.3.6 Exemptions for Substandard Lots:
(added words in bold and underlined, deleted words in struck out)

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 Districts **(As long as the lot meets minimum standards set by Chapter 40A§6 of the Zoning Act for one and two family use.)**, Business and Industrial A Districts.

Or act in relation thereto

Rationale:

Under the current by-law a single or two family use could be placed on a lot that is less than 5,000 sq. ft. and less than 50 feet of frontage (which is contrary to the State Zoning Act). This language brings the

State Zoning Act into the by-law by reference and prohibits any building on a lot that would be less than allowed by state statute.

ARTICLE
D:

8.2 Floodplain Overlay District (FOD)

Building Commissioner

To see if the Town will vote to amend Chapter 173 section 8.2.1, 8.2.2, 8.2.6 and add section 8.2.7 of the Westford Zoning By-Law to: **(added words in bold and underlined, deleted words struck out)**

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.

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the 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 boundaries of the FOD are shown on the Flood Insurance Rate Map (FIRM), dated June 15, 1983, prepared by the Federal Emergency Management Agency, which represent the one hundred year flood elevations designated at Zone A and Zones A1 through A30. The boundaries of the floodway are shown on the Flood Boundary and Floodway Map, dated June 15, 1983, and further defined by the floodway data tables contained in the Flood Insurance Study. These two (2) maps, as well as the accompanying study, are incorporated herein by reference

and are on file with the Town Clerk, the Planning Board and the Building Inspector.

Replace with this: 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 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 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 Inspector.

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 Inspector. 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.

c. **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.

- d. 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

In a riverine situation, Westford shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities

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

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

Or act in relation thereto