

# **TOWN OF WESTFORD ZONING REGULATIONS**

**FIRST ADOPTED: NOVEMBER 1972  
LAST ADOPTED: FEBRUARY 2011**

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## **1.0 GENERAL PROVISIONS**

### **1.1 TITLE**

These regulations shall be known as the Westford Zoning Regulations.

### **1.2 PURPOSE**

These regulations are intended to provide for growth and development while strengthening a sense of community and protecting threatened and important resources. They are also intended to promote the general welfare of the inhabitants of the Town of Westford, to protect the value of property, to prevent overcrowding, to facilitate the provision of public facilities and services, and to provide for the orderly development in Westford of homes, agriculture, forestry, commerce, industry, public uses, and recreation and conservation.

The Zoning Regulations classify and guide the uses of land, buildings and structures in the Town of Westford in accordance with the Town Plan and the Vermont Planning and Development Act, Title 24 V.S.A. Chapter 117, hereinafter referred as the "Act." The regulations are designed to implement the purposes and policies set forth in the Town Plan and the Act.

### **1.3 APPLICATION**

No land development as defined in Section 8.0 of these regulations may commence except in conformance with these regulations. Any land development as defined in Section 8.0 of these regulations commenced in violation of any prior Westford Zoning Regulations shall not be continued except in conformance with these regulations. Any use not expressly permitted in any district is prohibited in that district. These regulations shall not repeal, annul, or in any way impair any zoning permit previously issued.

### **1.4 AMENDMENT OR REPEAL**

Zoning amendments will be prepared in accordance with the requirements §4441 and §4442 of the Act.

### **1.5 SEVERABILITY**

The invalidity of any provisions of these regulations shall not invalidate any other part.

### **1.6 OTHER ORDINANCES**

On the date these Zoning Regulations becomes effective, they shall amend in their entirety the Zoning Regulations of the Town of Westford then in effect.

## **2.0 ZONING DISTRICTS AND ZONING MAP**

### **2.1 ESTABLISHMENT OF ZONING DISTRICTS**

For purposes of these regulations, the Town of Westford is divided into the following zoning districts as shown on the Official Zoning Map which is filed in the office of the Town Clerk and incorporated herein by reference:

Town Common – TCO  
Town Village – TV  
Town Center - TCE  
Rural Residential - RR  
Agricultural, Forestry, & Residential I - AFR I  
Agricultural, Forestry, & Residential II - AFR II  
Water Resources Overlay District - WRO  
Flood Hazard Overlay District - FHO

A photo reduction of the Official Zoning Map is attached for general information purposes.

### **2.2 INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

2.2.1 Boundaries indicated as approximately following the centerline of roads shall be interpreted to follow such centerlines.

2.2.2 Boundaries indicated as approximately following property boundaries or platted lot lines shall be interpreted as following such lot lines.

2.2.3 Boundaries indicated as following watercourses or shorelines shall be interpreted as following such lines.

2.2.4 Boundaries indicated as following town boundaries shall be interpreted as following such lines.

2.2.5 Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so interpreted. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

### **2.3 WATER RESOURCES OVERLAY DISTRICT BOUNDARIES**

2.3.1 BROWNS RIVER: The area 100 feet from the top-of-bank of the Browns River shown on Map 5 of the Town Plan.

2.3.2 STREAMS: The area 50 feet or 100 feet from the center line of all named and unnamed streams shown on Map 5 of the Town Plan.

2.3.3 PONDS & LAKES: The area 50 feet or 100 feet from the water's edge of all named and unnamed ponds and lakes shown on Map 5 of the Town Plan. Man made ponds that are located

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independent of any streams or waterways identified on Map 5 of the Town Plan and are not classified as Class 2 wetlands by the State of Vermont are not subject to these regulations. The Administrative Officer shall determine whether a pond meets these criteria for the purpose of these regulations.

**2.3.4 WETLANDS:** The area 100 feet from the delineated boundary around all wetlands as identified through the National Wetlands Inventory and shown on Map 5 of the Town Plan or, at the election of the applicant or the request of the Administrative Officer, the area 100 feet around wetlands whose boundaries are determined by the following procedures:

1. The boundary between a wetland and an upland shall be determined by the criteria set forth in the most recent edition of the Vermont Wetland Rules adopted by the Water Resources Board. A copy of these rules shall be kept by the Westford Administrative Officer for public review.
2. The boundary between a wetland and a deep water habitat, such as a lake, pond, reservoir, river, or stream, shall be determined based upon the standards set forth in the most recent edition of the Vermont Wetland Rules adopted by the Water Resources Board. A copy of these rules shall be kept by the Westford Administrative Officer for public review.

**2.3.5 WELL HEAD PROTECTION AREAS:** The area 3,000 feet in radius around a public water supply source.

## **2.4 DISPUTES**

The Administrative Officer shall resolve any uncertainty regarding the location of a district boundary taking into consideration the above stated rules. Furthermore, it is noted that Map 5 of the Town Plan is non-inclusive and waterways determined by the Administrative Officer to be of significance in maintaining the intent of the WRO may be included in the WRO prior to the issuance of the first land use permit. A determination by the Administrative Officer regarding the location of a district boundary may be appealed to the Development Review Board.

### **3.0 ZONING DISTRICTS BYLAWS**

#### **3.1 TOWN COMMON DISTRICT**

3.1.1 PURPOSE: The purpose of the Town Common District is to provide for a community center, a place of civic pride, and a focal point for development in the Town. The Town Common District is intended to provide for a variety of housing and commercial services serving residents and visitors at higher densities and in larger quantities than in other places in the Town; to serve as a focal point in Town for commercial and higher traffic businesses; to ensure that new development is consistent with the historic character and pattern of development of the Town Common District; and to provide for green space and recreation opportunities that will enhance the public use and enjoyment of this area.

3.1.2 PERMITTED USES: The following uses are permitted in the Town Common District:

1. Accessory residential unit to single family dwelling
2. Accessory uses
3. Affordable elderly housing project
4. Agriculture
5. Automotive, machine services
6. Bank or other financial institution
7. Bed and breakfast
8. Boarding house
9. Church and parish house
10. Community facility
11. Congregate housing
12. Forestry
13. Gas station/Convenience store
14. Group home
15. Home business
16. Home occupation
17. Hotel or motel
18. Indoor recreation facility
19. Indoor theater
20. Library
21. Mixed Use Planned Unit Development, in accordance with the provisions of Section 4.7 of these regulations
22. Multi-family dwellings in a Residential or Mixed Use Planned Unit Development
23. Multi-family dwellings in houses of 2,500 square feet or greater existing at the effective date of these regulations
24. Municipal owned and/or operated buildings and facilities
25. Museum
26. Nursery school/ daycare center
27. Personal service
28. Post office
29. Private school and other educational institutions certified by the Vermont Department of Education
30. Professional or business office

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31. Public park or outdoor recreation facility not involving the construction of structures or the use of motorized recreational vehicles
32. Public school
33. Residential Planned Unit Development, in accordance with the provisions of Section 4.5 of these regulations
34. Restaurant
35. Retail store
36. Single-family dwelling
37. Small Residential Cluster, in accordance with the provisions of Section 4.6 of these regulations
38. Small scale industry in structures that do not exceed 4,000 square feet in gross floor area
39. State owned and/or operated buildings and facilities
40. Two-family dwelling

3.1.3 **CONDITIONAL USES:** The following uses may be permitted in the Town Common District as conditional uses by the Development Review Board in accordance with Section 4.3 of these regulations:

1. Outdoor recreation facility involving the construction of structures or the use of motorized recreational vehicles and designed to service residential neighborhoods
2. Wireless telecommunications facility

3.1.4 **DIMENSIONAL REQUIREMENTS:**

1. Minimum lot size: 0.5 acre for each family dwelling unit or principal structure
2. Density: Two (2) family dwelling units or two (2) principal structures per 1.0 acre.

Note: Does not apply to congregate housing and affordable elderly housing which shall be governed solely by lot coverage requirements.

3. Front yard minimum: 15 feet
4. Side yard minimum: 10 feet for permitted and conditional uses  
50 feet for structures housing farm animals
5. Rear yard minimum: 15 feet
6. Lot coverage: 20% building coverage and 40% total lot coverage for residential uses  
40% building coverage and 70% total lot coverage for non-residential/mixed-use uses

3.1.5 **SPECIAL PROVISIONS:** All uses in the Town Common District shall meet the following special provisions:

1. Commercial uses will provide for the needs of Westford residents, residents of nearby communities, tourists, and special customers.
2. The use as designed and planned will be of a scale appropriate for a rural community and not out of character with the scale of other uses and buildings in the Town of Westford.
3. The use shall not have an undue adverse affect on the Village Green.
4. The siting, layout, and appearance of the building(s) is consistent and integrated with the current town common pattern and recognizes the road and the other uses in the District and the variety of styles and shapes in the town common.

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5. The frontage of the primary structure shall be generally parallel to the lot frontage and the depth of the primary structure shall be generally perpendicular to the road.
6. A second principal structure, meeting the definition in Section 8.0 of "small scale commerce," "small scale industry," or "rural retail," is allowed on a lot with a residence as a conditional use provided the use is located within a structure existing prior to September 6, 1972 and meets all other requirements of these regulations.
7. Planned Unit Development's are required for subdivisions of four (4) or more lots or units.
8. On any lot, land development, including, without limitation to, the development of structures, private roads, driveways, or utilities, shall not occur on areas containing Steep Slopes. Grading of the land or stripping of vegetation shall not be permitted unless it falls within the exempt area identified in the Steep Slope definition. The maximum allowed area of disturbance shall be accumulatively calculated for a lot prior to subdivision. Disturbance of Steep Slopes, beyond the area of disturbance approved by the Development Review Board, is prohibited within subdivisions approved after the date these regulations were first adopted.

### 3.2 TOWN VILLAGE DISTRICT

3.2.1 PURPOSE: The purpose of the Town Village District is to provide for a community center, a place of civic pride, and a focal point for development in the Town. The Town Village District is intended to provide for a variety of housing opportunities serving residents at higher densities and in larger quantities than in other places in the Town; to serve as a focal point in Town for light commercial and lower traffic businesses; to ensure that new development is consistent with the historic character and pattern of development of the Town Village; and to provide for green space and recreation opportunities that will enhance the public use and enjoyment of this area.

3.2.2 PERMITTED USES: The following uses are permitted in the Town Village District:

1. Accessory residential unit to single family dwelling
2. Accessory uses
3. Agriculture
4. Bed and breakfast
5. Boarding house
6. Church and parish house
7. Community facility
8. Forestry
9. Home business
10. Home occupation
11. Mixed Use Planned Unit Development, in accordance with the provisions of Section 4.7 of these regulations
12. Multi-family dwellings in a Residential or Mixed Use Planned Unit Development
13. Municipal owned and/or operated buildings and facilities
14. Public park or outdoor recreation facility not involving the construction of structures or the use of motorized recreational vehicles
15. Public school
16. Residential Planned Unit Development, in accordance with the provisions of Section 4.5 of these regulations
17. Single-family dwelling
18. Small Residential Cluster, in accordance with the provisions of Section 4.6 of these regulations
19. Two-family dwelling

3.2.3 CONDITIONAL USES: The following uses may be permitted in the Town Village District as conditional uses by the Development Review Board in accordance with Section 4.3 of these regulations:

1. Affordable elderly housing project
2. Congregate housing
3. Group home
4. Library
5. Multi-family dwellings in houses of 2,500 square feet or greater existing at the effective date of these regulations
6. Museum
7. Nursery school/ daycare center

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8. Outdoor recreation facility involving the construction of structures or the use of motorized recreational vehicles and designed to service residential neighborhoods
9. Post office
10. Private school and other educational institutions
11. Restaurant
12. Retail store
13. Small scale commerce in structures that do not exceed 4,000 square feet in gross floor area.
14. Small scale industry in structures that do not exceed 4,000 square feet in gross floor area.
15. State owned and/or operated buildings and facilities
16. Wireless telecommunications facility

### 3.2.4 DIMENSIONAL REQUIREMENTS

1. Minimum lot size: 0.5 acre for each family dwelling unit or principal structure
2. Density: Two (2) family\_dwelling units or two (2) principal structures per 1.0 acre

Note: Does not apply to congregate housing and affordable elderly housing which shall be governed solely by lot coverage requirements.

3. Front yard minimum: 15 feet
4. Side yard minimum: 10 feet for permitted and conditional uses  
50 feet for structures housing farm animals
5. Rear yard minimum: 15 feet
6. Lot coverage: 20% building coverage and 40% total lot coverage for residential uses  
40% building coverage and 70% total lot coverage for non-residential and mixed uses

**3.2.5 CONDITIONAL USE STANDARDS:** In addition to the General and Specific Standards for conditional uses in Section 4.3, the Town Village District standards, and the Town Village District special provisions, applications for conditional uses in the Town Village District shall meet the following standards:

1. Commercial uses will provide for the needs of Westford residents, residents of nearby communities, tourists, and special customers.
2. The use as designed and planned will be of a scale appropriate for a rural community and not out of character with the scale of other uses and buildings in the Town of Westford.
3. The use shall not have an undue adverse affect on the Village Green.
4. The siting, layout, and appearance of the building(s) is consistent and integrated with the current town village pattern and recognizes the road and the other uses in the District and the variety of styles and shapes in the town village.

**3.2.6 SPECIAL PROVISIONS:** All uses in the Town Village District shall meet the following special provisions:

1. The frontage of the primary structure shall be generally parallel to the lot frontage and the depth of the primary structure shall be generally perpendicular to the road.
2. A second principal structure, meeting the definition in Section 8.0 of "small scale commerce," "small scale industry," or "rural retail," is allowed on a lot with a residence as

a conditional use provided the use is located within a structure existing prior to September 6, 1972 and meets all other requirements of these regulations.

3. Planned Unit Development's are required for subdivisions of four (4) or more lots or units.
4. On any lot, land development, including, without limitation to, the development of structures, private roads, driveways, or utilities, shall not occur on areas containing Steep Slopes. Grading of the land or stripping of vegetation shall not be permitted unless it falls within the exempt area identified in the Steep Slope definition. The maximum allowed area of disturbance shall be accumulatively calculated for a lot prior to subdivision. Disturbance of Steep Slopes, beyond the area of disturbance approved by the Development Review Board, is prohibited within subdivisions approved after the date these regulations were first adopted.

### 3.3 TOWN CENTER DISTRICT

3.3.1 PURPOSE: The purpose of the Town Center District is to provide for a community center and a place of civic pride in the Town. Furthermore, the Town Center District is to provide an option for residential development at a higher density than surrounding rural areas, but not at as high a density as the Town Common and Town Village Districts. The Town Center District is intended to provide for a variety of housing opportunities serving residents; to provide higher density housing near the amenities provided in the Town Common and Town Village Districts; to ensure that new development is consistent with the historic character and pattern of development of the Town Center; and to provide for green space and recreation opportunities that will enhance the public use and enjoyment of this area. Development in the district should provide connectivity to the Town Common District and Town Village District.

3.3.2 PERMITTED USES: The following uses are permitted in the Town Center District:

1. Accessory residential unit to single-family dwelling
2. Accessory uses
3. Agriculture
4. Forestry
5. Home occupations
6. Mixed Use Planned Unit Development, in accordance with the provisions of Section 4.7 of these regulations
7. Multi-family dwellings in a Residential Planned Unit Development only.
8. Public park or outdoor recreation facility not involving the construction of structures or the use of motorized recreational vehicles
9. Public School
10. regulations
11. Residential Planned Unit Development, in accordance with the provisions of Section 4.5. of these regulations
12. Single-family dwelling unit
13. Small Residential Cluster, in accordance with the provisions of Section 4.6 of these
14. Two-family dwelling unit

3.3.3 CONDITIONAL USES: The following uses may be permitted in the Town Center District as conditional uses by the Development Review Board in accordance with Section 4.3 of these regulations:

1. Affordable elderly housing project
2. Bed and Breakfast
3. Cemetery
4. Congregate housing
5. Dog kennel
6. Garden nurseries
7. Home business
8. Horse stable and indoor riding facility
9. Multi-family dwellings-in houses of 2,500 square feet or greater existing at the effective date of these regulations
10. Municipal owned and/or operated buildings and facilities
11. Nursery school/daycare center

12. Outdoor recreation facility, including the construction of structures or the use of motorized recreational vehicles and designed to service residential neighborhoods
13. Rural retail
14. Small scale commerce in structures that do not exceed 4,000 square feet in gross floor area.
15. Small scale industry in structures that do not exceed 4,000 square feet in gross floor area.
16. Wireless telecommunications facility

### 3.3.4 DIMENSIONAL REQUIREMENTS

1. Minimum lot size: 1 acres for each family dwelling unit or principal structure
2. Density: 1 acres for each family dwelling unit or principal structure  
Note: Does not apply to congregate housing and affordable elderly housing which shall be governed solely by lot coverage requirements.
3. Lot frontage: 200 feet
4. Front yard minimum: 50 feet
5. Side yard minimum: 25 feet
6. Rear yard minimum: 25 feet
7. Lot coverage: 20% building coverage and 40% total lot coverage for congregate housing and affordable elderly housing

**3.3.5 CONDITIONAL USE STANDARDS:** In addition to the General and Specific Standards for conditional uses in Section 4.3, the Town Center District standards, and the Town Center special provisions, applications for conditional uses in the Town Center District shall meet the following standards:

1. Commercial uses will provide for the needs of Westford residents, residents of nearby communities, tourists, and special customers.
2. The use as designed and planned will be of a scale appropriate for a rural community and not out of character with the scale of other uses and buildings in the Town of Westford.
3. The use shall not have an undue adverse affect on the Village Green.
4. The siting, layout, and appearance of the building(s) is consistent and integrated with the current Town Center pattern and recognizes the road and the other uses in the District and the variety of styles and shapes in the Town Center.

**3.3.6 SPECIAL PROVISIONS:** All uses in the Town Center District shall meet the following special provisions:

1. The frontage of the primary structure shall be generally parallel to the lot frontage and the depth of the primary structure shall be generally perpendicular to the road.
2. A second principal structure, meeting the definition in Section 8.0 of "small scale commerce," "small scale industry," or "rural retail," is allowed on a lot with a residence as a conditional use provided the use is located within a structure existing prior to September 6, 1972 and meets all other requirements of these regulations.
3. Planned Unit Development's are required for subdivisions of four (4) or more lots or units.
4. On any lot, land development, including, without limitation to, the development of structures, private roads, driveways, or utilities, shall not occur on areas containing Steep Slopes. Grading of the land or stripping of vegetation shall not be permitted unless it

falls within the exempt area identified in the Steep Slope definition. The maximum allowed area of disturbance shall be accumulatively calculated for a lot prior to subdivision. Disturbance of Steep Slopes, beyond the area of disturbance approved by the Development Review Board, is prohibited within subdivisions approved after the date these regulations were first adopted.

### 3.4 RURAL RESIDENTIAL DISTRICT

3.4.1 PURPOSE: The purpose of the Rural Residential District is to provide an option for residential development at a higher density than surrounding rural areas, but not at as high a density as the Town Common and Town Village Districts. Development in the district should not create strip development and should conserve agricultural, forestry, greenway and other important open space land by grouping buildings away from these resources. The Development Review Board encourages property owners in the Rural Residential District to utilize the Residential Planned Unit Development process in Section 4.5 or the Small Residential Cluster process in Section 4.6 to provide for flexibility in their development.

3.4.2 PERMITTED USES: The following uses are permitted in the Rural Residential District:

1. Single-family dwelling unit
2. Accessory apartment to single-family dwelling
3. Two-family dwelling unit
4. Multi-family dwellings in a Residential Planned Unit Development only.
5. Accessory uses
6. Public park or outdoor recreation facility not involving the construction of structures
7. Residential Planned Unit Development, in accordance with the provisions of Section 4.5 of these regulations
8. Small Residential Cluster, in accordance with the provisions of Section 4.6 of these regulations
9. Home occupations
10. Agriculture
11. Forestry

3.4.3 CONDITIONAL USES: The following uses may be permitted in the Rural Residential District as conditional uses by the Development Review Board in accordance with Section 4.3 of these regulations:

1. Bed and Breakfast
2. Cemetery
3. Dog kennel
4. Garden nurseries
5. Home business
6. Horse stable and indoor riding facility
7. Multi-family dwellings-in houses of 2,500 square feet or greater existing at the effective date of these regulations
8. Municipal owned and/or operated buildings and facilities
9. Nursery school/daycare center
10. Outdoor recreation facility, including the construction of structures and designed to service residential neighborhoods
11. Wireless telecommunications facility

**3.4.4 DIMENSIONAL REQUIREMENTS**

1. Minimum lot size: 3 acres for each family dwelling unit or principal structure
2. Density: 3 acres for each family dwelling unit or principal structure
3. Lot frontage: 200 feet
4. Front yard minimum: 50 feet
5. Side yard minimum: 25 feet
6. Rear yard minimum: 25 feet

**3.4.5 SPECIAL PROVISIONS:** All uses in the Rural Residential District shall meet the following special provisions:

1. The siting of buildings on parcels shall minimize the appearance of strip development along roads and maximize the amount of contiguous natural resources lands, including actively farmed primary agricultural soils, primary forest soils, wildlife habitat, greenways, and significant natural areas. To accomplish these objectives, buildings can be sited at the edge of resource lands, along hedge rows, at the edge of forested areas, at the edge of private roads, driveways, or town roads, and within non-prime forested areas.
2. Grouping buildings together and near to buildings on adjacent parcels are suitable development options to protect resources provided an appearance of strip development is avoided.
3. On any lot, land development, including, without limitation to, the development of structures, private roads, driveways, or utilities, shall not occur on areas containing Steep Slopes. Grading of the land or stripping of vegetation shall not be permitted unless it falls within the exempt area identified in the Steep Slope definition. The maximum allowed area of disturbance shall be accumulatively calculated for a lot prior to subdivision. Disturbance of Steep Slopes, beyond the area of disturbance approved by the Development Review Board, is prohibited within subdivisions approved after the date these regulations were first adopted.
4. The Development Review Board encourages the use of the Residential Planned Unit Development provisions of Section 4.5 and the Small Residential Cluster provisions of Section 4.6 to provide the landowner or developer with flexibility in land development within the Rural Residential District and to recognize the variety of land capability for development and of natural resources on parcels of land in this district.
5. A second principal structure, meeting the definition in Section 8.0 of "small scale commerce," "small scale industry," or "rural retail," is allowed on a lot with a residence as a conditional use provided the use is located within a structure existing prior to September 6, 1972 and meets all other requirements of these regulations.
6. Planned Unit Developments are required for subdivisions of four (4) or more lots or units.

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### 3.5 AGRICULTURAL, FORESTRY & RESIDENTIAL I DISTRICT

3.5.1 PURPOSE: The Agricultural, Forestry & Residential I District is the most rural and undeveloped part of the Town of Westford. The purpose of the Agricultural, Forestry & Residential I District is to enable low density residential development that is compatible with the District's primary uses of agriculture and forestry, recognizes the severe limitations to development in this district due to poor soils for sewage disposal and steep slopes, reflects the District's existing rural residential character, and will not place an unreasonable burden on the Town's ability to provide and maintain the existing level of Town services to all residents. It is a policy of the Town that strip development will be avoided, the least amount of land possible will be developed, and large contiguous expanses of agricultural, forestry, greenway, significant natural areas, wildlife habitat and other important open space land will be protected. The Development Review Board encourages property owners in the Agricultural, Forestry & Residential I District to utilize the Residential Planned Unit Development process in Section 4.5 or the Small Residential Cluster process in Section 4.6 to provide for flexibility in their development.

3.5.2. PERMITTED USES: The following uses are permitted in the Agricultural, Forestry & Residential I District:

1. Accessory apartment to single-family dwelling
2. Accessory dwelling to single-family dwelling on farm
3. Accessory uses
4. Agriculture
5. Forestry
6. Home occupation
7. Mixed Use Planned Unit Development, in accordance with the provisions of Section 4.7 of these regulations
8. Public park or outdoor recreation facility not involving the construction of structures
9. Residential Planned Unit Development, in accordance with the provisions of Section 4.5 of these regulations
10. Single-family dwelling unit
11. Small Residential Cluster, in accordance with the provisions of Section 4.6 of these regulations
12. (Special Uses) as per 24 VSA 4413 (a)
13. Two-family dwelling unit

3.5.3 CONDITIONAL USES: The following uses may be permitted in the Agricultural, Forestry & Residential I District as conditional uses by the Development Review Board in accordance with Section 4.3 of these regulations:

1. Bed and Breakfast
2. Cemetery
3. Commercial topsoil, stone or gravel extraction
4. Community facility
5. Dog kennel
6. Home business
7. Horse stable and indoor riding facility
8. Mobile home park

9. Municipal owned and/or operated buildings and facilities
10. Nursery school/ daycare center
11. Outdoor recreation facility, including the construction of structures
12. Primitive camp
13. Rural retail
14. Small scale commerce in structures that do not exceed 4,000 square feet in gross floor area
15. Small scale industry in structures that do not exceed 4,000 square feet in gross floor area
16. Wireless telecommunication facility

#### 3.5.4 DIMENSIONAL REQUIREMENTS

- |                        |  |
|------------------------|--|
| 1. Minimum lot size:   | 10 acres for each family dwelling or principal structure |
| 2. Density:            | 10 acres for each family dwelling or principal structure |
| 3. Lot frontage:       | 350 feet   |
| 4. Front yard minimum: | 50 feet  |
| 5. Side yard minimum:  | 35 feet  |
| 6. Rear yard minimum:  | 35 feet  |

3.5.5 **CONDITIONAL USE STANDARDS:** In addition to the General and Specific Standards for conditional uses in Section 4.3, applications for conditional uses in the Agricultural, Forestry & Residential I District shall meet the following standards:

1. Commercial uses will provide for the needs of Westford residents, residents of nearby communities, tourists, and special customers.
2. The use as designed and planned will be of a scale appropriate for a rural community and not out of character with the scale of other uses and buildings in the Town of Westford.

3.5.6 **SPECIAL PROVISIONS:** All uses in the Agricultural, Forestry & Residential I District shall meet the following special provisions:

1. The siting of buildings on parcels shall minimize the appearance of strip development along roads, use the least amount of land possible, and maximize the amount of contiguous natural resources lands, including actively farmed primary agricultural soils, primary forest soils, wildlife habitat, greenways, and significant natural areas. Development shall be carefully integrated into resource lands and sited so as to retain the appearance of predominantly open space. To accomplish these objectives, buildings can be sited at the edge of resource lands, along hedge rows, at the edge of forested areas, at the edge of private roads or driveways, and within non-prime forested areas.
2. Grouping buildings together and/or near to buildings on adjacent parcels is a suitable development option to protect resources provided an appearance of strip development is avoided.
3. On any lot, land development, including, without limitation to, the development of structures, private roads, driveways, or utilities, shall not occur on areas containing Steep Slopes. Grading of the land or stripping of vegetation shall not be permitted unless it falls within the exempt area identified in the Steep Slope definition. The maximum allowed area of disturbance shall be accumulatively calculated for a lot prior to subdivision. Disturbance of Steep Slopes, beyond the area of disturbance approved by the Development Review Board, is prohibited within subdivisions approved after the date

these regulations were first adopted. The Development Review Board encourages the use of the Residential Planned Unit Development provisions of Section 4.5 and the Small Residential Cluster provisions of Section 4.6, to provide the landowner or developer with flexibility in land development within the Agricultural, Forestry & Residential I District and to recognize the variety of land capability for development and of natural resources on parcels of land in this district.

4. A second principal structure, meeting the definition in Section 8.0 of "small scale commerce," "small scale industry," or "rural retail," is allowed on a lot with a residence as a conditional use provided the use is located within a structure existing prior to September 6, 1972 and meets all other requirements of these regulations.
5. Planned Unit Developments are required for subdivisions of four (4) or more lots or units.

### **3.6 AGRICULTURAL, FORESTRY & RESIDENTIAL II DISTRICT**

3.6.1 PURPOSE: The Agricultural, Forestry & Residential II District includes lands along paved roads in the rural areas of the Town of Westford. The purpose of the Agricultural, Forestry & Residential II is to enable where appropriate certain commercial and industrial uses on paved roads while conserving the rural environment of the District. The AFR II District enables low density development that is compatible with the District's primary uses of agriculture and forestry, recognizes the severe limitations to development in this district due to poor soils for sewage disposal and steep slopes, reflects the District's existing rural residential character, and will not place an unreasonable burden on the Town's ability to provide and maintain the existing level of Town services to all residents. It is a policy of the Town that strip development will be avoided, the least amount of land possible will be developed, and large contiguous expanses of agricultural, forestry, greenway, significant natural areas, wildlife habitat, and other important open space land will be protected. The Development Review Board encourages property owners in the Agricultural, Forestry & Residential II District to utilize the Residential Planned Unit Development process in Section 4.5 or the Small Residential Cluster process in Section 4.6 to provide for flexibility in their development.

3.6.2. PERMITTED USES: The following uses are permitted in the Agricultural, Forestry & Residential II District:

1. Accessory apartment to single-family dwelling
2. Accessory dwelling to single-family dwelling on a farm.
3. Accessory uses
4. Agriculture
5. Forestry
6. Home occupation
7. Mixed Use Planned Unit Development, in accordance with the provisions of Section 4.7 of these regulations
8. Public park or outdoor recreation facility not involving the construction of structures
9. Residential Planned Unit Development, in accordance with the provisions of Section 4.5 of these regulations
10. Single-family dwelling unit
11. Small Residential Cluster, in accordance with the provisions of Section 4.6 of these regulations
12. (Special Uses) as per 24 VSA 4413 (a)
13. Two-family dwelling unit

3.6.3 CONDITIONAL USES: The following uses may be permitted in the Agricultural, Forestry & Residential II District as conditional uses by the Development Review Board in accordance with Section 4.3 of these regulations:

1. Automotive and machinery repair service with a floor area no greater than 3,000 square feet unless such service takes place entirely within a building existing as of the effective date of these regulations
2. Bed and Breakfast
3. Cemetery
4. Commercial topsoil, stone or gravel extraction
5. Community facility

6. Dog kennel
7. Home business
8. Horse stable and indoor riding facility
9. Municipal owned and/or operated buildings and facilities
10. Nursery school/ daycare center
11. Outdoor recreation facility, including the construction of structures
12. Restaurant
13. Rural retail
14. Small scale commerce in structures that do not exceed 4,000 square feet in gross floor area
15. Small scale industry in structures that do not exceed 4,000 square feet in gross floor area
16. Wireless telecommunications facility

### 3.6.4 DIMENSIONAL REQUIREMENTS

1. Minimum lot size: 5 acres for each family dwelling or principal structure
2. Density: 5 acres for each family dwelling or principal structure
3. Lot frontage: 250 feet
4. Front yard minimum: 50 feet
5. Side yard minimum: 25 feet
6. Rear yard minimum: 25 feet

**3.6.5 CONDITIONAL USE STANDARDS:** In addition to the General and Specific Standards for conditional uses in Section 4.3, applications for conditional uses in the Agricultural, Forestry & Residential II District shall meet the following standards:

1. Commercial uses will provide for the needs of Westford residents, residents of nearby communities, tourists, and special customers.
2. The use as designed and planned will be of a scale appropriate for a rural community and not out of character with the scale of other uses and buildings in the Town of Westford.

**3.6.6 SPECIAL PROVISIONS:** All uses in the Agricultural, Forestry & Residential II District shall meet the following special provisions:

1. The siting of buildings on parcels shall minimize the appearance of strip development along roads, use the least amount of land possible, and maximize the amount of contiguous natural resource lands, including actively farmed primary agricultural soils, primary forest soils, wildlife habitat, greenways, and significant natural areas. Development shall be carefully integrated into resource lands and be sited so as to retain the appearance of predominantly open space. To accomplish these objectives, buildings can be sited at the edge of resource lands, along hedge rows, at the edge of forested areas, at the edge of private roads or driveways, and within non-prime forested areas.
2. Grouping buildings together and/or near to buildings on adjacent parcels is a suitable development option to protect resources provided an appearance of strip development is avoided.
3. On any lot, land development, including, without limitation to, the development of structures, private roads, driveways, or utilities, shall not occur on areas containing Steep Slopes. Grading of the land or stripping of vegetation shall not be permitted unless it falls within the exempt area identified in the Steep Slope definition. The maximum

allowed area of disturbance shall be accumulatively calculated for a lot prior to subdivision. Disturbance of Steep Slopes, beyond the area of disturbance approved by the Development Review Board, is prohibited within subdivisions approved after the date these regulations were first adopted.

4. The Development Review Board encourages the use of the Residential Planned Unit Development provisions of Section 4.5 and the Small Residential Cluster provisions of Section 4.6 to provide the landowner or developer with flexibility in land development within the Agricultural, Forestry & Residential II District and to recognize the variety of land capability for development and of natural resources on parcels of land in this district.
5. A second principal structure, meeting the definition in Section 8.0 of "small scale commerce," "small scale industry," or "rural retail," is allowed on a lot with a residence as a conditional use provided the use is located within a structure existing prior to September 6, 1972 and meets all other requirements of these regulations.
6. Planned Unit Developments are required for subdivisions of four (4) or more lots or units.

### 3.7 WATER RESOURCES OVERLAY DISTRICT

3.7.1 PURPOSE: The purpose of the Water Resources Overlay District is to ensure the quality and character of Westford's water related resources, including wetlands, rivers, streams, ponds and wellhead protection areas, are protected; to maintain Westford's rural character through the conservation of natural resources and to utilize those resources, as appropriate, for preservation, recreation, education, and human consumption; and to protect the public health by ensuring clean water and by minimizing the adverse impacts of development on Westford's water related resources and adjacent lands.

3.7.2 APPLICATION: The Water Resources Overlay District is superimposed on all underlying zoning districts. All lands to which the Overlay District applies must meet the requirements of the underlying zoning districts and the Water Resources Overlay District. Where there is a conflict between the underlying zoning district and the Overlay District, the more restrictive shall apply. Man made ponds that are located independent of any streams or waterways identified on Map 5 of the Town Plan and are not classified as Class 2 wetlands by the State of Vermont are not subject to these regulations. The Administrative Officer shall determine whether a pond meets these criteria for the purpose of these regulations.

3.7.3 PERMITTED USES: The following uses are permitted in the Water Resource Overlay District, excluding wellhead protection areas:

1. Low impact forms of outdoor recreation, such as picnicking, hiking, boating, nature study, hunting, fishing, horse riding and swimming, that do not create a disruption to groundcover or shoreline or directly impact water quality.
2. Snowmobiling.
3. Agricultural operations are allowed to utilize land within the protective boundary for cultivation and grazing in accordance with Accepted Agricultural Practices as defined by the Vermont Agency of Agriculture, Food and Markets.
4. Logging, including temporary logging roads and temporary logging bridges, are allowed within the protective boundary when carried out in accordance with Acceptable Management Practices for Maintaining Water Quality as defined by Vermont Department of Forests, Parks and Recreation.
5. Open land maintenance performed by landowners for the purpose of maintaining existing grassland or lawn provided this activity does not destroy shrubs or tress and/or create a disruption to groundcover or shoreline that will impact water quality. Open land and/or lawns that have been maintained within the previous 3 years shall be indentified as open land for the purposes of these regulations.
6. The use and maintenance of man-made ponds provided any maintenance is preformed in such a way as to minimize impact to adjoining water resources.
7. Reforestation, such as shrub and tree planting, provided this activity does not create a disruption to groundcover or shoreline that will impact water quality.
8. The control of non-native species of nuisance plants, including but not limited to water chestnut, purple loosestrife and reed grass (Phragmites), where such control is by hand pulling of plants or is carried out in accordance with a written plan approved by the Vermont Agency of Natural Resources or authorized by law.
9. Wastewater systems and potable water sources permitted by the State of Vermont.

3.7.4 **CONDITIONAL USES:** The following uses may be permitted in the Water Resource Overlay District as a conditional use by the Development Review Board in accordance with Section 4.3 of these regulations:

1. Man made pond
2. Encroachment necessary for providing for, or for the improvement of public facilities, infrastructure and services.
3. Boardwalk.
4. Driveway.
5. Private bridge with a width greater than 4 feet or culvert with a length greater than 4 feet.
6. Private road.
7. Public or private trail greater than 4 feet in width.
8. Seasonal use, non- permanent arrangement, such as a dock or gazebo.

3.7.5 **CONDITIONAL USE STANDARDS:** In addition to the General and Specific Standards for conditional use in Section 4.3, applications for conditional use in the Water Resource Overlay District shall meet the following standards:

1. There is no reasonable alternative for bridges, culverts, driveways, private roads or man made ponds outside of the Water Resource Overlay District in the opinion of the Development Review Board.
2. The area consumed by any trail, bridge, culvert, driveway, boardwalk, seasonal use arrangement, or private road in the Overlay District shall be minimal representing the least amount of impact to the Overlay District, including limiting the number of water crossings per property within the Overlay District, as determined by the Development Review Board.

3.7.6 **SPECIAL PROVISIONS**

1. The cutting of vegetation, such as trees and shrubs, is prohibited, except for logging operations when carried out in accordance with Acceptable Management Practices for Maintaining Water Quality as defined by Vermont Department of Forests, Parks and Recreation, the cutting of vegetation for a footpath no more than 4 feet in width provided it is constructed in a manor that does not create a disruption to groundcover or shoreline that will impact water quality, and where conditional use has been approved for private trails, bridges, culverts, boardwalks, driveways, private roads, man made ponds, and seasonal non-permanent arrangements.
2. The manipulation of water or shoreline, including excavating, dredging, draining and filling, is prohibited within the Overlay District, unless approved by the Development Review Board in association with a conditional use.
3. No permanent structures, including agricultural structures, are allowed within the Overlay District.
4. Underground power and communication lines are prohibited, unless buried within a Development Review Board approved driveway or private road.
5. The storage of hazardous materials is prohibited in the Overlay District.
6. Subdivisions that adjoin the Overlay District are required to develop and implement a stormwater management plan approved by a licensed engineer and ensuring protection of the Overlay District from the effects of the subdivision.
7. Expansion and/or re-establishment of a non-conforming and/or non-complying structure shall be in conformance with Section 4.8 of the Zoning Regulations
8. All State of Vermont permits, where applicable, are required.

**3.7.7. PERMITTED AND CONDITIONAL USES FOR WELL HEAD PROTECTION AREAS:**

Any permitted or conditional use in the underlying zoning district, excluding underground or above-ground storage of oil, gasoline, or toxic substances (except for use in individual homes), landfills, junkyards, uncovered storage of salt or sand, and storage or application of pesticides, fungicides, or herbicides.

### 3.8 FLOOD HAZARD DISTRICT

#### 3.8.1 STATUTORY AUTHORIZATION

To effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. §4424, there is hereby established an ordinance for areas of special flood hazard in the Town of Westford, Vermont.

#### 3.8.2 STATEMENT OF PURPOSE

It is the purpose of this ordinance to:

- A. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and
- B. Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
- C. Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
- D. Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.
- E. Encourage maintenance of flood hazard areas for open space uses and/or useable open space that complements the use and development of adjacent areas, as provided for in the Westford Town Plan.

#### 3.8.3 LANDS TO WHICH THESE REGULATIONS APPLY

These regulations shall apply to all areas in the Town of Westford, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

The Flood Hazard District is superimposed on all underlying zoning districts. All lands to which the Flood Hazard District applies must meet the requirements of the underlying zoning districts and the Flood Hazard District. Where there is a conflict between the underlying zoning district and the Flood Hazard District, the more restrictive shall apply.

#### 3.8.4 DEVELOPMENT PERMIT REQUIRED

A permit is required for all proposed construction or other development in areas of special flood hazard. Conditional use approval by the Development Review Board is required for:

1. New accessory structures and roadways,
2. Substantial improvement of existing buildings

prior to being permitted by the Administrative Officer. All development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

#### 3.8.5 PROCEDURES

- A. Prior to issuing a permit a copy of the application and supporting information shall be submitted by the Administrative Officer to the State National Floodplain Insurance

Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

- B. Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- C. Proposed development shall be reviewed by the appropriate municipal panel who shall require a Vermont Agency of Natural Resources Permit Review Sheet for the project. The permit review sheet should identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the Town permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer and attached to the permit application before work can begin.
- D. Applicants shall provide the following information in addition to that required elsewhere in this bylaw:
  - a. existing and proposed elevations at the corners of proposed foundations and all utilities and land alterations;
  - b. lowest elevation of the lowest floor (including basement) for all existing and proposed buildings;
  - c. a certified plan for flood proofing and a description of any proposed storage of materials.
- E. No Certificate of Occupancy shall be issued until the Administrative Officer has determined that the building or use of land has been completed in accordance with this bylaw and the terms of the permit and has obtained verification of as built elevations.

### 3.8.6 BASE FLOOD ELEVATIONS AND FLOODWAY LIMITS

- A. Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
- B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, shall be obtained and utilized to administer and enforce these regulations.

### 3.8.7 DEVELOPMENT STANDARDS

All special flood hazard areas including A and AE zones.

- 1. Development within the regulatory floodway, as determined by Section 3.8.6A is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered

- professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.
2. Development within the special flood hazard area is prohibited with the exception of cumulative substantial improvements within the footprint of existing buildings, accessory structures, roadways or grading that does not raise existing grades.
  3. Until a regulatory floodway has been designated, no new construction, substantial improvements, or other development shall be permitted in Zones A1-30, AE, and AH unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
  4. Junkyards, wastewater disposal systems, critical facilities, elderly or assisted living residential development, all residential development, storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, and fill are prohibited within all special flood hazard areas.
  5. All Development - All development shall be reasonably safe from flooding and:
    - (a) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
    - (b) Constructed with materials resistant to flood damage,
    - (c) Constructed by methods and practices that minimize flood damage, and
    - (d) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  6. Residential Development:
    - (a) Existing buildings to be substantially improved that are located in the special flood hazard area shall have the lowest floor, including basement, elevated to or above 1 foot above the base flood elevation.
    - (b) Existing manufactured homes to be substantially improved that are:
      - (i) located outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood.
      - (ii) located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist flotation, collapse, and lateral movement.

- (c) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.\*

**7. Non-Residential Development:**

- (a) New construction located in the special flood hazard area shall have the lowest floor, including basement, elevated to or above 1 foot above the base flood elevation.
- (b) Existing buildings to be substantially improved located in the special flood hazard area shall have the lowest floor, including basement, elevated to or above 1 foot above the base flood elevation or together with attendant utility and sanitary facilities be designed so that to 1 foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Floodproofing below 1 foot above BFE provides no credit for flood insurance rating purposes. Credit can only be assigned if the building is elevated to 1 foot above BFE.
- (c) A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

**8. Subdivisions:**

- (a) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is lesser, shall include base flood elevation data.
- (b) Subdivisions (including manufactured home parks) shall be reasonably safe from flooding and shall be designed to assure:
  - (i) such proposals minimize flood damage within the flood-prone area,
  - (ii) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
  - (iii) adequate drainage is provided to reduce exposure to flood hazards.

**9. Enclosed Areas Below the Lowest Floor:**

- (a) Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage.
- (b) Existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- (c) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

10. **Recreational Vehicles:** Recreational Vehicles placed on sites with special flood hazard areas shall either:

- (a) Be on the site for fewer than 180 consecutive days,
- (b) Be fully licensed and ready for highway use, or
- (c) Be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in section B.2.(b).

11. **Accessory Structures:**

A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the structure meets the following requirements:

- (a) The structure must only be used for parking and storage,
- (b) The structure must have the required openings to allow floodwaters in and out,
- (c) The structure must be constructed using flood resistant materials below the base flood elevation,
- (d) The structure must be adequately anchored to resist flotation, collapse, and lateral movement, and
- (f) All building utility equipment including electrical and heating must be elevated or floodproofed.

12. **Water Supply Systems:** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

13. **Sanitary Sewage Systems:** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

14. **On-Site Waste Disposal Systems:** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

15. **Watercourse Carrying Capacity:** The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

\* The Agency of Natural Resources will be contacted for additional information as necessary (i.e. data, site plans, etc).

### **3.8.8 DUTIES AND RESPONSIBILITY OF ADMINISTRATIVE OFFICER**

The Administrative Officer shall maintain a record of:

- (a) All permits issued for development in areas of special flood hazard;
- (b) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings\*;
- (c) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed\*;
- (d) All floodproofing certifications required under this regulation; and
- (e) All variance actions, including justification for their issuance.

\* The Agency of Natural Resources will be contacted for additional information as necessary (i.e. data, site plans, etc).

### **3.8.9 VARIANCES TO THE DEVELOPMENT STANDARDS**

Variances shall be granted by the Development Review Board only in accordance with 24 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

### 3.8.10 WARNING OF THE DISCLAIMER OF LIABILITY

This ordinance does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Westford or any town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### 3.8.11 VALIDITY AND SEVERABILITY

If any portion of this ordinance is held unconstitutional or invalid by a competent court, the remainder of this ordinance shall not be affected.

### 3.8.12 PRECEDENCE OF ORDINANCE

The provisions of this ordinance shall not in any way impair or remove the necessity of compliance with any other applicable ordinances. Where this ordinance imposes a greater restriction, the provisions of this ordinance shall take precedence.

### 3.8.13 ENFORCEMENT AND PENALTIES

It shall be the duty of the Administrative Officer to enforce the provisions of this ordinance. Whenever any development occurs contrary to these flood hazard area regulations, the Administrative Officer, in his/her discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. §1974a or pursuant to 24 V.S.A. § 4451 or 24 V.S.A. § 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding twelve months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. If the structure is still noncompliant after the seven-day opportunity to cure has passed, the Administrator Officer shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

## **4.0 PERMITS AND APPROVALS**

### **4.1 ZONING PERMIT**

**4.1.1 REQUIREMENT FOR A ZONING PERMIT:** The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation or landfill, and any change in use of any building or other structure, or land, or extension of use of land requires a zoning permit from the Administrative Officer. The continuation of land development commenced prior to the effective date of these regulations and at a time during which any prior zoning regulations of the Town of Westford were in effect requires a zoning permit authorizing the continuation of such activity from the Administrative Officer, if it did not receive a permit or approval under the prior regulations.

**4.1.2 REQUIREMENT FOR A ZONING PERMIT:** Prior to the issuance of the first zoning permit for any lot (in which the permit will service) the owner or his/her authorized representative shall obtain a State of Vermont wastewater permit and record said permit in the Westford Land Records or must submit to the Administrative Officer a letter from the State of Vermont Wastewater Division stating a permit is not required. Furthermore, the owner or his/her authorized representative shall submit to the Administrative Officer State approved wastewater disposal plans.

**4.1.3 REQUIREMENT FOR A ZONING PERMIT FOR AN APPROVED SUBDIVISION:** Prior to the issuance of the first zoning permit for any lot located within an approved subdivision the lot (in which the permit will service) must have all boundary monuments set as seen on the final plat recorded in the Town land records and a note from a licensed surveyor must be submitted to the Administrative Officer validating that all monuments have been set.

**4.1.4 APPLICATION:** The application for a zoning permit shall show that the plans and the intended use conform with all provisions of this bylaw. If the Administrative Officer fails to act with regard to an application for a permit within 30 days of the receipt of a completed application, a permit shall be deemed issued on the 31st day.

**4.1.5 EFFECTIVE DATES:** A zoning permit shall not take effect until 15 days after issuance by the Administrative Officer, or in the event that a notice of appeal is properly filed in accordance with §4465 of the Act, such permit shall not take effect until final adjudication of said appeal. Each zoning permit issued shall contain a statement of the period of time within which an appeal may be taken.

**4.1.6 PROCEDURE AFTER ISSUANCE:** Within three calendar days following the issuance of a zoning permit, the Administrative Officer shall:

1. Deliver a copy of the permit to the Listers, and
2. Post a copy of the permit in the Town Offices, and such permit shall remain posted until 15 days from the date of issuance and shall be available for public review during the regular business hours of the Town Offices.

4.1.7 EXPIRATION OF APPROVALS: A zoning permit, including a conditional use approval, site plan approval, non-conforming use approval or non-conforming structure approval, or variance, shall expire one year from its date of issue. An extension to an approval may be granted if application for extension takes place before the approval has expired and if the Administrative Officer determines that conditions are essentially unchanged from the time of the original approval and that there is intent to complete the project by evidence of expenditure of at least fifty (50) percent of the project's costs in site improvements and construction. A renewed zoning permit shall expire one year from its date of issuance and shall not thereafter be renewed again.

## **4.2 CERTIFICATE OF OCCUPANCY**

4.2.1 OCCUPANCY/USE OF A NEW BUILDING: It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy is issued therefore by the Administrative Officer, certifying that the proposed use of the structure or land conforms to the requirements of these regulations and the approved plans and specifications.

4.2.2 CONSTRUCTION OF NEW BUILDINGS: No structure erected shall be occupied or used in whole or in part, for any purpose whatever, until a certificate of occupancy is issued by the Administrative Officer, certifying that such structure and its driveway conforms to the approved plans and specifications and the requirements of these regulations.

4.2.3 TEMPORARY CERTIFICATE OF OCCUPANCY: Upon written request of the owner or his/her authorized representative, the Administrative Officer may issue a temporary certificate of occupancy for the purposes described above provided the owner or his/her authorized representative can demonstrate that any and all Town approvals or permits have been obtained and complied with to the fullest extent possible, barring uncontrollable factors such as inclement weather that may have prevented final driveway inspection or installation of required landscaping. The temporary certificate of occupancy shall remain in effect for a period not to exceed six (6) months at which time the owner or his representative must obtain a certificate of occupancy. No more than one (1) temporary certificate of occupancy may be issued per approval.

4.2.4 REQUIREMENT FOR A CERTIFICATE OF OCCUPANCY PERMIT FOR AN APPROVED SUBDIVISION: Prior to the issuance of a certificate of occupancy for any lot (in which the permit will service) the owner or his/her authorized representative shall submit to the Administrative Officer a letter from a licensed engineer certifying that the road/driveway has been constructed according to the Development Review Board approved plans.

4.2.5 IMPACT FEE: No certificate of occupancy for a dwelling unit shall be issued until a impact fee, as established by the Westford Board of Selectmen, is paid to the Town of Westford. Affordable housing, as defined in these regulations, is exempt from this requirement.

4.2.6 DECISION: Within thirty (30) days after notification in the form of a complete application made to the Administrative Officer that a building or structure or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative Officer to make a final inspection thereof and issue a certificate of occupancy if the project is found to conform with the provisions of these regulations and the plans approved by the Administrative Officer.

## 4.3 CONDITIONAL USES

4.3.1 APPLICABILITY: A zoning permit for any use or structure that requires conditional use approval shall not be issued by the Administrative Officer until the Development Review Board grants such approval.

4.3.2 PUBLIC HEARING: A public hearing after public notice shall be held by the Development Review Board to determine whether the proposed use conforms to the general and specific standards for conditional uses in these regulations.

4.3.3 APPLICATION: The Development Review Board may require a conditional use review applicant to pay for reasonable costs of an independent technical review of the application. The Board may table review of the application pending receipt of an independent technical review. The Board may require the filing of such legal data and documents as it deems necessary. If the Board deems it necessary to employ an attorney to review any legal documents, the costs of such attorney shall be paid by the applicant.

4.3.4 DECISIONS: The Development Review Board shall act to approve or disapprove any such requested conditional uses within forty-five (45) days after the date of the final public hearing held under this section; failure to do so within such period shall be deemed approval. The Development Review Board shall prepare findings of fact upon each decision made under this section setting forth the reasons for approval, approval with conditions, or denial addressing each of the standards of these regulations. The Board may attach reasonable conditions and safeguards as necessary to implement the purposes of these regulations.

4.3.5 GENERAL STANDARDS: A permit shall be granted only upon a finding by the Development Review Board that such use will not adversely affect:

1. The capacity of existing or planned community facilities or services;
2. The character of the neighborhood, area, or district affected;
3. Traffic on roads in the vicinity;
4. The objectives of the Town Plan and all town regulations in effect;
5. The utilization of renewable energy resources;
6. Existing water supplies and aquifers;
7. Primary agricultural and forestry soils, significant natural areas, wildlife habitat, greenways, and water resources, as designated in the Town Plan; and
8. Any use that could be approved under these regulations as a permitted or conditional use, or any existing use of adjacent property.

4.3.6 SPECIFIC STANDARDS: A permit shall be granted only upon a finding by the Development Review Board that the following specific standards, in addition to the standards and requirements in the district regulations, will be met:

1. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot shall not be generated. Hours of operation may be limited to normal business hours in order to prevent noise and other disturbance to the surrounding areas.
2. There shall be no outside displays except those that are brought in at the end of the business hours and are the actual product of the business, except as specifically permitted

in the district regulations.

3. Storage of goods, parts, supplies, vehicles or machinery being worked on or finished or partially finished shall be inside a building or behind screening approved under Section 4.4.
4. No fire, explosive, or safety hazard shall be permitted which, in the judgment of the Board, after consideration of the advice of the Town fire officials, significantly endangers other property owners or emergency personnel.
5. In determining the appropriateness of the use in the district, the Board shall consider the scale of the proposal in relation to the scale of existing uses and buildings and the effect of the use on the continued enjoyment and access to existing and approved uses in the vicinity of the proposed use.
6. Exterior storage of vehicles, equipment and boats for commercial sales, shall be limited to a maximum of 1,500 square feet of contiguous space.
7. Increased setbacks may be required for commercial, industrial, municipal or outdoor recreation uses contiguous to residential districts and/or uses.

#### **4.4 SITE PLAN APPROVAL**

4.4.1 APPLICABILITY: All uses, excluding single or two-family dwelling units and accessory uses, home occupations, agricultural uses, and forestry uses, require Site Plan Approval by the Development Review Board before the Administrative Officer issues a zoning permit.

4.4.2 APPLICATION PROCEDURES: The applicant shall submit three sets of site plan maps and supporting data to the Planning Coordinator, which shall include the following information. The application shall not be deemed complete until all of the applicable materials have been submitted. If a site plan map exceeds 11" x 17" in size, a reduced copy of a maximum 11" x 17" in size shall be submitted in addition to the three full-sized sets.

1. Name and address of the owners of record of the property and adjoining lands. Name and address of person or firm preparing the map. Scale of map, north point, and date. Name, address and interest of the applicant in the subject property.
2. Plan or survey, drawn to scale, showing existing features, including contours, structures, large trees, roads, utility easements, rights of way, land use, and deed restrictions.
3. Site Plan, a minimum of 11" x 17" in size and drawn to scale, showing proposed structures, land use areas; roads, driveways, traffic circulation, parking and loading spaces, and pedestrian walkways; landscaping plans, including site grading, landscape design and screening, signs and lighting.
4. Construction sequence and timing schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire project.
5. Specifications of the materials and plantings to be used.
6. A site location map showing the location of the project in relation to nearby town roads and developed areas at scale of one inch equals one thousand feet or other appropriate scale.
7. A cost estimate of all site improvements.
8. All plans will be prepared in a professional manner.
9. The Development Review Board may require the applicant to pay for reasonable costs of an independent technical review of the application. The Development Review Board may table review of the application pending receipt of an independent technical review. The Board may require the filing of such legal data and documents as it deems necessary. If

the Board deems it necessary to employ an attorney to review any legal documents, the costs of such attorney shall be paid by the applicant.

4.4.3 DECISIONS: The Development Review Board shall act to approve, approve with conditions, or disapprove a site plan within forty-five (45) days after the adjournment of the hearing. The failure to so act within such period shall be deemed approval.

4.4.4 STANDARDS: In reviewing a site plan, the Board may consider and impose appropriate safeguards and conditions with respect only to the adequacy of: traffic access and safety; circulation and parking; landscaping and screening; and the protection of the utilization of renewable energy resources. The Development Review Board shall consider the following standards and conditions in reviewing a site plan:

1. Maximum safety of vehicular circulation between the site and the road network: Particular consideration shall be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of emergency.
  - a. The Development Review Board may require shared access to adjoining properties or may limit access to the property to a designated road.
  - b. Where traffic access is required to only a portion of the land, the Development Review Board may require sharing that access with future uses of the remainder of the parcel.
  - c. All driveways that exceed 150 feet in length must comply with the following standards:
    - (1) Driveway entrance intersection must be at least 18 feet wide for the first 20 feet of driveway length from the road, and may then taper to no less than 14 feet in width for the remaining length.
    - (2) Driveways must have a turn out capable of accommodating one fire truck at no less than every 600 feet of driveway length.
    - (3) Driveways must be constructed with a minimum of 15 inches of gravel with 3 inches of crusher run wearing surface over Mirafi fabric.
    - (4) The maximum grade shall not be more than 10% or no more than 12% over a distance greater than 200 feet.
2. Adequacy of circulation, parking and loading facilities: Particular consideration shall be given to the effect of noise, glare or odors on adjoining properties and state and town roads. Adequacy of provisions for erosion control, runoff, refuse removal, service areas, and snow removal shall also be considered.
  - a. Adequate space for maneuvering in and out of parking and loading areas shall be provided and located so as not to interfere with circulation to and within the site.
  - b. Parking areas shall be landscaped or screened from adjacent uses and from the roads in the vicinity. The Development Review Board may waive this requirement on a case by case basis if screening requirements conflict with other requirements stated in Section 4.4 of the Zoning Regulations.
  - c. Parking will be prohibited in the front yard, the side yard and rear yard setback areas and in the front yard between the principal building(s) and the road except where an existing building to be served by parking is 100 feet or more from edge of the road in which case the parking may be located in the front yard provided it is a minimum of 50 feet from the edge of the road. The Development Review Board may waive this requirement on a case by case basis if parking requirements conflict with other

- requirements stated in Section 4.4 of the Zoning Regulations.
- d. Permeable surfaces may be required for proposed parking areas to limit storm water runoff. Relocation or redesign of parking areas may be required to limit runoff and control erosion.
  - e. A safe and attractive pedestrian environment shall be provided as appropriate to the use. In the Town Common, Town Village and Town Center Districts pedestrian circulation on sidewalks, paths, and on the proposed greenway between the School and the Village Green may be required.
  - f. The size and location of any paved area may be limited by the Development Review Board.
  - g. All parking areas in the Town Common District and Town Village District shall be clearly defined and marked and their edges treated so as to prevent parking outside these designated areas.
3. Adequacy of landscaping and screening: Particular consideration shall be given to preservation of existing vegetation and important features of the site, including large trees, views and vistas, fences, stone walls, and shrubs; visibility of unsightly or incompatible areas from the road and adjoining properties; and the adequacy of landscaping materials to meet seasonal conditions, soil conditions and erosion control, and light on the site.
- a. Landscaping shall take the form of shade trees, deciduous shrubs, evergreens, well kept grasses and ground cover.
  - b. Landscaping is required to be installed and maintained in front and side yards and may be required where rear yards abut residential properties or roads. Adequate setbacks and site grading may be required to ensure that the plantings are not adversely affected by traffic and road salt. Trees may be required along state and town roads particularly in the Town Common, Town Village and Town Center Districts. Landscaping shall be installed within a time frame established by the Development Review Board.
  - c. In determining the amount and type of plantings to be required, the Development Review Board shall take into account at least the following:
    - (1) Existing trees, shrubs, evergreens and other vegetation to be preserved on the site;
    - (2) The visibility of incompatible or unsightly areas from roads and/or adjacent properties;
    - (3) The land form and overall landscaping plan for the development;
    - (4) Other factors which, in the Board's judgment, affect the safety and appearance of the development.
  - d. The Development Review Board may require the cost of planting to equal up to five percent of the estimated total costs of the development. Before commencement of construction, the owner or developer shall furnish the Town of Westford with a letter of credit or other suitable form of financial security to guarantee the performance and completion of all planting required pursuant to this section, which security shall also guarantee plantings for a period of two years.
  - e. To control erosion, the site plan shall meet the following standards:
    - (1) The development plan shall fit the topographic, soil and vegetation characteristics of the site with a minimum of clearing and grading.
    - (2) No clearing or grading shall take place within the Water Resources Overlay District except as provided in that District's regulations.

- (3) Existing natural drainage patterns shall be preserved wherever possible.
  - (4) The sequence of construction activities shall be designed so that the smallest area possible is disturbed at any one time. Only areas where active construction is taking place should be exposed. All other areas should be protected by vegetative and structural control measures.
  - (5) Seed and mulch shall be applied as soon as possible to disturbed soils.
  - (6) Disturbance should be avoided as much as possible between October 15 and May 1.
- f. Outdoor lighting may be required where deemed necessary by the Board to illuminate areas such as roads, sidewalks, and parking areas. Outdoor lighting fixtures shall be designed to direct light downward and adjusted so as not to cast light directly on adjacent roads or properties. The Development Review Board may prohibit fixtures that cause excessive glare within the property or on adjoining properties.
- g. All roads, whether public or private, shall be required to be named and identified by a road sign which is of a standard approved by the Town.

#### **4.5 PLANNED UNIT DEVELOPMENT – RESIDENTIAL**

4.5.1 PURPOSE: In accordance with the provisions of § 4417 (a) of the Act, Residential Planned Unit Developments are permitted in order to encourage flexibility of design, the most appropriate use of land, adequate and economic provision of roads and utilities, and the preservation of natural resources, including primary agricultural and forestry soils, wildlife habitat, greenways, significant natural areas, and water resources. Accordingly, the Development Review Board may modify the area and dimensional requirements of these regulations simultaneously with the approval of the subdivision plat. Such modifications shall be subject to the following conditions and standards, the district regulations, where applicable, the Westford Subdivision Regulations, and the Westford Town Plan.

In the Rural Residential and Agricultural, Forestry & Residential I and II Districts, the Residential PUD process provides a mechanism whereby existing farm and forest landowners may create a small number of building lots, for example to transfer to family members, without having to subdivide a large portion of their productive farm or forest land, thus facilitating the continuation of farm and forestry operations. The Small Residential Cluster provision in Section 4.6 below is also available to these owners for the subdivision of up to two small lots from their land.

##### **4.5.2 APPLICATION AND REVIEW PROCEDURES:**

1. No permit shall be issued for land development in a Residential PUD project until a Site Development Plan is approved by the Development Review Board.
2. The Residential PUD will be reviewed under these regulations simultaneously with the review of the subdivision plat under the Westford Subdivision Regulations. The procedures and time table for review is set forth in the Subdivision Regulations.
3. The applicant shall submit three sets of site plan maps and supporting data to the Planning Coordinator, which shall include the following information in addition to the submission requirements for Major Subdivisions Preliminary Plats in the Westford Subdivision Regulations. If a site plan map exceeds 11" x 17" in size, a reduced copy of a maximum 11" x 17" in size shall be submitted in addition to the three full-sized sets.
  - a. A statement setting forth the nature of all proposed modifications of the existing zoning regulations and the proposed standards and criteria which the applicant

- proposes for the development, including standards for the design, size and spacing of buildings and sizes of lots and open spaces.
- b. Articles of association, bylaws, or declarations of condominium for those developments that will provide common open space, recreation, roads, parking areas, community water and sewer systems, or other facilities used, owned, or maintained in common.
- c. A draft conservation easement for reserved open space land, where appropriate.

4.5.3 GENERAL CONDITIONS: All Residential PUDs shall meet the following standards in addition to the standards of the Westford Subdivision Regulations. The Development Review Board may impose conditions to ensure that these standards are met.

1. Residential PUDs are permitted anywhere in the Town of Westford.
2. The Residential PUD may not place an unreasonable burden on the ability of the Town to provide municipal or governmental services. The phasing of the development must be consistent with the Town Plan and Capital Budget and Program and must take place over a sufficient period of time that adequate Town facilities and services may be provided.
3. The Development Review Board may allow for a greater concentration or intensity of residential land use within some section or sections of the development than in others provided there is an offset by an appropriate reservation of open space on the remaining land in accordance with the standards in this section.
4. The total number of allowable units within the Residential PUD shall not exceed the number which could be permitted in the Development Review Board's judgment if the land were subdivided into lots in conformance with the zoning and subdivision regulations for the districts in which such land is situated, except as provide below.
5. The Residential PUD is consistent with the Town Plan, the Town Subdivision Regulations and the Capital Budget and Program. If the Development Review Board is satisfied that the plans presented are of unusual merit in the way in which the project treats protection of open space, locates its buildings in consonance with the natural character of the area, or that it otherwise will confer a benefit on the community, it may authorize the number of dwelling units to be increased by up to 25% over the number of units which would be allowed the applicant if the property were developed in strict conformance with the zoning and subdivision regulations.
6. The Residential PUD is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provision for preservation of water resources identified in the Water Resources Overlay District, slopes greater than 25%, soils unsuitable for development due to shallow to bedrock or high water table conditions and limitations for on-site sewage disposal, primary agricultural and forestry soils, historic sites, significant natural areas, greenways, wildlife habitat, high elevations and ridge tops.
7. The Residential PUD will meet minimum state regulations for sewage disposal and state and local regulations for the protection of surface and ground water quality.
8. The Residential PUD will meet the site plan review standards in Section 4.4.
9. The setback area along the perimeter of the Residential PUD shall be a minimum of fifty feet unless waived by the Development Review Board for PUDs in the Town Common, Town Village and Town Center Districts. Greater setback distances and additional screening for structures and parking areas and other development along the perimeter of the Residential PUD and between the development areas and protected resource lands in the common open space areas may be required.

10. The height of and spacing between buildings shall be in keeping with the character of the area within which the Residential PUD is located.

**4.5.4 OBJECTIVES FOR RESIDENTIAL PUDS IN THE RURAL RESIDENTIAL, AGRICULTURAL, FORESTRY & RESIDENTIAL I AND II DISTRICTS:**

1. All buildings, building envelopes, roads, sewage disposal sites, and sewer and water lines will be located, where possible, so as to protect the rural character of the Town of Westford.
2. All buildings, building envelopes, roads, sewage disposal sites, and sewer and water lines will be located so as to minimize undue impact to the following significant natural resources for their productive agricultural or forestry use:
  - Primary agricultural soils
  - Primary forestry soils
  - Crop land, hay land or pasture land
  - Land under a forest management plan
3. All buildings, building envelopes, roads, sewage disposal sites, and sewer and water lines will be located so as to protect the following significant natural resources designated in the Town Plan from incompatible uses:
  - Significant natural areas
  - Water resources designated in the Water Resources Overlay District
  - Greenways
  - Wildlife habitat
4. All open space lands within Residential PUDs can be in common ownership or under public or non-profit conservation organization ownership or easement or other mechanism as approved by the Development Review Board in consultation with the Conservation Commission. The ownership structure chosen shall be that which best advances the goals of the Westford Town Plan.
5. Phased developments shall demonstrate how the natural resource values will be protected in future phases. Building envelopes may be required for present and future phases.

**4.5.5 SPECIFIC STANDARDS FOR RESIDENTIAL PUDS IN THE TOWN COMMON, TOWN VILLAGE & TOWN CENTER DISTRICTS**

1. The subdivision will promote and contribute to a logical road and pedestrian network for the Town Common, Town Village and Town Center Districts, which provides for connections between parcels and between residential and commercial areas and for the continuation of roads and pedestrian ways.
2. Lot layout shall reinforce the existing village pattern of buildings lining public roads, ways, and spaces and shall enable building sites and setbacks to be consistent with current village patterns.
3. Pedestrian ways may include sidewalks or pathways along public roads as well as at the rear of building lots.

4.5.6 DIMENSIONAL REQUIREMENTS: the following dimensional requirements must be met in all Residential PUD projects:

1. Minimum lot size for Residential PUD lot: no minimum lot size in the Town Common & Town Village Districts and 0.5 acres per unit in all other districts.
2. Minimum side and rear yard setback at the periphery of the Residential PUD, unless within the Town Common, Town Village, Town Center or Rural Residential Zoning Districts and waived by the Development Review Board: 50 feet.
3. Minimum project size: 2 units or lots.

4.5.7 PERMITTED USES IN A RESIDENTIAL PUD: Residential uses and accessory uses, including outdoor recreation facilities, permitted as of right or conditionally in the district within which the Residential PUD is proposed are allowed within Residential PUDs. All conditional uses must be reviewed in accordance with the district regulations and the provisions of Section 4.3.

4.5.8 OPEN SPACE LAND: Lands set aside for park, recreation, agriculture, forestry, wildlife habitat, natural areas, water resources protection, other open space or municipal purposes shall be in a location or locations, size and shape approved by the Development Review Board. Provision of open space shall include but shall not be limited to the following objectives:

1. The open space land shall provide for the protection of resources on the site that have been identified in the Town Plan, including primary agricultural and forestry soils, agricultural land, productive woodland, wildlife habitat, significant natural areas, greenways, and historic sites.
2. The location, shape, size, and character of the open space land is suitable for its intended use. Open space land shall provide for large expanses of contiguous resource lands where such resources are present on a parcel. In addition, open spaces should be located so as to be contiguous with abutting open spaces and/or conserved lands.
3. Open space land will be suitably improved and/or maintained for its intended use, except that open space containing natural resources worthy of preservation may be left unimproved. Provisions will be made to enable lands designated for agriculture and forestry to be utilized for these purposes. Management plans for forestry may be required.
4. Land shown as open space land shall be protected for its intended use by placement of appropriate restrictions on the land which are enforceable by the Town. For example, this may be accomplished by conveyance in fee simple or the granting of a conservation easement to one of the following:
  - a. the Town, if it agrees;
  - b. the Town Conservation Commission or a non-profit conservation organization; or
  - c. another party provided there are appropriate conservation restrictions placed on the land and held by the Town or suitable non-profit conservation organization, recorded with the deed, and used for a valid public benefit.
5. Open space land donated for town recreation needs shall be consistent with the Westford Subdivision Regulations, Section 7.11.
6. The amount of open space to be provided within each Residential PUD shall be in accordance with the following table:

**OPEN SPACE REQUIREMENTS BY DISTRICT FOR RESIDENTIAL PUDS**

<u>Parcel Size</u>	<u>Rural, AFR I &amp; II % of Open Space</u>	<u>Town Center % Open Space</u>
First 50 acres (0-50 acres)	33%	25%
Next 50 acres (50.1-100 acres)	50%	50%
Next 100 acres (100.1-200 acres)	60%	50%
Greater than 200 acres	75%	50%

7. Open space land shall be located so as to conform with and extend existing and potential common open space land on adjacent parcels.
8. Additional measures that may be imposed to protect resources identified on the parcel include, but are not limited to, restrictions on building sites through designation of building envelopes and clearing limits.
9. The Development Review Board in consultation with the Conservation Commission may require that the Town be a party to any legal mechanisms for the protection of open space.
10. Sewage disposal and water supply areas and road rights of way may not count as open space.

**4.5.9 RESIDENTIAL PUDS IN TWO OR MORE DISTRICTS:** Residential PUDs on properties that are within two or more districts shall comply with the following standards:

1. The total number of dwelling units in any one district shall not exceed the number otherwise allowed in that district, except that the number of units in the Town Common and Town Village Districts may exceed the number that would otherwise be allowed in those districts provided all other standards can be met.

**4.6 SMALL RESIDENTIAL CLUSTER**

4.6.1 PURPOSE: The Small Residential Cluster provides a simple mechanism whereby existing farm and forest landowners may subdivide up to two small building lots from their land to create a total of three lots. The purpose of the provision is to enable these property owners to retain large portions of their land in productive use while meeting personal needs, for example to transfer land to family members or to sell land, thus facilitating the continuation of farm and forestry operations. In accordance with the provisions of § 4417 of the Act, the Development Review Board may modify the area and dimensional requirements of these regulations simultaneously with the approval of a minor subdivision plat for two new lots or a total of three lots in a Small Residential Cluster on a parcel existing as of the effective date of these regulations.

**4.6.2 APPLICATION AND REVIEW PROCEDURES:**

1. The Small Residential Cluster provision is only applicable to applicants wishing to subdivide no more than two lots from a parcel of land existing as of the effective date of these regulations. The proposed lots must not exceed three acres in size in the AFR I District, two acres in size in the AFR II District, one acre in size in the Rural Residential District, and one half acre in size in the Town Common, Town Village and Town Center Districts. The total size of the parcel prior to subdivision must be a minimum of twenty

acres for a two lot subdivision and thirty acres for a three lot subdivision in the AFR I District, fifteen acres in the AFR II District, nine acres in the Rural Residential District, one and one half acres in the Town Common and Town Village Districts, and 3 acres in the Town Center District.

2. No permit shall be issued for land development in a Small Residential Cluster until a Site Development Plan is approved by the Development Review Board.
3. The Cluster will be reviewed under these regulations simultaneously with the review of a minor subdivision plat under the Westford Subdivision Regulations.
4. The applicant shall submit three sets of site plan maps and supporting data to the Planning Coordinator, which shall include the following information in addition to the submission requirements for Minor Subdivision Plats in the Westford Subdivision Regulations: the location, size, and method of protection for the proposed open space land on the remaining parcel in accordance with the standards in this section. If a site plan map exceeds 11" x 17" in size, a reduced copy of a maximum 11" x 17" in size shall be submitted in addition to the three full-sized sets.

**4.6.3 STANDARDS AND CONDITIONS:** All Small Residential Clusters shall meet the following standards in addition to the applicable standards of the Westford Subdivision Regulations. The Development Review Board may impose conditions to ensure these standards are met:

1. Small Residential Clusters are permitted anywhere in the Town of Westford.
2. The Development Review Board may impose conditions to assure that a Cluster does not place an unreasonable burden on the ability of the Town to provide municipal or governmental services.
3. No new lot may exceed the lot size specified in Section 4.6.2 (1) above. New lots may be smaller than the lot size specified in Section 4.6.2 (1) provided there is adequate room for a principal building, an accessory structure, a safe and sanitary sewage disposal system and water supply, if applicable, and appropriate separation distances between the two, a driveway, and setbacks from lot lines and the road.
4. The reduction in lot size below the District requirement in Section 3.0 must be offset by the reservation of open space on the remaining land. The amount of the open space reserved will vary by district and by the size of the new lot. It must be equal to, at a minimum, the minimum lot size for the district, as specified in Section 3.0, less the size of a new small lot, times the number of new lots created (one or two).
5. Land shown as open space land shall be protected for its intended use by placement of appropriate restrictions on the land which are enforceable by the Town. For example, this may be accomplished by conveyance in fee simple or the granting of a conservation easement to one of the following:
  - a. the Town, if it agrees;
  - b. the Town Conservation Commission or a non-profit conservation organization; or
  - c. to another party provided there are appropriate conservation restrictions placed on the land and held by the Town or suitable non-profit conservation organization, recorded with the deed, and used for a valid public benefit.
6. The Cluster is consistent with the objectives of the Town Plan, the Town Subdivision Regulations and State of Vermont Wastewater & Potable Water Rules.
7. The Cluster makes appropriate provision for the preservation of water resources designated in the Water Resources Overlay District, slopes greater than 25%, soils unsuitable for development due to shallow to bedrock or high water table conditions and

limitations for on-site sewage disposal, primary agricultural and forestry soils, existing hay land, crop land or pasture land, land under a forestry management plan, significant natural areas, wildlife habitat, greenways, and floodplains. Buildings, building envelopes, roads, sewage disposal sites, and sewer and water lines shall be located so that these areas are protected.

8. Only residential uses and accessory uses are permitted in a Small Residential Cluster.
9. The standards of Section 4.5.8.(except #6) for Open Space Land must be met.

#### **4.7 PLANNED UNIT DEVELOPMENT – MIXED USE**

**4.7.1 PURPOSE:** In accordance with the provisions of §4417 (a)of the Act, Planned Unit Developments are permitted in order to encourage flexibility in design, the most appropriate use of land, mixed uses appropriate to a rural village, adequate and economic provision of roads and utilities, and the preservation of natural resources, including lands within the Water Resources Overlay District, primary agricultural and forestry soils, and wildlife habitat, significant natural areas. Accordingly, the Development Review Board may modify the area and dimensional requirements of these regulations simultaneously with the approval of the subdivision plat for a Mixed-Use Planned Unit Development. Such modifications shall be subject to the following conditions and standards, the district regulations, where applicable, the Westford Subdivision Regulations, and the Westford Town Plan.

##### **4.7.2 APPLICATION AND REVIEW PROCEDURES:**

1. No permit shall be issued for land development in a Mixed Use PUD project until a Site Development Plan is approved by the Development Review Board.
2. The Mixed Use PUD will be reviewed under these regulations simultaneously with the review of the subdivision plat under the Westford Subdivision Regulations. The procedures and time table for review is set forth in the Subdivision Regulations.
3. The applicant shall submit three sets of site plan maps and supporting data to the Planning Coordinator, which shall include the following information in addition to the submission requirements for Major Subdivisions Preliminary Plats in the Westford Subdivision Regulations. If a site plan map exceeds 11" x 17" in size, a reduced copy of a maximum 11" x 17" in size shall be submitted in addition to the three full-sized sets.
  - a. A statement setting forth the nature of all proposed modifications of the existing zoning regulations and the proposed standards and criteria which the applicant proposes for the development, including standards for the design, bulk and spacing of buildings and sizes of lots and open spaces.
  - b. Articles of association, bylaws, or declarations of condominium for those developments that will provide common open space, recreation, roads, parking areas, community water and sewer systems, or other facilities used, owned, or maintained in common.
  - c. A draft conservation easement, if applicable.

**4.7.3 GENERAL CONDITIONS:** All Mixed Use PUDs shall meet the following conditions in addition to the standards of the Westford Subdivision Regulations. The Development Review Board may impose conditions to ensure that these standards are met.

1. The Mixed Use PUD may not place an unreasonable burden on the ability of the Town to provide municipal or governmental services. The phasing of the development must be

- consistent with the Town Plan and Capital Budget and Program and must take place over a sufficient period of time that adequate Town facilities and services may be provided.
2. The Development Review Board may allow for a greater concentration or intensity of residential and/or commercial land use within some section or sections of the development than in others provided there is an offset by an appropriate reservation of open space on the remaining land in accordance with the standards in this section.
  3. The total number of allowable units and amount of spaces in other uses within the Mixed Use PUD shall not exceed the number which could be permitted in the Development Review Board's judgment if the land were subdivided into lots in conformance with the zoning and subdivision regulations for the districts in which such land is situated.
  4. The Mixed Use PUD is consistent with the objectives of the Town Plan, the Town Subdivision Regulations and the Capital Budget and Program .
  5. The Mixed Use PUD is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provision for preservation of water resources identified in the Water Resources Overlay District, slopes greater than 25%, soils unsuitable for development due to shallow to bedrock or high water table conditions and limitations for sewage disposal, primary agricultural and forestry soils, historic sites, significant natural areas, greenways, wildlife habitat, high elevations and ridge tops.
  6. The Mixed Use PUD will meet minimum state regulations for sewage disposal and state and local regulations for the protection of surface and ground water quality.
  7. The Mixed Use PUD will meet the site plan review standards in Section 4.4.
  8. The setback area along the perimeter of the Mixed Use PUD shall be a minimum of fifty feet unless waived by the Development Review Board in the Town Common, Town Village or Town Center Districts. Greater setback distances and additional screening for structures and parking areas and other development along the perimeter of the Mixed Use PUD and between the development areas and protected resource lands in the common open space areas may be required.
  9. The height of and spacing between buildings shall be in keeping with the character of the area within which the Mixed Use PUD is located.
  10. The Mixed Use PUD is consistent with the Town Plan, the Town Subdivision Regulations and the Capital Budget and Program. If the Development Review Board is satisfied that the plans presented are of unusual merit in the way in which the project treats protection of open space, locates its buildings in consonance with the natural character of the area, or that it otherwise will confer a benefit on the community, it may authorize the number of structures to be increased by up to 25% over the number of structures which would be allowed the applicant if the property were developed in strict conformance with the zoning and subdivision regulations.

**4.7.4 SPECIFIC STANDARDS FOR ALL MIXED USE PUDS:** The following site standards may be required in addition to the General Standards for Mixed Use PUDs, the standards of the Westford Subdivision Regulations, and the standards of the Westford Zoning Regulations, including the zoning district conditional use standards and special provisions:

1. Adequate pedestrian circulation within the project, such as sidewalks and pathways along public and private roads, connecting the project to public buildings and uses and to the rest of the Town, and providing access to greenways identified in the Town Plan.
2. The subdivision will promote and contribute to a logical road and pedestrian network for the Town, which provides for connections between parcels and between residential and

commercial areas and for the continuation of roads and pedestrian ways.

3. In the Town Common, Town Village and Town Center Districts, the lot layout shall reinforce the existing village pattern of buildings lining public roads, ways, and spaces and shall enable building sites and setbacks to be consistent with current village patterns.

**4.7.5 DIMENSIONAL REQUIREMENTS:** the following dimensional requirements must be met in all Mixed Use PUD projects:

1. Minimum lot size for PUD lot: No minimum lot size in the Town Common & Town Village Districts and .5 acres per structure or unit in all other districts.
2. Minimum side and rear yard setback at the periphery of the PUD unless reduced by the Development Review Board: 50 feet.
3. Minimum project size: 2 units or lots.

**4.7.6 PERMITTED USES IN A MIXED USE PUD:** Uses permitted as of right or conditionally in the Town Common, Town Village, Town Center, and Agricultural, Forestry, Residential I & II Districts are allowed in PUDs. All conditional uses must be reviewed in accordance with the district regulations and the provisions of Section 4.3.

**4.7.7 OPEN SPACE LAND:** Lands set aside for park, recreation, agriculture, forestry, wildlife habitat, natural areas, greenways, water resources protection, other open space or municipal purposes shall be in a location or locations, size and shape approved by the Development Review Board. The Development Review Board, in consultation with the Conservation Commission, may require that any of the open space land provisions for Residential PUDs in Section 4.5.8 be applied to Mixed Use PUDs, where appropriate, except where the following standards apply:

1. The Development Review Board shall consider a minimum of 25% for open space land when establishing open land requirements.
2. Open space land shall be located so as to conform with and extend existing and potential open space land on adjacent parcels, especially pedestrian walks, trail networks and greenways.
3. Areas in common ownership by tenants or homeowners associations that are used for parking, loading, vehicular or railway access, sewage disposal or water supply shall not meet the open space land requirements of this section.

## **4.8 NON-CONFORMING USES OR NON-COMPLYING STRUCTURES**

**4.8.1 APPLICABILITY:** The following provisions shall apply to all buildings and uses existing on the effective date of these regulations which do not conform to the requirements in these regulations and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to these regulations.

**4.8.2 STANDARDS FOR NON-CONFORMING USES:** Any non-conforming use of structures or land except those specified below, may be continued indefinitely, but:

1. Shall not be moved, enlarged, or extended, nor shall any external evidence of such use be increased, except in accordance with these regulations.
2. Shall not be changed to another nonconforming use without approval by the Development Review Board, and then only to a use which, in the opinion of the Board is of a more

conforming nature.

3. Shall not be re-established if such use has been discontinued for a period of six months, or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.
4. Shall not be restored for other than a conforming use after damage from any cause, unless the nonconforming use is reinstated within one year of such damage; if the restoration of such building is not completed within one year, the nonconforming use of such building shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in the undamaged part of the building.
5. Nonconforming residential uses in the Water Resources Overlay District may be moved, enlarged or extended subject to section 4.8.3 except #3.

**4.8.3 STANDARDS FOR NON-COMPLYING STRUCTURES:** A non-complying structure may continue to be occupied, subject to the following:

1. Nothing in these regulations shall be construed as permitting the use of a structure declared unsafe by an appropriate governmental authority nor the continuation of a condition declared to be a health hazard by an appropriate governmental authority.
2. Any expansion, extension, or modification of a non-complying structure which does not make the structure more non-complying may be approved by the Administrative Officer.
3. A non-complying structure shall not be extended, expanded or modified to make it more non-conforming without prior approval of the Development Review Board which shall determine that any structural alterations will not encroach into a required yard any further than the structural improvements already in existence.
4. A non-complying structure which has been abandoned for a continuous period of two (2) years shall not be re-occupied. A structure shall be considered abandoned if either of the following conditions exist:
  - a. The structure is unoccupied and not actively offered for sale.
  - b. Regular maintenance of the structure is not performed.
5. A non-complying structure which is damaged or destroyed by fire, collapse, explosion or other similar cause may be reconstructed, repaired or restored, provided that the reconstruction or repair results in a structure that is no more non-complying than the original structure, and that the work is completed within one year of the damage or destruction. The Development Review Board may grant one year extensions to this deadline if it is demonstrated that the delays were unavoidable and that the work is progressing.
6. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that such action does not increase the degree of non compliance.

## 5.0 GENERAL REGULATIONS

### 5.1 REQUIRED FRONTAGE

5.1.1 FRONTAGE REQUIREMENT: No land development may be permitted on lots which do not either have frontage on a public road or, with the approval of the, Development Review Board access to such a road by a permanent easement or right of way as defined below, except as provided in Section 5.1.2:

1. A permanent easement or right-of-way serving 4 or more lots must be at least 40 feet in width in the Town Common, Village and Town Center Districts and 60 feet in width in all other districts. Such an easement or right-of-way is considered a private road as defined in Section 8.2.
2. A permanent easement or right-of-way serving 3 or fewer lots must be at least 30 feet in width. Such an easement or right-of-way is considered a driveway as defined in Section 8.2.

5.1.2 EXISTING LOTS: Any lot as defined in Section 8.2 may be developed in accordance with the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements provided it meets the definition of an Existing Small Lot in Section 5.7 and provided such lot is served by a permanent easement or right of way at least 20 feet in width.

5.1.3 NEW LOTS ON PRIVATE ROADS: The Board may approve subdivision and/or development of new lots on a private road or driveway in conformance with this section and with the requirements of the Westford Subdivision Regulations. The following requirements shall be met for all land development on private roads and driveways:

1. Access across another lot or access included as part of a lot to be served by such access shall be within a permanent right of way as defined below:
  - a. A permanent easement or right-of-way serving 4 or more lots must be at least 40 feet in width in the Town Common, Village and Town Center Districts and 60 feet in width in all other districts. Such an easement or right-of-way is considered a private road as defined in Section 8.2.
  - b. A permanent easement or right-of-way serving 3 or fewer lots must be at least 30 feet in width. Such an easement or right-of-way is considered a driveway as defined in Section 8.2.
2. Frontage and yard requirements for any lot served by a private road or driveway approved under this section shall be as required for a public road.
3. Private roads may not exceed 600 feet in length except as approved under the Westford Subdivision Regulations.

5.1.4 REDUCED FRONTAGE ON CUL-DE-SACS: The Board may approve reduced frontage requirements for lots on cul-de-sacs or other dead ends of public or private roads or driveways, however yard requirements on such lots shall not be reduced.

## **5.2 SIGNS**

No outdoor advertising signs shall be permitted in any district except for purposes of identifying an on premise recreational, commercial or manufacturing use, in those districts where such uses are permitted, and in such case, the sign shall not exceed 20 square feet in area, have no internal illumination, and only be illuminated by a shielded, continuous non-flashing light. Only one sign for each recreational, commercial or manufacturing use shall be permitted.

**5.2.1 CALCULATION OF SIGN AREA:** When calculating the area of a flat sign, only the area of one face will be counted. When calculating the area of a flat sign with more than one section, the area of all sections will be counted. When calculating the area of a three-dimensional sign, such as a pyramid or box, the area of all advertising faces will be counted.

**5.2.2 TEMPORARY SIGNS:** Temporary signs, unlighted, and not exceeding four square feet in size, shall be permitted for the purpose of advertising premises for sale or rent.

**5.2.3 OFFICIAL BUSINESS DIRECTIONAL SIGNS; SIGN PLAZAS:** Official business directional signs and sign plazas as defined in and erected pursuant to Chapter 21 of Title 10, Vermont Statutes annotated, are permitted.

**5.2.4 HOME BUSINESS SIGNS:** Notwithstanding any provisions herein to the contrary, one sign not exceeding four square feet in total area is permitted in any district to identify a home business.

**5.2.5 RIGHTS OF WAY:** All signs shall be located outside of the road right of way.

**5.2.6 HEIGHT:** No sign in any district shall be higher than ten (10) feet from the average grade of the surrounding ground to the highest point of the sign.

**5.2.7 PROHIBITED SIGNS:** All signs not expressly authorized under Section 5.2. are prohibited.

## **5.3 PARKING**

For every building erected, significantly altered, significantly extended, or changed in use, there shall be provided off-road parking spaces as set forth below:

**5.3.1 DWELLING UNITS:** Two parking spaces for each unit except accessory apartments to single family units and affordable elderly housing units which require one parking space per unit.

**5.3.2 OFFICES OR PERSONAL SERVICES:** One space for every 300 square feet of space.

**5.3.3 RETAIL:** One space for every 200 square feet of space.

**5.3.4 HOTEL, MOTEL, BED AND BREAKFAST:** Two spaces plus one space for each sleeping room.

**5.3.5 OTHER COMMERCIAL USES:** One parking space for every motor vehicle used in the business and one parking space for every 200 square feet of floor area.

5.3.6 RESTAURANTS: One parking space for every 150 square feet of floor space.

5.3.7 INDUSTRIAL USES: One parking space for every motor vehicle used in the business and one parking space for every two employees.

5.3.8 OTHER: The Development Review Board may require additional off-road parking for any use as a condition to site plan approval if it finds the minimal parking requirements set forth in this section are not sufficient. The Development Review Board may require that the off-road parking be limited to minimum requirement set forth above. The Development Review Board may reduce the parking requirements for mixed use developments where information on shared parking opportunities supports the reduction.

## **5.4 HOME OCCUPATIONS**

No provision of these regulations shall infringe upon the right of any resident to use as a permitted use a minor part of the residence or use an accessory structure for an occupation which is customary in residential areas and which does not change the character of the residential area, providing all of the following standards are met:

1. The property in which the home occupation is located must be the same property in which business owner primarily resides.
2. The home occupation is carried on wholly by members of the family living on the premises;
3. There shall be no exterior displays or signs;
4. No traffic shall be generated in a volume that alters the essential character of the neighborhood or substantially impairs the use of adjacent property;
5. Excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the property shall not be generated;
6. Parking shall be provided off-road. Parking will not be allowed in the setback areas;
7. Exterior storage of materials used in the home occupation shall be minimal, reasonably screened from adjoining properties, and not allowed in the setback areas;
8. There shall be no potential risk to public health from the home occupation such as toxic emissions, on-site disposal of hazardous wastes, or overburdening of existing septic systems;
9. The home occupation shall occupy a minor portion of the dwelling or an accessory structure.

## **5.5 HOME BUSINESS**

5.5.1 The Development Review Board shall review and approve or deny as a conditional use any application for a home business not meeting all of the above standards for a home occupation in Section 5.4 and may impose conditions as it deems necessary to ensure that the following standards are met:

1. The property in which the home occupation is located must be the same property in which business owner primarily resides.
2. The home business shall be carried on by members of the family and no more than three non-family full-time equivalent employees are permitted.

3. One sign not exceeding four square feet in total area to identify the home business shall be permitted.
4. No traffic shall be generated in a volume that alters the essential character of the
  - a. neighborhood, or substantially impairs the use of adjacent property.
5. Excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the property shall not be generated.
6. Parking shall be provided off-road and not in the setback areas.
7. Exterior storage of materials shall not be allowed in the setback areas; exterior storage will be reasonably screened from adjoining properties.
8. Indoor storage in an agricultural structure existing prior to September 6, 1972 may be allowed provided all other standards in this section are met.
9. There shall be no potential risk to public health from the home business, such as toxic emissions, on-site disposal of hazardous wastes, or overburdening of existing septic systems.
10. No exterior displays shall be permitted except in one area located outside of the road right-of-way, not exceeding 25 square feet in total area, and extending no higher than the height of any sign associated with the occupation or ten feet, whichever is less.

## **5.6 REMOVAL OF TOPSOIL, ROCK, AND GRAVEL**

Commercial removal of topsoil, rock, sand, gravel or similar material may be permitted by the Development Review Board as a conditional use in the Agricultural, Forestry & Residential Districts provided it finds that the plan for removal as submitted by the applicant, shall not cause any undue hazard to health, property, or property values and shall meet the general and specific conditional use standards of Section 4.3 of these regulations and the following considerations for these uses. A performance bond or letter of credit may be required to ensure reclamation of the land upon completion of the excavation of materials and topsoil. Reseeding and reforestation may be a requirement. This section shall not be construed as permitting mining or quarrying operations. This section shall not apply to the removal of natural resources from a farm operation, nursery, or cemetery to the extent that such removal is necessary to the operation of the same. This section shall not apply to the removal of natural resources for the purposes of constructing a residence or accessory structure on the same lot. In granting permission, the Development Review Board may consider and impose conditions, relating to the following factors and such other factors as they shall deem relevant:

5.6.1 Depth of excavation, in proximity to roads or adjacent properties;

5.6.2 Existing grade and proposed grade created by removal or addition of material;

5.6.3 Effect upon public health or safety;

5.6.4 Creation of a nuisance;

5.6.5 Effect upon the use of adjacent property by reason of noise, dust, or vibration;

5.6.6 Effect upon traffic hazards or excessive congestion or physical damage to roads and expected routes of truck traffic;

5.6.7 Hours of operation;

5.6.8 Temporary and permanent erosion control and site rehabilitation plans including grading, seeding, mulching, planting, fencing, drainage and other measures;

5.6.9 Effect upon water resources, wildlife habitat, and agricultural land;

5.6.10 Expected duration of the use;

5.6.11 Excavation shall be prohibited within the Flood Hazard Overlay District (100 yr floodplain).

## **5.7 EXISTING SMALL LOTS**

Any lot, as specifically defined in these regulations, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, provided the lot is at least 1/8th acre in area with a minimum width or depth dimension of 40 feet. Existing small lots which are in common ownership with an adjacent parcel are not required to merge.

## **5.8 PRINCIPAL STRUCTURE**

There shall be only one principal building or structure on a lot except in the following case:

5.8.1 **TWO PRINCIPAL STRUCTURES:** a second principal structure, meeting the definition in Section 8.0 of "small scale commerce," "small scale industry," or "rural retail," is allowed on a lot with a residence as a conditional use in the all zoning districts provided the use is located within a structure existing as prior to September 6, 1972 and meets all other requirements of these regulations. Certain restrictions will apply to the type of small scale industry allowed in the Agricultural, Forestry & Residential I District in Section 3.5.6. An existing building meeting the requirements of this section may be repaired and modified to fit the needs of the "small scale commerce," "small scale industry," or "rural retail" provided the repairs and modifications do not increase the square footage of the structure by more than 10%.

## **5.9 REDUCTION OF LOT SIZE**

No lot shall be so reduced in area that the area, yards, and lot frontage, or other requirements of these regulations shall be smaller than herein prescribed for each district.

## **5.10 HEIGHT**

No structure shall exceed thirty-five (35) feet in height above average ground level except in accordance with these provisions. The Development Review Board may permit as a conditional use television and radio towers, antenna and windmill structures, belfries, church spires, monuments, water and fire towers, and chimneys. Agricultural barns and silos shall be exempt from this requirement.

## 5.11 LOT SHAPE

Regular shape lots are required under these regulations. Regular shape lots are defined as lots with:

1. Side lot lines generally perpendicular (90°) to front lot lines for the depth of the lot. Variations from perpendicular lot lines of up to 15° will be accepted. And
2. Rear lot lines generally parallel to front lot lines. Variations from parallel lot lines of up to 15° will be accepted. And
3. The minimum lot width to lot depth is 1 to 5 in the Town Common, Town Village and Town Center Districts and 1 to 4 in all other districts.

Dog leg lots, bowling alley lots, and lots that are otherwise contorted in order get around these zoning regulations are not regular shaped lots. Exceptions may be made from the above three requirements where expressly permitted by the Development Review Board in order to protect a significant natural resources or to avoid excessively steep slopes, water courses, or wetlands, and where no other form of subdivision of the property, including Residential and Mixed-Use Planned Unit Developments, is appropriate or possible without severe hardship to the applicant.

## 5.12 ACCESSORY APARTMENTS AND ACCESSORY DWELLING UNITS

5.12.1 ACCESSORY APARTMENTS: One accessory apartment may be permitted on a lot where the principal building is a single-family dwelling unit provided it meets the dimensional regulations and other requirements, except density, of these regulations for each dwelling unit, provided the accessory dwelling unit shares the access point to the property with the principal building. In all districts the accessory apartment need not meet the minimum lot size for a unit and may be added to a single family dwelling provided the single family dwelling meets the minimum lot size requirement. Accessory units must also satisfy the following requirements:

1. The floor space of an accessory dwelling unit shall not exceed 30% of the floor space of the existing living area of the single family residence or 600 square feet which ever is greater.
2. The primary residence or accessory dwelling unit must be occupied by the owner.
3. Each unit must meet the requirements of the -State of Vermont Wastewater and Potable Water Rules.

Conditional Use Review required for one or more of the following that is involved in the creation of an accessory dwelling unit:

1. A new accessory structure.
2. An increase in the height or floor area of the existing dwelling.
3. An increase in the dimensions of the parking area.

5.12.2 ACCESSORY DWELLING UNIT TO A SINGLE FAMILY DWELLING UNIT ON A FARM: One accessory dwelling unit to a single family dwelling on an operating farm is permitted for the purpose of providing housing to people working on the farm. The dwelling must meet the dimensional and other requirements, except density, of the zoning regulations and comply with the State of Vermont Wastewater and Potable Water Rules. The accessory dwelling may not be subdivided from the property.

### **5.13 AGRICULTURAL STRUCTURES**

Agricultural structures shall conform with Title 24, §4413 (d) of the Vermont State Statutes.

### **5.14 DRIVEWAY STANDARDS**

The driveway for any single or two family dwelling that exceeds 150 feet in length must comply with the following standards:

- The driveway entrance intersection must be at least 18 feet wide for the first 20 feet of driveway length from the road, and may then taper to no less than 14 feet in width for the remaining length.
- Driveways must have a turn out capable of accommodating one fire truck at no less than every 600 feet of driveway length.
- 
- The sub-base shall be composed of a minimum of 15 inches of compacted crushed gravel installed in 6 inch maximum compacted lifts with a maximum stone size of 4 inches. The wearing surface shall be 3 inches of coarse compacted crusher gravel. Subgrade geotextile fabric with a minimum mass per unit area value of 8 ounces per square yard and minimum seam overlap of 18 inches shall be installed under the gravel sub-base. Materials for sub-base, wearing surface and geotextile fabric shall meet Vermont Agency of Transportation (AOT) standard specifications for construction. The maximum grade shall not be more than 10% or no more than 12% over a distance greater than 200 feet.
- All intersections shall be as nearly at right angles as possible and in no case shall be less than 75 degrees.

**6.0 WIRELESS TELECOMMUNICATIONS FACILITIES**

**6.1 AUTHORITY**

Under authority granted by 24 V.S.A. Chapter 117, the Town of Westford adopts this Wireless Telecommunication Facility Zoning Bylaw.

Pursuant to 24 V.S.A. §4414 (12), the Development Review Board shall have the authority to regulate construction, alteration, development, decommissioning and dismantling of Wireless Telecommunication Facilities in the Town of Westford.

**6.2 PURPOSE**

The purpose of this bylaw is to promote the public health, safety, welfare, and convenience of the residents of the Town of Westford, while accommodating the telecommunication needs of the Town's residents.

**6.3 CONSISTENCY WITH FEDERAL AND STATE LAW; SEVERABILITY**

This bylaw is intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated. If any section of this bylaw is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this bylaw.

**6.4 PERMIT REQUIRED; EXEMPTIONS**

Wireless Telecommunication Facilities may be permitted as conditional uses upon compliance with the provisions of this bylaw in the following zoning districts: Town Common, Town Village, Town Center, Rural Residential, Agricultural, Forestry, & Residential I, and Agricultural, Forestry, & Residential II. No installation or construction of, or significant addition or modification to, any Wireless Telecommunication Facility shall commence until a permit has been issued by the Development Review Board.

No permit shall be required for a Wireless Telecommunication Facility that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation.

This bylaw shall not apply to amateur radio, citizens band radio, AM or FM radio, or broadcast television service.

No permit shall be required for a Wireless Telecommunication Facility that has received a certificate of public good pursuant to 30 V.S.A § 248a.

This ordinance shall not prohibit a property owner's ability to place or allow placement of antennae used to transmit, receive, or transmit and receive communications signals on the property owner's premises if the aggregate area of the largest face of the antennae is not more than eight square feet, and if the antennae and the mast to which they are attached do not extend more than 12 feet above the roof of that portion of the building to which they are attached.

**6.5 PERMIT APPLICATION REQUIREMENTS**

In addition to information otherwise required in the Town of Westford's Zoning Regulations, applicants shall include the following supplemental information:

1. The applicant's legal name, address and telephone number. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and

- address of its resident agent.
2. The name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.
  3. The name, address and telephone number of the owner or lessee of the property on which the Wireless Telecommunication Facility will be located.
  4. The names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public right-of-way.
  5. A vicinity map showing the entire vicinity within a 1,000 foot radius of the Facility, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and necessary wildlife habitats. It shall indicate the property lines of the proposed Facility site parcel and all easements or rights of way needed for access from a public way to the Facility.
  6. The location of the Facility on a USGS Topographic Map or a GIS-generated map compatible with Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.
  7. Elevations and proposed site plans of the Facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch = 50 feet).
  8. In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.
  9. Construction sequence and time schedule for completion of each phase of the entire project.
  10. A report from a qualified engineer that:
    - a. Describes any tower's design and elevation,
    - b. Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas,
    - c. Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.
    - d. In the case of new Facilities, demonstrates that existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.
    - e. Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
    - f. Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.
    - g. Demonstrates the Facility's compliance with the standards set forth in this bylaw or other applicable standards.
    - h. Provides proof that at the proposed Facility site the applicant will be in compliance with all FCC regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements for radio frequency radiation (RFR).
    - i. Includes such other information as determined by the Development Review Board to evaluate the application.
  11. A letter of intent committing the Facility owner and its successors to permit shared use of any tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this Bylaw and all other applicable laws.

12. In the case of an application for additional antennas or other equipment to be installed on an existing Facility, a copy of the executed contract with the owner of the existing structure.
13. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the Facility, or a written statement by the applicant that an EA is not required is not required for the facility.

#### 6.6 INDEPENDENT CONSULTANTS

Upon submission of an application for a Wireless Telecommunication Facility permit, the Development Review Board may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the Development Review Board. The consultant(s) shall work at the Development Review Board's direction and shall provide the Development Review Board such reports and assistance, as the Development Review Board deems necessary to review an application.

#### 6.7 BALLOON TEST

The Development Review Board may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at 7 days in advance of the test in a newspaper with a general circulation in the Town. The applicant shall also inform the Development Review Board, in writing, of the date, time and location of the test, at least 15 days in advance of the test.

The balloon shall be flown for at least eight consecutive daylight hours on two days. If visibility and weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required by the Development Review Board.

#### 6.8 CRITERIA FOR APPROVAL AND CONDITIONS

An application for a Wireless Telecommunication Facility permit shall be approved after a hearing when the Development Review Board finds all the following criteria have been met:

1. The Facility will not be built on speculation. If the applicant is not a Wireless Telecommunication Service Provider, the Development Review Board may require the applicant to provide a copy of a contract or letter of intent showing that a Wireless Telecommunication Service Provider is legally obligated to locate a Wireless Telecommunication Facility on lands owned or leased by the applicant.
2. The Facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the Wireless Telecommunication Facility, unless the proposed elevation is reasonably necessary to provide adequate Wireless Telecommunication Service capacity or coverage or to facilitate collocation of facilities.
3. The minimum distance from the base of any tower to any property line is not less than 100 % the total elevation of the tower, including antenna or equipment.
4. The Facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by Federal Aviation Administration, federal or state law, or this bylaw.
5. The applicant will remove the Facility, should the Facility be abandoned or cease to operate. The Development Review Board may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Development Review Board to cover the cost of removal of the Facility, should the Facility be abandoned or cease to operate.

6. The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding radio frequency radiation.
7. The applicant will maintain adequate insurance on the Facility.
8. The Facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The Development Review Board may condition a permit on the provision of appropriate fencing.
9. The proposed equipment cannot be reasonably collocated at an existing Wireless Telecommunication Facility. In determining whether the proposed equipment cannot be reasonably collocated at an existing facility, the Development Review Board shall consider the following factors:
  - A. The proposed equipment would exceed the structural or spatial capacity of the existing facility and the existing facility cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
  - B. The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.
  - C. The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.
  - D. Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.
  - E. Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.
10. The Facility provides reasonable opportunity for collocation of other equipment.
11. The Facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
12. The Facility will not have an undue adverse aesthetic impact. In determining whether a facility has an undue adverse aesthetic impact, the Development Review Board shall consider the following factors:
  - A. The results of the balloon test, if conducted.
  - B. The extent to which the proposed towers and equipment have been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design, and/or imitation of natural features.
  - C. The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not open fields.
  - D. The duration and frequency with which the Facility will be viewed on a public highway or from public property.
  - E. The degree to which the Facility will be screened by existing vegetation, topography, or existing structures.
  - F. Background features in the line of sight to the Facility that obscure or make the Facility more conspicuous.
  - G. The distance of the Facility from the point of view and the proportion of the facility that is above the skyline.
  - H. The sensitivity or unique value of a particular view affected by the Facility.
  - I. Any significant disruption of a viewshed that provides context to an important historic or scenic resource.
13. The Facility will not destroy or significantly imperil necessary wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.

14. The Facility will not generate undue noise.

**6.9 CONTINUING OBLIGATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES**

The owner of a Wireless Telecommunication Facility shall, at such times as requested by the Development Review Board, file a certificate showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation, and that adequate insurance has been obtained for the Facility. Failure to file a certificate within the timeframe requested by the Development Review Board, shall mean that the Facility has been abandoned.

**6.10 REMOVAL OF ABANDONED OR UNUSED FACILITIES**

Unless otherwise approved by the Development Review Board, an abandoned or unused Wireless Telecommunication Facility shall be removed within 90 days of abandonment or cessation of use. If the Facility is not removed within 90 days of abandonment or cessation of use, the Development Review Board may cause the Facility to be removed. The costs of removal shall be assessed against the Facility owner.

Unused portions of a Wireless Telecommunication Facility shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a Facility previously removed shall require a new permit, pursuant to Section 6.5.

## **7.0 ADMINISTRATION, APPEALS, ENFORCEMENT**

### **7.1 ADMINISTRATIVE OFFICER**

The Administrative Officer shall be appointed by the Planning Commission with the approval of the Selectboard for a term of three years and shall be charged with the responsibility of administering these regulations. The Administrative Officer shall not permit any land development which is not in conformance with these regulations.

### **7.2 DEVELOPMENT REVIEW BOARD**

There shall be a Development Review Board whose members, as well as their number and term of office, shall be determined by the Selectboard. The Development Review Board shall have the following functions:

1. Consider decisions of the Administrative Officer upon appeal.
2. Consider and grant or deny requests for variances upon appeal.
3. Consider and grant or deny applications for a conditional use.
4. Consider and grant or deny applications for expansions of non-conforming uses and non-complying structures.
5. Consider and grant or deny requests for Residential Planned Unit Developments, Mixed Use Planned Unit Developments, and Small Residential Clusters.
6. Review and decide on site plans.
7. Review and decide on applications under the Westford Subdivision Regulations

### **7.3 PLANNING COMMISSION**

There shall be a Planning Commission, the number of members of which shall be determined by the Selectboard. The Planning Commission shall have the following functions:

1. Prepare amendments to these regulations and other regulations as permitted by 24 V.S.A. Chapter 117.
2. Prepare and update the Town Plan every five years and prepare amendments to the Plan as necessary.
3. Undertake capacity studies and make recommendations on matters of land development, urban renewal, transportation, economic and social development, urban beautification and design improvements, historic and scenic preservation, the conservation of energy and the development of renewable energy resources and wetland protection.
4. Other duties as permitted by 24 V.S.A. Chapter 117.

### **7.4 APPEALS**

**7.4.1 GENERAL PROCEDURE:** An interested person, as defined in 24 V.S.A. § 4465, may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the Planning Coordinator of the Development Review Board. If the appeal is taken with respect to a decision or act of the Administrative Officer, such notice of appeal must be filed within 15 days of the date of such decision or act, and a copy of the notice of appeal shall be filed with the Administrative Officer. The Development Review Board shall conduct a hearing on the appeal as provided in 24 V.S.A. § 4468, and such hearing shall be held within sixty days of the filing of

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the notice of the hearing. This provision shall apply to requests for variances under section 7.4.2 of these regulations. The Board shall render its decision within forty-five (45) days after completing the hearing, which decision shall include findings of fact setting forth its basis. A copy of the decision and findings of fact shall be distributed as provided in Section 7.4.3 of these regulations.

**7.4.2 VARIANCES:** On an appeal wherein the relief requested by the applicant is a variance from the provisions of these regulations for a structure which is not primarily a renewable energy resource structure, the Development Review Board may grant such a variance after public hearing, only if all of the following facts are found in the affirmative and this finding is specified in its decision:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That the unnecessary hardship has not been created by the appellant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

On an appeal wherein the variance requested is for a structure which is primarily a renewable energy resource structure, the Board may grant the variance only if it finds that all of the facts listed in 24 V.S.A. §4469 (b) are found in the affirmative.

**7.4.3 DECISIONS:** The Board shall prepare findings of fact upon each decision under this section setting forth its determination upon each of the criteria. Copies of the decision shall be sent, certified mail, to the appellant within forty-five (45) days after completing the hearing. Copies shall also be mailed to every person or body having been heard at the hearing, and a copy shall be filed with the Zoning Administrative Officer and the Town Clerk as part of the public record. If a decision is not rendered within forty-five (45) days, the Board shall have been deemed to render a decision in favor of the appellant and granted the relief requested on the forty-fifth day.

**APPEALS OF DEVELOPMENT REVIEW BOARD DECISIONS:** In accordance with the provisions of § 4471 of the Act, an interested person may appeal a decision of a Development Review Board to the Superior, Environmental or District Court. Notice of appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the Development Review Board.

## 7.5 VIOLATIONS AND ENFORCEMENT

Violations of these regulations shall be prosecuted in accordance with 24 V.S.A. §§ 4451 and 4452, as may be amended from time to time. Any person who violates these bylaws shall be fined not more than \$100 per lot or parcel for each offense, unless a higher fine is permitted under amendments to § 4451 of Title 24 in which case the highest possible fine shall be imposed. Each day that a violation is continued shall constitute a separate offense. No action may be brought under this section unless the alleged offender has had at least seven days notice by certified mail that a violation exists and has failed to satisfactorily respond or correct the alleged violation. In default of payment of the fine, such person, the members of any partnership or association, or the principal officers of such corporation, shall each pay double the amount of such fine. All fines collected shall be paid over to the Town.

If any structure or land is or is proposed to be subdivided, constructed, reconstructed, altered, converted, maintained, or used in violation of these regulations, the Administrative Officer shall institute in the name of the Town any appropriate action, injunction or other proceeding to prevent, restrain, correct, or abate such construction or use, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

The commencement or continuation of land development to which these zoning regulations are applicable, as set forth in Section 1.3, which is not in conformance with these regulations, shall constitute a violation of these regulations. These regulations shall not repeal, annul or in any way impair any zoning permit previously issued.

## 8.0 DEFINITIONS

### 8.1 GENERAL DEFINITIONS

Definitions contained in the Act shall be applicable throughout these regulations unless otherwise specifically defined in this section.

### 8.2 SPECIFIC DEFINITIONS

Access Point - A curb cut onto state or town roads for a driveway or a private road.

Accessory Apartment to Single-Family Dwelling Unit - A single-family dwelling unit that is located on a lot where the principal use or structure is another single-family dwelling unit, that is incidental and subordinate to such principal use or structure, that is located either within the primary structure or an accessory structure, and the size of which does not exceed 30% of the floor space of the existing single family dwelling unit or 600 square feet whichever is greater.

Accessory Dwelling to Single-Family Dwelling Unit on a Farm - A detached single-family dwelling unit that is located on a lot where the principal use or structure is another single-family dwelling unit on an operating farm, that is incidental and subordinate to such principal use or structure, which does not exceed 60% of the floor space of the existing single family dwelling unit or 1,200 feet whichever is greater, and which is not subdividable from the property.

Accessory Structure – For floodplain management purposes, see Section 3.8.7 (#11) of the Zoning Regulations.

Accessory Structure – For non-floodplain management purposes, a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. The accessory structure shall be located on the same lot. Prefabricated buildings may be regulated as accessory structures. Any portion of a principal building developed or intended to be devoted to an accessory use is not an accessory structure. Where an accessory building is attached to the principal building in a substantial manner, as by a wall or roof, the accessory building shall be considered part of the principal building. Private garages must meet applicable setback requirements for principal structures.

Accessory Use - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adequate Capacity - Capacity for wireless telephony is considered to be “adequate” if the grade of service ("GOS") is p.05 or better for median teletraffic levels offered during the typical busy hour, as assessed by direct measurement of the facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the personal wireless services facility in question, Adequate Capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the coverage area.

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**Adequate Coverage** - Coverage for wireless telephony is “adequate” within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that most of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be a signal strength of at least -90 dBm (decibels above 1 milliwatt). It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

**Affordable Housing** - Housing which is available at a cost of no more than 30% of a household's gross annual income when such income is very low, low, or moderate for the county. Housing costs for renters are: rent and utilities, including heat, hot water, garbage collection and disposal, and electricity or lights. Housing costs for homeowners are: principal, interest, property taxes and insurance. "Very low" income means income that is equal to or below 50% of median income for the county adjusted for family size. "Low" income means income that is equal to or below 80% of median income for the county adjusted for family size. "Moderate" income means income that is equal to or below 100% of median income for the county adjusted for family size.

**Affordable Elderly Housing Project** - A complex of at least three affordable elderly dwelling units of which at least 80% of the units are affordable housing as defined in these regulations.

### **Agricultural Operation** -

- a) The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops.
- b) The raising, feeding or management of livestock, poultry, equines, fish or bees.
- c) The operation of greenhouses or production of maple syrup.
- d) The on-site storage, preparation and sale of agricultural products principally produced on the farm.
- e) The on-site production of fuel or power from agricultural products or wastes produced on the farm.
- f) The raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

**Agricultural Products** - Products from an agricultural operation, including milk, fresh vegetables, fruit, cut flowers, dried flowers, potted and bedding plants, meat, fish, Christmas trees and greens, potting soils produced on the property, compost, shrubs or trees, maple syrup and other maple sugar products, and seeds.

**Agricultural Structure** - Structures that are used as part of an agricultural operation, including but not limited to barns, manure handling facilities, crop and hay storage facilities, and machinery and equipment storage sheds and buildings, and structures used for fuel or power production from agricultural by-products. Furthermore, the structures shall be used by persons for agricultural production that meets one or more of the following:

- a) Is used in connection with the sale of \$1000 or more of agricultural products in a normal year; or

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- b) Is used in connection with the raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four ratites (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one-thousand pounds of cultured trout; or
- c) Is used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax statement in at least one of the past two years; or
- d) Is on a farm with a business and farm management plan approved by the Secretary.

Alterations - Structural changes, rearrangement, change of location, or addition to a building, other than repairs and modifications to building equipment.

Alternative Design Tower Structure - Artificial trees, clock towers, bell steeples, light poles, silos and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also *Stealth Facility*).

Antenna - A device for transmitting and/or receiving electromagnetic waves, which is attached to a tower or other structure.

Antenna Height - The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure - Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

Automotive/Machine Services – Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

Bank & Other Financial Institutions – Establishments such as banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, and security and commodities exchanges.

Bank of Stream - The land area immediately adjacent to the bed of the stream which is essential in maintaining the integrity thereof. (10 V.S.A. §1002(2))

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) – The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

Base Station - The primary sending and receiving site in a telecommunications facility network. More than one base station and/or more than one variety of telecommunications provider can be located on a single tower or structure.

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**Basement** - Any area of a building having its floor subgrade (below ground level) on all sides.

**Bed of Stream** - The maximum area covered by waters of the stream for not less than 15 consecutive days in one year. (10 V.S.A. §1002(3))

**Bed and Breakfast** - A building designed to room and board persons on a nightly, weekly, or seasonal basis, accommodating not more than 10 people and employing not more than two non-family full-time equivalent employees.

**Boarding House** – A dwelling unit or part thereof in which, for compensation, lodging and meals are provided; said use shall house no more than 6 boarders.

**Boardwalk** – A wooden walk way constructed over wet ground being no greater than 4 feet in width.

**Building Coverage** – The ratio of the horizontal area measured from exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

**Building Envelope** - The location(s) on a lot within which a structure may be permitted to be built, and that is defined as location(s) outside of areas deemed unbuildable by height regulation, setback requirements, Water Resources Overlay District protected areas, and any covenants, easements or other regulations in place.

**Building Height** - The vertical distance measured from the lowest point of the proposed finished grade at any point around the building to the highest point of the ridge line or roof surface, excluding the chimney, or for a structure without a roof, to the highest point of the structure.

**Cemetery** – Property used for the interring of the dead.

**Channel** - The segment of the radiation spectrum to or from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

**Colocation** - Locating wireless communications equipment from more than one provider on a single site.

**Commercial Removal of Topsoil, Rock, or Gravel** -The removal of 300 cubic yards or more of topsoil, rock, or gravel from one parcel within any one year for commercial purposes, excluding any removal necessary for the construction of a residence or accessory structure on the same lot.

**Communications Tower** - A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

**Communications Facility** - A land facility supporting antennas and/or microwave dishes that sends and/or receives radio frequency signals. Communications facilities may include structures, towers or accessory buildings.

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**Community Facility** - A public or privately owned place, structure, area or other facility used for and providing religious, educational, fraternal, social, and/or recreational programs, generally open to the public.

**Cumulative Substantial Improvement** - Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement and 5 years thereafter. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. This term does not, however, include either: (a) Any project for improvement of the structure to comply with existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**Congregate Housing** – A housing facility that has significant facilities and services specifically designed to meet the physical or social needs of older or handicapped persons. Significant facilities and services may include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, emergency and preventative health care programs, congregate dining facilities, and transportation to social, medical, or personal services. This is not a group home; see definition below.

**Density** - The number of acres or square feet of land area that are required for a given number of units, uses, or structures. Where a lot is located in two or more zoning districts, the density for the entire lot shall be the aggregate of the allowable density of each portion that is in a separate district.

**Development** - See Land Development.

**Disruption**– As it relates to the Water Resource Overlay District, the alteration of the physical, chemical or biological properties of a waterway, such as but not limited to erosion, sedimentation, point and non-point source pollution, increase in water temperature, waterway blockages, decrease in floodwater storage capabilities, disturbance of sensitive habitat or rare, threatened and/or endangered species.

**Private Bridge**: A structure for crossing over a water resource that is not owned and maintained by the Town.

**Dog Kennel** – A commercial establishment in which dogs are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

**Driveway** - A private vehicular access from a road to a parking space, garage, dwelling or other structure and generally subordinate in nature to a road. A driveway may be shared among three or fewer lots and dwelling units, but its function is generally subordinate to a road.

**Dwelling Unit, Affordable Elderly** - A family dwelling unit not exceeding two bedrooms in size which (a) is specifically designed to meet the physical and living requirements of the elderly; (b) satisfies a demonstrated need for low-to-moderate income housing for the elderly in Chittenden County; (c) is restricted in occupancy only to one or more persons over 55 years of age as the principal tenant(s) of the units; and (d) is perpetually affordable to the elderly through a

mechanism satisfactory to the Development Review Board.

Dwelling Unit, Multi-family – A building containing three or more dwelling units.

Dwelling Unit, Single-Family - A detached residential dwelling unit designed for and occupied by one family only; a state-licensed or registered residential care home or group home, serving not more than six persons who are developmentally disabled or physically handicapped, except if such home is within 1,000 feet another such home; or a state registered or licensed day care facility serving six or fewer children.

Dwelling Unit, Two-Family - A detached residential building containing two dwelling units designed for occupancy by not more than two families.

Enlargement - The expansion of a structure whether by extending on a side or by increasing in height.

Existing Manufactured Home Park or Subdivision –A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Facility Site - A property, or any part thereof, which is owned or leased by one or more telecommunications facility(s) and where required landscaping is located.

Family - An individual, or two or more persons related by blood, marriage, civil union, legal adoption, or those placed in the home for adoption, and foster children, or a group of not more than five persons who need not be related by blood or marriage, living together as a single housekeeping unit.

Farm Stand - A facility for the sale, on the site of the farm, of agricultural products produced primarily on the farm.

Flood – A (a) general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

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**Flood Hazard Overlay District** – The land in the floodplain within the Town of Westford subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A is usually refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term Flood Hazard Overlay District is synonymous in meaning with the phrase “area of special flood hazard” and “special flood hazard area”.

**Flood Insurance Rate Map (FIRM)** – An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study** – An examination, evaluation and determination of flood hazards and , if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e. mudflow) and / or flood related erosion hazards.

**Floodplain or Flood-Prone Area** – Any land area susceptible to being inundated by water from any source (see definition of “flood”).

**Flood Proofing** - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

**Forestry** – The growing, cutting or harvesting of commercial timber or other forest products; the growing, maintenance or preservation of forest cover for watershed protection or wildlife habitat; access to support forestry.

**Frequency** - The number of cycles completed each second by an electromagnetic wave measured in hertz (Hz).

**Full-Time Equivalent Employee** - The number of full-time equivalent employees is determined by the sum of part-time employees' total hours worked converted to full time equivalent employees by dividing by 36 hours plus any full-time employees.

**Gallery/Studio** – A structure or portion thereof used to produce and/or sell art work.

**Garden Nursery** – A commercial establishment where land or greenhouses are used to raise and/or sell flowers, shrubs, plants, and similar materials

**Gas Station & Convenience Store** – Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale snack food, tobacco, drinks, newspapers, and similar convenience goods.

**Historic Structure**– Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined

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by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.

Gazebo – A non-permanent, open-sided, seasonally used structure no more than 400 square feet in size.

Group Home - A facility or dwelling unit housing persons unrelated by marriage, blood adoption, fosterage, or guardianship and operating as a group family household. A group home may be established as a half-way house, recovery home, or home for orphans, foster children, the handicapped or disabled, the elderly, or battered children and women. The facility shall be licensed and operated in accordance with applicable law. It may also be known as a group care facility. A group home to be operated under a state license or registration serving not more than eight (8) persons who have a handicap or disability as defined in 9 VSA § 4501 shall be considered by right to constitute a permitted single-family residential use of the property, except that no such home shall be so considered if it is located within 1,000 of another existing or permitted group home. Group homes so located shall be subject to Conditional Use review and Site Plan review.

Home Business - A business customary in a residential area which may be carried on with the assistance of outside employees, utilizes a minor portion of the dwelling or accessory building, which may have an outside sign and which does not change the character or the neighborhood.

Home Occupation - An occupation customary in residential areas which utilizes a minor portion of a dwelling or utilizes an accessory building, carried on wholly by members of the family living on the premises, with no outside sign or display, and which does not change the character thereof.

Horse Stable/Indoor Riding Facility – A commercial operation where the boarding of horses occurs, and/or where riding, jumping, and showing is offered, and/or where horses may be hired for riding.

Hotel/Motel – A facility offering transient lodging accommodations to the general public and may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Impervious Surface – Any material that reduces and prevents the absorption of surface water into the soil.

Indoor Recreation Facility – A permanent structure containing facilities for recreational activities, such as tennis, platform games, swimming, exercise rooms, handball, and similar activities.

Indoor Theater – A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

## Westford Zoning Regulations

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Junk Yard - Land or buildings (other than approved storage structures), or a portion thereof, used for the collection, wrecking, dismantling, storage, salvaging or resale of used building materials, furniture, household goods or appliances, miscellaneous materials or articles (excluding any article or material which, unaltered or without reconditioning can be used for its original purpose), machinery parts or any vehicles not in running condition for periods exceeding three months. In addition, any place, (excluding approved car dealerships) where four or more unregistered vehicles are stored shall be considered a junkyard. Paper, plastic, glass and other recycling facilities may be exempted from this definition.

Land Development - The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, dredging, grading, paving, drilling, excavation or landfill, any storage of equipment or materials, and any change in the use of any building or other structure, or land, or extension of use of land.

Library – A room or building containing books and other material for reading, study, or reference.

Light Manufacturing - The processing and/or fabrication of certain materials and products where no process involved produces noise, vibration, air pollution, fire hazard, or noxious emission which will adversely disturb or endanger neighboring properties. Non-inclusive examples are; home appliances; electrical instruments; jewelry, printed materials; apparel; pharmaceutical goods; and like uses.

Lot - A lot is a parcel of land under one ownership and not divided by any state or town road which is:

1. Described as a single parcel of land in a deed recorded in the town of Westford land records prior to February 4, 1972. If a single deed describes two or more parcels of land, each described parcel shall constitute a lot; or
2. Described as a single parcel of land in a deed recorded in the Town of Westford land records after February 4, 1972, provided the conveyance creating such parcel did not violate any Town of Westford regulations or ordinances in effect at the time of the conveyance. If a single deed describes two or more parcels of land, each described parcel shall constitute a lot; or
3. Described as a development lot in a zoning permit issued by the Town of Westford, provided the development activity authorized by the permit was completed in conformance with the permit and prior to the expiration of the permit; or
4. Depicted as a separate lot on a subdivision plat approved by the Westford Planning Commission or Development Review Board pursuant to regulations in effect, provided the plat was signed and filed in accordance with the requirements of law, and the approval has not expired.

Except as specifically provided for existing small lots under these regulations, a lot shall be of at least sufficient size to meet the minimum zoning requirements for use, coverage and area, to provide such yards and other open spaces as are herein required, and to meet town subdivision standards and health regulations. A lot shall be occupied or intended to be occupied by one principle building or structure or used together with any accessory building or open space except as otherwise provided by these regulations.

Lot Coverage – The total area covered by all principal and accessory buildings and impervious surfaces, unless specified in these regulations. See also “building coverage”.

Lot Frontage - The boundary of a lot along a public road or approved right of way where access to the principal structure is provided measured from the intersection of one property boundary with the road or right of way to the intersection of another property boundary with the road or right of way.

Lot Width - The distance between the side boundaries of a lot as measured at any point parallel to and equal distant from the lot frontage line.

Lowest Floor - The lowest floor or lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR, Section 60.3.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Micro-Cell - A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage in areas of weak coverage.

Mixed Use - The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, or entertainment, in a compact form. All uses must be either permitted uses or conditional uses in the zoning district in which they are located. Mixed use development in the Town Common and Town Village Districts shall conform to the building and lot coverage requirements for commercial properties.

Mobile Home Park - Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile home park shall not mean any parcel of land under the ownership of an agricultural employer who may accommodate thereon up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment.

Monitoring - The measurement, by the use of instruments in the field, of radiofrequency exposure from telecommunications facilities, towers, antennas or repeaters.

Museum – A building or place where works of art or other objects of permanent value are kept and displayed.

## **Westford Zoning Regulations**

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**New Construction** - For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by the Town of Westford and any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the Town of Westford.

**Non-Conforming Use** - A use of land or a structure which does not comply with all zoning regulations regarding use where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of such regulations.

**Non-Complying Structures** - A structure or part thereof not in conformance with the zoning regulations covering building bulk, dimensions, height, area, yards, density or off-road parking or loading requirements, where such structure conformed to all applicable laws, ordinances, and regulations prior to the enactment of such zoning regulations.

**Nursery School/Daycare Center** – An establishment operated as a business or service on a regular or continual basis, whether for compensation or not, to provide care, protection, supervision and/or education for children under the age of 16 outside of their homes for periods of fewer than 24 hours a day by a person other than a child's own parent, guardian or relative. Pursuant to 24 VSA Section 4412 (5), a state registered or licensed day care facility serving six (6) or fewer children shall be considered by right to constitute a permitted single-family residential use of property. A day care facility that is not registered or licensed by the state or serves seven (7) or more children shall constitute a day care center. Such a center may also be known as a child care center or nursery school. The center shall be licensed and operated in accordance with applicable law.

**Office, Business or Professional** - An establishment used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with computers, desks, tables, files, and communication equipment. This includes the office of any real estate, insurance, finance or similar business and offices of the architectural, engineering, legal, medical, dental, veterinarian or other recognized professions, in which only such personnel are employed as are customarily required for the practice of the business or profession.

**Outdoor Recreational Facility** - Any facility for outdoor recreation, including but not limited to: tennis courts, golf courses, athletic fields, swimming pools or beach, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing, except facilities that are accessory to a single-family dwelling unit.

**Parking Space** - A reasonably level space, not less than 10 feet wide available for the temporary parking of one motor vehicle.

**Personal Service** - Establishments primarily engaged in providing services involving the care of a person or his/her personal goods or apparel (ex. barbershops, hairdressers, dry cleaning and

## Westford Zoning Regulations

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laundry, tailoring, photographic studios, shoe repair and shine shops, funeral homes, and other businesses providing similar services of a personal nature).

Personal Wireless Services - Commercial mobile services, unlicensed wireless exchange access services. These services include: cellular services, personal communications services, specialized mobile radio services, and paging services.

Place of Worship – A special purpose building that is architecturally designed and particularly adapted for the primary use of conducting on a regular basis formal religious services by a religious congregation.

Planned Unit Development – Mixed Use - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units and commercial or industrial uses, if any, the plan for which does not correspond in lot size or bulk, lot coverage, setbacks, and open space to the regulations established in the districts where such development are allowed.

Planned Unit Development - Residential - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size or bulk, density, lot coverage or yard sizes to the standards set forth in these regulations.

Post Office – A Federal facility authorized by a postal system for posting, receipt, sortation, handling, transmission or delivery of mail. Post Offices offer mail-related services such as post office boxes, postage and packaging supplies.

Primitive Camp – An occupied structure located on its own lot with no interior plumbing consisting of no more than a sink with water that is used for no more than three (3) consecutive weeks per year and no more than a total of sixty (60) days per year.

Principal Structure – The structure in which is conducted the principal use of the lot on which it is located.

Principal Use - The primary or predominant standalone use of any lot or parcel. A standalone use is one which can exist without the support of any other uses on the lot.

Private Bridge – A structure for crossing over a water resource that is not owned and maintained by the Town.

Private Road - A road providing vehicular access to more than three lots or dwelling units which is not a town road and which has a permanent easement or right of way.

Private School – Any building or group of buildings used for elementary, secondary, or higher education and which use does not secure the major part of its funding from any government agency.

Private Trail - A pathway where public vehicle traffic is prohibited. Constructed with minimal disturbance to ground cover and does not contain any road surface materials such as gravel or stone.

Public Notice - The form of notice prescribed in §4447 of 24 V.S.A.

Public Park – Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

Recreational Vehicle - A vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Renewable Energy Resource Structure - A structure for the collection or conversion into energy of direct sunlight, wind, running water, organically derived fuels, including wood, agricultural sources, waste materials, waste heat, and geothermal sources.

Repeater - A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station.

Restaurant - Establishment the primary function of which is to serve food and beverages to the public for consumption only at tables within the restaurant building.

Retail Store - An establishment engaged in selling goods or merchandise to the general public at retail or wholesale for personal or household consumption or for business use and rendering services incidental to the sale of such goods. Typically such an establishment (a) is a place of business and is engaged in activity to attract the general public to buy, (b) buys and receives as well as sells merchandise, (c) may process or manufacture some of the products for sale, such as jeweler or baker, but such production or manufacture is incidental and subordinate to the selling activities, and (d) sells to customers for their own personal, household, or business use. Such an establishment may have a retail food establishment as an accessory use located entirely within the principal structure and with no dedicated exterior entrance of its own. Excluded in this definition are recreational vehicle, automobile, and mobile home sales and service, fuel oil and gas dealers, and junkyards.

Road Line - The boundary line which separates a road right-of-way from an abutting property.

Rural Retail - Establishment selling goods made from products raised or made on the premises, including agricultural products, forestry products, and crafts; antique stores; farm stands; nurseries and garden centers; art galleries; and shops associated with outdoor recreation facilities on the premises

Scenic Vista - A scenic vista, or view, is a wide angle or panoramic field of sight and may include natural and/or manmade structures and activities. A scenic vista may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A vista may be to a far away object, such as a mountain, or a nearby object.

Setback - The distance between the nearest portion of a structure on a lot and a road line, a property line or road right-of-way, within which no structures or parking areas are permitted.

## **Westford Zoning Regulations**

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Shore - Land along the edge of a water body.

Shoreline - Where the shore and water meet.

Shrub - A woody plant with several perennial stems that may be erect or may lay close to the ground. It will usually have a height less than 13 feet and stems no more than about three inches in diameter.

Sign - Any material used as an outdoor display for the advertising of a property, establishment, enterprise, profession, product, service or other matter.

Small Scale Commerce - A personal service or professional office that does not exceed 4,000 square feet in gross floor area, and does not generate more than fifty (50) average weekday trips.

Small Scale Industry - A warehouse, wholesale, research or light manufacturing facility customary in a small rural community that does not exceed 4,000 square feet in gross floor area, and does not generate more than fifty (50) average weekday trips and the size of which is compatible with the size of other buildings in the surrounding area.

Special Flood Hazard Area – See definition for *Flood Hazard Overlay District*.

Spectrum - Relating to any transmissions or reception of electromagnetic waves.

Start of New Construction - Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition replacement, or improvement was within 180 days of the permit date. The actual start means either the first replacement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of a main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Stealth Facility - Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antenna structures designed to look like light poles, and structures designed to resemble natural features such as trees or rock outcroppings (See also Alternative Design Tower Structure).

Steep Slopes – A slope having a grade of twenty-five (25%) percent or greater, encompassing an area 1,000 square feet or more prior to cut and fill. Slope is calculated by dividing the vertical change in elevation by the horizontal distance (rise over run) measure over a distance of 25 feet or greater. For areas less than 25 lineal feet the elevation gain cannot be more than 6 feet. There shall be no distinction between natural and man-made slopes. The maximum allowed area of

## **Westford Zoning Regulations**

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disturbance shall be accumulatively calculated for a lot prior to subdivision. Disturbance of Steep Slopes, beyond the area of disturbance approved by the Development Review Board, is prohibited within subdivisions approved after the date these regulations were first adopted.

**Strip Development** - A pattern of development along a road characterized by repetitive placement of buildings in a linear form.

**Structure** – For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank and all associated building utilities, that is principally above ground, as well as a manufactured home. *Structure*, for insurance purposes, means: (a) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) A manufactured home (“a manufactured home”, also known as a mobile home, is a structure: built on a permanent chassis and, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws. For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

**Structure** – For non-floodplain management purposes, assembly of materials for occupancy or use that is a minimum of 100 square feet in size or is on a permanent foundation, including but not limited to, a building; sign; wall or fence, except a wall or fence on an operating farm, or a wall or fence less than 6 feet in height.

**Substantial Damage** – Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**Top-of-Bank** – The point along a stream bank where an abrupt change in slope is evident, and the point at which riparian buffers shall be measured from. On circumstances where a top-of-bank is not clearly evident, a determination of edge of stream and consequent stream-side edge of riparian buffer shall be made by the Administrative Officer.

**Tree** - A woody plant having one erect perennial stem (trunk) at least 3 inches in diameter at a point 4-1/2 feet above the ground, a definitely formed crown of foliage, and a mature height of at least 13 feet.

**Use** - The specific purpose for which land or a building is designated, arranged, or intended; or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

**View Corridor** - A three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.

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**Violation** – For floodplain management purposes, the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

**Wetlands** - Those areas of the Town which are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mudflats, bogs and ponds.

**Wireless Telecommunication Service** - Any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

**Wireless Telecommunication Facility** - any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunication Services.

**Wireless Telecommunication Service Provider** - Any person or entity providing Wireless Telecommunication Services.

**Yards** - An open space on a lot, unoccupied and unobstructed by structures and parking areas, and in side and rear yards, unoccupied by driveways, or private roads, from the ground upward, except as otherwise provided in these regulations.

**Yard, Front** - A yard on the same lot with a principal building, extending the full width of the lot and situated between the road right-of-way line and the front line of the building extended to the side lines of the lot. A lot located on two roads shall be considered to have two front yards.

**Yard, Rear** - A yard on the same lot with a principal building between the rear line of the building and the rear line of the lot extending the full width of the lot.

**Yard, Side** - A yard situated between the principal building and a side line and extending from the front yard to the rear yard. The distance between the principal building and the side line shall be measured from the building to the nearest point on the side line along a line parallel to the front lot line.