# Westford, Vermont

# LAND USE & DEVELOPMENT REGULATIONS

First Adopted: November 1972
Last Adopted: May 10, 2018

Zoning Regulations

1967 (Protective Zoning Ordinance) [1]

Nov. 1972

Aug. 1974

Nov. 1982 [2]

March 1985

July 1987 [3]

March 1989 [5]

July 1990 (interim Osgood Hill Road provision - 2yrs) [4]

Dec. 1990 (minor amendment)

March 1991

July 1992 (interim Osgood Hill Road provision extended 1 year)

March 1995 [6]

March 1996 [7]

March 1999

March 2002

March 2003

Jan. 2006 (Chapter 117 changes)

July 2009 (major revisions) [8]

October 2009 (fixed loophole in PUD language)

February 2011 (revised steep slope)

August 2011 (interim – amended flood hazard bylaw)

November 2013 (interim – amended flood hazard bylaw)

Subdivision Regulations

Nov. 1972

Aug. 1974

Nov. 1982

July 1987

March 1995

March 1996

March 1999

March 2002

March 2003

Jan 2006 (Chapter 117 changes)

July 2009 (major revisions) [9]

February 2011 (revised steep slope & waiver language)

Notes:

[1] Frena Phillips feels the 1967 ordinance was never voted on by residents, even though it was warned; she thinks zoning began with 1972 regulations.

[2] Major district changes. Forestry district created (10/30 acre zoning), etc.

[3] Created 5-acre zoning along paved roads

[4] Interim zoning to clarify a zoning district along Osgood Hill Rd

[5] Reduced wetland district along Route 128 & Osgood Hill Road. New district boundary language incorrect by inadvertently leaving out a portion along Osgood Hill Rd.

[6] Major district changes: Rural residential district reduced in Kings Hill and Plains Road areas; wetland & open space/shoreland districts replaced by water resources overlay district; forestry district eliminated.

[7] Current districts solidified.

[8] Three town center districts created.

[9] Driveway standards & emergency water requirements implemented.

**Continued…**

Land Use & Development Regulations

February 2016 (complete rewrite) [10]

July 2017 (minor corrections & clarifications)

May 2018 (corrections & clarifications)

December 2018 (interim – amended form based code – T4 front yard setback)

Notes:

[10] Major changes: Form based code overlay implemented in town center; number of districts in town center reduced to two; context sensitive design implemented in rural 5 district; LID stormwater, performance standards, housing diversity, subdivision by right, economic development/expanded uses & permitted uses, agribusiness & adaptive reuse implemented; PUD language and density bonus language revised; flood hazard overlay district readopted with slight revisions.

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# PART 1. GENERAL

## Chapter 100. Legal Framework

### Section 101. Enactment and Authority

101.A The Town of Westford has established and administers these Unified Development Regulations in accordance with the Vermont Planning and Development Act (24 VSA Chapter 117).

### Section 102. Purpose

102.A These regulations implement the goals of the Westford Town Plan and the Vermont Planning and Development Act. Specifically, these regulations are intended to:

(1) Strengthen the sense of community in Westford.

(2) Protect public health, safety, and general welfare in Westford.

(3) Guide the future growth and orderly development of Westford.

(4) Provide for safe, sanitary, and affordable housing.

(5) Provide adequate and efficient public facilities, transportation, potable water, and wastewater treatment, schools, parks, playgrounds, greenways, recreation, and other public requirements and facilities.

(6) Provide the most beneficial relationship between land use and traffic circulation in order to avoid congestion and enhance safety.

(7) Prevent pollution and encourage the wise use and management of natural resources, including actively farmed agricultural soils, managed forest soils, wildlife habitat, greenways, significant natural resources, and water resources in the Water Resources Overlay and Flood Hazard overlay zoning districts, in order to preserve the integrity, stability, and beauty of the community and the value of the land.

(8) Establish standards for the design of subdivisions and development so that the traditional character of the Common and Village zoning districts and the rural character of the Rural zoning districts is maintained, and that development along roads is visually pleasing and preserves the beauty of the countryside.

### Section 103. Applicability

103.A All development and subdivision of land must conform to these regulations. Development includes:

(1) Constructing, installing, reconstructing, converting, structurally altering, relocating, or enlarging any building or structure;

(2) Mining, excavating, filling, or grading land;

(3) Commencing, changing, or extending the use of land or a structure;

(4) Adjusting or relocating the boundary between two parcels; or

(5) Dividing a parcel into two or more lots.

103.B All development requires a zoning permit issued by the Administrative Officer unless it is specifically exempted in Chapter 110.

103.C Any development or subdivision of land not specifically allowed under these regulations is prohibited unless it is specifically exempted (see Chapter 110) or vested (see Chapter 120.). Any use not specifically allowed in a district is prohibited in that district.

### **Section 104.** Effective Date

104.A Upon becoming effective these regulations repeal and replace any zoning, subdivision, or unified regulations previously in effect. Refer to 24 V.S.A. §4442.

### **Section 105.** Amendment

105.A These regulations, including any maps incorporated by reference, may be amended or repealed at any time as provided for within the Vermont Planning and Development Act.

### **Section 106.** Severability

106.A If a court finds any part of these regulations unlawful or invalid, that decision will not affect the validity of the remaining portions of these regulations or their application.

# Chapter 110. Exemptions & Limitations

## Section 111. General Exemptions

111.A Except within the Flood Hazard and Water Resources overlay zoning districts and on steep slopes and ledge outcroppings, a zoning permit is not required for the following development:

(1) Emergency repair and stabilization of a structure or property, damaged by any cause, to the extent necessary to protect public health and safety and to protect the structure or property from further damage by the elements. Further repair, reconstruction, or demolition beyond the minimum necessary to stabilize and secure the structure or property may require a zoning permit (see Section 128).

(2) Normal maintenance and repair of a structure or property as long as there is no change in the exterior dimensions of an existing structure or in the use of a structure or property.

(3) Alteration or modification of a structure as long as there is no change to its exterior dimensions or use. Interior alterations or modifications that change the number of bedrooms or change the intensity of a use to the extent that would require additional parking under Section 322. will require a zoning permit.

(4) An increase in the floor area of a residence as long as there is no change to its exterior dimensions and no change in the number of bedrooms.

(5) An arbor, trellis, pergola, or similar decorative or support structure ancillary to a gardening use that conforms to the zoning district location and setback requirements.

(6) A patio, terrace, or similar unroofed, at-grade structure that conforms to the zoning district location and setback requirements.

(7) Not more than 4 small accessory structures (ex: dog house, play house, tree house, shed, etc.) on a residential lot that meets all of the standards below:

(a) The floor area of each structure must not exceed 100 square feet.

(b) The height of the structure must not exceed 10 feet. For structures located at ground level, the height will be measured from the ground. For structures not located at ground level, the height will be measured from the structure's floor.

(c) The structure conforms to the zoning district location and setback requirements.

(8) Not more than 1 lightweight, temporary structure not to exceed a floor area of 200 square feet and a height of 10 feet.

(9) A ramp or other structure necessary to provide access that complies with the Americans with Disabilities Act. Such a structure does not need to meet zoning district setback requirements, but it must not extend into or obstruct a public right-of-way.

(10) A solar energy device installed on and projecting not more than 10 feet above the surface of a sloped roof, or a solar energy device of any height installed on a flat roof. Solar energy devices projecting not more than 10 feet above the roof surface may exceed district height requirements.

(11) A residential fence or wall not more than 6 feet in height. Such fences and walls do not need to meet zoning district setback requirements, but must not extend into or obstruct a public right-of-way, or interfere with corner visibility or sight distance for vehicular traffic. Agricultural fences and walls are exempt farm structures (see Section 112).

(12) A garage sale, yard sale, auction, or similar sale of personal property occurring not more than 3 consecutive days and not more than a total of 6 days in any calendar year.

(13) Use of public or private land for hunting, fishing, or trapping in accordance with state regulations. This does not include related recreational facilities, such as firing ranges or rod and gun clubs.

(14) Minor grading, filling, excavating, clearing, or similar types of land disturbance not affecting the Water Resource Overlay, Flood Hazard Overlay, steep slopes or ledge outcroppings that is incidental to a lawful use and that does not involve adding, removing, or moving more than 50 cubic yards of material to, from, or within a lot in any calendar year.

(15) Construction or maintenance of a road, driveway, sidewalk, path, bridge, culvert, utilities, or other infrastructure or essential services within a right-of-way. Work within a public right-of-way requires approval from the Selectboard or Vermont Agency of Transportation, as applicable.

### **Section 112.** Agriculture & Silviculture

112.A A zoning permit is not required for agricultural or silvicultural activities if they meet the State's *Required Agricultural Practices* or *Accepted Management Practices for Maintaining Water Quality on Logging Jobs in Vermont*

112.B The burden of proof for demonstrating a structure meets the definition of a farm structure rests on the applicant. A dwelling for human habitation, including farm worker housing, is not a farm structure.

112.C A zoning permit is not required to build a farm structure, but:

(1) The landowner must complete a zoning permit application so the Administrative Officer can confirm that the project is exempt. The Administrative Officer reserves the right to require that a letter from the Agency of Agriculture be submitted by the Applicant certifying that the use and proposed structure are exempt. The Administrative Officer will not charge an application fee and will not issue a zoning permit for an exempt farm structure.

(2) Exempt farm structures must meet setback or building envelope requirements unless the landowner provides the Administrative Officer with a written variance from the Vermont Secretary of Agriculture.

(3) Exempt farm structures may exceed building height or footprint requirements.

(4) A zoning permit will be required to convert an exempt farm structure to a non-agricultural use.

### **Section 113.** Utility, Energy and Telecommunications Infrastructure

113.A A zoning permit is not required for development that receives a Certificate of Public Good from the Public Service Board. This includes a small renewable energy system

that is connected to the grid (net-metering).

113.B A zoning permit is not required for telecommunications equipment and related site development that does not exceed a footprint of 300 square feet and a height of 10 feet.

113.C A zoning permit is not required for a wireless telecommunication facility that receives a Certificate of Public Good from the Public Service Board.

113.D A zoning permit is not required for a television antenna, radio antenna, satellite dish, or similar device used to provide on-site communication service that meets all of the standards below. Such devices may exceed district height requirements, and should be installed on the least visible location on the building or property where they can reasonably function.

(1) A roof-, wall-, or ground-mounted dish antenna with a face(s) not more than 15 square feet in area.

(2) A roof- or wall-mounted antenna that does not extend more than 12 feet above the roofline of the building it is attached to.

(3) A freestanding amateur radio antenna and its supporting structure that does not extend more than 50 feet above the ground.

(4) A freestanding antenna and its supporting structure for single-use local business radio dispatch purposes or for police, fire, ambulance, or similar emergency or public dispatch purposes that does not extend more than 50 feet above the ground.

## Section 114. Public Facilities

114.A Development associated with any of the following public facilities requires approval under these regulations and must meet the same standards as comparable types of private development unless meeting the standard(s) will interfere with the intended function or use of the facility or infrastructure:

(1) Institutions and facilities owned and operated by the Town or State;

(2) Schools and other educational facilities certified by the State;

(3) Places of worship and other religious facilities;

(4) Hospitals certified by the State; and

(5) Waste management facilities certified by the State.

## Section 115. Group Home

115.A A residential care home or group home operated under State licensing or registration that will serve not more than 8 residents who have a handicap or disability as defined in statute and that will not be located closer than 1,000 feet to another existing or permitted group home is a by-right use of a single-family dwelling. No zoning permit is required for a lawfully existing single-family dwelling to be used as a group home. A zoning permit may be required for other associated development to the same extent as would be required if the property was occupied by any household.

# Chapter 120. Vested Rights & Existing Conditions

## Section 121. Prior Permits or Approvals

121.A If the Administrative Officer lawfully issued a zoning permit before these regulations were adopted or amended, the applicant will not need a new or amended zoning permit for the project except if the project is not completed before the zoning permit expires, the applicant will need to apply for a new zoning permit under the current regulations.

121.B If an applicant lawfully recorded a subdivision plat in the town land records before these regulations were adopted or amended, the plat will remain valid and will not expire.

## Section 122. Filed Applications

122.A The Administrative Officer and Development Review Board will review a properly completed application based on the regulations in effect when it was submitted. Rights are vested in a set of regulations when a complete preliminary or final plat application is submitted.

## Section 123. Pre-Existing Uses

123.A Any use of land or a structure that lawfully existed prior to the adoption or amendment of these regulations will continue to be lawful use and it may continue to be carried out as it was prior to the adoption or amendment of these regulations.

## Section 124. Existing Lots

124.A A landowner may use or develop any lot that lawfully existed before these regulations were adopted or amended based on the zoning district standards for the district(s) in which the property is located.

124.B If a lawfully existing lot is smaller than the minimum lot size for the district(s) in which it is located, the landowner may still use and develop it based on the zoning district standards for the district(s) in which the property is located as long as the lot is at least ⅛ of an acre in area and is at least 40 feet wide and deep, except:

(1) If the lot is within the Common zoning district, no minimum size or area requirements apply.

(2) If the lot cannot meet the access requirements of Section 321, the landowner may still use and develop it if access can be provided by a permanent easement or right-of-way that is at least 20 feet wide.

## Section 125. Nonconformities

125.A Applicability. This section applies to all structures and uses that lawfully existed on the effective date of these regulations and that do not conform to one or more requirements of these regulations.

125.B Safety and Health. This section must not be construed to permit the use of any land or structure that an appropriate government authority has declared unsafe or a health hazard.

125.C Normal Repair and Maintenance. This section must not be construed to prevent the normal repair and maintenance of nonconforming land or structures that does not increase the degree of nonconformity.

125.D Flood Hazard Overlay District. If a nonconformity is located within the Flood Hazard Overlay district, see Chapter 280 for further guidance.

125.E Nonconforming Uses. A landowner may continue a nonconforming use of land or structures indefinitely, but a landowner must not:

(1) Move, enlarge, extend, or increase the external evidence of the nonconforming use.

(2) Re-establish or resume a nonconforming use if it has been discontinued for 12 months or longer, or has been changed to or replaced by a conforming use unless the nonconforming use was discontinued as a result of damage to the associated building or property. Then, the nonconforming use may be re-established or resumed after 12 months if the nonconforming use was carried on without interruption in/on an undamaged portion of the building/property or if the landowner receives a one-year extension of the deadline to re-establish or resume the nonconforming use from the Administrative Officer. To receive the extension, the landowner must demonstrate that the delay was unavoidable and work is progressing to repair the damage to building/property as necessary to resume or re-establish the use.

125.F Nonconforming Structures. A landowner may continue to use or occupy a nonconforming structure, but a landowner must not:

(1) Expand, extend or modify the structure in manner that would increase the degree of nonconformity. A landowner may seek a variance or waiver from the Development Review Board that would allow an increase in the degree of nonconformity (see Section 424).

(2) Re-occupy a nonconforming structure that has been abandoned for 2 years or longer (a structure will be considered abandoned if it is unoccupied and not for sale, or if it is not being regularly maintained) unless the nonconforming structure was abandoned as a result of damage or destruction from fire or similar catastrophe. Then the nonconforming structure may be rebuilt or repaired provided that work results in a structure that is no more nonconforming than the original structure and that the work is completed within 12 months of the original structure being damaged or destroyed. The landowner may request a one-year extension of the deadline to rebuild or repair the structure from the Administrative Officer. To receive the extension, the landowner must demonstrate that the delay was unavoidable and work is progressing.

125.G Nonconforming Lots. Landowners may develop and use nonconforming lots as described in Section 123. The boundaries of a nonconforming lot may only be altered as described in Section 431.

### Section 126. Abandonment and Discontinuance of Non-Residential Use

126.A A zoning permit, and any applicable approvals, will be required to re-establish a nonresidential use if it has been abandoned or discontinued for more than 12 months. A lawful, vacant dwelling unit may be reoccupied at any time without a new zoning permit or any further approval under these regulations (building, health,

and/or safety codes may apply). Nothing contained herein negates the requirement for other State and/or local permits.

### Section 127. Incomplete Development

127.A If development authorized by a zoning permit is not substantially completed prior to the zoning permit expiring, the applicant must apply for a new zoning permit or secure or remove any partially completed structures, remove any debris or construction materials stored on the site, restore the site to a safe or natural grade, and re-establish groundcover to prevent erosion. The site must be cleaned-up, secured, and stabilized within 6 months after the zoning permit expires. (See Section 415 for further guidance on the length of time a zoning permit is valid for and how to apply for an extension.)

### Section 128. Damaged or Destroyed Structures

128.A Additional provisions apply to reconstructing damaged or destroyed structures within the Flood Hazard overlay zoning district. The provisions of Chapter 280 take precedence over the provisions of this section.

128.B Within 6 months of a structure being damaged or destroyed by any catastrophic cause, the owner must act to either:

(1) Stabilize and secure it as necessary to protect public health and safety and to protect it from the elements, and/or commence repairing or reconstructing it; or

(2) Demolish it, remove all structural materials and debris from the site, restore the site to a safe or natural grade, and re-establish groundcover to prevent erosion.

128.C If repair, reconstruction, or demolition cannot commence within 6 months, the Administrative Officer may grant one or more extensions not to exceed a total of 4 years upon finding that the site does not pose a hazard to public health or safety, and that the owner has reasonable cause for not commencing repair, reconstruction, or demolition.

128.D A zoning permit is not required to repair or reconstruct a damaged or destroyed structure and use it as before provided that:

(1) Repair or reconstruction commences within 6 months of the damage or destruction, or within the time period covered by any extension(s) granted under Section 128.C;

(2) The structure as repaired or reconstructed does not exceed the original floor area; and

(3) The structure as repaired or reconstructed will be located within the original footprint.

### Section 129. Demolition

129.A A zoning permit is not required to demolish a structure or part of a structure.

129.B Within 30 days after demolition is complete, all structural materials and debris must be removed from the site, the site must be restored to a safe or natural grade, and groundcover must be re-established to prevent erosion.

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# PART 2. ZONING DISTRICTS & STANDARDS

## Chapter 200. General Provisions

### Section 201. Establishment of Zoning Districts

201.A Land in the Town of Westford is located in one of the following zoning districts:

(1) Common (C)

(2) Village (V)

(3) Rural 3 (R3)

(4) Rural 5 (R5)

(5) Rural 10 (R10)

201.B Land in the Town of Westford may also be located in one or more of the following overlay districts:

(1) Form-Based Code Overlay (FBC)

(2) Water Resources Overlay (WRO)

(3) Flood Hazard Overlay (FHO)

### Section 202. Description of District Boundaries

202.A Zoning Districts. The zoning districts are shown on the Official Zoning Map, which is filed in the Town Office and is incorporated into these regulations by reference.

202.B Water Resources Overlay. The Water Resources Overlay District includes the land specified below as generally shown on Map 5 of the Town Plan. As Map 5 may not be inclusive of all water resources intended to be in the WRO, the Administrative Officer may determine that a stream, pond or wetland exists on a property and apply the provisions of the WRO to the adjacent property as specified below regardless of whether the feature appears on the map. The Administrative Officer may determine that a ditch for the purpose of drainage is or is not within the WRO.

(1) BROWNS RIVER. Land within 100 feet from the top-of-bank of the Browns River as shown on Map 5 of the Town Plan.

(2) STREAMS. Land within 50 or 100 feet from the centerline of all named and unnamed streams shown on Map 5 of the Town Plan.

(3) PONDS AND LAKES. Land within 50 or 100 feet the water's edge of all named and unnamed ponds and lakes shown on Map 5 of the Town Plan. The Administrative Officer shall determine that land is not included within this overlay if it is associated with manmade ponds that are located independent of any streams or waterways and that the Vermont Agency of Natural Resources has not classified as a Class 1 or 2 wetland.

(4) WETLANDS. Land within 100 feet from a delineated Class 1 and/or 2 wetland boundary as identified under the most recent edition Vermont Wetlands Rules. The landowner may provide, or the Administrative Officer or Development

Review Board may require, a field delineation of a wetland boundary by a qualified professional based on the criteria established in the most recent edition of the Vermont Wetlands Rules.

202.C Flood Hazard Overlay. The Flood Hazard Overlay District includes the floodway and special flood hazard area (commonly referred to as 100-year floodplain) as shown on FEMA's most current Flood Insurance Rate Map and Study, which is filed in the Town Office and is incorporated into these regulations by reference.

202.D Form-Based Code Overlay. The Form-Based Code Overlay includes land within the Common and Village zoning districts that fronts on Route 128, Common Road, Cambridge Road, Brookside Road and White Church Lane as shown on Figure 2-4. Transect Zone Map.

202.E Official Maps. Small-scale, unofficial copies of the zoning district and overlay maps are included in these regulations for general information purposes. All official determinations of district boundaries must be based on the full-scale official maps.

## Section 203. Interpretation of District Boundaries

203.A If uncertainty exists as to the boundaries of a district, the Administrative Officer must use the following rules to determine the boundary from the official maps:

(1) Boundaries drawn to approximately follow roads must be interpreted to follow the centerline of those roads as they exist on the ground.

(2) Boundaries drawn to approximately follow property boundaries or lot lines must be interpreted to follow such lines as they lawfully existed as of the date the zoning map was adopted.

(3) Boundaries drawn to approximately follow rivers or streams must be interpreted to follow the centerline of those watercourses as they exist on the ground.

(4) Boundaries drawn to approximately parallel or extend the features identified above must be so interpreted.

203.B If a distance is not specified on the official map, the Administrative Officer must determine the distance by using the scale of the map.

203.C The Administrative Officer's determination of a district boundary may be appealed to the Development Review Board

## Section 204. Principal Uses or Structures on a Lot

204.A A lot must not have more than one principal use and/or structure except that:

(1) Mixed-use development with multiple principal uses or structures is allowed in the Common District.

(2) Within the Village, Rural 5 and Rural 10 zoning districts, a lot may be developed with one principal residential and one principal nonresidential use or structure provided that:

(a) It meets the dimensional requirements for a nonresidential lot in the applicable zoning district.

(b) It meets the site plan and/or conditional use standards in the applicable zoning

district.

(c) It meets the site design and engineering standards, performance standards and any other applicable standards.

(d) The zoning permit states the following condition, *"The approved principal residential and nonresidential uses or structures on this lot must remain in common ownership unless the lot is legally subdivided in accordance with the provisions of the Westford Land Use and Development Regulations."*

(3) The Development Review Board may approve development of multiple principal uses or structures on a lot as a PUD (see Chapter 310).

(4) Mixed-use development may be allowed as adaptive re-use of a historic barn in accordance with Section 303.

## Section 205. Lots in More than One District

205.A A landowner with a lot that is located in more than one base zoning district may move the boundary between the districts up to 100 feet in order to meet the minimum density or dimensional standards required for development or subdivision in one of the districts, provided that the move does not cross a watercourse.

# Chapter 210. Common (C) District

## Section 211. Purpose

211.A The purpose of the Common District is to provide for a community center – a place of civic pride and a focal point for development in Westford. The Common District is intended to:

(1) Promote a higher-density and more compact settlement pattern than other places in town.

(2) Allow a compatible mix of appropriately-scaled residential and business uses in a pedestrian-friendly setting.

(3) Ensure that new development is consistent with the historic character and pattern of development.

(4) Provide for walkways, green space, and recreation opportunities that will enhance connectivity, public use, and enjoyment of the area.

## Section 212. Dimensional Standards

212.A Dimensional standards within the Common District are as established by the Form-Based Code Overlay District (see Chapter 260).

## Section 213. Use Standards

213.A Permitted Uses. The Administrative Officer may issue a zoning permit for the following uses within this district if the requirements of Chapters 260, 300, 320 and 330 are met and the use conforms to 421.A:

| | | | |
|---|---|---|---|
| (1) | Agriculture | (20) | Library |
| (2) | Art gallery/studio | (21) | Museum |
| (3) | Bank & other financial institutions | (22) | Nursery school/daycare center |
| (4) | Bed & breakfast | (23) | Personal service/professional office |
| (5) | Boarding house | (24) | Private school not certified by State |
| (6) | Community facility | (25) | Public park |
| (7) | Congregate housing | (26) | Public facilities |
| (8) | Dwelling unit, accessory | (27) | Recreational facility, outdoor |
| (9) | Dwelling unit, accessory farm | (28) | Restaurant |
| (10) | Dwelling unit, two-family | (29) | Retail, general |
| (11) | Dwelling unit, multi-family | (30) | Retail, e-commerce |
| (12) | Dwelling unit, single-family | (31) | Retail, rural |
| (13) | Farm stand | (32) | Senior housing |
| (14) | Garden nursery | (33) | Silviculture |
| (15) | Group home | (34) | Tavern |
| (16) | Health or performing arts studio | (35) | Theater, indoor |
| (17) | Home occupation 1 | (36) | Theater, outdoor |
| (18) | Home occupation 2 | (37) | Veterinarian |
| (19) | Hotel/motel | | |

213.B Conditional Uses. Within this district the Administrative Officer may issue a zoning permit for the following uses after conditional and site plan approval by the Development Review Board and if the requirements of Chapters 260, 300, 320, 330 and 420 are met:

(1) Adaptive re-use
(2) Club, private
(3) Fuel sales
(4) Funeral home
(5) Motor vehicle repair
(6) Motor vehicle sales
(7) Recreational facility, indoor
(8) Small-scale industry
(9) Wireless telecommunication facility

## Section 214. Planning and Design Standards

214.A Development within this district must be planned and designed in accordance with the standards of the Form-Based Code Overlay District (see Chapter 260).

# Chapter 220. Village (V) District

## Section 221. Purpose

221.A The purpose of the Village District is to provide an opportunity for growth that will extend the historic settlement pattern found around the Town Common. The Village District is intended to:

(1) Accommodate residential development at a higher density than in the rural areas of Town, but at a lower density than within the Common District.

(2) Promote a variety of housing opportunities in a pedestrian-friendly neighborhood setting located near and connected to Westford's Town Common.

(3) Ensure that new development is consistent with the historic character and pattern of development in the adjacent Common District.

(4) Provide for walkways, green space, and recreation opportunities that will enhance connectivity, public use and enjoyment of the area.

## Section 222. Dimensional Standards

222.A Dimensional standards within the Village District are as established by the Form-Based Code Overlay District (see Chapter 260).

## Section 223. Use Standards

223.A Permitted Uses. The Administrative Officer may issue a zoning permit for the following uses within this district if the requirements of Chapters 260, 300, 320 and 330 are met and the use conforms to 421.A:

(1) Agriculture
(2) Art gallery/studio
(3) Bed & breakfast
(4) Boarding house
(5) Community facility
(6) Congregate housing
(7) Dwelling unit, accessory
(8) Dwelling unit, accessory farm
(9) Dwelling unit, two-family
(10) Dwelling unit, multi-family
(11) Dwelling unit, single-family
(12) Farm stand
(13) Garden nursery
(14) Group home
(15) Health or performing arts studio
(16) Home occupation 1
(17) Home occupation 2
(18) Museum
(19) Nursery school/daycare center
(20) Personal service/professional office
(21) Private school not certified by the State
(22) Public park
(23) Public facilities
(24) Retail, e-commerce
(25) Retail, rural
(26) Senior housing
(27) Silviculture
(28) Veterinarian

223.B Conditional Uses. Within this district the Administrative Officer may issue a zoning permit for the following uses after conditional and site plan approval by the Development Review Board and if the requirements of Chapters 260, 300, 320, 330 and 420 are met:

| | | | |
|---|---|---|---|
| (1) | Adaptive re-use | (10) | Recreational facility, indoor |
| (2) | Agricultural enterprise | (11) | Recreational facility, outdoor |
| (3) | Cemetery | (12) | Restaurant |
| (4) | Club, private | (13) | Small-scale industry |
| (5) | Domestic animal kennel | (14) | Tavern |
| (6) | Funeral home | (15) | Theater, indoor |
| (7) | Horse stable/indoor riding facility | (16) | Theater, outdoor |
| (8) | Motor vehicle repair | (17) | Wireless telecommunication facility |
| (9) | Motor vehicle sales | | |

## Section 224. Planning and Design Standards

224.A Development within this district must be planned and designed in accordance with the standards of the Form-Based Code Overlay District (see Chapter 260).

# Chapter 230. Rural 3 (R3) District

## Section 231. Purpose

231.A The purpose of the Rural 3 (acre) District is to accommodate moderate-density residential development in a rural setting. The Rural 3 District is intended to:

(1) Avoid rural sprawl and strip development by encouraging context-sensitive forms and patterns of development.

(2) Conserve agricultural, silvicultural, significant natural resources, and other important open space land by grouping buildings away from these resources.

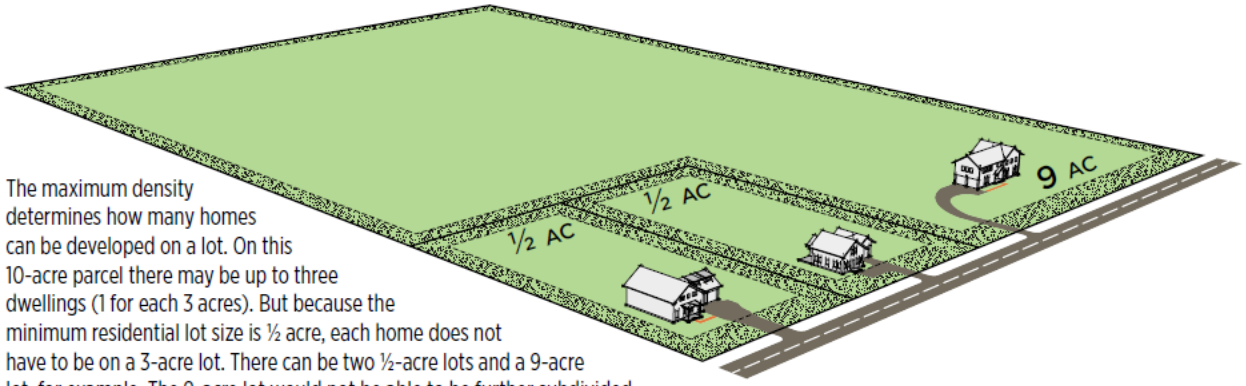
## Section 232. Dimensional Standards

232.A Density. Residential density must not exceed 1 principal residential structure per 3 acres.

232.B Lot Size. Residential lots must be at least ½ acre in size. Nonresidential lots must be at least 3 acres in size.

Figure 2-1. Density and Lot Size

Why is there both a residential density and minimum lot size, and why are they different?




The maximum density determines how many homes can be developed on a lot. On this 10-acre parcel there may be up to three dwellings (1 for each 3 acres). But because the minimum residential lot size is ½ acre, each home does not have to be on a 3-acre lot. There can be two ½-acre lots and a 9-acre lot, for example. The 9-acre lot would not be able to be further subdivided.

232.C Lot Coverage. On multifamily and nonresidential lots, impervious surfaces (ex: buildings, driveways, roads, parking areas, walkways, etc.) must not cover more than 5% of the lot.

232.D Setbacks. Development must be set back:

(1) At least 40 feet from the front lot line or edge of the road right-of-way (if the edge of the right-of-way is unknown, it may be presumed to be 25 feet from the centerline of the road).

(2) At least 20 feet from side and rear lot lines.

232.E Height. Structures must not exceed 35 feet in height.

## Section 233. Use Standards

233.A **Permitted Uses.** The Administrative Officer may issue a zoning permit for the following uses within this district if the requirements of Chapters 300, 320 and 330 are met and the use conforms to 421.A:

(1) Agriculture
(2) Boarding house
(3) Dwelling unit, accessory
(4) Dwelling unit, accessory farm
(5) Dwelling unit, single-family
(6) Dwelling unit, two-family
(7) Dwelling unit, multi-family
(8) Farm stand
(9) Group Home
(10) Home occupation 1
(11) Home occupation 2
(12) Nursery school/daycare center
(13) Primitive camp
(14) Public park
(15) Public facilities
(16) Senior housing
(17) Silviculture

233.B **Conditional Uses.** Within this district the Administrative Officer may issue a zoning permit for the following uses after conditional and site plan approval by the Development Review Board and if the requirements of Chapters 300, 320, 330 and 420 are met:

(1) Adaptive re-use
(2) Agricultural enterprise
(3) Bed & breakfast
(4) Cemetery
(5) Club, private
(6) Community facility
(7) Congregate housing
(8) Recreational facility, outdoor
(9) Retail, e-commerce
(10) Retail, rural
(11) Wireless telecommunication facility

## Section 234. Planning and Design Standards

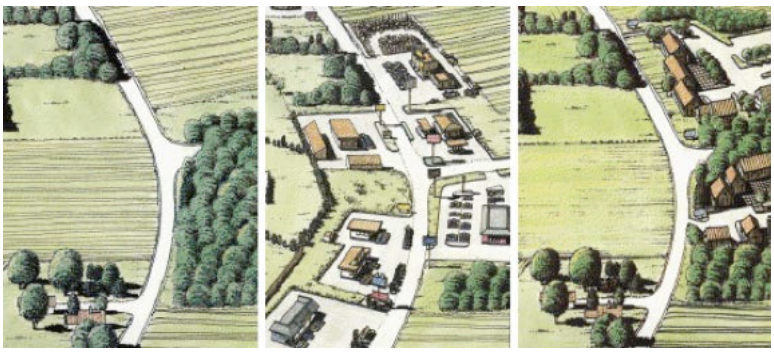
234.A Development within this district must:

(1) Not create strip development along roads as illustrated in Figure 2-2 and defined in Paragraph 511.S(16);

(2) Minimize the fragmentation of significant natural resources and working lands; and

(3) Group buildings together within subject parcel and near existing development on adjacent parcels to the maximum extent feasible.

Figure 2-2. Rural Strip Development



EXISTING INAPPROPRIATE APPROPRIATE

# Chapter 240. Rural 5 (R5) District

## Section 241. Purpose

241.A The purpose of the Rural 5 (acre) District is to enable a mix of uses along Westford's paved roads while protecting the rural character and resources of these main travel corridors. The Rural 5 District is intended to:

(1) Enable low-density, context-sensitive development while retaining a substantial amount of working and open space land and protecting significant natural resources.

(2) Recognize natural constraints to development such as poor soils for wastewater disposal, ledge outcroppings, and steep slopes.

(3) Maintain existing rural character and allow for growth that will not place an unreasonable burden on the Town's ability to provide and maintain the existing level of services.

## Section 242. Dimensional Standards

242.A Density. Residential density must not exceed 1 residential principal structure per 5 acres.

242.B Lot Size. Residential lots must be at least ½ acre in size. Nonresidential lots must be at least 5 acres in size. (See Figure 2-1.)

242.C Lot Coverage. On multifamily and nonresidential lots, impervious surfaces (ex: buildings, driveways, roads, parking areas, walkways, etc.) must not cover more than 30% of the lot or 3 acres, whichever is less.

242.D Setbacks. Development must be set back:

(1) At least 50 feet from the front lot line or edge of the road right-of-way (if the edge of the right-of-way is unknown, it may be presumed to be 25 feet from the centerline of the road).

(2) At least 25 feet from side and rear lot lines.

242.E Height. Structures must not exceed 35 feet in height.

## Section 243. Use Standards

243.A Permitted Uses. The Administrative Officer may issue a zoning permit for the following uses within this district if the requirements of Chapters 300, 320 and 330 are met and the use conforms to 421.A:

| | |
|---|---|
| (1) Adaptive reuse | (18) Group home |
| (2) Agriculture | (19) Health or performing arts studio |
| (3) Agricultural enterprise | (20) Home occupation 1 |
| (4) Art gallery/studio | (21) Home occupation 2 |
| (5) Bed & breakfast | (22) Nursery school/daycare center |
| (6) Boarding house | (23) Personal service/professional office |
| (7) Cemetery | (24) Primitive camp |
| (8) Community facility | (25) Private school not certified by the State |
| (9) Congregate housing | (26) Public park |

(10) Dwelling unit, accessory
(11) Dwelling unit, accessory farm
(12) Dwelling unit, two-family
(13) Dwelling unit, multi-family
(14) Dwelling unit, single-family
(15) Farm stand
(16) Funeral home
(17) Garden nursery
(27) Public facilities
(28) Recreational facility, indoor
(29) Retail, e-commerce
(30) Retail, rural
(31) Senior housing
(32) Silviculture
(33) Stable/indoor riding facility
(34) Veterinarian

243.B Conditional Uses. Within this district the Administrative Officer may issue a zoning permit for the following uses after conditional and site plan approval by the Development Review Board and if the requirements of Chapters 300, 320, 330 and 420 are met:

(1) Club, private
(2) Contractor's yard
(3) Crematorium
(4) Domestic animal kennel
(5) Equipment rental and sale
(6) Motor vehicle dealer, indoor
(7) Motor vehicle repair
(8) Motor vehicle sales
(9) Museum
(10) Recreational facility, outdoor
(11) Retail, wholesale
(12) Small-scale industry
(13) Theater, outdoor
(14) Wireless telecommunication facility

## Section 244. Planning and Design Standards

244.A Applicability. The provisions of this section will apply to all development requiring approval by the Development Review Board within this district.

244.B Objectives. To the maximum extent feasible, development must be sited and designed to preserve rural character and to not create strip development along roads (as defined in Paragraph 511.S(16)) by achieving the following objectives:

(1) Location. Infill development and development within proximity to the Common and Village zoning districts is encouraged.

(2) Farmland. Development should be located to minimize fragmentation of productive agricultural land, including primary agricultural soils.

(3) Access. The number of new access points on rural highways should be minimized to limit opportunities for increased traffic congestion and accidents by designing development so that driveways can be shared or aligned at locations with adequate sight distance.

(4) Frontage. Development should not dominate the view from the road. The area between the road and building should primarily be agricultural, wooded, or naturalistically landscaped.

(5) Buildings. Buildings should fit into the rural landscape and be compatible with their surroundings. Franchise or corporate architecture and standardized "box" designs are strongly discouraged.

(6) Parking. Parking should be designed and located to minimize its visibility from the road.

(7) Service Areas. Loading, trash, equipment, utilities, and other service areas and vehicle bay doors should be designed and located to minimize their visibility from the road.

(8) Outdoor Storage and Sales. Outdoor storage for commercial or industrial uses should be designed and located to minimize its visibility from public vantage points. Display areas for retail businesses should be designed and located to avoid visual clutter and maintain an attractive roadscape.

(9) Use. Working farm and forest lands are the foundation of Westford's rural character. Land uses and new enterprises that support agriculture, silviculture, and maintenance of open land are encouraged in rural areas.

(10) Off-Site Impacts. Commercial or industrial uses should not operate at a scale or intensity that will result in adverse off-site impacts or degrade the rural character of the area.

(11) Terrain. Development should be designed and located to fit into the natural terrain to the maximum extent feasible.

(12) Views. Development should be designed and located to maintain views of Mount Mansfield and any other important public views identified in the Town Plan.

244.C Planning & Design Standards. Figure 2-3 sets forth a series of planning and design standards that will be used to determine whether proposed development is achieving the objectives listed above in accordance with the following:

(1) Intent. The intent of this scoring system is to provide greater flexibility for applicants to determine how best to meet the objectives given the characteristics of the proposed site and use.

(2) Procedures. The Development Review Board will score development applications based on the planning and design standards. While the Board may discuss strengths and deficiencies of an application at meetings/hearings, the final score shall be determined in deliberative session. Further:

(a) Except where specifically indicated, points will not be awarded cumulatively for meeting multiple performance measures within a given category.

(b) Where Figure 2-3 states "professional design required," the applicant must submit a landscape plan prepared by a licensed landscape architect or certified horticulturalist.

(c) When applying the planning and design standards, areas of mowed lawn will not be considered landscaping, but planting areas and materials used as a low-impact development (LID) technique for stormwater management may be considered landscaping.

(3) Minimum Score. In addition to conforming to the other applicable provisions of these regulations, applications must attain a final score of 27 or more points (out of a possible 40) to be approved by the Development Review Board.

(4) Effect of Score. The Development Review Board will consider applications that earn 27 or more points to have met Criteria 1, 2 and 3 in Figure 4-1 (Development Review Criteria), as applicable.

Figure 2-3. Planning & Design Standards

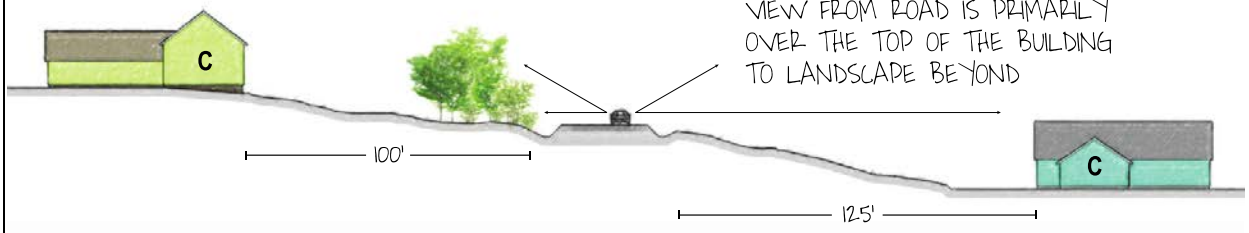
| | | | |
|---|---|---|---|
| 1 | **Location.** Infill development and development within proximity to the Common and Village zoning districts is encouraged. *(Points are cumulative.)* | | 2 PTS MAX |
| | A | The subject property is already developed. | 1 point |
| | B | The proposed development will be located within 1 mile of the Town Common. | 1 point |

| | | | |
|---|---|---|---|
| 2 | **Farmland.** Development should be located to minimize fragmentation of productive ag land, including primary ag soils. | | 5 PTS MAX |
| | A | The proposed development will not be located on productive agricultural land or primary agricultural soils and will maintain viable access to said lands/soils. | 5 points |
| | B | At least 60% of the parcel's productive agricultural land will remain undeveloped and suitably configured to be farmed and will maintain viable access to said lands/soils. | 2 points |

| | | | |
|---|---|---|---|
| 3 | **Access.** The number of new access points on rural highways should be minimized to limit opportunities for increased traffic congestion and accidents by designing development so that adjacent properties will be connected through a cross access and/or driveways will be shared or aligned. *(Points for B & C will be awarded cumulatively.)* | | 5 PTS MAX |
| | A | The proposed development will be served by an existing curb cut. | 5 points |
| | B | The proposed development will provide access to multiple lots or sites from a cross access, shared drive or private road. | 3 points |
| | C | The proposed development will align its new access with an existing curb cut on the opposite side of the road. | 1 point |

| | | | |
|---|---|---|---|
| 4 | **Frontage.** Development should not dominate the view from the road. Compliance must be proven from at least six vantage points at representative locations. Vantage points should be at regular intervals. The DRB may require additional vantage pints if needed based on terrain, vegetation, or other site specific circumstances. The area between the road and building should primarily be agricultural, wooded or naturalistically landscaped. | | 3 PTS MAX |
| | A | Lot frontage will be an agricultural field or meadow at least 300 ft deep or a naturally wooded buffer at least 50 ft deep. | 3 points |
| | B | Lot frontage will have a natural elevation change substantial enough to screen development. | 2 points |
| | C | Lot frontage will include berms, fencing and/or landscaping to screen development (professional design required). | 1 point |

VIEW INTO INDUSTRIAL SITE FROM THE ROAD SCREENED BY EXISTING VEGETATION. BUILDINGS AND VEHICLES ONLY VISIBLE FROM DRIVEWAY ENTRANCE.



BUILDINGS LOCATED BELOW THE ROAD WITH TREES ALONG FRONTAGE. VIEW FROM ROAD REMAINS PRIMARILY OF THE MOUNTAINS IN THE BACKGROUND.

FENCING AND LANDSCAPING CAN SOFTEN AND BREAK UP VIEWS OF PARKING OR STORAGE AREAS. LANDSCAPED BERMS ARE MORE EFFECTIVE WHEN HEAVIER OR MORE SOLID SCREENING IS NEEDED. LONG STRETCHES OF STOCKADE-TYPE FENCING OR HEDGE-LIKE PLANTINGS SHOULD BE AVOIDED.

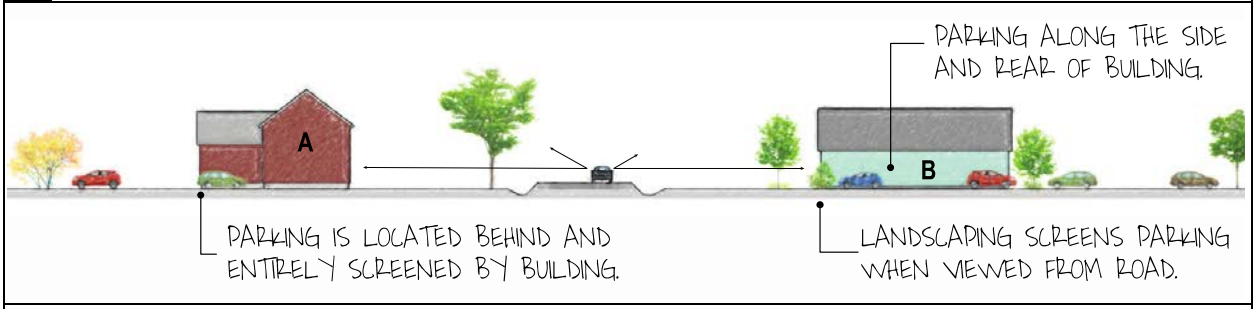
FENCE AND LANDSCAPING SOFTENS VIEW OF FRONT PARKING AREA. IT IS STILL VISIBLE FROM THE ROAD, BUT IS LESS OBTRUSIVE AND VISUALLY DOMINANT.

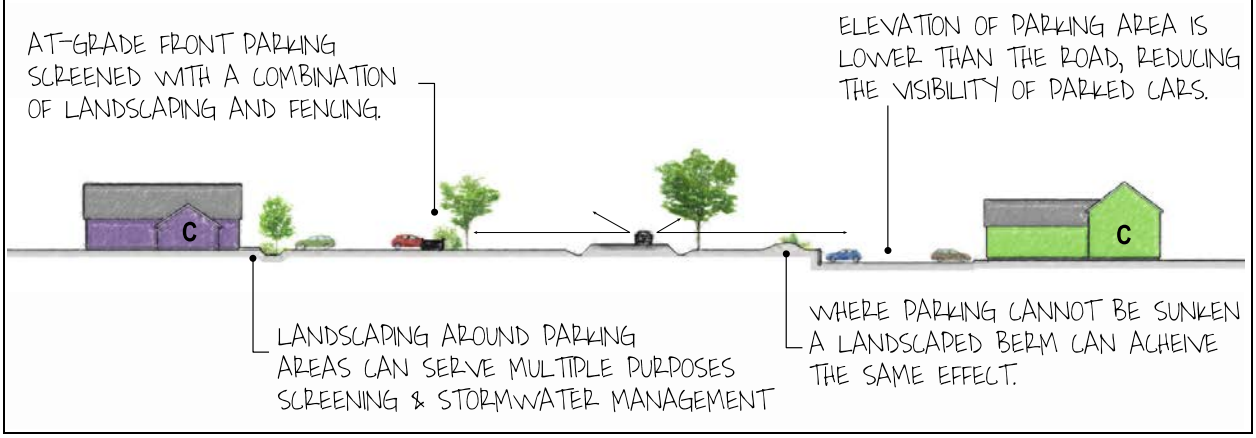
| | | | |
|---|---|---|---|
| 5 | **Buildings.** Buildings fit into the rural landscape and are compatible with their surroundings. Franchise or corporate architecture and standardized "box" designs are strongly discouraged. | | 3 PTS MAX |
| | A | No new building will be built or the new building will not be visible from the road. | 3 points |
| | B | The new building will be similar in scale, form and materials to traditional Vermont building types as defined in Chapter 5. | 2 points |
| | C | The new building may vary in scale, form and materials from traditional Vermont building types as defined in Chapter 5, but it will feature a context-sensitive design that references Vermont vernacular architectural forms and materials and protects Westford's rural character. | 1 point |

THE CONTEMPORARY, METAL INDUSTRIAL BUILDING (RIGHT) HAS THE FORM OF A TRADITIONAL MONITOR BARN. THE REHABILATED HISTORIC BARN (LEFT) HAS A NEW LIFE AS AN OFFICE BUILDING.

THE NEW HOUSE (LEFT) CLOSELY REPLICATES THE DESIGN OF A HISTORIC VERMONT FARMHOUSE. THE NEW HOUSE (RIGHT) IS A CONTEMPORARY INTERPRETATION OF THE VERMONT VERNACULAR. THE BUILDINGS ARE SIMILAR IN SCALE. THEY SHARE FEATURES LIKE ROOF FORM, CROSS-GABLES AND THE PORCH.

| 6 | **Parking.** Parking should be designed and located to minimize its visibility from the road. | 3 PTS MAX |
|---|---|---|
| | A No parking will be visible from the road. | 3 points |
| | B Parking will be located to the side or rear of the building and will be screened with landscaping (professional design required). | 2 points |
| | C Parking will be located in front of the building and will be screened with landscaping (professional design required). | 1 point |



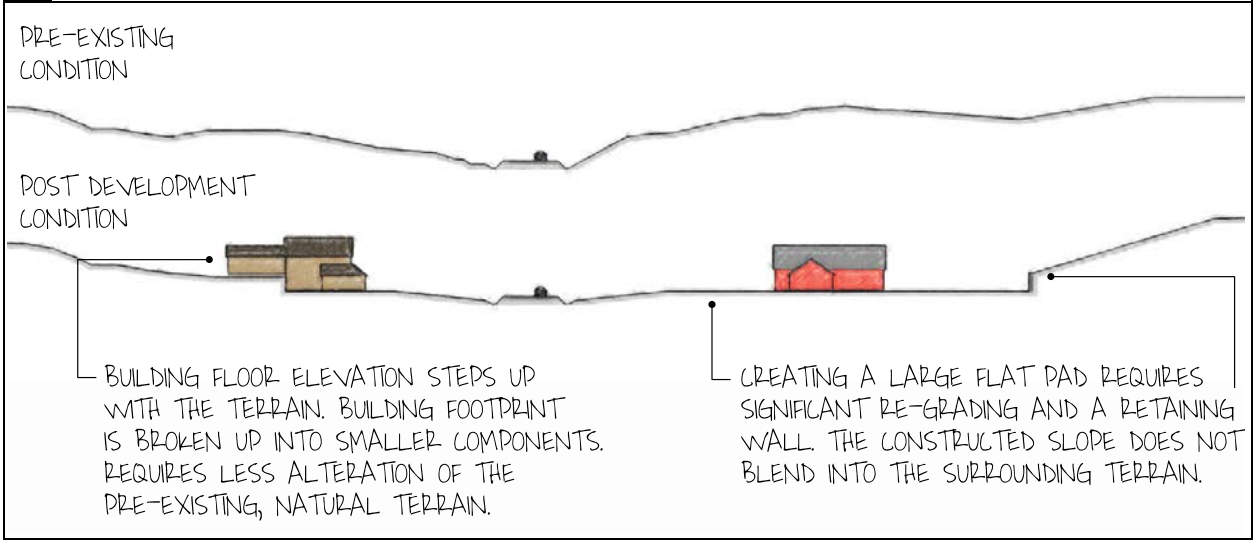

| 7 | **Service Areas.** Loading, trash, equipment, utilities and other service areas and vehicle bay doors should be designed and located to minimize their visibility from the road. | 3 PTS MAX |
|---|---|---|
| | A No service areas or vehicle bay doors will be visible from the road. | 3 points |
| | B Any vehicle bay doors will face away from the road and any service areas will be located to the side or rear of buildings and screened (professional design required). | 2 points |
| | C Vehicle bay doors will face the road and/or service areas will be located in front of the building and screened (professional design required). | 1 point |

| 8 | **Outdoor Storage or Sales.** Outdoor storage for commercial or industrial uses should be designed and located to minimize its visibility from the road. Display areas for retail businesses should be designed and located to avoid visual clutter and maintain an attractive roadscape. | 5 PTS MAX |
|---|---|---|
| | A There will be no outdoor storage or sales associated with the use. | 5 points |
| | B There will be outdoor storage or sales, but it will not be visible from the road. | 4 points |
| | C There may be incidental outdoor storage located to the rear of the building, or a limited amount of merchandise displayed in a location visible from the road. | 2 points |
| | D Outdoor storage will be a principal component of the use, but it will be screened (professional design required) | 1 point |

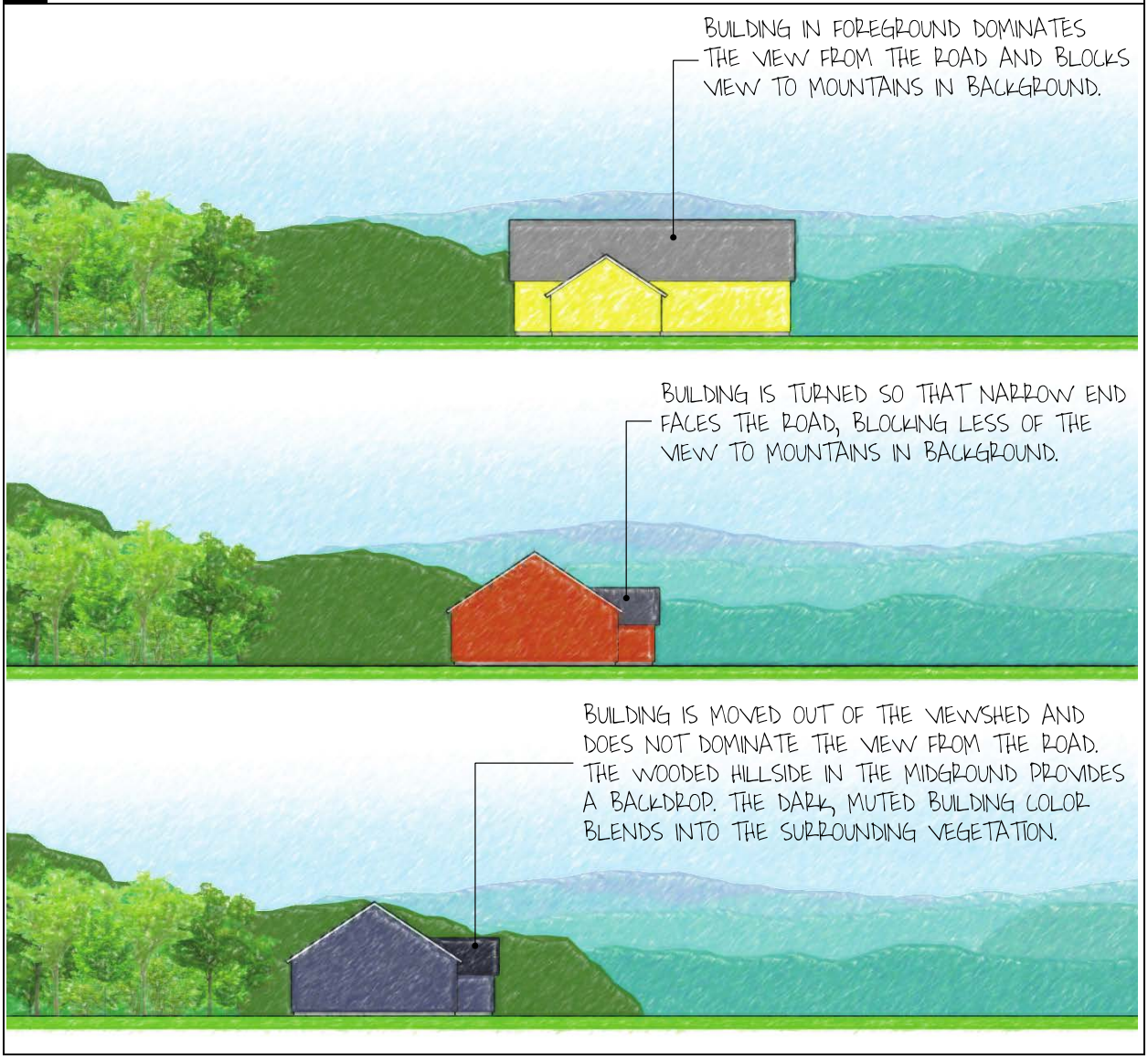
| 9 | **Use.** Working farm and forest lands are the foundation of Westford's rural character. Land uses and new enterprises that support agriculture, silviculture and maintenance of open land are encouraged in rural areas. | 3 PTS MAX |
|---|---|---|
| | A The use will be an agricultural enterprise, including the sale or processing of locally-produced farm or forest products or agri-tourism, or will be an agricultural or silvicultural support business. | 3 points |
| | B The use will involve the production or sale of live plants, farm or garden products, art, or hand-crafted items. | 2 points |
| | C The use will involve outdoor recreation, lodging, dining, or event hosting. | 1 point |

| | | | |
|---|---|---|---|
| 10 | **Off-Site Impacts.** Commercial or industrial uses should not operate at a scale or intensity that will result in adverse off-site impacts or degrade the rural character of the area. *(Commercial or industrial points are cumulative)* | | 4 PTS MAX |
| | A | The use will not generate regular employee, customer, and shipping traffic in excess of 20 trips per day. | 1 point |
| | B | The use will not operate between 7 p.m. and 7 a.m. | 1 point |
| | C | The use will occur entirely within an enclosed building. | 1 point |
| | D | The use will not require more than 10 parking spaces. | 1 point |
| | E | Residential use excluding home occupations | 4 points |

| | | | |
|---|---|---|---|
| 11 | **Terrain.** Development must be designed and located to fit into the natural terrain to the maximum extent feasible. | | 2 PTS MAX |
| | A | The development will result in no to minimal change in the site's natural grade. | 2 points |
| | B | The development will significantly alter the site's natural grade but will result in a landform that is compatible with the surrounding landscape and will not appear unnatural or constructed. | 1 point |



| | | | |
|---|---|---|---|
| 12 | **Views.** Development should be designed and located to maintain views (from the road) of Mount Mansfield or any other important views identified in the *Westford Town Plan*. Compliance must be proven from at least six vantage points at representative locations. Vantage points should be at regular intervals. The DRB may require additional vantage pints if needed based on terrain, vegetation, or other site specific circumstances. See illustration on next page. | | 2 PTS MAX |
| | A | The proposed development will not be located within a Mount Mansfield or other important viewshed. | 2 points |
| | B | The proposed development will be located within a Mount Mansfield or other important viewshed, but it will be designed so that it does not substantially block the view from the road. | 1 point |



# Chapter 250. Rural 10 (R10) District

## Section 251. Purpose

251.A The purpose of the Rural 10 (acre) District is to protect rural character, natural resources, and working landscapes associated with agricultural and forestry uses, while allowing for low-density residential uses. The Rural 10 District is intended to:

(1) Enable low-density, context-sensitive development while conserving significant natural resources, working land, and open space.

(2) Recognize the severe natural constraints to development present in this district such as poor soils for wastewater disposal, ledge outcroppings and steep slopes.

(3) Maintain existing rural character and allow for land use and development that will not place an unreasonable burden on the Town's ability to provide and maintain the existing level of services.

## Section 252. Dimensional Standards

252.A Density. Residential density must not exceed 1 principal residential structure per 10 acres.

252.B Lot Size. Residential lots must be at least ½ acre in size. Nonresidential lots must be at least 10 acres in size. (See Figure 2-1.)

252.C Lot Coverage. On multifamily and nonresidential lots, impervious surfaces (ex: buildings, driveways, roads, parking areas, walkways, etc.) must not cover more than 20% of the lot or 2.5 acres, whichever is less.

252.D Setbacks. Development must be set back:

(1) At least 50 feet from the front lot line or edge of the road right-of-way (if the edge of the right-of-way is unknown, it may be presumed to be 25 feet from the centerline of the road).

(2) At least 25 feet on residential lots and at least 50 feet on nonresidential lots from side and rear lot lines.

252.E Height. Structures must not exceed 35 feet in height.

## Section 253. Use Standards

253.A Permitted Uses. The Administrative Officer may issue a zoning permit for the following uses within this district if the requirements of Chapters 300, 320 and 330 are met and the use conforms to 421.A:

| | | | |
|---|---|---|---|
| (1) | Agriculture | (12) | Group Home |
| (2) | Art gallery/studio | (13) | Home occupation 1 |
| (3) | Bed & breakfast | (14) | Home occupation 2 |
| (4) | Boarding house | (15) | Horse stable/indoor riding facility |
| (5) | Cemetery | (16) | Nursery school/daycare center |
| (6) | Dwelling unit, accessory | (17) | Primitive camp |
| (7) | Dwelling unit, accessory farm | (18) | Public park |
| (8) | Dwelling unit, two-family | (19) | Public facilities |
| (9) | Dwelling unit, single-family | (20) | Retail, e-commerce |
| (10) | Farm stand | (21) | Senior housing |
| (11) | Garden nursery | (22) | Silviculture |

253.B Conditional Uses. Within this district the Administrative Officer may issue a zoning permit for the following uses after conditional and site plan approval by the Development Review Board and if the requirements of Chapters 300, 320, 330 and 420 are met:

| | | | |
|---|---|---|---|
| (1) | Adaptive reuse | (11) | Museum |
| (2) | Agricultural enterprise | (12) | Personal service / professional office |
| (3) | Club, private | (13) | Private school not certified by the State |
| (4) | Community facility | (14) | Recreational facility, indoor |
| (5) | Congregate housing | (15) | Recreational facility, outdoor |
| (6) | Contractor's yard | (16) | Retail, e-commerce |
| (7) | Domestic animal kennel | (17) | Retail, rural |
| (8) | Health or performing arts studio | (18) | Small-scale industry |
| (9) | Motor vehicle sales | (19) | Veterinarian |
| (10) | Motor vehicle repair | (20) | Wireless telecommunication facility |

## Section 254. Planning and Design Standards

254.A Development within this district must:

(1) Not create strip development along roads as illustrated in Figure 2-2 and defined in Paragraph 511.S(16);

(2) Minimize the fragmentation of significant natural resources and working lands; and

(3) Group buildings together within subject parcel and near existing development on adjacent parcels to the maximum extent feasible.

# Chapter 260. Form-Based Code (FBC) Overlay District

## Section 261. Purpose

261.A This Form-Based Code Overlay District is intended to guide the physical form of the built environment in order to foster the revitalization of Westford's historic Town Center Area and promote quality, compact, and pedestrian-friendly mixed-used development that replicates and extends traditional development patterns.

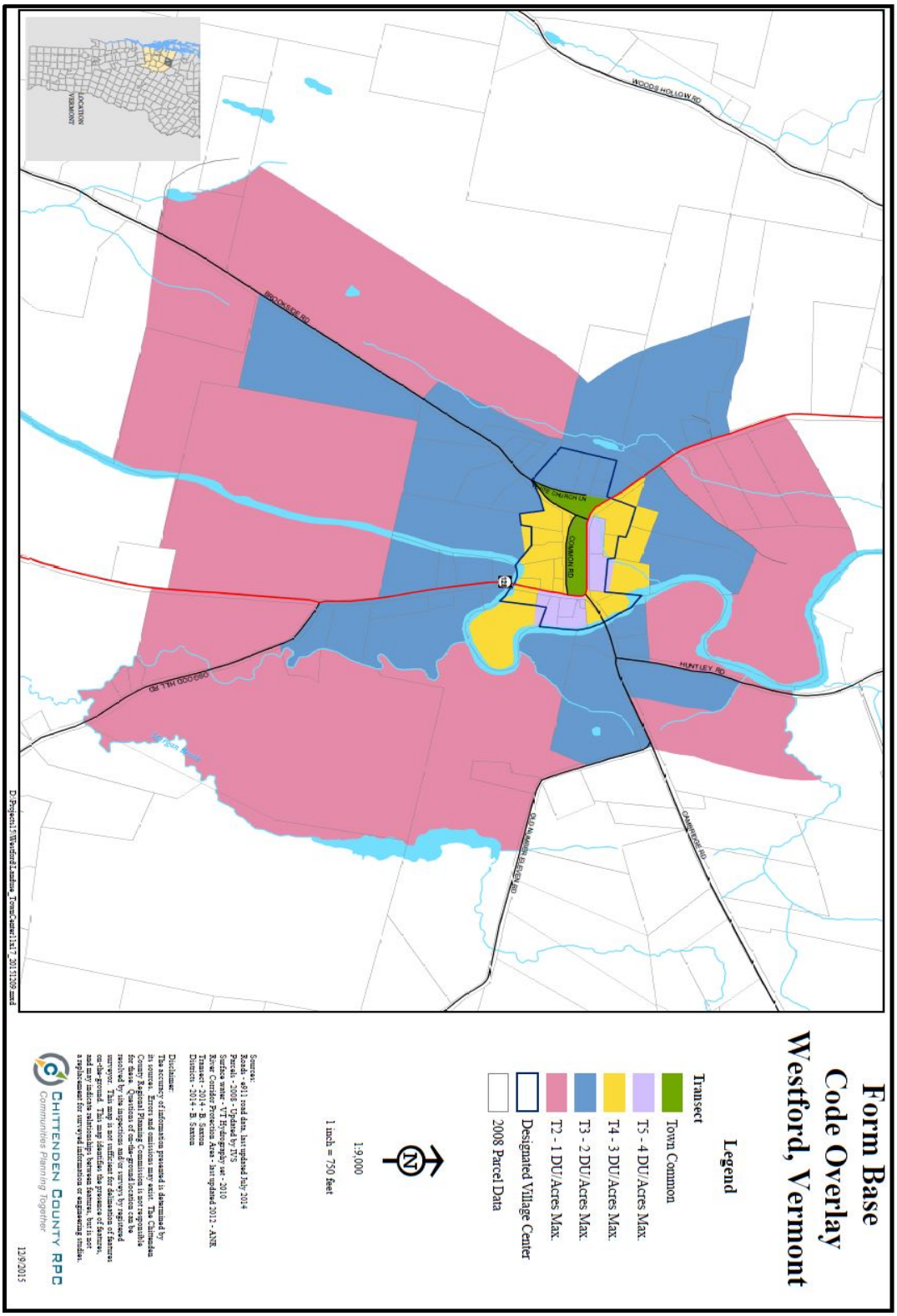
## Section 262. Applicability

262.A Within this Form-Based Code Overlay District, land is assigned to a transect zone as shown in Figure 2-4 and described in Figure 2-5.

262.B Applicants must provide building and site plans to demonstrate compliance with the following planning and design standards described in this chapter: building location (Paragraph 263.A), building form (Paragraph 263.B), building use and density (Paragraph 263.C), and parking (Paragraph 263.D).

262.C Applicants for nonresidential, mixed-use, two-family residential or multi-family residential development must also demonstrate compliance with the following planning and design standards described in this chapter: design (Paragraph 263.E), signage (Paragraph 263.F), lighting (Paragraph 263.G), landscape (Paragraph 263.H), and drainage (Paragraph 263.I).

Figure 2-4. Transect Zone Map



## **Section 263.** Planning and Design Standards

### 263.A Building Location

(1) Buildings must be placed in relation to property boundaries as specified in Figure 2-7.

(2) The percentage of the lot covered by buildings and other impervious surfaces (roads, drives, walkways, parking areas) must not exceed that specified in Figure 2-7.

(3) The facades of principal buildings must be built parallel to the road (or tangent to a curved road) along a minimum percentage of the lot width at the setback as specified in in Figure 2-7.

### 263.B Building Form

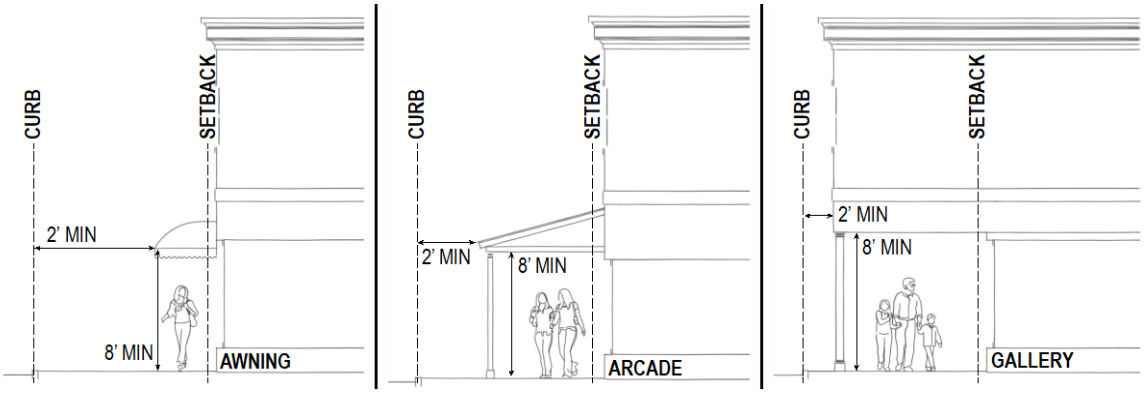
(1) The private frontage or first lot layer (area between the edge of the road and the front of a principal building as shown in Figures 2-8 through 2-11) must meet the requirements specified in Figure 2-6.

(2) Corner lots will have two private frontages or first lot layers (one along each road). The second and third lot layers for corner lots will be measured from the primary road. See Figures 2-8 through 2-11.

(3) Building heights must meet the requirements specified in Figure 2-7.

(4) For residential buildings, a story must be at least 8 feet and no more than 16 feet in height from finished floor to finished ceiling. For non-residential or mixed use buildings, the first story must be at least 12 feet and no more than 24 feet in height from finished floor to finished ceiling. Upper stories must be at least 8 feet and no more than 16 feet in height from finished floor to finished ceiling. Mezzanines extending beyond 33% of the floor area will be counted as an additional story. Basements and attics will not be counted as stories. Open porches, bay windows, balconies, patios and terraces may encroach into the first lot layer as specified in this section.

(5) Within the T5 zone, awnings, arcades and galleries may encroach the sidewalk to within 2 feet of the curb but must clear the sidewalk vertically by at least 8 feet as shown below:




(6) Loading docks, service areas and non-residential garage doors must not be located on frontages.

263.C Building Use and Density. The Administrative Officer may issue a zoning permit for development that meets the standards of this chapter and the application may be exempt from site plan or conditional use review as specified below:

(1) Within the T4 or T5 zone, the proposed use must be residential, retail, office or civic and meet all of the criteria below. If the proposed use does not meet all of the criteria below, the Development Review Board may approve it as a conditional use if it is allowed in the applicable zoning district.

(a) The proposed use does not involve vehicle sales or service.

(b) The proposed use does not include drive-through or drive-up service.

(c) The proposed use is not a retail use conducted primarily outside an enclosed building.

(d) The proposed use will not operate between the hours of 9 p.m. and 6 a.m.

(e) The proposed use will require less than 12 parking spaces (including both on- and off-site) as specified in Section 322.

(2) Within the T2 or T3 zones, building use will be as specified in the applicable underlying district. Uses listed as permitted may be approved by the Administrative Officer without site plan review, provided that the standards of this chapter are met. Uses listed as conditional will require approval from the Development Review Board before the Administrative Officer may issue a zoning permit.

(3) Density must meet the requirements specified in Figure 2-7 except:

(a) An accessory dwelling unit that meets the standards of Section 302 will not be included in the density calculation.

(b) There will be no maximum density for senior housing, as defined in these regulations.

(c) Within the T3, T4 and T5 zones, there will be no maximum density for multi-family and congregate housing as defined in these regulations.

263.D Parking

(1) Open parking areas (except for parking within residential driveways) must not be located within the first lot layer.

(2) Open parking areas must be separated from the road by a building or landscaped area not less than 4 feet wide.

(3) Open parking areas must be screened in accordance with Section 323 to provide privacy for adjoining properties.

(4) Within the T5, T4 and T3 zones, front-entry garages (with garage doors facing the frontage) may be located in the third lot layer. Side- or rear-entry garages (with doors facing away from the frontage) may be located in the second or third lot layer. Dwellings in existence prior to the adoption of these regulations (Dated May 10, 2018) which do not have direct frontage on a public road shall be exempt from the requirements of Section 263.D (4).

(5) Within the T4 and T5 zones, an applicant may meet some or all of the minimum parking requirements with off-site public parking. The on-site parking requirements specified in Figure 3-7 for each lot within the T4 and T5 zones will be reduced by 4 spaces based on the existing availability of public parking. An applicant may propose to meet more of the parking requirement with off-site public parking through an agreement with the Selectboard and an in-lieu payment to offset the cost of creating and maintaining additional public parking in the Common and/or Village zoning districts.

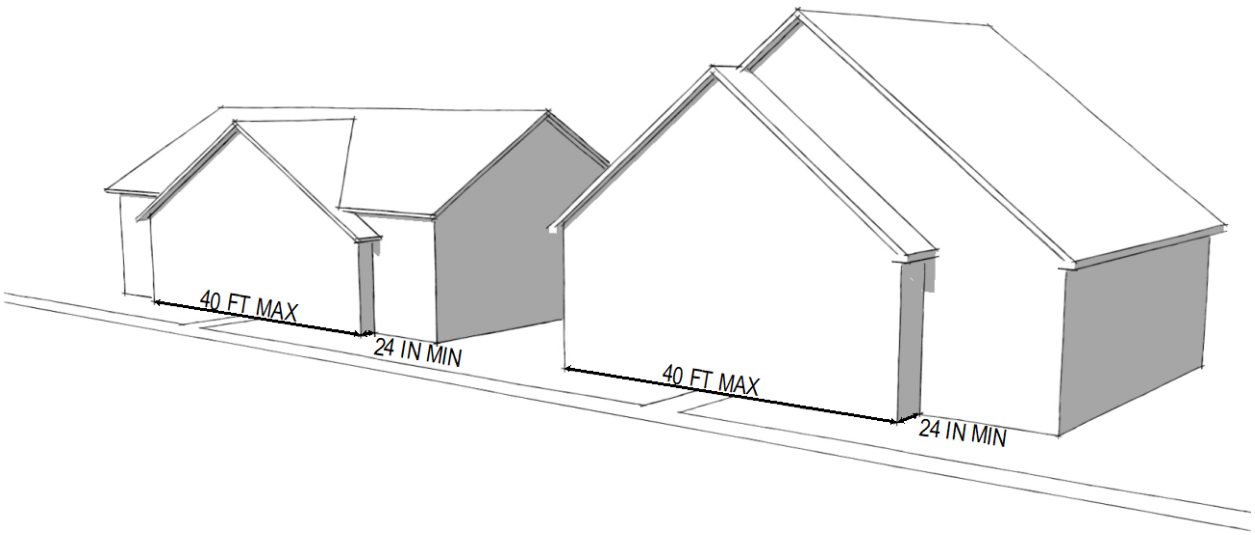
(6) Non-residential and multi-family residential development must provide at least 1 bicycle parking place within the first lot layer for every 10 vehicle spaces (both on- and off-site).

263.E Design

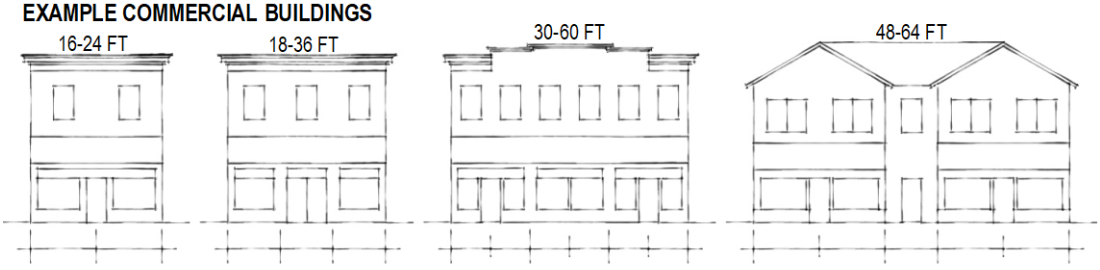
(1) A principal building must have a useable entrance facing the road.

(2) Any principal building facade that will be visible from the frontage must be designed as follows:

(a) Principal building facades wider than 40 feet must be divided into multiple bays. Bays must be defined by a change in the building's wall plane of at least 24 inches and a change in the roofline as shown below:



**EXAMPLE COMMERCIAL BUILDINGS**




**EXAMPLE MULTI-FAMILY RESIDENTIAL BUILDINGS**

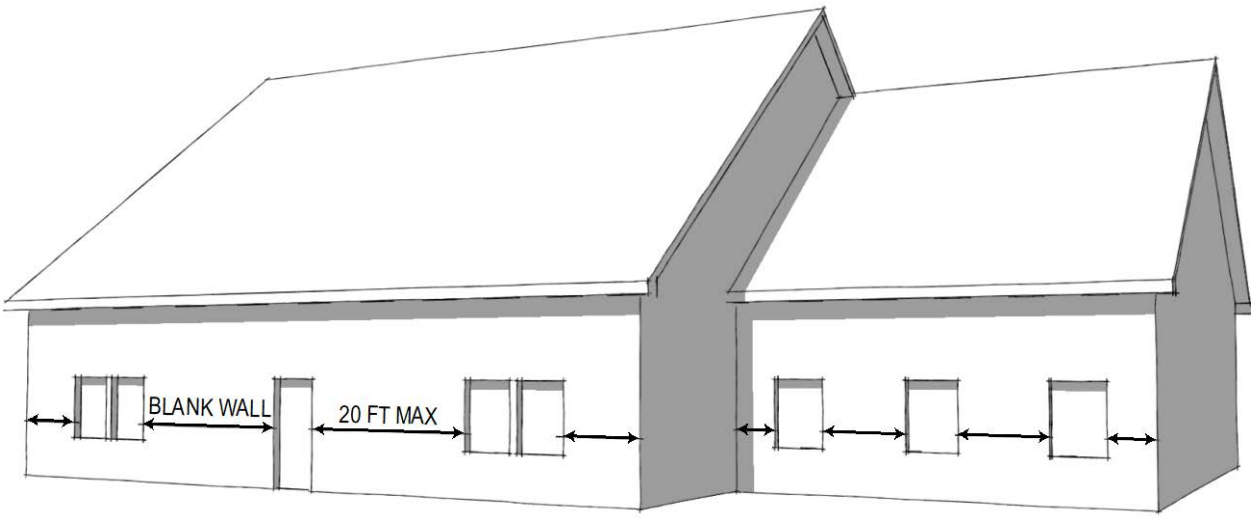
(b) The composition of a principal building facade must follow a regular, proportional pattern of bays, windows and doors. Recommended patterns for buildings of various types and widths are shown above:

(c) Blank lengths of wall on a principal building facade must not exceed 20 feet.

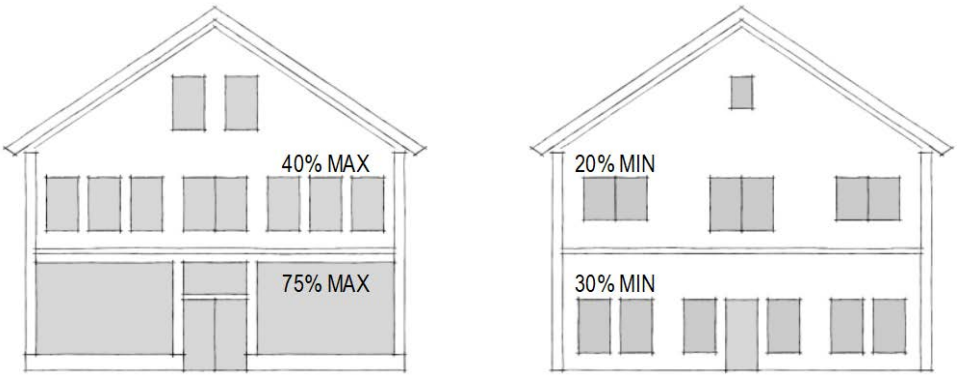
(d) Except for storefronts, windows must have vertical proportions (taller than they are wide). Multiple windows may be grouped to fill a horizontal opening.

(e) Except for storefronts, windows must have a depth of at least 1 inch from the wall plane to the glass.

(f) Shutters must be proportional to the window.



(3) Within the T4 and T5 zones, between 30% and 75% of the ground floor wall area of a principal building facade must be glazed with clear glass. Between 20% and 40% of the upper floor wall areas of a principal building facade must be glazed with clear glass. The percentage of glass on the upper floors must not be greater than on the ground floor.

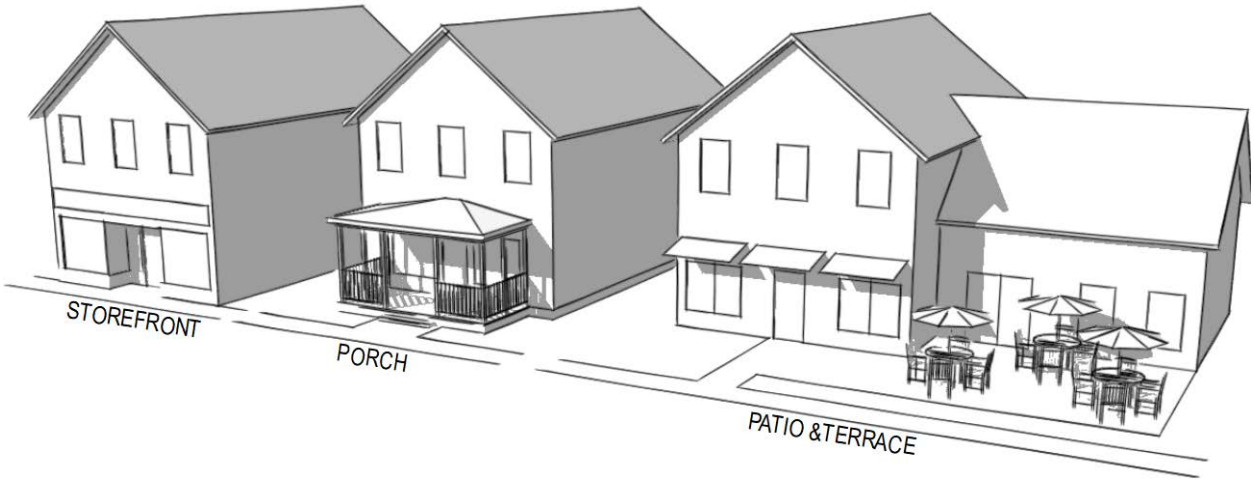



(4) Within the T4 and T5 zones, the façade of a principal building must incorporate at least one of the following:

(a) Storefront.

(b) Open porch, gallery, or arcade at least 8 feet deep. A gallery or arcade must be the full width of the facade. An open porch must be not less than 50% of the façade width.

(c) Patio or terrace at least 12 feet deep designed to accommodate outdoor seating or dining. The patio or terrace must be not less than 30% of the façade width.




(5) For sloped roofs, roof pitch must not be less than 6:12, except that:

(a) The pitch of secondary roofs (over porches or similar small building extensions) must not be less than 2:12.

(b) For compound roof types (ex: gambrel, mansard, etc.), only one pitch must be 6:12 or greater.

(6) Flat roofs are permitted in the T5 zone only. A flat roof must be enclosed by a parapet of at least 42 inches or higher as necessary to screen any roof-mounted equipment.

(7) All sides of a principal building must use wall materials that are the same as or of similar quality to the street-facing façade. If uncertainty exists as to whether this requirement has been met, the application will require site plan approval from the Development Review Board before being permitted by the Administrative Officer.

(8) Outbuildings and accessory structures visible from the frontage must be compatible in design and materials with the principal building. If uncertainty exists as to whether this requirement has been met, the application will require site plan approval from the Development Review Board before being permitted by the Administrative Officer.

263.F Signage. Signage must meet the requirements of Section 326.

263.G Lighting. Outdoor lighting must meet the requirements of Section 324.

263.H Landscape

(1) The percentage of the lot occupied by greenspace must be at least that specified in Figure 2-7.

(2) The first lot layer must be greenspace with the exception of driveways, walkways, and approved encroachments (see Paragraph 263.B(4)).

(3) Within the T3, T4 and T5 zones, at least one tree must be planted within the first lot layer for each 30 feet of frontage.

(4) Within the T4 and T5 zones, site plans must be designed to accommodate future sidewalks and paths as shown on the *Town Common Conceptual Master Plan*. Applicants proposing to construct a new principal building or substantially improve a principal building other than a single-family home in the T4 or T5 zone will be required to make an in-lieu payment as established by the Selectboard to offset the cost of constructing sidewalks in the Common and Village zoning districts.

263.I Drainage. Stormwater must be managed in accordance with the requirements of Section 327. Additionally:

(1) If a new principal building is being constructed on a lot or more than 4 additional on-site parking spaces are being created, a rain garden or other low-impact development feature must be provided to collect, filter, and infiltrate stormwater.

(2) Low-impact development stormwater systems will be considered part of the lot's greenspace. Plantings within these systems may be counted towards applicable landscaping requirements.

263.J Pre-existing Conditions. To facilitate the preservation and use of existing buildings and compatible infill development:

(1) The restoration, rehabilitation, or reuse of an existing principal building that does not result in a substantial modification to the structure will not require the provision of additional parking or on-site stormwater management.

(2) Nonconforming open parking areas may continue to be used in their pre-existing configuration, provided that the proposed development does not involve substantial modification to the principal building on the property or does not require construction of additional on-site parking. Otherwise, nonconforming open parking areas must be brought into full conformance with the requirements of this section.

(3) Developed properties that do not meet the landscaping requirements of this section may continue to be used in their pre-existing configuration provided that the proposed development does not involve substantial modification to the principal building on the property or does not require construction of additional on-site parking. Otherwise, landscaping must be brought into full conformance with the requirements of this section.

(4) The Administrative Officer may approve modification of an existing non-conforming structure if the proposed changes are in conformance with or will result in greater conformance with the standards of this chapter (see Section 125).

(5) The Development Review Board may grant a waiver or variance to the dimensional standards of this chapter in accordance with Section 224 to accommodate pre-existing site conditions and facilitate the continued use of existing buildings.

(6) If adjoining lots are already developed, the Development Review Board may grant a waiver to the dimensional standards of this chapter to match the pre-existing conditions on the adjacent lots in accordance with Section 224.

FBC

Figure 2-5. Transect Zone Descriptions

| | T1-NATURAL | T2-RURAL | T3-NEIGHBORHOOD | T4-VILLAGE | T5-CENTER |
|---|---|---|---|---|---|
| |  |  |  |  |  |
| Description | The T1 transect zone consists primarily of land that is undeveloped and naturally vegetated. It includes land unsuitable for development due to physical or environmental constraints such as topography and hydrology. | The T2 transect zone consists of sparsely settled lands managed for productive rural uses such as agriculture, silviculture, resource extraction, and renewable energy generation. | The T3 transect zone consists of low-density areas where most land is not being managed for productive rural uses. There may be residences and low-impact businesses. Planting is naturalistic and setbacks are relatively deep. Roads are irregular, following natural features and accommodating natural conditions. | The T4 transect zone consists of mixed-use, but primarily residential, moderate-density areas with the characteristics of traditional New England village centers. There may be a range of building types, but there should be consistency in setbacks and landscaping. Interconnected streets, often with sidewalks, define blocks. | The T5 zone consists of high-density, mixed-use buildings that house stores, restaurants, offices and apartments, and civic buildings. Multi-story buildings are set close to sidewalks as is characteristic of traditional New England town centers. Streets are tree-lined with narrow travel lanes and on-street parking. |
| General Character | Natural landscape with some land more intensively managed for silviculture, agriculture, or recreation. | Primarily agricultural or wooded land with scattered clusters of buildings. Traditionally, most buildings were associated with a farm. | Landscaped yards surrounding detached houses, outbuildings and small businesses. | Mix of houses, single-, two-, and multi-family, with scattered commercial activity. A balance between landscape and buildings. People regularly walk or bike between destinations. | Multi-story buildings with customer-oriented businesses on the ground floor and housing or offices above, as well as civic buildings. The landscape is subordinate to the built environment. There is substantial pedestrian activity. |
| Building Location | n/a | Variable setbacks. | Deep and variable front and side yard setbacks. | Shallow to medium front and side yard setbacks. | Shallow to no setbacks. Buildings oriented to the street defining a streetwall. |
| Building Type | n/a | Typical buildings are farmhouses, agricultural buildings and camps. Most buildings are 1- to 2-story. | Typical buildings are houses, garages, and agricultural buildings. Most buildings are 1- to 2-story, with some 3-story. | Most principal buildings are 2- to 3-story. | Most principal buildings are 2- to 3-story. |
| Frontage Type | Natural land. | Agricultural land, natural land, naturalistic tree planting. | Porches, fences, naturalistic tree planting, agricultural land. | Porches, fences, dooryards. | Shopfronts, galleries, porches, stoops. |
| Open Space Type | Natural areas. | Natural areas, parks, and recreation areas. | Natural areas, parks, and recreation areas. | Pocket parks, greens, playgrounds. | Pocket parks, plazas, squares. |
| Road Type | Rural roads and highways, multi-use paths and trails. | Rural roads and highways, multi-use paths and trails. | Rural roads and highways, multi-use paths and trails. | Village streets, sidewalks and multi-use paths. | Commercial streets with sidewalks and frequent pedestrian crossings and on-street parking. |

Figure 2-6. Frontage Type Descriptions

| | OPEN SPACE | YARD | PORCH | FENCE | STOOP | FORECOURT | STOREFRONT | GALLERY | ARCADE |
|---|---|---|---|---|---|---|---|---|---|
| General Character | A natural or agricultural frontage with the building façade set back very substantially from the road. The open space is visually continuous with adjacent buffers and remains naturally vegetated or in agricultural use, maintaining rural character. A deeper setback creates a buffer from higher speed roads. | A planted frontage with the building façade set back substantially from the road. The front yard remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. A deeper setback creates a buffer from higher speed roads. | A planted frontage with the building façade set back somewhat from the road. An attached porch is permitted to encroach into the setback. Porches should be no less than 8 feet deep and should not be enclosed. Often combined with a fence. | A planted frontage with the building façade set back somewhat from the road. A low fence at the frontage line separates private and public space. Fences should be no more than 4½ feet tall. Often combined with a porch. | A frontage with the building façade close to the frontage line and the first story elevated from the ground sufficiently to create privacy for the windows. The entrance is usually an exterior stair and landing, often covered by a small roof. | A frontage with a minor portion of the building façade close to the frontage line and the major portion set further back. The forecourt may be used for vehicular drop-offs, parking, outdoor dining area, outdoor retail space, pocket park, etc. | A frontage with the building façade at or close to the frontage line with the building entrance at sidewalk grade. This frontage is conventional for retail use. It has large display windows on the ground floor and may have an awning that overlaps the sidewalk to within 2 feet of the curb. Awnings should be no less than 3 feet deep. | A frontage with the building façade close to or at the edge of the sidewalk and an attached, cantilevered shed or lightweight colonnade extending over the sidewalk. The gallery should be no less than 10 feet wide with a vertical clearance of at least 8 feet, and should not be closer than 2 feet to the curb. | A frontage with the building façade close to or at the edge of the sidewalk and the upper floors extending over the sidewalk, supported by a colonnade. This frontage is conventional for retail use. The arcade should be no less than 12 feet wide with a vertical clearance of at least 8 feet, and should not be closer than 2 feet to the curb. |
| Transect Zone | T1, T2, T3 | T2, T3 | T2, T3, T4, T5 | T2, T3, T4 | T2, T3, T4, T5 | T4, T5 | T4, T5 | T5 | T5 |

Figure 2-7. Transect Zone Summary Table

| | **T5** (see Figure 2-8) | **T4** (see Figure 2-9) | **T3** (see Figure 2-10) | **T2** (see Figure 2-11) |
|---|---|---|---|---|
| LOTS AND DENSITY | | | | |
| a. Lot area | ¼ acre min | ⅓ acre min | ½ acre min | ½ acre min |
| b. Lot width | 50 ft min, 100 ft max | 60 ft min, 120 ft max | 75 ft min | 100 ft min |
| c. Lot coverage | 80% max | 70% max | 50% max | 40% max |
| d. Density | 4 principal residential structures/ac max | 3 principal residential structures/ac max | 2 principal residential structures /ac max | 1 principal residential structure/ac max |
| BUILDING SIZE AND MASSING | | | | |
| e. Height, principal | 2 stories min, 2½ max | 1½ stories min, 2 max | 2 stories max | 2 stories max |
| f. Height, accessory | 2 stories max | 2 stories max | 2 stories max | 2 stories max |
| g. Footprint, principal | 4,500 sf max | 3,000 sf max | 4,500 sf max | 4,500 sf max |
| h. Footprint, accessory | 80% of principal max | 60% of principal max | n/a | n/a |
| BUILDING LOCATION | | | | |
| i. Front setback, principal | 5 ft min, 10 ft max | 10 ft min, 20 ft max | 25 ft min, 50 ft max | 25 ft min, 50 ft max |
| j. Front setback, accessory | 5 ft min behind principal façade | 5 ft min behind principal façade | 5 ft min behind principal façade | 5 ft min behind principal façade |
| k. Side setback, principal | 5 ft min or attached | 10 ft min | 15 ft min | 20 ft min |
| l. Side setback, accessory | 5 ft min | 5 ft min | 10 ft min | 10 ft min |
| m. Rear setback, principal | 10 ft min | 10 ft min | 20 ft min | 30 ft min |
| n. Rear setback, accessory | 5 ft min | 5 ft min | 10 ft min | 10 ft min |
| o. Frontage buildout | 60% min | 40% min | n/a | n/a |
| FRONTAGE TYPE (see Figure 2-6) | | | | |
| Open space | not permitted | not permitted | permitted | permitted |
| Yard | not permitted | not permitted | permitted | permitted |
| Porch | permitted | permitted | permitted | permitted |
| Fence | not permitted | permitted | permitted | permitted |
| Stoop | permitted | permitted | permitted | permitted |
| Forecourt | permitted | permitted | not permitted | not permitted |
| Storefront | permitted | permitted | not permitted | not permitted |
| Gallery | permitted | not permitted | not permitted | not permitted |
| Arcade | permitted | not permitted | not permitted | not permitted |

Figure 2-8. T5 Standards

| | |
|---|---|
| LOTS AND DENSITY | |
| a. Lot area | ¼ acre min |
| b. Lot width | 50 ft min, 100 ft max |
| c. Lot coverage | 80% max |
| d. Density | 4 principal residential structures/ac max |
| BUILDING SIZE AND MASSING | |
| e. Height, principal | 2 stories min, 2½ max |
| f. Height, accessory | 2 stories max |
| g. Footprint, principal | 4,500 sf max |
| h. Footprint, accessory | 80% of principal max |
| BUILDING LOCATION | |
| i. Front setback, principal | 5 ft min, 10 ft max |
| j. Front setback, accessory | 5 ft min behind principal façade |
| k. Side setback, principal | 5 ft min or attached |
| l. Side setback, accessory | 5 ft min |
| m. Rear setback, principal | 10 ft min |
| n. Rear setback, accessory | 5 ft min |
| o. Frontage buildout | 60% min |
| FRONTAGE TYPE | |
| Open space | not permitted |
| Yard | not permitted |
| Porch | permitted |
| Fence | not permitted |
| Stoop | permitted |
| Forecourt | permitted |
| Storefront | permitted |
| Gallery | permitted |
| Arcade | permitted |

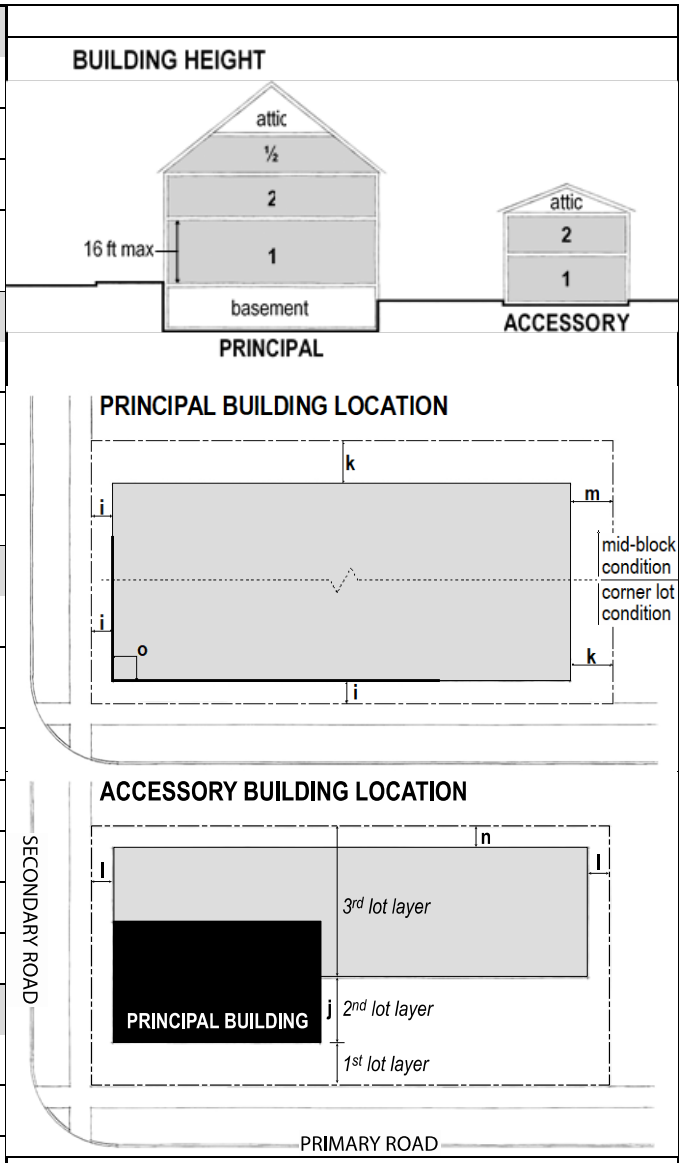


Figure 2-9. T4 Standards

| | |
|---|---|
| LOTS AND DENSITY | |
| a. Lot area | ⅓ acre min |
| b. Lot width | 60 ft min, 120 ft max |
| c. Lot coverage | 70% max |
| d. Density | 3 principal residential structures/ac max |
| BUILDING SIZE AND MASSING | |
| e. Height, principal | 1½ stories min, 2 max |
| f. Height, accessory | 2 stories max |
| g. Footprint, principal | 3,000 sf max |
| h. Footprint, accessory | 60% of principal max |
| BUILDING LOCATION | |
| i. Front setback, principal | 10 ft min, 20 ft max |
| j. Front setback, accessory | 5 ft min behind principal façade |
| k. Side setback, principal | 10 ft min |
| l. Side setback, accessory | 5 ft min |
| m. Rear setback, principal | 10 ft min |
| n. Rear setback, accessory | 5 ft min |
| o. Frontage buildout | 40% min |
| FRONTAGE TYPE | |
| Open space | not permitted |
| Yard | not permitted |
| Porch | permitted |
| Fence | permitted |
| Stoop | permitted |
| Forecourt | permitted |
| Storefront | permitted |
| Gallery | not permitted |
| Arcade | not permitted |

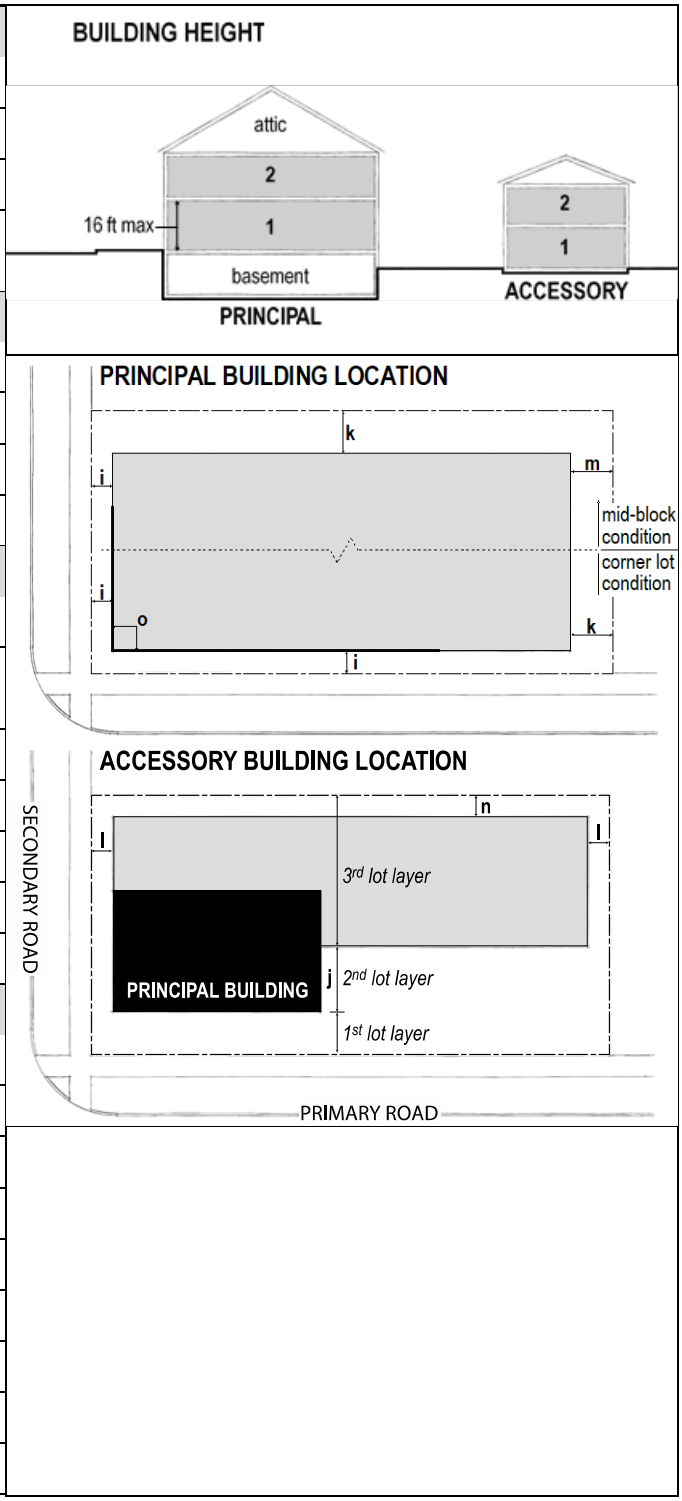
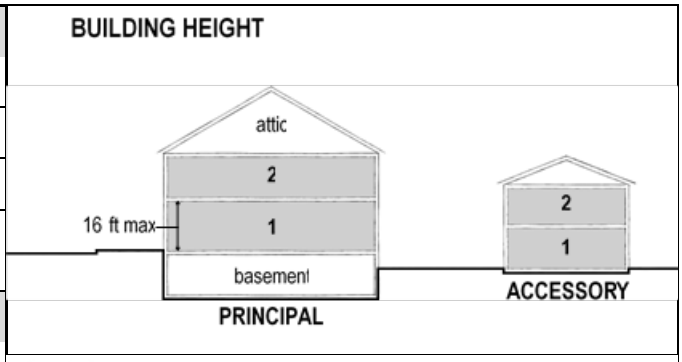
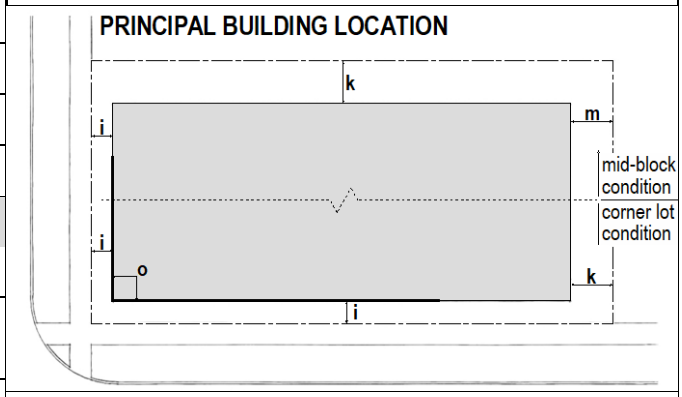


Figure 2-10.T3 Standards

| | |
|---|---|
| LOTS AND DENSITY | |
| a. Lot area | ½ acre min |
| b. Lot width | 75 ft min |
| c. Lot coverage | 50% max |
| d. Density | 2 principal residential structures/ac max |
| BUILDING SIZE AND MASSING | |
| e. Height, principal | 2 stories max |
| f. Height, accessory | 2 stories max |
| g. Footprint, principal | 4,500 sf max |
| h. Footprint, accessory | n/a |
| BUILDING LOCATION | |
| i. Front setback, principal | 25 ft min, 50 ft max |
| j. Front setback, accessory | 5 ft min behind principal façade |
| k. Side setback, principal | 15 ft min |
| l. Side setback, accessory | 10 ft min |
| m. Rear setback, principal | 20 ft min |
| n. Rear setback, accessory | 10 ft min |
| o. Frontage buildout | n/a |
| FRONTAGE TYPE | |
| Open space | permitted |
| Yard | permitted |
| Porch | permitted |
| Fence | permitted |
| Stoop | permitted |
| Forecourt | not permitted |
| Storefront | not permitted |
| Gallery | not permitted |
| Arcade | not permitted |



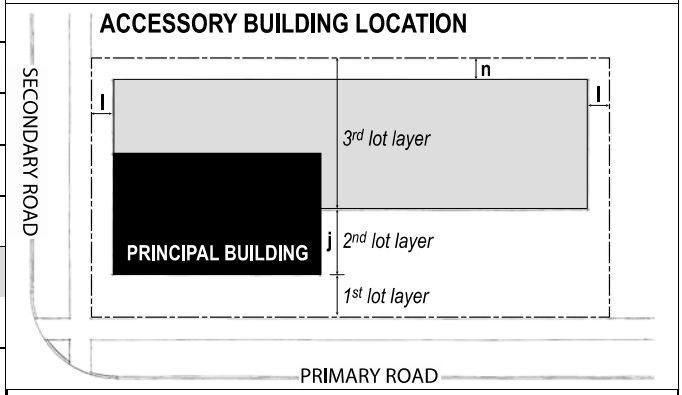
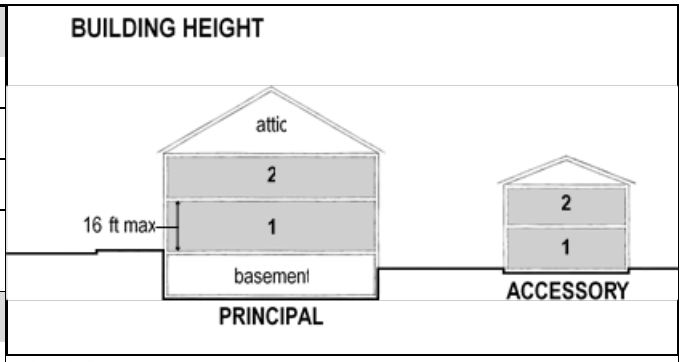
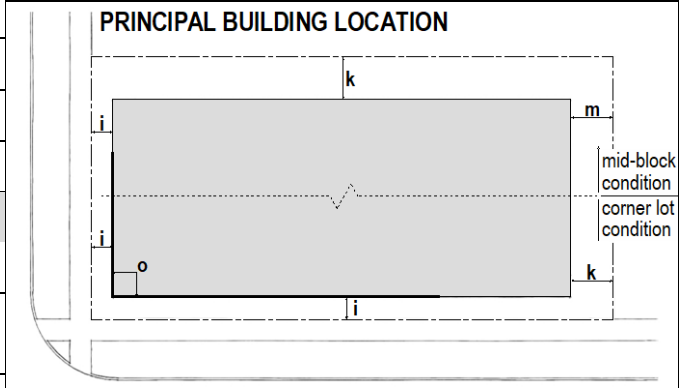
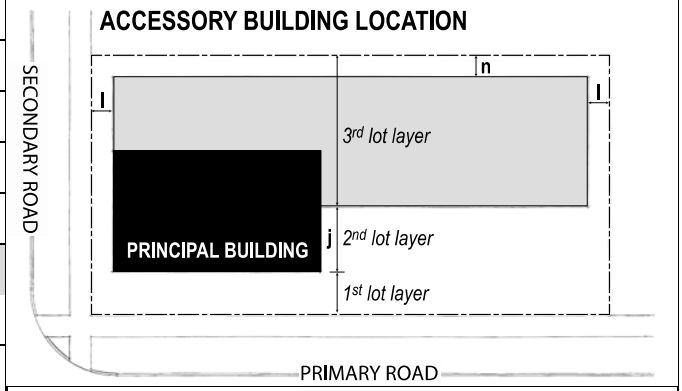



Figure 2-11. T2 Standards

| | |
|---|---|
| **LOTS AND DENSITY** | |
| a. Lot area | ½ acre min |
| b. Lot width | 100 ft min |
| c. Lot coverage | 40% max |
| d. Density | 1 principal residential structure/ac max |
| **BUILDING SIZE AND MASSING** | |
| e. Height, principal | 2 stories max |
| f. Height, accessory | 2 stories max |
| g. Footprint, principal | 4,500 sf max |
| h. Footprint, accessory | n/a |
| **BUILDING LOCATION** | |
| i. Front setback, principal | 25 ft min, 50 ft max |
| j. Front setback, accessory | 5 ft min behind principal façade |
| k. Side setback, principal | 20 ft min |
| l. Side setback, accessory | 10 ft min |
| m. Rear setback, principal | 30 ft min |
| n. Rear setback, accessory | 10 ft min |
| o. Frontage buildout | n/a |
| **FRONTAGE TYPE** | |
| Open space | permitted |
| Yard | permitted |
| Porch | permitted |
| Fence | permitted |
| Stoop | permitted |
| Forecourt | not permitted |
| Storefront | not permitted |
| Gallery | not permitted |
| Arcade | not permitted |



# Chapter 270. Water Resources (WRO) Overlay District

## Section 271. Purpose

271.A The purpose of the Water Resources Overlay District is to:

(1) Ensure the natural processes (geomorphology) of Westford's water-related resources, including wetlands, rivers, permanent and intermittent streams and ponds, are protected;

(2) Preserve and conserve waterways, water bodies and adjacent areas to protect riparian ecosystems and biological diversity;

(3) Maintain Westford's rural character through the conservation of natural resources and to utilize those resources for preservation, recreation, education, and human consumption, as appropriate; and

(4) Protect public health, safety, and welfare by ensuring the following protections are established concerning: water quality, erosion control, stormwater control, and minimizing flood losses and damage. The subject parcel, adjacent parcels, and downstream parcels must be taken into consideration when implementing these regulations.

## Section 272. Application

272.A The Water Resources Overlay District is superimposed over all underlying zoning districts. All land within the overlay district must meet the requirements of the underlying zoning district(s) and the Water Resources Overlay District. Where there is a conflict between a provision of the underlying zoning district and the overlay district, the more restrictive provision will apply.

272.B See Section 202 for further guidance on how this overlay district applies to the land around manmade ponds.

## Section 273. Permitted Uses

273.A The following uses are permitted within the Water Resources Overlay District to the extent that they are allowed in the underlying zoning district:

(1) Low impact forms of outdoor recreation, such as picnicking, hiking, boating, nature study, hunting, fishing, snowmobiling, horse riding, and swimming, which do not create a disruption to groundcover or shoreline or directly impact water quality.

(2) Agriculture carried out in accordance with *Required Agricultural Practices* as defined by the State of Vermont.

(3) Silviculture carried out in accordance with *Required Management Practices for Maintaining Water Quality* as defined by the State of Vermont.

(4) Open land maintenance performed by landowners for the purpose of maintaining existing grassland or lawn, provided this activity does not destroy shrubs or trees 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 must be identified as open land for the purposes of these regulations.

(5) The use and maintenance of manmade ponds provided any maintenance is performed in such a way as to minimize impact to adjoining water resources.

(6) Emergency repairs (see Section 128). The repairs must be limited to the minimum necessary to prevent an imminent, unsafe condition or to protect a structure from the elements. Immediately following the emergency, the property owner must apply for a zoning permit. Property owners should be aware than any emergency repairs made to a substantially damaged structure might later have to be reversed to comply with the requirements of this chapter.

(7) The removal of a structure or part of a structure that does not raise existing grade.

(8) The use and maintenance of existing land development and/or infrastructure, which does not include new land development, upgrades or downgrades to infrastructure, and/or enlarging the area of disturbance.

(9) Reforestation, such as shrub and tree planting, provided this activity does not create a disruption to groundcover or shoreline that will impact water quality.

(10) 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.

(11) Wastewater systems and potable water sources permitted by the State of Vermont.

(12) Essential services conforming to the Municipal Road General Permit & the Vermont Agency of Natural Resources best management practices.

## Section 274. Conditional Uses

274.A Following conditional use approval by the Development Review Board, the Administrative Officer may issue a zoning permit for the following uses within the Water Resources Overlay District to the extent that they are allowed in the underlying zoning district:

(1) Manmade ponds.

(2) Private bridges with a width greater than 4 feet.

(3) Private culverts with a length greater than 4 feet.

(4) Private roads.

(5) Public and private trails greater than 4 feet in width and/or boardwalks.

(6) Shared and individual driveways.

(7) Stormwater and erosion control.

(8) Temporary structures with a footprint of less than 400 square feet.

## Section 275. Planning and Design Standards

275.A The following standards apply to development within the Water Resources Overlay District in additional to all other applicable provisions of these regulations:

(1) There is no reasonable alternative for bridges, culverts, driveways, roads, or manmade ponds outside of the Water Resource Overlay District.

(2) The area consumed by any trail, bridge, culvert, driveway, boardwalk, non-permanent seasonal use structures with a footprint of less than 400 square feet, or private road in the overlay district must 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.

(3) The cutting of vegetation, such as trees and shrubs, is prohibited, except for:

(a) Agricultural operations carried out in accordance with the *Required Agricultural Practices* as defined by the State of Vermont.

(b) Silviculture when carried out in accordance with the *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont* as defined by State of Vermont.

(c) The cutting of vegetation for a footpath no more than 4 feet in width provided it is constructed in a manner that does not create a disruption to groundcover or shoreline that will impact water quality.

(d) Where conditional use has been approved for private trails, bridges, culverts, boardwalks, driveways, private roads, manmade ponds, and non-permanent seasonal use structures with a footprint of less than 400 square feet.

(e) 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.

(4) 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.

(5) Underground power and communication lines are prohibited, unless buried within a driveway or private road as approved by the Development Review Board.

(6) The storage of hazardous materials is prohibited in the overlay district.

(7) Expansion and/or re-establishment of a nonconformity must meet the requirements of Section 125.

(8) All State and Federal permits, where applicable, are required.

# Chapter 280. Flood Hazard (FHO) Overlay District

## Section 281. Purpose

281.A This district is intended to avoid and minimize the loss of life and property, and the extraordinary demands on public services and spending that result from flooding. This district recognizes that the most cost-effective option to mitigate flood hazards is limiting further development in river corridors. It is the purpose of this chapter to regulate:

(1) Hazard areas to ensure that land and structures will be used and developed in a manner that protects public wellbeing and does not impair the natural functions and services of streams, floodplains and stream corridors.

(2) Hazard areas in compliance with state and federal law so that Westford and its property owners will be eligible for federal flood insurance, Federal disaster recovery funds and hazard mitigation funds as may be available.

## Section 282. Compliance with State and Federal Law

282.A State and Federal Law. The regulations within this overlay district must follow State and Federal requirements in order to maintain eligibility for the National Flood Insurance Program. Westford has limited discretion regarding regulation of development within this overlay district.

282.B Definitions. Some of the terms used in this chapter are defined somewhat differently than elsewhere in these regulations. Section 2810 includes definitions that are specific only to this chapter. Most importantly, development is defined differently within this overlay district. In this chapter, development encompasses any human-made change to land or structures including interior building modifications.

282.C Precedence. The provisions of this chapter will take precedence in the case of a conflict between the provisions of this chapter and any other provisions of these regulations. The provisions of this chapter shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations.

282.D Disclaimer of Liability. This regulation does not imply that land outside of the Flood Hazard Overlay will be free from flood damages. This regulation shall not create liability on the part of the Town of Westford, or any municipal official or employee thereof, for any flood damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

## Section 283. Exempt Uses

283.A Land and structures within this overlay district may be used for any of the following without a zoning permit from the Administrative Officer:

(1) Agriculture in accordance with the State's required practices (see Section 112).

(2) Silviculture in accordance with the State's required practices (see Section 112).

(3) Maintenance of existing Essential Services conforming to Westford Town Road & Bridge Standards, Vermont Clean Water Act (H.35/Act 64 ) and all local, state and federal regulations.

(4) Open space and recreation uses that do not raise the existing grade or require structures.

(5) Normal road, driveway, ditch, culvert, or yard maintenance that does not raise the existing grade.

(6) River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.

(7) Removal of a structure or part of a structure that does not raise the existing grade.

(8) Streambank armoring and stabilization, retaining walls, and abutment work that does not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and he rules adopted hereunder.

(9) Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A §4424 (c).

(10) Emergency repairs (see Section 128). The repairs must be limited to the minimum necessary to prevent an imminent, unsafe condition or to protect a structure from the elements. Immediately following the emergency, the property owner must apply for a zoning permit. Property owners should be aware that any emergency repairs made to a substantially damaged structure might later have to be reversed to comply with the requirements of this chapter.

283.B The exemptions and limitations listed in Section 111 do not apply within this overlay district. Only the uses specifically listed in this section are entirely or partially exempt from these regulations.

## Section 284. Prohibited Uses

284.A The following land uses and development are prohibited within this overlay district:

(1) New structures, including accessory structures;

(2) Outdoor storage, sales or display areas;

(3) Junkyards;

(4) Storage tanks;

(5) Fill for purposes other than to elevate existing structures;

(6) Grading, excavating or creating a pond;

(7) Critical facilities;

(8) A use that is not allowed within the underlying zoning district; and

(9) All uses not listed as exempt (Section 283), permitted (Section 286) or conditional Section 287)

## Section 285. General Permit

285.A The following uses are granted a general permit if constructed and completed in conformance with the general permit requirements listed below:

(1) Essential Services, as defined herein and which are not regulate maintenance, conforming to the Westford Land Use & Development Regulation Flood Hazard Overlay – Planning & Development Standards, Westford Town Road & Bridge Standards, Vermont Clean Water Act (H.35/Act 64) and all local, state and federal regulations. Activities covered by the General Permit shall retain documentation proving compliance with these standards. Compliance is required in order for these activities to occur in the Town of Westford.

## Section 286. Permitted Uses

286.A To the extent that they are allowed in the underlying zoning district, the Administrative Officer may issue a zoning permit for the following land uses and development within the special flood hazard area but not within the floodway:

(1) Non-substantial improvements to existing structures, including interior modifications.

(2) Development related to on-site septic or water supply system or other utilities for an existing building that is located within this overlay district.

(3) Use or storage of recreational vehicles.

## Section 287. Conditional Uses

287.A Following conditional use approval by the Development Review Board, the Administrative Officer may issue a zoning permit for following uses within this overlay district to the extent that they are allowed in the underlying zoning district:

(1) Non-substantial improvements to existing structures within the floodway, including interior modifications.

(2) Substantial improvement, elevation, relocation, or flood-proofing of existing structures.

(3) Use or storage of recreational vehicles within the floodway.

(4) Improvements to existing private roads and private driveways.

(5) New private roads or private driveways that cross through this overlay district to serve existing or planned development outside this overlay district.

(6) Private bridges, private ditches, private culverts, private channel management activities, or private projects that are functionally dependent on water access or crossing.

## Section 288. Planning and Development Standards

288.A General Standards for All Development.

All development in the floodway or special flood hazard area must be:

(1) Reasonably safe from flooding.

(2) Designed, operated, maintained, modified and anchored to prevent flotation, collapse, release or movement.

(3) Constructed with materials resistant to flood damage.

(4) Constructed by methods and practices that minimize flood damage.

(5) Constructed with electrical, heating, ventilation, plumbing, air conditioning, and other service facilities or equipment that are designed and located to prevent water from entering or accumulating within the components during a flood.

(6) Adequately drained to reduce exposure to flood hazards.

(7) Located to minimize conflict with changes in river or stream channel location over time.

(8) Required to locate and securely anchor any above ground fuel storage tanks needed to serve an existing building located within this overlay district 1 foot or more above the base flood elevation.

(9) Required to securely anchor any below ground fuel storage tanks needed to serve an existing building located within this overlay district.

(10) Furthermore, proven through analysis in accordance with standard engineering practice and certified by a registered professional engineer, all development in the floodway or special flood hazard are must not:

(a) Result in any increase in flood levels during the occurrence of the base flood;

(b) Increase base flood velocities; and

(c) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

288.B Standards for Development in Zones AE or A1-A30. An applicant for any development within Zones AE or A1-A30 of the special flood hazard area where FEMA has not determined base flood elevation or floodway limits must:

(1) Demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation by more than 1 foot at any point within Westford; and

(2) Provide supporting technical data certified by a registered professional engineer that conforms to standard hydraulic engineering principles.

(3) Where available, the applicant shall use data provide by FEMA, or State, or Federal agencies.

288.C Recreational Vehicles. Recreational vehicles used or stored within this overlay district must be capable of being moved, fully licensed and ready for highway use.

288.D Small Accessory Structures. Small accessory structures, as defined in this chapter, do not have to be elevated to the base flood elevation. The structure must be placed in a location that will offer the minimum resistance to the flow of floodwaters and must meet the requirements of Paragraph 288.G for fully enclosed areas above ground.

288.E Substantial Improvements to Residential Structures. Residential structures may only be substantially improved if the lowest floor will be at least 1 foot or more above the base flood elevation. This must be documented after construction with a FEMA Elevation Certificate.

288.F Substantial Improvements to Nonresidential Structures. Nonresidential structures may only be substantially improved if:

(1) The lowest floor will be at least 1 foot or more above the base flood elevation. This must be documented after construction with a FEMA Elevation Certificate; or

(2) The lowest floor, including the basement and attendant utility and sanitary facilities, will be designed so that 2 feet 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. A registered professional engineer or architect must review the plans and certify that the design and construction methods are in accordance with accepted standards of practice for meeting those requirements.

288.G Fully Enclosed Areas Above Ground. Fully enclosed areas that are above ground but below the base flood elevation must:

(1) Be used solely for parking, storage, or building access; and

(2) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters as certified by a registered professional engineer or architect.

288.H Fully Enclosed Areas Below Ground. Fully enclosed areas below ground on all sides, such as basements or crawlspaces, are prohibited.

288.I Above Ground Development in the Floodway. Within the floodway, above-grade development is prohibited unless a registered professional engineer performs hydrologic and hydraulic analyses in accordance with standard engineering practices and certifies that the proposed development will not:

(1) Result in any increase in flood level during the base flood; and

(2) Increase any risk to surrounding properties, development, or infrastructure from erosion or flooding.

288.J Below Ground Development in the Floodway. Below ground development within the floodway is prohibited (including crawlspaces and basements) except that:

(1) Below ground utilities may be allowed if a registered professional engineer certifies that there will be no change in grade and the underground utilities will be adequately protected from scour.

288.K Subdivisions and Planned Unit Developments (PUDs). Subdivisions and planned unit developments that include land within this overlay district must be accessible by dry land access outside this overlay district. No new lot may be created that is located entirely within this overlay district except for the purposes of transferring land that has had its development rights permanently removed.

288.L Nonconformities. Lawfully existing structures and uses that do not meet the requirements of this chapter must comply with the provisions below in addition to the requirements of Section 125:

(1) Any repair, relocation, replacement, or enlargement of a nonconformity within this overlay district must comply with all the provisions of this chapter.

(2) When a nonconforming structure within this overlay district has been substantially damaged or destroyed, the owner may only repair or rebuild it within this overlay district if the structure cannot be relocated first to a location on the parcel that is outside this overlay district or second to a less hazardous location within this overlay district.

(3) If an owner abandons or discontinues a nonconforming structure or use located within this overlay district for more than 12 months, the owner must obtain a zoning permit to reoccupy the structure or resume the use and must comply with all the provisions of this chapter.

288.M Water Supply Systems. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

288.N Wastewater Disposal Systems. Onsite wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

288.O Carrying Capacity. The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.

## Section 289. Administrative Procedures

289.A Application Requirements. In addition to all other applicable requirements of these regulations, applicants for development within this overlay district must include a completed Vermont Agency of Natural Resources Project Review Sheet, which must identify all State and Federal agencies that will need to approve the project, and a site plan that accurately shows all of the following:

(1) The location of all water bodies, wetlands, floodways or special flood hazard areas on the subject property.

(2) The shortest horizontal distance from the proposed development to the top of the bank of any stream whether on or outside the subject property.

(3) Any proposed fill, and pre- and post-development grades.

(4) The elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the Flood Insurance Rate Maps.

289.B Referrals. Upon receipt of a complete application for a substantial improvement or new construction within this overlay district, the Administrative Officer must submit a copy of the application to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources. If the application involves the alteration or relocation of a watercourse, the Administrative Officer must also submit a copy of the application to adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources and the Army Corps of Engineers. The referral will be considered acting on the complete application as required by Section 411. The Administrative Officer may issue a zoning permit after receiving comment from the NFIP Coordinator or 30 days after referring the application if the NFIP Coordinator does not comment on the application.

289.C Zoning Permit. The Administrative Officer may issue a zoning permit with the condition that the approved work will not commence until the applicant has received all necessary State and Federal permits. The applicant must provide the Administrative Officer with copies of those permits, which must be attached to the zoning permit.

289.D Records. The Administrative Officer must properly file and maintain a record of:

(1) An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the Flood Insurance Rate Map) of the lowest floor, including the basement, of all new, substantially improved, or flood-proofed principal buildings.

(2) All flood-proofing and other certifications required by this chapter.

(3) All zoning permits issued, all DRB decisions (including variances and violation), and all supporting findings of fact, conclusions of law, and conditions of approval.

289.E Certificate of Occupancy. The Administrative Officer must issue a certificate of occupancy in accordance with the provisions of Section 418 before a structure or use permitted under the provisions of this chapter is occupied or commenced. The Administrative Officer must not issue a certificate of occupancy until the applicant has provided copies of all necessary State and Federal permits.

289.F Violations. The Administrative Officer will enforce the provisions of this chapter in accordance with Chapter 450. In addition:

(1) If the Administrative Officer issues a notice of violation for development within this overlay district, he/she must send a copy to the State NFIP Coordinator.

(2) If the violation is not resolved as required in Chapter 450, the Administrative Officer must notify the Administrator of the National Flood Insurance Program and request a denial of the property's flood insurance pursuant to 1316 of the National Flood Insurance Act of 1968, as amended.

(3) The Administrative Officer must report violations of accepted agricultural practices within this overlay district to the Secretary of Agriculture.

## Section 2810. Definitions

2810.A The following terms have a special definition that applies only within the context of this overlay district. All other terms are defined as specified in Part 5.

(1) BANKFULL DISCHARGE means the flow of water that first overtops a channel's natural banks, and which occurs once every one to two years on average.

(2) BANKFULL WIDTH (see definition of channel width).

(3) BASE FLOOD means the flood that has a 1% change of being equaled or exceeded in any given year (commonly referred to as the 100-year flood).

(4) BASE FLOOD ELEVATION (BFE) means the elevation of the floodwater resulting from the base flood.

(5) BASEMENT means any area of a building with a floor elevation that is below ground level on all sides. (Note that the definition of basement within this section is different than the definition that applies elsewhere in these regulations).

(6) CHANNEL means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

(7) CHANNEL WIDTH means the width of a channel when it is flowing at a bankfull discharge. Also referred to as the bankfull width.

(8) COMMON PLAN OF DEVELOPMENT means a phased project to improve a structure or lot over a period of time.

(9) CRITICAL FACILITIES means police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, stores selling necessities, gas stations, and other structures identified in the Town Plan as essential to residents' health and welfare and that are especially important following a disaster.

(10) DEVELOPMENT means any human-made change to improved or unimproved real estate, including, but not limited to, constructing, placing or modifying the interior or exterior of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

(11) FILL means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

(12) FLOOD means either:

(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; or

(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; 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.

(13) FLOOD HAZARD OVERLAY DISTRICT means the land in the floodplain within the Town of Westford subject to a 1% or greater chance of flooding in any given year. The The Flood Hazard Overlay District is designated by the Flood Insurance Rate Map (FIRM), with Zone A usually refined into Zones A, A1-30, AE,AR/AI-30, AR/AE, AR/AO, AR/AH, and AR/A. 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".

(14) FLOOD INSURANCE RATE MAP (FIRM) means an official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

(15) FLOOD INSURANCE STUDY (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

(16) FLOOD-PROOFING means 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.

(17) FLOODPLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of "flood").

(18) FLOODWAY means 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.

(19) FLOODWAY, REGULATORY IN TOWN OF WESTFORD means 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 water surface elevation more than one foot at any point.

(20) HISTORIC STRUCTURE means any structure that is: (a) listed individually in the National Register of Historic Places (a listing by the Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as 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 eth 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.

(21) LETTER OF MAP AMENDMENT (LOMA) means letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

(22) LOWEST FLOOR means the lowest floor of the lowest enclosed area, including basement, except 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 60.3.

(23) MANUFACTURED OR MOBILE HOME means 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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(24) MEAN SEA LEVEL for purposes of the National Flood Insurance Program, means 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.

(25) NEW CONSTRUCTION means structures for which the start of construction commenced on or after the effective date of Westford's floodplain management regulations and includes any subsequent improvements to such structures.

(26) NEW MANUFACTURED HOME PARK OR SUBDIVISION for floodplain management purposes, means 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.

(27) NON-SUBSTANTIAL IMPROVEMENT means any improvement that is not a substantial improvement as defined below.

(28) RECREATIONAL VEHICLE means a vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(29) SMALL ACCESSORY STRUCTURE means an accessory structure that is listed in Section 111. Those structures do not require a zoning permit unless they are located within this overlay district.

(30) SPECIAL FLOOD HAZARD AREA means the floodplain within the Town of Westford that is subject to being inundated by the base flood. The special flood hazard area is usually labeled Zone A or AE in the flood insurance study and on the flood insurance rate maps. The base flood elevation has not been determined in Zone A. In Zone AE, the base flood elevations are shown on the flood insurance rate maps.

(31) START OF CONSTRUCTION means the date the zoning permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement 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 the 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.

(32) STRUCTURE for floodplain management purposes, means 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.

(33) 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.

(34) 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 50% of the market value of the structure before the damage occurred.

(35) SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure after the effective date of these regulations; the cost of which, over 3 years, or over the period of a common plan of development, cumulatively equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety codes 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.

(36) TOP OF BANK means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys, it is generally the point where the stream is able to overflow the banks and enter the floodplain. For streams in steep and narrow valleys, it is generally the same as the top of slope.

(37) TOP OF SLOPE means either:

(a) A break in slopes adjacent to steep-banked streams that have little or no floodplain; or

(b) A break in slope where the side slopes adjacent to an incised or deeply cut channel meet floodplains that have been abandoned or are undergoing abandonment.

(38) VIOLATION for floodplain management purposes, means 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 provide.

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# PART 3. DEVELOPMENT STANDARDS

## Chapter 300. Standards for Specific Uses

### Section 301. Home Occupation

301.A Applicability. A resident must get a zoning permit for a Type 1 or Type 2 Home Occupation to operate a business or work from their home or residential property depending on the scale and intensity of the proposed use.

301.B Type 1 Home Occupation. The Administrative Officer may issue a zoning permit allowing a resident to use a portion of their residence or an accessory structure for an occupation that is customary in residential areas and that will not change the character of the area provided all the standards below are met:

(1) The home occupation must not employ anyone who does not live on the premises;

(2) The home occupation must not regularly generate customer or truck traffic that would alter the character of the area or negatively impact the use of adjacent property;

(3) There must not be any outdoor storage associated with the home occupation;

(4) The home occupation must meet all the performance standards in Chapter 330; and

(5) Not more than 2 parking spaces may be provided to serve the home occupation. Any parking must be provided on-site and must be located outside setback areas, except within the Common zoning district where home occupations may use public and on-street parking to meet the parking requirements.

301.C Type 2 Home Occupation. As allowed in the zoning district, a resident may apply for a zoning permit to use a portion of his/her residence or an accessory structure for an occupation that is customary in residential areas and that will not change the character of the area provided all the standards below are met:

(1) The business owner must live on the premises, but the home occupation may employ not more than 4 full-time equivalent employees who do not live on the premises;

(2) The home occupation must not regularly generate customer or truck traffic that would alter the character of the area or negatively impact the use of adjacent property;

(3) There may be an outdoor storage area no larger than 400 square feet in area and 10 feet in height associated with the home occupation;

(4) The home occupation must meet all the performance standards in Chapter 330; and

(5) Not more than 8 parking spaces may be provided to serve the home occupation. Any parking must be provided on-site and must be located outside setback areas, except within the Common zoning district where home occupations may use public and on-street parking to meet the parking requirements.

## Section 302. Accessory Dwelling Units

302.A The Administrative Officer may issue a zoning permit for one dwelling unit accessory to a single-family dwelling if:

(1) There is a detached single-family dwelling on the property and the property owner is living in that home. For the accessory dwelling to be occupied, the owner must remain living on the property but may live in either the principal or accessory dwelling.

(2) The accessory dwelling will be located within the single-family dwelling, within an addition to that dwelling, or within an existing or new detached accessory building on the property.

(3) The accessory dwelling will not be larger than 1,000 square feet or 30% of the living area of the single-family dwelling before the accessory dwelling is created, whichever is greater. There is no limit on the number of bedrooms within an accessory dwelling.

(4) The accessory dwelling shares the same access point to the property as the existing single-family dwelling.

302.B If the single-family dwelling is on an operating farm, the accessory dwelling may be up to 1,200 square feet or 30% of the living area of the single-family dwelling before the accessory dwelling is created, whichever is greater.

302.C An accessory dwelling will not be counted as a dwelling unit when determining residential density and minimum lot size.

302.D The applicant must submit a copy of the State water and wastewater permit for the accessory dwelling or a letter to the Administrative Officer from the Agency of Natural Resources documenting that the unit is exempt.

## Section 303. Adaptive Re-Use of Historic Barns

303.A Purpose. This section is intended to encourage the viability, re-use, restoration, and rehabilitation of historic barns that are no longer associated with an agricultural use by allowing the buildings to be used for specified uses not otherwise allowed in the district(s) in which they are located. Such uses must occur within the existing dimensions of the barn and must not significantly alter the facade of the building. Qualifying historic barns may be relocated or moved in conjunction with these adaptive re-use provisions.

303.B Applicability. For the purposes of this section, a historic barn must be at least 60 years old at the time of application.

303.C Allowed Uses. Following conditional use approval by the Development Review Board, the Administrative Officer may issue a zoning permit allowing a historic barn to be used in accordance with the standards of this section for one or more of the following:

(1) Any permitted or conditional use allowed in the district(s) in which the barn is located

(2) Community facility

(3) Congregate housing

(4) Crematorium

(5) Art gallery/studio

(6) Garden nursery

(7) Health or performing arts studio

(8) Recreational facility, indoor

(9) Personal service/professional office (Rural 10 district only)

(10) Restaurant/tavern (Village & Rural 5 district only)

(11) Retail, general (Village & Rural 5 district only)

(12) Retail, wholesale

(13) Tavern/restaurant (Village & Rural 5 district only)

(14) Theater, indoor (Rural 5 and Rural 10 districts only)

(15) Warehouse/self-storage facility (all storage must be fully enclosed within the barn and access to self-storage units must be from within the barn)

303.D Special Standards. The adaptive re-use of a historic barn must:

(1) Not increase the barn's degree of nonconformity, if it is a nonconforming structure, except in accordance with Paragraph 125.F

(2) Retain the historic character, footprint, massing, and form of the historic barn in accordance with the preservation guidelines in Paragraph 303.E. Minor additions that do not increase the building footprint by more than 10% will be allowed when necessary to meet State health and building code requirements.

(3) Be compatible with the character of the area.

(4) Be in accordance with the *Westford Town Plan*.

303.E Preservation Guidelines. In addition to the review criteria specified in Section 422, the Development Review Board must consider the following guidelines when determining whether an application for adaptive re-use of a historic barn meets the requirements of this section:

(1) The historic setting of the barn must be preserved to the maximum extent feasible.

(2) If the siding will be replaced, the replacement siding must not significantly alter the character of the building.

(3) The historic architectural form and features (ex: roof pitch, siding, windows, doors, etc.) must be preserved.

(4) New or replacement windows must be compatible with the style, size, and scale of the historic windows. Historic windows must not be blocked or covered up. New window openings must be in keeping with the original character and symmetry of the structure.

(5) Historic doors and door openings must be preserved to the maximum extent feasible. New or replacement doors must be compatible with the style, size and scale of historic openings and siding materials. Doors that are no longer needed must be fixed shut rather than removed. If historic door openings must be enlarged, the visual change should be minimized.

(6) An exterior addition must be considered only if it is essential to the continued use of the historic barn. If an addition is required, it must be compatible with the barn's historic architectural form and features (ex: similar material, roof pitch, siding, trim, door placement and symmetry, etc.).

(7) Historic features or elements that must be altered should be documented (e.g., through photographs or architectural drawings) prior to alteration.

303.F Modification to Accommodate the Use. A zoning permit issued for the adaptive re-use of a historic barn must clearly state that the use is allowed within the existing structure and that the existing structure must only be modified as specifically authorized under this section. If the structure needs to be modified beyond what is specifically authorized to accommodate future expansion or change of the approved use, it will no longer qualify as an adaptive re-use of a historic barn and the landowner will need a new zoning permit to authorize the change in the structure and use as otherwise allowed under these regulations.

303.G Reconstruction after Damage. If a historic barn permitted for adaptive re-use under this section is substantially damaged or destroyed, the Development Review Board may allow the landowner to rebuild the structure and re-establish the use. The replacement structure must closely replicate the historic structure in architectural style, form, massing, scale, building materials, and fenestration (door and window openings).

## Section 304. Agricultural Enterprises

304.A Applicability. This section recognizes that Westford is, and desires to remain, a rural town characterized by working landscapes where resource-based economic activities have traditionally flourished. The purpose of this section is to accommodate diversified agricultural enterprises that are compatible in use, scale, and intensity with maintaining the Town's rural character. Agricultural enterprises not otherwise provided for may be allowed as an accessory use to agriculture in specified districts following review and approval by the Development Review Board in accordance with the provisions of this section.

304.B Standards. An agricultural enterprise must be:

(1) Subordinate to the agricultural operation. The Development Review Board may place limits on the operation of the business as deemed necessary to ensure that agriculture remains the principal use of the property.

(2) Integrated with and dependent on the agricultural operation. The applicant must demonstrate that the proposed business and the agricultural operation are symbiotic and mutually beneficial. Retail or restaurant uses must have the sale or use of products produced on the farm as a core element of the business.

(3) Located within or adjacent to other developed areas or activity centers on the farm unless the Development Review Board finds that the proposed use needs greater separation from agricultural activities or residential areas. Any land development associated with the agricultural enterprise must be located off primary agricultural soils to the maximum extent feasible.

(4) Appropriate in scale and intensity given the location. The Development Review Board may place limits on traffic generation, trucking, hours or seasons of operation, frequency of events, or other aspects of the business as deemed necessary to protect the character of the area and mitigate impacts on nearby landowners and public infrastructure.

(5) Located and designed to be compatible with the agricultural character of the property. Any buildings converted, modified or expanded to accommodate the business must retain their original form, massing, and style; particularly as viewed from public vantage points. New structures must be similar in form, massing and style to residential or agricultural buildings typical in the area. The overall character of the property as viewed from public vantage points must be predominately rural and agricultural and must not be predominately commercial or industrial.

304.C Change of Use. If at any time the agricultural enterprise is no longer accessory to an active agricultural use or does not otherwise conform to the standards of this section, a new permit will be required for a change of use in accordance with all applicable provisions of these regulations, including that the business must be an allowed use within the applicable zoning district

## Section 305. Auto-Oriented Uses

305.A Fuel Sales. In addition to all other applicable provisions of these regulations, fuel sales must meet the following standards:

(1) Tanks, Pumps and Service Equipment. All storage tanks must be located underground and must meet applicable state and federal requirements for design, installation and monitoring. The applicant must maximize the distance between vent pipes and residential areas. Pumps, lubricating, and other outside service devices must be located behind the frontline of the principal building on the lot and at least 30 feet from property lines. There must not be more than 2 pumping islands allowing for a maximum of 4 vehicles to pump fuel at one time. In addition, there may be up to 2 electric vehicle charging stations.

(2) Building Design. Buildings and canopies must be compatible in scale, design, and architectural style with each other and surrounding buildings in the area and must conform to the standards of the Form-Based Code Overlay District (see Section 260). All sides of the building, pump islands, and canopies must be designed with a consistent architectural style. Buildings must have transparent windows and doors that provide views to the street and pump islands. Rooftop mechanical equipment must be set back from the edge of the building and screened to minimize the visual impact.

(3) Canopy Design. Canopies attached to the building are strongly encouraged when the footprint of the canopy will be less than the footprint of the building. Alternatives to flat-roofed canopies are strongly encouraged. The size and height of canopies must be limited to the minimum required for adequate pump and apron coverage and to meet applicable state and federal safety requirements. Canopies must not be internally illuminated and the fascia must not be illuminated. Corporate logos and other advertising are prohibited on station canopies.

(4) Streetscape. The site must contribute positively to the streetscape by locating and orienting the building and using landscaping to define and enhance the street edge. The building should be located close to the street with minimal parking between the building and the street. Where parking areas are adjacent to the street, a landscaped area with trees shrubs and/or low walls or fences should be used to screen cars from view.

(5) Buffers. The site must be screened and buffered with fencing, berms, landscaped, and/or naturally vegetated side and rear yards as necessary to mitigate any potential noise, light, trash, unsightliness, or other pollution from affecting neighboring properties.

(6) Lighting. Lighting for fuel station canopies will be considered Class 1 Lighting under Section 324. All light fixtures mounted on or recessed into the lower surface of fuel station canopies must be fully shielded and use flat lenses. The total light output used for illuminating fuel station canopies must not exceed 60 lumens per square foot of canopy. The total light output used for illuminating fueling station canopies will be counted towards the site's lumens per acre limit as specified in Section 324.

(7) Signs. In addition to signs allowed in Section 326, fuel stations may have either:

(a) One pricing sign affixed to each pump or not more than one pricing sign affixed to each side of the canopy. Such pricing signs will not count towards the total amount of signs allowed in Section 326. Each sign must not be more than 3 square feet in area. Pricing signs may be single-color changeable-copy electronic message signs provided that that the only message displayed is the fuel price and that the sign is only illuminated when the station is open for business; or

(b) One free-standing pricing sign per vehicle entrance. The pricing sign will count towards the total amount of signs allowed in Section 326. The pricing portion of the sign may be a single-color changeable-copy electronic message sign provided that the only message displayed is the fuel price and that the sign is only illuminated when the station is open for business.

305.B Motor Vehicle Repair. In addition to all other applicable provisions of these regulations, motor vehicle repair, including when conducted as a home occupation or accessory use, must meet the following standards:

(1) General Vehicle Repair. All vehicle repair must take place within an enclosed building or an outdoor area located behind the building frontline and fully screened from public view by a building wall, privacy fence, or natural vegetation. All structures or areas designated for vehicle repair or storage must be constructed, operated and maintained in accordance with applicable state and federal regulations.

(2) Bodywork and Painting. Bodywork and/or painting of vehicles must take place within an enclosed building with ventilation systems that meet applicable state and federal regulations. The applicant must maximize the distance between ventilation outlets and any neighboring residences.

(3) Storage of Vehicles Being Repaired. Wrecked or disabled vehicles may be stored on-site while awaiting repair or being repaired for up to 90 days. All exterior areas for the storage of wrecked or disabled vehicles must be located behind the building frontline and fully screened from public view by a building wall, privacy fence, or natural vegetation.

(4) Storage of Parts Vehicles. Up to 3 wrecked or disabled vehicles may be stored on-site for longer than 90 days for the purpose of providing parts for other vehicles. Storage of 4 or more wrecked or disabled vehicles on-site for longer than 90 days will be considered a salvage yard. Salvage yards are prohibited under these regulations.

(5) Setbacks and Buffers. Any new repair use must be located at least 300 feet away from a community facility regularly frequented by the public. The site must be screened and buffered with fencing, berms, landscaped, and/or naturally vegetated side and rear yards as necessary to mitigate any potential noise, light, trash, unsightliness, or other pollution from affecting neighboring properties.

## Section 306. Movement of Earthen Material

306.A The movement of any amount of earthen material for commercial purposes is prohibited in the Town of Westford.

306.B A landowner must obtain a zoning permit to move:

(1) Any amount of earthen material within, from, or to land within the Water Resources or Flood Hazard overlay districts. Other permits or approvals may be required see Chapter 270 or Chapter 280, as applicable.

(2) Any amount of earthen material within, from, or to land where steep slopes or ledge outcroppings will be affected.

(3) More than 50 cubic yards of earthen material within, from, or to a parcel not subject to Paragraph (1) or (2), above, in any 12-month period for non-commercial purposes.

306.C All movement of earthen materials must conform to the standards for erosion control and stormwater management in Section 327.

306.D The provisions of this section do not apply to movement of earthen materials incidental to approved development.

## Section 307. Wireless Telecommunications Facilities

307.A Purpose. The purpose of this section 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.

307.B Consistency with Federal and State Law. The Town of Westford intends for the provisions of this section to be consistent with the Telecommunications Act of 1996 and the Vermont Planning and Development Act.

307.C Applicability. The provisions of this section apply to all FCC-licensed wireless telecommunication facilities not specifically exempted in Section 113. Wireless telecommunication facilities are allowed in some zoning districts as specified in Part 2 of these regulations.

307.D Minor Projects. An applicant proposing to modify an existing wireless telecommunication facility may request that the Administrative Officer review the

application and issue a zoning permit upon finding that the proposed action is not a material change to the approved facility or will impose no or de minimis impact based on the requirements of these regulations. The Administrative Officer will not consider an application to have a de minimis impact unless it meets all of the following:

(1) The height and width of the facility or support structure, excluding equipment, antennas, or ancillary improvements, will not increase;

(2) The total amount of impervious surface, including access roads associated with the facility or support structure will not increase by more than 300 square feet;

(3) Any addition, modification, or replacement of an antenna or other equipment will not extend vertically more than 10 feet above and horizontally more than 10 feet from the facility or support structure; and

(4) Any additional or replacement equipment, antennas, or ancillary improvements (excluding cabling), will not increase the aggregate surface area of the faces of the equipment, antennas or ancillary improvements on the facility or support structure by more the 75 square feet.

307.E Use of Existing Structures. Westford strongly encourages telecommunication companies to mount antennas on existing structures (ex: silos, steeples, utility poles, existing towers, etc.) rather than constructing a tower. The Development Review Board must only approve construction of a new tower upon finding that there is no other existing facility or structure that the applicant can use to provide adequate service capacity in Westford. The applicant must submit written documentation of all existing towers or other tall structures located within 5 miles of the proposed site suitable for mounting antennas and demonstrating why each structure cannot be used or modified to provide adequate coverage.

307.F Colocation. The Development Review Board must only approve construction of a new tower if the owner agrees to allow other telecommunication service providers to co-locate on the proposed tower subject to reasonable terms and conditions.

307.G Application Requirements. The applicant must be a wireless service provider or FCC licensee, or landowner with an executed contract to provide land or facilities to one of those entities. Applicants for a wireless telecommunication facilities must provide the following in additional to all other applicable application requirements of these regulations:

(1) A location map showing the area within at least a 2-mile radius of the proposed facility site on a USGS topographic base map.

(2) A vicinity map showing an area 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.

(3) 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 quantity, elevation, and types of

antennas that the tower is proposed to accommodate;

(d) 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; and

(e) 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.

307.H Dimensional Standards. Except for antennas mounted on or within existing buildings, all telecommunication facilities must:

(1) Meet the greater of district setbacks or a setback of at least 100% of the structure's total height (including any mounted antennas) from all property lines.

(2) Not exceed a total height (including any mounted antennas) that extends more than 20 feet above the average height of the surrounding vegetation. The Development Review Board may waive this limitation upon finding that additional height is necessary in order to provide adequate service or to allow for co-location and that the additional height will not cause an undue adverse visual impact.

307.I Design Standards. Towers, antennas, and any necessary support structures must be minimally visible and blend into the surrounding environment to the greatest extent feasible. To that end:

(1) The Development Review Board may require the applicant to fly a test balloon on announced dates and document the visibility of the proposed tower from specified locations in order to assess the degree to which a proposed tower will be visible from public vantage points and/or nearby properties. The balloon must be brightly colored and at least 4 feet in diameter. The balloon must be flown for at least 8 consecutive daylight hours on at least 2 days when weather conditions do not reduce visibility. The balloon test must be warned in accordance with Section 441.

(2) Towers must be located downslope from ridgelines and hilltops to minimize the extent to which the facility is visible above the skyline from public vantage points. The Development Review Board may waive this requirement if the applicant can demonstrate that the proposed location will not cause undue adverse visual impacts or that the proposed location is necessary to provide adequate service capacity.

(3) Towers must be designed to blend into the surrounding environment through the use of topography, natural vegetation, screening, camouflage, color and material, and form and design.

(4) The Development Review Board may require additional landscaping and screening as deemed necessary to reduce the visibility of the tower or associated accessory structures and utilities from public vantage points or adjacent properties.

(5) Any accessory buildings associated with the facility that will be visible from off-site must be designed to appear as typical residential or agricultural outbuildings.

(6) The amount of clearing and soil disturbance must be the minimum necessary to accommodate the facility and any associated accessory structures, roads, or utilities. Applicants will be required to submit an erosion prevention and sedimentation control plan in accordance with Section 327. Access roads and utility corridors must follow natural contours and reduce their visibility from public vantage points to the maximum extent feasible.

(7) All utility systems must be located underground throughout the project site to the maximum extent feasible.

(8) The facility must meet the performance standards of Chapter 330 and the owner must appropriately secure the site to prevent unauthorized access.

(9) Commercial signs or lettering are prohibited on telecommunication facilities except for safety and warning signs required by state or federal regulations.

(10) Lighting, or mounting lights on, telecommunication facilities is prohibited except for the minimum lighting required by state or federal regulations.

307.J Annual Report. The applicant must submit a report to the Administrative Officer no later than January 31 of each year prepared by a qualified, independent consultant documenting that the facility complies with all FCC standards and that the facility continues to operate. The Administrative Officer will consider failure to submit the report as evidence that the facility was out-of-service or unused during the prior calendar year and will commence enforcement of the abandonment and removal provisions below. The report must include:

(1) A list of the most recent Federal Communications Board radio frequency radiation readings at the site, their distances from the telecommunications facility/transmitter, dates of the readings, and the name of the person or company who took the readings;

(2) A list of all antennas and equipment in use during the previous calendar year, including identification of any companies/entities renting space and/or equipment;

(3) Proof of insurance on the facility; and

(4) Every fifth year, the results of an inspection of the structural integrity of all towers on the site.

307.K Abandonment and Removal. The owner must remove any telecommunications antenna or equipment that is out-of-service or unused for a continuous 6-month period. The owner must remove a telecommunications tower, or a portion of the tower if structurally feasible, that is not supporting an active antenna or other equipment for a continuous 12-month period. The owner must immediately repair or remove any tower and associated equipment that is found to be structurally deficient. The owner must remove the associated structures and infrastructure, and restore the site so that it will be left in a safe, attractive and readily usable condition for the types of land uses allowed in the zoning district.

307.L Definitions. The following terms have a special definition that applies only within the context of this section. All other terms are defined as specified in Part 5.

(1) ADEQUATE COVERAGE means 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.

(2) ANTENNA means a device for transmitting and/or receiving electromagnetic waves, which is attached to a tower or other structure.

(3) ANTENNA HEIGHT means 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.

(4) ANTENNA SUPPORT STRUCTURE means any pole, telescoping mast, tower tripod or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

(5) AVERAGE GROUND LEVEL means the average elevation of the ground in the area proposed for land development.

(6) BASE STATION means the primary sending and receiving site in a telecommunications facility network. More than one base station and/or more than one variety of telecommunications providers can be located on a single tower or structure.

(7) CHANNEL means the segment of the radiation spectrum to or from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

(8) CO-LOCATION means locating wireless communications equipment from more than one provider on a single site.

(9) FACILITY SITE means a property, or any part thereof, which is owned or leased by one or more telecommunications facility(s) and where required landscaping is located.

(10) FREQUENCY means the number of cycles completed each second by an electromagnetic wave measured in hertz (Hz).

(11) MONITORING means the measurement, by the use of instruments in the field, of radio frequency exposure from telecommunications facilities, towers, antennas, or repeaters.

(12) REPEATER means 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.

(13) SPECTRUM means relating to any transmissions or reception of electromagnetic waves.

(14) WIRELESS TELECOMMUNCATION SERVICE means 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.

(15) WIRELESS TELECOMMUNCATION FACILITY means 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.

(16) WIRELESS TELECOMMUNCATION SERVICE PROVIDER means any person or entity providing Wireless Telecommunication Services.

# Chapter 310. Subdivision & PUD Standards

## Section 311. Basic Subdivision Design

311.A The land to be subdivided must be suitable for use without endangering public health or safety, and without adversely impacting the environment, neighboring properties, or the character of the area.

311.B To the maximum extent feasible, a subdivision must:

(1) Follow and extend the planned settlement pattern (including lot size, lot configuration, road layout and building location) as defined by the purpose and standards of the applicable zoning district and the planning goals and policies expressed in the *Westford Town Plan*.

(2) Connect to and extend existing road, sidewalk, path, trail, utility, greenway, and open space corridors.

(3) Preserve site amenities such as trees, water courses, drainage ways, scenic roads, historic sites, significant natural resource areas, or any other unusual features that are an asset to the site or community through harmonious design and appropriate construction methods.

(4) Retain the natural contours and conserve the natural cover and soil. No topsoil, sand, or gravel may be removed from a subdivision except as specifically authorized in accordance with these regulations.

(5) Maximize the number of lots suitable for construction of passive solar buildings. The building envelope should allow a building to be placed in such a way that it can take full advantage of the sun's natural heat. By facing it long side to the south and the short sides to the east and west, a building will capture solar heat in winter and block solar gain in the summer. Moving windows to the building's south side will further enhance its solar performance. A "passive solar" building typically has south facing glass area equal to 15 to 20% of its floor area. Although it is best to face the building directly into the sun, it can be oriented up to 30° away from due south and lose only 5% of the potential energy savings.

311.C The number of lots within a subdivision must not exceed the density allowed in the zoning district unless approved as a planned unit development (PUD) in accordance with the provisions of Section 314.

311.D The size and configuration of lots being subdivided must meet zoning district standards and the following:

(1) Lots must not be irregularly shaped (ex: curves, jogs, flags, dog-legs, string, spaghetti, bowling alley, etc.) except as approved by the Development Review Board to accommodate site-specific features such as topography, ledge outcroppings, waterways, hedgerows, field boundaries, fence lines, stone walls, or existing roads.

(2) Side lot lines must be generally at right angles to straight roads and radial to curved roads. Variations from perpendicular lot lines of up to 15° will be accepted.

(3) Rear lot lines must be generally parallel to front lot lines. Variations from parallel lot lines of up to 15° will be accepted.

(4) Lot depth must not exceed 5 times the lot width in the Common and Village zoning districts and lot depth must not exceed 4 times the lot width in all other districts.

(5) Lots with frontage on more than one road must be able to accommodate the required front setback from each road.

311.E Each lot to be approved for development within the subdivision must include at least one building envelope. All structures must be located within an approved building envelope except for walkways, driveways, roads, utilities, water-dependent structures, and exempt accessory structures (see Section 111.). The Development Review Board may place more specific conditions on incidental development occurring outside a building envelope. A building envelope must not include any land that is unbuildable or within required setbacks.

311.F Any deferred lots within a subdivision must obtain Development Review Board approval prior to commencement of further development.

Figure 3-1. Subdivision Review Criteria

| CRITERIA | |
|---|---|
| 1 | Compatibility. The proposed subdivision or development will be compatible with its setting and context as determined by its siting, design, arrangement, and landscaping. It will create or retain appropriate transitions from public to private spaces. It will create or retain buffers within the subdivision and between the subdivision and adjoining properties. The proposed subdivision or development will create or retain appropriate transitions to surrounding properties and will not reduce the safety or privacy of adjacent landowners below levels typical of the area. |
| 2 | Character of the Area. The proposed subdivision or development will not alter the existing or planned character of the area as defined by the purpose of the applicable zoning district and the land use goals and policies of the *Westford Town Plan* in a manner that limits, impairs, or precludes the future use or development of nearby property as allowed under these regulations. |
| 3 | Suitability and Capability. The site will be capable of accommodating the proposed subdivision or development as determined by its size, shape, location, topography, drainage patterns, and landscape features. The proposed subdivision will not require excessive or unreasonable modification of the site's natural topography, drainage patterns, and landscape features. |
| 4 | Vehicular Access, Circulation, and Traffic. The proposed subdivision or development will provide vehicular access from the road and within the subdivision or development that will not create unsafe conditions for drivers, bicyclists, or pedestrians; and will allow adequate access for service and emergency vehicles and adequate snow removal and storage. See Error! Reference source not found. for specific requirements. The proposed subdivision or development will not generate traffic that would have an undue adverse impact on the condition, capacity, safety, and function of the Town's transportation infrastructure. |
| 5 | Pedestrian Access and Circulation. The proposed subdivision or development will provide pedestrian access within and through the subdivision or development to adjacent properties and along roads as appropriate given the location. |
| 6 | Stormwater and Snow Storage. The proposed subdivision or development will appropriately manage stormwater and snow storage. Low-impact development (LID) techniques that minimize the amount of runoff generated and allow infiltration will be used to the maximum extent feasible. The area to be disturbed and the amount of natural vegetation cleared will be minimized. See Section 327 for specific requirements. |
| 7 | Landscaping and Screening. The proposed subdivision or development will provide landscaping and screening in order to enhance the appearance of the property and roadscape, and to create a buffer as needed to mitigate impacts on surrounding properties. See Section 323 for specific requirements. |
| 8 | Energy. The proposed subdivision or development will be designed and located to minimize its energy use to the maximum extent feasible, including orienting streets and lots to maximize solar gain, retaining or establishing landscaping to provide wind breaks and reduce heat loss or gain as appropriate, and minimizing the length of road and utility corridors. The proposed subdivision or development will not interfere with the use of, or access to, renewable energy resources either within the subdivision or on neighboring properties. |
| 9 | Protection of Natural Resources and Open Space. The proposed subdivision or development will be appropriate located, scaled, and designed to not unduly impact significant natural resources, consume an excessive amount of open space or working land, and unnecessarily fragment contiguous blocks of open space or working land. It will not interfere with access to and enjoyment of existing public open space or recreational areas in the area. It will provide suitable private and/or common outdoor spaces to be used for passive and active recreation. The proposed development has followed the recommendations provided in any required natural resource inventory or study to protect identified natural resources. |
| 10 | Utilities, Facilities and Services. Utilities serving the proposed subdivision or development will be designed and located to minimize undue adverse impact on historic and scenic character and located underground. The proposed subdivision or development will not |

| CRITERIA | |
|---|---|
| | cause an unreasonable burden on the Town's ability to provide community services including education, public safety, emergency response, waste disposal, stormwater management, and road maintenance. |
| 11 | Cumulative Impact. The proposed subdivision or development will not contribute excessively or unreasonably to cumulative impacts within the area or Town that would limit, impair or preclude the future use of property for the uses allowed under these regulations. |
| 12 | Municipal Plan and Laws. The proposed land development is in conformance with the *Westford Town Plan*, all applicable provisions of these regulations (including, but not limited to Chapter 310), and any other Town bylaws or ordinances in effect. |

## Section 312. Common and Village Subdivision Design

312.A Subdivisions within the Common and Village zoning districts must follow traditional neighborhood design principles as described in this section and the form-based code overlay district (Chapter 260) to the maximum extent feasible given the physical characteristics of the property.

312.B Streets within the subdivision must be designed and laid out to:

(1) Be part of an interconnected, pedestrian-friendly street network.

(2) Connect with and extend existing streets, sidewalks, paths, and trails on adjacent properties.

(3) Provide for the future extension of the street and sidewalk network onto adjacent parcels.

(4) Minimize street gradients.

312.C Lots within the subdivision must be designed and laid out to:

(1) Be narrow at the street line and to be deeper than they are wide.

(2) Be varied in size to foster a diversity of housing choices.

(3) Enhance the walkability of the neighborhood.

(4) Except within the T4 and T5 transects (see Chapter 260), provide each lot with the potential for a private back yard or access to common outdoor space.

## Section 313. Rural Subdivision Design

313.A Subdivisions in the Rural 3, Rural 5, and Rural 10 districts must follow conservation design principles as described in this section to the maximum extent feasible given the physical characteristics of the property.

313.B When the property to be subdivided includes farmland (including abandoned fields or meadows that remain largely open), the applicant must design the subdivision to facilitate future agricultural use of the land outside the building envelope. To the maximum extent feasible, the applicant must:

(1) Locate building envelopes on the land that is the least well-suited for agriculture.

(2) Not include land with primary agricultural soils, cropland, hay fields, and pastures within building envelopes.

(3) Locate and configure building envelopes and lot lines so that farmland is not fragmented into pieces that are too small or irregularly shaped to be farmed in the future. Preferably, land that is intended for future agriculture should be within one or more parcels that would be eligible to enroll in the current use program.

(4) Preserve access (for farm equipment or livestock) to land outside building envelopes that may be farmed in the future.

(5) Retain open fields or meadows that contribute to scenic views and establish a mechanism for keeping such land cleared if it is not going to be farmed.

(6) Locate and configure building envelopes and lot lines to avoid disturbing or adversely affecting significant natural resources (as defined in these regulations).

(7) Locate and configure building envelopes to retain a buffer of agricultural land or natural vegetation along existing roads that will maintain the scenic, rural character of the road corridor.

(8) Locate and configure building envelopes so that buildings will be located below ridgelines and hilltops, and so that buildings will not exceed the height of the land behind them when viewed from public vantage points with a clear view of the building site.

(9) Clear cutting outside building envelopes not associated with silvicultural or agricultural activities (ex. clear cutting to create views, extensive lawns, excessively wide road or utility corridors, etc.) is prohibited. Alternatives to clear cutting (ex. removal of underbrush, trimming of lower limbs, thinning, clearing narrow corridors, etc.) are allowed to create building sites with views. Conformance must take the form of a detailed clearing, cutting, landscaping, etc. plan approved by the Development Review Board.

313.C When the property to be subdivided includes forestland, the applicant must design the subdivision to facilitate future silviculture or conservation use of the land outside the building envelope. If an applicant undertakes forest management or harvesting activities designed as pre-development site preparation (ex: clearing, road construction, etc.) prior to subdivision approval, the Development Review Board may require the site or portions of the site to be restored or re-vegetated to comply with the standards of these regulations. To the greatest extent feasible, the applicant must:

(1) Locate building envelopes on the land that is the least well-suited for maple production, timber harvesting, wildlife habitat, and other forest uses.

(2) Not include land with primary forestry soils or currently under a forestry management plan within building envelopes.

(3) Locate and configure building envelopes and lot lines to minimize the penetration of development into undisturbed forest blocks, and the amount of clearing and impervious surface required to provide access to the building site.

(4) Locate and configure building envelopes and lot lines so that forest is not fragmented into pieces that are too small or irregularly shaped to be managed for maple production, timber harvesting, wildlife habitat, and other forest uses. Preserve distinct timber stands and access to land outside building envelopes for sugaring, timber harvesting equipment, recreational trails, and similar activities as appropriate to the subject property. Preferably, land that is intended for future silviculture use should be within one or more parcels that would be eligible to enroll in the current use program.

(5) Locate and configure building envelopes and lot lines to retain contiguous blocks of forest land, particularly when they connect to similar resources on adjoining properties.

(6) Locate and configure building envelopes to avoid significant natural resources (as defined in these regulations). If the property to be subdivided includes rare, threatened, or endangered species or significant natural communities (see Town Plan Map 3), the applicant must submit a natural resource inventory prepared by a qualified professional as part of the subdivision application, and must implement appropriate conservation design approaches to protect the identified natural resources on the property.

(7) Locate and configure building envelopes to retain a buffer of natural vegetation along existing roads that will effectively screen development from view.

(8) Locate and configure building envelopes so that buildings will be located below ridgelines and hilltops, and so that buildings will not exceed the height of the land behind them when viewed from public vantage points with a clear view of the building site.

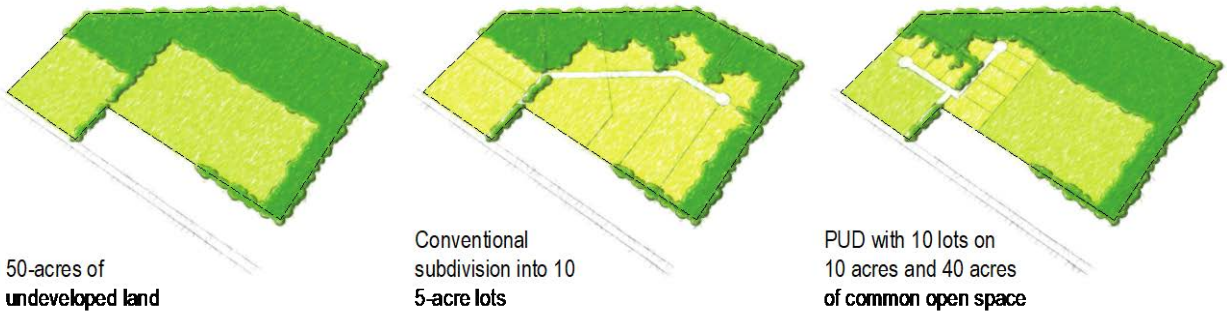
(9) Clear cutting outside building envelopes not associated with silvicultural or agricultural activities (ex. clear cutting to create views, extensive lawns, excessively wide road or utility corridors, etc.) is prohibited. Alternatives to clear cutting (ex. removal of underbrush, trimming of lower limbs, thinning, clearing narrow corridors, etc.) are allowed to create building sites with views. Conformance must take the form of a detailed clearing, cutting, landscaping, etc. plan approved by the Development Review Board.

(10) Cluster building envelopes to minimize the total footprint and perimeter of forest canopy openings and disturbed areas to minimize the impact of development on wildlife.

## **Section 314.** Planned Unit Development (PUD)

314.A **Purpose.** The purpose of allowing planned unit developments (PUDs) is to create an opportunity for more creative, coordinated and context-sensitive projects than would generally be possible under strict application of these regulations. Further, it is the intent of these provisions to encourage projects that provide substantial community benefits by planning development to protect significant natural resources and rural character. PUDs are also intended to promote more economic and efficient use of land, affordable housing, green building construction, and open space and recreational amenities than conventional subdivision practices.

314.B What is a Planned Unit Development (PUD)?



314.C Applicability. Any applicant proposing to subdivide land may choose to use these PUD provisions. An applicant proposing to subdivide 4 or more lots or to develop a site with 4 or more principal buildings or dwelling units within a 10-year period must use these PUD provisions.

314.D District Standards. An applicant for a PUD may propose to vary zoning district standards in accordance with the following:

(1) Minimum lot size may be reduced in order to promote clustered development and land conservation.

(2) Building envelopes within a residential PUD with individually owned lots must not exceed 2 acres or 200% of the district minimum size, whichever is less.

(3) Setbacks may be modified within the interior of the PUD. Zoning district setbacks around the perimeter of the PUD must not be modified.

(4) Lot coverage on individual lots within the PUD may exceed the percentage allowed in the zoning district provided that the overall lot coverage for the entire PUD does not exceed the percentage allowed in the zoning district.

(5) Lot shape may be modified to meet PUD Design Standards.

(6) Maximum height must not be exceeded. No variation from the minimum height will be allowed within the Form-Based Code Overlay District.

(7) No variation will be allowed from the planning and design standards within the Form-Based Code Overlay District.

(8) No variation will be allowed from the dimensional and development standards within the Water Resources Overlay District or Flood Hazard Overlay District.

314.E Base Density. The base density for a PUD may be established either:

(1) As 80% of the theoretical development potential (= total acreage of the development site ÷ maximum density allowed in the zoning district). If the calculation results in a fractional number, it will be rounded down to the nearest whole number.

(2) By the applicant submitting a sketch plan for a conventional subdivision of the development site under these regulations demonstrating that the site could yield more than 80% of the theoretical development potential.

314.F Density Bonus. An applicant for a PUD may propose to develop the site at a higher density than would otherwise be allowed in the zoning district in accordance with the following:

(1) The Development Review Board must determine that the additional lots or dwellings could be developed in a manner that will be consistent with all applicable provisions of these regulations before approving a density bonus.

(2) The developer must ensure that the benefits provided in exchange for a density bonus will continue in perpetuity or for a specific term set by the Development Review Board through covenants, deed restrictions, easements, or other appropriate and legally enforceable means.

(3) Housing Bonus. The Development Review Board may approve a PUD with up to 50% more principal residential structures than could have been developed under the base density if each of the additional structure will meet at least 2 of the following criteria:

(a) The principal residential structure will be affordable in perpetuity and will be managed by a public or non-profit housing entity.

(b) Occupancy of the principal residential structure will be limited to people age 55 or older, or people with disabilities, kept in perpetuity through appropriate measures and restrictions.

(c) The principal residential structure will be limited to a maximum of 1,200 square feet of living area (excludes garages, porches and other unheated spaces).

(d) The principal residential structure will be built under the universal design principles. At a minimum the structure will be built in compliance with the specifications in the ADA Standards for Accessible Design, including, but not limited to:

i. At least one route from parking and the street/sidewalk to an accessible entrance complies with ADA Standards 403 Walking Surfaces. If the route is steeper than 1:20 (5%) it is considered to be a ramp and must comply with 405 Ramps.
ii. All entrances and all doors to the exterior (such as a patio or lawn) comply with ADA Standards 404 Doors.
iii. At least one interior route connects all spaces and complies with ADA Standards 403 Walking Surfaces.
iv. At least one bathroom complies with ADA Standards 603 Toilet and Bathing Rooms, 604 Water Closets, 606 Lavatories and Sinks and either 607 Bathtubs or 608 Shower Compartments.
v. The kitchen complies with ADA Standards 804.
vi. At least one bedroom has a 60 inch turning space that complies with ADA Standards 304.
vii. All controls (ex: thermostat, light switches, etc.) comply with ADA Standards 309 Operable Parts.
viii. At least one electric outlet in an area complies with ADA Standards 309 Operable Parts. For example, floor outlets are permitted as long as there's an accessible outlet on the wall in the same area; in the kitchen an outlet that does not comply with 309 is permitted if there's a complying outlet over the same counter.
ix. At least one washing machine and dryer (if provided) complies with ADA Standards 611.
x. The accessible housing includes the same amenities as the "regular" housing. For example, a vanity counter top in the bathroom, kitchen counter space, storage space, living room size, etc.

(e) The principal residential structure will be Efficiency Vermont Certified or Energy Star Labeled and conformance must be 3rd party verified.

(4) Conservation Bonus. The Development Review Board may approve a PUD with up to 50% more principal residential structures than could have been developed under the base density if at least 80% of the land within the PUD will be permanently conserved through a conservation easement held by an appropriate public or non-profit entity.

(5) Community Benefit Bonus. The Development Review Board may approve a PUD with up to 50% more principal residential structures than could have been developed under the base density in exchange for:

(a) Providing a suitable site for a community wastewater system that could reasonably serve at least 3 or more uses in the Common or Village zoning districts beyond the developed proposed as part of the PUD.

(b) Contributing to the Common Fund to be used to support public improvements in the Common district that further the goals of the *Town Common Conceptual Master Plan* and *Westford Town Plan*. Contribution amount determined by Development Fee Schedule.

(6) Access Bonus. The Development Review Board may approve a PUD with up to 25% more principal residential structures than could have been developed under the base density in exchange for providing any of the following community benefits:

(a) Creating a public trail(s) or recreation area(s) within the PUD (including an appropriate means of access to the amenity) or granting an easement for a portion of a larger public trail system passing through the PUD.

(b) Constructing a private road that will connect to adjacent property or allow for such connections in the future, and that will be built to an appropriate standard given anticipated future traffic from that adjacent property.

(7) If the bonus calculation results in a fractional number, it will be rounded down to the nearest whole number.

(8) The Development Review Board may approve more than one density bonus for a PUD. In such a case, the number of additional principal residential structures will be calculated cumulatively (but not sequentially) as shown below.

Figure 3-2. Example Density Bonus Calculation

*This example is based on a PUD in the Rural 10 District on 50 buildable acres. PUD will include two small and energy efficient structures. It will conserve 40 acres and only develop 10 acres (80% open space). It will include a short loop trail on the open space land that will have public access. The developer will make a contribution to the Common Fund.*

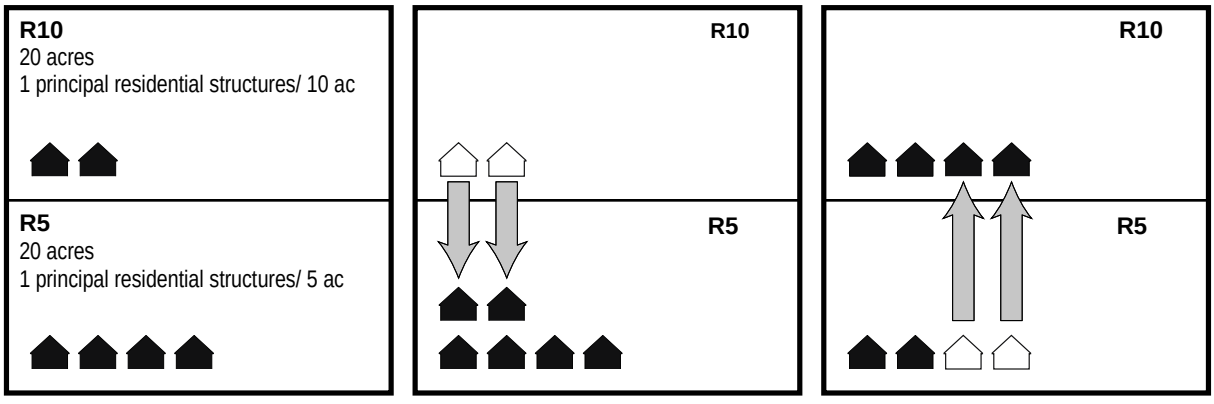
| Base Density | | | 5 dwellings |
|---|---|---|---|
| Bonus Type | Bonus Granted | | |
| Housing Bonus (50% max) | 50% of base density | = 2 principal residential structures | |
| Conservation Bonus (50% max) | 50% of base density | = 2 principal residential structures | |
| Community Benefit Bonus (50% max) | 50% of base density | = 2 principal residential structures | |
| Access Bonus (25% max) | 25% of base density | = 1 principal residential structures | |
| Bonus Density: | | | 7 principal residential structures |
| TOTAL DENSITY: | | | 12 principal residential structures |

314.G Transfer of Development Rights. An applicant may propose a PUD that encompasses land in more than one zoning district and/or more than one parcel in accordance with the following:

(1) Development rights may be transferred within a zoning district or from a lower-density district to a higher-density district. Development rights must not be transferred from a higher-density district to a lower-density district as shown below.

(2) If the applicant proposes to transfer development rights between parcels that are not contiguous or not commonly owned, the land from which the development rights will be removed must be subject to a permanent conservation easement held by an appropriate public or non-profit entity.

Figure 3-3. TRANSFER OF DEVELOPMENT RIGHTS BETWEEN ZONING DISTRICTS

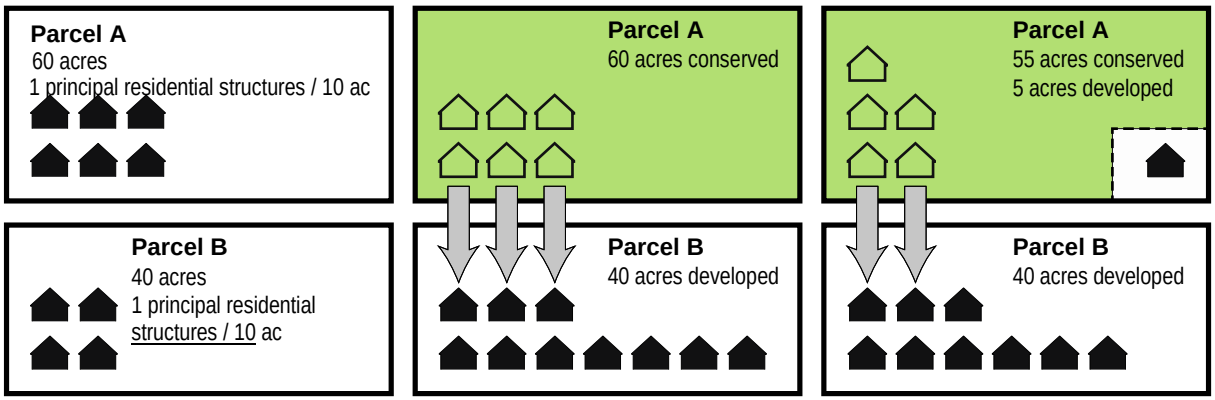



**DESCRIPTION**
40-acre parcel with land in two zoning districts
Has a base density of 6 principal residential structures

**ALLOWED**
2 development rights transferred from R10 to R5
All 6 principal residential structures built in R5 District

**NOT ALLOWED**
Development rights cannot be transferred from a higher-density district to a lower-density district

Figure 3-4. TRANSFER OF DEVELOPMENT RIGHTS BETWEEN PARCELS




ZONING DISTRICTS BY DENSITY

314.H Open Space. Except within the Common and Village zoning districts, at least 60% of the land within a PUD must be open space in accordance with the requirements below:

(1) Open space must be suitable for agriculture, silviculture, recreation, wildlife habitat, or similar open space uses and available for the collective enjoyment or benefit of the property owners within the PUD and/or public.

(2) Structures and improvements necessary or appropriate to support agriculture, silviculture, recreation, wildlife habitat, or similar open space uses may be located on open space.

(3) The open space generally must be located in a single contiguous tract suitable for open space uses (ex: agriculture, silviculture, habitat, recreation, etc.) and not be composed primarily of narrow strips, "left-over" pieces between development sites, or other irregular boundaries. The Development Review Board may approve other configurations for the open space based on site-specific features or resources and the applicant's conservation goals for the PUD.

(4) The open space must be owned and maintained by one of the following:

(a) A private landowner provided that the open space is subject to a permanent conservation easement held by an appropriate public or non-profit entity.

(b) The PUD management association. The association may lease all or a portion of the open space for agricultural or silvicultural use.

(c) An appropriate public or non-profit entity.

(5) The Development Review Board may require the applicant to submit a management plan for the open space as part of the PUD application.

314.I Common Outdoor Space. Within the Common and Village zoning districts, except within the T4 and T5 transects (see Chapter 260), common outdoor space must comprise at least 20% of the land within the PUD in accordance with the requirements below:

(1) Common outdoor space must be suitable and available for the collective enjoyment or benefit of the property owners within the PUD and/or public. Such uses may include recreation, community gardening, or renewable energy production. Structures and improvements necessary or appropriate to support those uses may be located on common outdoor space.

(2) Dwellings that will not have private yards must have convenient access to common outdoor space suitable for passive outdoor recreation uses.

(3) The common outdoor space must be owned and maintained by an association, a public entity, or the Town.

314.J Design Standards. The PUD must represent a unified design concept that will result in a new neighborhood that fits into its surroundings in accordance with the following:

(1) To the greatest extent feasible, a PUD must be compatible with the development and conservation goals and policies expressed in the *Westford Town Plan,* and connect to and extend existing road, sidewalk, path, trail, utility, and open space corridors.

(2) PUDs in the Common and Village zoning districts must follow traditional neighborhood design principles as described in Section 312 and the form-based code overlay district (see Chapter 260) to the maximum extent feasible given the physical characteristics of the property.

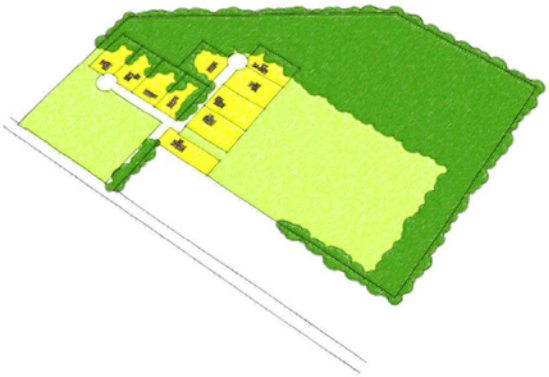
(3) PUDs in the Rural 3, Rural 5, and Rural 10 districts must follow conservation design principles as described in Section 313 to the maximum extent feasible given the physical characteristics of the property. See Paragraph 314.k for further guidance on how to plan and design a PUD that will protect rural character.

(4) All development must be located within an approved building envelope except for walkways, driveways, roads, utilities, water-dependent structures, farm structures, exempt accessory structures (see Section 111), and incidental structures or improvements on common open or outdoor space. The building envelope(s) must not include any unbuildable land.

314.K Rural PUD Design Guidance. Applicants are encouraged to use the guidelines below to plan and design a PUD that will best fit into Westford's rural landscape. These examples are provided to more specifically explain and illustrate the concepts and techniques generally described in Section 313 for subdividing land while protecting rural character. They are not to be interpreted as the only options for doing so or as mandatory for all PUDs.

**Edge-of-Field PUD**

Lots or building envelopes are located along the edges of agricultural land or along the tree line between field and forest in order to preserve farmland for agricultural use, maintain scenic roadscapes and blend development into the rural landscape. Buildings should front on natural or agricultural land with minimal to no front yards and wooded land behind. Private yards may be to the side or rear of buildings. Buildings are accessed from private roads or shared driveways, which should also be located along the edge of the field or tree line. A new hedgerow may be established along the access road or driveway.

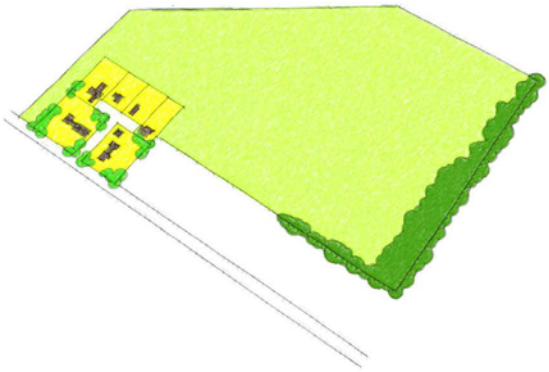


**Open Field PUD**

Some development sites will be open fields with no existing vegetation or topography to help screen the PUD. Lots should be clustered on the land least suitable for farming. The PUD should be set back at least several hundred feet with a field or meadow maintained between the road and buildings. New hedgerows and naturalistic landscaping should be used to screen and soften views of the development from the road and to provide privacy between lots within the PUD.

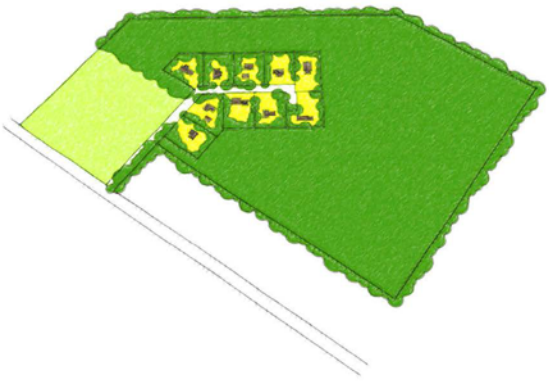
**Farmstead PUD**

The PUD will replicate the traditional pattern and form of a farmstead (farmhouse, barns, outbuildings) by locating lots or building envelopes in a compact cluster relatively close to the road in order to preserve farmland for agricultural use and protect rural character. Buildings should be oriented at right angles to one another and the road and share a common access. Larger buildings (similar in scale to barns) can accommodate multi-family housing or mixed-use development. This design approach is most appropriate for a small PUD, generally with not more than 4 to 8 buildings. Buildings should incorporate Vermont vernacular architectural forms and materials.



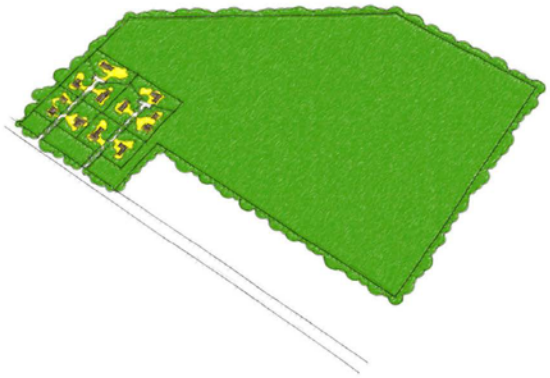
**Out-of-Sight PUD**

Some development sites will have existing vegetation or topographic features that allow development to be sited in locations that are largely invisible from the road in order to protect scenic views and preserve rural character. Lots or building envelopes may be grouped together or scattered throughout the property, but are accessed by shared roads or driveways when feasible. Use of natural or non-reflective building materials and dark, muted, or earth-tone colors will help blend development into the rural landscape.



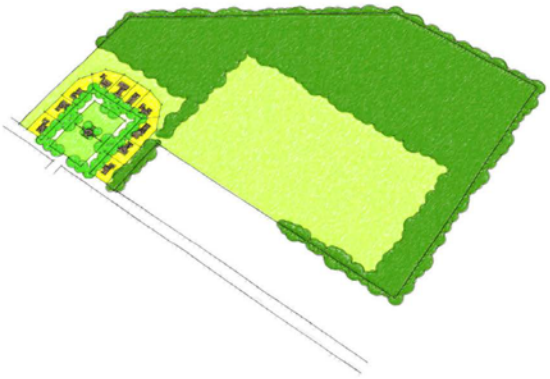
**In-the-Woods PUD**

On a primarily forested site, the rural character of the roadscape is maintained by locating building sites behind a wooded buffer, generally 50 feet or more deep. The PUD should minimize fragmentation of forest habitat and timber resources by clustering building sites and locating them relatively close to the road. Building sites are accessed by narrow shared roads or driveways when feasible. Clearing and land disturbance to create building sites, private yards and access is minimized. Openings in the tree canopy should also be minimized.



**Rural Hamlet PUD**

A PUD can replicate the traditional pattern and form of a rural hamlet by locating building sites in a compact cluster oriented along road or formal greenspace. Buildings are typically oriented at right angles to one another with a shallow front yard fronting on a road or formal greenspace. This type of PUD can accommodate a greater number of dwellings, as well as multi-family housing and mixed-use development. Sites located at an intersection are particularly well-suited for this type of PUD. The hamlet development pattern can be extended onto adjacent properties or across the road.



## **Section 315.** Fire Suppression Water Supply

315.A Applicability. All subdivisions and PUDs, with the exception of subdivisions and PUDs in the T5, T4 & T3 Form Based Code overlay district, must provide water for fire suppression in accordance with the provisions of this section.

315.B Infrastructure Required. Fire suppression infrastructure will be required in accordance with Paragraph 101 and the standards below:

(1) The developer must construct appropriate fire suppression water supply infrastructure, including sufficient access to the infrastructure by emergency vehicles and personnel if:

(a) The subdivision or PUD will have 7 or more lots or dwellings;

(b) The subdivision or PUD will have 4 to 6 lots or dwellings that will be accessed from a private road or shared driveway that is more than 1000 feet long; or

(c) The Development Review Board determines that it will be necessary to provide adequate fire protection as recommended by the Westford Fire Department.

(2) The developer must purchase and install all required fire suppression water supply infrastructure.

(3) The developer must provide an easement adequate to allow access to and maintenance of the infrastructure by the Town and Fire Department.

(4) A fire pond required under this section must contain a minimum of 90,000 gallons of useable water. Useable water does not include water lower than the dry hydrant intake pipe or water that will freeze in the winter. Each water source must be served by a dry hydrant or drafting basin installed to fire department specifications.

(5) To the maximum extent feasible, a fire pond must be located within 900 feet of the structures it is designed to protect. If the pond cannot be so located, the developer must provide adequate space for the access and staging of emergency vehicles and equipment between the pond and the structures or building envelopes within the development.

315.C Waiver. The Development Review Board may waive the requirements of this section due to unsuitable soils, an insufficient water source, or excessive costs. If the requirements are waived, the Development Review Board must condition any approval on all development within the subdivision installing fire sprinkler systems that meet National Fire Protection Association standards (NFPA 13, 13R or 13D, as applicable). The Development Review Board may require the developer to provide an easement for future construction of fire suppression infrastructure by the Town or Fire Department.

## Section 316. Legal Requirements

316.A The outer edges of the subdivision or PUD and the lines of all roads must be marked with concrete, stone, or iron monuments with monument caps, and individual lots must be marked with iron pins or pipe. The applicant must submit a letter from a licensed surveyor verifying that all the boundary markers have been set as shown on the approved final subdivision plat. All boundary markers must be set as shown on the approved final subdivision plan and the verifying letter submitted prior the Administrative Officer issuing any zoning permits for development on the lots.

316.B The Development Review Board may waive the surveying and marking requirements for any remaining portion of the parent parcel if it is more than 15 acres in area. In that case, the applicant will only need to survey and mark those portions necessary to establish the boundaries for the lots being subdivided off the parent parcel.

316.C A management association must be formed for any subdivision or PUD that includes a new or extended private road or shared driveway, common land, or other shared infrastructure or facilities. The association bylaws must make membership automatic for everyone who purchases a home or property within the development. The bylaws must also authorize the association to place liens on the real property of members who fail to pay their share of any expenses related to the management, maintenance, repair or improvement of common land, facilities, or infrastructure.

316.D The applicant must provide a copy of any draft legal documents (ex: public offering statement, declarations, covenants, association bylaws, deed restrictions, etc.) associated with the subdivision or PUD as part of the application for final subdivision review and approval by the Development Review Board.

316.E If any land or easements within the subdivision or PUD will be dedicated to the Town, State or a conservation organization, the applicant must record an executed irrevocable offer of dedication document in the Town Land Records when the mylar is recorded.

316.F The plat for the subdivision or PUD must include notation documenting all subdivision of the land during the prior 10 years and the number of development rights associated with each lot shown on the plat.

# Chapter 320. Site Design & Engineering Standards

## Section 321. Driveway & Private Road Standards

321.A Purpose. The provisions of this section are intended to promote safe and efficient access to and circulation within a property for vehicular, bicycle, and pedestrian traffic while taking into consideration Westford's topography, the preservation of natural resources and features, and stormwater impacts.

321.B Applicability. All development must provide access and circulation in accordance with this section.

321.C Vehicular Access. All development must provide vehicular access from the road in accordance with the following:

(1) Access Permit. Before the Administrative Officer may issue a zoning permit for development to be served by a new curb cut on a public road, the applicant must obtain a highway access permit from the Town or State as applicable. Applications before the Development Review Board for development accessed from a State highway must submit a letter of intent from the Vermont Agency of Transportation documenting their review of the proposed site plan, confirming that they are prepared to issue an access permit, and listing any conditions that would be attached to the access permit.

(2) Class 4 Roads and Trails. Applicants proposing to access development from or to create a lot with frontage on a Class 4 town road or trail must first obtain approval from the Selectboard. The Selectboard may require the applicant to upgrade the road or trail in accordance with the Town's adopted road policies, standards, and/or specifications (see Subsection 321.D).

(3) Traffic Safety and Impact. All development must have safe and uncongested access and must not cause or contribute to unsafe or congested conditions on public roads. The Development Review Board may place conditions on development as deemed necessary to avoid unsafe or congested conditions including, but not limited to the following:

(a) Changing the location of curb cuts.

(b) Reducing the number of curb cuts.

(c) Requiring shared access.

(d) Requiring cross access.

(e) Constructing turning lanes.

(f) Constructing frontage or service roads.

(g) Limiting the amount of traffic generated or the amount of development allowed.

(4) Number. Shared access between adjacent properties is strongly encouraged, particularly on state highways. The Development Review Board may require newly created lots to share a common access. No lot may be served by more than one access point except that:

(a) A corner lot not fronting on a state highway may have one access point on each street provided that the spacing requirements specified below will be met. Access to a corner lot fronting on a state highway must be from the secondary road unless

otherwise approved by the Development Review Board upon finding access from the state highway will improve traffic circulation and safety.

(b) A single-family or two-family home may have a loop driveway with not more than two access points.

(c) The Development Review Board may approve more than one access on a lot or to a development when necessary to accommodate unique physical conditions on the property, to provide adequate emergency access, or to provide adequate traffic circulation.

(d) More than one non-residential/secondary access may be allowed for agricultural use and/or silvicultural management.

(5) Spacing. Access spacing will be measured from the edge of the proposed road to the nearest edge of the adjacent or opposite road. Access points must be spaced as follows:

Figure 3-5. Spacing Standards.

| Access Spacing | Rte 15 & Rte 128 |
|---|---|
| | 800 ft* |

*except as necessary to provide access to properties existing in separate and non-affiliated ownership on or before adoption of the regulations, dated November 7, 1972.

(a) Use of shared access points is strongly encouraged on these routes,

(b) Greater spacing may be required given traffic, road speed, road conditions, terrain, and sight distance.

(c) The Development Review Board may reduce the spacing distance when it is not physically feasible to achieve and upon the applicant obtaining an access permit from the Town or State, as applicable.

(6) Cross Access. Cross access between adjacent properties or developments is strongly encouraged. Commercial or mixed-use lots that front on a state highway must provide an access connection to abutting commercial or mixed-use properties whenever physically feasible. The Development Review Board may require a common access easement as a condition of approval.

(7) Angle. The angle of the private road or driveway approach must be as close to 90 degrees as physically possible and must not be less than 75 degrees.

(8) Pre-existing Driveways. Where an existing driveway is inadequate, unsafe, or not conforming, the Zoning Administrator or Development Review Board may require the applicant to upgrade that driveway into conformance with these regulations.

(11) Rights-of-Way. Rights-of-Way for all private roads shall be a minimum of 40 feet in width within the Common and Village Districts and shall be 60 feet in width in all other districts unless the Development Review Board deems it appropriate for environmental, conservation, or design reasons to have a narrower right-of-way. Rights-of-way for all driveways shall be a minimum of 30 feet in width unless the Development Review Board determines that a greater width is necessary to provide suitable access or to accommodate potential future subdivision.

321.D Driveways & Private Roads Serving New Development. The following design and construction standards apply to all driveways and roads serving new development:

(1) Town Standards and Specifications.

(a) If the Town adopts any public works or highway standards that cover private roads, those standards will apply in the case of a conflict with any provision of this section.

(b) Roads that will be constructed or reconstructed within Town highway rights-of-way or that the applicant proposes to be accepted by the Town as public roads must conform to the Town's adopted road and bridge standards.

(2) Inadequate Roads or Infrastructure.

(a) Where existing Town roads, bridges, and/or associated stormwater infrastructure are inadequate to serve the proposed development, the Development Review Board may condition approval on the applicant paying to upgrade the road or infrastructure to the minimum standard necessary to accommodate the proposed development as agreed to by the Selectboard.

(b) Where existing private roads, driveways, bridges, and/or associated stormwater infrastructure are inadequate to serve the proposed development, the Development Review Board may require the applicant to upgrade the road, driveway or infrastructure to the minimum standard specified in these regulations.

(c) Where the existing Town road right-of-way is inadequate, or a realignment or widening of the road would be in the public interest, the Development Review Board may conditional approval on the applicant dedicating additional road right-of-way to the Town as agreed to by the Selectboard.

(3) Design and Construction Standards. New, improved, or extended driveways and private roads must meet the minimum design and construction standards in 0 3-6, unless otherwise approved by the Development Review Board to improve traffic circulation and safety and/or may be reduced to not less than 12 feet for one-way looped private roads and driveways,. Private road and driveway materials must meet Vermont Agency of Transportation standard specifications for road construction. New, improved, or extended private roads and driveways must be capable of bearing a minimum vehicle weight of 29,000 pounds.

(4) General. The Development Review Board will consider the arrangement, character, extent, width, grade, and location of all proposed private roads and driveways in relation to existing roads, driveways, topography, public convenience and safety, and the proposed uses of the adjacent land. Applicants must set private road and driveway grades to allow for the maximum number of proposed building sites to be situated at or above the finished grade level of the private road or driveway. The design of new private roads must be a continuation of existing roads and create an interconnected road network to the greatest extent feasible.

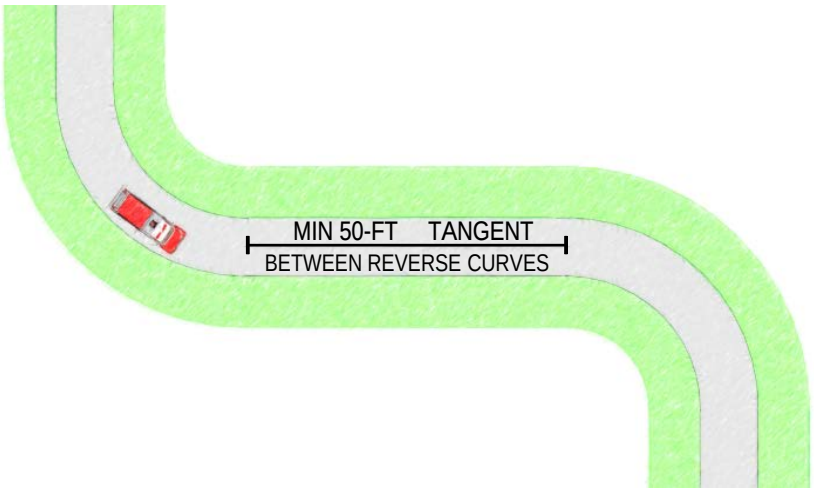
(5) Compatibility with Anticipated Traffic and Use. Design and construction must be compatible with the estimated average daily traffic expected to occur on the road, and types and density of development allowed in the zoning district. The Development Review Board may increase minimum standards (as set out in Figure***) that are deemed necessary to accommodate anticipated traffic levels, travel speed, truck traffic, terrain, or types/density of development to be served by the road.

(6) Protection of Natural Resources. Roads and driveways must avoid streams, wetlands, steep slopes, and highly erodible soils to the maximum extent feasible. Clearing and grading for roads, driveways and utilities must be limited to the minimum necessary to construct safe roads, driveways, create needed roadside and embankment drainage, establish stable cuts and fills, and allow for utility installation. Driveways and private roads must have the minimal amount of impervious surface capable of accommodating the development.

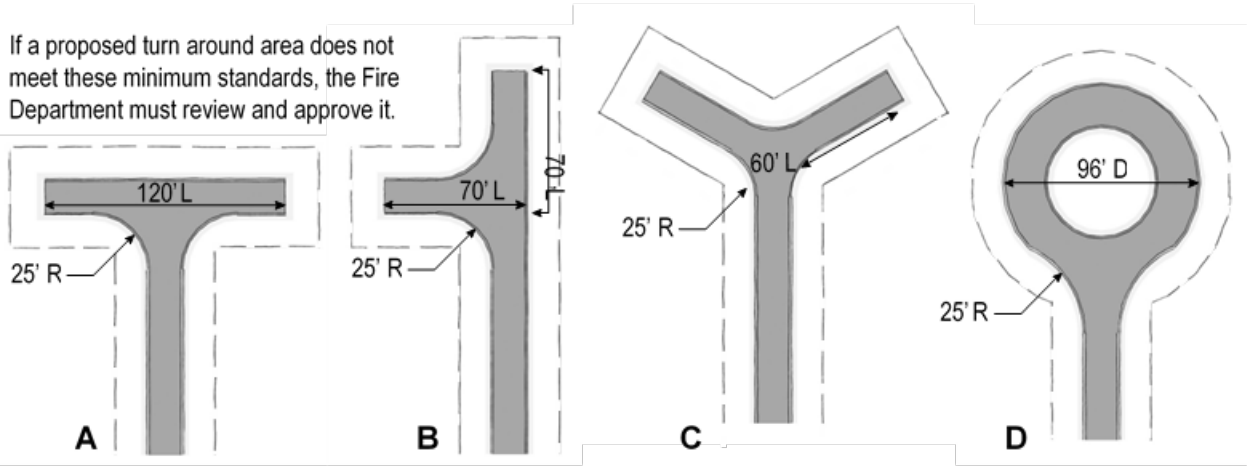
(7) Length. Driveways and private roads with a length of 1000 ft or more are strongly discouraged. The Development Review Board may require reduce driveway and private road lengths if exceeding this amount.

(8) Intersections. The grade of a private road or driveway must not exceed 10% within 20 feet of any intersection. Private roads and driveways must intersect as close as possible to a right angle and must not intersect at an angle of less than 75 degrees.

(9) Reverse Curves. For roads serving 7 or more dwellings or lots, the length of a tangent between reverse curves must be at least 50 feet as shown below:

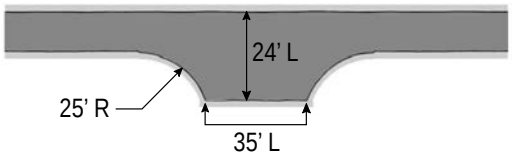



(10) Dead-Ends. The construction of dead-end roads is strongly discouraged. The Development Review Board will approve dead-end roads only when necessitated by site-specific physical conditions (e.g., steep slopes, ledge outcroppings, streams, wetlands, etc.) Dead end roads serving 6 or fewer dwellings and/or lots and all driveways shall have an adequate turn around at their terminus to serve emergency and service vehicles. Roads serving 7 or more dwellings and/or lots must be constructed to provide a turn-around adequate for turning emergency and service vehicles as shown below




(11) Future Connections. The Development Review Board will require the creation of a right-of-way in-line with any new or extended private road to provide continuation of that road where future development is possible on the subject or an adjoining parcel. The Development Review Board may waive or modify this provision upon determining that topographic or similar physical features on the properties would make such continuance undesirable or impractical. Where adjoining developments or developable properties will not have a vehicular connection, the Development Review Board will require a pedestrian connection if physically feasible.

(12) Emergency Vehicle Turnouts. Private roads and driveways that have a total travel way width of less than 18 feet must provide a turnout every 300 feet, or as needed depending on site distances, capable of accommodating an emergency vehicle as shown below:




If a proposed pull off area does not meet these minimum standards, the Fire Department must review and approve it.

Emergency vehicle turnout must be maintained and cleared of snow in the winter months.

(13) Culverts and Bridges. New or replacement culverts and bridges must meet the following:

(a) Culverts must have a minimum diameter of 18 inches, or 125% of natural channel bankfull width for stream crossings if greater (see ANR's *Guidelines for the Design of Stream/Road Crossings for Passage of Aquatic Organisms in Vermont*).

(b) The applicant must submit a hydraulic engineering study for any culvert with a drainage area of more than ¼ square mile. Such a culvert must be designed to convey the Q100 design storm.

(c) The applicant must submit a hydraulic engineering study for all bridges (structures with a span of more than 6 feet) or open bottom structures. Such structures must be designed to convey the Q100 design storm. Appropriate techniques, such as headwalls and wing walls, must be used where there is erosion or undermining, or where it may occur.

(14) Drainage Swales and Ditches. New or improved drainage swales and ditches transporting runoff from roads and driveways must meet the following:

(a) Soil exposed during ditch and slope construction or maintenance must be stabilized to prevent erosion immediately upon completion of the work in accordance with Section 327. Slopes of less than 2% may be seeded and mulched. Slopes between 2% and 5% must use biodegradable, non-welded matting and seed. Slopes greater than 5% must be stone lined or be constructed with stone check dams.

(b) Wide, U-shaped (parabolic) ditches or swales must be provided to the maximum extent feasible rather than narrow, V-shaped ditches. Ditches or swales with gradual side slopes (2:1 slope max) and a wide bottom (at least 2 feet) are preferred. Side slopes in excess of 1:1 must use biodegradable, non-welded matting and seed. Less steep side slopes may be seeded and mulched.

(c) Ditches and swales must be turned out to avoid direct outlet into surface waters to the maximum extent feasible. There must be adequate outlet protection at the end of the turnout consisting of either a rock or vegetative filtering area.

(15) Utilities. Utilities must be located within and follow rights-of-way to the maximum extent feasible.

(16) Streetlights. Private roads and driveways must not be designed with streetlights except within the Common or Village zoning districts, at intersections and crosswalks, or where approved by the Development Review Board for safety reasons.

(17) Road Names. Private roads and shared driveways must be named and identified by a road sign in accordance with Town E-911 standards.

(18) Inspection Required. Before any clearing has started within the right-of-way, the center line and side lines of the new road or driveway must be staked or flagged at 50-foot intervals for inspection by the ZA to determine compliance with approved plans.

Figure 3-6. Dimensional Standards Table for Roads & Driveways

| | <7 DWELLINGS OR LOTS | >7 DWELLINGS OR LOTS | NONRESIDENTIAL/COMMERCIAL DEVELOPMENT |
|---|---|---|---|
| Traveled way (total width) | 12 ft min | 18 ft min | TBD by DRB or ZA based on use** |
| | | | |
| Vertical clearance | 14 ft min | 14 ft min | 14 ft min |
| Average grade (over any 100-ft section) | 12% max | 12% max | 10% max |
| | | | |
| Turning radius | 25 ft min | 25 ft min | 25 ft min |
| Roadway crown (asphalt) | 0.25 in/ft | 0.25 in/ft | 0.25 in/ft |
| Roadway crown (aggregate) | 0.50 in/ft | 0.50 in/ft | 0.50 in/ft |
| Aggregate sub-base course* | 12 in min | 15 in min | 15 in min |
| Aggregate surface course* | 3 in min | 3 in min | 3 in min |
| Asphalt binder course (if paved) | 2.5 in min | 2.5 in min | 2.5 in min |
| Asphalt top course (if paved) | 1.5 in min | 1.5 in min | 1.5 in min |
| Side slope (not ledge) | 3:1 max | 3:1 max | 3:1 max |
| Side slope (ledge) | 1:4 max | 1:4 max | 1:4 max |
| Road fabric | yes | yes | yes |

**Gravel roads must be constructed with an aggregate sub-base course and an aggregate surface course. Paved roads must be constructed with an aggregate sub-base course, asphalt binder course and asphalt top course.*

*** Non-Residential/Commercial driveways and/or private roads shall not be less than 12 ft in width.*

## **Section 322.** Parking and Service Areas

322.A Applicability. All off-street parking areas for 5 or more vehicles must be designed and constructed in accordance with the standards of this section. Adequate off-street parking must be provided in conjunction with any improvement or change of use requiring a zoning permit. Except as specifically authorized in these regulations, all parking must be on the same premises as the proposed improvement.

322.B Number of Spaces. Development must provide a minimum number of off-street parking spaces as specified in 3-7. Development must provide accessible parking in accordance with state and federal requirements, which will count towards the minimum parking requirements of this section.

Figure 3-7. Required Amount of Off-Street Parking

| USE | SPACES REQUIRED |
|---|---|
| Bank & Other Financial Institutions | 3.6 per 1,000 sq. ft. GFA |
| Bed & Breakfast | 1.2 per guest room |
| Boarding House | 1.2 per guest room |
| Bulk Storage of Fuels | 0.5 per 1,000 sq. ft. GFA + 1 per employee + 1 per company vehicle |
| Cemetery | 2 |
| Club, Private | 0.33 per maximum occupancy |
| Community Facility | 0.33 per maximum occupancy |
| Congregate Housing | 0.33 per room |
| Contractor's yard | 0.5 per 1,000 sq. ft. GFA + 1 per employee + 1 per company vehicle |
| Crematorium | 0.5 per 1,000 sq. ft. GFA + 1 per employee + 1 per company vehicle |
| Domestic Animal Kennel | 2.5 per 1,000 sq. ft. GFA |
| Dwelling Unit, Accessory | 1 per unit |
| Dwelling Unit, Two Family | 2 per dwelling unit |
| Dwelling Unit, Multi Family | 1.5 per dwelling unit |
| Dwelling Unit, Single Family | 2 per dwelling unit |
| Senior Housing | 1.5 per unit |
| Equipment Rental | 3.6 per 1,000 sq. ft. GFA |
| Farm Stand | 2 |
| Fuel Sales | 7.5 per 1,000 sq. ft. GFA + 1 per pump |
| Funeral Home | 1 per 4 seats |
| Gallery/Studio | 2.5 per 1,000 sq. ft. GFA |
| Garden Nursery | 3.6 per 1,000 sq. ft. GFA |
| Group Home | 0.33 per room |
| Health & Arts Studio | 0.33 per maximum occupancy |
| Home Occupation- Type 1 | maximum of 2 for non-residential use and/or customers |
| Home Occupation – Type 2 | maximum of 8 for non-residential use, employees and/or customers |
| Horse Stable / Indoor Riding Facility | 1 per 2 stalls |
| Hotel/Motel | 1.2 per room |
| Indoor Recreational Facility | 0.33 per maximum occupancy |
| Library | 3.6 per 1,000 sq. ft. floor area |
| Motor Vehicle Dealer Indoor/Repair | 2 per 1,000 sq. ft. floor area |
| Motor Vehicle Sales | 0.5 per 1,000 sq. ft. GFA + 1 per employee + 1 per company vehicle |
| Museum | 2.5 per 1,000 sq. ft. floor area |
| Nursery School/Daycare Center | 1 per employee + 1 per 6 children |
| Outdoor Recreational Facility | 1 per 10 acres + 1 per 500 sq. ft. floor area |
| Personal Service/Professional Office | 3.6 per 1,000 sq. ft. floor area |
| Place of Worship | 1 per 4 seats |
| Post Office | 3.6 per 1,000 sq. ft. floor area |
| Primitive Camp | 2 per unit |
| Private School | 0.25 per student |
| Public Park | 1 per 10 acres |
| Restaurant/Tavern | 1 per 3 seats + 5 per 1,000 sq. ft. floor area of customer space without seats |
| Retail, General/E-Commerce/Rural | 3.6 per 1,000 sq. ft. floor area |
| Retail, Wholesale | 0.5 per 1,000 sq. ft. floor area + 1 per employee |
| Small Scale Industry | 0.5 per 1,000 sq. ft. floor area + 1 per employee |
| Tavern/Restaurant | 1 per 3 seats + 5 per 1,000 sq. ft. floor area of customer space without seats |
| Theater, Indoor/Outdoor | 0.33 per maximum occupancy |
| Veterinarian | 2.5 per 1,000 sq. ft. floor area |

| USE | SPACES REQUIRED |
|---|---|
| Wireless Telecommunication Facility | 1 |

322.C Modification of Required Spaces. The Development Review Board may increase or decrease the number of off-street parking spaces required if appropriate to accommodate the parking needs of an individual applicant. In general, the Development Review Board should seek to require sufficient parking spaces to meet anticipated demand but to avoid requiring excess parking. Alternative arrangements such as shared, off-site, and on-street parking are encouraged to meet peak parking demand. Excessive on-site parking is strongly discouraged.

322.D General Layout. Off-street parking areas must be designed as follows:

(1) Parking areas must be laid out so as not to require or permit vehicles to back onto a public way, nor to require the movement of other vehicles to enter or exit any designated stall, except for tandem parking as permitted below.

(2) Shared parking may be constructed across any common side or rear lot line. Such parking may be accessed by a common driveway. If the access is entirely within one lot, the applicant must record an access easement or other similar legal agreement guaranteeing access to the shared parking.

(3) Tandem or "stacked" parking may be allowed for residential uses and dedicated employee-only parking, provided that such parking does not create unsafe circulation on the site. If tandem parking is allowed, the first space must have unobstructed access while the second space may be accessed through the first space.

322.E Dimensions. Off-street parking areas must be designed as follows:

(1) Each parking space must have a minimum width of 9 feet and a minimum length of 18 feet. These dimensions may be modified for angled parking based on accepted engineering standards.

(2) Parking aisles must have a minimum width of 20 feet. The Development Review Board may require wider aisles if necessary to allow for adequate circulation or emergency access. These dimensions may be modified for angled parking or one-way aisles based on accepted engineering standards.

322.F Location. Off-street parking is prohibited in the minimum front, side, and rear setback areas. Parking is prohibited in the front yard between the principal building and the road except:

(1) If an existing building to be served by parking is set back 100 feet or more from the front lot line, then up to two rows of parking may be located in the front yard provided it is a minimum of 50 feet from the edge of the road right-of-way.

(2) Parking in the Common and Village zoning districts must meet the requirements of the Form-Based Code overlay district (see Chapter 260).

(3) The Development Review Board may modify the location requirements when strict conformance cannot be achieved due to site-specific constraints and where the overall site layout otherwise conforms to the purpose of the zoning district. Such exceptions must only be granted when additional measures are taken to ensure safe pedestrian circulation and access, and to screen the parking as viewed from the road and adjoining properties.

322.G Alternative Parking Arrangements. In order to prevent the provision of excess parking, reduce impervious surfaces, and encourage pedestrian-friendly development, the following alternative parking arrangements are authorized in all zoning districts:

(1) Shared Parking. When any land or building is used for two or more discrete uses such that the hours of peak usage do not coincide, the Development Review Board may reduce the total number of spaces required to serve the combined uses, as it deems appropriate.

(2) Off-Site Parking. The Development Review Board may authorize the location of up to 75% of the required parking on another parcel in accordance with the following requirements:

(a) The proposed off-site parking area must be located within 1,500 feet of the proposed development (as measured to the customer or resident entrance). The Development Review Board may approve off-site parking located farther from the proposed development, provided the applicant has provided adequate transportation infrastructure or management to connect the parking area and proposed use;

(b) The proposed off-site parking area must not be counted toward satisfying the parking requirements of any other use except in accordance with the provisions for shared parking;

(c) The proposed off-site parking area must otherwise satisfy all standards of these regulations; and

(d) The applicant must record a deeded easement or similar legal agreement granting parking rights to the subject property in the Town land records.

(3) On-Street Parking. The Development Review Board may allow on-street parking if approved by the Selectboard or Vermont Agency of Transportation, as applicable. On-street parking must be located outside of travel lanes. On-street parking may be shared as provided in this section and may be counted towards the parking requirements in this section.

322.H Loading or Service Spaces. Nonresidential development must provide a minimum of one small off-street truck loading or service space. Small off-street truck loading or service spaces must have an overhead clearance of at least 10 feet and must be not less than 10 feet wide and 20 feet long, exclusive of access and maneuvering area. Uses that will require access by tractor-trailers must provide a minimum of one large off-street truck loading or service space. Large off-street truck loading or service spaces must have an overhead clearance of at least 14 feet and must be not less than 12 feet wide and 50 feet long, exclusive of access and maneuvering area. The Development Review Board may allow a portion of the parking area to also serve as loading or service space if the applicant can demonstrate that the uses will not conflict. The Development Review Board may require more than the minimum

number of off-street loading or services spaces as deemed necessary for the proposed use.

## Section 323. Landscaping and Screening

323.A Purpose. The provisions of this section are intended to protect quality of life and Westford's rural character by:

(1) Providing a landscaped buffer between incompatible uses;

(2) Screening land uses that create visual clutter and distraction;

(3) Enhancing the appearance of development; and

(4) Conserving energy and improving environmental quality.

323.B Applicability. All land development requiring approval by the Development Review Board must provide landscaping and screening as specified in this section. The specific landscaping and screening standards below are minimum requirements and the Development Review Board may require additional landscaping or screening as necessary to further the purposes of these regulations.

323.C Street Trees. Street trees are required within the Common and Village zoning districts as specified in the Form-Based Code overlay district (see Chapter 260). As a condition of subdivision approval, the Development Review Board may require street trees or more naturalistic planting along roads, as appropriate, given the characteristics and context of the site. Applicants must select trees recommended as street trees in the Vermont Tree Selection Guide published by the Vermont Urban and Community Forestry Program unless otherwise specified in a landscaping plan prepared by a licensed landscape architect or certified horticulturalist.

323.D Perimeter Landscaping. Perimeter landscaping is required for all newly constructed nonresidential, two-family residential and multi-family residential buildings that have a footprint of 1,000 square feet or more and expansions to such buildings of 500 square feet or more as specified below:

(1) Front and side yard landscaping must include at least 1 large tree, 2 medium trees, and 4 small trees or shrubs for each 100 feet of building perimeter.

(2) Front and side yard landscaping must be located to screen mechanical equipment, utilities, and service areas associated with the building; to enhance and shade building entrances and walkways; and to provide visual breaks along blank building facades.

(3) Landscape designs must feature a diversity of trees and shrubs planted in naturalistic clusters.

323.E Parking Lot Landscaping. Landscaping is required within and around all parking lots that are 3,000 square feet or more in area, including access and circulation drives as specified below:

(1) Parking lot landscaping must include at least 1 large tree, 2 medium trees, and 3 small trees or shrubs for each 3,000 square feet of parking area (inclusive of access and circulation areas).

(2) Parking lot landscaping may be located along the perimeter of and within the parking lot. Landscaping must be located to screen parking from public view, to shade parking spaces, and to provide visual breaks within large parking areas. Any planting islands within a parking lot must be at least 9 feet wide by 18 feet deep.

(3) Landscape designs must feature a diversity of trees and shrubs planted in naturalistic clusters.

(4) Applicants are strongly encouraged to integrate parking lot landscaping with low-impact development (LID) approaches to managing stormwater. The Development Review Board may allow applicants to substitute other plant materials for required trees in areas that will function as green stormwater infrastructure and may require regular maintenance that would be incompatible with tree planting.

323.F Required Screening. Mechanical equipment, utilities, dumpsters, fuel tanks, loading docks, service entrances, and similar utilitarian elements whether located at ground level, wall-mounted, or roof-mounted must be screened from public view to the greatest extent feasible with one or more of the following: building extensions (ex. parapet), walls, fences, berms, or landscaping. Screening type and materials must be compatible with the character of the building and site. A solid privacy fence or chain-link fencing may only be used for screening in conjunction with landscaping.

323.G Fences and Walls. All nonagricultural fences or walls must be built and maintained as specified below:

(1) Side and rear setbacks do not apply to fences or walls that are not more than 6 feet in height. Front setbacks do not apply to fences or walls that are not more than 4 feet in height, but they must not be located within rights-of-way. Fences or walls must not obscure vision above a height of 3 feet within 50 feet of a road intersection.

(2) Any support posts, cross pieces, or the "unfinished" side of the wall or fence must face inward and the "finished" or "good" side of the fence or wall must face outward. Concrete walls visible from public vantage points must be faced with natural stone or decorative blocks.

(3) Fences or walls must not be constructed of any material capable of inflicting significant personal injury. They must not be constructed of junk or cast-off items not originally intended to be used for fencing.

323.H Existing Vegetation & Topography. The Development Review Board may allow existing vegetation and/or site contours/topography to fully or partially meet landscaping requirements provided that it achieves the purposes of these regulations. Preservation of existing vegetation is strongly encouraged and the Development Review Board may condition approval on the creation of "no cut" zones where existing vegetation must be maintained to provide a natural buffer and screening.

323.I Landscape Materials. Applicants are encouraged to choose plant materials recommended in the *Vermont Tree Selection Guide* published by the Vermont Urban and Community Forestry Program. Landscaping must take the form of healthy and appropriately maintained trees, shrubs, grasses, and ground cover. Landscape plans must take into consideration the need for snow removal and storage, and the effect of traffic and road salt on nearby plant materials.

323.J Landscape Plan Requirements. The Development Review Board may require an applicant to submit a landscape plan prepared by a qualified professional as deemed necessary

to assure conformance with these regulations. A landscape plan prepared by a licensed landscape architect or certified horticulturalist will be required for all major subdivisions, PUDs, or land development that will require more than 8 parking spaces.

323.K Maintenance Requirements. Approved landscaping must be appropriately maintained including, but not limited to, weeding, mowing, replacing diseased or dying plants, and removing unwanted volunteer plants. The applicant must guarantee the survival of all approved landscaping for at least 2 years following installation. The Development Review Board may require the applicant to prepare and implement a maintenance plan and may condition approval on the long-term health and vitality of required landscaping.

323.L Review Criteria. In determining the amount and type of landscaping and screening required, the Development Review Board must consider:

(1) Existing vegetation to be preserved on the site;

(2) The need for buffers between the proposed development and adjoining properties and/or natural features;

(3) The visibility and proximity of parking, storage, mechanical and service areas, and other incompatible or unsightly areas from public vantage points and neighboring properties; and

(4) The landform, context, and character of the development site.

## Section 324. Outdoor Lighting

324.A Purpose. Outdoor lighting will be regulated to reduce its obtrusive and disruptive aspects, and will be limited to the minimum necessary for safety, security, and nighttime use of property. It is the intent of this section to curtail degradation of the nighttime environment and reduce light trespass, glare, and energy use by encouraging lighting designs that direct appropriate amounts of light where and when it is needed, increasing the use of energy-efficient light sources, and discouraging the use of poorly shielded or directed light fixtures.

324.B Applicability. All outdoor lighting must be installed in accordance with the provisions of this section except for:

(1) Public streetlights.

(2) Decorative holiday lighting using low-wattage lamps that is illuminated for no more than 90 days in any calendar year.

(3) Lamps with an initial output of less than 2,000 lumens located on single- or two-family residential property.

(4) Outdoor lighting required for exempt agricultural or silvicultural practices.

324.C Previously Developed Sites. Any previously developed site requiring site plan or conditional use review must bring the entire site, including any previously installed and proposed new outdoor lighting, into conformance with this section.

324.D Lighting Classes. This section regulates outdoor lighting based on the following classes:

(1) Class 1 Lighting includes all outdoor lighting used for outdoor dining or food service areas, outdoor assembly or maintenance facilities where regularly scheduled work activities occur after dark, display areas, assembly areas like amphitheaters, recreational facilities, signs or similar applications where color rendition is essential to the illuminated activity or purpose of the lighting.

(2) Class 2 Lighting includes all outdoor lighting used for illumination of walkways, roadways, equipment yards, parking lots, outdoor security or similar applications where general illumination for visibility, safety or security of the grounds is the primary concern.

(3) Class 3 Lighting includes all outdoor lighting used for decorative effects such as architectural illumination, flag and monument lighting, landscape lighting and similar applications.

324.E General Standards. All outdoor lighting must be kept to the minimum required for safety, security, and the intended use in accordance with the following:

(1) Shielding. All nonexempt outdoor light fixtures must be shielded as specified in 0. All fixtures that are required to be fully shielded must be installed and maintained in such a manner that the shielding is effective.

(2) Total Output. Total output from all nonexempt outdoor light fixtures on a site must not exceed the limits specified in 0. In presenting lighting plans, applicants are encouraged to use existing sites in the area as a point of reference for describing the proposed lighting levels.

(3) Allowed Lamp Types. All lamps must conform to the types specified in 0 and must be energy-efficient.

(4) Spot Light Aiming. Light fixtures containing spot or flood lamps must be aimed no higher than 45° above straight down. When aimed straight down, such light fixtures will be considered fully shielded; when aimed above straight down, they will be considered partially shielded. Use of flood or similar high-intensity lighting is discouraged.

(5) House Side Shielding. Any outdoor light fixture containing a lamp with an initial output of more than 10,000 lumens that will be located within 50 feet of residential property or a public right-of-way must use an internal or external "house side" shield. The light fixture and shield must be oriented to prevent light trespass over the adjacent property or right-of-way.

(6) Freestanding Lights. Freestanding light fixtures must not exceed 20 feet in height. Freestanding light fixtures may be located within front setbacks. Freestanding light fixtures must be set back from side and rear property lines at least a distance equal to three times their height except if located within a shared parking area, or if the adjoining properties are commonly owned. Use of decorative fixtures not more than 12 feet in height is encouraged to light walkways and other pedestrian-oriented spaces.

(7) Internally Illuminated Architecture. The initial lamp output of any internally illuminated architectural element that is not a sign will be considered partially shielded, Class 3 lighting.

(8) Indoor Lighting. Any indoor light fixture within a non-residential structure containing a lamp with an initial output of 2,000 lumens or more that is mounted such that any part of the fixture is lower than the height of a window or door must be fully shielded.

(9) Time Limits. Outdoor lighting must be extinguished as specified in 0. The Development Review Board may further limit when outdoor lighting may be used as deemed necessary to achieve the purposes of this section and protect the character of the area. Use of timers, dimmers, and sensors is encouraged.

(10) Security Lighting. Irrespective of the provisions of Paragraph (9) above, the Development Review Board may approve security lighting upon finding that the applicant has demonstrated a reasonable need given the location and characteristics of the proposed use and is proposing the minimum amount of lighting necessary to provide adequate security. Motion-activated lights must be used unless otherwise mandated by state or federal regulations

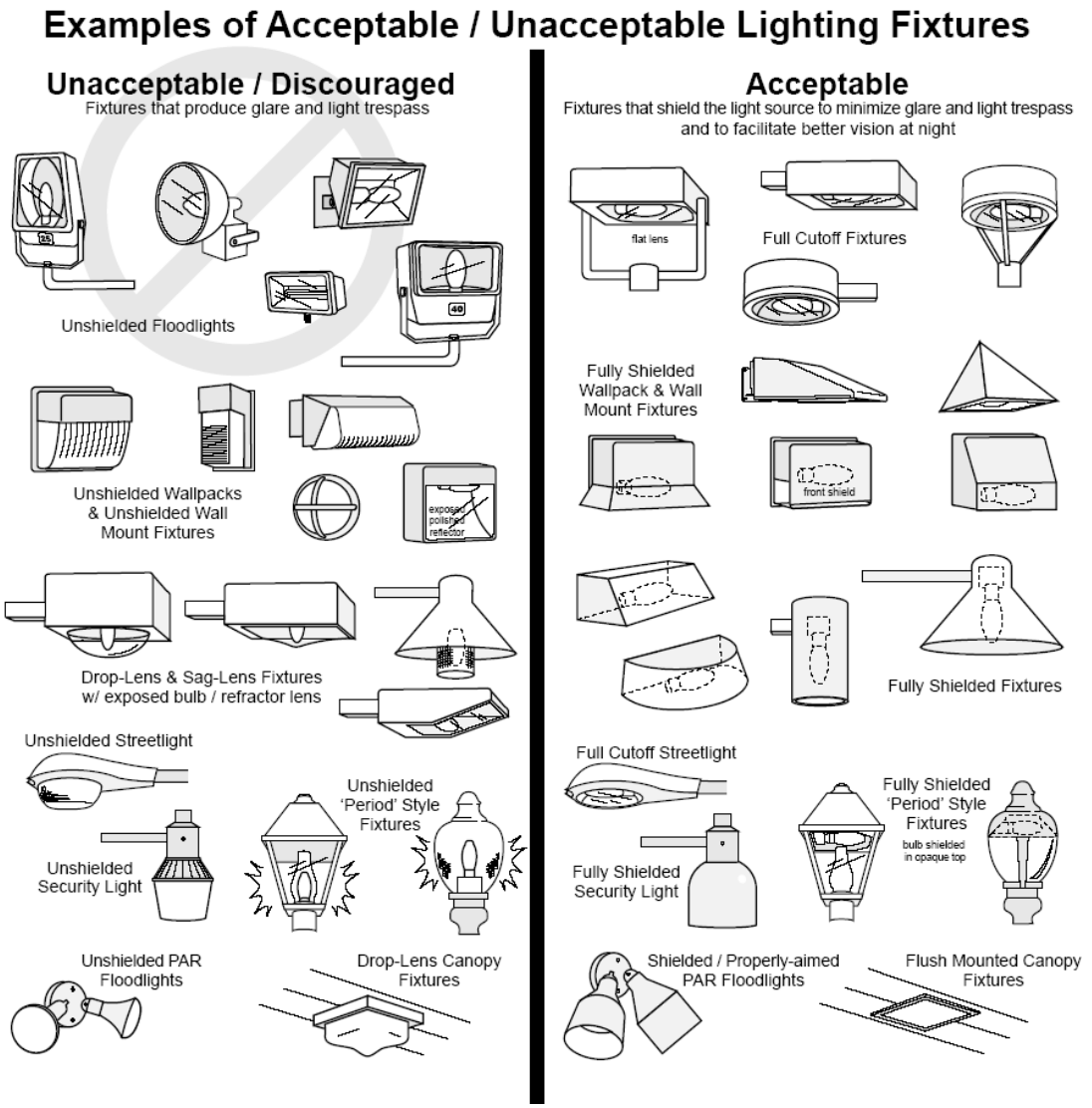
Figure 3-8. Light Fixture Shielding, Lamp Type and Time Limits

| | FIXTURE TYPE | LIGHTING EXTINGUISHED |
|---|---|---|
| CLASS 1 LIGHTING | | |
| Initial output <2,000 lumens | Fully shielded | n/a |
| Initial output 2,000 lumens or more | Fully shielded | n/a |
| CLASS 2 LIGHTING | | |
| Initial output <2,000 lumens | Fully shielded | After 9 p.m. (or 30 min after close of business if later). |
| Initial output 2,000 lumens or more | Fully shielded | |
| CLASS 3 LIGHTING | | |
| Initial output <2,000 lumens | Partially shielded | After 9 p.m. (or close of business if later) |
| Initial output 2,000 lumens or more | Prohibited | |

Figure 3-9. Total Outdoor Light Outputs

| | MAXIMUM AMOUNT OF LIGHTING |
|---|---|
| Nonresidential or Mixed Use | |
| All light fixtures (fully + partially shielded) | 50,000 lumens/acre |
| Partially shielded light fixtures only | 5,000 lumens/acre |
| Residential | |
| All light fixtures (fully + partially shielded) | 10,000 lumens/dwelling |
| Partially shielded light fixtures only | 3,000 lumens/dwelling |

Figure 3-10.




324.F **Sign Lighting.** All sign lighting must conform to the following:

(1) Externally Illuminated Signs. External illumination for signs will be considered Class 1 lighting and must conform to the standards of Paragraph 324.E. All upward directed sign lighting is prohibited.

(2) Fixed-Copy Electronic Message Signs. Fixed-copy electronic message signs will not count towards the site's total outdoor lighting output provided the lighting is located within the sign area. Any lighting extending beyond the sign area will be considered Class 3 lighting and will count towards the site's total outdoor lighting output.

(3) High Intensity Lights. The use of laser source lights, searchlights, or other high intensity lights for advertising purposes is prohibited.

(4) Time Limits. Sign lighting must be turned off by 9 p.m. or the close of business, whichever is later. The Development Review Board may further limit when signs may be illuminated as deemed necessary to achieve the purposes of this section and protect the character of the area.

## Section 325. Outdoor Display and Storage

325.A Applicability. Nonresidential land uses and home occupations must not involve the display or storage any goods, junk, vehicles, equipment, materials, or merchandise outside an enclosed structure except as specified in this section.

325.B Lot Coverage. Outdoor display or storage areas must not cover more than 20% of the lot or the district maximum lot coverage, whichever is less.

325.C Setbacks. Outdoor display or storage areas must not be located within 65 feet from the road centerline or the district minimum front setback, whichever is greater. They must be must not be located within 30 feet from property lines or the district minimum side and rear setbacks, whichever is greater. The Development Review Board may require greater setbacks as deemed necessary to achieve the purposes of these regulations.

325.D Screening. Outdoor display and storage areas must be screened from adjoining properties by either existing buildings or vegetation, or by a landscaped buffer consisting of not less than 3 large or medium trees and 10 small trees or shrubs per 100 feet. Except for retail sales display, outdoor storage areas must be screened from the road by either existing buildings or vegetation, or by a landscaped buffer consisting of a fence and not less than 2 large or medium trees and 8 small trees or shrubs per 100 feet. Within a landscaped buffer, a diversity of trees and shrubs must be planted in naturalistic clusters. The intent is not to fully block all views of the storage or display area, but to break up, soften, and redirect the views.

325.E Lighting. Outdoor display or storage areas must not be illuminated when the associated business is not open.

325.F Retail Display. A retail use occurring primarily within an enclosed building in the Common or Village zoning districts may display merchandise outdoors within required setbacks and without screening provided that:

(1) The merchandise is only placed outdoors during business hours; and

(2) The display does not exceed 10 feet in height or a total of 25 square feet in area.

## Section 326. Signs

326.A Purpose. By encouraging the orderly and appropriate design, scale, and placement of signs, the provisions of this section are intended to:

(1) Protect public safety;

(2) Promote effective identification, communication and wayfinding; and

(3) Maintain and enhance an attractive visual environment that fosters a healthy economy.

326.B Applicability. All signs must be designed and installed in accordance with the provisions of this section. The Administrative Officer must issue a zoning permit before any sign is erected, enlarged, replaced, reworded, redesigned, or altered in any way except as specifically exempted in Paragraph 326.D.

326.C Prohibited Signs. The following signs are prohibited:

(1) Off-premise signs.

(2) Abandoned signs.

(3) Signs attached to trees, utility poles, or streetlights.

(4) Signs placed on any public property or public right-of-way, except for a political sign in accordance with Paragraph 326.D(3) or a seasonal sign in accordance with Paragraph 326.D(6). Note that the Town of Westford prohibits all private signs, including political signs, in the Town Common.

(5) Signs that obstruct pedestrian traffic or visibility.

(6) Signs that limit drivers' sight distance, that could be confused with official highway signs or signals, that unduly distract drivers' attention, or that otherwise impair public safety.

(7) Signs illuminated by, composed of, or containing flashing, intermittent, rotating, or moving lights.

(8) Signs illuminated by, composed of, or containing luminous tube lighting.

(9) Internally illuminated signs.

(10) Signs that move or that incorporate any pennant, ribbon, streamer, spinner, balloon, inflatable, or other similar moving, fluttering, or revolving device.

(11) Signs that use obscene, lewd, vulgar, or indecent words or images.

(12) Signs more than 1,500 feet from the main entrance of the advertised business or use.

(13) Signs, flags, or banners mounted or extending more than 20 feet above the ground or, if building mounted, above the building's roofline.

(14) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying the sign.

326.D Exempt Signs. The following signs do not require a zoning permit:

(1) Government Signs. Public signs or notices erected or required by the Town or State.

(2) Government Flags. Flags or insignia of a government when displayed in accordance with applicable federal and state codes and when not displayed in connection with commercial promotion.

(3) Political Signs. Political campaign signs displayed in accordance with state regulations.

(4) Special Event Signs. Signs for a special event, which is sponsored by a public or nonprofit organization and will be open to the general public, that are not more than 20 square feet in area and are displayed not more than 1 week prior to the event and are removed within 24 hours after the event.

(5) Temporary Signs. Temporary signs are defined as signs that advertise openings, sales, or similar special events in accordance with the following:

(a) There must not be more than one temporary sign per lot.

(b) A temporary sign must not be displayed more than 7 consecutive days and more than a total of 14 days in any calendar year.

(c) A temporary sign must be securely attached to a building or a permanent free-standing sign.

(d) A temporary sign must not be more than 8 square feet in area. Temporary signs will not count towards the total amount of signs allowed under 0.

(e) A temporary sign must not be illuminated.

(6) Seasonal Signs. Seasonal signs are defined as signs for farms and agricultural enterprises to advertise products currently available in accordance with the following:

(a) There must not be more than 4 seasonal signs per business displayed at any time.

(b) Each seasonal sign must not be more than 8 square feet in area or 6 feet in height.

(c) Each seasonal sign must not be displayed for more than 90 days in any calendar year.

(d) Seasonal signs will not count towards the total amount of signs allowed under 0.

(e) Seasonal signs must not be illuminated.

(7) Open Flags. Open flags are defined as signs not more than 15 square feet or open/closed sign not more than 2 square feet in area per business. The flag must be displayed only when the business is open. An open sign may be illuminated only when the business is open. Only one flag is permitted per use.

(8) Real Estate Signs. Real estate signs are defined as one real estate or construction sign not more than 6 square feet in area per lot. For lots fronting on more than one road, one sign is allowed per road. For lots where multiple contractors are working, each contractor may display one sign. Such signs must be removed within 1 week following the sale or lease of the property or the completion of work on the property.

(9) Residential Identification Signs. A residential identification sign is defined as a non-illuminated name, address or similar identification signs not more than 2 square feet in area.

(10) Residential Decorative Sign/Flags. A residential decorative sign/flag is defined as non-advertising, decorative signs, or banners on single-family or two-family residential property.

(11) Posted Signs. A posted sign is defined as posted, trespassing, hunting or similar signs not more than 2 square feet in area.

(12) Garage Sale Signs. A garage sale sign is defined as signs for a garage sale, yard sale or similar sale of personal property that are not more than 4 square feet in area and are displayed not more than 2 days prior to the sale and removed within 24 hours after the sale.

Figure 3-11.Maximum Sign Area and Height

| | VILLAGE AND COMMON DISTRICTS | RURAL DISTRICTS |
|---|---|---|
| Building-Mounted Sign Area (per foot of building/tenant frontage) | 2.0 sf | 1.0 sf |
| Free-Standing Sign Area (single use) | 8 sf | 16 sf |
| Free-Standing Sign Area (multiple uses) | extra 2 sf per use | extra 4 sf per use |
| Free-Standing Sign Height | 6 ft | 12 ft |

*Building-mounted sign types include wall signs, projecting or hanging signs, window signs and awning signs.*

326.E General Standards. All signs must conform to the following:

(1) Signs must be structurally sound and located so that they do not pose a threat to pedestrian or vehicular traffic.

(2) Permanent free-standing signs must be self-supporting structures built on and attached to concrete foundations.

(3) Signs must be designed to withstand a wind pressure of at least 30 pounds per square foot.

(4) Signs must not be designed or located in a manner that would obscure architectural features (ex: cornices, arches, columns, etc.). Signs must not be designed or located in a manner that would obstruct access to any fire escape, required exit, window, or door.

326.F Specific Standards. All signs must conform to the following:

(1) Wall Signs. Wall signs are allowed in accordance with the following:

(a) A building or tenant may have multiple wall signs.

(b) Wall signs may be mounted on any facade facing a road, public right-of-way, or parking lot.

(c) The total area of all wall signs will be counted towards the maximum amount of building-mounted signs specified in Figure 3-11.

(d) A wall sign must not exceed 80% of the length of the tenant space (for multi-use buildings) or building frontage (for single-use buildings).

(e) Wall signs that project more than 6 inches from the wall must have a minimum clearance of 8 feet from the bottom of the sign to the grade below.

(2) Projecting Signs. Projecting signs are allowed in the Common and Village districts when designed and placed for the purpose of identifying the business by a pedestrian walking along the same side of the road as the business or under a building arcade or canopy in accordance with the following:

(a) There must not be more than one projecting sign per customer entrance.

(b) The sign must not exceed 12 square feet in area.

(c) The area of a projecting sign will be counted towards the maximum amount of building-mounted signs specified in Figure 3-11.

(d) The sign must have a minimum clearance of 8 feet from the bottom of the sign to the grade below.

(e) The sign must not project more than 6 feet from the wall of the building on which it is mounted.

(f) The sign may encroach over required yards or sidewalks.

(g) Projecting signs musts not be located closer than 24 feet to each other.

(h) If there will be multiple projecting signs mounted on a building, they must be compatible in type, scale, and placement.

(3) Free-Standing Signs. Free-standing signs are allowed in accordance with the following:

(a) There must not be more than one free-standing sign per lot, except that lots with frontage on more than one road may have one free-standing sign along each road.

(b) The size and height of a free-standing sign is as specified in 0.

(c) The sign may be located within required yards, but must be set back at least 3 feet from the property line. Signs more than 6 feet in height must be set back from the property line at least a distance equal to 50% of their height.

(d) Free-standing signs must not be located closer than 50 feet to one another.

(e) Multi-use free-standing signs must not include any information other than the name of the site, its address and/or the name of tenants.

(4) Directory Signs. A single development site that consists of multiple lots sharing a common entrance from the road may have a multi-use free-standing sign, irrespective of whether the advertised use is located on the same lot as the sign or the ownership of the lots.

(5) Window Signs. Permanent window signs will be considered wall signs for the purposes of determining the total number and area of signs allowed. No more than 25% of any ground-level window may be obscured by signs, whether permanent or temporary, whether on the interior or exterior of the window, and whether physically mounted on the window or otherwise mounted so as to be primarily viewed through the window.

(6) Awnings and Similar Accessory Structures. Signs on awnings or similar accessory structures attached to a building will be considered wall signs for the purposes of determining the total number and area of signs allowed. Umbrellas or similar detached accessory structures will also be considered wall signs if more than 10% of their surface area is covered with advertising messages intended to be visible from off the premises.

(7) Instructional and Wayfinding Signs. Instructional and wayfinding signs not designed to be legible from off the premises or for advertising purposes are allowed without limitation and will not be counted when determining the total number and area of signs allowed on a site.

(8) Portable Signs. Portable signs are allowed to advertise daily specials, sales, or similar information in the Common and Village zoning districts in accordance with the following:

(a) There must not be more than one portable sign per business.

(b) A portable sign may only be placed out when the business is open.

(c) A portable sign must not be more than 16 square feet in area or 4 feet in height. A portable sign will not count towards the total amount of signs allowed under 0.

(d) A portable sign may be placed on the public sidewalk not more than 12 feet from the associated customer entrance provided that the sign does not restrict the sidewalk to a clear width of less than 3 feet.

(e) A portable sign must not be illuminated.

326.G Sign Maintenance. All signs must be maintained in a safe, legible and well-kept condition.

326.H Sign Removal. All signs must be removed within 90 days of the associated use being changed or terminated (if the sign is nonconforming see Paragraph 326.I). For lawful, conforming signs, only the message components of the sign associated with the changed or terminated use must be removed or covered and the support components may remain.

326.I Nonconforming Signs. The following apply to lawfully existing, nonconforming signs:

(1) A nonconforming sign must not be altered, modified or reconstructed unless the alteration, modification, reconstruction, or relocation will bring the sign into conformance with these regulations; or it will be limited to normal repair and maintenance with no change in the sign's area or content.

(2) A nonconforming sign must be removed within 7 days of its associated use being changed or terminated. Both the message and support elements of the sign must be removed.

(3) Any previously developed site requiring site plan or conditional use review must bring the entire site, including any nonconforming signs, into conformance with this section

## Section 327. Erosion Control and Stormwater Management

327.A Applicability. All development that will disturb the soil must control erosion, prevent sedimentation, and manage stormwater during and after construction as follows:

(1) State Permit. Development that receives State erosion control and stormwater permits (generally projects that will disturb one or more acres of land) is considered to have met the requirements of this section. The conditions of the State permits will be incorporated into the zoning permit. The applicant must provide the Administrative Officer with a copy of the State permit before work may commence.

(2) Major Project. Applicants for development that does not require a State permit but will disturb 10,000 square feet or more and/or create more than 10,000 square feet of total impervious surface must submit and implement an erosion control and sedimentation prevention plan and stormwater management plan prepared by a qualified professional in accordance with the most recent version of the State's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* and the *Vermont Low Impact Development Guide for Residential and Small Sites.* The Administrative Officer or Development Review Board may require any applicant to submit and follow an erosion control and sedimentation prevention and/or stormwater management plan if deemed necessary to ensure compliance with these regulations.

(3) Minor Project. Applicants for any other development that will disturb soil or create impervious surface are not required to submit an erosion control or sedimentation prevention plan or a stormwater management plan, but are required to appropriately control erosion and prevent sedimentation and manage stormwater. The Administrative Officer may commence an enforcement action if erosion, sedimentation, or unmanaged runoff results from any land development. Applicants are strongly encouraged to review and implement the practices recommended in the most recent version of the State's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* and the *Vermont Low Impact Development Guide for Residential and Small Sites.*

327.B Erosion Control Practices. Applicants must implement suitable erosion control practices as recommended in the most recent version of the State's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* to achieve the following:

(1) Define and delineate a disturbance area within which all construction materials, vehicles, fill, and activity will occur. To the maximum extent feasible, surface waters, their required buffers, and existing vegetation to be preserved as a condition of approval must be excluded from the disturbance area. To the maximum extent feasible, disturbance must be avoided between October 15 and May 1.

(2) Runoff from above the disturbance area must be intercepted and directed around the disturbance area into an undisturbed vegetated area.

(3) Within the disturbance area, water must be controlled and kept at low velocities to reduce erosion in drainage channels.

(4) Soil must be prevented from leaving the disturbance area.

(5) Bare soil must be seeded and mulched, or sod applied, immediately once construction or a phase of construction is complete. Phasing of construction is strongly encouraged to minimize the area that will be disturbed at any one time and the length of time that any area is disturbed. If construction is occurring in phases, the seeded or sodded area must be excluded from the disturbance area by moving or adding fencing or flagging.

327.C LID Standards. Major projects must meet either the basic or alternative LID (low impact development) standards specified in Figure 3-12. All applicants are encouraged to incorporate LID practices into their proposed development.

327.D LID Practices. Common LID practices are briefly described below. Figure 3-13 offers guidance on the appropriate use of these practices. Applicants are also encouraged to

refer to the *Vermont Low Impact Development Guide for Residential and Small Sites* for further guidance.

(1) Bioretention System. Bioretention or bioinfiltration systems retain runoff and pass it through a filter bed comprised of specific soil media. They resemble landscaped depressions and can contain grasses, wildflowers, shrubs, or trees depending on the size of the area. Stormwater runoff is delivered by channels, filter strips, curb cuts, or piping to these depressions where it temporarily ponds on the surface before seeping through an organic underground filter system and discharging to an underdrain network or infiltrating into the underlying soils. Treatment of stormwater includes attenuation of sediment, metals, bacteria, and nutrients.

(2) Rain Garden. Rain gardens are smaller-scale bioretention systems, well-suited for residential lots. They retain runoff and pass it through a filter bed comprised of specific soil media. They are a landscaped depression used to mitigate rooftop runoff or located at a low point on the lot to treat all stormwater on-site. Rain gardens are designed to be aesthetically pleasing and low maintenance with plant materials that can withstand periodic inundation. Rain gardens are usually sized to accommodate runoff from typical small storms and during less frequent large storms they will overflow.

(3) Swale. Swales are open, grassed channels that are designed to treat, attenuate, and convey stormwater runoff. They are similar to conventional drainage ditches except that they are designed with a wider and shallower profile and flatter slope for a slower water velocity. There are many types of swales and the specific design features and treatment methods vary among them. Some swales are designed with a fabricated soil bed and underdrains similar to a bioretention system. Generally swales are used as pretreatment to other practices, although depending on the design they may also provide some pollutant removal or infiltration.

(4) Vegetated Buffer. Vegetated buffers may be engineered stormwater treatment areas or undisturbed natural areas where vegetation is used to treat and control stormwater. Buffers can be used to disperse and infiltrate stormwater runoff immediately adjacent to rivers, streams, ponds and wetlands. They are an effective means of minimizing the amount of pollutants entering water bodies. They can also be used to treat stormwater along property boundaries or downslope of disturbed areas. They reduce runoff velocity, serve to protect soil from erosion and filter pollutants. Buffers comprised of natural woody vegetation are preferred. When natural vegetation cannot be preserved, new buffers can be designed as shallow pitched vegetated areas with herbaceous plants, low-lying groundcovers, shrubs, and trees. Stormwater flowing into buffer areas should be sheet flow and may require the use of a level spreader.

(5) Dry Well. A dry well is an underground chamber or large vertical pipe filled and/or surrounded with stone, typically used to collect and infiltrate roof runoff. Water from sources other than a roof will likely need preliminary treatment to filter out any solids that could clog the dry well. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Dry wells are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.

(6) Infiltration Trench. An infiltration trench is similar to a dry well except that it is a horizontal rock-filled trench with no outlet. Stormwater is usually pretreated before entering the trench where it is stored in the void space between the stones and infiltrates through the bottom and into the soil. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Infiltration trenches are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.

(7) Pervious Pavement. Pervious pavement includes a variety of pavement types that provide an alternative to asphalt or concrete and that may be used to surface roads, parking areas, sidewalks, walkways, plazas, etc. These materials are designed to infiltrate rainfall through the surface. There are two broad categories of pervious pavement: porous pavement and permeable pavers. Porous pavement is a permeable asphalt or concrete surface that allows stormwater to infiltrate quickly into an underlying stone reservoir, which may also have an underdrain system. Porous pavement looks similar to conventional pavement but is formulated with larger aggregate and fewer fine particles, which leaves void spaces for water to flow though the material. Permeable pavers include concrete grid and grass pavers, interlocking concrete modules, and brick pavers that incorporate spaces where water can infiltrate. Designs may or may not have an underground stone reservoir. Pervious pavement generally works for small, low-intensity storms (rainfall not more than 1-inch per hour). It is best suited to pedestrian-only or low-volume, low-speed traffic areas.

(8) Rain Barrel or Cistern. Rain barrels and cisterns are used to collect water that runs off roofs for non-potable purposes within a building or for irrigation. They are designed to retain water for an extended period of time. Rain barrels typically have a capacity of 20 to 100 gallons, while cisterns may store thousands of gallons depending on the design. Rain barrels and cisterns can provide significant flow-reduction benefits, particularly in areas where on-site infiltration is not feasible.

(9) Green Roof. A green roof consists of a layer of soil and vegetation installed on top of the roof that captures rainwater. There are two types of green roofs: extensive and intensive. Extensive green roofs have a thin soil layer, are often planted with a single plant species, and generally require low maintenance. Intensive green roofs have deeper soil, a greater diversity of plant materials and higher maintenance requirements. Intensive green roofs are often designed for pedestrian access similar to a conventional, ground level garden. In addition to stormwater benefits, green roofs provide other benefits like reduced heat island effects, reduced heat loss or gain, fire resistance, habitat, and aesthetics. Green roofs add significant weight to the building and buildings generally must be specifically designed or modified to accommodate them.

(10) Stormwater Planter. Stormwater planters are small-scale stormwater treatment systems comprised of organic soil media and plants in a confined planter box. Stormwater planters generally look like large vaulted plant boxes and contain grasses, flowers, shrubs, or trees depending on the size. There are three basic variations of stormwater planters: the contained system, the infiltration system, and the flow-through system. Contained planters are self-contained and used on terraces, decks and sidewalks. Infiltration planter boxes are designed to allow runoff to filter through the soils and then infiltrate the native soils below. Flow-through planter boxes are designed to allow water to pass through them with an overflow or underdrain system to divert treated runoff back into the downstream drainage system. Stormwater planters are best suited to higher-density development and urban redevelopment.

(11) Micro-Bio Inlet. Micro-bio inlets are small-scale bioretention systems suitable for locations where full-size bioretention systems will not fit. They are typically a retrofit of an existing catch basin. Filter material and plantings are installed around the catch basin creating an island. A curtain of stone or gravel may be installed around the perimeter to provide pretreatment of the stormwater.

Figure 3-12. LID Standards

**Single- or Two-Family Residential.** Development on a single- or two-family residential lot must either meet all of the criteria below for basic compliance or must achieve compliance through an alternative approach as specified below. The conditions of basic compliance must be maintained in perpetuity unless LID practices are implemented to achieve compliance through an alternative approach. Any modification or replacement of an LID practice must achieve an equivalent level of stormwater treatment.

| Basic Compliance | Alternative Approach |
|---|---|
| • Total disturbed area on the lot must not exceed 30,000 sf.<br>• Total impervious surface on the lot must not exceed 15,000 sf.<br>• At least 15% of the lot must be maintained as undisturbed natural area.<br>• A natural vegetated buffer must be maintained downslope of all developed areas on the lot. The buffer must be at least 35 feet wide if naturally wooded or 50 feet wide if it will be maintained as a natural meadow. | • Use one or more LID practices to collect, filter and infiltrate 0.5 inches of runoff per hour from all impervious surfaces on the lot and 0.2 inches of runoff per hour from all disturbed pervious areas on the lot. |

**Multi-Family and Nonresidential.** Development on a multi-family or nonresidential lot must either meet all of the criteria below for basic compliance or must achieve compliance through an alternative approach as specified below. The conditions of basic compliance must be maintained in perpetuity unless LID practices are implemented to achieve compliance through an alternative approach. Any modification or replacement of an LID practice must achieve an equivalent level of stormwater treatment.

| Basic Compliance | Alternative Approach |
|---|---|
| • Total disturbed area on the lot must not exceed 30,000 sf.<br>• Total impervious surface on the lot must not exceed 15,000 sf.<br>• At least 15% of the lot must be maintained as undisturbed natural area.<br>• A natural vegetated buffer must be maintained downslope of all developed areas on the lot that is at least 60 feet wide. | • Use one or more LID practices to collect, filter and infiltrate 0.5 inches of runoff per hour from all impervious surfaces on the lot and 0.2 inches of runoff per hour from all disturbed pervious areas on the lot. |

**Existing Development.** Redevelopment of previously developed sites must bring the lot into compliance with the applicable standards above to the maximum extent feasible. If full compliance is not feasible given existing site conditions, the Development Review Board may waive or modify the standards for pre-existing impervious or disturbed areas on the lot. Any new or expanded impervious or disturbed areas must fully comply with the applicable standards.

Figure 3-13. Guidance on Selecting Appropriate LID Practices

| | SOURCE AREA | | |
|---|---|---|---|
| | Rooftop | Non-Roof Impervious | Disturbed Pervious |
| Bioretention System | ● | ● | ● |
| Rain Garden | ● | ● | ● |
| Swale | ● | ● | ● |
| Vegetated Buffer | ● | ● | ● |
| Dry Well | ● | ○ | ○ |
| Infiltration Trench | ● | ● | ○ |
| Pervious Pavement | ○ | ● | ○ |
| Rain Barrel | ● | ○ | ○ |
| Cistern | ● | ○ | ○ |
| Green Roof | ● | ○ | ○ |
| Stormwater Planter | ● | ○ | ○ |
| Micro-Bio Inlet | ○ | ● | ● |

● = Suitable ○ = Unsuitable

*Applicants are encouraged to use this guidance table to select appropriate LID practices. This table is not intended to mandate particular approaches.*

## Section 328. Water and Wastewater Systems

328.A All development must be served by potable water and wastewater disposal systems that conform to the State's wastewater system and potable water supply rules.

## Section 329. Source Protection Areas

329.A Source Protection Areas are defined as Zones 1 and 2 in a Source Protection Plan approved by the State of Vermont – Drinking Water and Ground Water Protection Division.

329.B The following are specifically prohibited uses within the Source Protection Areas: Solid or hazardous waste disposal sites; above ground and underground storage tanks (except for storing drinking water); storage, manufacture, application or processing of commercial fertilizers, fungicides or pesticides; storage of road salt; any facility which uses, distributes, or stores, toxic chemicals, solvents, or fuels (such as gas stations or dry cleaners); injection wells; landfills; salvage yards; motor vehicle repair; electric utility substations; car washes; and commercial and industrial operations which involve the on-site disposal of process wastes from operations.

## Section 3210. Natural Resource Protection

3210.A Development must not occur on areas containing steep slopes.

3210.B Grading of the land or stripping of vegetation must not be permitted unless it falls within the exempt area identified in the steep slope definition (see Paragraph 511.S (14)).

3210.C The maximum allowed area of disturbance will be cumulatively 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 February 10, 2011.

3210.D The excavation of more than 1,000 square feet of ledge outcropping is prohibited. The maximum allowed area of disturbance will be cumulatively calculated for a lot prior to subdivision and/or after the date these regulations were first adopted**,** February 10, 2011**,** whichever comes first.

3210.E Development must not disturb areas with significant natural resources (as defined in these regulations). If the property to be developed includes rare, threatened, or endangered species or significant natural communities (see Town Plan Map 3), the applicant must submit a natural resource inventory prepared by a qualified professional as part of the application, and must implement appropriate conservation design approaches to protect the identified natural resources on the property.

# Chapter 330. Performance Standards

## Section 331. Applicability

331.A All uses except for residential, agricultural and silvicultural uses must meet the performance standards established in this chapter. Home occupations must meet these standards.

## Section 332. Sound

332.A The time in which sound levels exceed the maximum permitted decibel level will be cumulatively calculated per day.

332.B Sound levels must not exceed 70 decibels for more than 30 minutes between the hours of 7:30 am and 7:30 pm when measured from the property line.

332.C Sound levels must not exceed 30 decibels for more than 30 minutes between the hours of 7:30 pm to 7:30 am when measured from the property line.

## Section 333. Vibration

333.A Noticeable or clearly apparent vibration which, when transmitted through the air or ground, is discernible at property lines without the aid of instrument is prohibited.

## Section 334. Airborne Particulates and Odors

334.A Airborne particulates must not accumulate in noticeable amounts on neighboring property, cause damage to neighboring property or vegetation, or result in offensive or noxious odors or gases that are detectable at any point on neighboring properties.

## Section 335. Hazards and Hazardous Waste

335.A No fire, explosive, or safety hazard will be permitted which, in the judgment of the Development Review Board or Administrative Officer after consideration of advice of the Fire Department, significantly endangers other property owners or emergency personnel.

335.B All hazardous and solid waste must be disposed of properly. Waste shall not be stored for any period of time beyond preparing it for disposal. Exterior storage of hazardous waste is prohibited.

335.C Liquid or solid waste or refuse that cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollutes surface or ground waters, or which is otherwise detrimental to public health, safety, and welfare is prohibited.

335.D Undue fire, explosive, radioactive emissions, or other hazards that endanger the public, public facilities, or neighboring property, or which results in a significant increased burden on municipal facilities and services are prohibited.

335.E The storage of any highly flammable or hazardous liquid in an above ground tank with a storage capacity greater than 500 gallons must meet all applicable State and federal standards, and the setback requirements and other standards of National Fire Protection Association (NFPA) Code 58 (or the most recent National Fire Protection Association Code.

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# PART 4. ADMINISTRATIVE PROCEDURES

## Chapter 400. Authorization

### Section 401. Administrative Officer

401.A The Planning Commission nominates and the Selectboard appoints an Administrative Officer to a three-year term. The Selectboard may appoint an Acting Administrative Officer to carry out the responsibilities of the Administrative Officer if the Administrative Officer is temporarily unable to serve or has a conflict of interest.

401.B The Administrative Officer is responsible for administering these regulations. The Administrative Officer must literally enforce the provisions of these regulations and the Vermont Planning and Development Act (24 VSA Chapter 117) and must not permit any land use or development that is not in conformance with these regulations.

### Section 402. Development Review Board

402.A The Selectboard appoints members to serve on the Development Review Board. The Selectboard may appoint alternates to serve on the Development Review Board in situations where one or more members have a conflict of interest or are otherwise unable to serve.

402.B The Development Review Board is responsible for development review functions under these regulations that require a public hearing. The Planning Coordinator will refer applications to the Development Review Board as required under these regulations.

### Section 403. Planning Coordinator

403.A The Planning Coordinator is responsible for facilitating applications for development that require an approval from the Development Review Board and for providing technical assistance to the Development Review Board during the development review process.

403.B If the position of Planning Coordinator is vacant, the Administrative Officer will be authorized to carry out the responsibilities of the Planning Coordinator under these regulations.

### Section 404. Planning Commission

404.A The Selectboard appoints members to serve on the Planning Commission.

404.B The Planning Commission is responsible for preparing amendments and/or making a recommendation on proposed amendments to these regulations.

### Section 405. Fees

405.A Permit Fees. The Selectboard may establish fees for the Administrative Officer or other Town employees to charge for administering these regulations. These fees may include, but are not limited to, the cost of posting and publishing notices, holding public hearings, recording documents, and conducting periodic inspections.

405.B Technical or Legal Review. The Development Review Board and/or Administrative Officer shall require an applicant to pay the cost of an independent technical or legal review of an application based on procedures and standards established by the

Selectboard. The Administrative Officer or Development Review Board may hire qualified professionals to assist in the review of an application when deemed necessary to ensure compliance with these regulations

405.C Inspection or Monitoring. The Selectboard may establish procedures and standards for requiring an applicant to pay the costs of ongoing monitoring and inspection of development. The Administrative Officer or Development Review Board may condition approval upon such monitoring and inspection when deemed necessary to ensure compliance with these regulations.

405.D Impact Fees. The Selectboard may establish procedures and standards for requiring an applicant to pay impact fees.

### Section 406. Site Visits and Inspections

406.A When reviewing an application, the Administrative Officer or Development Review Board may request a site visit. An applicant's refusal to allow a site visit may serve as grounds for denying a zoning permit or development approval. If the Development Review Board will be conducting a site visit, it must be warned as part of the hearing and open to the public.

406.B The Administrative Officer may enter onto a property as necessary to inspect development under construction authorized by a zoning permit as necessary to ensure compliance with these regulations and any permit conditions. If the applicant or contractor refuses to allow the Administrative Officer onto the property, the Administrative Officer may revoke the zoning permit.

406.C The Administrative Officer may enter onto a property as necessary to investigate an alleged violation of these regulations. If the owner or occupant refuses to allow the Administrative Officer onto the property, the Administrative Officer may seek a warrant as authorized by State law.

### Section 407. Surety

The Administrative Officer or Development Review Board may require an applicant to provide a performance bond or similar surety as a condition of approval to ensure the completion of required improvements. The amount, form, manner of execution, and period of the bond or surety must meet statutory requirements and be satisfactory to the Selectboard. The bond or surety will only be released after a written certification by the applicant and a written determination by the Administrative Officer that the required improvements have been satisfactorily completed.

### Section 408. As-Built Drawings and Designer Certifications

408.A The Administrative Officer or Development Review Board may require an applicant to file as-built drawings as a condition of approval and/or prior to issuing a certificate of occupancy. As-built drawings will be required for any infrastructure to be built within public rights-of-way or to be turned over to the Town.

408.B The Administrative Officer or Development Review Board may require the applicant to provide certification(s) from the project designer(s) attesting that development was constructed in accordance with the approved plans as a condition of approval and/or prior to issuing a certificate of occupancy.

### Section 409. Other Approvals, Permits or Certifications

409.A Development may require permits from the State of Vermont in addition to or in lieu

of a zoning permit from the Town of Westford. Applicants should contact a Vermont Permit Specialist to determine whether State permits must be obtained prior to the start of construction.

409.B The Administrative Officer or Development Review Board may require an applicant to file a copy of any other approvals, permits or certifications for the development including, but not limited to, State or Federal wetland permits, State stormwater permits, State wastewater and water supply permits, Town or State highway access permits, State energy certificates, and/or State Act 250 permits.

409.C The Administrative Officer may issue a zoning permit conditional upon the filing of any other approvals, permits, or certifications and may require such filing prior to the start of construction or to issuing a certificate of compliance as appropriate.

409.D State wastewater disposal and potable water permits must be obtained prior to recording a final subdivision plan in the Westford Land Records and/or prior to the Administrative Officer issuing a zoning permit.

# Chapter 410. Zoning Permit Procedures

## Section 411. Zoning Permit Required

411.A All of the following development activities require a zoning permit issued by the Administrative Officer unless they are specifically exempted in Chapter 110:

(1) Constructing, reconstructing, converting, structurally altering, relocating, or enlarging any building or structure.

(2) Mining, excavating, filling, or grading land.

(3) Commencing, changing, or extending the use of land or a structure.

411.B The Administrative Officer may issue a zoning permit for a temporary accessory structure for the storage of personal residential belongings and/or building materials issued in conjunction with a zoning permit for a principal structure on a property. Once a certificate of occupancy is issued for the principal structure the temporary accessory structure shall be removed from the property or the property owner shall apply for and be granted an accessory structure permit. If the zoning permit for the principal structure expires the temporary accessory structure shall be removed from the property immediately following expiration of the permit.

## Section 412. Applying for a Zoning Permit

412.A Prior to applying for a zoning permit or related development approval, an applicant is encouraged to meet with the Administrative Officer and/or Planning Coordinator for a preliminary review of the proposal and a discussion of the applicable provisions of these regulations, permitting requirements, application materials, fees, and review procedures.

412.B The Administrative Officer will determine whether proposed land development will require a zoning permit or any other type of development approval and will provide applicants with the necessary form(s) to apply for the applicable permit(s) and approval(s).

412.C The Administrative Officer or Planning Coordinator will notify the prospective applicant of any fees or other charges that may apply to the proposed land development.

412.D The Administrative Officer will provide the applicant with a copy of the State energy standards for residential or commercial buildings as applicable.

412.E To apply for a zoning permit or related development approval, the applicant must submit the completed form(s), supporting materials, and all applicable fees to the Administrative Officer or Planning Coordinator.

412.F It is the applicant's responsibility to provide the information and materials necessary to prove the proposed development meets all applicable standards of these regulations.

412.G The Administrative Officer must determine whether the application is complete promptly after the applicant submits it. The Administrative Officer must inform the applicant in writing of his/her determination. If the application is incomplete, the Administrative Officer must inform the applicant of what additional information is required.

412.H The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in Section 423.

### **Section 413.** Reviewing a Zoning Permit Application

413.A Once the Administrative Officer determines that an application is complete, the Administrative Officer must act within 30 days to approve the application, deny it, or refer it to the Development Review Board for a development approval. If the Administrative Officer must notify a State agency before he/she may issue the zoning permit, the 30 days will not commence until the time allowed for the State agency to comment has elapsed.

413.B If the Administrative Officer does not act on a complete application within 30 days, the applicant may file an appeal directly with Environmental Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted a "deemed approval" of the application.

413.C The Administrative Officer must not approve an application and issue a zoning permit that does not meet all the applicable standards and requirements of these regulations. In particular, the Administrative Officer must not approve an application and issue a zoning permit if:

(1) The land use or development requires the approval of the Development Review Board or Selectboard, and the applicant has not received such approval;

(2) The land use or development is proposed on a lot that has not been lawfully subdivided; or

(3) A copy of the State wastewater and water supply permit has not been filed with the Town.

### **Section 414.** Acting on a Zoning Permit Application

414.A The Administrative Officer must approve or deny applications for a zoning permit in writing and specifically provide the following information:

(1) When approving an application, the Administrative Officer must inform the applicant that the applicant must post a notice of the zoning permit (to be provided by the Administrative Officer) in a visible location on the subject property throughout the 15-day appeal period and that the applicant must not commence the land use or development until the appeal period has ended.

(2) When denying an application, the Administrative Officer must inform the applicant that the applicant may appeal the denial to the Development Review Board within 15 days of the date of the decision and must include a copy of Section 423 of these regulations, which explains the appeal process.

414.B The Administrative Officer may issue a zoning permit with conditions as necessary to ensure compliance with these regulations.

414.C After approving an application for a zoning permit, the Administrative Officer must:

(1) Deliver a copy of the zoning permit to the Listers and post a copy of the zoning permit at the Town Office within 3 days after issuing it. The zoning permit must remain posted and available for public review during regular business hours for a period of 15 days from the date of issuance.

(2) Deliver an original, signed copy of the zoning permit or memorandum of municipal action to the Town Clerk for recording within 30 days after issuing it. The Administrative Officer must also file a copy of the zoning permit as part of his/her records in the Town Office.

(3) Send a copy of the zoning permit to any interested person who makes a specific request.

### **Section 415.** Zoning Permit Effect, Expiration and Extension

415.A Once the Administrative Officer issues a zoning permit, there is a 15-day period during which an interested person may appeal the zoning permit as described in Section 423 of these regulations. The zoning permit does not take effect and the applicant must not commence the permitted land use or development until the appeal period ends. If an appeal is properly filed during the appeal period, the zoning permit does not take effect and the applicant must not commence the land use or development until the appeal is decided.

415.B The applicant must post a notice on the property within view from the public right-of-way nearest to the proposed development for 15 days after the Administrative Officer issues a zoning permit. The Administrative Officer may provide a form for the landowner to post. The applicant is responsible for posting the notice and ensuring that it remains posted throughout the 15-day appeal period.

415.C A zoning permit and any associated Development Review Board approval expires 3 years from the date the zoning permit takes effect unless:

(1) The Development Review Board specifies otherwise as a condition of approval;

(2) The applicant commences any use and/or substantially completes any construction authorized by the zoning permit prior to its expiration; or

(3) The applicant receives an extension from the Administrative Officer prior to the zoning permit's expiration. The Administrative Officer may grant not more than 2 one-year extensions upon finding good cause for the delay and that any improvements completed to date conform to the zoning permit requirements and these regulations.

415.D If a zoning permit expires before the applicant commences the use and/or substantially completes the construction authorized by the zoning permit, the applicant must apply for a new zoning permit and any other associated development approvals under these regulations.

### **Section 416.** Inspection During Construction

416.A As a condition of approval, the Development Review Board or Administrative Officer may require one or more inspections during construction.

416.B Any structure that will be located within 10 feet of a setback must have the location of its footings or foundation flagged and inspected by the Administrative Officer prior to being poured or placed.

416.C When an inspection is required, the applicant must notify the Administrative Officer when the development is ready for inspection.

416.D The Administrative Officer must conduct the inspection promptly and in all cases within 10 days or the required inspection will be waived.

## Section 417. Zoning Permit Revocation

417.A If an applicant omitted or misstated a material fact on an application or at a hearing, the Administrative Officer may revoke any zoning permit that was issued.

## Section 418. Certificate of Occupancy

418.A As a condition of approval, the Development Review Board or Administrative Officer may require the applicant to receive a certificate of occupancy before the development authorized by a zoning permit may be occupied, used, or commenced. A certificate of occupancy will be required for all new principal structures, dwellings, and additions that double or more the square footage of principal structures.

418.B The Administrative Officer must issue a certificate of occupancy before any approved dwelling or principal structure is occupied certifying that:

(1) The structure meets the standards of these regulations, the approved plans, conditions of approval, and any other applicable specifications.

(2) The structure meets current State energy codes. The applicant must file a State Residential Building Energy Standards Certificate (RBES) in the Westford Land Records if one is required under State law prior to the Administrative Officer issuing a certificate of occupancy.

(3) Any permitted road serving the structure meets the requirements of Section 321. Prior to the Administrative Officer issuing a Certificate of Occupancy for buildings approved under these regulations, the developer must submit a letter to the Administrative Officer from a licensed engineer certifying that any road within the project have been constructed according to the approved plans and the Town's Emergency Vehicle Standards.

418.C The applicant must notify the Administrative Officer when any approved dwelling or principal structure is complete and ready for occupancy. The Administrative Officer will provide applicants with the necessary form to apply for a certificate of occupancy.

418.D The Administrative Officer must act on a complete application for a certificate of occupancy promptly and in all cases within 30 days. The Administrative Officer may inspect the subject property and consult with other Town departments or State agencies as necessary to determine compliance.

418.E If the Administrative Officer does not act on a complete application for a certificate of occupancy within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.

418.F The Administrative Officer must only issue a certificate of occupancy upon finding that:

(1) The fully completed land development conforms to the requirements of the zoning permit and filed plans, any associated approvals and development conditions, and the applicable provisions of these regulations.

(2) All infrastructure connections are fully complete and conform to zoning permit requirements and filed plans, any associated approvals and development conditions, and the applicable provisions of these regulations.

418.G The applicant has filed any required documents with the Town including, but not limited to, as-built drawings, floodplain elevation certificate, floodproofing certificate, energy certificate, wastewater permit, access permit, or stormwater permit.

418.H The Administrative Officer must approve or deny applications for certificate of occupancy in writing. When denying an application, the Administrative Officer must:

(1) State the reasons for the denial; and

(2) Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision and must include a copy of Section 423, which explains the appeal process.

418.I If the Administrative Officer denies the certificate of occupancy, the applicant may re-apply after remedying any conditions identified as the reason for the denial and prior to the expiration of the zoning permit.

418.J If the Administrative Officer denies the certificate of occupancy and finds a violation of these regulations, he/she must commence appropriate enforcement action under Chapter 450.

418.K The Administrative Officer may issue a temporary certificate of occupancy that conditions use or occupancy on full completion of all required improvements within not more than 6 months when factors beyond the applicant's control (such as weather) have prevented full completion of zoning permit requirements that are not essential to safe occupancy of the structure (such as final driveway surfacing or installation of landscaping). An applicant may only receive a single temporary certificate of occupancy and must obtain a permanent certificate of occupancy prior to the expiration of the temporary certificate.

## Section 419. Administrative Amendments

419.A An applicant may request in writing that the Administrative Officer amend a zoning permit or a site plan or subdivision plan approved by the Development Review Board.

419.B The Administrative Officer must only approve an amendment to a zoning permit or approved subdivision plan or site plan upon finding that the proposed amendment conforms to all applicable provisions of these regulations and is not a material change. A material change is a change in the planned use or development of land or a structure that may have affected the decision made or any conditions placed on the zoning permit if it had been included in the plans as approved.

419.C The Administrative Officer may refer any request for an amendment to the Development Review Board.

419.D Immediately upon approving an amendment to a plan approved by the Development Review Board, the Administrative Officer must inform the Development Review Board and send written notification of his/her action to adjoining landowners.

419.E The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in Section 423.

# Chapter 420. Development Review Board Procedures

## Section 421. Site Plan Review

421.A Applicability. Until the Development Review Board approves a site plan, the Administrative Officer must not issue a zoning permit for any land use or development except for:

(1) Construction of a primitive camp, single-family or two-family dwelling, or any development ancillary to a single-family or two-family dwelling, including, but not limited to an accessory dwelling or home occupation that does not involve a structure of more than 1,000 square feet.

(2) Development within and in conformance with the standards of the Form-Based Code overlay district (see Chapter 260).

(3) Development for the purpose of complying with the Americans with Disabilities Act (ADA) or applicable fire, health, or building codes (e.g., ramps, elevators, entryways, fire escapes, stairs, etc.).

(4) A minor expansion or intensification of a pre-existing use in conformance with all applicable provisions of these regulations that does not involve increasing, in any 10-year period:

(a) The amount of on-site parking by more than 3 spaces;

(b) The footprint of a structure by more than 1,000 square feet; or

(c) The footprint of outdoor storage, display, or service areas by more than 2,000 square feet.

421.B Application. The applicant must file a complete application with the Planning Coordinator. The Planning Coordinator must determine that the application is complete and includes all the information necessary to demonstrate conformance with these regulations before referring it to the Development Review Board.

421.C Staff Report. After deeming the application complete, the Planning Coordinator will prepare a staff report for the Development Review Board assessing the application's conformance with these regulations.

421.D Notice and Hearing. The Development Review Board must hold a public hearing on the site plan application within 60 days of the Planning Coordinator receiving a complete application. The hearing must be warned as per Section 441.

421.E Review Criteria. Before approving a site plan application, the Development Review Board must find that it meets all of the applicable criteria in Figure 4-1. Development that requires conditional use approval. Site plan review will be part of the conditional use review.

421.F Decision. The Development Review Board must issue a written decision, with findings of fact, within 45 days after closing the hearing on a site plan application as specified in Section 444. As part of the decision, the Development Review Board may establish conditions of approval, which will be incorporated into the zoning permit, as deemed necessary to ensure conformance with these regulations.

421.G Permit Expiration & Extension. A site plan permit and any associated Development Review Board approval expires 3 years from the date the decision was issued unless:

(1) The Development Review Board specifies otherwise as a condition of approval;

(2) The applicant commences the use and/or substantially completes any construction authorized by a zoning permit prior to the site plan permit's expiration; or

(3) The applicant receives an extension from the Administrative Officer prior to the site plan permit's expiration. The Administrative Officer may grant not more than 2 one-year extensions upon finding good cause for the delay and that any improvements completed to date conform to the zoning permit requirements and these regulations.

## **Section 422.** Conditional Use Review

422.A Applicability. The Administrative Officer must not issue a zoning permit for any land use or development listed in these regulations as a conditional use until the Development Review Board reviews and approves the land use or development in accordance with this section.

422.B Application. The applicant must file a complete application with the Planning Coordinator. The Planning Coordinator must determine that the application is complete and includes all the information necessary to demonstrate conformance with these regulation before referring it to the Development Review Board.

422.C Staff Report. After deeming the application complete, the Planning Coordinator will prepare a staff report for the Development Review Board assessing the application's conformance with these regulations.

422.D Notice and Hearing. The Development Review Board must hold a public hearing on the conditional use application within 60 days of the Planning Coordinator receiving a complete application. The hearing must be warned as per Section 441.

422.E Review Criteria. Before approving a conditional use application, the Development Review Board must find that it meets all of the applicable criteria in Figure 4-1.

422.F Decision. The Development Review Board must issue a written decision, with findings of fact, within 45 days after closing the hearing on a conditional use application as specified in Section 444. As part of the decision, the Development Review Board may establish conditions of approval, which will be incorporated into the zoning permit, as deemed necessary to ensure conformance with these regulations.

422.G Permit Expiration & Extension. A conditional use permit and any associated Development Review Board approval expires 3 years from the date the decision was issued unless:

(1) The Development Review Board specifies otherwise as a condition of approval;

(2) The applicant commences the use and/or substantially completes any construction authorized by a zoning permit prior to the conditional use permit's expiration; or

(3) The applicant receives an extension from the Administrative Officer prior to the conditional use permit's expiration. The Administrative Officer may grant not more than 2 one-year extensions upon finding good cause for the delay and that any improvements completed to date conform to the zoning permit requirements and these regulations.

Figure 4-1. Development Review Criteria

| | CRITERIA | SITE PLAN | COND. USE |
|---|---|---|---|
| 1 | Compatibility. The proposed development will be compatible with its setting and context as determined by its arrangement, building bulk, form, design, landscaping, character, and operation. The proposed development will create or retain appropriate transitions to surrounding properties and will create or retain appropriate buffers with adjacent properties. The proposed development will not interfere with the use of, or access to, renewable energy resources on surrounding properties. The proposed development will not result in undue adverse impacts beyond the property line that would reduce the quality of life or the quality of the natural environment in the area. See Error! Reference source not found. for specific performance standards. | ✓ | ✓ |
| 2 | Character of the Area. The proposed development will not alter the existing or planned character of the area as defined by the purpose of the applicable zoning district and the land use goals and policies of the *Westford Town Plan* in a manner that limits, impairs, or precludes the future use or development of nearby property as allowed under these regulations. | – | ✓ |
| 3 | Suitability and Capability. The site will be capable of accommodating the proposed development as determined by its size, shape, location, topography, drainage patterns, and landscape features. The proposed development will not require substantial modification of the parcel's natural topography, drainage patterns and landscape features beyond that which would be expected for the proposed use irrespective of its location. | – | ✓ |
| 4 | Vehicular Access and Circulation. The proposed development will provide vehicular access from the road and within the site that will not create unsafe conditions for drivers, bicyclists, or pedestrians, and will allow adequate access for service and emergency vehicles. See Section 321 for specific requirements. | ✓ | ✓ |
| 5 | Parking and Loading. The proposed development will have an adequate, but not excessive amount of parking. Proposed parking will be designed and located to minimize its aesthetic and environmental impacts. Adequate space will be provided for service vehicles and functions. See Section 322 for specific requirements. | ✓ | ✓ |
| 6 | Pedestrian Access and Circulation. The proposed development will provide pedestrian access within and through the site to adjacent properties and along roads as appropriate given the location. The proposed development will provide access for people with disabilities and impaired mobility in accordance with applicable state and federal laws. | ✓ | ✓ |
| 7 | Traffic. The proposed development will not generate traffic that would have an undue adverse impact on the condition, capacity, safety, and function of the Town's transportation infrastructure. | – | ✓ |
| 8 | Landscaping and Screening. The proposed development will provide landscaping and screening in order to enhance the appearance of the property and roadscape; screen service areas, equipment and utilities from public view; and create a buffer as needed to mitigate impacts on surrounding properties. See Section 323 for specific requirements. | ✓ | ✓ |
| 9 | Stormwater and Snow Storage. The proposed development will appropriately manage stormwater and snow storage. Low-impact development (LID) techniques that minimize the amount of runoff generated and allow infiltration will be used to the maximum extent feasible. The area to be disturbed and the amount of natural vegetation cleared will be minimized. See Section 327 for specific requirements. | ✓ | ✓ |
| 10 | Outdoor Lighting. Any outdoor lighting associated with the proposed development will be designed, located, and used to provide the minimum amount of lighting needed to create a safe environment for human activity; avoid increasing pre-existing light levels beyond areas of outdoor activity; prevent glare and shield light sources; and minimize energy use. See Error! Reference source not found. for specific requirements. | ✓ | ✓ |
| 11 | Signs. Any signs associated with the proposed development will be designed, sized, and located to minimize undue adverse impact on historic and scenic character; not be the dominant feature of the development; clearly and simply communicate their message; and enhance the appearance of the property and roadscape. See Section 326for specific requirements. | ✓ | ✓ |
| 12 | Energy Conservation. The proposed development will be designed and located to minimize its energy use to the maximum extent feasible. Energy-saving approaches to development may include: high-efficiency buildings, light fixtures and infrastructure; buildings oriented to maximize solar gain; landscaping to provide wind breaks, and reduce heat loss or gain as appropriate; buildings sited to minimize the length of road and utility corridors; and generating renewable energy on-site. | ✓ | ✓ |
| 13 | Protection of Natural Resources and Open Space. The proposed development will be appropriately located, scaled, and designed to not cause undue adverse impact to significant natural resources, consume an excessive amount of open space or working land, and/or unnecessarily fragment contiguous blocks of open space or working land. The proposed development will not interfere with existing public open space or recreational uses of, or access to, neighboring properties. The proposed development has been designed and located to maintain any pre-existing public open space or recreational uses or access on the subject property to the extent that is | – | ✓ |

| | CRITERIA | SITE PLAN | COND. USE |
|---|---|---|---|
| | physically feasible and compatible with the future use. The proposed development has followed the recommendations provided in any required natural resource inventory or study to protect identified natural resources. | | |
| 14 | Community Services. The proposed development will not cause an unreasonable burden on the Town's ability to provide community services including education, public safety, emergency response, waste disposal, stormwater management, and road maintenance. | – | ✓ |
| 15 | Cumulative Impact. The proposed development will not contribute excessively or unreasonably to cumulative impacts within the area or Town that would limit, impair, or preclude the future use of property for the uses allowed under these regulations. | – | ✓ |
| 16 | Municipal Plan and Laws. The proposed land development is in conformance with the *Westford Town Plan*, all applicable provisions of these regulations, and any other Town bylaws or ordinances in effect. | ✓ | ✓ |

## **Section 423.** Appealing an Action or Decision by the Administrative Officer

423.A Applicability. An interested person may appeal any act or decision of the Administrative Officer to the Development Review Board.

423.B Application. To appeal, an interested person must file 2 copies of a notice of appeal and any applicable fees with the Planning Coordinator within 15 days of the date the action or decision. A notice of appeal must be in writing and must include all the following information:

(1) The name and address of the appellant (person filing the appeal);

(2) A copy of the Administrative Officer's decision (if appealing a zoning permit, also include a copy of the zoning permit application);

(3) A brief description of the property involved;

(4) A reference to the section(s) of these regulations that the appellant alleges the Administrative Officer has not properly followed or applied; and

(5) A Statement of the remedy the appellant is requesting and why the appellant believes the requested remedy to be appropriate under the circumstances.

423.C Stay of Enforcement. A notice of appeal may also include a request for a stay of enforcement. To request a stay of enforcement, the appellant must include a sworn statement with the notice of appeal that irremediable damage will directly result if the Development Review Board does not grant the stay.

423.D Staff Report. After deeming the application complete, the Planning Coordinator will prepare a staff report for the Development Review Board assessing the application's conformance with these regulations.

423.E Notice and Hearing. The Development Review Board must either:

(1) Hold a public hearing on the appeal within 60 days of the Planning Coordinator receiving a complete notice of appeal. The hearing must be warned as per Section 441.

(2) Reject the appeal without a hearing and render a decision within 10 days after the Planning Coordinator receives a complete notice of appeal, if the Development Review Board determines that it has already decided the issues in an earlier appeal or proceeding.

423.F Decision. The Development Review Board must issue a written decision, with findings

of fact, within 45 days after closing the hearing on the appeal as specified in Section 444. As part of the decision, the Development Review Board may establish conditions of approval, which will be incorporated into any zoning permit, as deemed necessary to ensure conformance with these regulations.

423.G Exclusive Remedy. An appeal to the Development Review Board is the exclusive remedy for an interested person with respect to an action taken or decision made by the Administrative Officer. If no interested person appeals the Administrative Officer's action or decision to the Development Review Board within 15 days, all interested persons will be bound by that action or decision and will not be able to contest it at a later time.

## Section 424. Waivers and Variances

424.A Purpose. This section is intended to provide a mechanism for adjusting a requirement of these regulations when it is limiting the reasonable use or development of a property.

424.B Applicability. The Development Review Board may approve:

(1) Waivers that authorize minor adjustments to the dimensional standards of these regulations, except that waivers may not be approved within the Flood Hazard overlay zoning district. A waiver under this section may be granted by the DRB to:

(a) Allow for reasonable development of pre-existing nonconforming lots under Section 124.

(b) Allow for reasonable additions or improvements to pre-existing nonconforming structures under Section 125

(c) Avoid significant natural resources and/or unique natural feature constraints.

(d) Comply with federal or state public health, fire, safety, access and disability standards.

(e) Allow for expansion of a pre-existing structures into the WRO upon the applicant demonstrating that the expansion cannot reasonably be located outside the WRO and provided that the footprint of the expansion within the WRO does not exceed 400 square feet.

(f) Allow for the siting of renewable energy structures.

(g) Allow for structural heights greater than 35 ft for Outdoor Recreational Facilities in the R5 and R10 zoning districts when height is one of the factors in the recreational activity offered.

(2) Variances that authorize more substantial adjustments to the standards of these regulations or that authorize adjustments within the Flood Hazard overlay zoning district.

424.C Prohibited. The Development Review Board must not approve a waiver or variance to allow a prohibited use or the subdivision of a lot that does not conform to the applicable zoning district standards (ex: minimum lot size).

424.D Application. The applicant must file a complete development review application and a written request for a waiver or variance with the Planning Coordinator that includes all of the following:

(1) A brief description of the subject property and project.

(2) A reference to specific dimensional standard(s) of these regulations the applicant is proposing to modify.

(3) The specific modification(s) that the applicant is requesting.

(4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the waiver or variance.

424.E Staff Report. After deeming the application complete, the Planning Coordinator will prepare a staff report for the Development Review Board assessing the application's conformance with these regulations.

424.F Notice and Hearing. The Development Review Board must hold a public hearing on the waiver or variance request within 60 days of the Planning Coordinator receiving a complete application. The hearing must be warned as per Section 441. Additionally, if the applicant is requesting a waiver or variance from the required setback from a State highway, notice must also be sent to the Vermont Secretary of Transportation.

424.G Review Criteria. Before granting a waiver or variance, the Development Review Board must find that it meets all of the applicable criteria in Figure 4-2. There are specific variance criteria that apply to renewable energy structures and to development within the flood hazard area. For all other variance requests, the general variance criteria apply.

424.H Decision. The Development Review Board must issue a written decision, with findings of fact, within 45 days after closing the hearing on a site plan application as specified in Section 444. As part of the decision, the Development Review Board may establish conditions of approval, which will be incorporated into the zoning permit, as deemed necessary to ensure conformance with these regulations.

424.I Variances in the Flood Hazard Overlay Zoning District. If a variance will be approved for development within the Flood Hazard overlay zoning district, the written decision must State that "*Building a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums*."

Figure 4-2. Waiver and Variance Review Criteria

| CRITERIA | WAIVER | GENERAL VARIANCE | RENEWABLE ENERGY VARIANCE | FLOOD HAZARD VARIANCE |
|---|---|---|---|---|
| 1 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. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the district in which the property is located, have created an unnecessary hardship for the applicant. | – | ✓ | – | ✓ |
| 2 Those physical circumstances or conditions prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property. | – | ✓ | – | ✓ |
| 3 There is no reasonable alternative for siting the structure, addition or improvement in conformance with the regulations and the new or renovated part of the structure will not extend beyond the existing nonconforming structure, unless necessary to accomplish the intended goal (an expanded, improved entry deck, for example). | ✓ | – | – | – |
| 4 The applicant has not created the unnecessary hardship. | – | ✓ | ✓ | ✓ |
| 5 The applicant is proposing the least deviation possible from these regulations that will afford relief. | ✓ | ✓ | ✓ | ✓ |
| 6 The land development will not alter the existing or planned character of the | ✓ | ✓ | ✓ | ✓ |

| CRITERIA | | WAIVER | GENERAL VARIANCE | RENEWABLE ENERGY VARIANCE | FLOOD HAZARD VARIANCE |
|---|---|---|---|---|---|
| | area or district in which the property is located. | | | | |
| 7 | The land development will not substantially or permanently impair the lawful use or development of adjacent property. | ✓ | ✓ | ✓ | ✓ |
| 8 | The land development will not be detrimental to public health, safety, or welfare. | ✓ | ✓ | ✓ | ✓ |
| 9 | The land development is not contrary to the objectives and policies of the Westford Town Plan, or the intent of the regulations. | ✓ | – | – | – |
| 10 | Any potential adverse impacts resulting from reduced dimensional requirements on adjoining properties, surface waters or wetlands shall be mitigated through site design, landscaping and screening, or other accepted mitigation measures. | ✓ | – | – | – |
| 11 | It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with these regulations. | — | – | ✓ | ✓ |
| 12 | The land development meets all applicable federal and State rules for compliance with the National Flood Insurance Program and the provisions of Error! Reference source not found. of these regulations. | – | – | – | ✓ |
| 13 | The land development will not reduce access to renewable energy resources on adjacent property. | — | — | ✓ | ✓ |

## Section 425. Combined Review

425.A When proposed development requires more than one type of review, the Development Review Board may warn and hold a single hearing for the purpose of reviewing and acting on all the application concurrently. The Planning Coordinator may assist applicants in preparing and submitting coordinated applications to facilitate combined review.

425.B Notice for a combined review hearing must be made in accordance with Section 441 of these regulations. The notice must include a statement that the hearing will be a combined review of the proposed development and list each type of review the Development Review Board will conduct.

425.C All hearing and decision requirements, and all deadlines applicable to each review process will apply. The Development Review Board may issue separate written decisions for each review conducted as part of the combined hearing, but the decisions should be coordinated where appropriate.

## Section 426. Modification of Approved Plans

426.A Applicability. The Development Review Board must review any request to amend an approved plan that the Administrative Officer cannot approve under Section 419.

426.B Application. The process for applying for an amendment will be the same as for the original approval.

426.C Review and Decision. The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the plan affected by the proposed amendment.

# Chapter 430. Subdivision and PUD Procedures

## Section 431. Applicability

431.A Except as specifically authorized in Section 433, a landowner must not:

(1) Subdivide land without first recording a subdivision plat in the Town land records in full conformance with this chapter;

(2) Subdivide land through the use of any legal description other than by reference to a subdivision plat recorded in the Town land records in full conformance with this chapter; or

(3) Sell or transfer ownership of any lot by reference to a subdivision plat without first recording a subdivision plat in the Town land records in full conformance with this chapter.

431.B A landowner may convey a right-of-way or easement, or lease land without first recording a subdivision plat in the Town land records in full conformance with this chapter.

431.C The Administrative Officer must not issue a zoning permit for development on a lot created by subdivision unless the landowner has recorded a subdivision plat in the Town land records in full conformance with this chapter.

## Section 432. Boundary Line Adjustment and Lot Merger

432.A The Administrative Officer may approve the realignment, relocation, or elimination of a boundary line between adjoining parcels provided that the proposed change:

(1) Will not result in an increase in the number of lots;

(2) Will not result in a nonconformity (see Section 125), but it may involve an existing nonconformity provided that the degree of nonconformity is not increased; and

(3) Will not violate any conditions of a prior zoning permit or development approval.

432.B The applicant must submit a complete application and subdivision plan to the Administrative Officer. Once the Administrative Officer determines that the application is complete, he/she must act within 30 days to approve the application, deny it, or refer it to the Development Review Board.

432.C Within 180 days after the Administrative Officer approves an application, the applicant must record a final subdivision plat in the Town land records in accordance with Section 438 and must mark the adjusted boundary line (as applicable) in accordance with Section 316. If the applicant fails to do so within the 180-day period, the Administrative Officer's approval will be voided.

## Section 433. Deferred Approval

433.A Applicability. The Development Review Board may approve the creation of deferred approval lots following sketch plan review in accordance with the following:

(1) A deferred approval lot must be at least 150% of the zoning district's minimum lot size as demonstrated by the tax maps for the Town of Westford or an official survey and meet lot width to depth ratios and either have frontage on a public road or a right-of-way at least 60 feet wide.

(2) No more than 3 deferred approval lots may be created from a parent parcel in any 10-year period. Deferred approval lots will be counted when determining whether a master plan will be required under Section 435 or whether a subdivision will be required to be designed as a planned unit development.

(3) A deferred approval lot must also qualify for an exemption from the State requirement for a water and wastewater permit. The applicant must provide a letter from the Agency of Natural Resources documenting that the lot is exempt.

433.B Application. The applicant must file a complete application for a deferred approval, either separately or as part of larger subdivision application, with the Planning Coordinator. The Planning Coordinator must determine that the application is complete and includes all the required information before referring it to the Development Review Board for sketch plan review.

433.C Within 180 days after the Development Review Board authorizes a deferred approval lot or approves a final subdivision plan for a larger subdivision containing a deferred approval lot, the applicant must record a deed and a plat for the deferred approval lot that includes the following Statement, "*Subdivision approval for this lot under the Westford Land Use and Development Regulations has been deferred. Any person who owns this property acknowledges that this lot may not be able to be further developed or improved in accordance with the Westford Land Use and Development Regulations, and that the landowner must obtain subdivision approval via a subdivision amendment from the Development Review Board for this lot prior to applying for a zoning permit to further develop or improve it."* If the applicant fails to do so within the 180-day period, the Development Review Board's authorization will be voided.

433.D Prior to a deferred approval lot being developed or improved, the landowner must obtain final subdivision approval under this chapter and in full conformance with all applicable provisions of these regulations.

## **Section 434.** Sketch Plan Review

434.A Purpose. The sketch plan meeting provides the applicant with an opportunity to present the Development Review Board with general information regarding the property and the proposed subdivision and to receive comments from the Development Review Board prior to expending time and money on surveying, designing and engineering.

434.B Pre-Application Conference. The applicant is strongly encouraged to schedule a pre-application conference with the Planning Coordinator prior to filing an application for subdivision review to discuss the proposed subdivision, application requirements and review process.

434.C Application. The applicant must file a complete application with the Planning Coordinator. The Planning Coordinator must determine that the application is complete and includes all the required information before referring it to the Development Review Board.

434.D Staff Report. After deeming the application complete, the Planning Coordinator will prepare a staff report for the Development Review Board assessing the application's

conformance with these regulations.

434.E Referral. The Planning Coordinator may forward the sketch plan to other Town staff, departments or committees as appropriate prior to the sketch plan meeting. The Planning Coordinator must refer the application to the Conservation Commission if the subject property contains any primary agricultural or forest soils, significant natural resource areas, or proposed open space. The Conservation Commission or other Town staff, departments, or committees may submit comments or make recommendations on the proposed subdivision plan to the Development Review Board.

434.F Notice. The Development Review Board must hold a meeting on the sketch plan within 60 days of the Planning Coordinator receiving a complete application. Adjoining property owners should be sent notice of the meeting at least 10-days prior to said meeting.

434.G Actions. At or following the meeting, the Development Review Board will:

(1) Determine whether the applicant is ready to move forward to the next step of the review process.

(2) Determine whether the applicant will be required to prepare a master plan (see Section 435).

(3) Classify the subdivision in accordance with Paragraph 434.H.

(4) Authorize any deferred approval lots in accordance with Section 433.

(5) Make recommendations to guide the applicant in preparation of more detailed plans.

(6) Supplement, modify, or waive application requirements for preliminary or final plan review, as applicable. The Development Review Board may request any additional application materials deemed necessary to determine compliance with these regulations, and may modify or waive application requirements deemed unnecessary to determine compliance with these regulations.

434.H Classification. At or following the sketch plan meeting, the Development Review Board will classify the subdivision as either a major or minor subdivision in accordance with the following:

(1) Major Subdivision. A major subdivision will require a two-step process with separate review and approval of the preliminary plan and final plan. The Development Review Board may classify any subdivision as a major subdivision as deemed necessary to ensure conformance with these regulations. The Development Review Board must classify a subdivision that meets any of the following as a major subdivision:

(a) The parent parcel will be divided into more than 3 lots (including any remainder of the parent parcel).

(b) The proposed subdivision will be served by a private road, community water supply or wastewater system, or similar common facilities that will be shared by 3 or more lots or principal buildings.

(c) The applicant will be required to prepare a master plan in accordance with Section 435.

(d) The development will be designed as a planned unit development (PUD) in

accordance with Chapter 310.

(2) Minor Subdivision. A minor subdivision will require a one-step process with review and approval of the final plan. Any subdivision not classified as a major subdivision is a minor subdivision.

434.I Effect. The Development Review Board will send a letter to the applicant documenting its authorizations, determinations, and recommendations, but those actions will not constitute a formal decision on the subdivision plan and are not appealable under Section 445.

434.J Timeline. After the Development Review Board determines that the applicant is ready to move forward, the applicant will have 12 months to file the materials required for the next step of the review process.

## Section 435. Master Plan Review

435.A Purpose. This section is intended to discourage the unplanned incremental subdivision of land by requiring qualifying applicants to prepare an overall plan for the coordinated and coherent development of the entire parent parcel that is consistent with the purposes of these regulations.

435.B Determination. At the sketch plan meeting, the Development Review Board will determine whether the applicant will be required to prepare a master plan prior to or concurrent with submitting an application for the next phase of the subdivision approval process.

435.C Applicability. The Development Review Board may require a master plan as deemed necessary to ensure conformance with these regulations. The Development Review Board must require a master plan if the parent parcel will be divided into more than 3 lots (including any remainder of the parent parcel) within a ten year period and at least one of those lots will have the potential to be further subdivided based on the minimum lot size and density requirements of the zoning district.

435.D Application. The applicant must file a complete application for master plan approval with the Planning Coordinator. The Planning Coordinator must determine that the application is complete and includes all the required information before referring it to the Development Review Board.

435.E Staff Report. After deeming the application complete, the Planning Coordinator will prepare a staff report for the Development Review Board assessing the application's conformance with these regulations.

435.F Review Process. The Development Review Board may review and act on a master plan application prior to or concurrent with review of the preliminary subdivision plan. The review process for a master plan will be the same as for a preliminary subdivision plan (see Section 436).

435.G Review Criteria. Before approving a master plan, the Development Review Board must find that it meets all the following:

(1) It shows the full extent of parent parcel, delineating the area(s) currently proposed for subdivision or development and any associated land proposed to be set aside as development-restricted open space land.

(2) It demonstrates that the remaining portion(s) of the parent parcel can be further subdivided or developed in accordance with the standards of these regulations and result in the coherent and coordinated development of the entire parent parcel.

(3) It delineates the areas that may be developed or subdivided in the future and any associated land that would be set aside as development-restricted open space in accordance with the standards of these regulations.

(4) It provides for access and utilities to serve the remaining portion(s) of the parent parcel that may be subdivided or developed in the future in a manner that would extend the currently proposed access, road, driveway and/or utility corridors to the greatest extent possible given the physical characteristics of the land.

(5) It shows that any planned pedestrian paths, recreation amenities, and designated open spaces will be preserved and extended as appropriate in conjunction with any future subdivision or development.

435.H Effect. Once the Development Review Board approves a master plan, any future subdivision or development must be consistent with that plan. All land shown on the master plan will be subject to the master plan and any conditions of approval irrespective of ownership.

435.I Modification of an Approved Master Plan. An applicant may request that the Development Review Board approve modifications to an approved master plan in accordance with the provisions of Section 426. The Development Review Board must consider the compatibility of proposed modification with all the land subject to the master plan (not just the portion directly affected) and the purpose of this section to ensure coordinated and coherent land development.

## Section 436. Preliminary Plan Review

436.A Purpose. The purpose of preliminary plan review is to examine the proposed subdivision in detail, take public comment on the plan, evaluate the plan's conformance with these regulations, and determine whether modifications or conditions will be necessary to ensure that conformance.

436.B Application. When required, the applicant must file a complete application for preliminary subdivision plan approval with the Planning Coordinator. The Planning Coordinator must determine that the application is complete and includes all the required information before referring it to the Development Review Board. If a master plan is required, the applicant must either have received master plan approval prior to filing the preliminary plan or be filing the master plan application for combined review with the preliminary plan.

436.C Staff Report. After deeming the application complete, the Planning Coordinator will prepare a staff report for the Development Review Board assessing the application's conformance with these regulations.

436.D Referral. The Planning Coordinator may forward the preliminary plan to other Town staff, departments or committees as appropriate prior to the hearing. The Planning Coordinator must refer the application to the Conservation Commission if the subject property contains any primary agricultural or forest soils, significant natural resource areas, or proposed open space. The Conservation Commission, or other Town staff, departments, or committees may submit comments or make recommendations on the preliminary plan to the Development Review Board.

436.E Notice and Hearing. The Development Review Board must hold a public hearing on the preliminary plan within 60 days of the Planning Coordinator receiving a complete application. The hearing must be warned as per Section 441.

436.F Review Criteria. Before approving a preliminary subdivision plan, the Development

Review Board must find that it meets all of the applicable criteria in Figure 3-1.

436.G Decision. The Development Review Board must issue a written decision with findings of fact that address each of the applicable criteria in Figure 3-1 within 45 days after closing the hearing on a preliminary subdivision application as specified in Section 444. As part of the decision, the Development Review Board may establish conditions of approval to be incorporated into the final subdivision plan as deemed necessary to ensure conformance with these regulations. The written decision must specify:

(1) Any specific changes required in the final subdivision plan;

(2) The issues to be analyzed and addressed in the final subdivision application;

(3) Whether the subdivision must be phased in accordance with Paragraph 436.H; and

(4) Any modification or waiver of application requirements for final plan review. The Development Review Board may request any additional application materials deemed necessary to determine compliance with these regulations, and may modify or waive application requirements deemed unnecessary to determine compliance with these regulations.

436.H Phasing. The Development Review Board may require an applicant to divide a proposed subdivision into multiple phases to be developed at separate times. The Development Review Board may impose conditions on the filing of the final plat for each phase as deemed necessary to assure planned and orderly growth that does not exceed Westford's ability to provide public facilities and services in accordance with the adopted *Town Plan* and the *Capital Budget and Program.*

436.I Timeline. After the Development Review Board approves a preliminary plan, the applicant will have 12 months to submit a final subdivision plan.

## Section 437. Final Plan Review

437.A Purpose. The purpose of final review is to evaluate the plan's conformance with the purposes and specific standards of these regulations and any applicable master plan, and, for major subdivisions, assure that all conditions imposed on the preliminary plan have been met.

437.B Application. The applicant must file a complete application for final subdivision plan approval with the Planning Coordinator. The Planning Coordinator must determine that the application is complete and includes all the required information before referring it to the Development Review Board. If phasing was a condition of preliminary plan approval, the applicant must file separate final plans for each phase within the time periods specified in the preliminary approval decision.

437.C Staff Report. After deeming the application complete, the Planning Coordinator will prepare a staff report for the Development Review Board assessing the application's conformance with these regulations.

437.D Notice and Hearing. The Development Review Board must hold a public hearing on the final plan within 60 days of the Planning Coordinator receiving a complete application. The hearing must be warned as per Section 441.

437.E Review Criteria. Before approving a final subdivision plan, the Development Review Board must find that it meets all of the applicable criteria in Figure 3-1.

437.F Decision. The Development Review Board must issue a written decision with findings of fact that address each of the criteria in Figure 3-1 within 45 days after closing the

hearing on a preliminary subdivision application as specified in Section 444.

437.G Filing Requirements. If the Development Review Board approves the final plan, the applicant will have 180 days to record a final subdivision plat for filing in the Town's land records as specified in Section 438.

437.H Town Acceptance. The Development Review Board's approval of a final plan will not constitute the Town's acceptance of any street, easement, open space, or other feature shown on the plan. Action by the Selectboard is required to accept any street, easement, open space, or other feature.

## **Section 438.** Filing Requirements

438.A If the Development Review Board approves the final plan, the applicant will have 180 days to file a final subdivision plat, including 1 mylar copy and 2 paper copies, for recording in the Town land records. Plats shall be filed after the expiration of the final plat decision appeal period. If the subdivision will be phased, the applicant must record a plat for the first phase within 180 days and for subsequent phases in accordance with any schedule or time period established in the condition of approval. Upon written request by the applicant prior to the expiration of the 180 days, the Administrative Officer may grant a 90-day extension to the filing deadline if other local or State permits are still pending. A plat recorded after the filing deadline will be considered null and void.

438.B The final subdivision plat must meet all State requirements (see 27 VSA § 1403).

438.C Prior to being recorded in the land records, the Chair or Vice Chair of the Development Review Board must sign the final subdivision plat. If a final plat is recorded without that signature, it will be considered null and void.

438.D No one must make any changes, erasures, modifications, or revisions to a final plat after it has been signed except in accordance with Section 419 or Section 426. If a modified plat is recorded in violation of this requirement, it will be considered null and void.

438.E Once properly recorded, a final subdivision plat will not expire.

# Chapter 440. Notice, Hearing & Decision Procedures

## Section 441. Warning a Hearing

441.A A public hearing for applications before the Development Review Board must be warned as follows:

(1) The date, place, and purpose of the hearing must be published in a newspaper of general circulation in Westford and on the Westford Town website not less than 15 days before the date of the public hearing.

(2) The date, place, and purpose of the hearing must be posted in 3 or more public places within Westford not less than 15 days before the date of the public hearing. One of the public posting places must be on the subject property within view of the nearest public right-of-way. The Planning Coordinator may provide the applicant with a form for posting. It is the applicant's responsibility to ensure that the notice remains posted for the entire warning period.

(3) Owners of all properties adjoining the subject property (including those across the road) must be notified of the hearing in writing. The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to appeal the DRB's decision. The Planning Coordinator may provide the applicant with notification forms and require that the applicant send the notice by certified mail return receipt requested or hand deliver it. The Planning Coordinator may require the applicant to submit proof of delivery before the hearing.

441.B A defect in the form or substance of the public notice requirements will not invalidate any Development Review Board action or decision when a reasonable effort has been made to provide adequate warning.

## Section 442. Conducting a Hearing

442.A The Development Review Board must conduct public hearings in accord with its adopted rules of procedure.

442.B Any individual or group may appear and participate in a public hearing in person (or by authorized representative or counsel) or may submit written testimony in advance of a hearing. The Development Review Board must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.

442.C The applicant (or an authorized representative) is strongly encouraged to be present at any public hearing or meeting when the Development Review Board will be considering his/her application. The Development Review Board may continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present. In the case of such a continuation, the intervening days will not be counted as part of any time period within which the Development Review Board is required to act.

## Section 443. Recessing a Hearing

443.A The Development Review Board may recess a hearing on any application pending submission of additional information.

443.B If the Development Review Board recesses a hearing to a specific date and time, the

hearing will not have to be warned again when resumed.

### Section 444. Development Review Board Decisions

444.A After the Development Review Board closes a hearing, it may discuss and make a decision on the application in accordance with their adopted rules of procedure.

444.B The Development Review Board must make a decision based on the applicable criteria in these regulations. The Development Review Board may rely on the application materials; testimony and exhibits submitted during public hearings; inspections or site visits of the property; and any publicly available reports, data, maps, or other information to determine whether an application meets the required criteria.

444.C The Development Review Board may approve an application with any conditions it deems necessary to achieve the purposes of these regulations and the goals of the Town Plan and the Vermont Planning and Development Act, including, but not limited to, specific modifications to the scale, layout and/or design of the project, or restrictions on its operation and/or intensity. Any conditions or limitations must be specifically described in its written decision.

444.D Within 45 days of closing a hearing, the Development Review Board must issue a decision to approve, approve with conditions or deny the application. The written decision must include findings of fact that explain how and why the Development Review Board made its decision and any conditions of approval. Copies of the written decision must be sent to the applicant and every interested person who participated in the hearing. Copies of the decision must be filed with the Administrative Officer and Town Clerk.

444.E Once the Development Review Board issues a decision, there is a 30-day period during which an interested person may appeal the decision as described in Section 445. The decision does not take effect and the applicant must not commence the permitted land use or development until the appeal period ends. If an appeal is properly filed during the appeal period, the decision does not take effect and the applicant must not commence the land use or development until the appeal is decided.

444.F The Administrative Officer will issue a zoning permit as applicable following Development Review Board approval. If the approved use or development is not substantially completed before the zoning permit expires, the Development Review Board approval will expire with the zoning permit. If the approved use or development is substantially completed before the zoning permit expires, the Development Review Board approval will remain in effect unless the use or development is discontinued. Development Review Board approvals and any related conditions run with the land and remain in effect even if property is sold or transferred to another owner.

444.G A final subdivision or PUD plan properly approved by the Development Review Board, signed and recorded in the Town land records will not expire.

### Section 445. Appeal of Development Review Board Decisions

445.A Any interested person who participated in a hearing on a matter before the Development Review Board may appeal the Development Review Board's decision to the Environmental Division of the Vermont Superior Court within 30 days.

445.B A notice of appeal must be sent to every interested person who participated in the hearing. The interested person list will be available from the Planning Coordinator.

445.C When the Administrative Officer issues a zoning permit to implement a Development Review Board approval, it is a ministerial action that cannot be appealed under Section 423.

445.D If the Administrative Officer has issued a zoning permit based on a Development Review Board approval, the appeal of that Development Review Board decision will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved as described in Section 444.

# Chapter 450. Enforcement Procedures

## Section 451. Type of Ordinance

451.A These regulations will be considered a civil ordinance within the meaning of 24 VSA Chapter 59.

## Section 452. Fines

452.A The Selectboard may establish fines for violations of these regulations in accordance with 24 VSA Chapter 117.

## Section 453. Applicability

453.A The commencement or continuation of any land use or development that does not conform with the provisions of these regulations constitutes a violation. Each day that a violation continues constitutes a separate offense.

## Section 454. Action

454.A The Administrative Officer must undertake appropriate action to enforce the provisions of these regulations by following the procedures outlined in this chapter.

454.B The Administrative Officer must investigate all complaints regarding violations of these regulations. If the Administrative Officer determines that a violation has occurred, the Administrative Officer must commence an enforcement action as follows:

(1) The Administrative Officer will contact the landowner in writing to inform them of the violation and provide an opportunity for an immediate and informal resolution. If the matter is not resolved in a timely manner, the Administrative Officer must issue a notice of violation.

(2) The Administrative Officer must send the landowner a written notice of violation by certified mail. The notice must:

(a) Describe the violation and include a reference to the specific provisions of these regulations being violated;

(b) Explain that the landowner has an opportunity to cure the violation within 7- days;

(c) List the amount of the fine for the violation and explain that the fine will be imposed for each day the violation continues after the 7-day period for curing the violation elapses; and

(d) Notify the landowner that further enforcement may occur without notice and if the violation is repeated within the next 12 months.

(3) If the violation is not cured within the 7-day period, the Administrative Officer must consult with the Selectboard to determine how the Town will proceed. With permission of the Selectboard, the Administrative Officer may negotiate a resolution to a violation after the opportunity for cure has elapsed. The Selectboard must formally approve any resolution of a violation that has continued after the 7-day period for curing it has elapsed.

454.C Decisions or actions of the Administrative Officer in relation to violations may be appealed as per Section 423 of these regulations.

454.D The Administrative Officer must deliver a copy of each notice of violation to the Town Clerk for recording. Upon resolution of the violation, the Administrative Officer will provide a compliance letter for recording.

454.E The Administrative Officer must enforce any violation of these regulations, a zoning permit, or DRB approval within 15 years from the date the violation first occurred. The Administrative Officer will not be able to enforce a violation of a zoning permit unless the permit was recorded in the Town land records.

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# PART 5. DEFINITIONS

## Chapter 500. Use of Terms

### Section 501. Interpretation

501.A The words defined in the Vermont Planning and Development Act have their statutorily defined meaning unless they are specifically defined in Chapter 510 or elsewhere within these regulations.

501.B The words used in these regulations have their normal dictionary meaning unless they are specifically defined in Chapter 510 or elsewhere within these regulations.

501.C The words defined in Chapter 510 have the specific meaning stated unless the context clearly indicates that they have another meaning.

501.D These regulations use "must" and "will" to express that something is required. They use "must not" and "will not" to express that something is prohibited. They use "may" and "may not" for discretionary actions. They use "should" and "should not" when something is encouraged or discouraged.

# Chapter 510. Defined Terms

511.A

(1) ACCESS POINT means a curb cut onto a State or Town road for a driveway or a private road.

(2) ACCESSORY STRUCTURE means a structure that is incidental, and subordinate in size and overall appearance to the principal structure on the same lot. Prefabricated structures are regulated as accessory structures. Examples: swimming pools, storage sheds, garages, renewable energy structures.

(3) ADAPTIVE REUSE means the rehabilitation or renovation of an existing historic barn for another allowed use in accordance with Section 303. Also see definition of BARN, HISTORIC (Paragraph 511.B(2)).

(4) AFFORDABLE HOUSING means housing that is either:

(a) Owned by its inhabitants, whose gross annual household income does not exceed 80% of the median income for the Burlington MSA (Metropolitan Statistical Area), as defined by the United States Department of Housing and Urban Development; and the total annual cost of housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30% of the household's gross annual income; or

(b) Rented by its inhabitants whose gross annual household income does not exceed 120% of the median income for Burlington MSA, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 % of the household's gross annual income.

(5) AGRICULTURAL ENTERPRISE means a small business that is a natural extension of a farm and is integrated with an active agricultural use including, but not limited to, on-farm cafes, corn mazes, pick-your-own operations, wine-tasting rooms, on-farm retail store or event venue, and farming demonstrations or education.

(6) AGRICULTURE (or farming as defined by the State of Vermont) means

(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;

(d) The production of maple syrup;

(e) The on-site storage, preparation, and sale of agricultural products principally produced on the farm;

(f) The on-site production, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or

(g) The raising, feeding, or management of 4 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.

(7) ALTERATIONS mean structural changes, rearrangement, change of location, or addition to a building, other than repairs and modifications to building equipment.

(8) ART GALLERY/STUDIO means an establishment, structure, or portion thereof used to produce and/or sell art work.

(9) ATTIC means the space immediately below the roof of a structure. For the purposes of determining height, an attic will be considered a full story if more than 50% of the floor area has a height of 7 feet or more between the top of the joists and the bottom of the rafters.

(10) AVERAGE GRADE means the final elevation of the average ground level adjoining a structure at all exterior walls after development.

511.B

(1) BANKS & OTHER FINANCIAL INSTITUTIONS mean establishments such as banks, savings and loans, credit unions, credit agencies, investment companies, brokers and dealers of securities and commodities, and security and commodities exchanges.

(2) BARN, HISTORIC (for adaptive reuse purposes) means any barn within the Town of Westford that has been certified in writing by the Vermont Division for Historic Preservation, or the Westford Historical Society to meet the following conditions:

(a) The barn must have been built more than 60 years prior to the current date;

(b) The barn must be listed or eligible for listing on the State register of historic sites and structures; and

(c) The barn is deemed a significant structure as a part of the Town's historic fabric and a reflection of the Town's rural and agricultural heritage.

Also see ADAPTIVE REUSE (Paragraph 511.A(2)).

(3) BASEMENT means a part of a structure that is entirely or partly below ground. For the purposes of determining height, a basement will be considered a full story if its ceiling height will be at least 7 feet above the average grade along one of the building walls.

(4) BED AND BREAKFAST means 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 2 non-family full-time equivalent employees.

(5) BEDROOM means any room in a residential structure that serves primarily as sleeping quarters; or any room in a residential structure capable of present or future use as a private sleeping area that is at least 80 square feet and has at least:

(a) One window;

(b) One closet; and

(c) One interior method of entry and exit, excluding closets and bathrooms, allowing the room to be closed off from the remainder of the residence for privacy.

(6) BOARDING HOUSE means a single-family dwelling where rooms are rented for compensation to lodgers for a contract period of not less than 30 days and where the rented rooms do not include individual cooking or eating facilities. Lodgers may be provided or be able to make meals in a common kitchen and eating area, but no meals may be provided to outside guests. The owner or manager of the boarding house must live in the single-family dwelling.

(7) BOARDWALK means a walkway constructed over wet ground that is no greater than 4 feet in width.

(8) BUILDING means a portable, temporary, fixed, or permanent structure having a roof supported by columns or walls, for the shelter, support, or enclosure of people, animals, or property; including, but not limited to, dwellings, barns, garages, sheds, tents, storage units, or trailers or vehicles used for shelter or storage.

(9) BUILDING ENVELOPE means a specific area of a lot, delineated on a subdivision plat, within which land development must be located and outside of which no land development may be located, except walkways, driveways, roads, utilities, water-dependent structures, and exempt accessory structures (See Section 111).

(10) BULK STORAGE OF FUELS means the storage of 500 gallons or more of liquid or gaseous fuels in large quantities for distribution. Such fuels include fuel oil and pressurized gasses such as propane and compressed natural gas.

511.C

(1) CEMETERY means property used for the interring of the dead.

(2) CHARACTER OF THE AREA means the image and perception of an area as defined by factors such as its built environment, land uses, transportation network, landscaping, natural features and open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services. Standards that require uses to be compatible with the character of the area must consider the generation of light, noise, dust, and traffic, and the location, size, and design of structures, as compared to what is typical in or planned for the area as described in the purpose statement of the zoning district and the land use goals and policies of the Westford Town Plan.

(3) CLUB, PRIVATE means a private organization, building, or grounds operated for social, recreational, or charitable purposes**;** open only to members and their guests; specifically including, but not limited to, country clubs, fraternities and sororities, and other organizations and entities to which membership is limited or controlled. Excluded in this definition are all types of gun clubs and shooting ranges.

(4) COMMUNITY FACILITY means a meeting place used by the general public for cultural, educational, or social activities, and which may possess incidental or subordinate indoor recreational and/or outdoor recreational facilities.

(5) COMMUNITY SEWAGE DISPOSAL SYSTEM means any sewage disposal system, other than a municipal sewage disposal system, owned by the same person, firm, corporation, partnership, or association that disposes of sewage for domestic, commercial, industrial, or institutional uses to 3 or more customers.

(6) COMMUNITY WATER SYSTEM means any water system owned by the same person, firm, corporation, partnership, or association that supplies water for domestic, commercial, industrial, or institutional uses to 3 or more customers.

(7) CONGREGATE HOUSING means a facility for long-term residence by individuals with a handicap or disability and which shall include, without limitation, common dining and social and recreational features; special safety and convenience features designed or the needs of the residents, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs; and the provision of social services for residents which include at least two of the following: meal services, transportation, housekeeping, linen, and organized social activities.

(8) CONTEXT-SENSITIVE DESIGN means a design approach that is location-specific and that begins with a developing a thorough understanding of a site's unique physical, ecological, cultural, and historic setting in order to make sound choices about where and where not to build, how to best fit development into the wider landscape and community, and preservation of significant scenic, aesthetic, historic and natural resources.

(9) CONTRACTOR'S YARD means an establishment with an outdoor area for the staging or preparation of landscaping, excavation, construction, and similar services where exterior storage is customary.

(10) CREMATORIUM means an establishment where bodily remains are incinerated in a furnace. All crematoriums shall follow State of Vermont protocol, licensing, and all other applicable regulations.

511.D

(1) DENSITY means the number of acres or square feet of land area that are required for a given number of dwelling units, uses, or structures. Where a parcel is located in two or more zoning districts, the density for the entire parcel shall be the aggregate of the allowable density of each portion that is in a separate district.

(2) DEVELOPMENT. See LAND DEVELOPMENT (Paragraph 511.L(1)).

(3) DISPRUPTION (as it relates to the Water Resource Overlay District) means 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, or disturbance of sensitive habitat and/or rare, threatened, and/or endangered species.

(4) DOMESTIC ANIMAL KENNEL means a commercial establishment in which domestic animals are housed, groomed, bred, boarded, trained, or sold.

(5) DRIVEWAY means 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 3 or fewer lots, dwelling units or nonresidential uses.

(6) DWELLING UNIT means a structure or part of a structure intended for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(7) DWELLING UNIT, ACCESSORY means a secondary dwelling unit established in conjunction with and clearly subordinate to a single-family dwelling, whether a part of the same structure as the single-family dwelling or within an accessory structure on the same lot (see Section 302).

(8) DWELLING, TWO-FAMILY means a building, or portion thereof, designed exclusively for occupancy by two families or households living independently of each other in individual dwelling units. This definition specifically excludes an accessory dwelling unit.

(9) DWELLING, MULTI-FAMILY means a building, or portion thereof, designed exclusively for occupancy by three or more families or households living independently of each other in individual dwelling units. This definition specifically excludes an accessory dwelling unit.

(10) DWELLING, SINGLE-FAMILY means a detached building designed exclusively for occupancy by one household or family.

511.E

(1) ENLARGEMENT/EXPANSION means a physical modification of a structure that results in an increase in its footprint, floor area, or height.

(2) EQUIPMENT RENTAL & SALES means an establishment which rents and/or sells equipment, machinery, and tools; including, but not limited to, garden tools, wood splitters, mowers, tillers, construction tools, cherry pickers, skid steers, and tractors. This use excludes rental or sale of recreational vehicles, motor vehicles, and/or mobile homes.

(3) ESSENTIAL SERVICES means underground or overhead gas, communication, electrical, steam, water or sewer collection, distribution, or transmission systems maintained by public utilities or municipal or other governmental agencies, including equipment and accessory structures customarily associated with such systems, as well as public rights-of-way and associated roads, bridges, and culverts.

(4) EXTERIOR STORAGE AND DISPLAY means the keeping of any merchandise, goods, materials, vehicles, equipment, junk, or waste related to a non-residential use in an unenclosed area and in the same place for more than 24 hours (see Section 325).

511.F

(1) FAÇADE means the dominant structural feature of any side of a building. For example, the building façade of a two-story structure with a one-story porch is the two-story elevation of the building.

(2) FARM STAND means a building or structure located on a farm and used for the sale of agricultural products produced primarily on that farm.

(3) FLOOR AREA (for purposes of calculating the size of a structure) includes the square footage of all enclosed floor levels, including storage areas, utility areas, stairways, basements, and attics.

(4) FRANCHISE OR CORPORATE ARCHITECTURE means a standardized design that is trademarked or identified with a particular chain or corporation and that is replicated in multiple locations with minimal variation

(5) FUEL SALES means an establishment, lot, or building that is used for the sale of motor vehicle fuels, lubricants, and related motor vehicle products. The sale of food and other unrelated convenience items may be allowed as an accessory use to the fuel sales, subject to general retail conditional use approval. This use excludes rental or sale of recreational vehicles, motor vehicles, and/or mobile homes.

(6) FULL-TIME EQUIVALENT OR FTE (as defined in 21 V.S.A. § 2002(3)) means the number of employees expressed as the total number of employee hours worked during a week divided by 40.

(7) FUNERAL HOME means an establishment for the preparation and repose of a deceased person, including religious and cultural rituals connected therewith, and where people may gather to mourn the deceased.

511.G

(1) GARAGE SALE means any casual sale of tangible personal property which is advertised to the public at large by any means. Such events are commonly called "garage sale", lawn sale", "moving sale", or "rummage sale".

(2) GARDEN NURSERY means a commercial establishment where land or greenhouses are used to raise and/or sell flowers, shrubs, plants, and similar materials.

(3) GROUP HOME means a dwelling unit used to house and care for people with a handicap or disability in accordance with Section 115.

511.H

(1) HANDICAP OR DISABILITY (as defined in 9 V.S.A. § 4501) means a physical or mental impairment that limits one or more major life activities. This definition specifically excludes a person who is an alcoholic or drug abuser and who constitutes a direct threat to property or the safety of others due to current alcohol or drug use.

(2) HAZARDOUS MATERIAL means any substance or material that by reason of its form, quantity, toxic, caustic, corrosive, abrasive, or otherwise injurious properties may pose a risk to health, safety, or property including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, compressed gasses, or any substance defined in Section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.

(3) HAZARDOUS WASTE (as defined in 10 V.S.A. § 6602(4)) means any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form including, but not limited to, those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat, or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause or contribute to an increase in mortality or an increase in serous irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the State. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is

specifically excluded from this definition.

(4) HEALTH & PERFORMING ARTS STUDIO means an establishment with no permanent fixed seating used for exercise instruction and classes including, but not limited to, the following: dance, acting, music, performing arts, rehearsal, yoga, or pilates.

(5) HEIGHT means the vertical distance of a structure measured from the average grade surrounding the structure to the highest point of the structure,

(6) HOME OCCUPATION means an activity carried out for gain by a resident from his/her residential property in accordance with Section 301. These regulations classify home occupations as either TYPE 1 or TYPE 2.

(7) HORSE STABLE/INDOOR RIDING FACILITY means a commercial establishment where the boarding of horses occurs; where riding, jumping, and showing is offered; and/or where horses may be hired for riding.

(8) HOTEL/MOTEL means a facility offering transient lodging accommodations to the general public that may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

511.I

(1) IMPERVIOUS SURFACE means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, roads, driveways, sidewalks, walkways, patios, and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel, or compacted earth; unless they are specifically designed, constructed, and maintained to be pervious.

(2) INTERESTED PERSON (as defined in 24 V.S.A. § 4465(b)) means

(a) The applicant;

(b) The Town of Westford or any adjoining municipality;

(c) A person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on his or her property, and who alleges that a decision made under these regulations is not or will not be in accord with the *Westford Town Plan* or these regulations;

(d) Any 10 people, who may be any combination of Westford voters or landowners, who allege that a decision or act made under these regulations is not or will not be in accord with the *Westford Town Plan* or these regulations by a signed petition. The petition must designate one person to serve as the group's representative;

(e) Any department and administrative subdivision of the State owning property or any interest in property in Westford; or

(f) The Vermont Agency of Commerce and Community Development

511.J

JUNK means old or scrap copper, brass, iron, steel, and other old or scrap non ferrous material including rope, rags, batteries, glass, rubber, debris, waste, trash, or any discarded, dismantled, or wrecked motor vehicle and/or recreational vehicle, or any parts thereof.

511.K

511.L

(1) LAND DEVELOPMENT (as defined in 24 V.S.A. § 4303(10)) means:

(a) The division of a parcel into two or more parcels;

(b) The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure;

(c) Mining, excavating or filling; or

(d) Any change in, or extension of, the use of land or a structure.

(2) LEDGE OUTCROPPING means a portion of bedrock protruding through the soil.

(3) LIBRARY means a room or building containing books and other materials for public use and purpose of reading, study, recreation, or reference.

(4) LIVING AREA means the area within the exterior walls of a dwelling unit that is designed for human habitation, that has a floor-to-ceiling height of at least 7 feet, and that excludes garages and unheated space.

(5) LOCALLY PRODUCED means agricultural or silvicultural products that are raised, grown or harvested within Vermont.

(6) LOT means a parcel of land that is not divided by any State or Town road, State or Town boundary or navigable water course and that is:

(a) 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 2 or more parcels of land, each described parcel shall constitute a lot;

(b) 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 2 or more parcels of land, each described parcel shall constitute a lot;

(c) Described as a development lot in a zoning permit issued by the Town of Westford, provided the development activity authorized by the zoning permit was completed in conformance with the zoning permit and prior to the expiration of the zoning permit; or

(d) 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 recorded in accordance with the requirements of law.

(7) LOT DEPTH means the average distance measured from the lot frontage to the rear lot line along a straight line perpendicular to the lot frontage.

(8) LOT FRONTAGE means the boundary of a lot along a public or private road or an approved right-of-way providing access to the principal structure, as 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.

(9) LOT WIDTH means the average distance measured between the side boundaries of a lot along a straight line parallel to the lot frontage.

Figure 5-1. Lot Lines and Measurements

511.M

(1) MASSING means the general size and shape of a building and the relationship between its various parts. Massing affects the perception of the size and scale of a building, its visual interest, and how it blends with its surroundings. Simple massing consists of a single roof type over a single volume. Complex massing is composed of a main or dominant roof and one or more secondary roofs over their respective volumes. Secondary volumes and roofs should be proportionate to and smaller than the main volume and roof form. With the exception of porch roofs, the pitch of secondary roofs should match that of the main roof. Complex massing gives the appearance of a smaller scale and growth over time, which allows new, large buildings to fit more compatibly into their surroundings.

(2) MIXED USE means a lot or building developed with more than one principal use in accordance with regulations including, but not limited to, residential, office, and/or retail.

(3) MOTOR VEHICLE means any self-propelled device designed to transport people or cargo including, but not limited to, an aircraft, car, truck, tank, motorcycle, snowmobile, boat, trailer (excluding mobile home), or all-terrain vehicle, regardless of whether or not the device is currently functional.

(4) MOTOR VEHICLE DEALER, INDOOR means an establishment engaged in the sale of more than 12 motor vehicles per year from an enclosed structure containing all motor vehicles to be sold.

(5) MOTOR VEHICLE REPAIR means an establishment engaged in the servicing and repair of motor vehicles, including auto body repair and/or auto detailing, which may also include the sale and installation of motor vehicle parts and accessories (see Section 305). This definition specifically excludes motor vehicle sales.

(6) MOTOR VEHICLE SALES means an establishment engaged in the repair and sale of less than 12 motor vehicles per year, specifically excluding mobile homes and recreational vehicles. The sale of more than 12 vehicles per year requires a State of Vermont dealer license and applicable State and local permits.

(7) MUSEUM means a building or place where works of art or other objects of permanent value are kept and displayed.

(8) MUST means shall.

511.N

NURSERY SCHOOL/DAYCARE CENTER means 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. This definition specifically excludes a family childcare home.

511.O

OPEN SPACE LAND means land designated in a master plan, planned unit development, or subdivision that is protected from future development in accordance with these regulations.

511.P

(1) PAVEMENT means asphalt, concrete, stones, gravel, brick, tile, wood, compacted earth, or other impervious materials used to cover the ground in order to make a firm, level surface.

(2) PERSONAL SERVICE/PROFESSIONAL OFFICE means an establishment primarily engaged in providing personal and/or specialized services to the public. Personal services include. but are not limited to, salons, spas, barbershops, hairdressers, tailors, photographic studios, shoe repair, and furniture repair. Professional services include, but are not limited to, real estate agencies, insurance companies, consultants, architectural and engineering firms, attorneys, medical, and dental practices.

(3) PLACE OF WORSHIP means 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.

(4) PLAN means the *Westford Town Plan* adopted pursuant to the Vermont Planning and Development Act.

(5) PLANNED UNIT DEVELOPMENT means an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units and/or a mix of residential and non-residential uses, 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.

(6) POST OFFICE means 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.

(7) PRIMARY AGRICULTURAL SOILS means soils (Class I through VII) classified by the U. S. Natural Resource Conservation Service as having high or good potential for agriculture. The location of such soils is illustrated on a map of Primary Agricultural Soils in the *Westford Town Plan*.

(8) PRIMARY FORESTRY SOILS means soils (Groups 1-3) classified by the U.S. Natural Resource Conservation Service as having high potential value for commercial forest (wood) production. The location of such soils is illustrated on a map of Primary Forest Soils in the *Westford Town Plan*.

(9) PRIMITIVE CAMP means a structure located on its own lot with no interior plumbing other than a sink with water that is used for no more than 3 consecutive weeks per year and no more than a total of 60 days per year.

(10) PRIVATE BRIDGE means a structure for crossing over a water resource that is not owned and maintained by the Town.

(11) PRIVATE ROAD means a road providing vehicular access to more than 3 lots, dwelling units or nonresidential uses which is not a Town road and which has a permanent easement or right of way.

(12) PRIVATE SCHOOL means 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.

(13) PRIVATE TRAIL means a pathway constructed with minimal disturbance to ground cover and does not contain any road surface materials such as gravel or stone, upon which public vehicle traffic is prohibited.

(14) PRODUCTIVE AGRICULTURAL LAND means land that is currently being farmed or that due to factors including, but not limited to, location, size, prior farm use, land form, land cover, and soil conditions could be readily and viably used for agriculture.

(15) PUBLIC ART means a fountain, monument, sculpture, painting, mural, or similar art object that:

(a) Is accessible to public view;

(b) Is intended for the enjoyment of the general public; and

(c) Does not identify or draw attention to a business, profession or industry, to the type of products sold, manufactured, or assembled, or to the type of services or entertainment offered or available on the premises.

(16) PUBLIC PARK means open space owned by a public agency and maintained for the use and enjoyment of the general public.

511.Q

511.R

(1) RECREATION FACILITY, INDOOR means a permanent structure containing facilities for recreational activities such as tennis, platform games, swimming, exercise rooms, handball, and similar activities.

(2) RECREATION FACILITY, OUTDOOR means 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, all terrain vehicles, and cross-country skiing, except facilities that are accessory to a single-family dwelling unit. Excluded in this definition are all types of gun clubs and shooting ranges.

(3) RECREATIONAL VEHICLE (for non-floodplain management purposes) means any vehicle used as temporary sleeping, camping, or living quarters for a maximum of 90 days per calendar year, which is mounted on wheels, a truck, or a camper body, and self-propelled or towed by a motor vehicle. This definition includes vehicles such as motor homes and travel trailers, but specifically excludes mobile homes.

(4) RECREATIONAL VEHICLE DEALER means an establishment engaged in the sale of 2 or more recreational vehicles per year.

(5) RENEWABLE ENERGY STRUCTURE means a structure for the collection or conversion into energy of direct sunlight, wind, running water, or organically derived fuels, including wood, agricultural sources, waste materials, waste heat, and geothermal sources.

(6) RESTAURANT means an establishment whose principal business is the sale of foods and beverages cooked and prepared on the premises, which may have facilities for either on-site food consumption or take-out service or both, excluding drive-up and/or drive-through service, and which may or may not serve alcoholic beverages.

(7) RESUBDIVISION means any change in a recorded subdivision plat, if such change affects any road layout on such plat, or area reserved thereon for public use, or any lot line, or if the change affects any map or plan legally recorded prior to the adoption of any subdivision regulation by the Town of Westford.

(8) RETAIL, GENERAL means an establishment that sells or rents/leases a number of lines of merchandise, including, but not limited to, dry goods; apparel and accessories; furniture and home furnishings; small wares; hardware; pharmaceutical products; and food. Such an establishment will engage in one of the following non-residential activities:

(a) Attracting the general public to buy;

(b) Buying, receiving, and selling merchandise;

(c) Processing or manufacturing some of the products for sale, such as jeweler or baker, but such production or manufacturing is incidental and subordinate to the selling activities; and

(d) Selling product 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.

(e) Establishments included under this definition are known as department stores, variety stores, general stores, and pharmacies. Excluded in this definition are recreational vehicle, automobile, and mobile home sales and service, fuel sales, equipment rental, bulk storage of fuels, and salvage yards.

(9) RETAIL, E-COMMERCE means an establishment that sells and/or distributes merchandise to individuals and companies through Internet sales and goods shipped from premises.

(10) RETAIL, RURAL means an establishment selling goods made from products raised or made on the premises including agricultural products, silvicultural products, and crafts; antique stores; farm stands; food processing; nurseries and garden centers; art galleries; or shops associated with outdoor recreation facilities on the premises and/or on-line.

(11) RETAIL, WHOLESALE means an establishment which sells and/or distributes merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers; or acting as agents or brokers and buying merchandises for, or selling merchandise to, such individuals or companies.

(12) ROAD means any private road, highway, avenue, street, lane, or other way between right-of-way lines commonly used for vehicular traffic.

(13) ROAD, PRIVATE means a road providing vehicular access to more than 3 lots, dwelling units or nonresidential uses which is not a Town road and which has a permanent easement or right of way.

(14) ROAD LINE means the boundary line that separates a road right-of-way from an abutting property.

511.S

(1) SALVAGE YARD means an outdoor area used for the collection, keeping, processing, dismantling, storing, salvaging, buying, or selling of used building materials, furniture, household goods, appliances, machinery parts, junk, or any motor vehicles either unregistered or remaining inoperable for a period of more than 90 days. This definition does not include Motor Vehicle and/or Recreational Vehicle Dealers.

(2) SCENIC means an area, view, or vista visible from a public vantage point that is characterized by natural and/or built features with significant visual, aesthetic, natural, historic, and/or cultural value.

(3) SEASONAL USE means a use occurring not more than 90 days per year.

(4) SELF-STORAGE FACILITY means a site or structure intended to provide individual storage spaces for lease to the general public for storage of personal property.

(5) SENIOR HOUSING means one or more structures intended to provide housing primarily for older adults (commonly limited to those age 55 or older and younger residents with disabilities). This may include, but is not limited to, any combination of units designed for independent living and/or congregate housing with or without services such as meals, transportation, laundry, housekeeping, or recreation.

(6) SETBACK means 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.

(7) SHORELINE means where the land and water meet.

(8) SHRUB means a woody plant with several perennial stems that may be erect or may lie close to the ground. It will usually have a height less than 13 feet and stems no more than about 3 inches in diameter.

(9) SIGN means any device including, but not limited to, letters, words, numerals, figures, emblems, symbols, pictures, flags, streamers, balloons, lights, or any part or combination used for visual communication intended to attract the attention of the public and visible from public rights-of-way or other properties. This definition specifically excludes merchandise normally displayed in a storefront window, merchandise displayed or stored outside as approved under these regulations, and public art.

(10) SIGN, ABANDONED means:

(a) A commercial sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for at least 90 days;

(b) A non-commercial sign whose message pertains to a time, event or purpose that has elapsed or expired in the preceding 30 days; or

(c) A sign that has not been maintained.

(11) SIGNIFICANT NATURAL RESOURCES means any of the following:

(a) Prime Forest Soil and Prime or Statewide Agricultural Soils depicted on Town Plan Map 2;

(b) Uncommon Species & Features as depicted on Town Plan Map 3;

(c) Significant Natural Communities, as depicted on Town Plan Map 3;

(d) Rare, Threatened & Endangered Species as depicted on Town Plan Map 3;

(e) Deer Wintering Area as depicted on Town Plan Map 3;

(f) Contiguous Forest Blocks as depicted on Map 10;

(g) Flood Hazard Overlay & Water Resource Overlay Districts as depicted on Town Plan Map 5; or

(h) Natural resources deemed worthy of conservation by the Development Review Board based on the findings of an independent study by a qualified professional.

(12) SILVICULTURE means 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; and/or access to timberlands.

(13) SMALL SCALE INDUSTRY means an establishment used as a warehouse, research center, food processing facility, and/or light manufacturing facility.

(14) STEEP SLOPES means a slope having a grade of 25% or greater, encompassing an area 1,000 square feet or more prior to cut and fill cumulatively calculated from the date this standard was adopted. 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 will be no distinction between natural and man-made slopes.

(15) STORY means the portion of the structure between the surface of any floor and the ceiling above it. Attics and basements are not considered stories for the purposes of measuring building height.

(16) STRIP DEVELOPMENT means linear development along a public road that includes 3 or more of the following characteristics:

(a) Broad road frontage;

(b) Predominance of single-story buildings;

(c) Limited reliance on shared highway access;

(d) Lack of connection to any existing settlement except by public road;

(e) Lack of connection to surrounding land uses except by public road;

(f) Lack of coordination with surrounding land uses; and

(g) Limited accessibility for pedestrians.

(17) STRUCTURE means 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, road, wall; or fence, except a wall or fence on an operating farm, a wall or fence 6 feet or less in height, residential entry stairs (excluding decks and porches), handicap access ramps, or walkways, all of which do not extend into or obstruct rights of way or interfere with corner visibility or site distances for vehicular traffic.

(18) STRUCTURE, ACCESSORY means a structure that is incidental and subordinate in size and overall appearance to the principal structure on the same lot. Prefabricated structures are regulated as accessory structures. Examples: swimming pools, storage sheds, garages, renewable energy structures.

(19) STRUCTURE, FARM refer to the State of Vermont *Required Agricultural Practices Regulations*.

(20) STRUCTURE OR SITE, HISTORIC (as defined in 10 V.S.A. § 6601(9)) means a site or structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Properties, or a site or structure determined to be historically significant and eligible for such listing by the State Historic Preservation Officer or the Vermont Advisory Council on Historic Preservation.

(21) STRUCTURE, PRINCIPAL means the structure in which is conducted the principal use of the lot on which it is located.

(22) STRUCTURE, TEMPORARY means a structure without any foundation or footing, which is erected for a one-time temporary use, not to exceed three years.

(23) SUBDIVISION means any land, vacant or improved, that is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development. The term includes amended subdivisions and resubdivisions. The term shall also include the development of a parcel of land as a planned unit development.

511.T

(1) TANK FARM means a site developed with one or more tanks that typically store fuels, oils, and similar products and includes sale and distribution of such products.

(2) TAVERN means an establishment where the principal activities include serving alcoholic or non-alcoholic beverages for on-site consumption, social interaction, and/or stage entertainment. A tavern may also include the on-site production and/or brewing of beverages.

(3) THEATER, INDOOR means a building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

(4) THEATER, OUTDOOR means an exterior space devoted to or used for dramatic, dance, musical, or other live performances.

(5) TOP-OF-BANK means that vertical point along a stream bank where an abrupt change in slope is evident and the point at which riparian buffers are measured from. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

(6) TOTAL LOT COVERAGE means that part or percent of a lot occupied by buildings; structures, including accessory structures; private roads; shared driveways; individual driveways; parking areas; sidewalks; patios; alternative transportation paths; vehicle travel lanes; any impervious surface; overhead canopies above unpaved areas; utility facilities; storage tanks for commercial use; and designated storage areas including storage areas for boats, trailers, or other vehicles. For the purposes of these regulations, lot coverage does not include private septic systems or wells. Additionally, lot coverage does not include aboveground public infrastructure located within easements across private property.

(7) TRADITIONAL VERMONT BUILDING TYPES means building types common in 18th and 19th century Vermont, as described in "The Historic Architecture of Vermont; Guide to Vermont Architecture" (1996) published by the Vermont Division for Historic Preservation. This definition refers to the external appearance and style of a building only, as viewed six (6) feet above ground elevation from adjacent properties and/or adjacent public rights-of-way. This definition shall not require use of specific building materials, construction techniques, or color palettes. Examples include, but are not necessarily limited to:

(a) BARN, BANK. A barn whose basement is built into the side of a hill or bank and whose first floor is at grade level.

(b) BARN, GROUND LEVEL STABLE. A barn that has its main floor at ground level with a hayloft above, usually with a gambrel roof (a roof with two double-pitched slopes meeting at a ridge)

(c) BARN, MONITOR. A barn with a gable roof with a section along the ridge that is raised to accommodate a row of windows on each side.

(d) ADIRONDAK. Rustic, late 19th century log camps. These buildings were designed to blend into forests and tree shaded areas with log or log veneer, wood-shingled roofs, rough fieldstone foundations or chimneys, and "rustic" ornamentation made of tree branches applied to porches, window surrounds, gable peaks, and other surfaces.

(e) BUNGALOW. The word bungalow comes from India where, in the late 19th century, the British used it to describe low, single-family houses with large verandas well-suited to tropical environments. American bungalow, "homey" early 20th century 1 or 1 ½ story residences, have broad gable, hip, or jerkinhead roofs, often with dormer windows and deep overhanging eaves, and deep, wide front porches.

(f) COLONIAL REVIVAL. The Colonial Revival style, popular from the late 1800s through the 1930s (and still used today), was derived from American architectural styles of the 18th century. Houses (traditional Georgian, side hall, or other plans with gable, gambrel, or hip roofs), commercial blocks, and public buildings are decorated with features derived from the earlier styles but distinguishable by their larger scale and often unusual placement on the building. Among the most typical details are Palladian windows, porches with classical columns, doorways topped

by fanlights or pediments, and full entablatures under the eaves.

(g) FEDERAL. The Federal style, with its light and delicate detailing inspired by the classical architecture of ancient Rome, was the first major style in Vermont. It was widely used from the late 1700s through the 1830s to trim churches and the symmetrical gable, hip, or gambrel roof Georgian plans, I-house, or Cape Cod houses of the period. The main stylistic focus is on the entryway: a paneled door often flanked by sidelights and thin columns or pilasters, and crowned by a semi-elliptical fan or fanlight, transom, or delicate entablature. Other features include Palladian windows and molded cornices or entablatures that are sometimes enriched with dentils or fretwork.

(h) FRENCH SECOND EMPIRE. Popular in Vermont during the 1870s and 1880s, the elegant French Second Empire style, used for residences, public buildings, and commercial blocks, is characterized by use of the Mansard roof. Other features, shared with the Italianate style, include eaves line brackets paired windows, and sweeping verandas with chamfered posts and matching brackets.

(i) GOTHIC REVIVAL. The Gothic Revival style was first used in Vermont from the 1820s to 1840s for churches, which were built in the common New England meetinghouse form but with pinnacles and cresting atop belfry towers and pointed arch windows with diamond panes. Churches from the 1850s to 1870s have the same features but often were built of stone. Houses in the style, irregular in form or symmetrical Classic Cottages built in the 1850s and 1860s, have steeply pitched roofs and wall dormers edged with barge-boards, molded label lintels over windows and doors, and porches with octagonal posts.

(j) GREEK REVIVAL. Inspired by the ancient architecture of Greece, the Greek Revival style was the most popular 19th century style in Vermont, in widespread use from the 1830s through the 1870s, and later in remote rural areas. Residences (often side halls, Georgian plans, or Classic Cottages), churches, courthouses, stores, and other buildings are detailed with pilasters, full entablatures, and pediments. Most of the stylistic emphasis is often on the main entry -- a paneled door flanked by sidelights and robust columns or pilasters and topped by a transom and three part entablature.

(k) ITALIANATE. The Italianate style, influenced by the architecture of Italian countryside villas, became popular in Vermont after the Civil War and was used mainly for houses, commercial blocks, and outbuildings. Houses are either cube-shaped, with shallow hip roofs and sometimes projecting pavilions or towers, or gable-roofed Georgian or side hall plans. Features include hanging eaves, rooftop cupolas or belvederes, cornice brackets under over windows that are often paired with arched tops, and porches with chamfered posts and scrolled brackets.

QUEEN ANNE. Gaudy, colorful, and irregular describe the Queen Anne style, popular in Vermont from about 1885 to 1905 for churches, public buildings, commercial blocks, and particularly for houses. It is identified by its asymmetrical building forms, richly textured wall surfaces, multi-colored paint schemes, unpredictable window spacing, towers, bay windows, gable screens, and porches with turned columns and balusters.

(8) TREE, LARGE means a tree with a mature height of at least 50 feet.

(9) TREE, MEDIUM means a tree with a mature height of at least 30 and less than 50 feet.

(10) TREE, SMALL means a tree with a mature height of less than 30 feet.

511.U

(1) USE means 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.

(2) USE, ACCESSORY means a use that is incidental and subordinate in intensity to the principal use on the same lot.

(3) USE, PRINCIPAL means 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.

511.V

(1) VETERINARIAN means an establishment that provides veterinary care of animals, including, but not limited to, surgery, examination, treatment, and medication. Such an establishment may also include facilities for caring, housing, or keeping animals in conjunction with the provision of veterinary care.

511.W

(1) WAREHOUSE means a structure used for enclosed storage and distribution uses. Self-storage facilities and tank farms are specifically excluded from this definition.

(2) WETLANDS (as defined in 24 V.S.A. § 4303(32)) mean those areas that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends 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.

511.X

511.Y

(1) YARD means 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.

(2) YARD, FRONT means 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.

(3) YARD, REAR means 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.

(4) YARD, SIDE means 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.

511.Z

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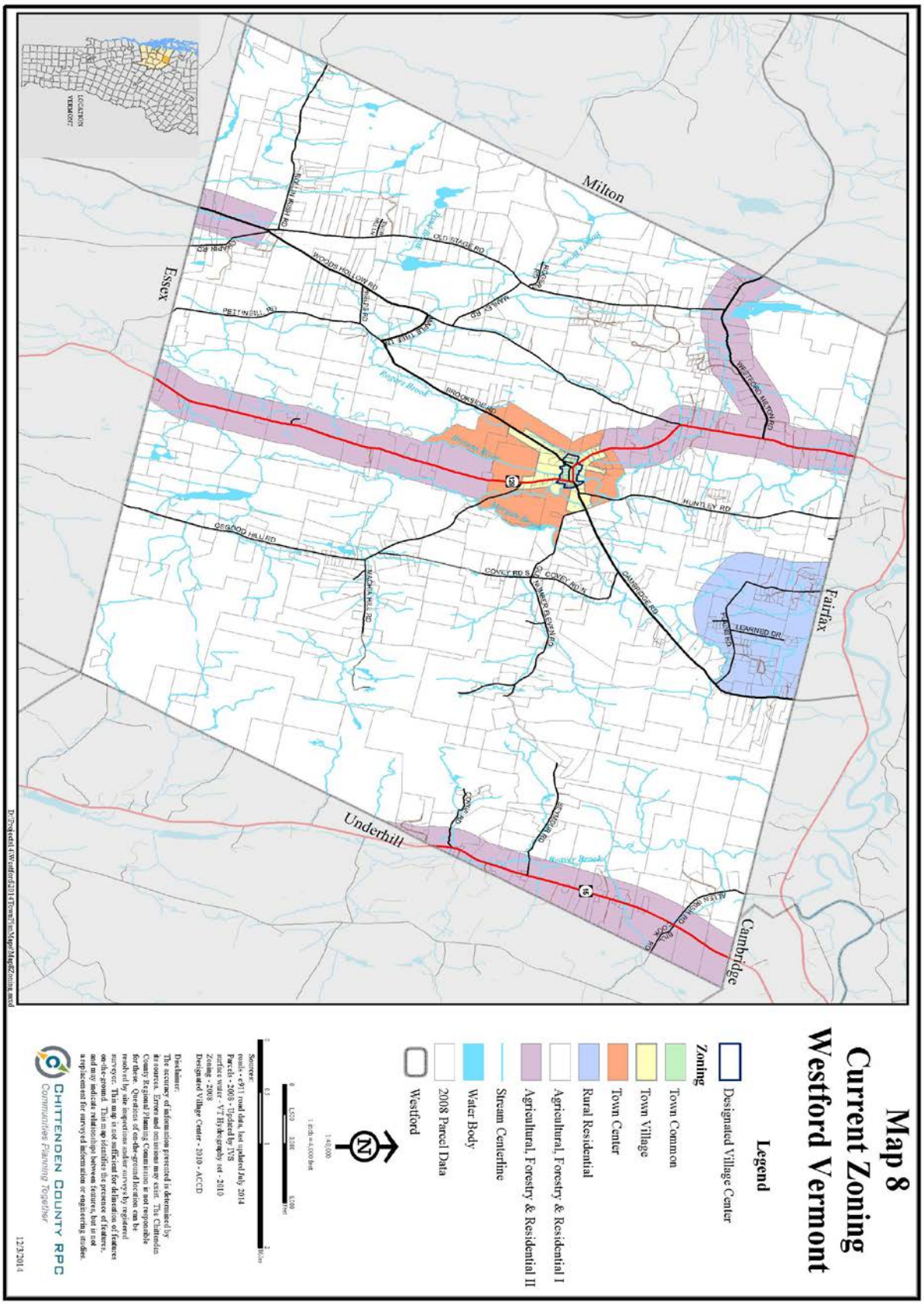
**PART 6. APPENDIX WITH MAPS** **6-1**

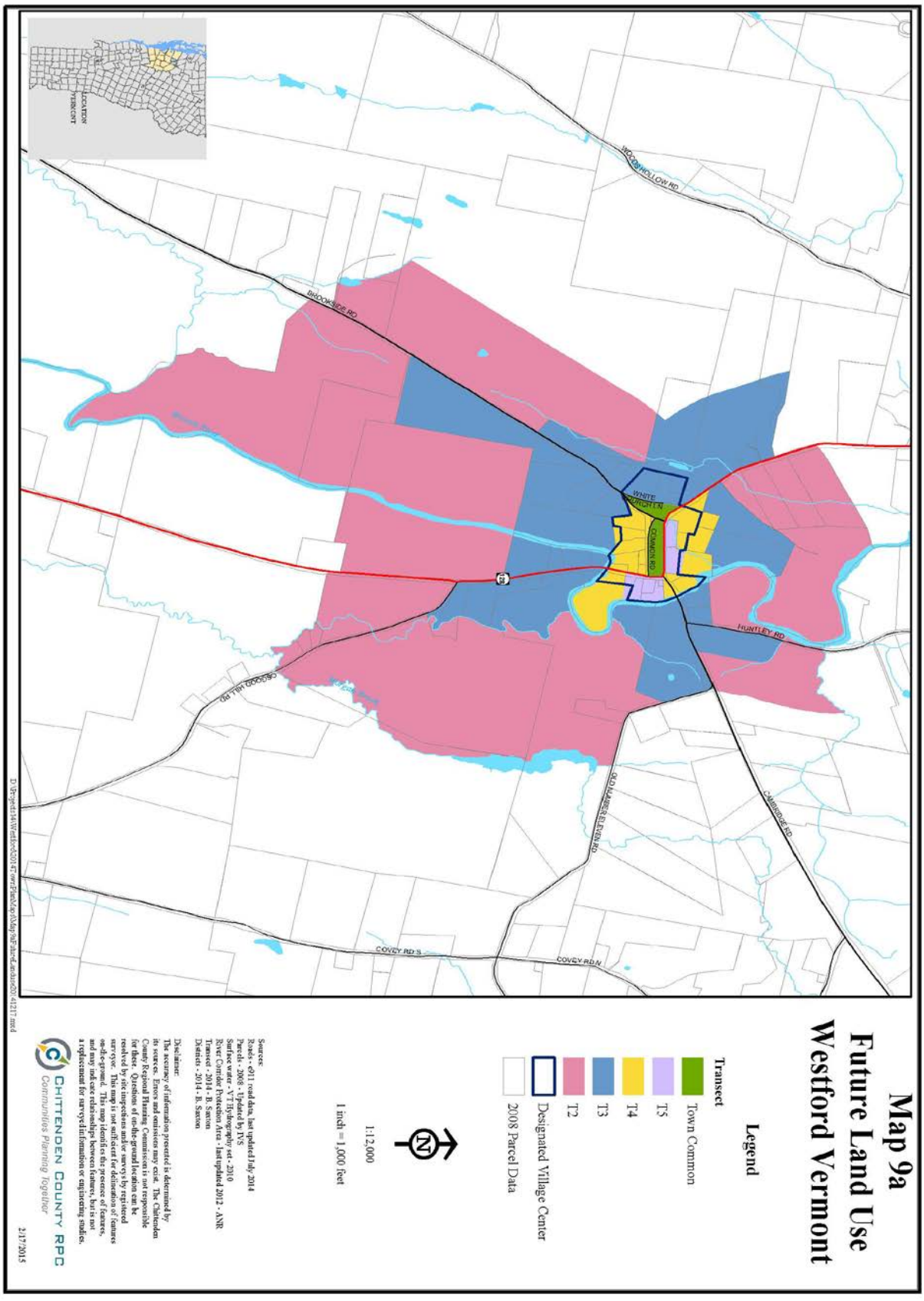
# PART 6. APPENDIX WITH MAPS

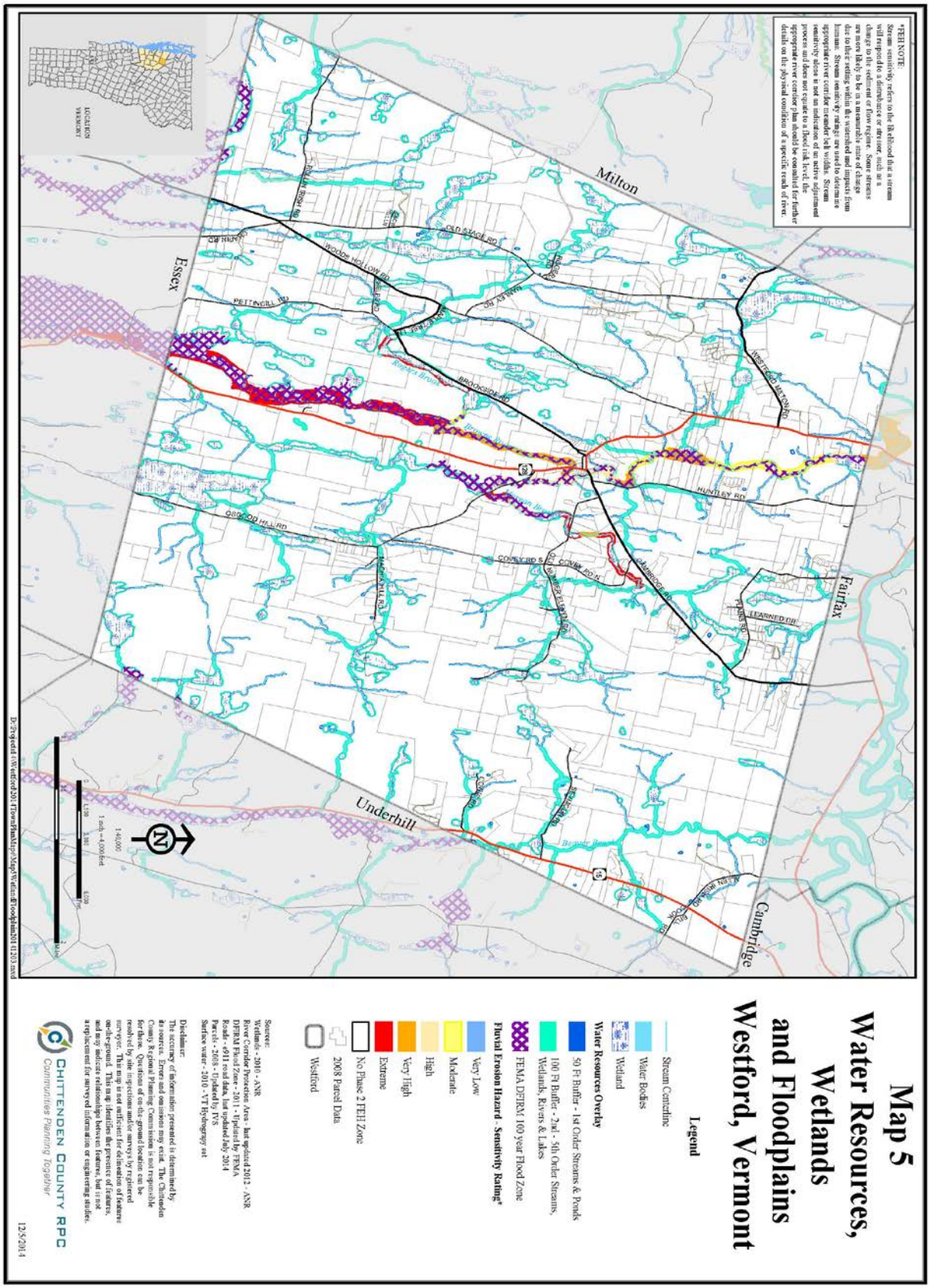
(1) Zoning Districts Westford, Vermont, dated 12/9/2015

(2) Form Base Code Overlay Westford, Vermont, dated 12/9/2015

(3) Water Resource Overlay & Flood Hazard Overlay Westford, Vermont, dated 8/21/2015


Map 8
Current Zoning
Westford Vermont
Legend
Designated Village Center
Zoning
Town Common
Town Village
Town Center
Rural Residential
Agricultural, Forestry & Residential I
Agricultural, Forestry & Residential II
Stream Centerline
Water Body
2008 Parcel Data
Westford
Milton
Essex
Fairfax
Underhill
Cambridge
OLD STAGE RD
WOODS HOLLOW RD
PETTINGILL RD
BROOKSIDE RD
WESTFORD MILTON RD
HUNTLEY RD
OSGOOD HILL RD
COVEY RD S
COVEY RD N
CAMBRIDGE RD
LEARNED DR
Rogers Brook
Beaver Brook
CHITTENDEN COUNTY RPC
Communities Planning Together
12/3/2014


Map 9a
Future Land Use
Westford Vermont
Legend
Transect
Town Common
T5
T4
T3
T2
Designated Village Center
2008 Parcel Data
1:12,000
1 inch = 1,000 feet
Sources:
Roads - e911 road data, last updated July 2014
Parcels - 2008 - Updated by IVS
Surface water - VT Hydrography set - 2010
River Corridor Protection Area - last updated 2012 - ANR
Transect - 2014 - B. Saxton
Districts - 2014 - B. Saxton
Disclaimer:
The accuracy of information presented is determined by its sources. Errors and omissions may exist. The Chittenden County Regional Planning Commission is not responsible for these. Questions of on-the-ground location can be resolved by site inspections and/or surveys by registered surveyor. This map is not sufficient for delineation of features on-the-ground. This map identifies the presence of features, and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies.
CHITTENDEN COUNTY RPC
Communities Planning Together
2/17/2015
LOCATION
VERMONT
WOODSHOLLOW RD
BROOKSIDE RD
WHITE CHURCH LN
COMMON RD
HUNTLEY RD
OLD HUMPER ELEVEN RD
CAMBRIDGE RD
COVEY RD S
COVEY RD N


Map 5
Water Resources, Wetlands and Floodplains
Westford, Vermont
Legend
Stream Centerline
Water Bodies
Wetland
Water Resources Overlay
50 Ft Buffer - 1st Order Streams & Ponds
100 Ft Buffer - 2nd - 5th Order Streams, Wetlands, Rivers & Lakes
FEMA DFIRM 100 year Flood Zone
Fluvial Erosion Hazard - Sensitivity Rating*
Very Low
Moderate
High
Very High
Extreme
No Phase 2 FEH Zone
2008 Parcel Data
Westford
Milton
Essex
Fairfax
Underhill
Cambridge
OLD STAGE RD
WOODS HOLLOW RD
PETTINGILL RD
BROOKSIDE RD
HUNTLEY RD
OSGOOD HILL RD
COVEY RD S
COVEY RD N
CAMBRIDGE RD
LEARNED DR
WESTFORD MILTON RD
LOCATION VERMONT
CHITTENDEN COUNTY RPC
Communities Planning Together
12/5/2014