

## AMENDED

### Published Motion:

That the Town vote to amend Sections 2.1.1, 8, 10.2, Appendix A, and Appendix B of the Town of Westford Zoning Bylaw to allow Restaurant Drive-Through Facilities in certain zoning or zoning overlay districts by Special Permit from the Planning Board, and related changes. The full text of the proposed amendment is on file with the Town Clerk.

RECEIVED

### Annual Town Meeting – June 2021

MAY 03 2021

ARTICLE 23: Amend the Zoning Bylaw to Allow Drive-Throughs for Restaurants

TOWN CLERK  
WESTFORD

### Motion:

That the Town vote to:

1) Amend Section 2.1.1 of the Westford Zoning Bylaw by adding "Drive-Through Restaurant Overlay District DTROD" after "Summer Village Short-Term Rental Overlay District SVSROD"

2) Amend Section 10.2 of the Westford Zoning Bylaw as follows:

Delete the following:

"Drive-up or drive-through facilities: A window or service area allowing customers to receive goods or services without leaving the motor vehicle, but not a drive-in restaurant."

And replace with:

"Drive-through facilities: A non-residential facility that provides or dispenses products, other than prepared food, or services through a service window or by an automated machine allowing customers to remain in vehicles that are in designated stacking lanes."

Drive-through restaurants: A restaurant that collects payment and dispenses prepared food through a service window allowing customers to remain in vehicles that are in designated stacking lanes."

3) Amend Section Appendix A:Table of Principle Use Regulations of the Westford Zoning Bylaw by adding a footnote "Drive-through Restaurants are permitted through a Special Permit by the Planning Board within the Drive-Through Restaurant Overlay District (DTROD)"

4) Amend Section Appendix B:Table of Accessory Use Regulations of the Westford Zoning Bylaw by adding a footnote "Drive-through Restaurants are permitted through a Special Permit by the Planning Board within the Drive-Through Restaurant Overlay District (DTROD)"

5) Amend Section 8 of the Westford Zoning Bylaw by adding Section 8.9 as follows  
Amend Section 2.1.1, 8, 10.2, Appendix A, and Appendix B to add Drive Through Restaurants Overlay District as a footnote for CH

2) Add the following as ~~Section 8.9 to the Westford Zoning Bylaws.~~

## **8.9 Drive-Through Restaurants Overlay District**

### **8.9.1 Purpose**

The purpose of this section is to create an overlay district:

1. To allow for upscale fast-casual restaurants with drive-through windows while preserving the character of nearby residential and commercial neighborhoods;
2. To serve the needs of restaurant customers
3. To manage traffic impacts and safety

### **8.9.2 Overlay District**

The Drive-Through Restaurant Overlay District (DTROD) is hereby established and shall be constructed as an overlay district. Within the DTROD all regulations of the underlying district(s) shall continue to be in full force and effect, except where these regulations supersede such underlying requirements or provide an alternative to such requirements.

### **8.9.3 Location**

The DTROD shall consist exclusively of the properties in the Commercial Highway (CH) zoning district that have frontage along Littleton Road.

### **8.9.4 Special Permit Required**

Within the DTROD, a restaurant with a drive-through capability may be constructed or a drive-through capability may be added to an existing restaurant upon the issuance of a special permit by the Planning Board, upon site plan approval pursuant to section 9.4, and subject to the requirements set forth herein.

### **8.9.5 Special Permit Granting Authority**

The Planning Board shall serve as the special permit granting authority pursuant to this Section. An application for a special permit shall be governed by the following rules.

### **8.9.6 Standards**

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

Upscale Fast-Casual Restaurant (fast food) with Drive-through in accordance with the below standards

- a. Located fully within the Drive-Through Restaurant Overlay District (DTROD)
- b. Must be located on an end cap or be free-standing
- c. Minimum of 10 interior seats
- d. Must provide for consumption of food prepared on the premises
- e. Must provide for outdoor seating / eating areas
- f. The drive-thru shall only be open, no longer than, from 5:30 am to 10 pm

The Board may waive any provision, a-f, where it determines that the project will be consistent with the Purpose and Intent of the Bylaw.

### **8.9.7 Signage**

TBD

### **8.9.8 Special Permit Approval Criteria and Conditions**

The Planning Board may impose reasonable conditions to improve site design, traffic flow, public safety, protection of significant environmental resources and the preservation of community character of the surrounding area including but not limited to the following:

- a. Minimize the impacts of increased noise and traffic;
- b. Impose placement and screening restrictions upon the size and location of drive-through signage and remote ordering devices;
- e. Conditions related to the design, construction or modification of the facility to manage safety, security and conformance with community character."

The full text of the proposed amendment is on file with the Town Clerk.