

ARTICLE 19: Amend Zoning Bylaw Section 2.1, Section 3.2.2, Section 8 (by creating Section 8.9) and Appendix A

SECTION 2.0 DISTRICTS

2.1 DISTRICTS

2.1.1 Establishment.

[Amended 3-28-2011 Adj. ATM, Art. 32, 3-22-2014 ATM, Art. 30] For the purpose of this Zoning Bylaw, the Town of Westford is hereby divided into the following districts:

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

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

Water Resource Protection Overlay District	WRPOD
Floodplain Overlay District	FOD
Conservation Overlay District	COD
Senior Residential Multifamily Overlay District	SRMOD
Mill Conversion Overlay District	MCOD
Route 110 Minot's Corner Overlay District	R110MCOD
Medical Marijuana Overlay District	MMOD
Summer Village Short-Term Rental Overlay District	SVSROD
Commercial Recreation Overlay District	CROD

3.2 ACCESSORY USES

3.2.1 Residential Accessory Uses.

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

- 1A. *Family Day Care, Small.* Small family day care homes, registered with and licensed by the Commonwealth of Massachusetts Office of Children, with not more than six nonresident children served on the premises.
- 1B. *Family Day Care, Large.* Large family day care homes, registered with and licensed by the Commonwealth of Massachusetts Office of Children, are allowed in all districts only upon the grant of a special permit by the Planning Board.
- 2A. *Adult Day Care, Large.* Such facilities are allowed in all districts only upon the grant of a special permit by the Planning Board.
- 2B. *Adult Day Care, Small.* Such facilities are allowed in all districts only upon the grant of a special permit by the Planning Board.
3. *Boarders in Single-Family Dwelling.* The renting of rooms and/or furnishing of board to not more than five persons in a single-family dwelling by the owner/occupant thereof shall be a permitted accessory use. The renting of rooms and/or furnishing of board to six or more persons in a single-family dwelling by the owner/occupant thereof shall be deemed a boarding house subject to the provisions of the Table of Principal Use Regulations, Appendix A.
 1. *Temporary Trailer.* A trailer may be used for temporary dwelling purposes during the construction, reconstruction, alteration, or repair of a permanent dwelling (not including trailer), for a period not to exceed six (6) months by the issuance of a building permit, or extended period or periods in hardship cases, but no such extended period of use of such trailer shall be continued or extended without the grant of a special permit by the Board of Appeals and after the approval of the Board of Health.
 2. *Accessory Residential Structure.* Structure accessory to residential use such as a playhouse, greenhouse, toolshed, antenna structure used by a federally licensed amateur radio operator, private swimming pool or similar accessory structure.
 3. *Garage.* Garage for not more than 3 motor vehicles.
 4. *Stabling of Horses.* Stabling of horses for noncommercial purposes after a permit has been issued by the Board of Health with such restrictions as it shall deem necessary.
 5. *Storage of One Unregistered Motor Vehicle.* One unregistered motor vehicle may be stored as an accessory use provided that:
 - a. it shall be stored within the principal or an accessory building; or
 - b. it shall be stored in the rear yard of the premises not less than 35 feet from side or rear lot lines and screened from public view. No such unregistered motor vehicle shall be stored as an accessory use when it has been rendered

inoperable by dismantling or removing parts.

9. *Storage of Trailer or Boat.* Accessory storage of one trailer or boat provided that:
 - a. it shall be stored within the principal or an accessory building; or
 - b. it shall be stored in the rear yard of the premises but not in a required side or rear yard and screened from public view. By special permit, the Board of Appeals may vary the location of such storage requirements. No such trailer shall be used for dwelling purposes, nor shall such trailer be stored as an accessory use when it has been rendered inoperable by dismantling or removing parts.
10. *Parking of Commercial Vehicle.* Parking of one (1) commercial vehicle and the storage so as not to be visible from any street or way of not more than two (2) additional commercial vehicles. Nothing herein shall be construed to prohibit the parking or storage of farm vehicles.

3.2.2 Accessory Uses in Nonresidential Districts.

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

1. *Storage.* Outside or inside storage accessory to the operation and conduct of a permitted use; provided, however
 - a. that if outside, the storage shall be located to the rear of the principal structure and shall be screened from view from any public way or adjacent residential district property line;
 - b. that if inside, the gross floor area for storage purposes shall not exceed 50% of the gross floor area for the use permitted on the site if located in the B, CH, IH, IA, IB, IC, ID, or BL Districts, whether in a separate structure or not, without a special permit from the Planning Board.
2. *Storage of Vehicles and Trailers.* Accessory storage, whether garaged or not, of vehicles and trailers necessary for the conduct of a permitted use, provided that the vehicles or trailers are screened from adjacent public way and adjacent residential district property line.
3. *Accessory Commercial Uses to Commercial Recreation Uses.* Notwithstanding the above, wherever Indoor and Outdoor Commercial Recreation and/or Winter Commercial Recreation uses are allowed as a principal use by Special Permit, the Special Permit Granting Authority may authorize other commercial uses as accessory uses thereto.

SECTION 8.0 SPECIAL DISTRICTS

8.9 COMMERCIAL RECREATION OVERLAY DISTRICT (CROD)

8.9.1 Purpose.

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

1. To promote healthy lifestyles for people of all ages and abilities;
2. To provide indoor and outdoor year-round recreational facilities for the sports-oriented community in Westford;
3. To promote and support development of commercial recreation facilities, including any supporting and complementary uses and activities;
4. To be in line with the regional needs identified in the Statewide Comprehensive Outdoor Recreation Plan; and
5. To increase compliance with zoning standards particularly for those sites, buildings, and uses that predate current zoning standards.

8.9.2 Overlay District.

The Commercial Recreation Overlay District (CROD) is hereby established as an overlay district. Within the CROD all regulations of the underlying district 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 CROD shall consist exclusively of the properties currently identified (as of March 25, 2023) by the Town of Westford Assessing Department as Map 010, Parcel 0013, Lot 0000; Map 010, Parcel 0001, Lot 0000; Map 010, Parcel 0011, Lot 0000; Map 005, Parcel 0002, Lot 0000; Map 005, Parcel 0005, Lot 0000; Map 005, Parcel 0003, Lot 0000; Map 005, Parcel 0004, Lot 0000; Map 005, Parcel 0006, Lot 0000; Map 005, Parcel 0007, Lot 0000; Map 005, Parcel 0007, Lot 0001; Map 005, Parcel 0008, Lot 0000; and Map 005, Parcel 0009, Lot 0000.

8.9.4 Use Regulations.

Indoor and Outdoor Commercial Recreation and Winter Commercial Recreation are permitted via special permit as principal uses within the CROD. The Planning Board may authorize additional accessory uses to Indoor and Outdoor Commercial Recreation and/or Winter Commercial Recreation Uses by special permit, including but not limited to restaurant use; greenhouse or nursery farmstand; boarding, renting and sale of animals on parcels less than 5 acres; retail sales to the general public; hotel; business or professional office; place of amusements or assembly; and general service establishment.

8.9.5 Special Permit Required.

Within the CROD, Indoor and Outdoor Commercial Recreation and/or Winter Commercial Recreation uses may be permitted upon the issuance of a special permit by the Planning Board, and upon site plan approval pursuant to Section 9.4, subject to the requirements set forth herein. The Planning Board may authorize additional accessory uses or structures by special permit.

8.9.6 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.

8.9.7 Application.

Applications shall be filed on forms furnished and in accordance with the rules and regulations of the special permit granting authority. An application shall not be deemed complete until all copies of required information and documentation have been filed and filing fees paid with the special permit granting authority.

8.9.8 Plans.

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

8.9.9 Action by Planning Board.

The Planning Board after considering an application and any associated documentation, including reports from consultants and other Boards and/or Commissions, may grant a special permit for indoor and outdoor commercial recreation, winter commercial recreation, and/or accessory uses thereto where it makes the following finding in addition to the criteria in 9.3.2:

The proposed use(s) do(es) not cause substantial detriment to the neighborhood after considering the following:

- a. noise, during the construction and operational phases;
- b. pedestrian and vehicular traffic;
- c. environmental harm;
- d. visual impact caused by the character and scale of the proposed structure(s);
and
- e. an evacuation plan has been prepared to the satisfaction of the Special Permit Granting Authority as approved by the Police and Fire Departments. This submission requirement may be waived by the Special Permit Granting Authority when the Board determines that such a plan is not necessary for the satisfaction of other applicable special permit criteria.

**Appendix A:
Table of Principal Use Regulations**

D. (C) Other Commercial Uses, cont'd	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
3. Hotel	N	N	Y	N	SPB	N	Y	Y	N	N
4. Restaurant	N	N	Y	Y	Y	N	Y	Y	N	N
5. Restaurant, drive-in	N	N	N	N	N	N	N	N	N	N
6. Business or professional office	N	N	Y	Y	Y	Y	Y	Y	Y	Y
7. Printing establishment; newspaper	N	N	Y	N	N	N	Y	Y	Y	Y
8. Nonexempt educational use	N	N	N	N	Y	N	N	N	N	N
9. Nonprofit membership club	Y	Y	Y	N	Y	N	Y	Y	N	N
10. Indoor and outdoor commercial recreation	N	N	N	N	SPASPB	NSPB	NSPB	NSPB	NSPB	N
11. Winter commercial recreation	SPASPB	SPASPB	SPASPB	N	NSPB	NSPB	SPASPB	SPASPB	NSPB	N
12. Horseback riding academy	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
13. Place of amusements or assembly	N	N	SPA	N	N	N	SPA	SPA	N	N
14. Indoor motion-picture establishment	N	N	N	N	Y	N	N	N	N	N
15. Golf course; golf club	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
16. Personal service establishment	N	N	Y	Y	Y	N	Y	Y	N	N
17. General service establishment	N	N	N	Y	Y	Y	N	N	Y	Y
18. Planned commercial development	N	N	N	N	SPB	N	N	N	N	N
19. Commercial parking lot	N	N	N	N	Y	Y	N	N	N	N
20. Adult entertainment establishment	N	N	N	N	SPA	N	N	N	N	N
21. Massage establishment	N	N	N	N	N	N	N	N	N	N
22. Body art establishment	N	N	N	N	SPA	N	N	N	N	N
23. Major commercial project	N	N	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
24. Adult day care facility	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
25. Recreational Marijuana Establishment	N	N	N	N	N	N	N	N	N	N

See Definitions

Y=permitted, N=not permitted

SPB = special permit by Planning Board

SPA = special permit by Zoning Board of Appeals