

ARTICLE 33

To see if the Town will vote to amend the Town of Westport **ZONING BY-LAWS** by adding a new zoning article, Short-Term Rentals (STR), and making other related amendments as follows, and/or take any other action relative thereto:

Item 1.

Amend **SECTION 3 DEFINITIONS** by inserting the following definition in alphabetical order:

Short-Term Rental: A short-term rental is a dwelling that is not a hotel, motel, lodging house or bed and breakfast, where at least one room or unit is rented out through the use of advance reservations not to exceed 31 consecutive days. A short-term rental includes an apartment, house, cottage, and condominium. It does not include property that is rented out through tenancies at will or month-to-month leases. It also does not include time-share property or bed and breakfast (see definition of bed and breakfast).

Item 2.

Amend **SECTION 5.1 TABLE OF USE REGULATIONS** by inserting the following use under the BUSINESS / COMMERCIAL section in alphabetical order:

X = Prohibited unless allowed in Underlying District Appeals
Y = Allowed By-Right Board
N = Prohibited

SPBA = Special Permit Board of

SPPB = Special Permit Planning

SPA-PB = Site Plan Approval

Planning Board

USES	RESIDENTIAL/AGRICULTURAL	BUSINESS	UNRESTRICTED
Short-Term Rental (see Section 9.10)	Y	Y	Y

Item 3.

Add a new **SECTION 9.10 SHORT-TERM RENTAL** to read as follows:

“9.10 SHORT-TERM RENTAL

9.10.1 Purpose

The short-term rental zoning bylaw provides for administration and enforcement of Westport short-term rentals in order to protect the health, safety, and welfare of both the occupant(s) of those rental units and the general public, and to maintain the quality of life in residential neighborhoods. This bylaw provides for the orderly operation of short-term rentals, recognizing their historic role in Westport’s economy.

9.10.2. Registration

No owner(s) shall operate a short-term rental without first registering annually with the Building Department.

9.10.3 General Requirements

A short-term rental is permitted in accordance with Section 5.1 Table of Use Regulations and subject to the following requirements:

- A. Guestroom(s) must be provided within a legal dwelling unit.
- B. No tenant or lessee shall let or sub-let a short-term rental.
- C. The owner shall adhere to applicable bylaws, laws, rules, regulations, and codes of the Commonwealth of Massachusetts and Town of Westport.
- D. Contact information for a responsible local entity or individual with authority to act on behalf of the owner must be provided to the Building Inspector and be kept current at all times.
- E. Dwelling units designated as affordable or otherwise income-restricted that are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law may not be used as short-term rentals.
- F. Short-term rentals are for residential uses only. Commercial uses, including but not limited to event spaces or beverage promotion, are not permitted.
- G. Short-term rentals shall be for a period of at least seven (7) days in the Residential/Agriculture District.
- H. Sufficient parking shall be provided on the property or strictly along the property frontage if parking is allowed on the street.
- I. The Zoning Board of Appeals may waive standards G and H by special permit provided the applicant demonstrates that the waiver will be not create adverse impacts upon the surrounding area.
- J. The short-term rental must be registered with the Massachusetts Department of Revenue.

PLANNING BOARD

Note: The Planning Board Chair, Jim Whitin, will move to refer Article 34 back to the Planning Board for further study.

ARTICLE 34

To see if the Town will vote to amend the Town of Westport **ZONING BY-LAWS, SECTION 6.6 SCIENCE AND TECHNOLOGY OVERLAY DISTRICT**, and make other related amendments as follows, and/or take any other action relative thereto:

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Item 1.

Amend **SECTION 6 OVERLAY DISTRICTS** by deleting the words “F. Science and Technology Overlay District” and inserting the words “F. Mixed Use Science and Technology Overlay District” in its place.

Item 2.

Amend **TABLE OF CONTENTS, SECTION 6.6 and SECTION 2.7 PLANNING BOARD** by deleting the words “Science and Technology Overlay District” and inserting the words “Mixed Use Science and Technology Overlay District” in its place.

Item 3.

Amend **SECTION 6.6 SCIENCE AND TECHNOLOGY OVERLAY DISTRICT** by deleting, throughout the section, the words “Science and Technology Overlay District” and acronym “STOD” and inserting the words “Mixed Use Science and Technology Overlay District” and “MUSTOD”, respectively in their place.

Item 4.

Amend **SECTION 6.6.1 PURPOSE AND INTENT** by inserting the **highlighted text**, re-numerating as necessary, and deleting the ~~strike-through text~~ as follows:

“The purpose of the **Mixed Use** Science and Technology Overlay District (**MUSTOD**) ~~special permit~~ is to: allow better utilization of land adjacent to the Route 6 and 88 interchange, assure attractive and efficient arrangement of office and research buildings and the harmonious integration of **residential and commercial** uses allowed in this district into the surrounding neighborhood and the community at large. The intent of the **MUSTOD** By-law is to:

A. Promote a live/work mixed use environment that offers employment and housing opportunities.

D. Promote the creation of housing in proximity to services and employment opportunities.

H. Protect adjacent residential property values through effective year-round screening and buffering of the commercial uses to residential uses.

Mixed Use for purposes of this Section shall mean: a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

Item 5.

Amend **SECTION 6.6.3 ADMINISTRATION** by inserting the highlighted text as follows

The Planning Board shall be the ~~Special Permit~~ **site plan** ~~Granting~~ **review** authority for a **Mixed Use** Science and Technology Overlay District ~~special site plan permit application~~. ~~The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of MGL Chapter 40A.~~ After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and/or departments, the SPGA-Planning Board may grant ~~such a permit~~ **site plan** approval. The SPGA-Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow and safety, and protect water quality, air quality, and significant environmental resources, ~~and/or otherwise serve the purpose of this section~~ pursuant to the Mixed Use Science and Technology Overlay District and Site Plan (section 2.8) review procedures.

Item 6.

Amend **SECTION 6.6.4 PROCEDURES** by inserting the **highlighted text** and deleting the ~~strike through text~~ as follows:

An applicant for a **Mixed Use** Science and Technology Overlay District **project** ~~special permit~~ shall submit an application to the Planning Board **pursuant to Section 8.7**. Where applicable, and to the extent permitted by law, the Planning Board shall coordinate the review procedures and public hearing required for any application for a **MUSTOD site plan review** ~~special permit~~ with the review procedures, **application requirements**, and public hearing required for **Inclusionary Zoning (Section 9.2)**, ~~Site Plan approval (Section 2.8)~~, Low Impact Development (Section 8.2) or if necessary, a definitive subdivision plan.

Item 7.

Amend **SECTION 6.6.5, USES ALLOWED BY SPECIAL PERMIT** by inserting the **highlighted text**, re-numerating as necessary, and deleting the ~~strike through text~~ as follows:

6.6.5 USES ALLOWED BY SPECIAL PERMIT SITE PLAN

No use shall be allowed which creates a nuisance to abutters or to the surrounding area,
or which creates any hazard, including but not limited to, fire, explosion, fumes, gas,
smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare,

objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

No building or premises shall be used, and no building shall be erected in the MUSTOD, other than as is already allowed in the underlying district, except for the following additional uses, which shall be allowed **by right and subject to site plan review**: ~~by special permit~~

- A. Professional or Corporate Office building for business and professional services **and uses**, which shall include, **but not limited to**, insurance, banking and other ~~financial uses~~ businesses with similar purposes in connection with such uses;
- B. Scientific, Technical, and Management Service uses, ~~as defined hereunder~~;
- C. ~~Software and Communication Service uses, as defined hereunder~~ **Multi-Family Uses (3 or more dwelling units) and Inclusionary Housing (10 or more dwelling units (Section 9.2.2))**;
- D. Clinics for outpatient care, as well as outpatient medical offices and services including, but not limited to, imaging, physical therapy, laboratory and diagnostics;
- E. ~~Telemarketing and telephone-based services~~ **Data Center in a building or dedicated space within a building(s) used to house computer systems and associated components such as telecommunications and storage systems**;
- F. ~~Electronic data processing areas, as defined hereunder~~ **Warehouse Distribution and Fulfillment Centers**;
- G. Light industry, ~~as defined hereunder~~;
- H. ~~Light manufacturing, as defined hereunder~~ **Mixed-Use comprised of uses permitted in the MUSTOD**;
- I. Assembly line operations, ~~as defined hereunder, for any use allowed in the Table of Uses~~;
- J. Publishing and printing uses;
- K. Research and Development Laboratories and Facilities, ~~as defined hereunder~~;
- L. Private athletic and/or health club and day spa uses, provided that no overnight accommodations are provided;
- M. Municipal buildings and uses, including, but not limited to town offices, police stations, fire stations, ambulance stations, public works buildings and storage areas and such garages and other outbuildings that are incidental thereto;
- N. ~~Advanced Materials Operations, as defined hereunder~~ **Where a use might be classified under more than one of the categories in Section 6.6.5, the more specific category shall determine permissibility. If equally specific, the more restrictive category shall govern. A use not classifiable under any listed category may be allowed only by Special Permit from the Planning Board, upon the Board's determination that the use is similar in its nature and its impacts on the neighborhood, the environment and the Town to a use which is permitted or allowed on Special Permit, and also that the test of Sections 2.6 and 6.6.11 Special Permit Criteria, is met.**
- O. Multiple uses that are otherwise allowed individually in the underlying district or ~~by special permit hereunder~~ may be allowed ~~under an STOD special permit~~ **site**

plan review, provided that specific findings are made that the site contains sufficient area, setbacks, stormwater controls, parking and buffers to manage the combined uses;

P. Marijuana Establishments (pursuant to Section 9.9 of this By-Law)

Q. Accessory Uses shall be allowed by special permit, including the following uses that are accessory to a principal use on the premises, provided that the uses are not open to the general public and are available only to on site employees and their guests and there is no external evidence of the use (unless the use is itself separately allowed as a principal use under a special permit that has issued):

1. Day care center;
2. Health club;
3. Branch bank;
4. Newsstand; and
5. Food Service for on premise employees and their guests.

R. Any other uses not listed above in Section 6.6.5 or in the Table of Uses, **determined to be permissible pursuant to Section 6.6.5.N**, shall be expressly prohibited.

Item 8.

Amend **SECTION 6.6.6, LOT REQUIREMENTS FOR ISSUANCE OF A SPECIAL PERMIT** by deleting the ~~strike-through text~~ and inserting the **highlighted text** as follows:

6.6.6 LOT REQUIREMENTS FOR ISSUANCE OF A MUSTOD **APPROVAL SPECIAL PERMIT**

Minimum Lot Size	40 5 acres, of which 50% must be comprised of upland; If a commercial subdivision is proposed, the lots may be of varying size, with a minimum of 5 acres per lot, providing that an average lot size of 10 acres is maintained for the subdivision as a whole. Lots so created that are larger than 10 acres shall not be further subdivided.
Minimum Lot Frontage	150 feet on a way in existence when this provision is adopted and 50 100 feet on a subdivision way approved and constructed as part of a new subdivision way that is created in the MUSTOD , provided that an MUSTOD special permit is granted at the same time that definitive subdivision approval is granted.
Minimum Lot Width (at front building line)	400 feet
Maximum Residential Density	15 Dwelling Units per acre
Minimum Front Setback	150 feet from a way in existence, as defined under G.L. c.41, §81L, when this provision is adopted and 40 25 feet from a new subdivision way that is created in the MUSTOD , provided that an

	MUSTOD approval special permit is granted at the same time that definitive subdivision approval is granted.
Minimum Side Setback	50 25 feet, except 150 100 feet if abutting a non-MUSTOD or Westport Gateway District (WGD) residential use Res/Ag district.
Minimum Rear Setback	50 30 feet, except 150 100 feet if abutting a non-MUSTOD or WGD residential use Res/Ag district.
Maximum % Lot Coverage	60 65% (includes buildings, parking lots, roadways and all impervious surfaces)
Maximum Height	3 stories or 45 feet, whichever is greater. Heights may be increased by 1 story or 15 feet for every additional 200 feet of setback provided, with a maximum height of 5 stories or 75 feet, whichever is greater.
Upland Requirement	50% of the minimum required lot area shall be comprised of upland.

Item 9.

Amend **SECTION 6.6.7, PERFORMANCE STANDARDS** by deleting the ~~strike through text~~ and inserting the **highlighted text**:

6.6.7 PERFORMANCE STANDARDS

In addition to the performance standards of Site Plan Approval (Section 2.8), development within the MUSTOD shall conform to the following additional performance standards:

- B. Interior Infrastructure** - All streets, ways and drainage facilities shall be designed and constructed in compliance with the Westport Rules and Regulations Governing the Subdivision of Land, except such as may be waived by the Planning Board upon request of an applicant, whether or not the proposed MUSTOD use involves a subdivision of land. The stormwater drainage infrastructure for the project shall be designed and constructed and maintained in accordance with the most recent Massachusetts Department of Environmental Protection Stormwater Standards so as to control all stormwater on site and so that it shall not result in any increase, post construction, in rate or volume of stormwater released, when compared to pre-construction conditions, based upon drainage calculations that take existing conditions on the site and the relevant area watersheds into account. All infrastructure improvements shall be private, under the ownership and control of a single property owner or a property owner's association shall be established and recorded before any conveyance of land is made.

Any and all streets and ways shall be designed and located in such a manner to maintain and preserve natural topography, significant landmarks, and trees and to minimize cut and fill and to preserve and enhance views and vistas on or off the subject parcel. Any and all proposed grade changes shall be in keeping with the general appearance of the neighboring developed areas.

- D. **Lighting** - The applicant shall provide a photometric plan with the proposed site plan. Exterior area lighting, including but not limited to lighting for parking lots, recreational areas, walks, drives and outside building walls, shall be designed and installed in accordance with dark sky standards and maintained to direct light away from abutting property and abutting ways. Exterior, standalone lighting fixtures shall have a maximum height of 30 20 feet above the ground. Exterior lighting fixtures located on a building shall also not exceed a maximum height of 30 20 feet.

- E. **Buffer Area** - There shall be a 100' Buffer Area adjacent to residence/agriculture uses within or abutting the MUSTOD district boundary. The purpose of this Buffer Area shall be to eliminate or mitigate negative impacts on existing abutters. The Buffer Area shall consist of existing natural vegetation and /or new plantings or combinations of vegetation and earthen berms and /or sound barriers, which shall form a year-round dense screen that reach at least six feet in height within three years of issuance of the first building permit. The Planning Board may reduce the required buffer area when it determines such reduction will not cause adverse impact to the abutting use(s)

There shall be a minimum natural buffer of 100 feet between wetlands and areas altered for development. There shall be no parking or buildings or impervious surfaces within the 100' buffer zone. The Planning Board may reduce the required buffer area when it determines such reduction will not cause adverse impact to the abutting uses.

- K. **Off-Street Parking** - Within the MUSTOD, off-street parking shall be provided sufficient to serve the needs of the various uses, based upon the nature of the use and the number of persons occupying and using the facilities. The Planning Board may reduce the required number of parking spaces when it determines such reduction will not cause adverse impact to the abutting uses. To that end, the maximum number of off-street parking spaces shall be determined as follows:

1. Commercial/industrial uses: At the choice of the applicant, either

- 1a.** One and one half (1.5) spaces for each 1,000 gross square feet of building floor area devoted to manufacturing uses and two (2) spaces for each 1,000 gross square feet of building used for research and development uses shall be provided; or
- 2b.** One space for each two persons included in the offices, staff and employees within the **MUSTOD** of each organization conducting such use, plus visitor spaces of one additional space for each twenty-five (25) spaces so determined shall be provided. The number of staff and employees shall be calculated based on building use and type as well as occupancy limitations.

2. Residential uses: 1 space per dwelling unit

3. Mixed/multiple uses: The Planning Board shall establish the required number of parking spaces, not to exceed the combined total of required parking under 6.6.7.K.1-2. The applicant may provide shared parking for uses with offset peak hours, in addition to shared access between abutting uses as applicable and where feasible.

- P. Hours of Operations** - The Planning Board may limit the allowed hours of operation based on type of use proposed within the ~~special permit~~ **approval** conditions.

Item 10.

Amend **SECTION 6.6.9, TRAFFIC STUDY** by deleting the ~~strike through text~~ and inserting the **highlighted text**:

- E.** The applicant of any proposed facility whose anticipated traffic impact subjects it to this subsection shall be required to submit a traffic mitigation plan to the Planning Board, who shall engage the services of a consultant, again paid for by the applicant, in reviewing it. The Planning Board shall also consult with the Highway Department and Massachusetts Department of Transportation in reviewing this plan. The

mitigation plan shall be sufficient to create the following conditions:

1. Prevent a reduction in service of more than one level; and
2. Prevent a reduction in service to level D or lower.

Only if the above requirements and criteria are satisfied shall an **approval** ~~special permit~~ be issued.

Item 11.

Amend **SECTION 6.6.10, CONSULTANT REVIEW** by deleting the ~~strike-through-text~~ and inserting the **highlighted text**:

6.6.10 CONSULTANT REVIEW

The Board may engage a professional engineer and/or other technical consultant to advise the Planning Board, and to review application plans and documents in application phase and the construction phase. The applicant shall pay for the cost of the consultant review pursuant to the procedures specified in G.L. c.44, §53G or §53A. Further, the Building Inspector may engage to inspect to confirm compliance with special permit requirements. Refusal to pay the necessary fees shall be a basis to deny ~~the a~~ **site plan and** special permit **request** relief.

Item 12

Amend **SECTION 6.6.11, REVIEW CRITERIA** by deleting the ~~strike-through-text~~ and inserting the **highlighted text**:

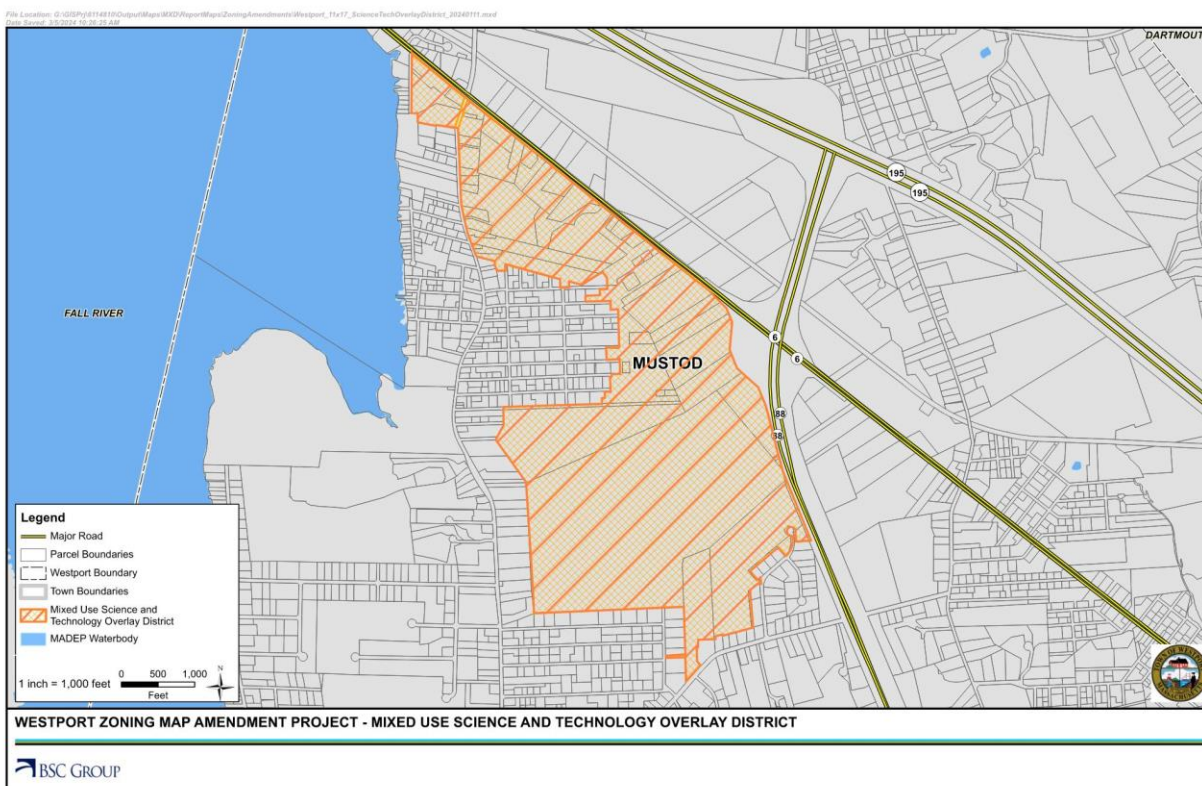
A **MUSTOD** ~~special permit~~ **site plan approval** may be granted by the ~~SPGA-~~ **Planning Board** only if it makes a written determination that the benefits of the proposed development will outweigh the detrimental impacts on the neighborhood and the town, after using the review criteria set forth below **and the MUSTOD site plan review performance standards**. The ~~SPGA-~~Planning Board shall review and ~~make all required determinations for each special permit application and, to approve a special permit, the SPGA shall first~~ make a positive finding on each of the following criteria:

Item 13.

Amend **SECTION 4.2 and the ZONING MAP** of Westport by deleting from the legend “Science and Technology District” and adding in its place “Mixed Use Science and Technology Overlay District,” and include the properties currently designated as the Science and Technology Overlay District in the Mixed Use Science and Technology Overlay as shown on the plan exhibit below.

Amend the zoning map by adding parcels (map-lot #) 3-44-0, 3-44C-0, 3-44-G-0, 3_44AA,E,F-0, and 3-44D-0 to the district, as shown on the plan exhibit below. Delete from Section 4.2 “February 1, 2020” and add in its place May 7, 2024. Amend Section 6.6.2 and the supplemental zoning map to delete “Science and Technology Overlay District” and replace that with “Mixed Use Science and Technology Overlay District” and to delete February 1, 2012 and replace that with May 7, 2024.

Amend **APPENDIX A, SECTION I** to include parcels (map-lot #) 3-44-0, 3-44C-0, 3-44-G-0, 3_44AA,E,F-0, and 3-44D-0 in the Mixed Use Science and Technology Overlay District.



PLANNING BOARD

ARTICLE 35

To see if the Town will vote to amend the **ZONING BY-LAWS, SECTION 3** entitled “**DEFINITIONS**” by inserting the following new definition in appropriate alphabetical order and/or take any other action relative thereto:

Congregate Living: A shared living environment that combines housing and supportive services where residents share one or more common facilities including, but not limited to, kitchens, dining areas, bathrooms, recreational, cultural, personal care, or social service facilities. Examples of supportive services include, but are not limited to, transportation,

healthcare provision, and laundry and meal services. Residents must have their own bedroom.

PLANNING BOARD

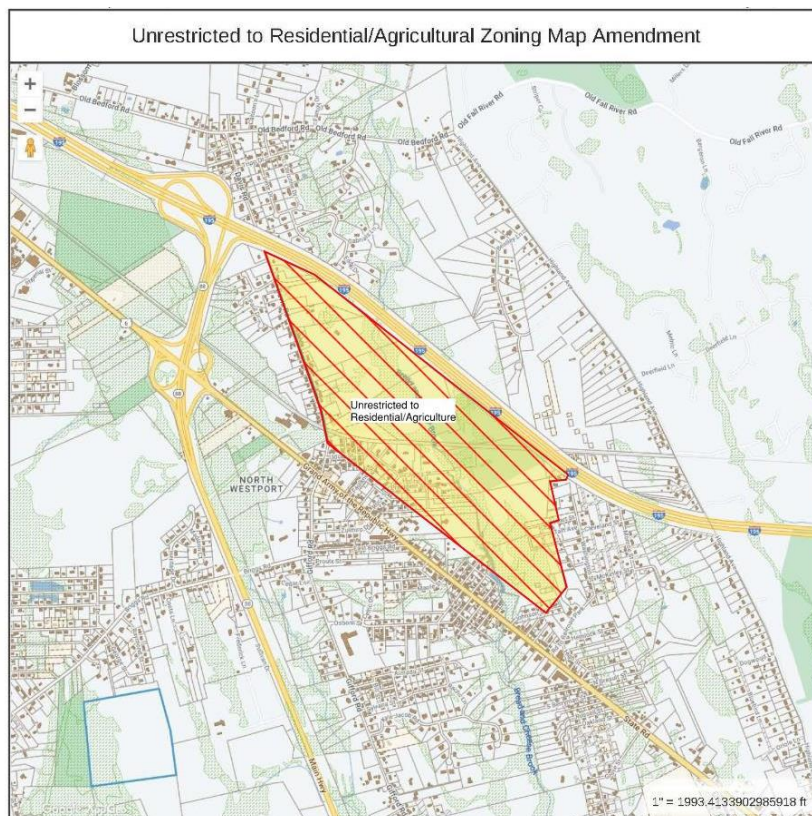
ARTICLE 36

To see if the Town will vote to amend the **ZONING BY-LAWS AND ZONING MAP** of Westport to eliminate the Unrestricted Zoning district as follows and/or take any other action relative thereto:

Item 1.

Amend **APPENDIX A**, to delete from Section C. “**As Unrestricted**: All remaining portions of the Town”. Amend **APPENDIX A** to add to section A. As Residence/Agriculture the following text after the last paragraph “The portion of town further described on the zoning map detail as approved May 7, 2024 on file with the Town Clerk.”

Amend **ZONING BYLAW SECTION 4.2** and the **ZONING MAP OF WESTPORT** to rezone all Land currently zoned in the Unrestricted (U) district into the to Residential/Agricultural District (RA) as shown on the plan below., deleting the Unrestricted District from the legend of the Zoning Map of Westport; and by deleting from Section 4.2 February 1, 2020 and replacing that date with May 7, 2024.



Item 2.

Amend **SECTION 4.1 ZONING DISTRICTS** by deleting the words “C. Unrestricted”;

Item 3.

Amend **SECTION 5.1 TABLE OF USE REGULATIONS** by deleting the column titled “UNRESTRICTED” and all associated entries in said column; and

Item 4.

Amend the **ZONING BY-LAWS** of the Town of Westport by deleting the words “Unrestricted District” wherever they appear in the text of the Zoning By-Law.

PLANNING BOARD

Note: The Planning Board Chair, Jim Whitin, will move to refer Article 37 back to the Planning Board for further study.

ARTICLE 37

To see if the Town will vote to amend the Town of Westport **ZONING BY-LAWS** by adding a new zoning article, Westport Gateway District (WGD), and making other appurtenant amendments as follows, and or take any other action relative thereto:

Item 1.

Amend the **TABLE OF CONTENTS** to add a new Section 5.4 Westport Gateway District and to renumber the Zoning Bylaw accordingly and amend **SECTION 4.1 DISTRICTS** by inserting after the words “B. Residence/Agriculture” the words “C. Westport Gateway District” and assign subsequent entries in alphabetical order.

Item 2.

Amend **SECTION 2.7 PLANNING BOARD** by inserting after the words “Inclusionary Housing (Section 9.2)” the following words “Westport Gateway District (Section 5.4)”.

Item 4.

Amend **SECTION 5 USE REGULATIONS** by inserting the following highlighted text:

Except as provided in Section 5.1. hereof, no building or structure shall be constructed, and no building, structure or land, or part thereof shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth as permitted in the district in which such building, structure or land is located, or set forth as permissible by special permit in said district and so authorized. A proposal within the Westport Gateway District (WGD) shall be subject to the permitted use regulations established in Section 5.4 Westport Gateway District.

Item 3.

Add a new **SECTION 5.4 WESTPORT GATEWAY DISTRICT** to read as follows:

“5.4 WESTPORT GATEWAY DISTRICT (WGD)

The Westport Gateway District is intended to provide a regulatory pathway reflective of the Town’s vision for the Route 6 corridor between the Fall River municipal line and Route 88. The Westport Gateway District considers existing and planned infrastructure and is mindful of compatibility with surrounding uses. Many of the properties preceded the adoption of zoning, and therefore the area features regulatory anomalies. The Westport Gateway District is intended to address these regulatory challenges, incorporate the contemporary uses envisioned for the area, and offer a permitting pathway to enhance quality of life and economic development while protecting the public health, safety, convenience, and welfare consistent with Section 1.1 Purpose of this By-law.

5.4.1 Purpose.

- To create a district that promotes flexible and creative development and redevelopment of the Route 6 corridor while balancing the character of the nearby residential and commercial neighborhoods.
- To offer a regulatory pathway that promotes creative use/reuse of properties.
- Whenever possible, to promote a sense of place and pedestrian experience.
- To promote diversified economic development opportunities and cultural, recreational, open space, and other uses appropriate for the area and compatible with its surroundings.

5.4.2 Westport Gateway District.

The Westport Gateway District (WGD) is hereby established, the boundaries of which are shown on the Town of Westport Zoning Map.

5.4.3 Administration.

The Planning Board shall serve as the site plan and special permit granting authority pursuant to this section. The Planning Board may waive the submittal of technical information or documents otherwise required hereunder where the applicant demonstrates that, due to the simplicity of the proposal, such information is not necessary for or

applicable to the Planning Board's decision pursuant to this section. An application for a site plan or special permit shall be governed by the Planning Board's respective Special Permit (Section 2.6) and Site Plan (Section 2.8) review procedures. In addition, the Applicant shall submit:

A. Information pertaining to any organization which the Applicant proposes to form where the development is to be a condominium development, including forms and plans to be used to organize and manage the same, for approval as to form by Town Counsel; and

B. Copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the Town, the Conservation Commission, utility companies, any condominium organization, and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Town Counsel.

5.4.4 Permitted Uses in the WGD

The following uses are allowed in accordance with the provisions of this section.

A. General Requirements Board	SPA-PB – Use allowed by Site Plan Planning Board
Y – Allowed as of Right Planning	SPPB – Use allowed by Special Permit Board

All Uses may be subject to Site Plan Review by the Planning Board as provided in Section 8.7

B. Interpretation

Where a use might be classified under more than one of the following categories, the more specific category shall determine permissibility. If equally specific, the more restrictive category shall govern. A use not classifiable under any listed category may be allowed only by Special Permit from the Zoning Board of Appeals upon the Board's determination that the use is similar in its impacts on the neighborhood, the environment, and the Town to a use which is permitted or allowed by Special Permit in compliance with the provisions of Sections 2.6 and 5.4.5.

USES	WGD
A. Residential Uses	
1. Open Space Residential Development (OSRD (see Section 8.1)	Y
2. Multi-Family Housing (3+ dwelling units)	SPA-PB
3. Inclusionary Housing (10+ dwelling units; see Section 9.2)	SPA-PB

4. Assisted Living and Independent Living Facilities (see Section 9.1)	SPPB
5. Convalescent/Nursing Home Facilities	SPPB
B. Commercial Uses	
1. Bakery Retail	Y
2. Child and Adult Day Care Facilities	Y
3. Commercial and Non-Commercial Kennels	Y
4. Financial Institutions	Y
5. Funeral Home	Y
6. Personal Service Establishment	Y
7. Professional Medical, and Corporate Office	Y
8. Retail (less than 5,000 gross square feet floor area)	Y
9. Auto Sales and Services	SPA-PB
10. Food Service Establishment	SPA-PB
11. For-Profit Education Uses	SPA-PB
12. Indoor Amusement	SPA-PB
13. Lodging and Hospitality	SPA-PB
14. Hospital, Medical Outpatient Clinic	SPA-PB
15. Retail (greater than 5,000 gross square feet floor area)	SPA-PB
16. Theater/Entertainment Venue	SPA-PB
17. Drive-Through Facilities	SPPB
C. Manufacturing Uses	
1. Artisanal Manufacturing	SPA-PB
2. Butcher	SPA-PB
3. Light Manufacturing	SPA-PB
4. Research and Development	SPA-PB
5. Research and Development Laboratories and Facilities	SPA-PB
6. Wholesale Bakery	SPA-PB
7. Bio Manufacturing Facilities	SPPB
D. Exempt and Public Uses	
1. Agriculture	Y
2. Non-Profit Education	Y
3. Religious Uses	Y
E. Accessory Uses	
1. Electric Vehicle Charging Stations	Y
2. Raised Solar Panels and Accessory Battery Storage in Parking Areas	Y
E. Mixed Uses	

1. Any combination of permissible uses provided the aggregation of the mixed uses complies with the provisions of this Section	SPA-PB
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5.4.5. Standards.

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

A. Roadways. The principal roadway(s) within the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of tenant(s), unit owners or by the Applicant.

B. Parking. The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces shall be computed using the requirements set forth herein or other applicable provisions acceptable to the Planning Board. For uses that are not specified or mixed uses the Planning Board shall establish the required parking. No parking shall be placed within the minimum front yard setback, and parking must be sited to the side or rear of the principal structure. The applicant may provide shared parking for uses with offset peak hours, in addition to shared access as applicable and where feasible. The Planning Board may waive parking to a number reasonably necessary to accommodate the proposed use(s) if the Board determines there will be no adverse impact to abutting uses.

Land Use Type

1. Residential

Assisted/independent living facilities	1 per dwelling unit
Multi-family/inclusionary housing	1 per dwelling unit
Single-family or two-family dwellings with more than 1 bedroom	1.5 per dwelling unit

2. Commercial

Adult and child day-care center and preschools	1 per 8 client capacity
Hotels, motels and lodger accommodations without or with function rooms and/or eating establishments	1 per each sleeping room accommodation; plus 1 per every 5 seats in the function hall; plus 1 per every 3 seats in an eating establishment
Restaurant, sit-down	5 plus 1 for every 3 seats
Restaurant, take-out	5 per 1,000 GFA
Retail (freestanding, supermarket, shopping center, bank, personal service, office, health care office)	3.5 per 1,000 GFA

3. Manufacturing/Industrial

Uses pursuant to 5.4.4.C	1 per 1,000 GFA
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4. Public/Institutional

Hospitals, residential rehabilitation facilities, nursing homes and elder care facilities	1 for every 2 beds, plus 4 per 1,000 GFA of in-patient treatment area, and 5 for every 1,000 GFA of out-patient treatment area
Libraries and museums	1 per 1,000 GFA
Out-patient clinics	3.5 per treatment area
Places of public assembly	1 per 5 seats
Public and private schools	1.5 per classroom, plus 1 per 5 seats in an auditorium

C. Loading. Loading areas may be required by the Planning Board where deemed necessary for the efficient operation of the proposed Use. Loading shall be located to the side or rear of building unless otherwise determined by the Planning Board

D. Utilities. All electric, gas, telephone, and water distribution lines shall be placed underground, except upon a demonstration of exceptional circumstances. The facility shall be served by the municipal water and sewer system or must demonstrate adequate provision of on-site water/sewer where municipal services are not available

E. New Buildings. Within the Westport Gateway District, new buildings may be constructed in accordance with the following requirements:

- a. The type and architectural style of new buildings shall be subject to Planning Board approval.
- b. The Building(s) shall comply with the Architectural Standards in Section 5.4.6.

F. Buffer Area - There shall be a Buffer Area of sufficient distance to be determined by the Planning Board adjacent to residential/agriculture uses abutting the property. The purpose of this Buffer Area shall be to eliminate or mitigate negative impacts on existing abutters. The Buffer Area shall consist of existing natural vegetation and /or new plantings or combinations of vegetation and earthen berms and /or sound barriers, which shall form a year-round dense screen that reach at least six feet in height within three years of issuance of the first building permit.

H. Noise - Noise levels emanating from air conditioning equipment, fans, vents, loading areas, machinery, or normal operations and other noise causing operations on the premises (including persons) shall not exceed the thresholds described in Article XL (Noise Pollution Control) in the Town of Westport Town Bylaws and the Massachusetts Department of Environmental Protection noise regulation (310 CMR 7.10).

I. Lighting Exterior – The applicant shall provide a photometric plan with the proposed site plan. Area lighting, including but not limited to lighting for parking lots, recreational areas, walks, drives and outside building walls, shall be designed

and installed in accordance with Dark Sky Requirements and maintained to direct light away from abutting property and abutting ways. Exterior, standalone lighting fixtures shall have a maximum height of 20 feet above the ground unless a waiver is granted by the Planning Board. Exterior lighting fixtures located on a building shall also not exceed a maximum height of 20 feet.

J. Intensity Requirements

Minimum Lot Size	40,000 square feet with a contiguous upland area of 25,000 square feet of greater
Minimum Frontage	100 feet
Minimum Lot Width	75 feet to the front line of the structure
Front Yard Setback	20 Feet (Maximum)
Side yard Setback	10 feet
Rear yard Setback	6 feet however the setback is increased to 10 feet if it abuts a Residential /Agricultural District
Maximum Floor Area Ratio (FAR)	.4
Maximum Lot Coverage	65%
Maximum Building Height	3 stories not to exceed 45 feet

K.

Landscaping – All landscaping shall be consistent with Section 8.7 Site Plan Review. The landscape shall be preserved in its natural state, as far as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Individual building sites shall be designed to maintain existing topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme. Buffer Areas shall contain:

1. A continuous screen of planting of vertical habitat in the center of the strip not less than six feet in height at the time of occupancy so as to maintain a dense screen year-round. At least 50% of the plantings shall consist of evergreens and shall be evenly spaced along the length of the buffer strip. In lieu of continuous planting, a solid brick, stone, or wood fence not less than six feet nor more than eight feet may be established and maintained with plantings in an amount no more than 20% of the amount required above
2. A landscaped area containing a mixture of shade trees, a deciduous shrubs and evergreens with a minimum of one shade tree at least 2" caliper at a point 6" above the finished grade within each 35 linear feet and well-maintained grass, bark mulch or other ground cover to the depth of the

developed portions of the lot. Where the Planning Board determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees.

3. Shrubs and hedges shall be at least 2.5 feet in height at the time of planting and have a spread of at least 18 inches.
4. Grass is preferable to mulch where practical.
5. Existing trees with a caliper of six inches or more shall be preserved wherever feasible.
6. Deciduous trees shall be at least two inches in caliper as measured six inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within 10 years after planting.
7. Evergreens shall be a minimum of eight feet in height at the time of planting and shall be spaced five feet on center when planted in a single row. When planted in a double row, each row of evergreens shall be spaced 10 feet on center. These minimum standards may be reduced by the Planning Board, subject to the recommendation of an arborist, landscape architect, or other competent individual.

5.4.6 Architectural Standards

The building design and construction drawings and documents shall be prepared by a registered architect. It is strongly encouraged that the building design and construction be LEED certified or be LEED certifiable for the purpose of energy efficiency, material durability, and healthy interior and exterior building environment.

Buildings – It is strongly encouraged that the exterior walls of structures and buildings shall be constructed of brick, stone, concrete, or other similar durable materials to have an attractive appearance and maintain architectural integrity. The architectural style of residential and mixed-use residential buildings shall be in harmony with the historical design elements that are contextually consistent with regional New England architectures.

A. Buildings with a footprint larger than 2,000 square feet constructed in the WGD shall meet the following requirements:

B. In order to avoid long blank outside walls, walls shall not be longer than thirty (30) feet without an articulation such as, but not limited to: a window, a footprint offset, a siding change, a pilaster. Whatever articulation is chosen, the same articulation shall not be repeated for more than 1/3 the length of the wall.

C. No outside wall longer than one hundred (100) feet shall meet the roof without a change in height, which is significant enough to visually break the long straight line.

D. All roof units, such as, but not limited to HVAC units, elevator overruns, vent pipes, or other such paraphernalia shall not be visible when standing at ground level at the same elevation as the building. Roofs shall be designed to accommodate solar panels.

E. Covered entryways/porches shall be provided for public entrances into the building before entry doors.

5.4.7. Traffic Study

A. The Planning Board may require the applicant to do a traffic impact study, at the applicant's expense. The traffic study shall evaluate and provide projected traffic generation from the development onto state highways and local roads; traffic service for the development; capacity of the road network, including roads and intersections, and, safety issues using egress and ingress of the development. An initial traffic impact assessment report should include the projected a.m. and p.m. peak traffic, the average daily traffic, and the hourly distribution of vehicles, including with respect to gross vehicle weight, and future no-build conditions on adjacent state or local roads for the proposed project. This report shall also include a review of any existing master plans relating to traffic in the vicinity of the proposed project, an assessment of the impact of that project upon the implementation of the master plan, and an analysis of that project's impact on proposed takings for roadway improvements. Finally, this report shall include a designation and review of the possible locations of curb cuts on nearby parcels, demonstrating consistency with the master plan. Mitigation may be required of the applicant/developer.

B. The Planning Board may engage the services of a consultant, paid for by the applicant under G.L. c.44, §53G, to conduct an independent analysis of the factual assertions and conclusions of the traffic impact assessment report.

C. If the Traffic Impact Study indicates a reduction in the Level of Service (LOS) of two or more levels (e.g., from Level A to Level C) or a Level D or lower, the applicant shall submit a mitigation plan to the Planning Board demonstrating the mitigation is sufficient to prevent a reduction in LOS below Level C. The Planning Board may not issue an approval unless the mitigation achieves a LOS of C or greater unless there are extraordinary circumstances as determined and described by the by the Planning Board.

5.4.8 Action by the Planning Board.

The Planning Board may grant a site plan or special permit under this section when the requirements of Section 2.6 are met and where it makes the following findings:

A. The proposed use complies with the requirements of this section;

B. The proposed use does not cause substantial detriment to the neighborhood after considering the following factors:

1. noise, during the construction and operational phases.
2. pedestrian and vehicular traffic.
3. environmental degradation or harm.

4. visual impact caused by the character and scale of the proposed structure(s);
5. other consequences as may be set forth in this Section.

C. The Planning Board may impose conditions, including, but not limited to, the following:

1. that all construction or infrastructure and improvements shall be completed within a specific time period.
2. that all aspects of the proposed use, including authorized uses, building occupancy, and intensity of use, shall remain in substantial conformance with the plans and other documents submitted to the Planning Board as part of the special permit proceeding unless modification of the special permit is authorized, after public hearing, by the Planning Board.
3. that a performance guarantee suitable to the Planning Board may be required

5.4.9. Consultant Review

The Board may engage a professional engineer and/or other technical consultant to advise the Planning Board, and to review application plans and documents in application phase and the construction phase. The applicant shall pay for the cost of the consultant review pursuant to the procedures specified in G.L. c.44, §53G.. Further, the Building Inspector may engage consultants to inspect to confirm compliance with approval requirements. Refusal to pay the necessary fees shall be a basis to deny the site plan and/or special permit.”

Item 4.

Amend **SECTION 8.7 SITE PLAN REVIEW** by inserting a new subsection (e) under Section 8.7.3 Applicability to read as follows:

“6. Applicable activities pursuant to Section 5.4 Westport Gateway District”

Item 5.

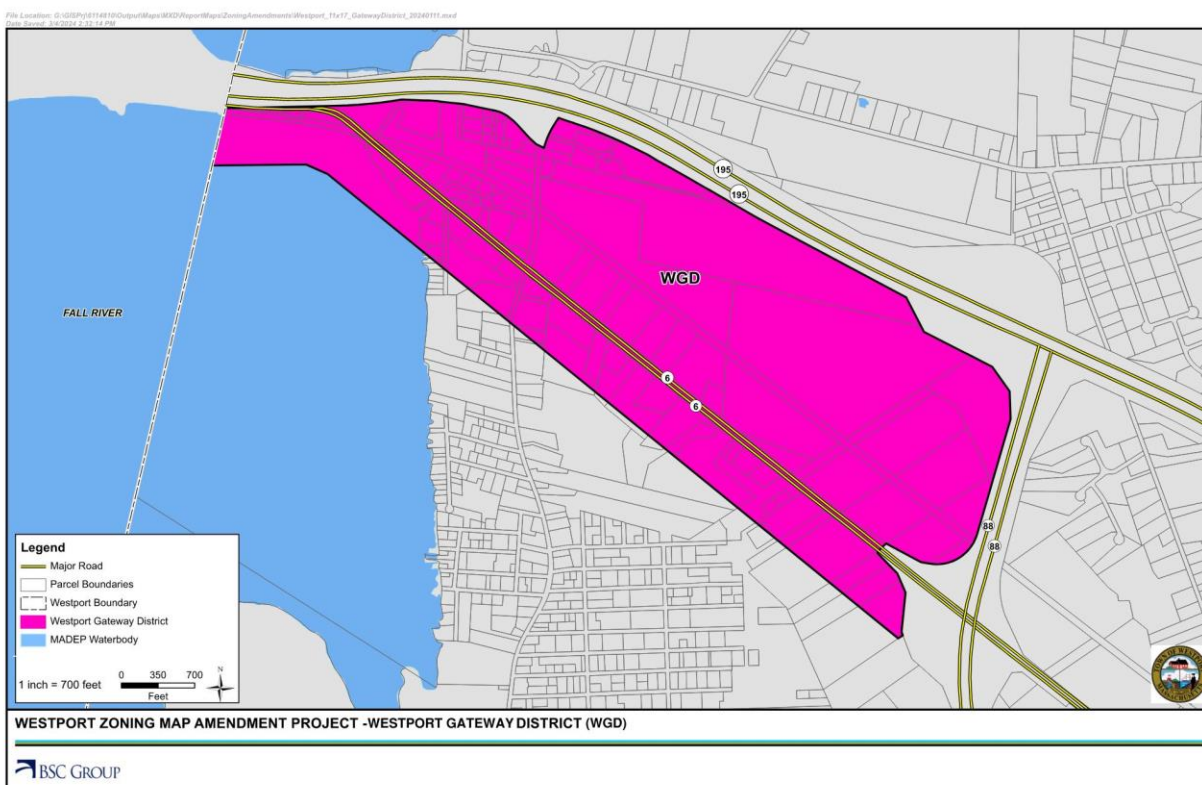
Amend **Section 4.2, Appendix A and the ZONING MAP** of Westport by establishing the Westport Gateway District (WGD):

Amend **Appendix A** by inserting the following text at Section C. “Westport Gateway District: as further described on the zoning map detail as approved May 7, 2024 on file with the Town Clerk.”

Delete the following from **Appendix A**, Section B. As Business: “The portion of the Town bounded: Northerly by Interstate Route 195; Easterly by Old Bedford Road; Southerly by Route 6; Westerly by the Westport-Fall River boundary line. The portion of the Town bounded as follows: Bounded on the east by Route 88; on the south by the State Highway (Route 6); on the north by Interstate Route 195, and on the west by Old Bedford Road.” Amend the text in **Appendix A**, Section B. to read “thence northwesterly along a line, which

line is five hundred (500) feet southerly from, and parallel to the south line of the State Highway, to the ~~Westport-Fall River~~ **Route 88** boundary line”.

Amend **Section 4.2** and the **zoning map** of the Town of Westport to rezone from the Business district to the Westport Gateway district, the land located north of State Highway Route 6 and five hundred (500) feet south of State Highway Route 6, west of State Highway 88 and south of Interstate Highway I-195 as shown on the attached plan below. Delete from Section 4.2 “February 1, 2020” and add in its place May 7, 2024.



PLANNING BOARD

ARTICLE 38

To see if the Town will vote to amend the **ZONING BY-LAWS, SECTION 7.7.1.1.2 MINIMUM WIDTH** by deleting the ~~strike through text~~ and inserting the **highlighted text** as follows and/or take any other action relative thereto:

The minimum front yard width, as measured between the side lot lines, shall be ~~fifty~~ **one hundred** (50**100**) feet. The minimum front yard width shall be maintained from the ~~street line (street layout line/sideline)~~ **frontage to a depth of 200'** ~~the street setback line (front building line)~~. Lot Width shall be determined by measuring the diameter of the largest circle that can be located along a continuous, but not necessarily straight line from the lot frontage to the ~~principal structure~~ **required lot depth** ~~on the lot~~ without the circumference intersecting the side lot lines.

