

CHAPTER 3

Land Use

*Westport Master Plan * 2004*

3. Land Use

3.1 Introduction

This Land Use section concentrates on how the Town's people use the land: how it has been used in the past, how it is presently used, and options for its future use. Information on land use patterns forms the basis for comprehensive planning and determines, to some extent, the need for transportation, infrastructure, public facilities, and environmental protection measures.

Examining the historical progression of land use change helps in understanding the present complexity of land use. The retreat of the most recent glacier is impressed in the "grain" of the land. Low ridges and the shallow valleys between them, wetlands and water bodies all tend to run in a north- northwest south-southeast direction. Glacial retreat also influenced the way the land meets the sea, the soils and the aquifer locations. It made an attractive place to settle for 18th century farmers and seafarers. Their activities and the original villages that served them prevail today to a surprising degree but are threatened by urban sprawl reaching out from Boston and Providence. Nevertheless, their history is still evident throughout the town in the historic, cultural and pastoral resources valued by many.

The town's extensive land area and varied geography have influenced land use. Uplands, wetlands, ponds, rivers and the sea have tended to attract different uses. People who worked the land chose inland and upland, fishermen and seafarers, the edge of the river with easy access to the sea. The people lived and worked in town. Subsequently, some residents became commuters, dependent on accessibility to jobs mostly beyond town boundaries, as transportation changed with faster vehicles, paved roads and other transportation improvements.

Starting in the 19th century, the land-landscape attracted summer residents seeking vacation spots with scenic views and nearby recreation. They chose the ponds, rivers, seacoast and attractive upland. Today, vacation houses and related activities continue to expand, consuming more open land and farmland. Increasingly, seasonal housing is being converted into year-round occupancy, particularly for retirement residences. This has created a need for a new range of social, recreational and commercial support activities.

In the late 19th century, Westport started as a bedroom community for commuters coinciding with the building of a rail line (1879) and the electric streetcar line (1892) along the current Route 6 corridor that connects Fall River and New Bedford. Residents living within walking distance of these lines had a choice of job markets in New Bedford and Fall River as well as at Westport Factory. Later, with the accessibility provided by automobiles, the job market expanded to Providence, Boston and beyond. With its abundant amenities, Westport has become a very attractive place to live for commuters. Subdivision of land into house lots has moved south from Route 6 as transportation systems have improved.

Each land use stage has left its mark on the land and has generated its own set of issues. The dynamic interaction among them raises questions today regarding different life styles, environmental objectives, historic and cultural resource survival and economic activities. The pace of change is quickening. The increasing number and size of land subdivisions and the annual number of building permits are evidence of this, although the Phased Growth By-Law has slowed growth, at least temporarily. These current land use changes are occurring with only the limited control of existing zoning by-laws, Planning Board regulations, and Conservation Commission jurisdiction under the Wetlands Protection Act.

If we choose, future land use in town can be directed in a manner that protects and preserves the essence of Westport's character for present and future generations. The Master Plan identifies the positive features and establishes guidelines for change, so that the quality of life we enjoy may be maintained and even enhanced in the future. This section provides an overview of Westport's current land use, zoning, and regulations that protect valued resources.

3.1.1 Description of the Town

The Town of Westport, a Massachusetts South Coast community, covers approximately 50 square miles of land area, and has a population of approximately 14,000 persons as of 2000.¹ East-west roads link Westport to adjacent towns, the region and the interstate system. Except for Blossom Road, which runs northward to Fall River, the north-south roads are either internal to the town or form the eastern boundary with Dartmouth. Route 88 is Westport's principle north-south road and connects Horseneck Beach State Reservation to I-195.

Westport's natural beauty combined with its historical past results in a distinctive small-town character that sets the town apart from many of its neighbors. This rural character, combined with Westport's proximity to major metropolitan areas, has made the town increasingly attractive to new development. The town is located 54 miles south of Boston, 26 miles southeast of Providence, 8 miles west of downtown New Bedford, and 8 miles southeast of downtown Fall River. The completion of I-195 and Route 88 has facilitated commuting to and from Westport. More transportation improvements, such as the proposed extension of commuter rail services into southeastern Massachusetts, will put more development pressure on the town.

Westport buys water from Fall River to serve the Route 6 corridor from the Fall River boundary eastward to Greenwood Terrace Elderly Housing, about half the distance to the Dartmouth line. It also serves Davis Road residences. Town officials have discussed extending the water service to the Dartmouth line and tying this part of North Westport to the Fall River sewage system. Cost and Fall River system capacity remain obstacles to achieving this. The Fall River water system relies on North and South Watuppa Ponds and Sawdy Pond. Portions of all three ponds, as well as portions of their watersheds, lie within Westport.

3.2 Current Land Use

3.2.1 Land Use Map

The most widely recognized and readily available source for existing land use in Westport is the Commonwealth's MassGIS. Beals and Thomas, Inc., the Master Plan Update Committee's technical consultant, prepared Map 3-1. Town of Westport Land Use, which depicts approximate town-wide use of land. It is based on data collected in 1999.

The 21 standard land use categories used by MassGIS (LU_21 Codes) have been combined to yield the categories described in Table 3-1 below, further aggregated for discussion purposes and slightly expanded upon in Map 3-1. The aggregation is adequate for the relatively few variations in land use type within the Town.

¹ MassGIS, U.S. Census

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Table 3-1. MassGIS Land Use Code Definitions

| Land Use | LU_21 Code | Abbreviation | Category | Definition |
|---------------------------|------------|--------------|--------------------|---|
| | | | | |
| Low-Density Res. | 13 | R3 | Residential | Greater than 1/2 AC lots |
| Med.-Density Res. | 12 | R2 | Residential | 1/4-1/2 AC lots |
| High-Density Res. | 11 | R1 | Residential | Less than 1/4 AC lots |
| | 10 | RO | Residential | Multi-family dwellings |
| Commercial | 15 | UC | Commercial | General urban, shopping center |
| Industrial/Transp. | 5 | M | Mining | Sand, gravel & rock |
| | 16 | UI | Industrial | Light & heavy industry |
| | 18 | UT | Transportation | Docks, divided highways,railroads |
| | 19 | UW | Waste disposal | Landfills, sewage lagoons |
| Agriculture | 1 | AC | Cropland | Intensive Agriculture |
| | 2 | AP | Pasture | Extensive Agriculture |
| Natural Land | | | | |
| Forest | 3 | F | Forest | Forest |
| Flats | 14 | SW | Salt Wetland | Salt marsh |
| Woody Perennial | 21 | WP | Woody Perennial | Orchard, nursery, cranberry bog |
| Open | 6 | O | Open Land | Abandoned agriculture, power lines, areas of no vegetation |
| Urban open/rec. | 7 | RP | Participation Rec. | Golf, tennis, playgrounds |
| | 8 | RS | Spectator Rec. | Fairgrounds |
| | 9 | RW | Water-based Rec. | Beaches, marinas, swimming pools |
| | 17 | UO | Urban Open | Parks, cemeteries, public & institutional green space, vacant undeveloped land. |
| Water | 20 | W | Water | Fresh water, coastal embayment |
| Wetland | 4 | FW | Wetland | Non-forested freshwater wetland |

Table 3-2 shows land use distribution by acreage and percent of Westport's total area, including fresh water bodies and coastal embayments but excluding the Westport River and other coastal areas. It also indicates the change in acreage for each land use between 1971 and 1999. Acreage is measured based on land use interpreted from aerial photography, not on the acreage of an assessors parcel.

Table 3-2 Land Use Acreage 1999 ² (from MassGIS MacConnell Land Use)

| Land Use | Acres | % Cover | Acres Change 1971-1999 ³ | % Change 1971-1999 |
|-----------------------------|--------|---------|-------------------------------------|--------------------|
| Natural Land | 19,631 | 59.0 | -1609 | -7.7 |
| Agriculture | 4,683 | 14.1 | -464 | -9.0 |
| Residential, Low Density | 3,321 | 10.0 | 1494 | 16.6 |
| Residential, Medium Density | 2,090 | 6.3 | 520 | 32.9 |
| Water | 1,253 | 3.8 | -14 | -1.1 |
| Open Land | 1,062 | 3.2 | 6 | 0.6 |
| Urban Open Space/Recreation | 467 | 1.4 | 8 | 1.7 |
| Industrial | | | | |
| Transportation | 426 | 1.3 | -7 | -1.8 |
| Commercial | 241 | 0.7 | 47 | 24.6 |
| Residential, High Density | 63 | 0.2 | 6 | 10.5 |
| Total Acreage | 33,255 | 100.0 | | |

3.2.2 Changes in Land Use by Acreage

3.2.2.1. Agriculture

Included under agriculture are croplands, pastures, orchards, vineyards, nurseries, cranberry bogs and similar uses totaling approximately 4,683 acres. In 1971, using similar mapping methods, the acreage in agricultural use was 5,147 acres, for a decrease of 9 percent, or 3 percent loss per decade. Between 1985 and 1999, however, the acreage lost increased dramatically to 545 acres lost, relative to the period between 1971 and 1985, when there was a slight gain in agricultural acreage.

3.2.3.2. Natural Land

In 1971, Natural Land, including for this discussion forest, non-forested freshwater wetlands, and salt marsh totaled 21,277 acres, decreasing by 7.5 percent by 1999, or about 0.3 percent per year. Loss of forest has occurred at an even pace since 1971 compared to the upturn in loss of agricultural land after 1985.

² These acreages are presented as an aid to understanding and comparing how we use our land, and how our use of it has changed over time. These data are categorized in a slightly different manner, and supplemented with additional data for the purpose of build-out analysis (see Appendix B).

³ MassGIS

3.2.3.3. Recreational Land Uses

Recreational land uses, including spectator, participatory, and water-based recreation decreased from 306 acres in 1971 to 299 acres in 1999, for a -2.2% decrease.

3.2.3.4. Urban Uses

Urban uses include residential, commercial, and industrial areas and urban open space (parks, cemeteries, public and institutional greenspace, and vacant undeveloped land). Westport urban uses increased from 5,602 acres in 1971 to 7,676 acres in 1999 for an increase of 37 percent.

These data represent an overall view of land use change; based on aerial mapping techniques, not parcel data. They are useful for general overall comparisons of how we have changed the ways in which we use our land over time. For a more detailed analysis of specific categories, please refer to the Natural Resources, Open Space and Recreation, Housing, and Economic Development chapters.

3.3 Protected Land and Land Protection Mechanisms

3.3.1 Introduction

Only land with legal development restrictions in place is permanently protected from development. In Westport as of 2003 this land amounts to 3,741.9 acres, or approximately 11.2 percent of the land area. Included are lands: of the Federal Government, of the Commonwealth of Massachusetts, of the City of Fall River (Water Department), under Agriculture Preservation Restriction (APR), under the Conservation Commission, of the Westport Land Conservation Trust, of the Trustees of Reservations, and of the Massachusetts Audubon Society. Other town owned land remains open but may be used for town facilities or other purposes in the future.

Certain land protection programs provide lesser levels of restriction on land use. Chapter 61 of the Mass. General Laws provides tax abatement for agricultural, forest, and recreational land. The Town has a right of first refusal to acquire the land before it is sold. The town seldom takes advantage of these opportunities because of limited funds. The Agricultural and Open Space Trust Fund, established in 2001, provides \$1,500,000 borrowing capacity for acquisition of land or development rights. The Community Preservation Act will provide funds for open space, historic preservation, and affordable housing generated from a surtax that is supplemented annually by the Commonwealth.

Table 3-3 shows protected land acreages and the percentage of total Town land area for each category. For further discussion and breakdown by type of protection, please see Table 5-1, Open Space and Recreation.

Table 3-3. Protected Open Space 1990 - 2003

| Type | Acreage 2003 | Percent of Total Land Area |
|---|-----------------|----------------------------------|
| Agricultural Preservation Restrictions (17 farms as of 2003) | 1,730.7 | 5.2% |
| Conservation Commission | 372.9 | 1.1% |
| City of Fall River Water Dept. ⁴ | 497.5 | 1.5% |
| Westport Land Conservation Trust | 403.1 | 1.2% |
| Conservation Restrictions | 255.8 | 0.77% |
| Audubon Society | 15.3 | 0.05% |
| Commonwealth of Massachusetts ⁵ | 465.3 | 1.4% |
| US Government | 1.3 | 0.0039% |
| Total Protected Acreage | 3,741.9 | 100.00 |

3.3.2 Agricultural Preservation Act

An Agricultural Preservation Restriction (APR) pertains to land in active agriculture use. This most commonly known program is through the Massachusetts Department of Food and Agriculture (DFA) that purchases development rights to farms. Farmers retain ownership to their land and the right to farm on it, but are permanently prohibited from all future non-agricultural development (such as residential or commercial development) on the land. As of 2003, APRs account for 46% of the permanently protected land areas in Westport.

The DFA has spent over \$5 million to purchase APRs on farms for a total of 1,730 acres. As of 2004 the Agricultural and Open Space Trust Council in concert with the Trustees of Reservations, the Westport Land Conservation Trust and the Commonwealth, was on the verge of substantially increasing the acreage protected.

3.3.3 Chapter 61 (Forest), 61A(Agricultural), and 61B (Recreational)

As of 2004 there were 250 properties enrolled under Chapter 61, 61A, and 61B of the Farmland Tax Assessment Act for a total of 8,320 acres. It is designed primarily for lands used for agricultural or horticultural purposes, and can cover farmlands, woodlands and recreation lands. For farms the property owner must have at least 5 acres of land in farm use, and must demonstrate minimum yearly gross sales of farm products, based on the number of acres requested for application. Required annual sales must be \$500 for the first 5 acres, and for each acre above the first five: \$5 for farmland and \$.50 for woodland. There is usually an 80% reduction in assessed value under the Chapter 61 programs. The Town boards and committees charged with acquiring land and protecting open space should examine these properties for potential acquisition, whether for preservation of open space or other uses, so that an informed decision may be made when the Town is offered the right of first refusal.

⁴ Includes water area.

⁵ Includes only land area of Horseneck Beach Reservation, does not include water area.

3.3.4 Wetlands Protection Act

3.3.4.1 Wetland Resource Areas

The Massachusetts Wetlands Protection Act (MGL Chapter. 131 sec. 40; "the Act") prohibits any filling, excavation, or other alteration of the land surface, water levels, or vegetation in wetlands, flood plains, river front areas or other wetland resource areas without a permit from the Conservation Commission. The Act also covers banks, dunes, beaches, vernal pools, land under lakes and ponds and land under or within buffer zones. The "interests" or values protected are flood control, prevention of storm damage, pollution prevention, fisheries, shellfish, groundwater, water supply, and wildlife habitat. The Conservation Commission can, in addition to permitting, assist in identifying wetlands.

3.3.4.2 Buffer Zones

Under the Massachusetts Wetlands Protection Act, no one may "remove, fill, dredge, or alter" land within 100 feet of a wetland, or land within 200 feet of a perennial stream or river, without a permit from the Conservation Commission.

3.3.5 Zoning Regulations

Westport's zoning pattern has 3 types of districts: Business, Residential/Agricultural, and Unrestricted. Westport also has Flood Plain, Aquifer Protection, and Telecommunication Facilities Overlay districts. A minimum 60,000 square foot lot with 150 feet road frontage is required in all districts for all purposes. As currently zoned, with a full build out, business development could fill in the corridors of Routes 6 and 177, and the Central Village area. The current pattern in Business districts and the Unrestricted District in the northwest part of town bordering a portion of I-195 is one of mixed-use. Based on the existing pattern, and the fact that all 'less intense' uses are allowed in business and unrestricted zones, the actual buildout assumes that some residential development will remain and/or continue. Homes would consume the remainder of the developable land in the residence/agricultural district. One should expect the town to eventually look like its zoning map if the town is fully "built out", meaning no more developable land is left.

The Westport Zoning Map, Map 3-2, shows the existing boundaries of the 3 zoning districts; Map B-1 Build-Out Analysis - Composite Development shows what Westport will look like if all the land excluding presently protected land is developed.

3.3.5.1 Use Regulations

Residence/Agricultural Districts:

The following uses are allowed: one and two family dwellings, accessory apartment, accessory use including home occupation, home office; agricultural including greenhouses, forestry, nursery, gardening, farm; convalescent homes, hospitals, sanitariums, nursing homes; educational uses, municipal, religious uses-, resident fishermen shucking, room rental/boarding (maximum 4 per dwelling), tradesman, temporary trailer, accessory signs, limited yard sales, and auctions,

Additional uses are allowed by Special Permit from the Board of Appeals.

Business District:

The following are allowed: all uses permitted in the residential/agriculture district, auto sales (including trailer and farm equipment), auto body shop/repair, service

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stations, storage garage, banks, private club not for profit, kennels, flea market, hotel, job printing, miscellaneous retail or service business, motel, newspaper, business or professional offices, public utility, research labs, restaurants, wholesale businesses.

Additional uses are allowed by Special Permit from the Board of Appeals.

Unrestricted District:

The following are allowed: all uses permitted in the residence/agricultural and business districts, multi-family dwelling, earth removal/mining, place of amusement or assembly, club conducted for profit, public or private facilities for aquaculture.

3.3.6 Additional Districts and By-Laws

A. Flood Plain Districts:

Certain provisions apply to the flood plain inundated by the 100-year flood as designated on the FEMA Flood Insurance Rate Maps dated March 18, 1985 to July 15, 1992. New construction, major improvements and repairs must conform to the state building code as well as any applicable State or Federal agency permitting. All structures shall have the lowest floor (including basement) elevated to or above the 100-year flood level. All proposals must be consistent with the need to minimize flood damage.

B. Aquifer Protection District (APD):

The aquifer protection district encompasses those areas of the Town where groundwater flow rates equal 1400 gallons per minutes (GPM) or greater as, delineated on map that reflects (USGS) information, the map is on file in the Town Clerk's office. APD prohibits many noxious uses such as manufacture, use, storage, or disposal of toxic materials or hazardous waste, facilities such as laundromats, dumps, solid waste disposal or storage, or road salt or deicing chemicals. The regulations in the aquifer protection district are to protect the groundwater aquifers, whether located in residential/agriculture, business or unrestricted districts in the Town.

C. Telecommunications Facilities Overlay District:

This overlay district consists of all zoned business or unrestricted areas and any other areas that may be added by amendment to the zoning map. A special permit with site plan approval is required for all wireless communications towers and facilities including antennas and accessories structures. A number of standards must be adhered to.

D. Phased Development:

This section regulates the rate at which building permits may be issued for lots in subdivisions submitted after April 2000 requiring approval by the Planning Board. The purpose of this section is to promote orderly growth and not unduly strain community services, and to preserve and enhance existing community character. The provisions of this By-Law, which shall apply for 8 years, are to slow growth while the Town Master Plan is updated and Town Meeting votes for desired development controls.

3.4 Regional Context

Westport is a part of the Southeastern Regional Planning and Economic Development District (SRPEDD), one of the Commonwealth's regional planning areas. In recent decades there has been increasing focus by state agencies on Southeastern Massachusetts, particularly the South Coast. It is an area that has been slower to

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suburbanize due to its distance from metropolitan centers and slower recovery from earlier economic recessions. As a result, the South Coast communities have remained more rural, and farming and commercial fishing have continued. Recognizing that these conditions were changing, SRPEDD and the Town through Town Meeting actions (e.g., Open Space and Agriculture Trust Fund and the Community Preservation Act) have begun to address the issues. Other organizations like the Westport River Watershed Alliance, Coalition for Buzzards Bay, the Heritage Farm Coast Trust, Westport Fishermen's Association, Westport Land Conservation Trust, The Trustees of Reservations, and others have also organized to help protect Westport. The people of Westport are among the leaders in this effort to preserve the pastoral landscape at the water's edge. Their resources, however, are limited, and pressures for building homes are increasing. SRPEDD funnels state planning grants to communities and administers many of them. SRPEDD also helps Westport with grant applications and fosters cooperation among neighboring towns in their planning efforts.

3.4.1 New Mayflower Compact

Westport is participating in the New Mayflower Compact that was formulated to address growth issues in Southeastern Massachusetts. The Compact is included below.

The New Mayflower Compact

October 25, 2000

Southeastern Massachusetts is unprepared for growth. Over the next 20 years, the region can expect 10,000 new residents per year. If present practices continue, this growth will change the region with a net result of residents paying more, getting less and having fewer choices. Vision 2020: An Agenda for the Future outlines a new direction that leads to a future with:

1. Cities that are vital centers of civic and cultural life; fully participate in the diversified economy of New England; and are excellent places to live, work and visit.
2. Towns that are physically distinct, retain individual character, and offer a high quality of life.
3. Rural areas that retain agricultural and forestry industries and preserve large areas of open space.
4. A natural environment that is restored and protected.
5. Efficient infrastructure that supports local needs through regional cooperation.
6. Prosperity for the region's present and future residents and businesses.

To achieve this vision the communities in the region voluntarily join together to implement a growth management program that preserves the interests of each town and city yet profits from unified regional actions. This program will be organized by the Regional Planning Agencies, acting together through local representation. The undersigned endorse this approach to growth management and commit to working collaboratively on the following actions:

1. Create incentives to encourage growth in areas with existing and underutilized infrastructure.
2. Provide local communities expanded planning tools, technical assistance and financial support to shape their future.
3. Reform state laws and policies that promote sprawl and discourage regional cooperation.
4. Analyze and address the full range of impacts associated with local zoning decisions and the funding of infrastructure projects.
5. Execute regional agreements that reduce competition by sharing the benefits and impacts of development among communities, and provide a means of alternative dispute resolution.
6. Preserve natural resources and protect regional water supplies through proper planning and land protection techniques.

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Communities of the Vision 2020 Region

| | | | | |
|-------------|----------------|-----------------|----------------|----------|
| Abington | E. Bridgewater | Mansfield | Plympton | Wareham |
| Acushnet | Easton | Marion | Raynham | Westport |
| Attleboro | Fairhaven | Marshfield | Rehoboth | Weymouth |
| Avon | Fall River | Mattapoisett | Rochester | Whitman |
| Berkley | Freetown | Middleborough | Rockland | |
| Bridgewater | Halifax | New Bedford | Scituate | |
| Brockton | Hanover | N. Attleborough | Seekonk | |
| Carver | Hanson | Norton | Somerset | |
| Cohasset | Hingham | Norwell | Stoughton | |
| Dartmouth | Hull | Pembroke | Swansea | |
| Dighton | Kingston | Plainville | Taunton | |
| Duxbury | Lakeville | Plymouth | W. Bridgewater | |

3.5 Summary of Previous Land Use Plans

Starting in 1964, a series of master plans, growth and resource impact studies were prepared. The 1972 Comprehensive Report on the Westport Master Plan recognized that "recent development threatens Westport's rural character; related pollution threatens its rivers and ponds." It noted that Westport could guide growth through zoning, subdivision control, and location of public facilities.

A 1983 Land Use Plan goal would "control growth in Westport through the use of sound planning practices." Other 1983 goals/policies included balanced development with minimum encroachment on agricultural land, wetlands and aquifer recharge areas; protection of scenic and natural resources, preservation of recreational areas; and limited improvements to public infrastructure to address the needs and problems of present town residents.

The 1983 Plan reinforced the viability of Westport's village and town centers by encouraging new development near existing centers, by identifying and preserving their historic structures and sites and improving their traffic circulation. Development of well-planned neighborhood and community-oriented commercial services for the sale of food, convenience goods, and personal services was encouraged.

The use of zoning by-laws was proposed to insure balanced housing stock.

In 1986 the Scenic Landscape Protection Assessment goal was to identify the predominant land use and demographic trends in the area and examine their impact on the town's scenic resources. The Massachusetts Scenic Landscape Inventory was developed in 1981 by the Massachusetts Department of Environmental Management. Again, Westport "desires to stay a predominantly rural, agricultural community." The goals were to minimize the encroachment of new development on agricultural land, wetland and aquifer recharge areas through the use of innovative land development techniques; conserve and protect the scenic and natural resources from incompatible land development for the benefit of present and future generations; preserve recreation and conservation areas so as to enhance the total environmental quality of the town.

The 1986 study reinforced the viability of village and town centers. It supported a policy to provide recreational facilities and programs appropriate for the various population groups, it proposed identifying critical cultural and natural resources and scenic landscape features, and protecting them.

In summary, some progress has been made over the years, however many important issues identified in earlier plans remain and await action by today's citizens. They are being reasserted in this document.

3.6 Current Land Use Issues

Current land use issues are similar to those identified by previous town planning studies. While means of addressing them were suggested, action by the Town has been spotty, and many proposals have been forgotten. This, in combination with the accelerating rate of land use change, has caused the Committee to re-examine the issues. Some issues are repeated from other chapters because they have important land use implications. The issues have been grouped into categories that reflect land use concerns identified in the Executive Summary approved by the 2000 Town Meeting.

3.6.1 General

1. Meeting drinking water needs of residents.
2. Meeting the land use needs of the diverse lifestyles of Westport residents.
3. *Devising means to keep and protect the positive attributes of the natural environment.*
4. *Investigating ways to use existing land attributes as framework for changing land use (i.e. streams and wetlands, farms, stone walls, and vistas).*

3.6.2. Westport Character

1. **Preserving the landscape features that contribute to Westport Character -- scenic roads, vistas, historical and cultural resources and shoreline.**
2. Continuing farming and commercial fishing as vital economic activities, and supporting, encouraging and reinforcing public and private programs toward this end.
3. Maintaining the villages at Westport Point, The Head and Central Village by reinforcing their Village character and preventing commercial sprawl. Villages provide a different and desirable development pattern from the traditional rural and emerging suburban patterns.
4. Encouraging land use change that reduces the need to drive.

3.6.3 Residential Development

1. Providing a range of residential types.
2. Addressing urgent needs in higher density developments north of Briggs Road for: Town sewage and perhaps water; parks and playground facilities. Due to the Route 88 north/south barrier, facilities may be necessary for both its east and west communities.
3. Requiring new subdivisions to provide open space for recreation, to provide trails on existing ancient ways/cart paths; to preserve existing stonewalls and to maintain important scenic vistas.
4. Encouraging neighborhood convenience shops to reduce driving and to provide local focus.
5. Considering higher density housing for elderly and affordable housing near shopping and located in existing business zones or villages.

3.6.4 Villages

1. Recognizing that villages as well as farms and river/harbor activities are central to Westport character. Villages provide a different development pattern from farms and outlying residential areas. Village zones should be established to perpetuate Westport's traditional village development pattern with respect to building types and sizes, lot size, setbacks, street scale, pedestrian-friendly streets and sidewalks, etc.

2. Containing villages to keep them relatively compact to reduce extensive commercial strip development.
4. Locating and clustering land uses within villages for easy pedestrian access to minimize driving among them.
5. Encouraging mixed use development with shops and other small businesses and higher density housing for elderly, small families, and singles.

3.7 Goals and Objectives

The Land Use Goals and Objectives are organized into the same categories as the Issues. A number of goals and objectives are drawn from other planning element chapters and are included here because of their relevance to land use. They are discussed in greater detail in later chapters of this report. Those altered or added since the Executive Summary was issued in 2000 are marked with an asterisk ().*

3.7.1 General Goals and Objectives

To use the Town's land and waterways to:

Goal 1: Manage development in ways that help preserve the natural and cultural features of the Town, its coastal, rural and historic resources, including the villages and its farming and fishing industries. Objectives Include:

- A. Preserve positive attributes of the natural and historical environments as land use change occurs
- B. Regulate development in sensitive environmental areas including: areas with high groundwater, areas subject to flooding, areas of significant habitat and other areas that, if developed, could jeopardize the Town objectives.
- C. Implement appropriate methods to control storm water run-off and develop a town-wide storm water management plan.

Goal 2: Anticipate the challenges and needs that arise as the Town continues to be developed. Objectives include:

- A. Insure all residents have access to potable water. (*)
- B. Use existing land attributes for structuring land use change. (*)
- C. Maintain good communication among the town's boards, commissions and committees regarding proposed land use changes and their controls, regulations and approvals. (*)

Goal 3: Address concerns of all Westport citizens. Objectives include:

- A. Ensure the needs of residents' diverse life styles are met, consistent with other goals. (*)

3.7.2 Westport Character Goals and Objectives

Goal 1: Preserve existing activities and land uses that contribute to the rural character of the Town. Objectives include:

- A. Ensure farming and commercial fishing remain vital economic activities by supporting and reinforcing public and private programs toward this end (*)
 - a. Continue and re-invigorate the APR program
 - b. Preserve and enhance marine activities, especially the fishing industry.
- B. Open Space
 - a. Continue acquisition of open space for future open use or conservation.

Goal 2: Develop strategies to manage development to minimize impact on rural character.

Objectives include:

- A. Preserve scenic qualities and vistas on public roads and along riverside and ocean shore.
- B. Direct growth to areas that have the best potential to absorb it.
- C. Consider ways to maintain wooded and farm lands even in dense residential neighborhoods.
- D. Direct land use change to reduce the need to drive.
- E. Reinforce the character of the three villages; they provide a contrasting and desirable development pattern from the traditional rural and emerging suburban residential patterns.

3.7.3 Residential Development Goals and Objectives

Goal 1: Develop strategies to encourage residential development that will preserve and enhance the natural and cultural features. Objectives include:

- A. Prepare guidelines and incentives to preserve rural character in subdivisions.
- B. Determine the best strategy for neighborhood development as to number of units, street layout, preservation of natural, historic and cultural features, and views.
- C. Allow variation of house lot sizes depending on wetlands, soils, and available infrastructure.
- D. Locate elderly affordable housing in villages and in State Routes 6 and 177 corridors near shopping.
- E. Consider convenience-shopping zones in residential areas.

Goal 2: Optimize the livability of suburban development. Objectives include:

- A. Encourage neighborhood parks and recreational facilities and trails for all ages as an integral part of development planning.
- B. Address needs in older, small-lot residential neighborhoods: sewage/water (north of Briggs Road), parks and playgrounds, and preserve remaining open space.
- C. Plan and acquire land for schools and other town facilities to serve growing population.
- D. Encourage a range of housing options that reflect the Town's rural character.

3.7.4 Villages Goals & Objectives

Goal 1: Develop strategies to enhance Westport's villages and prevent strip development and sprawl. Objectives include:

- A. Configure village zones.
- B. Encourage condominiums, apartments & smaller house lots of appropriate scale within villages, as infrastructure permits it.
- C. Plan for village growth that accommodates new businesses needed to serve emerging neighborhoods.
- D. Prepare detailed plans for each of the villages that:
 - 1. describe alternatives for village growth
 - 2. add new streets
 - 3. reduce curb cuts
 - 4. control signage
 - 5. establish pedestrian access and links among businesses and stores
 - 6. introduce affordable multi-family and/or elderly housing
 - 7. develop regulations that require parking areas to be screened from public ways and be well landscaped.

8. investigate options for local sewer and water infrastructure within villages.

3.7.5 Other Goals and Objectives:

Many goals and objectives listed in other chapters in this report have land use implications and are intended to be incorporated into the Future Land Use Plan.

3.8 Environmental Sensitivity Analysis

The Analysis of Environmentally Sensitive Resources is discussed in Chapter 4, "Natural Resources." It is a goal of this plan to be responsive to and protect the Town's valued natural, historic and cultural resources in its future land use development wherever possible. The following discussion considers the impact on land use for each of the major resource categories identified in the Sensitivity Analysis.

Water Supply is the resource of greatest concern. Nearly all residents rely on private well water. The number of dry or contaminated wells has been increasing throughout the town. The aquifers in the northwest corner of town and along the upper reaches of the East Branch as far south as Cadman's Neck are our greatest resource (See Map 3-2). The Aquifer Overlay Zoning District protects them, to a degree. Farms, wetlands, coastal resources, as well as residences, fall within the aquifer area. Future land use must respect and reinforce the zoning objectives.

Fall River has water rights on North Watuppa Pond (its prime reservoir), South Watuppa Pond and Sawdy Pond for water supply. The eastern portion of the watersheds for all three lies in Westport. It is in the interest of the town to protect the watersheds as a good neighbor, and particularly as leverage for future negotiations the town may have regarding buying water, and perhaps, sewer services from Fall River.

Agricultural activity is important to Westport's economy providing jobs and producing products consumed throughout our region. It is an important part of our culture and contributes significantly to "Westport Character". Besides coinciding with the aquifer in the Blossom Road area and along the East Branch, there are large blocks of farms along Sodom and Adamsville Roads and along Horseneck and Pine Hill Roads. Some of the best wildlife habitats in town lie in these areas. Additionally, it is important to preserve farmland in the north part of town to assure some open space for the relatively dense residential areas there.

Scenic roads have been identified as important because, from them, drivers experience the much-admired pastoral landscapes and water vistas. They include most of the Town's roads. Unfortunately, many of the roads are attracting new residential development that often blocks views of open land, reducing the scenic quality along the roads.

Wetlands and associated streams form a network throughout the town. They drain the upland moving water naturally to the ocean, and are an important part of the ecosystem. Developers often consider them obstacles to subdivisions but creative means can be found to assure protection of both wetlands and homeowners.

Biodiversity areas include outstanding natural areas of native plants and animals. They consist mostly of wooded upland and wetlands. Remoteness from human activity has been important to their survival.

Historic areas are a part of the town's rich cultural heritage. As stated in Chapter 6, it is important that these areas are protected and improved as growth occurs.

Coastal Resources are one of the town's major attractions for permanent residents (including commercial fishermen), seasonal residents, day-trippers and tourists. They are extremely important to fish and bird life, and are fundamental to the water-based segment of our economy. Future zoning must recognize the prominence of coastal resources, protecting them and using them wisely.

3.9 Massachusetts Heritage Landscape

The Massachusetts Department of Environmental Management is administering the Heritage Landscape Inventory Pilot Project in southeastern Massachusetts. Westport has been selected as a participating community. Because this survey, completed in July 2003, is a pilot study, it concentrates on two areas that may be thought of as "Heritage Corridors", the East Branch of the Westport River and Drift Road. These two areas have been documented as valuable heritage landscapes with the Massachusetts Historical Commission, much as individual historic homes and buildings are now documented. In addition to the concentrated study of these two corridors, a town-wide reconnaissance or preliminary survey was completed. It is summarized in Table C-1 located in Appendix C. As part of the pilot project, DEM has developed a manual that may be used by the Town as a guide to both identifying and protecting all of its heritage landscapes.

3.10 Future Land Uses Alternatives

The plan considers two alternatives for the Town's future land use. They are at opposite ends of a spectrum of choices. One continues with the land use controls presently in place: zoning, and regulations. The other incorporates a series of new measures that would better protect the valued resources and planning possibilities identified throughout this report. The two alternatives are the Build Out Alternative and the Plan Alternative. They are both unrealistic alternatives because they are at the extremes. Many choices for the future fall in between and it is within this range that the future lays. It is the voters' choice.

The Build Out Alternative uses today's conditions, the base from which land-use planning starts, and carries them into the future without change. The Plan Alternative projects the future using modifications to existing controls to achieve the Goals, Objectives, and Actions described in the chapters of Master Plan Update. This Master Plan strongly supports the Plan Alternative.

The two alternatives are discussed in the response to the Land Use Issues, Land Use Goals and Objectives, Sensitivity Analysis, and the Heritage Landscape Survey.

3.10.1 Build Out Alternative

Suppose town residents decide to "stay the course" and to go with the present land use controls, adding no more. What is likely to happen as time goes on? What will the future population be? How will the infrastructure be increased? The Build Out Analysis, presented in Appendix B of the report, forms the basis for this alternative. It assumes by-laws, zoning, and regulations remain as is. There is no additional effort to help farmers, no added protection of water resources, and no new measures to protect other resources. What will Westport be like in the future?

The alternative is modified somewhat in that it has ameliorative actions that the Build Out Analysis constraints did not take into account. The two funding programs passed at Town Meeting 2001 can have an effect on land use. The Agricultural and Open Space Preservation Trust sets up a borrowing account of \$1.5 million to assist the Town in acquisition of farm and open space lands. The Community Preservation Act (CPA),

through a surtax of 2% on the real estate tax and with annual funds appropriated by the State, provides money to be used toward affordable housing, historic facilities and open space acquisition. Benefits from these two funded programs will reduce, somewhat, residential growth and add a small measure of control over future land use.

The Build-Out Analysis Composite Development Map (in Appendix B) serves as the future land use diagram for the Build Out Alternative. The land use discussion for this alternative is divided into the same constituency categories as was used previously in this chapter for Land Use Issues and Goals and Objectives.

3.10.1.1 General

Water resource protection is a top priority for the Town. The Aquifer Protection overlay district defines the aquifer areas and offers some protection to this important resource. In the northwestern corner of the town the zone coincides with farms and watershed land owned by Fall River. The aquifer along the upper reaches of the Westport River's East Branch overlaps the Route 6 corridor and is in danger of over development; development must be guided to protect it. Further water resource protection is not assumed with the Build Out Alternative.

In this alternative, the preservation of natural and historic/cultural attributes, beyond protection that already exists, relies on the new limited funding from the Agricultural and Open space Protection Restriction program, and with the help of private funds. The allocation of CPA funds may shift from preserving open space to more spending for housing and historic/cultural resources, as farms and open space are lost to development. With increasing house construction storm water collection and disposal will need to be more carefully designed and probably will require package treatment plants in order to protect the wetland, ponds, and river from deleterious effects that could harm fishing and shell fishing.

For all residents to have potable drinking water the Town may be forced to provide costly water supplying infrastructure, at least in some areas of the town. Town-owned wells with adequate buffer zones to protect them are one possible source, at least for serving limited areas. Another is buying more water from Fall River. Both may be necessary. The water will need to be piped to the users and probably be provided by local infrastructure serving only where needed rather than town-wide. The Build Out Alternative relies on the present zoning to guide land use change. Habitat preservation would remain chiefly in development constrained areas, shown in the Build-out Analysis, such as wetland and flood plain. Upland wildlife habitat would be lost.

The potential for accommodating life-style diversity, for which many residents express support, will be diminished as the town is built out with 60,000 square foot lots. A more uniform land use pattern will be created throughout the town. The areas with small lots along the Route 6 Corridor and near Sanford Road may remain, as probably will many of the large building lots and "hobby" farms in the southern part of the town. However, the Build Out Alternative implies the building out of most of the town in accordance with present zoning.

Economic diversity will be significantly altered as well, with farming and related jobs all but disappearing. If water and sewerage lines are extended to serve the Rt. 6 corridor, new commercial and industry may occur there over time.

3.10.1.2 Westport character:

A. Rural/Agriculture:

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Ultimately, farming would continue only on APR land and "hobby" farms. This farmland tends to lie in the "belt" along Adamsville and Hix Bridge Roads and along Drift and Horseneck Roads. The bulk of the farmland is located south of Old County Road, and it is also where most of the larger residential lots are located. The present rural character of the town is likely to survive better in these areas.

B. Commercial fishing:

Commercial fishing would continue at the Point but with increasing development shell fishing in the rivers may be affected by pollution.

C. Scenic Roads

Westport roads would continue to attract new housing, causing them to lose their present scenic pastoral quality. Lined nearly continuously with housing, they become suburban streets, substantially changing much of the present Westport character. However, the prevalence of wetland, particularly where it can be seen from roads, would provide some relief. Smaller traditional older homes on existing roads are vulnerable to being demolished and replaced with larger new homes in the process known as "mansionisation", thus further altering the nature of the roadside and diminishing the sense of history as seen from the road.

D. Village Definition

Villages would become less distinctive and new construction would reflect the current 60,000 s.f. lot zoning surrounding them. Westport Point is protected as a Historic District, but the Head of Westport may merge with new neighborhoods as they are built near by. Central Village lies within a nearly three miles long business zone extending 1000 feet on both sides of Main Road. This encourages a future linear village growing southward in a commercial strip development pattern. New buildings may overwhelm the historic village creating a business district devoid of local character and weakening the sense of a village.

E. Building Development:

A carefully prepared text and illustrated guidebook, to explain ways to protect valued features of the Westport Character, could serve as a valuable reference for subdivision developers and homebuilders. However, without changes in zoning and regulations, it would provide no added control to the town for protecting valued features and therefore probably have little impact.

3.10.1.3 Residential Development

A. Residential choice:

Residential choice in the Build Out Alternative would be weighted strongly towards suburban density single-family houses similar to those being built in subdivisions during 2002. It would probably occur uniformly across the town; however, near the rivers and seashore, particularly in south Westport, lot size and houses might continue to be larger. Opportunity for more dense modest sized houses on smaller lots would be limited to existing pre-zoning lots or to Chapter 40B housing, which might be distributed throughout the town. CPA funds would be available to help the town provide more affordable housing.

B. North of Briggs Road:

Along the Route 6 Corridor and north of Briggs Road generally, sewage/water line extensions connected to the Fall River systems would become more necessary, due to the

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density of development. Drinking water problems presently exist in some areas north of Briggs Road. With added housing, this could be more acute, making town infrastructure mandatory. Depending on soil and groundwater conditions, local systems might be needed elsewhere in town. Neighborhoods could be served by piped water from town wells and sewage piped locally to package sewage treatment plants.

Land could be in short supply for recreation and other expanding town facilities. New convenience stores in emerging neighborhoods could only be located with Zoning Appeal Board approval.

C. Route 6 Corridor

The Town should ask the Massachusetts Highway Department to make safety improvements and to landscape the median. Roadside landscaping with sidewalks is also needed. The corridor is likely to become more urban as the business zone is rebuilt with larger more active businesses or housing once infrastructure is provided.

D. Route 177 Corridor

Route 177 Corridor would likely grow in strip development fashion with shops and businesses serving the growing residential neighborhoods to its north and south. Potentially, it could compete with Central Village shops. Local water and sewer infrastructure might be necessary if this happens.

Planning studies for the two business corridors could provide helpful guides to their growth.

3.10.1.4 Villages

As stated above, with current zoning the distinctiveness of the villages would likely disappear. Only Westport Point would continue with clear definition because of its Historic District status. Any extension of the apparent village, or in-filling of lots within the District, would be in accordance with zoning unless the Historic District Commission can intervene. At the Point and the Head, new business activity would be limited to existing business sites, or by approval of the Zoning Board of Appeals to expand the business areas there.

Growth in Central Village is most easily achieved by expanding southward within the Business Zone that extends to Cornell Road. The resulting business area would lengthen, promoting more traffic, curb cuts and strip development. Curb cuts increase potential for accidents and slow traffic movement. While the Business Zone extends 1000 feet on both sides of Main Road, growth is limited by wetland conditions. A road to the west, in the vicinity of Town Hall would create a more compact village. It might extend from opposite Westport Commons to just north of Woods pasture. This is unlikely to happen under present zoning. Probably town water would need to be provided as well. A Central Village sketch plan is located in the Appendix A of this report.

Adding to existing sidewalks and building new walks connecting shops would aid owners and shoppers and reduce driving. Shared parking is a possibility. Town well water and packaged sewage treatment plants serving local owners within the villages might also be necessary.

The disappearance or the loss of distinction of the traditional historic Westport villages would be a substantial negative impact to the variety of existing land use patterns. The

villages presently stand in contrast to the pastoral agricultural uses and to the suburban type subdivision. Without clear village definition and with many fewer farms, the pervading repetitive suburban landscape would be everywhere with only permanently protected land and wetlands remaining in contrast with it. This alternative reflects a worst-case scenario regarding preparing for the future by assuming the status quo regarding zoning and other land use standards.

The Build Out Alternative describes land use changes that could be expected in the town if actions were not taken to manage inevitable growth. There would be irretrievable loss of Westport character to suburbanization.

3.10.2 Plan Alternative

The Plan Alternative has been developed in contrast with the Build Out Alternative. It is conceptual in that no analysis has been done to project total future population and population breakdown into different groups as has been done for the Build-out Analysis.

It incorporates the recommendations from the Sensitivity Analysis, the early Heritage Landscape findings, and those proposals and actions generated in each of the chapters in this report that have land use implications. In addition, it addresses the issues listed in the Land Use Chapter. It is understood that achieving all the Plan's recommendations may not be possible. Presenting them packaged in one alternative creates the greatest contrast to the Build Out Alternative and is perhaps the brightest possible future for Westport from our present perspective. It is a menu of choices for the residents to select from in accordance with their priorities and the availability of funds.

As in the Build Out Alternative, the Plan Alternative's land use concepts have been divided into the same constituency categories used previously. The Plan Alternative Map, Map 3-3, illustrates the general location and extent of the concepts.

3.10.2.1 General

As in the Build Out Alternative, water resource protection is a top priority for the Town in the Plan Alternative. The Aquifer Protection district overlay defines the aquifer areas and offers some protection to this important resource. In the northwestern corner of the town the zone coincides with farms and watershed land owned by Fall River. The aquifer along the upper reaches of the Westport River's East Branch overlaps the Route 6 corridor and development must be guided to protect it. In addition, protecting the aquifer area from the Head to Cadman's Neck should help keep the scenic qualities along the shore of that river stretch. Development criteria, along with existing site plan review and approval are needed in the aquifer protection district for some uses. Consideration should be given to increasing the requirements to assure better protection in the future. The district should be expanded to include ponds that could supplement water supply in the future (e.g. South Watuppa, Sawdy, and Devol ponds)

The South Watuppa Pond watershed in Westport falls chiefly east and south of the Pond. Lands yet to be developed in the area must be used in ways that prevent degradation of surface runoff to the pond. If the town can assure its protection it might become a useful negotiating point with Fall River for extending water supply in North Westport, particularly along the Route 6 Corridor. Extending a water line down Sanford Road as far as Briggs Road and adding a package sewer treatment system for residential areas along Sanford Road would aid in watershed protection as well. In local areas under stress smaller infrastructure systems might be provided using town wells and package sewerage treatment. Future land use

controls must recognize the importance of water and soil capability to absorb sewage to minimize the cost of expensive infrastructure.

A town-wide storm water management plan needs to be developed. Design criteria for new subdivisions must be revised to reflect the planning and be incorporated into zoning and subdivision Rules and Regulations.

3.10.2.2. Westport Character

Westport's character is a result of many factors: pastoral landscape, scenic roads, shoreline, natural and cultural resources and villages. Features contributing to the character must be identified so they can be protected and preserved as land use change occurs.

A. Agricultural Districts

Three Agricultural Districts have been shown on the Plan Alternative Diagram. Their boundaries are only approximately established. Land use in Agricultural Districts is currently mostly farmland and woods or open land. There is little residential development within the districts. They are areas where the town should encourage farming to continue and, where possible, those lands should become permanently protected. If development does occur it should be limited to the Conservation Subdivisions that are explained later in this chapter.

The three districts are:

The West District running from Devol Pond southward between Main Road and West Branch to just north of Westport Point. It focuses on APR farms along Sodom and Adamsville Roads and includes farms and open land currently under Chapter 61, 61A, and 61B.

The East District along the east side of the East Branch from Pine Hill Road and along the east side of most of Horseneck Beach Road. APR lands on Hix Bridge and Horseneck Beach Roads area at the core of this district; also, much of the land within the area is under Chapter 61A.

The North District is in the vicinity of Blossom Road and along North Watuppa Pond. It also has restricted agricultural land at its center.

The purposes of the Agricultural District are to:

- a. Protect prime agricultural lands for future production of food and other products.
- b. Maintain an adequate agricultural land base in Westport to ensure continued economic viability for local agriculture and the availability of agricultural support services.
- c. Prevent excessive Town service and infrastructure costs, which would result from unplanned urban growth in areas more appropriate for agriculture.
- d. Preserve scenic, historic and other farming- related values, which help define the character of Westport's culture and landscape.
- e. Allow landowners a reasonable return on the value of their holdings while protecting the majority of existing farmland for use by future generations.
- f. Promote and protect the practice of farming in Westport.

Beyond just identifying prime unprotected agricultural areas, current development standards should be adopted for the districts that include requirements for: residential setbacks from agricultural land, identification of soil types (to ensure preservation of best

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farming land), identification of natural and historic features, lot size, site review of development proposals and incentives for providing permanent open space.

B. Scenic Roads

The importance of Westport's scenic roads has been discussed earlier. When driving or walking on them we see fields, scenic vistas, buildings of all periods, farming activity, woodland, etc. which conveys much of the "Westport Character". Development standards for scenic roads should be adopted that protect the important qualities. Standards could call for preserving stonewalls, preserving scenic vistas, requiring setbacks for buffer zones that screen new development from view from the road, etc. Suggested scenic roads are shown on the Plan Diagram, Map 3-3.

C. Scenic Shoreline

Another aspect of scenic viewing is from the Town's waterways. Many residents have chosen to live in Westport because its ponds, river and seashore are accessible for water activities. It is important that easy- to-find public access to these water bodies be available for residents. Maps showing public landings need to be available. Means of controlling development along the shoreline should be investigated for both environmental and esthetic reasons. Site plan review for sensitive shoreline areas, possibly by means of a Waterfront Zoning District, along with required environmental reviews is recommended.

D. Trails

Investigate the possibility of developing walking paths throughout the town, perhaps in part, connecting ancient ways and cart paths. Such a system might link natural features and/or historic sites, as well as lead to shops or town facilities. New residential developments could be required to connect to such a network where possible.

E. Town Entrances

Roadway entrances to the town should be celebrated as "gateways" and marked with landscaping and designed signs. This would help distinguish Westport from neighboring towns

3.10.2.3 Suburban Development

Regardless of any new controls, suburbanization of Westport will continue into the future. It is a good place to live, real estate market conditions are attractive, and transportation to urban centers is improving. In the face of these conditions, this Alternative proposes the following.

A. Residential Choice

There should be a choice of residential types and densities available to residents to satisfy different life style needs and affordability.

Establish higher density residential areas for low-rise multi-family units, such as condominiums or rentals preferably located within walking distance of shopping (particularly for older citizens) and/or with easy commuting access to job markets (for singles or small families) and including affordable housing. In addition, water supply from town wells or extended service from the Fall River system and local package sewage treatment systems would need to be available to serve denser development. The

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Plan Diagram indicates high density residential permitted in Route 6 Corridor/ Route 177 Corridor Business Zones and in the recommended Village Zones

Medium residential density opportunities would continue in much of the town where soils and available upland and zoning permit. Smaller lots of an acre or less should be considered where town supplied water and sewage is available. In all other areas lot size should be determined by the capability of the soils to supply potable water and absorb septic waste. This means lots of at least 1 1/2 acres in area. Soils and hydrological studies need to be performed to determine the capacity of the land and area requirements could then be specified.

Low-density residential clusters could be considered in the Agricultural Districts where groups of dwellings would have active farmland associated with them. Buffer zones might be required to separate dwellings from farms to ameliorate farming versus housing impacts and site plan approval would be necessary.

B. North of Briggs Road

- 1) *North of Briggs Road, where small lot developments exist and where the sensitivity analysis has identified the important South Watuppa Pond watershed, town supplied sewage and water systems should be considered. Current residents have identified the need for a sewage services here.*
- 2) *The proposed playground on Town land east of Sanford Road will help fill a need for open space in the area. Encouraging remaining farms in the area to continue will keep this part of town from becoming too densely developed.*
- 3) Pedestrian crossing signals on Route 88, particularly at all traffic lights should be investigated. This would increase safety for pedestrians and bicyclists.

C. New Subdivisions

New subdivisions throughout the town should be required to identify, keep and maintain historic and cultural artifacts and natural features on the land. This includes stonewalls, ancient ways, vistas, wetlands, waterways, etc. Open space standards should be set and required in new subdivisions. This would reduce the burden on the town to provide facilities.

D. Business Zones

Small zones for business, e.g., convenience shops, should be established in residential areas and be located at important road intersections, as for example, Sanford Road and Rt. 177. This could reduce the need to drive longer distances for occasional household items.

E. Route 6 Corridor

The Route 6 Corridor needs special attention. For real improvement town water/sewerage systems are imperative. The Massachusetts Highway Department should be requested to landscape the median and sides of the right-of-way. The corridor is highly accessible to the region and beyond and could become more urban in character. Low rise, multi-family housing permitted in the corridor could serve small families (young and older). Shopping and business activities are close to hand. A detailed corridor planning study is recommended to determine its future. The needs of residents living there, the best uses for under-utilized land, and the image of the corridor all require more study.

Business development should be encouraged in the corridor including light industry and commercial services and shops. Landscape buffers should be required between these uses and existing and/or new residential uses. The east end of the corridor lies within the Aquifer Overlay District; special attention needs to be given to the impact of new development there.

F. Route 177 Corridor

Similarly, the Route 177 Corridor/Business Zone needs detailed planning. It is a district in limbo, a haphazard mix of residential and a variety of businesses set in mostly open land. It needs to be studied for the future. The Alternative Plan Diagram indicates clustering of shops at road intersections. Areas near the clusters might contain medium density housing and more regional businesses could be sited beyond the housing, for example. Its east end also falls in the Aquifer Overlay District where development must be planned to protect the resource.

G. Town Services and Growth

Suburbanization means more houses and more families with children requiring the need for more town infrastructure. Increased capacity of schools, library, elder facilities, town offices, police and fire facilities, roads, town yard, perhaps small local water and sewage systems, etc., will be needed as population increases. This infrastructure will require new land. Study is needed to identify best locations for facilities so that land can be acquired in the right place while it is still available and affordable.

3.10.2.4 Villages

The three surviving villages are an important part of the "Westport Character". They are a direct link with the pre-automobile past containing relatively tight clusters of dwellings, religious buildings, post office, shops, business, cemeteries, etc. They provide visible concentrations of activity in contrast with rural and suburban parts of town.

Central Village planning has received more detailed consideration because of a special program concerned with urban sprawl, sponsored by the Boston Society of Architects and participated in by Master Plan Update Committee members. It was planned to a conceptual level. The results are included in the Appendix A of this report. Much of the Central Village work can benefit the villages of Head of Westport and Westport Point. Each village should be studied in detail at least to the conceptual level, and probably at a more detailed level, to guide future development. However, the following suggestions have been extrapolated from the Central Village study and incorporated into the Plan Alternative.

- A. Contain village growth to prevent strip development while allowing for growth.
- B. Institute Village Zoning to allow continuation of existing village densities and mixed residential and business activities including condominiums and low-rise multi-family residences all accomplished with site review and approval.
- C. Emphasize pedestrian access throughout the village.
- D. Encourage off-street screened parking.
- E. Within Village Zones, supply water from Town wells and have package sewage treatment systems.
- F. Locate land uses and parking to minimize driving within the village.
- G. Add new streets to make village growth more concentrated.
- H. Emphasize already existing village themes:

Central Village is the business and town government center.
Head of Westport has a Revolutionary and industrial history.
Westport Point has a seafaring heritage

- I. Adopt a signage ordinance for the entire town.
- J. Parking is an issue in the villages, particularly in Central Village. They could benefit from a Parking Needs and Feasibility Study as an early step in the village planning process.

The recommendations of the Plan Alternative can be used as a guide for Town Boards and Commissions for decisions that they will be facing in the near future years. As growth issues are identified and problems appear, more detailed planning and study will be required to prepare actions for addressing them.

3.11 Implementation and Action Plan

Land use plans are achieved through public and private action. Zoning and subdivision control are the most common public actions to control future land use. The Zoning Act, Chapter 40A of the Mass. General Laws, stipulates that zoning amendments, usually proposed by the Planning Board, require a two-thirds majority vote of Town Meeting to be accepted. The Building Inspector is also the Zoning Enforcement Officer (ZEO), who is charged with enforcing the Town zoning by-law as well as the State building code. The Subdivision Control Act, Chapter 41, Sections 81K-81GG, is administered by the Planning Board, and governs the subdivision of land and the laying out of new roads. The Act authorizes local Planning Boards to enact regulations governing these activities.

The State Legislature, also, initiates programs in which the Town may participate (as in the Community Preservation Act). They change over time based on funding approvals and needs identified by state governmental agencies. Locally initiated actions, some requiring legislative approval like the recent Town Meeting approval of the Agricultural and Open Space Trust Fund, are another implementation possibility. Finally private actions may be taken through non-profit organizations like the Westport Land Conservation Trust and the Trustees of Reservations that have aided the town in purchasing development rights on agricultural land and in acquiring open space, as well as preserving other valued open space land.

The Massachusetts Legislature began public hearings in the summer of 2003 to discuss the merits of the proposed "Massachusetts Land use Reform Act" (MLURA). It provides for the first major updating of the Commonwealth's planning, zoning and subdivision control statutes in 27 years. In the Act communities are encouraged to update their local master plan enabling them to develop effective land use regulations that are consistent with the plan. A few of the topics revisited in the Act are: affirmation of "home rule", zoning exemptions, zoning consistency with an approved master plan, "grandfathering", "approval not required" plans, site plan review, transfer of development rights, and affordable housing. Passage of this Act will greatly improve and broaden town options for controlling growth.

3.11.1 Growth Management

In 1993 the Westport Planning Board sponsored the "Westport Growth Management"* report, which focused on community participation strategies for managing growth, and possible regulatory actions. It was funded by an Executive Office of Communities and Development, Strategic Planning Grant. Many of the report's recommendations still hold today. There has been

* "Westport Growth Management" prepared with technical assistance of Herr & James Associates and legal assistance of Kopelman & Page, PC.

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some progress in achieving the recommended regulatory controls but the major proposals have yet to be achieved.

The Master Plan Update Committee enlarges the scope of the reports recommendations. Excerpts from the report used below are in quotation marks.

At an early consultant Planning Board Workshop (April 1993) a “revealing priority listing emerged, with these topics being selected (in descending order of final votes).

- Incentives for preserving agricultural land & open space (37 votes)
- Regulate land use on the identified aquifers (29 votes)
- Optional density averaging for residential development (25 votes)
- Appropriation of Town Funds for land acquisition (for conservation purposes) (25 votes)
- Esthetics, design, parking, signs, landscaping (for business development) (20 votes)
- Local “affordable housing” (20 votes)
- Create commercial zones other than “strip” zones (18 votes)
- Seek water supply alternatives to on-site wells (16 votes)
- Explore alternative of public sewerage (15 votes)
- Subdivision regulations for storm water detention (14 votes)
- Flexibility incentives (10 votes)
- Site plan review process (7 votes)

Generally, these priorities fall within the findings of the Update Committee.

In discussing residential development management, the report listed three outstanding concerns that also parallel present concerns.

- “A desire to see residential development managed so as to protect agricultural land. Residential building is by far the largest component of development, so it is vital that it not needlessly damage agricultural potentials.
- A desire to protect aquifers. That concern is separately addressed, but there are some specific things that can be done to avoid residential damage to aquifers.
- A desire to address problems of housing unaffordability. Both land and construction are expensive, even after a real estate bust Statewide.”

Any growth management program must offer different residential densities to provide the range of housing opportunities residents say they wish to have available in the future. The availability of safe drinking water and sewage disposal must be maintained. The plan recommends residential diversity be provided through several zoning revisions that require some further study, drafting and action by Town Meeting. The revisions include establishing: flexible zoning, conservation subdivision zoning strengthening the existing residential/agricultural zone to reflect soil capability to provide on-site water and sewage absorption, small lot zoning where Town infrastructure is present, and multi-family housing zones. A new village Zone and possible revision to the Business and the Unrestricted Zones are also recommended. These are discussed below.

3.11.2 Flexible Zoning

The present large and fixed lot zoning was originally designed to lower density, to provide land for on-site wells and septic systems, and to preserve Westport’s rural character. The actual result is that large lot zoning contributes to suburban sprawl with its impacts of increased traffic and air pollution, storm water runoff, and fracturing of the town’s natural resources.

Flexible zoning or density averaging allows site design choices in frontage and lot size as long as the overall density of a subdivision conforms to the standards of the zoning. It would be necessary to require on site soil investigations to be certain public safety standards for drinking water and septic effluent absorption could be met. Its purpose is to achieve developments that respond to the landforms and other natural features occurring at a site. Lot size variations could make it possible to preserve stone walls or significant views across the land, for example. Incentives of increased number of units could be built into the by-law for providing affordable housing.

Flexible zoning, which does not have a dedicated, shared open space requirement, is best applied to smaller subdivisions of 10 acres or less. For developments over this size conservation zoning is most applicable for Westport for best preserving its rural character and for protecting defined areas dedicated to shared open space.

3.11.3 Conservation Subdivision*

Subdivision tracts in Westport typically require two acres for each lot developed to accommodate the house lot, roadway, and drainage. There is seldom any open space set aside for public or private purpose. Conservation subdivision design is a means to build desirable neighborhoods and to maximize the amount of preserved open space. It is compared to a golf course development, but where open space replaces the golf course, and emphasizes natural features, based on community and environmental values that are identified early in the site development process. Houses are then carefully sited to maximize views, protect land and water resources, provide common space and create a strong neighborhood feeling. The result is a development that protects and connects important conservation or farming interests rather than just setting aside an arbitrary percentage of land. Identifying conservation lands within the context of surrounding properties provides opportunities for connecting larger areas of wildlife habitats and for linking pathways or greenways across several properties, if and when abutting land is developed or conservation/recreation restrictions or easements acquired.

Some Conservation Subdivision benefits are:

- Conservation values are part of the planning process.
- Rural character is emphasized.
- Pollution impact from stormwater runoff reduced.
- Unique and fragile habitats are protected.
- Neighborhood sprawl and isolation reduced.
- Neighborhood trails within interconnected network of open space can be provided.
- Aquifer recharge is maintained.

In addition this zoning can:

- Reduce infrastructure and maintenance costs.
- Reduce demand to acquire new public open space.
- Add valuable amenities that enhance home sales and value appreciation.
- Decrease site development and maintenance costs by designing with the terrain.

Common land resulting from this zoning would be controlled by the Town, a Home Owners' Association, a land trust or other non-profit organization, and/or be restricted for farming or

* Portions of this text and the concept came from the work of Randall Arendt, Environmental Planner

open space use. Conservation Zoning allows lot sizes smaller than standard zoning if it can be demonstrated that safe drinking water and septic effluent absorption can be provided. It allows smaller lots, and may allow lots with different sizes and frontage that, together with open common land, provide an average density that is no greater than the standard zoning. Therefore, the resulting number of dwelling units cannot exceed that which standard zoning would allow on the same land taking soil and other constraints into consideration.

Conservation subdivision zoning is recommended for large developments throughout the town.

3.11.4 Residential/Agricultural Zone

The existing Residential/Agricultural zone needs to be examined, beyond incorporating flexible zoning or conservation zoning mentioned above, to find ways to assure that lots could provide adequate safe drinking water and capability to absorb septic effluent. This is a function of soil type and hydrology, which is the concern of the Board of Health. Its determination of the best way to strengthen requirements within this zone will be the basis for any zoning revisions. Soil and hydrological studies and specific site tests (beyond the currently used “perc” tests) may be needed or upland requirements may have to be substantially increased for 60,000 s.f. lots. It is recommended that the Board of Health, the Conservation Commission, and the Planning Board work closely together to address this issue.

3.11.5 Small Lot Zoning

In areas where Town water/sewage infrastructure is available, small lot residential zoning should be allowed. While there are no requirements for on-site wells or leaching fields, privacy, space for outdoor activities and topography would determine lot size and frontage requirements. However, such developments should be planned as small neighborhoods with associated parks, playgrounds, and other facilities needed to serve the residents and thereby reduce the Towns’ burden to provide them. Further study and discussion is needed before finalization of minimum lot areas.

There is the potential for small lot zoning to the north and south of the Route 6 Business Zone if the water line is extended beyond its present location and branches are carried northerly and southerly to the areas. Sewer service would also need to be negotiated with Fall River to make smaller lots feasible.

3.11.6 Multi-family Housing

This housing type also requires Town water and sewage infrastructure either as an extension of Fall River service if near the Route 6 Corridor or as local community wells and package sewage treatment systems. Zones permitting this housing would include the Route 6 and 177 Business Zones and the recommended Village Zones. Since it is expected that apartments and condominiums in this zone would attract small families (younger and older citizens) they are best located within walking distance of at least a neighborhood convenience store. Lot requirements, height limits, footprint and other standards need by-law drafting and Town Meeting Action.

3.11.7 Village Zoning

In order to assure the continuation of Westport’s three villages, a Village District should be created in Central Village, the Head and Westport Point. The District would encourage new development of similar density and character, as is the tradition in each of the villages. To achieve this objective, detailed planning must be prepared for each, design standards

developed, boundaries of the zone set and means for providing Town water and sewage infrastructure to serve the zone devised. The Sketch Plan for Central Village prepared by the Master Plan Update Committee and located in the Appendix A of this report illustrates the beginning of the work that needs to be done. Westport Point is protected as an Historic District and its planning should be done in cooperation with the Historic District Commission. The Head should also be considered to become a Historic District.

Requirements will vary for each of the villages to reflect special characteristics, but, in general, they should meet the following:

- lots permitted to vary in size and frontage with minimum to be set.
- reduced setback requirements for front, side and rear yards to be based on further study and approval of Town Boards.
- shared parking, to be landscaped and screened, and reduced number of curb cuts in business/multifamily housing areas.
- design review and approval to insure maintenance of village character and meeting the objective of the village plan.
- a pedestrian focus, with sidewalks and crosswalks.
- mixed-use development.
- apartments, condominiums, affordable housing and business where feasible.
- Town-wide sign ordinance with special provisions for villages.

To achieve the desired density infrastructure, consisting of water from Town wells and package sewage treatment plants, will be necessary to serve Village Districts.

3.11.8 Business and Un-Restricted Districts

It is recommended that the Business and Unrestricted Districts be re-examined in the light of potential water and sewer infrastructure being added (along Route 6), concern for the wetlands and the aquifer where the districts overlap them, allowing multi-family dwellings within the Business District, and the continued desire to attract new business. It is proposed that planning studies be made for both Route 6 and route 177 corridors and the Unrestricted District to respond to these concerns and lead to zoning changes where they are desirable.

One possibility for the corridors is to have shopping nodes where crossroads intersect Rte. 6 (at Sanford, Davis, Guilford, Union, Washington and Highland, for example), with multi-family housing allowed in their proximity. Business uses would occur in between residential areas. Buildings in both uses should be grouped, where possible to reduce curb cuts on to these arterial roads.

The potential of the land in the Unrestricted District needs to be studied in terms of its usefulness for economic development; the District's name should be changed to more accurately describe the uses allowed within it and the uses allowed should be re-examined. Furthermore it should be determined if there is enough good quality land zoned for business and industry--especially land located with easy access to prime transportation corridors. Such land should not be in conflict with existing residential neighborhoods and with environmentally sensitive areas.

In all cases, additional careful planning, legal, and community input focused on these areas needs to be done before any re-zoning is taken up.

3.11.9 Scenic Road Protection

Chapter 40: Section 15c of the Mass. General Laws is entitled "Designation and Improvement of Scenic Roads". Under this provision the Planning Board, ConCom, or the Historical Commission of a municipality may designate, with the approval of Town Meeting, a road as a scenic road (excepting a numbered route or a state road). The designation protects, within the right-of-way, trees, stonewalls, and other attributes contributing to a roads scenic qualities. The Planning Board may make exceptions after holding a properly advertised public hearing. Designation of a road as a scenic road will not affect the town's eligibility to receive Chap. 90 funds for road improvements.

Consideration should also be given to revising the Zoning Ordinance setback requirements on scenic roads by increasing the minimum setback, by introducing visual landscape buffers, considering site plan review for businesses and other means for protecting scenic qualities.

3.11.10 Transfer of Development Rights (TDR)

The TDR concept is simple: areas of town most suitable for development (for example, the proposed Village Zones or Business Zone nodes and the Business District) are declared receiving areas allowing increased density or other incentives, leaving intact farm and wooded lands that are the sending zones from which development rights are sold. Increased densities allow for in-fill development or clusters of new buildings in the villages or business areas. It is administered by the town and is similar to the present Agricultural Preservation Restriction (APR) that purchases development rights from farmers restricting the future use of their land to farming. Sending, or donor, areas must be identified (for example, the proposed Agricultural Districts) in advance, as must the receiving areas. Purchasers of development rights would be allowed to develop beyond the restrictions of zoning with the limits of exception set in advance and after review and approval by the town. Receiving zones should be delineated to avoid areas identified

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as sensitive resources. For this technique to be used it must contain very strong economic incentives (e.g. significant use intensity bonuses) or be compulsory. The latter requires land developers in high intensity zones to purchase development rights of farm or open land.

The Commonwealth's Zoning Act has been construed implicitly to allow TDR's for some time, but a recently enacted amendment to the Act has placed limitations on local adoption of TDR By-laws by requiring that towns provide density bonuses to developers utilizing TDR and by specifying the special permit as the only administrative mechanism. These requirements may discourage its use. It is anticipated that impediments to its use will be removed with the Legislature's adoption of the Massachusetts Land Use Reform Act that is now under consideration. TDR has been used by several Massachusetts municipalities including Acton, Wellesley and Raynham.

A mechanism for transferring development rights that serves to assist in the implementation of the recommended zoning provisions, and thereby to guide growth, should seriously be considered as one of the planning tools by which this plan may be implemented.

NOTES

1. For the complete Action Plan for Land Use, please refer to Chapter 12, Action Plan, Section 12.1 Land Use.

2. At the Planning Board meeting of 5/6/2003 where the Land Use element was discussed, then Chairman John Montano expressed his concern with increasing density and advocated flexible zoning. Tim Gillespie noted that keeping uniform 60,000 square foot lots would rapidly consume open space and create sprawl. Wayne Sunderland favored setting aside open space within subdivisions. Sunderland also commented on existing and potential conflicts between business and residential uses sharing the same areas, such as along Davis Road. Vice-Chairman Wallace, who was leader of the Land Use element team, noted that before re-zoning articles were proposed, more discussion and public input was needed. Administrative Assistant Gale Nigrelli suggested that transfer of development rights (TDR) be considered as a land-use planning tool.

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