

**WARRANT FOR**

**ANNUAL TOWN MEETING  
DECEMBER 3, 2007**

**with  
ANNUAL TOWN ELECTION  
DECEMBER 13, 2007**



**PLEASE BRING TO TOWN MEETING**

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# **TOWN OF STOW**

## **SPECIAL TOWN MEETING**

MONDAY, DECEMBER 3, 2007

7:00 P.M.

HALE MIDDLE SCHOOL  
HUGH MILL AUDITORIUM

## **SPECIAL TOWN ELECTION**

THURSDAY, DECEMBER 13, 2007

7:00 A.M. TO 8:00 P.M.

HALE MIDDLE SCHOOL  
GYMNASIUM



## **WARRANT FOR 2007 SPECIAL TOWN MEETING**

To either of the Constables of the Town of Stow, in the County of Middlesex, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stow, qualified to vote in Elections and Town Affairs, to assemble in

**HUGH MILL AUDITORIUM AT THE HALE MIDDLE SCHOOL**

In said Town on

**MONDAY, THE THIRD DAY OF DECEMBER 2007**

**AT 7:00 P.M.**

Then and there to act on the following Articles, namely:

### **Article 1. Rescind October 2005 Vote to Authorize Borrowing and CPA Funds for Cushing Property**

To see if the Town will vote to rescind the vote on Article 2 of the 2005 October Special Town Meeting to purchase the so-called Cushing property, and to rescind the borrowing authority granted under Article 2 for this purpose. The CPA funds appropriated for this purpose shall be unencumbered and returned to the following accounts, in accordance with Massachusetts General Law Chapter 44B, the Community Preservation Act:

\$79,100	Return to Reserved for Open Space/Recreation
\$65,000	Return to Reserved for Affordable Housing
\$955,900	Return to Unreserved Fund Balance;

Or to take any other action relative thereto.

(Community Preservation Committee and Treasurer-Collector)

*The Finance Committee recommends in favor of this article. The town cannot complete the project as voted by the town, so the borrowing authority should be rescinded and the CPA funds returned to the proper Community Preservation accounts.*

### **Article 2. Form Land Use Planning Committee – Non-binding Resolution**

To see if the Town will vote to have the Selectmen form a Land Use Planning Committee whose purpose is to prepare a Land Use Plan for Stow. The committee will assemble a list of current and future municipal land needs. The committee will also inventory and assess all land

presently owned by the town, and propose where any currently owned lands may be feasibly used for Stow's municipal needs. The committee shall report its findings and be accepted by a town meeting vote prior to any further land purchases.

(Citizen's Petition)

*The Finance Committee does not recommend approval of this article. We believe that even a non-binding article could make the Board of Selectmen reluctant to pursue transactions that could benefit the Town.*

### **Article 3. Purchase Snow Property**

To see if the Town will vote to appropriate and borrow the sum of Eight Hundred Fifty Thousand Dollars (\$850,000.00), or any other sum of money, for the purpose of purchasing for (1) the protection of existing agricultural land, (2) affordable housing and/or (3) recreational purposes approximately 13 acres of land, shown as Parcel 18 on Map R-3 of the Assessors Maps of the Town of Stow, located off Old Bolton Road, Stow, and known as the "Snow Property,"; to authorize the expenditure of \$595,900.00, or any other sum, from the Community Preservation Unreserved Fund Balance and/or \$154,100.00, or any other sum, from the Community Preservation Affordable Housing Reserve Fund and/or the Community Preservation Open Space Reserve Fund in accordance with the provisions of Massachusetts General Laws Chapter 44B, the Community Preservation Act, and to fund the costs associated with said acquisition, including legal, appraisal, engineering, and other costs or fees associated therewith, and apply for and accept such gifts, federal grants, and/or state grants as may be available for reimbursement to the Town for these purposes, provided further that any grants received shall be used to reduce the total expenditure of general municipal and Community Preservation Funds in an amount proportional to their contribution for the project. Such borrowing is to be undertaken by the Treasurer with the approval of the Selectmen, pursuant to MGL Chapter 44 or as otherwise authorized by law, provided that an affirmative vote on this article shall be null and void and of no further force and effect unless the Town approves by an affirmative vote a ballot question to exempt the debt service on the amount to be borrowed hereunder from the provisions of Proposition Two and One-half; or take any other action relative thereto.

(Board of Selectmen)

*The Finance Committee will make a recommendation at Town Meeting.*

### **Article 4. Purchase Snow Property and Create Recreational Facilities**

To see if the Town will vote to acquire by purchase or as otherwise provided by General Laws, on such terms and conditions as are in the Town's best interest, 13+/- acres of land shown as Map R-03 Lot 18 on Old Bolton Road, Stow, known as the Snow Property, for one or more of the following uses: active recreation, agriculture, or other municipal purposes so long as areas designated for separate purposes shall be clearly identified and delineated. Further, to authorize the Treasurer, with the approval of the Selectmen, to borrow or transfer from available funds \$650,000.00 (or any lesser sum) to acquire 6 +/- acres of the parcel for general municipal purposes, and to authorize the expenditure of \$595,900.00 (or any lesser sum) from the Community Preservation Unreserved Fund Balance and \$154,100.00 from the Community Preservation Open Space Reserve Fund to acquire 7 +/- acres of the parcel for active recreation and open space in accordance with the provision of Massachusetts General Laws Chapter 44B, the Community Preservation Act, and for the costs associated therewith including legal, title, appraisal, engineering, and other costs or fees incidental thereto, and further to authorize the Board of Selectmen to enter into such agreements, execute such documents, and convey any

restrictions required by MGL Chapter 44B. The 7 +/- acres of the parcel acquired for recreational facilities shall be conveyed to the care, custody and control of the Recreation Commission with the remainder held by the Board of Selectmen for general municipal purposes, but leased for agricultural use for the protection of existing agricultural land by the Board of Selectmen in consultation with the Agricultural Commission and/or Conservation Commission in accordance with the provisions of Chapter 30B, so long as there is a qualified lessee interested in farming this parcel for a fair market value lease rate.

Further, the Town votes to authorize the Treasurer, with the approval of the Selectmen, to borrow or transfer from available funds \$225,000.00 (or any lesser sum) and to expend \$1,100,000.00 (or any lesser sum) from the Community Preservation Unreserved Fund Balance in accordance with the provisions of Massachusetts General Laws Chapter 44B, the Community Preservation Act for costs for the development and creation of recreational fields/facilities on the 7 +/- acres acquired for active recreation and construction, legal, appraisal, engineering, and other costs or fees incidental thereto and apply for and accept such gifts, federal grants, and state grants as may be available for reimbursement to the Town for these purposes, provided further than any grants received shall be used to reduce the total expenditure of general municipal and Community Preservation Funds in an amount proportional to their contributions for the project. Such borrowing is to be undertaken by the Treasurer with the approval of the Selectmen as provided by the law, provided that an affirmative vote on this Article shall be null and void and of no further force and effect unless the Town approves by an affirmative vote a ballot question to exempt the debt service on the amount to be borrowed hereunder from the provisions of Proposition Two and One-half, so called; or to take any other action relative thereto

(Community Preservation Committee and Recreation Commission)

*The Finance Committee will make a recommendation at Town Meeting.*

#### **Article 5. Repair and Upgrade Fire/Rescue Department Communications**

To see if the town will appropriate and transfer from free cash the sum of \$5,000.00, or any other sum, for repairs and upgrades to the Fire/Rescue Department's communication system; or to take any other action relative thereto.

(Fire Chief)

*The Finance Committee recommends approval. The article will improve the effectiveness of the Fire/Rescue communications system and will not add to the tax levy since the funds are appropriated from Free Cash.*

#### **Article 6. Establish Agricultural Preservation Fund**

To see if the Town will establish an Agricultural Preservation Fund for the purpose of preserving existing productive agricultural lands and supporting and revitalizing the Stow agricultural industry. This Agricultural Preservation Trust fund will provide the Town of Stow with the means to exercise options, which include:

- (1) Contributing to Agricultural Preservation Restriction (purchase of development rights and preservation of agriculture rights).
- (2) Exercising the Town's Right of First Refusal under M.G.L. chapter 61A on farmlands.

- (3) Activities deemed to be in the best interest of preserving agricultural land and revitalizing the agricultural industry in Stow.

Management of the Agricultural Preservation Fund shall be overseen by the Stow Agricultural Commission. Moneys may be added to the fund through appropriations, transfers, grants, or gifts. All expenditures must be determined through a public hearing process, with notice to parties concerned, and in conformity with M.G.L. Chapter 39 Section 23B; or to take any other action relative thereto.

(Agricultural Commission)

*The Finance Committee recommends in favor of this article. This article will allow the Agricultural Commission to have a separate account to hold any funds it collects and to use them for appropriate agricultural purposes. Approving this article does not appropriate or spend any funds at this time.*

**Article 7. Accept MGL Chapter 64, Section 16A: Fill Election Officer Vacancies**

To see if the town will vote to accept the provisions of Massachusetts General Laws, chapter 54, Section 16A, which provides that the town clerk may appoint a person to fill an election officer vacancy at the opening of the polls, on election day, if one of the election officers is not present; or to take any other action relative thereto.

(Town Clerk)

*The Finance Committee recommends approval of this article. We believe that this article will help the Town Clerk conduct orderly elections.*

**Article 8. Accept MGL Chapter 41, Section 110A: Close Town Building on Saturdays**

To see if the town will vote to accept the provisions of Massachusetts General Laws chapter 41, Section 110A which formally closes Town Building on Saturdays; or to take any other action relative thereto.

(Town Clerk)

*The Finance Committee recommends that Town Meeting approve this article. We believe this article will not prevent Town business.*

**Article 9. Accept Street as Public Way: Fairway Drive**

To see if the Town will vote to accept the laying out of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23.

Fairway Drive which way is approximately 1033.78 feet long and is as shown on a plan of land by Zanca Land Surveyors Inc., dated October 4, 2002, recorded in the Middlesex South Registry of Deeds on March 17, 2003 as Plan 216 of 2003 and a plan entitled "As-Built Plan and Profile, Fairway Drive, Country Club Estates Revised Subdivision," prepared for Alyssa Real Estate, dated April 23, 2007,

And to authorize the Selectmen to acquire by purchase, eminent domain, gift, or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways; or to take any other action relative thereto.

(Selectmen)

*The Finance Committee recommends approval. The Planning Board has reviewed the developer's progress and has recommended acceptance of this street.*

**Article 10. Accept Street as Public Way: Indian Ridge Road**

To see if the Town will vote to accept the laying out of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23.

Indian Ridge Road as shown on a plan entitled "Indian Ridge Road As-Built Plan in Stow, Mass.," prepared for Hudson Road Realty Company, 58 Randall Road, Stow, MA, prepared by Lancewood Engineering, Inc., 178 Great Road, Acton, MA, dated January 13, 1997 and shown in subdivision plans of said road recorded with the Middlesex South Registry of Deeds, at Book 28253, Page 165;

And to authorize the Selectmen to acquire by purchase, eminent domain, gift, or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways; or to take any other action relative thereto.

(Selectmen)

*The Finance Committee recommends approval. The Planning Board has reviewed the developer's progress and has recommended acceptance of this street.*

**Article 11. Amend General Bylaw: Animal Control**

To see if the Town will vote to amend the General Bylaw by amending Article 6, Section 7, Animal Control, to read in its entirety as stated below; or to take any other action relative thereto.

(Board of Health)

*The Finance Committee recommends approval of this article. The article contains several housekeeping items, including a clearer definition of a commercial kennel. The article, if approved, will also transfer responsibility for dog trials from the Selectmen to the Board of Health.*

**BOARD OF HEALTH SUMMARY**

This article proposed to clarify some definitions and add some changes referring to fees charged, at large animals, and commercial kennels. This article will replace in its entirety the current bylaw.

## SECTION 7. Animal Control

### **a. Definitions**

**Adoption:** The delivery of a cat, dog, or other animal to any person eighteen (18) years of age or older for the purpose of harboring the animal as a pet.

**Animal:** Every nonhuman species of animal, both domestic and wild, living or deceased.

**Animal Control Officer:** Any officer appointed by the Board of Health to enforce this bylaw.

**Animal Shelter:** Any facility or kennel operated by a humane society, the Town, or its authorized agents for the purpose of impounding animals under the authority of this bylaw or state law for care, confinement, return to owner, adoption, or euthanasia.

**At Large:** Any dog shall be deemed to be at large when it is off the premises of its owner or keeper, and not under the direct control of a person demonstrating the ability to properly control the dog.

**Commercial Kennel:** A kennel maintained as a business established for, or to include, the boarding, grooming, breeding, or sale of dogs.

**Dangerous/Vicious Dog:** Any dog that attacks, bites, injures, or kills humans or domesticated animals without provocation; or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, injure, or kill humans or domestic animals. The term "dangerous/vicious dog" shall mean and include, but is not limited to, any dog that:

1. Molests and/or intimidates pedestrians or passersby;
2. Has bitten and/or attacked any person;
3. Has bitten, attacked, or killed other domestic animals;
4. Has been found by the Board of Health, after notice to its owner or keeper and a public hearing, to be a dangerous/vicious dog by virtue of being a menace to public health, safety, or welfare.

**Keeper:** Any person, corporation, or society, other than the owner, harboring or having in his possession any dog.

**Kennel:** More than three (3) dogs six (6) months of age or older on a single private premise.

**License Period:** The time between January first of any year to December thirty-first of the same year, both dates inclusive.

**Livestock or Fowl:** Animals or fowl kept or propagated by the owner for food or as means of livelihood; also deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other birds, and quadrupeds determined by the Department of Fisheries and Wildlife and Environmental Law Enforcement to be wild, and kept by or under a permit from said department(s) in proper housing and/or suitably enclosed yards. Such definition shall not include dogs, cats, or other pets.

**Owner:** Any person, partnership, or corporation in whom is vested the ownership, dominion, or title of one or more animals.

**Public Nuisance:** Any dog that unreasonably annoys humans, endangers the life or health of other animals or person(s), or substantially interferes with the rights of citizens, other than its owner(s), to the enjoyment of life or property. The term "public nuisance" shall mean and include, but is not limited to, any dog that:

1. Is found at large;
2. Damages the property of anyone other than its owner or keeper;
3. Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbances, or discomfort to neighbors or others in close proximity to the premises where the dog is kept or harbored;
4. Is found off the owner's property and not wearing a current tag.

#### **b.1. Individual Licenses and Tags**

A person residing in the Town of Stow who at the beginning of the license period is, or who during a license period becomes, the owner or keeper of a dog six (6) months old or over, will cause the dog to be licensed within thirty (30) days. The Town Clerk shall issue dog licenses and tags on a form. The Town shall permit licensing through the mail.

Any owner or keeper of a dog who moves into the Town of Stow, and has a valid current dog license from another municipality in the Commonwealth of Massachusetts shall within thirty (30) days obtain a dog license upon the forfeiture of the old license and a fee of one dollar (\$1.00).

On the license form the Town Clerk shall record the name, address, and telephone number of the owner or keeper of the dog and the name, breed, color, gender, and age of the dog. Each tag issued will be valid for the specific animal described on the form and is not transferable. The tag will include the license number, the phrase "Town of Stow" and the year of issue. (amended 5/20/98)

The owner or keeper of a dog shall cause each dog, when off the premises of such owner or keeper, to wear around its neck or body a collar or harness to which he/she shall securely attach the license tag. In the event of loss of tag, a substitute tag will be issued by the Town Clerk for a fee of two dollars (\$2.00).

The Town Clerk shall not issue a license for any dog unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying the dog is currently vaccinated against rabies.

The fee for each dog licensed shall be ten dollars (\$10.00), either male or female, neutered or spayed. (amended 5/20/98) The Town Clerk shall charge a late fee of twenty-five dollars (\$25.00) for every dog license issued after the fifteenth of April as defined in the General Bylaws Article 3 Section 10. (amended 5/20/98)

Upon presentation to the Town Clerk of a certificate of training, no fee shall be charged for a dog specially trained to assist, lead, or serve a physically or mentally challenged person.

## **b.2. Commercial Kennel License**

A kennel maintained as a business for the boarding, grooming, breeding, and sale of dogs shall be subject to the provisions of the Zoning Bylaw, section 3.2.2.5.

A commercial kennel license may then be obtained upon written application to the Town Clerk and upon approval by the Zoning Board of Appeals. The fee for such kennel license shall be thirty-five dollars (\$35.00) for no more than four (4) dogs, sixty dollars (\$60.00) for five (5) to ten (10) dogs, and one hundred dollars (\$100.00) for more than ten (10) dogs, as provided in Section 137A of Chapter 140 of the General Laws. Each kennel shall be available for inspection by the Animal Control Officer, a police officer, or the Stow Board of Health at any time to ascertain compliance with all state, county, and local laws and bylaws. (amended 5/19/99) The late fee for a kennel license is 2.5 times the license fee.

The Town Clerk shall issue a kennel license without charge to any charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, or abuse and for the relief of suffering animals.

A veterinary clinic within the Town of Stow shall not be considered a commercial kennel unless it contains an area for grooming or selling of dogs or for boarding of dogs for other than medical purpose.

Any person or corporation maintaining a kennel for thirty (30) days without the proper license shall be in violation of this provision.

## **b.3. Kennel License**

Every person maintaining a kennel shall have a kennel license. (Chapter 140: Section 137A Kennel licenses Mass General Laws) The late fee for a kennel license is 2.5 times the license fee. The fee for such kennel license shall be thirty-five dollars (\$35.00) for no more than four (4) dogs, sixty dollars (\$60.00) for five (5) to ten (10) dogs, and one hundred dollars (\$100.00) for more than ten (10) dogs, as provided in Section 137A of Chapter 140 of the General Laws.

## **c. Vaccination of Dogs and Cats Against Rabies**

Under Section 145B of Chapter 150 of the Massachusetts General Laws, the owner or keeper of a dog or cat six (6) months of age or older shall cause the dog or cat to be properly vaccinated against rabies by a licensed veterinarian. Upon vaccination the veterinarian shall issue a tag which shall show the year the vaccination was given, a rabies tag number, and the name of the veterinary clinic or hospital. The owner/keeper of unvaccinated dogs or cats living in or brought into the Town of Stow shall be punished by a fine to be determined by the Animal Control Officer of not more than fifty dollars (\$50.00), which shall be paid to the Town of Stow.

## **d. Enforcement/Impoundment**

It shall be the duty of the Animal Control Officer, or any other person appointed by the Board of Health, to apprehend any dog found running at large or any dog that is a public nuisance, and impound such animal at an authorized animal shelter, such animal to be held, returned to owner, adopted, or euthanized as described in Chapter 140, Section 151A of the Massachusetts General Laws. The Officer that impounds any animal shall keep a record of each animal so impounded

which shall contain the following information: breed, color, and sex of the animal, distinctive markings or characteristics of the animal; name and address of the owner (if known) along with the license number; the final disposition of the animal, the name, address, phone number of any person adopting such dog; and if destroyed, method and name of technician who administered euthanasia. Such records shall be kept by the Animal Control Officer for a period of twelve (12) months from date of impoundment. A copy shall be forwarded to the Town Clerk upon disposition of the animal, and the Town Clerk shall retain copies as provided by law.

**e. Violations/Penalties**

The Animal Control Officer, any police officer of the Town of Stow, or any other person so appointed by the Board of Health, may impose a fine upon the owner or keeper of a dog so found to be at large, dangerous, or a public nuisance. Such fines shall not be more than twenty-five dollars (\$25.00) for the first offense, nor more than fifty dollars (\$50.00) for the second offense, and not more than the maximum allowed by law for subsequent offense(s). Fines shall be paid to the Town of Stow before redemption of the dog, if impounded or within fourteen (14) days of issuance of the imposed fine when impoundment has not occurred. (amended 10/8/96)

**f. Boarding Fees**

An owner or keeper of any dog so impounded for violation of this bylaw shall, in addition to any applicable fees and penalties, pay to the Town of Stow a pick up fee of ten dollars (\$10.00) per dog and fifteen dollars (\$15.00) per day while such dog is impounded, nor more than the actual cost to the Town of Stow for the boarding and care of such animal in any commercial kennel or animal hospital.

**g. Redemption of Dogs**

The owner or keeper of a dog so impounded may claim the dog as provided by law upon the occurrence of the following:

1. The owner or keeper presents a valid dog license and certificate of rabies vaccination;
2. The owner or keeper pays all boarding and other fees;
3. The owner or keeper gives his/her name and address;
4. If the dog does not have a current rabies vaccination, the owner or keeper must present a receipt from a licensed veterinarian showing prepayment of a rabies vaccination.
5. If the dog is unlicensed the owner must secure a license before redemption.

**h. Vicious or Barking Dogs; Other Applicable Sections of General Laws**

The provisions of Massachusetts General Laws Chapter 140, Sections 157 and 158 shall be applicable to vicious or barking dogs and all other applicable sections of Chapter 140 or other sections of the General Laws or rules and regulations adopted there under pertaining to dogs, or to any animals as may be regulated by law, shall apply and be enforceable by the Town, as if said sections were fully set forth herein.

**i. Emergency fees for Dogs and Cats Injured on Public Ways**

Any veterinarian who renders emergency care or treatment to, or disposes of any dog or cat injured on any public way in the Town of Stow shall receive payment of reasonable costs from

the owner of such dog or cat, if known, or, if not known, shall receive the sum of sixty dollars (\$60.00) from the Town of Stow for such care, treatment, and/or disposal.

Care, treatment, and/or disposal shall be for the purpose of maintaining life, stabilizing the animal, or alleviating pain or suffering until the owner of such dog or cat is identified, or for a period of twenty-four (24) hours, whichever is sooner. Any veterinarian who renders such emergency care or treatment to, or euthanizes, or disposes of such dog or cat shall notify the Animal Control Officer of Stow and, upon notification, the Animal Control Officer shall assume control of such dog or cat.

(Section 7 adopted 6/12/96)

**Annotated Version**

**Additions are bold underlined**

**Deletions are ~~strike through~~**

**SECTION 7. Animal Control**

**a. Definitions**

**Adoption:** *The delivery of a cat, dog, or other animal to any person eighteen (18) years of age or older for the purpose of harboring the animal as a pet.*

**Animal:** *Every nonhuman ~~special~~ species of animal, both domestic and wild, living or deceased.*

**Animal Control Officer:** *Any officer appointed by the Board of Health to enforce this bylaw.*

**Animal Shelter:** *Any facility or kennel operated by a humane society, the Town, or its authorized agents for the purpose of impounding animals under the authority of this bylaw or state law for care, confinement, return to owner, adoption, or euthanasia.*

**At Large:** *Any dog shall be deemed to be at large when it is off the premises of its owner or keeper, and not under the direct ~~care and~~ control of a person demonstrating the ability to properly care and control the dog.*

**Commercial Kennel:** *A kennel maintained as a business established for, or to include, the boarding, or grooming of dogs.*

**Dangerous/Vicious Dog:** *Any dog that attacks, bites or injures, humans or domesticated animals without provocation; or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, ~~or~~ injure, ~~or kills~~ humans or domestic animals. The term "dangerous/vicious dog" shall mean and include, but is not limited to, any dog that:*

- 1. Molests, and/or intimidates pedestrians or passersby;**
- 2. Has bitten and/or attacked any person;**
- 3. Has bitten, attacked, or killed other domestic animals;**
- 4. Has been found by the Board of Selectmen of Health, after notice to its owner or keeper and a public hearing, to be a dangerous/vicious dog by virtue of being a menace to public health, safety, or welfare.**

**Keeper:** Any person, corporation, or society, other than the owner, harboring or having in his possession any dog.

**Kennel:** More than three (3) dogs six (6) months of age or older on a single private premise.

**License Period:** The time between January first of any year to December thirty-first of the same year, both dates inclusive.

**Livestock or Fowl:** Animals or fowl kept or propagated by the owner for food or as means of livelihood; also deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other birds, and quadrupeds determined by the Department of Fisheries and Wildlife and Environmental Law Enforcement to be wild, and kept by or under a permit from said department(s) in proper housing and/or suitably enclosed yards. Such definition shall not include dogs, cats, or other pets.

~~**Multiple Dog Household:** More than three dogs over the age of six months of age on a single private premise.~~

**Owner:** Any person, partnership, or corporation in whom is vested the ownership, dominion, or title of one or more animals.

**Public Nuisance:** ~~/Dangerous Dog:~~ Any dog that unreasonably annoys humans, endangers the life or health of other animals or person(s), or substantially interferes with the rights of citizens, other than its owner(s), to the enjoyment of life or property. The term "public nuisance" ~~dangerous dog~~ shall mean and include, but is not limited to, any dog that:

1. Is found at large ~~between the hours of 7:00 AM and 8:00 PM;~~
2. Damages the property of anyone other than its owner or keeper;
- ~~3. Molests or intimidates pedestrians or passersby;~~
- ~~3-4. Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbances, or discomfort to neighbors or others in close proximity to the premises where the dog is kept or harbored;~~
- ~~5. Has bitten or attacked any person;~~
- ~~6. Has bitten or attacked other domestic animals;~~
- ~~4-7. Is found at large in a school yard, public or private recreation area, store, or shopping area; except for those dogs certified to assist the visually or hearing impaired, which shall be deemed to be exempt from this provision~~
- ~~8. Has been found by the Board of Selectmen, after notice to its owner or keeper and a public hearing, to be a public nuisance/dangerous dog by virtue of being a menace to public health, safety, or welfare.~~
5. Is found off the owner's property and not wearing a current tag.

#### **b.1. Individual Licenses and Tags**

A person residing in the Town of Stow who at the beginning of the license period is, or who during a license period becomes, the owner or keeper of a dog six (6) months old or over, will cause the dog to be licensed within thirty (30) days. The Town Clerk shall issue dog licenses and tags on a form. The Town shall permit licensing through the mail.

Any owner or keeper of a dog who moves into the Town of Stow, and has a valid current dog license from another municipality in the Commonwealth of Massachusetts ~~may~~ **shall within thirty (30) days** obtain a dog license upon the forfeiture of the old license and a fee of one dollar (\$1.00).

On the license form the Town Clerk shall record the name, address, and telephone number of the owner or keeper of the dog and the name, breed, color, gender, and age of the dog. Each tag issued will be valid for the specific animal described on the form and is not transferable. The tag will include the license number, the phrase "Town of Stow" and the year of issue. (amended 5/20/98)

The owner or keeper of a dog shall cause each dog, when off the premises of such owner or keeper, to wear around its neck or body a collar or harness to which he/she shall securely attach the license tag. In the event of loss of tag, a substitute tag will be issued by the **Town** Clerk for a fee of two dollars (\$2.00).

The Town Clerk shall not issue a license for any dog unless the owner or keeper provides the **Town** Clerk with a veterinarian's certificate verifying the dog is currently vaccinated against rabies.

The fee for each dog licensed shall be ten dollars (\$10.00), either male or female, neutered or spayed. (amended 5/20/98) The Town Clerk shall charge a late fee of twenty-five dollars (\$25.00) for every dog license issued after the fifteenth of April defined in the General Bylaws Article 3 Section 10. (amended 5/20/98)

Upon presentation to the Town Clerk of a certificate of training, no fee shall be charged for a dog specially trained lead, or serve ~~a visually or hearing impaired person~~ **a physically or mentally challenged person.**

#### **b.2. Commercial Kennel License**

A kennel maintained as a business for the boarding, grooming, breeding, and sale of dogs shall ~~obtain~~ **be subject to the provisions of the Zoning Bylaw, section 3.2.2.5.**

~~a~~ **A** commercial kennel license **may then be obtained** upon written application to the Town Clerk. The fee for such kennel license shall be thirty-five dollars (\$35.00) for no more than four (4) dogs, sixty dollars (\$60.00) for five (5) to ten (10) dogs, and one hundred dollars (\$100.00) for more

than ten (10) dogs, as provided in Section 137A of Chapter 140 of the General Laws. Each kennel shall be available for inspection by the Animal Control Officer, a police officer, or the Stow Board of Health at any time to ascertain compliance with all state, county, and local laws and bylaws. (amended 5/19/99) **The late fee for a kennel license is 2.5 times the license fee.**

The Town Clerk shall issue a kennel license without charge to any charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, or abuse and for the relief of suffering animals.

A veterinary clinic within the Town of Stow shall not be considered a commercial kennel unless it contains an area for grooming or selling of dogs or for boarding of dogs for other than medical purpose.

Any person or corporation maintaining a kennel for thirty (30) days without the proper license shall be in violation of this provision.

~~Whoever violates any provision of this provision section 7h shall be punished by a fine of fifty dollars (\$50.00) payable to the Town of Stow. (amended 10/8/96)~~

### **b.3. Kennel License**

**Every person maintaining a kennel shall have a kennel license. (Chapter 140: Section 137A Kennel licenses Mass General Laws) The late fee for a kennel license is 2.5 times the license fee. T**

### **c. Vaccination of Dogs and Cats Against Rabies**

Under Section 145B of Chapter 150 of the Massachusetts General Laws, the owner or keeper of a dog or cat six (6) months of age or older shall cause the dog or cat to be properly vaccinated against rabies by a licensed veterinarian. Upon vaccination the veterinarian shall issue a tag which shall show the year the vaccination was given, a rabies tag number, and the name of the veterinary clinic or hospital. The owner/keeper of unvaccinated dogs or cats living in or brought into the Town of Stow shall be punished by a fine to be determined by the Animal Control Officer of not more than fifty dollars (\$50.00), which shall be paid to the Town of Stow.

### **d. Enforcement/Impoundment**

It shall be the duty of the Animal Control Officer, or any other person appointed by the Board of Health, to apprehend any dog found running at large ~~between the hours of 7:00 AM to 8:00 PM~~ or any dog that is a public nuisance, and impound such animal at an authorized animal shelter, such animal to be held, adopted, or euthanized as described in Chapter 140, Section 151A of the Massachusetts General Laws. The Officer that impounds any animal shall keep a record of each animal so impounded which shall contain the following information: breed, color, and sex of the animal, distinctive markings or characteristics of the animal; name and address of the owner (if known) along with the license number; the final disposition of the animal, the name, address, phone number of any person adopting such dog; and if destroyed, method and name of technician who administered euthanasia. Such records shall be kept by the Animal Control Officer for a period of twelve (12) months from date of impoundment. A copy shall be forwarded to the Town Clerk upon disposition of the animal, and the Town Clerk shall retain copies as provided by law.

### **e. Violations/Penalties**

The Animal Control Officer, any police officer of the Town of Stow, or any other person so appointed by the Board of Health, may impose a fine upon the owner or keeper of a dog so found to be at large ~~between the hours of 7:00 AM to 8:00 PM~~ or any dog so found to be a public nuisance. Such fines shall not be more than twenty-five dollars (\$25.00) for the first offense, nor more than fifty dollars (\$50.00) for the second offense, and/or not more than the maximum allowed by law for subsequent offense(s). Fines shall be paid to the Town of Stow before redemption of the dog, if impounded or within fourteen (14) days of issuance of the imposed fine when impoundment has not occurred. (amended 10/8/96)

**f. Boarding Fees**

An owner or keeper of any dog so impounded for violation of this bylaw shall, in addition to any applicable fees and penalties, pay to the Town of Stow a pick up fee of ten dollars (\$10.00) per dog and a boarding charge of not less than ten dollars (\$10.00) fifteen dollars (\$15.00) per day while such dog is impounded, nor more than the actual cost to the Town of Stow for the boarding and care of such animal in any commercial kennel or animal hospital.

**g. Redemption of Dogs**

The owner or keeper of a dog so impounded may claim the dog as provided by law upon the occurrence of the following:

1. The owner or keeper presents a valid dog license and certificate of rabies vaccination;
2. The owner or keeper pays all fines, boarding and other fees;
3. The owner or keeper gives his/her name & and address; ~~and date of birth~~
4. If the dog does not have a current rabies vaccination, the owner or keeper must present a receipt from a licensed veterinarian showing prepayment of a rabies vaccination.
5. If the dog is unlicensed the owner must secure a license before redemption.

**~~i. h.~~ Vicious or Barking Dogs; Other Applicable Sections of General Laws**

The provisions of Massachusetts General Laws Chapter 140, Sections 157 and 158 shall be applicable to vicious or barking dogs and all other applicable sections of Chapter 140 or other sections of the General Laws or rules and regulations adopted there under pertaining to dogs, or to any animals as may be regulated by law, shall apply and be enforceable by the Town, as if said sections were fully set forth herein.

**~~j. i.~~ Emergency fees for Dogs and Cats Injured on Public Ways**

Any veterinarian who renders emergency care or treatment to, or disposes of any dog or cat injured on any public way in the Town of Stow shall receive payment of reasonable costs from the owner of such dog or cat, if known, or, if not known, shall receive the sum of ~~forty dollars (\$40.00)~~ sixty dollars (\$60.00) from the Town of Stow for such care, treatment, and/or disposal.

Care, treatment, and/or disposal shall be for the purpose of maintaining life, stabilizing the animal, or alleviating pain or suffering until the owner of such dog or cat is identified, or for a period of twenty-four (24) hours, whichever is sooner. Any veterinarian who renders such emergency care or treatment to, or euthanizes, or disposes of such dog or cat shall notify the Animal Control Officer of Stow and, upon notification, the Animal Control Officer shall assume control of such dog or cat.

(Section 7 adopted 6/12/96)

## **Article 12. Amend Zoning Bylaw: Recreation-Conservation District Uses**

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 3.1, 3.1.1, 3.1.1.4 and 3.1.1.5; and adding new sections 3.1.1.7, 3.1.1.8 and 3.1.2.6 to read in their entirety as stated below in subsections (A), (B), (C), (D), (E) and (F) of this article; or to take any other action relative thereto.

(Planning Board)

*The Finance Committee recommends approval. The article makes largely housekeeping changes, including the adoption of language required by state law.*

### **PLANNING BOARD SUMMARY**

This article is merely housekeeping to clarify the intent of Recreation-Conservation District Uses by:

- Changing the term "swamp land" to "wetlands" and the term "permitted" to "allowed";
- including cross country ski areas, as a non-commercial recreation use allowed in the Recreation-Conservation District;
- correcting the Zoning Bylaw reference to Farm Stands;
- adding uses allowed for religious, nonprofit educational and Public Service Corporations, in accordance with G.L. c.40A, s.3; and
- adding golf carts, but no other motorized recreational vehicles, as a permitted use subject to Special Permit.

**(A) Amend Section 3.1, by deleting the words "swamp land" and inserting the word "wetlands", to read in its entirety as stated below:**

#### **3.1 Recreation-Conservation District Uses**

This district is intended to protect the public health and safety, to protect persons and property against hazards of flood water inundation and unsuitable and unhealthy development of unsuitable soils, wetlands, marsh land and water courses; to protect the balance of nature, including the habitat for birds, wildlife, and plants essential to the survival of man; to conserve and increase the amenities of the Town, natural conditions and OPEN SPACES for education, recreation, agriculture, and the general welfare.

**(B) Amend Section 3.1.1, by deleting the word "permitted" and inserting the word "allowed", to read in its entirety as stated below:**

3.1.1 Uses allowed, provided that no BUILDINGS are located within one hundred (100) feet of a district boundary line:

**(C) Amend Section 3.1.1.4, by inserting the words "cross country ski areas, and", to read in its entirety as stated below:**

3.1.1.4 Non-commercial recreation, including cross country ski areas, and municipal, county or state parks and boat landings, but not an amusement park; and

**(D) Amend Section 3.1.1.5, by deleting the word "permitted" and inserting the word "allowed" and deleting the reference to paragraphs "b and c" and inserting the reference to paragraphs "3.1.1.2 and 3.1.1.3", to read in its entirety as stated below:**

- 3.1.1.5 Display and sale or offering for sale, of farm produce from uses allowed in paragraphs 3.1.1.2 and 3.1.1.3 above, and products normally sold therewith, provided that:
1. At least 51% of gross annual sales is from produce raised by the owner, operator or lessee of the stand, and at least 90% of gross annual sales is from farm produce;
  2. No stand for such sale is located within twenty-five (25) feet of the street sideline; and
  3. Provision is made for off-street parking in accordance with the Parking Section of this Bylaw.

**(E) Add new Sections 3.1.1.7 and 3.1.1.8, to read in their entirety as stated below:**

- 3.1.1.7 Uses or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided that such use or structure complies with the dimensional requirements of the Bylaw and is not primarily used as a residential dwelling.
- 3.1.1.8 Uses or structures by a PUBLIC SERVICE CORPORATION pursuant to the requirements of G.L. c.40A, s.3.

**(F) Add a new Section 3.1.2.6, to read in its entirety as stated below:**

- 3.1.2.6 Golf carts, but no other motorized recreational vehicles are permitted.

**Annotated Version**

**Additions are underlined**

**Deletions are ~~strike-through~~**

**3.1 Recreation-Conservation District Uses**

*This district is intended to protect the public health and safety, to protect persons and property against hazards of flood water inundation and unsuitable and unhealthy development of unsuitable soils, ~~swamp land~~ wetlands, marsh land and water courses; to protect the balance of nature, including the habitat for birds, wildlife, and plants essential to the survival of man; to conserve and increase the amenities of the Town, natural conditions and OPEN SPACES for education, recreation, agriculture, and the general welfare.*

- 3.1.1 *Uses ~~permitted~~ allowed, provided that no BUILDINGS are located within one hundred (100) feet of a district boundary line:*
- 3.1.1.1 *Conservation areas for water, water supply, plants, and wildlife, dams necessary for achieving this purpose;*
- 3.1.1.2 *Farming and horticulture, including raising, harvesting and storing crops, truck gardening, grazing, dairying, and poultry and livestock raising, but not including piggeries or the raising of animals for fur;*
- 3.1.1.3 *Orchards, nurseries, forests and tree farms, provided that any logging equipment or other equipment necessary for these uses is normally stored in an enclosure, or is not visible from district or property boundaries;*
- 3.1.1.4 *Non-commercial recreation, including cross country ski areas, and municipal, county or state parks and boat landings, but not an amusement park; and*
- 3.1.1.5 *Display and sale or offering for sale, of farm produce from uses ~~permitted~~ allowed in paragraphs ~~b- and c~~ 3.1.1.2 and 3.1.1.3 above, and products normally sold therewith, provided that:*

1. At least 51% of gross annual sales is from produce raised by the owner, operator or lessee of the stand, and at least 90% of gross annual sales is from farm produce;
2. No stand for such sale is located within twenty-five (25) feet of the street sideline; and
3. Provision is made for off-street parking in accordance with the Parking Section of this Bylaw.

3.1.1.6 **ACCESSORY BUILDINGS and USES.**

3.1.1.7 Uses or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided that such use or structure complies with the dimensional requirements of the Bylaw and is not primarily used as a residential dwelling.

3.1.1.8 Uses or structures by a PUBLIC SERVICE CORPORATION pursuant to the requirements of G.L. c.40A, s.3.

3.1.2 Uses permitted subject to special permit, granted by the Planning Board, provided that provisions for disposal of waste products is approved by the Board of Health and parking is provided as required in the parking section of this Bylaw:

3.1.2.1 Restaurants, provided that their use is in connection with a permitted use, and provided that no such BUILDING be located within one hundred (100) feet of a district boundary line;

3.1.2.2 Country Clubs or other MEMBERSHIP CLUBS;

3.1.2.3 Commercial picnic areas and swimming areas;

3.1.2.4 Day camps, overnight camps, and camp sites, where occupancy is limited to the period between May 15th and September 15th, provided that there is only one camp BUILDING or site for each 3500 square feet of grass area;

3.1.2.5 Recreation, including golf courses, ski areas and tows, MARINAS and commercial boat landings, but not an amusement park.

3.1.2.6 Golf carts, but no other motorized recreational vehicles, are permitted.

**Article 13. Amend Zoning Bylaw: Accessory Apartments**

To see if the Town will vote to amend the Zoning Bylaw, by deleting section 8.1.2.1; amending Section 8.1.2.2; amending Section 8.1.2.3 subsection 1 and deleting subsection 5 and adding a new subsection 11; deleting Section 8.1.3, 8.1.3.1 and 8.1.3.2; amending Section 3.10 (Table of Principle Uses); and amending Section 9.3.3.3 by deleting subsection 1 to read in their entirety as stated below in subsections (A), (B) and (C) of this article or to take any other action relative thereto.

(Planning Board)

*The Finance Committee recommends in favor of this article. The main intent of this article is to reduce the time and expense for the town and for homeowners in approving accessory apartments. As stated in the description, the Planning Board has determined that the requirements to approve an accessory apartment are mostly a checklist, which can be approved by the building inspector, without the full expense of a Planning Board approval process. This article also changes some of the requirements for accessory apartments.*

## PLANNING BOARD SUMMARY

This article proposes to allow accessory apartments by right. The existing Bylaw requires a Special Permit for an accessory apartment on a lot that contains no less than 1.5 acres and Site Plan Approval for an accessory apartment on a lot that contains less than 1.5 acres. The intent of the proposed change is to streamline the permitting process for Accessory Apartments. The requirements in the Zoning Bylaw for an accessory apartment are very specific as to site plan and size requirements, which can be easily be reviewed and permitted by the Building Inspector, rather than a permitting process, requiring a Public Hearing, through the Planning Board.

This article also proposes to clarify the size limitation of 700 square feet does not apply to garage space and that the accessory apartment shall not occupy more than 50% of an accessory building.

**(A) Amend the Zoning Bylaw, by deleting section 8.1.2.1; amending Section 8.1.2.2; amending Section 8.1.2.3 subsection 1 and deleting subsection 5 and adding a new subsection 11; and deleting Section 8.1.3, 8.1.3.1 and 8.1.3.2, to read in their entirety as stated below:**

8.1.2.1 *This subsection language deleted December, 2007.*

8.1.2 ACCESSORY APARTMENTS Allowed by Right - The BUILDING INSPECTOR may grant a building permit for one ACCESSORY APARTMENT provided that:

8.1.2.2 The ACCESSORY APARTMENT is physically attached to or within a lawfully existing single-family DWELLING or ACCESSORY BUILDING; and

8.1.2.3 provided that all of the following requirements are met:

1. The ACCESSORY APARTMENT shall be a use secondary and incidental to the single-family DWELLING and shall contain no more than 700 square feet of GROSS FLOOR AREA, not including garage space.
2. No more than one ACCESSORY APARTMENT shall exist on the LOT.
3. Either the single-family DWELLING or the ACCESSORY APARTMENT shall be occupied by the owner of the LOT. For the purposes of this section, the "owner" shall be one or more individuals who holds legal or beneficial title to said LOT and for whom the DWELLING is the primary residence for voting and tax purposes.
4. Both the single-family DWELLING and the ACCESSORY APARTMENT shall satisfy the requirements of 310 CMR 15.00 (Sanitary Code - Title 5) and Stow Board of Health regulations.
5. *This subsection language deleted December, 2007.*
6. *This subsection language deleted October 24, 2005.*
7. Any entrance required by the inclusion of an ACCESSORY APARTMENT shall be clearly secondary to the main entrance of the primary DWELLING UNIT.
8. Any modification to the existing entrances on the front facade of the single-family DWELLING shall result in the appearance of a single main entrance.
9. A minimum of two (2) off-street parking spaces shall be provided for each DWELLING UNIT. There shall be adequate provision for ingress and egress from all parking spaces.
10. There shall be no more than one (1) driveway per LOT.
11. The ACCESSORY APARTMENT shall not occupy more than 50% of an ACCESSORY BUILDING.

- 8.1.3 This subsection language deleted December, 2007.
- 8.1.3.1 This subsection language deleted December, 2007.
- 8.1.3.2 This subsection language deleted December, 2007.

**(B) Amend Section 3.10 (Single Family DWELLING with ACCESSORY APARTMENT in Table of Principle Uses), to read in its entirety as stated below:**

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
ACCESSORY APARTMENT	Y	N	Y	N	N	N	N	N	(3)

**(C) Amend Section 9.3.3.3, by removing subsection 1, to read in its entirety as stated below:**

- 9.3.3.3 Notwithstanding that any particular use is an allowed use, site plan approval is also required for the following:
- This subsection language deleted December, 2007.*
  - BED AND BREAKFAST HOME;
  - BOARDING HOUSE or ROOMING HOUSE;
  - permanent BUILDING or STRUCTURE for the sale of farm produce;
  - in the Business District, uses permitted, provided that the BUILDING is less than 1,000 square feet GROSS FLOOR AREA; and
  - in the Commercial and Industrial Districts, uses permitted, provided that the BUILDING is less than 1,500 square feet GROSS FLOOR AREA;

**Annotated Version**

**Additions are underlined**

**Deletions are ~~strike through~~**

**8.1 ACCESSORY APARTMENTS**

8.1.1 Purpose - As provided herein, one additional DWELLING UNIT may be allowed as an ACCESSORY APARTMENT in a single-family DWELLING or ACCESSORY BUILDING located on a LOT with a single-family DWELLING for the purpose of providing small additional DWELLING UNITS without adding to the number of BUILDINGS in the Town or substantially altering the appearance of BUILDINGS, the neighborhood or the Town; increasing the range of housing accommodations; encouraging a greater diversity of population; and encouraging a more efficient and economic use of existing housing stock by enabling owners of single-family DWELLINGS larger than required for their present needs to share space and the burdens of homeownership while maintaining the single-family appearance and character of BUILDINGS, the neighborhood and the Town.

8.1.2 ACCESSORY APARTMENTS Allowed by Right - The BUILDING INSPECTOR may grant a building permit for one ACCESSORY APARTMENT provided that:

8.1.2.1 ~~The single-family DWELLING or ACCESSORY BUILDING was in existence on or before May 6, 1991, or~~

8.1.2.2 The ACCESSORY APARTMENT is physically attached to or within a lawfully existing single-family DWELLING or ACCESSORY BUILDING ~~constructed after May 6, 1991;~~ and

8.1.2.3 provided that all of the following requirements are met:

1. The ACCESSORY APARTMENT shall be a use secondary and incidental to the single-family DWELLING and shall contain no more than 700 square feet of GROSS FLOOR AREA, not including garage space.
2. No more than one ACCESSORY APARTMENT shall exist on the LOT.
3. Either the single-family DWELLING or the ACCESSORY APARTMENT shall be occupied by the owner of the LOT. For the purposes of this section, the "owner" shall be one or more individuals who holds legal or beneficial title to said LOT and for whom the DWELLING is the primary residence for voting and tax purposes.
4. Both the single-family DWELLING and the ACCESSORY APARTMENT shall satisfy the requirements of 310 CMR 15.00 (Sanitary Code - Title 5) and Stow Board of Health regulations.
5. ~~The LOT on which the single family DWELLING or ACCESSORY BUILDING is located shall contain no less than 1.5 acres.~~
6. ~~this subsection language deleted October 24, 2005.~~
7. Any entrance required by the inclusion of an ACCESSORY APARTMENT shall be clearly secondary to the main entrance of the primary DWELLING UNIT.
8. Any modification to the existing entrances on the front facade of the single-family DWELLING shall result in the appearance of a single main entrance.
9. A minimum of two (2) off-street parking spaces shall be provided for each DWELLING UNIT. There shall be adequate provision for ingress and egress from all parking spaces.
10. There shall be no more than one (1) driveway per LOT.
11. The ACCESSORY APARTMENT shall not occupy more than 50% of an ACCESSORY BUILDING.

~~8.1.3 ACCESSORY APARTMENTS Allowed by Special Permit — A special permit for an ACCESSORY APARTMENT may be granted by the Planning Board provided that:~~

~~8.1.3.1 All of the conditions and requirements of Section 8.1.2 are met, with the exception of Sections 8.1.2.3.5 and 8.1.2.3.10.~~

~~8.1.3.2 All conditions and requirements for approval of a special permit are satisfied.~~

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
Single Family DWELLING with ACCESSORY APARTMENT	SPP (4) (7) (11) Y	N	SPP (4) (7) (11) Y	N	N	N	N	N	(3)

9.3.3 Notwithstanding that any particular use is an allowed use, site plan approval is also required for the following:

1. ~~single family DWELLING with ACCESSORY APARTMENT;~~
2. BED AND BREAKFAST HOME;
3. BOARDING HOUSE or ROOMING HOUSE;
4. permanent BUILDING or STRUCTURE for the sale of farm produce;
5. in the Business District, uses permitted, provided that the BUILDING is less than 1,000 square feet GROSS FLOOR AREA; and

6. *in the Commercial and Industrial Districts, uses permitted, provided that the BUILDING is less than 1,500 square feet GROSS FLOOR AREA;*

**Article 14. Amend Zoning Bylaw: Cross-country Ski Uses in Residential District Subject to a Special Permit by the Planning Board**

To see if the Town will vote to amend the Zoning Bylaw, Section 8.3.5, by inserting the words "or other recreational motorized vehicles" to read in its entirety as stated below; or to take any other action relative thereto.

(Planning Board)

*The Finance Committee recommends approval. The article includes motorized recreational vehicles other than snowmobiles (which are already prohibited) among the uses prohibited on cross-country ski trails. The article has no significant financial impact.*

**PLANNING BOARD SUMMARY**

This article proposes to prohibit the use of recreational motorized vehicles on cross-country ski courses in the Residential District.

***Annotated Version***

***Additions are underlined***

***Deletions are ~~strike through~~***

- 8.3.5 *No so-called snowmobiles or other recreational motorized vehicles shall be permitted except for emergency or maintenance purposes.*

**Article 15. Amend Zoning Bylaw: Golf Course Uses in Residential District Subject to a Special Permit by the Planning Board**

To see if the Town will vote to amend the Zoning Bylaw by amending Section 8.4.1 and 8.4.1.6 to read in their entirety as stated below in subsections (A) and (B) of this article; or to take any other action relative thereto.

(Planning Board)

*The Finance Committee recommends approval. of this article. The article clarifies that golf courses may have restaurants as well as "snack bars" and may help improve year-round commercial opportunities for golf courses.*

**PLANNING BOARD SUMMARY**

This article proposes to remove the restriction on restaurants related to golf course uses in the Residential District. The Bylaw currently allows a snack bar, but not a restaurant, and does not define either term. The intent of the Bylaw is to remove the arbitrariness in definition and encourage this type of non-residential use. Golf Course uses are a key element to Stow's character and economic development.

This article also proposes to require a permit from the Board of Health for application of pesticides/herbicides on a golf course site to ensure ongoing monitoring.

**(A) Amend Section 8.4.1, by deleting the words "but not a" and inserting "P", to read in its entirety as stated below:**

- 8.4.1 Commercial 18-hole golf courses of at least fifty-five hundred (5,500) linear yards and at least seventy-five (75) acres with common and incidental ACCESSORY USES including parking; clubhouse (inclusive of pro shop for sale of golf related items only, administrative office, and snack bar/restaurant), with a total GROSS FLOOR AREA not to exceed twenty-five hundred (2,500) square feet unless entirely within a STRUCTURE in existence at the time of adoption of this Bylaw (11/6/89) but in no case shall the total GROSS FLOOR AREA devoted to golf related uses exceed three thousand (3,000) square feet; and a single family caretaker's residence, provided that:

**(B) Amend Section 8.4.1.6, by inserting the sentence "Unless otherwise preempted by state law, a permit shall be obtained from the Board of Health for application of pesticides/herbicides on the golf course site", and deleting the words "Planning Board" and inserting the words "Board of Health", to read in its entirety as stated below:**

- 8.4.1.6 Unless otherwise preempted by state law, a permit shall be obtained from the Board of Health for application of pesticides/herbicides on the golf course site. A state licensed person shall be responsible for applying pesticides/herbicides on the golf course site. Results from an approved laboratory of surface and GROUND WATER samples shall be periodically provided to the Conservation Commission and the Board of Health, the location and frequency of testing to be determined by the Board of Health.

**Annotated Version**

**Additions are underlined**

**Deletions are ~~strike through~~**

- 8.4.1.6 Unless otherwise preempted by state law, a permit shall be obtained from the Board of Health for application of pesticides/herbicides on the golf course site. A state licensed person shall be responsible for applying pesticides/herbicides on the golf course site. Results from an approved laboratory of surface and GROUND WATER samples shall be periodically provided to the Conservation Commission and the Board of Health, the location and frequency of testing to be determined by the ~~Planning Board~~ Board of Health.

## **Article 16. Town Election**

To vote by ballot on December 13, 2007 at the Hale Middle School Gymnasium in said Town of Stow the following questions:

### **Question 1. Purchase Snow Property**

Shall the Town of Stow be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds to be issued in order to finance the purchase for (1) the protection of existing agricultural land, (2) affordable housing and/or (3) recreational purposes, as determined by the vote of the Town on Article 3 passed at the December 3, 2007 special town meeting, of approximately 13 acres of land, shown as Parcel 18 on Map R-3 of the Assessors Maps of the Town of Stow, located off Old Bolton Road, Stow, and known as the "Snow Property", including legal, appraisal, engineering, and other costs or fees associated therewith; the proceeds of such bonds to be used for such purposes together with Community Preservation Funds, federal and/or state grants and/or other available funds?

### **Question 2. Purchase Snow Property and Create Recreational Facilities**

Shall the Town of Stow be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds to be issued in order to finance the acquisition for active recreation and open space and general municipal purposes, including the protection of existing agricultural land, as determined by the vote of the Town on Article 4 passed at the December 3, 2007 special town meeting, of approximately 13 acres of land, shown as Parcel 18 on Map R-3 of the Assessors Maps of the Town of Stow, located off Old Bolton Road, Stow, and known as the "Snow Property", and the development of a portion of such land for active recreation purposes, including legal, appraisal, engineering, and other costs or fees associated therewith, the proceeds of such bonds to be used for such purposes together with Community Preservation Funds, federal and/or state grants and/or other available funds?

And you are directed to serve this warrant by posting copies attested by you calling same at the Town Building and at each of at least seven (7) other public places at least fourteen (14) days before the time of holding said meeting.

Hereof, fail not and make due return of the warrant with your doings thereon to the Town Clerk or Selectmen on or before the time of said meeting.

Given under our hands this thirtieth day of October in the year 2007.

BOARD OF SELECTMEN  
Stephen M. Dungan, Chairman  
Kathleen K. Farrell  
Jason S. Robart  
Thomas H. Ruggiero  
Ellen S. Sturgis



## STOW EMERGENCY ASSISTANCE FORM

This survey is being sent town wide in order to identify Stow residents who might need special assistance in an emergency. Being prepared, before a town emergency strikes, is the best way to protect yourself and assist emergency responders.

THIS INFORMATION WILL BE USED ONLY FOR STOW'S EMERGENCY AND DISASTER PLANNING. IT WILL BE KEPT CONFIDENTIAL AND USED ONLY BY FIRST RESPONDERS.

FILL OUT FOR EACH FAMILY MEMBER, use additional paper to list all household members that may need help.

Name	D.O.B.
Street	Phone #
Emergency Contact	EC Phone #
Primary Doctor	Dr. Phone#
Pharmacy	RX Phone#

Check off all that apply to you:

- ☐ I do have a completed File of Life on my refrigerator.
- ☐ I would need help if power went out for more than a day.
- ☐ I do not have an emergency kit prepared (flashlight, radio, 3 days of food, water & medicine)
- ☐ I do not have an emergency plan for my pet. Types and number of pets: \_\_\_\_\_
- ☐ I would need transportation to a shelter.
- ☐ I would need help leaving my home.
- ☐ I would not be willing to leave my home.
- ☐ I would arrange to stay with family or friends, if needed.
- ☐ I give my permission to be contacted for further information.
- ☐ I have special needs. Please be specific and explain how you will need help: blindness, hearing loss, physical limitations, confusion, etc.
  
- ☐ Please list any medical equipment required. (oxygen, wheelchair, walker, insulin, wound care, IV, therapy, dialysis, nebulizer, etc.)

Please return form to Stow Fire Dept. P.O. Box 11 Stow, MA 01775

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PERMIT NO. 2  
STOW, MA**

# **POSTAL PATRON**

**BOXHOLDER  
OR  
R.F.D.**