

TOWN OF STOW
PLANNING BOARD

RULES AND REGULATIONS
FOR
SPECIAL PERMITS

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SECTION 1

GENERAL PROVISIONS

1.1 AUTHORITY

These Special Permit Rules and Regulations are adopted by the Stow Planning Board as a Planning Board as authorized by M.G.L. Chapter 40A and the Stow Zoning Bylaw as amended.

1.2 PURPOSE

The purpose of these Rules and Regulations is to set forth uniform Rules applicable to any Petition for a Special Permit and to establish uniform procedures for conducting the business of the Board under its jurisdiction as a Planning Board by virtue of the applicable provisions of the Zoning Act and the Stow Zoning Bylaw.

1.3 DEFINITIONS

In these Rules the following terms shall have the following meanings:

- 1.3.1 **Petitioner:** Any person or such person's authorized representative who files a Petition for a Special Permit under the Bylaw.
- 1.3.2 **Petition:** All Plans, Forms, Reports, Studies or other documents which are submitted to the Board under these Rules by a Petitioner.
- 1.3.3 **Bylaw:** The Zoning Bylaw of the Town of Stow, as amended.
- 1.3.4 **Parties in Interest:** The Petitioner; abutters; owners of land directly opposite on any private or public street or way; and abutters to the abutters within three hundred feet of the property line of the Petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the Stow Planning Board; and the Planning Board of every abutting city or town.
- 1.3.5 **Permit:** A Special Permit under the Zoning Bylaw as amended.
- 1.3.6 **Rules:** The Special Permit Rules and Regulations (hereinafter the Rules) as presented herein and subsequently modified hereafter.
- 1.3.7 **Site Plan:** Plans and supplementary information as described in these Rules.
- 1.3.8 **Planning Board:** Stow Planning Board as designated by and indicated in the Table of Principal Uses and Sections VI and VII of the Stow Zoning Bylaw.

1.3.9 **Subdivision Rules and Regulations:** The Rules and Regulations Governing the Subdivision of Land in Stow as amended and then in effect.

1.3.10 **The Zoning Act:** Massachusetts General Laws, Chapter 40, as amended.

1.3.11 **Town:** Town of Stow.

1.4 APPLICABILITY

Any person or entity applying for a Special Permit or amendment thereto under the Zoning Bylaw, whether or not such person is governed by any other federal, state, or local permits, variances, approvals, or programs, shall comply with the provisions of these Rules.

1.5 WAIVER OF RULES

1.5.1 **Waiver from Compliance** – Strict compliance with these Rules may be waived when, in the opinion of the Planning Board, such waiver is in the public interest and is consistent with the intent and purpose of the Bylaw and these Rules.

1.5.2 **Request for Waiver from Rules** – If a waiver to a filing requirement is being requested, a written request for such waiver shall be made at the time of filing. If an oral request is made at a hearing or meeting, it shall be reduced to and submitted as a written request by the Petitioner. Any request from a Petitioner for a waiver from these Rules must be submitted, in writing, to the Planning Board prior to the close of the public hearing. Any request for a waiver from these Rules must clearly identify the provision or provisions of these Rules from which relief is sought and such request must be accompanied by a statement setting forth the reason or reasons why, in the Petitioner's opinion, the granting of such a waiver would be in the public interest and consistent with the intent and purpose of the Bylaw and these Rules.

1.5.3 **Denial of Waiver Request** – If a requested waiver is not granted, the time for the submission of the required material or information shall be set by the Planning Board and said material or information shall be received prior to the close of the public hearing. If an extension of the time for conducting the public hearing or rendering a decision is necessary for consideration of this additional material or information, and such extension is not granted by the Petitioner upon request of the Planning Board, such refusal may be grounds for denial of the Special Permit.

1.6 PROVISION OF SECURITY

The Planning Board may require that security be posted with the Town in such form and amount as is required by the Planning Board to secure the satisfactory completion of all or any part of the work authorized by or required under the Special Permit. The form of security shall be generally as allowed in the Subdivision Rules and Regulations.

1.7 ADVICE FROM TOWN STAFF

Any advice, opinion, or information given to the Petitioner by a Planning Board member, or by any agency, official, or employee of the Town shall be considered advisory only and not be binding on the Planning Board.

1.8 AMENDMENTS TO THE RULES

The Rules may be amended by a majority vote of the Planning Board at or after a public meeting at which such amendment has been discussed.

1.9 EFFECTIVE DATE OF THE RULES

These Rules, or any amendment thereto, shall become effective upon vote of the Planning Board following a public meeting and the filing of the same with the Town Clerk.

SECTION 2

PRELIMINARY REVIEW

2.1 PRELIMINARY CONSULTATIONS

Consultations between a Petitioner and the Planning Board prior to the filing of a Petition with the Planning Board are recommended and can prevent delays in the processing of the final Petition.

2.2 FORM OF REQUEST

At least 8 copies of all materials to be reviewed shall be provided to the Planning Board along with a letter requesting such a review and including the name, address, and phone number of a person who may be contacted concerning the review. All correspondence and communication must be sent through the office of the Planning Board.

2.3 SCOPE OF PLANNING BOARD REVIEWS

The Planning Board will review preliminary materials in an attempt to avoid unnecessary technical deficiencies in the Petition to be filed and to promote efficiency in the formal review and hearing process. The Planning Board will not be responsible for assuring the accuracy, correctness or thoroughness of any Petition submitted for review. It is the responsibility of the Petitioner to assure that any Petition to the Planning Board is thorough, complete and accurate. Any incomplete Petition may result in a denial of such Petition on the grounds of an incomplete Petition.

2.4 PRELIMINARY REVIEW FEES

The first such preliminary review by the Planning Board shall be free of charge. Subsequent preliminary reviews shall require payment of a fee by the Petitioner of \$100.00 each at the time of submission. The fee shall be submitted in check form and made payable to "Town of Stow".

The Planning Board may require as part of the preliminary review process that the Petitioner shall deposit fees for reviews by consultants pursuant to M.G.L. Ch. 44 S. 53G as set forth below.

SECTION 3

FILING REQUIREMENTS

3.1 WHO MAY FILE

A complete Petition for a Special Permit shall be made in writing on a form entitled “Petition for a Special Permit”. Such form is available at the Office of the Planning Board. In the case where the Petitioner is a person other than the record owner of the property, the Petitioner shall be required to submit as part of the Petition for a Special Permit written certification executed by the record owner of the property that the Petition is submitted with the knowledge and consent of the record owner.

All information required by any form as part of a Petition for a Special Permit shall be furnished by the Petitioner in the manner prescribed in these Rules and by such form unless a waiver is requested and granted as set forth above.

3.2 SUBMISSION OF PETITION

The Petition shall be submitted to the Planning Board’s office or the Office of the Stow Town Clerk during posted business hours. The Petitioner may request and shall be entitled to a written receipt for the materials submitted. The date of filing shall be considered the date upon which the Petition or notice thereof has been delivered to or received by the Stow Town Clerk as required in these Rules.

3.3 NOTICE TO TOWN CLERK

Should the Petitioner submit the Petition to the office of the Planning Board, the Petitioner shall, in accordance with the Zoning Act, promptly and without delay notify the Stow Town Clerk of the submission of such Petition.

3.3.1 Number of Copies of Petition-

Any person who submits a Petition for Special Permit to the Board for approval, Modification, amendment or rescission of a Special Permit shall file with the Board, by delivery or registered mail, the following

1. Twenty-one (21) copies of a properly executed Petition for Special Permit Form
2. The required filing fee.
3. Fourteen (14) copies full scale plan (24”x36”) and fourteen (14) copies reduced scale (11”x17”) plan.
4. Four (4) copies of the Stormwater Management Report
5. Copy of the deed for all parcels contained within the site plan.
6. Development Impact Statement with supporting documentation.
7. Written list of any requested waivers from the rules and regulations with reasons why those waivers would permit a superior design that would be in the public interest and not inconsistent with the purpose and intent of the Zoning Bylaw.

8. Letter documenting authorizing vote if the developer is acting in the name of a trust, corporation or company.
9. A complete list of abutters certified by the Board of Assessors or its authorized representative.
10. All documents shall also be made available in PDF format.

3.4 FILING FEE

Any Petition for a Special Permit shall include a fee to cover the expenses incurred by the Town in reviewing the Petition, excluding the cost of plan review by a consulting engineer for the Town which shall be billed separately. The fee is not refundable. The fee shall be submitted in check form and made payable to “Town of Stow”. The amount of the fee shall be \$1000.00 for a Petition to construct, renovate or alter any structure larger than 10, 000 gross square feet, and \$500.00 for all other Petitions.

- 3.4.1 **Additional Review Fee Deposits** – So that the Planning Board may make the findings required under the Bylaw and insure that the public safety will be protected, the Planning Board may hire outside traffic, engineering, legal or planning consultants to review a Petition. To cover the cost of these reviews a review fee deposit may also be required of a Petitioner at the time of submission or at any appropriate time in the review process. As the scope of the study and review will vary according to the size or a particular project, the Petitioner is hereby strongly advised to consult the Planning Board concerning the scope and cost of any such studies during the preliminary review. Failure to do so could result in serious delays in the processing of a Petition. The amount of the fee deposit will reflect the anticipated consultant fee/s plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. Any amount of the deposits remaining after the issuance of building permits for the proposed construction plus any remaining accrued interest will be repaid to the Petitioner or the Petitioner’s successor in interest. The Petitioner may choose the consultant for any such review from a pre-approved list maintained by the Planning Board; otherwise the Planning Board will make the choice of the consultant.
- 3.4.2 **Appeal from the Selection of the Consultants** – The Petitioner may appeal the selection of an outside review consultant to the Board of Selectmen. If no decision is made by the Board of Selectmen within thirty days following the filing of an appeal, the selection of the Planning Board stands. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The Petitioner must specify the specific grounds which the Petitioner claims constitute a conflict of interest or a failure to meet minimum professional requirements.
- 3.4.3 **Continuations** – If a deficiency in the Petition or a difficulty with a particular site requires, in the opinion of the Planning Board, that the public hearing be continued pending the submission of additional information by the Petitioner, then the Petitioner may, at the discretion of the Planning Board, be required to pay an additional fee of not more than \$100.00 prior to the close of the public hearing for each such continuation. The fee shall be submitted in check form and made payable to “Town of Stow”.
- 3.4.4 **Amendments** – Petitions for Special Permit amendments shall require the filing of a new Petition for such purpose.

3.4.5 **Legal Notices** – The Petitioner shall submit a copy of the Notice of Public Hearing utilized by the Petitioner in publication of the Public Hearing notice.

SECTION 4

CONTENTS OF A PETITION

NOTE: A Petition for a Special Permit which lacks information or is incomplete in any manner may be denied or seriously delayed. It is the responsibility of the Petitioner to assure the accuracy, thoroughness and completeness of all information submitted to the Planning Board as part of a Petition for a Special Permit.

4.1 PETITION FORM

Any Special Permit for which a Petitioner seeks approval shall be submitted on the proper forms and shall be accompanied by a Site Plan prepared by a registered engineer and land surveyor drawn at a scale of 1" = 40' or such other as the Planning Board may require to show details clearly and adequately. The Site Plan must be plainly marked "Site Plan" and shall be clearly and legibly drawn in dark lines on a white background, or similar medium acceptable for filing with the Registry of Deeds or Land Court to fully detail and explain the intentions of the Petitioner. The details and contents of a plan where not otherwise specifically set forth herein may be provided in accordance with the requirements of the Subdivision Rules and Regulations.

4.1.1 **Numbering System** – All plans should include a reasonable numbering system with an appropriate title block, signature block, legend, and a North arrow.

4.1.2 **Required Components of a Site Plan** – More information than the minimum required herein may be shown on a Site Plan provided such information is reasonably necessary for the proper evaluation of the Site Plan. Any Special Permit submitted for consideration shall include a Site Plan which consists of the following minimum components:

- a) A Development Impact Statement (Form D.I.S. – see Appendix);
- b) A Locus Plan;
- c) A Site Composite Plan;
- d) A Construction Detail Plan;
- e) A Landscape Plan;
- f) A Building Elevation Plan;
- g) A Floor Plan;
- h) A Sedimentation and Erosion Control Plan.

4.2 CERTIFIED ABUTTERS LIST

A list of abutters and abutters to abutters that are Parties in Interest as defined in these Rules, taken from the most recent tax list of the Town and certified by the Assessors' Office shall be included in the submission of the Petition. The Petitioner shall pay any charges required by the Assessors' Office for the list.

4.3 SUBSTANTIATION OF FACTS

The Petition shall be responsible for factually supporting all points relied upon in the Petition concerning the proposal, including without limitation references for methodologies used in design calculations.

4.4 DEVELOPMENT IMPACT STATEMENT

The Development Impact Statement shall be completed in its entirety and 14 copies shall be submitted as part of the Petition for a Special Permit.

4.5 OTHER PERMITS AND VARIANCES

The Petitioner shall list on the Petition and provide copies of all variances, permits, and other special permits previously issued by Town boards or State and Federal agencies, and a list of any variances or permits required to complete the proposed work. This list should include but not be limited to any permits from the Board of Health, the Conservation Commission, the Board of Appeals, the Planning Board, the Board of Selectmen, the State Department of Public Works, the Army Corps of Engineers, and the State Department of Environmental Protection; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

NOTE: If any other special permits are required, the Petitioner is hereby strongly advised to make the applications for such additional permits concurrently with this Petition.

4.6 RECORDED PLANS

A copy of the most recently recorded plan/s for the lot/s on which the work will take place bearing the book number/s, page number/s, and date/s of recording/s or registration/s.

4.7 PLANS

Plans shall be legibly drawn to fully detail and explain the intentions of the Petitioner. Site Plans shall be drawn at a standard scale (1" = 40'). All plans shall include a reasonable numbering system with an appropriate title block, North arrow, signature block and legend identifying any representative symbols used on the sheet in question.

4.7.1 Locus Plan – A Locus Plan shall be submitted as part of any Site Plan. The Locus Plan shall be drawn at a scale of 1" = 1200' so that it is clear and a minimum of one mile diameter. Major streets, buildings, brooks, streams, rivers or other landmarks should be shown on the Locus Plan with sufficient clarity to be easily discernible.

4.7.2 Design Certification – Each plan sheet shall show the seal of a Registered Professional Engineer or a Registered Land Surveyor, or both, as appropriate to the data.

4.7.3 Site Composite Plan – The Site Composite Plan shall include the following minimum information presented as prescribed below:

- 4.7.4 **Legends** – Each Plan sheet shall contain a legend identifying any representative symbols used on the plan sheet in question.
- 4.7.5 **General Site Characteristics** – The following general site characteristics shall be shown on the Site Composite Plan:
- a) All lot lines and boundaries of the site, with ownership of abutting properties indicated, and all setbacks for buildings, structures, parking, or loading facilities. All required setback lines shall be dimensioned on the plan so that compliance with zoning regulations may be clearly discerned.
 - b) All Zoning District boundaries, including the boundaries of the Flood Plain and Groundwater Protection Districts, if applicable, shall be shown in their proper location on the site.
 - c) Any special site features including, but not limited to, stone walls, fences, historic structures or buildings.
- 4.7.6 **Natural Site Characteristics** – The following natural site characteristics shall be shown on the Site Composite Plan:
- a) Site features such as, but not limited to, wetlands, water bodies and waterways, drainage courses, historic sites, ledge outcroppings, etc. All wetlands and wetland buffer area boundaries must be shown on the plan. Wetlands are defined as those areas subject to the provisions of either the “Wetlands Protection Act”, M.G.L. Chapter 131, Section 40, or the Town of Stow Wetlands Bylaw.
 - b) Each area intended to be used as open space on the site shall be clearly identified on the plan and the square footage of each such area shall be shown.
 - c) All existing and proposed topography on the site shall be shown at two (2) foot intervals. Unless otherwise required by the Floodplain Bylaw, topography shall be referenced to the National Geodetic Vertical Datum with the location and elevation of the benchmark plus at least two additional benchmarks on the site.
- 4.7.7 **Site Improvements** – Any improvements intended to be constructed shall be shown on the Site Composite Plan.
- a) The outline or footprint of any existing or proposed building or structure must be shown and identified. The final disposition of any existing building or structure, whether it shall remain, be removed or altered, shall be noted. The location of any existing or proposed signs must be shown, and, if existing, their final disposition must be noted.
 - b) The location and type of water services to serve the facility shall be shown. If the site is to utilize an on-site well, its proposed location must be shown in addition to its setbacks from any building, structure or sewage disposal system.

- c) All fire hydrants on the site or off the site but within 500' of the principal building on the site shall be shown. If no fire hydrants are located within 500' of the principal building on the site, then a note shall appear clearly explaining how the Petitioner will provide fire protection to the site. The location of any proposed municipal fire alarm boxes or other warning systems and any proposed fire lanes shall be clearly shown and identified.
- d) The location and type of any other utilities all of which shall be located underground including, but not limited to, electric or gas services, shall be shown. Natural gas service shall be brought to the site if available.

4.7.8 **Waste Disposal Facilities** – The following waste disposal facilities shall be shown on the Site Composite Plan:

- a) The type and location of any solid waste disposal facilities must be shown and identified.
- b) The disposal of all wastes must comply with Town, State or Federal regulations or law.
- c) The proposed location (shown as a perimeter outline of the system) of any on-site sewage disposal systems, including any required reserve areas, must be shown on the plan. The type of sewage disposal system may be identified by a simple notation (for example, “proposed location of on-site sewage disposal system and proposed reserve area”). Actual design and construction of the sewage disposal system shall not be shown on a Site Composite Plan. However, the proposed location of the sewer main running from the building to the sewage disposal system must be shown. If a sewage system other than an on-site sewage disposal system is to be used, the location of any sewer main to be installed on the property in question must be shown. In addition, if the proposed development includes the construction of a sewage treatment plant, then the location of the plant and the sewer main to serve the facility in question must be shown.

4.7.9 **Erosion and Sedimentation Controls** – The Site Composite Plan shall show any devices or note any techniques which will be used to control erosion and sedimentation on the site during and after construction of the development.

4.8 CONSTRUCTION DETAIL PLAN

- 4.8.1 **Detail of Structures** – A typical detail of a proposed catch basin, manhole, headwall, walkway, subdrain, waterway, leaching basin, drainage pond, or other similar structures, if any, shall be shown.
- 4.8.2 **Landscaping Details** – A typical detail of a tree well, tree planting, or specialty planting area, if applicable, shall be shown.
- 4.8.3 **Parking Details** – A typical detail of each type of parking space to be used on the site showing

the dimensions of the “Parking Stall Length of Line” and the “Width of the Parking Stall” shall be shown so that compliance with “Parking Standards” of the Bylaw are met.

4.8.4 **Tabulations** – Building coverage, open space, and drainage tabulations shall be shown.

4.8.5 **Outdoor Lighting Details** – A detail of the lighting proposed shall be shown.

4.9 LANDSCAPE PLAN

At a minimum, the Landscape Plan shall include the following information presented as prescribed below:

4.9.1 **Certifications Legend** – A legend identifying the symbols used to represent any landscape elements including, but not limited to, trees, shrubs, ground covers or other landscape element, or outdoor lighting facility shall be shown on the Landscape Plan sheet. The botanical and common name of each species, its height (at planting), its spread (at maturity) and the quantity intended to be planted shall be listed in an orderly fashion as part of the legend.

4.9.2 **Certifications** – The Landscape Plan must be prepared by and show the seal of a Registered Professional Landscape Architect certified to practice in the Commonwealth of Massachusetts.

4.9.3 **Landscape Buffers** – The location, depth, width and length of proposed buffer area(s) shall be shown and dimensioned. A detailed planting plan of the buffer shall be shown and shall include an opaque screen. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation.

4.9.4 **Opaque Screen** – Said screen shall be opaque from the ground to a height of at least six (6) feet, with intermittent visual obstruction to a height of at least twenty (20) feet. The opaque screen may be composed of a wall, fence, landscaped earth berm (subject to height limitations contained within the Stow Zoning Bylaw) or a densely planted mix of deciduous and evergreen trees and shrubs, tolerant to the climatic conditions of Stow. The landscape buffer shall be opaque in all seasons of the year.

4.9.5 **Plantings** – Plantings shall be done in accordance with proper landscaping practices. Shade trees shall be of a species tolerant to the climatic conditions of Stow, and be at least two inch caliper (measured four feet above grade level). All trees shall be staked and mulched. Shrubs shall be a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Stow, and be at least eighteen inches in height at time of planting.

4.9.6 **Maintenance of Plantings** – Trees, shrubs, grass and ground cover which die or become diseased shall be replaced within two years of planting or anytime during the life of the Special Permit, whichever is longer.

4.9.7 **Retention of Existing Vegetation** – Wherever possible, the above requirements shall be met by retention of existing vegetation.

- 4.9.8 **Land Contours** – Existing and proposed contours of the land shall be shown at two (2) foot intervals. Such topography shall be referenced to the National Geodetic Vertical Datum.
- 4.9.9 **Site Features** – The boundaries of the site, the outline or footprint of all buildings, structures, parking areas, walkways, or loading facilities shall be shown. Areas of proposed “open space” shall be shown and identified on the Landscape Plan. In addition, any special site features such as historical features; ponds, streams, brooks or other water bodies; or large ledge outcroppings or boulders shall be shown.
- 4.9.10 **Limits of Work** – Any area where existing conditions may reasonably be expected to be disturbed during construction shall be shown and identified on the Landscape Plan.
- 4.9.11 **Perimeter of Trees** – The perimeter of any existing wooded areas on the site shall be shown. Existing wooded areas intended for preservation shall be noted.
- 4.9.12 **Outdoor Lighting Structures** - The location of any existing or proposed outdoor lighting facilities shall be shown. Appropriate symbols shall be used to identify whether such facilities are intended for functional or decorative purposes.

4.10 BUILDING ELEVATION PLAN

At a minimum the Building Elevation Plan shall include the following information presented as prescribed below:

- 4.10.1 **Scale of Building Elevation Plan** – The Building Elevation Plan shall be drawn at an appropriate scale generally not less than $1/8'' = 1'$.
- 4.10.2 **Certifications** – The Building Elevation Plan must be prepared by and display the seal of a Registered Professional Architect or a Registered Professional Engineer certified to practice in the Commonwealth of Massachusetts.
- 4.10.3 **Elevations** – The front, sides and rear elevations and the maximum height of each building shall be shown.

4.11 FLOOR PLAN

A Floor Plan must be shown for each floor of each building whether such building is existing or proposed so that compliance with the minimum parking regulation of the Bylaw may be discerned. At a minimum the Floor Plan shall include the following information presented as prescribed below:

- 4.11.1 **Scale of Floor Plan** – The Floor Plan shall be drawn at a scale of $1/4'' = 1'$ or such other scale as the Planning Board may require to show details clearly and adequately.
- 4.11.2 **Certifications** – The Floor Plan must be prepared by and display the seal of a Registered Professional Architect or by a Registered Professional Engineer certified to practice in the Commonwealth of Massachusetts.

4.11.3 **Floor Plan** – Each Floor Plan must identify the proposed use or uses to be conducted on the floor in question. Each Floor Plan must be dimensioned to show the net floor area.

4.12 **USE DESCRIPTION**

The Petition shall contain a detailed description of the proposed use. In the case where the Petitioner cannot commit to a particular use at the time that a Petition for a Special Permit is made, the Petitioner must provide the Planning Board with a description of the possible uses to which the facility may be put as allowed by the Town of Stow Zoning Bylaw.

4.13 **STORMWATER MANAGEMENT**

In the event an Erosion Control Special Permit is required in accordance with Section 3.8.1.10 of the Zoning Bylaw, the Planning Board shall require the Applicant to meet the Stormwater Management standards in Section 4.13 of these Rules, as consistent with the Planning Board's Stormwater Management Policy. The Planning Board will further presume that projects meeting the 2008 Massachusetts Stormwater Handbook, or as subsequently amended, satisfy the requirements of Section 3.1.8.9 of the Stow Zoning Bylaw and related Subdivision Rules and Regulations, Site Plan Approval Rules and Regulations and Special Permit Rules and Regulations, and therefore are presumed to also satisfy other regulatory requirements, as stated in said handbook.

4.13.1 **Stormwater Management** - The objective of stormwater management for Stow is to manage stormwater during construction and design a post-construction system in such a way so that the volume and peak runoff from the development of a parcel will be no greater after the development is completed than it was before the development was started, and that the water quality will meet required Department of Environmental Protection (DEP) standards.

4.13.2 **Stormwater Management Requirements** - The design of a Stormwater Management System shall comply with the requirements of the 2008 Massachusetts Stormwater Handbook, subsequently known as the Handbook, which have been adopted by the Planning Board.

Throughout the Handbook, where the "Conservation Commission" is identified, substitute "Planning Board and Conservation Commission." This does not relieve the applicant from complying independently with the Conservation Commission's requirements.

The Planning Board, through its review process, may set more stringent requirements than are specified in the Handbook. The Planning Board may require Special Permit applications and site plans, to be compliant with the Handbook.

4.13.3 **Best Management Practice (BMP) Prioritization** - Although the Planning Board is aware that the Best Management Practice (BMP) techniques employed depends largely on the

site's hydrological features, it has placed a high priority on environmentally sensitive site design techniques for stormwater management, including:

- Minimizing impervious surfaces
- Fitting the development to the terrain
- Preserving and using natural drainage systems
- Reproducing pre-development hydrologic conditions

4.13.4 Stormwater Management Design Process

4.13.5 Preliminary Stormwater Design Plan - The applicant shall present a Preliminary Design Plan for the stormwater management system prior to submission of a Definitive Plan. In the Preliminary Design Plan, the applicant shall be prepared to discuss and justify the design approach for stormwater management in terms that a lay person may understand. The Planning Board will consider the three stormwater management components in order of priority as described in the Handbook:

- a) **Site Planning:** Design the development using environmentally sensitive site design and low impact development techniques to preserve natural vegetation, minimize impervious surfaces, slow down times of concentration, and reduce runoff;
- b) **Source Controls, Pollution Prevention, and Construction Period Erosion and Sediment Control:** Implement nonstructural measures to prevent pollution or control it at its source; and
- c) **Structural BMPs** (physical devices typically designed and constructed to trap or filter pollutants from runoff or to reduce runoff velocities): Design, construct and maintain structural BMPs to attenuate peak flows, capture and treat runoff, and provide recharge to groundwater.

The Planning Board will emphasize using environmentally sensitive site design and low impact development techniques to minimize the amount of onsite disturbance and to lessen the need for BMPs for stormwater quality treatment and volume/velocity management.

The applicant shall provide a detailed description of the approach being applied to satisfy the standards in the Handbook. At a minimum, the applicant shall consider and present the design based on the Checklist for Stormwater Report, located in the Handbook, to the Planning Board.

For the parcel being developed, the applicant shall provide a drawing of the site that identifies each watershed in the parcel and every watershed of which the parcel is a part, the Hydrological Soil Group (A, B, C& D) for each of the sub-areas, and the impervious areas to be developed on the parcel. All wells, septic systems and critical areas are to be identified on the drawing for the parcel and abutting parcels within 150 ft of the parcel being developed

The Planning Board will review the proposed design, evaluate the design, and provide comments on the design.

4.13.6 Definitive Stormwater Design Plan - The applicant shall:

- a) Implement the design proposed in the preliminary design plan as modified by the comments received from the Planning Board. The final detailed design shall be presented to the Planning Board for final review and comment. The Planning Board may reject a detailed design, which does not address the issues identified by the Planning Board from the preliminary design.

Storm drainage runoff calculations used for stormwater drainage system design must be prepared by, and display the seal of, a Registered Professional Engineer.

- b) Provide data for all Water Quality and Recharge calculations based on the Stormwater Management System design.
- c) Provide the source data for all Water Quantity Volume calculations.
- d) Provide the source data for all Stormwater Recharge calculations.
- e) Provide the source data for all Peak Discharge Rate Calculations
- f) Provide data for the TSS removal calculations.

In addition, the Planning Board may require that the data necessary to use Rational Equation Method be provided.

4.13.7 Stormwater Management System Appropriate for a Parcel - The submission to the Board of any development of land has to recognize that stormwater management requirements may be the constraining factor in the amount of the proposed impervious surface and thus the number of units that can be built on a parcel in Stow.

4.13.8 Other Stormwater Design Criteria to be Considered:

- a) Test holes are required in each stormwater detention or retention area and must be to a depth at least two feet below the bottom of the drainage facility and shall be performed by a Soil Evaluator. Test data shall be included in the drainage report.
- b) The drainage report shall be stamped by a Professional Engineer and shall include a plan showing drainage sub-catchments and travel time paths.
- c) In areas of overland flow, the drainage analysis shall consider the property line the point of analysis to mitigate impacts on abutting properties.
- d) Soil beneath drainage facilities shall be naturally occurring unless in fill and shall not be “mined” for use elsewhere on the site.
- e) If a site requires extensive fill, including individual lots, the drainage calculations shall consider the soils for these areas to be a hydrologic soil group C.
- f) The plans shall identify the approximate area of impervious surface per lot. Additional recharge shall be required to mitigate the additional runoff from the impervious surfaces.

4.14 EARTH REMOVAL CALCULATIONS

Calculations for determining the volume of earth to be removed from the site. Calculations of the amount of earth removal shall be prepared by, and show the seal of, a Registered Professional Engineer. The calculations shall show the total amount of earth materials to be removed from the site. A removal schedule may be required when earth materials are intended to be removed from the site. This schedule, if required, must state the size of the trucks or other vehicles to be used, their gross vehicle weight, the estimated number of trips per day for each removal vehicle, the travel routes to be taken by removal vehicles as well as their approximate hours of operation and the clearing procedures used.

4.15 TRAFFIC STUDY

A traffic study shall be submitted with all Special Permit Applications, regardless of the project size, in accordance with Section 4.14 of the Rules. The traffic study shall follow guidelines published by the ITE *"Transportation Impact Analysis for Site Development: An ITE Recommended Practice"*, the guidelines issued by the Massachusetts Department of Transportation and various references noted below as appropriate. The analysis should be documented in the report and shall be completed by or under the supervision of an ITE Member registered as a Professional Engineer in the State of Massachusetts. It is strongly recommended that the Applicant's traffic consultant/engineer meet with the Town planning staff at the outset of the analysis to confirm the scope of the analysis and identify any unique issues that need to be addressed by the Applicant.

4.15.1 Determining Project Size - Different levels of traffic analysis shall be required depending on the size of the proposed project. The definition of project size is as follows:

- MINOR Projects: Less than 10 peak hour vehicle trips
- MODERATE Projects: Between 10 – 50 peak hour vehicle trips
- LARGE Projects: Greater than 50 peak hour vehicle trips

4.15.2 Required Data Submissions for all projects:

- Proximity to existing points of interest or area of existing safety concern (e.g. high crash location);
- Classification of abutting roads and general current operating conditions;
- Anticipated special characteristics of the proposed traffic generated (e.g. anticipated vehicle/truck types, peak hours of operation that differ from standard commuting patterns/times, delivery hours and circulation patterns).

4.15.3 Required Data Submissions for "MINOR" projects:

1. the estimate of the project's daily and peak hour trips;
2. expected operating condition of its site access drive intersection with the major street;
3. sight distance analysis for the points of access/egress following the direction described below under 'Moderate/Large Projects'; and
4. the evaluation of the proposed site drive intersection geometric design with the major intersecting street.

The Planning Board may waive the requirements associated with MINOR projects where it can be demonstrated that the information required would not be relevant or useful for determining the adequacy of the Special Permit applied for;

4.15.4 Required Submissions for MODERATE / LARGE projects. In addition to the matters listed in subsection (3.9.2.1), above, the specific items to be addressed in traffic impact studies for moderate to large projects are listed below:

1. Study Area - The determination of the study area shall be made by the Applicant based on Table 2-3 from the 2010 or later edition of the ITE *"Transportation Impact Analysis for Site Development: An ITE Recommended Practice"* and shall incorporate the roadways that the site access will be connected to; provided, however, that the study area shall extend not less than 1/4 mile from the property lines and shall include all major intersections and access drives within the study area for Moderate Projects, and shall extend not less than one mile from the property lines and shall include all major intersections and access drives within the study area for Large Projects, unless these minimum distances are altered or waived by the Board.
2. Traffic Volumes - The current daily volumes on the roadways abutting the project shall be obtained. Peak hour volumes shall be collected during weekday peak periods- typically 7:00AM - 9:00AM and 4:00PM - 6:00PM. Retail and restaurant uses shall consider the midday peak hour (i.e. 11:00AM - 2:00PM). Data that exists for study locations, which is no more than two years old may be used for the current application; use of older data or analysis periods must be reviewed and approved by the Planning Board.
3. Safety Data - The traffic study shall include research of recent crash data at all study locations. At a minimum, the crash records maintained and available through the Massachusetts Department of Transportation (MassDOT) and the Town of Stow Police Department for the latest available three years shall be summarized to indicate crash characteristics, including but not limited to frequency, type, severity and weather or road surface conditions. Crash rates will be calculated and compared to the appropriate average rates found in the MassDOT District area. Notable trends or potential safety issues shall be identified.
4. Future Traffic Volumes - The traffic study must estimate future traffic volumes for conditions with and without the proposed development project. The future year for moderate and large projects should be five years from when occupancy begins. A No Build condition must be considered and must take into account nearby developments or redevelopments that are planned, expected and underway within the study period.

The traffic for the proposed development must include daily and peak hour flows. If applicable, Saturday conditions must be estimated. Unless otherwise supported, the traffic estimates for proposed developments should be based on the models in the latest Trip Generation Report published by the ITE. Estimates of site traffic distribution should be documented and clearly shown in the traffic report. For all

non-residential land use types, estimates of truck traffic shall be provided based upon the use proposed or on comparable land uses.

5. Traffic Analysis - An analysis of the proposed project's impact on the study area intersections and roadways will involve examining the change in traffic volumes at the study locations and completing a level of service analysis consistent with the methods described in the Highway Capacity Manual published by the Transportation Research Board. The results must be summarized in tabular form and include comparisons of the existing, no-build and build conditions. Information that is required for each approach, lane group and overall include the volume to capacity ratio, average vehicle control delay, level of service (LOS) and the 95th percentile vehicle queues. The Board may require mitigation where a location currently experiences or is projected to experience a peak hour LOS 'D' or lower.
6. Sight Distance Analysis - Proposed streets and access drives shall be located so as to provide adequate sight distance with respect to both horizontal and vertical alignment, as well as at intersections. Site distances shall meet requirements of AASHTO Geometric Design of Highways and Streets to determine adequate site distance including stopping sight distance, and intersection sight distance, at a minimum. A summary table and/or diagram should be provided in the traffic report that indicates the measured distances, the required distances given the appropriate speed and a determination if the distance criterion is satisfied or not for each type and direction.
7. Pedestrian/Bicycle Circulation - A review/assessment of the impact of the project's access points in relation to impacting the pedestrian and bicycle travel on the abutting street shall be completed and a statement of impact and/or adequacy should be included in the traffic report.
8. Internal circulation plan - An internal traffic and pedestrian circulation plan shall be prepared as part of the traffic study, providing information on emergency vehicle access and turning radii, expected goods/delivery routes, and any potential conflicts between bikes and pedestrians with existing or proposed vehicular traffic.
9. Mitigation - The Town of Stow is committed to reducing traffic impacts and encouraging the design, construction, maintenance, and operation of all streets to provide for a comprehensive and integrated network of facilities for people of all ages and abilities in accordance with the Town of Stow's Complete Streets Policy as amended. To this end, the Applicant will be required to evaluate potential mitigation measures and improvements unless it can be fully demonstrated that

mitigation should not be required for a specific project. Potential mitigation measures and improvements shall include but not be limited to the following:

- a) Access Management strategies to reduce the number of curb-cuts without compromising emergency access including:
 - i. Encouraging shared vehicular access with adjoining developments.
 - ii. Maximize distances between proposed access drives and the driveways to adjacent properties;
- b. Location and design of proposed non-residential access drives to minimize unnecessary traffic intrusion into existing residential neighborhoods;
- c. Use of Clearing, grading, signage or other improvements to ensure adequate sight distances are provided and maintainable;
- d. Provision of pedestrian connections with adjacent properties, developments and street networks.
- e. Traffic calming strategies including but not limited to signage, rapid flashing beacons and signals, traffic islands, curb bumpouts and other guidance required for safe and efficient traffic movement;
- f. Reconstruction of roadway segments and/or intersections to improve the level of service to pre-development levels of higher than LOS 'D'. This may include but not be limited to additional travel or turn lanes, signalization, upgraded signalization and signal timing, channelization, and other physical improvements.
- g. Accommodation of transit within or adjacent to the project site.
- h. Provision for or contribution toward demand management techniques including but not limited to sidewalks, bicycle lanes, carpooling, transit service and on-site services;
- i. Complete Streets improvements in accordance with the Town of Stow Complete Streets Policy, including but not limited to sidewalk improvements in the form of design and/or construction, crosswalks, signalized intersections or crossings, bike lanes, paths, pedestrian walkways and other pedestrian and/or bicycle facilities;
- j. Submission of engineered plans showing the seal of a professional engineer licensed to do business in the State of Massachusetts, provided for the purpose of complying with the mitigation requirements of the Rules;
- k. Provision of funds to the Town for the purpose of studying, designing and/or constructing transportation improvements within the study area or in locations or intersections expected to receive considerable impact due to the proposed development. Payment for such activities shall be based upon estimates received within one year of the project application, from transportation engineering firms licensed to do business in Massachusetts, or a licensed professional in the field of transportation construction.

- i. Estimates older than one year at the time of project approval shall be updated to provide for accurate estimation;
- ii. All estimates shall assume the use of prevailing wage for all work or services included.
- iii. In the event the project is to be phased over time, then the mitigation actions must be detailed in terms of implementation schedule.

The Planning Board may waive the requirements associated with MODERATE projects where it can be demonstrated that the information required would not be relevant or useful for determining the adequacy of the Special Permit applied for.

4.16 ADDITIONAL INFORMATION TO BE FURNISHED TO THE PLANNING BOARD

The Planning Board is empowered to require information in addition to that specifically required by the Bylaw or by these Rules. The Planning Board will require the Petitioner to supply additional information if it finds that such information is necessary to properly act upon the Petition in question.

No submission of additional information or amendments will be accepted after the filing and prior to the commencement of the public hearing, or subsequent to its close, without the Planning Board's permission.

4.17 RECOMMENDATIONS FROM OTHER BOARDS, COMMITTEES, AND AGENCIES

Upon receipt of a Petition hereunder, the Planning Board shall transmit forthwith a copy of the Petition to the:

Building Inspector	Board of Selectmen
Board of Appeals	Fire Department
Board of Health	Police Department
Engineering Consultant	Highway Superintendent
Conservation Commission	Historic Commission
Open Space Committee	Board of Assessors
Tree Warden	Stow Municipal Affordable Housing Trust

SECTION 5

PUBLIC HEARING

5.1 PUBLIC HEARING NOTICE

- 5.1.1 **Publication of Notice** – Upon receipt of a Petition for a Special Permit, the Planning Board shall set the date, time, and place of the public hearing, which shall be held within 65 days of the Petition filing date but no sooner than 35 days from the Petition filing date. Notice of the hearing shall be published by the Petitioner in a newspaper of general circulation once in each of two (2) successive weeks. The first such publication shall appear not less than fourteen (14) days before the day of the hearing and a copy of the notice shall be posted in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the date of the hearing. The day of the hearing shall not be counted as one of the required fourteen days. In addition, copies of the notice shall be sent by certified mail by the Petitioner to all Parties in Interest at least fourteen (14) days prior to the date of the public hearing. Certified mail receipts and proof of publication shall be submitted to the Planning Board no later than the commencement of the public hearing.
- 5.1.2 **Content of Public Hearing Notice** – The Petitioner shall submit as part of the Petition a properly executed form entitled “Draft Legal Notice”. It is important that all of the information required by said form be submitted in complete form. Failure to submit information which is accurate could render the public hearing invalid and could cause serious delays in the processing of the Petition.

5.2 APPEARANCE OF PETITIONER AT PUBLIC HEARING

A Petitioner may appear on his own behalf or be represented by an agent or attorney. In the absence of an appearance, the Planning Board may decide the matter using the information it has received. In any case, the Planning Board shall not be responsible for presenting any Site Plan to the public at a public hearing or any other forum. It is the responsibility of the Petitioner to present the Site Plan to the Planning Board and to the public. Failure to appear at a public hearing could seriously jeopardize the success of a Petition.

5.3 PUBLIC HEARING PROCEDURE

The objective of a public hearing is to provide Parties in Interest the opportunity to have their opinion heard by a public decision-making body. In order to encourage informed opinions, it is important that the Plan in question be presented to the public in a thorough but concise manner, Unduly lengthy presentations do not inform the public any better than short, concise, accurate presentations. Also, lengthy presentations often take up the time which could be better used by the public to provide its comment. Therefore, these Regulations are intended to promote a well-prepared, brief, and accurate presentation of the Petition for a Special Permit, thereby providing the public with maximum opportunity to speak on issues of concern.

- 5.3.1 **Time of Hearing** – No hearing shall begin before the time published in the notice.

- 5.3.2 **Public Invited** – Any party whether entitled to notice thereof or not may appear in person or by agent or by attorney.
- 5.3.3 **Rules of Conduct** – The Chairman will conduct the hearing in accordance with applicable laws and rules for the conduct of such meetings and may administer oaths, summon witnesses, and call for the presentation of relevant documents. The Planning Board may retain any record which has been introduced in evidence for reference in its deliberations on the case.
- 5.3.4 **Notice of Public Hearing** – The Chairman will open each hearing by reading the notice as published.
- 5.3.5 **Petitioner's Presentation** – The Petitioner will then present the Site Plan in accordance with the procedure for such presentations as set forth in these Rules.
- 5.3.6 **Time Limit for Presentation** – Because the time afforded the Petitioner to present the Plan is limited, the Chairman shall not allow any person in attendance, including members of the Planning Board, to interrupt the Petitioner during the presentation of the Site Plan.
- 5.3.7 **Questions by Planning Board Members** – When the Petitioner has concluded the presentation, the Chairman will allow members of the Planning Board to ask questions of the spokesperson related to clarifying any points made during the presentation. In addition, members of the Planning Board may direct appropriate questions during the hearing.
- 5.3.8 **Questions from Public** – When all questions have been asked by members of the Planning Board, the Chairman will allow all those present to speak on the matter under consideration. Those who wish to speak shall, upon recognition by the Chairman, give their names and addresses, then proceed.
- 5.3.9 **Questions Addressed to Chairman** – Any comments or questions said by any person in attendance except members of the Planning Board shall be directed to the Chairman and not directly to the Petitioner, the Petitioner's representatives or any other persons without the express permission of the Chairman.
- 5.3.10 **No Cross-Examination** – No cross-examination will be allowed, although questions seeking information and deemed relevant by the Chairman may be allowed at the discretion of the Chairman.
- 5.3.11 **Rebuttals** – Rebuttals may only be allowed at the discretion of the Chairman.
- 5.3.12 **Close of Hearing** – When all the facts have been presented and all persons wishing to speak on the Petition have been heard, the Chairman will close the hearing in accordance with parliamentary procedure and inform the Petitioner and others present that the Petitioner will be notified, by certified mail, of the Planning Board's decision.
- 5.3.13 **New Evidence Limitation** – In no case shall the Planning Board allow new evidence to be admitted after the close of the public hearing. However, written information may be submitted

after the close of the public hearing provided the information does not contain new evidence and is intended to clarify existing factual evidence. In any case the Planning Board shall have the right to refuse admission or receipt of information which in the Planning Board's opinion constitutes new evidence or which is otherwise deemed inappropriate.

5.4 PUBLIC HEARING PRESENTATION

The Planning Board highly recommends that the Petitioner present the Site Plan to the Planning Board and to the public in the following manner:

- 5.4.1 **Locus of Site** – The Petitioner should locate the site under consideration by using a locus map which clearly shows the location of the site within the Town and the applicable neighborhood. The site, major roads or other landmarks should be clearly discernible to all persons in the hearing room by the use of color or other graphic techniques.
- 5.4.2 **Petition and Plan Summary** – The Petitioner should then summarize the Petition for all those present so that they may have a full understanding of the purpose and scope of the project, and the extent to which the project strives to meet the objectives of the Bylaw. During the summary the Petitioner shall limit the discussion to facts which are part of the Petition submitted. New facts not contained in the Petition must be clearly identified as new facts by the Petitioner. Often it is the presentation of new facts at a public hearing which will necessitate that the hearing be continued so that the Planning Board and the public may have the opportunity to evaluate the new facts. Therefore, in order to prevent the delays caused by a continued hearing, the Petitioner should strive to assure that the initial Petition is complete.
- 5.4.3 **Plan Analysis** – The Petitioner should then provide a brief but thorough analysis of the Plan, clearly identifying all major Plan components, and shall explain their respective roles in the Plan so that lay persons in the hearing room can clearly understand the scope and probable impacts of the proposal. Any plans or other graphic representations of the proposal used during the presentation should be clearly drawn and easily discernible to all those present. It is highly recommended that major Plan components such as buildings, parking facilities, drainage and utility systems, site landscaping, major topographic changes such as hills or valleys, and major site features such as ponds, streams, and stone walls be shown in color so that these Plan elements can be identified by persons in the hearing room. It is also recommended that major Plan components be shown on separate Plan sheets if it is deemed that their display will be confusing if shown on only one Plan sheet.
- 5.4.4 **Time Limit of Presentation** – The Chairman shall allow any Petitioner a maximum of 30 minutes to complete the presentation. If the Petitioner feels that the presentation requires more time, the Petitioner may request that the Chairman allow an additional specified amount of time for the presentation. Such a request must be made prior to the beginning of the presentation; otherwise the presentation shall not exceed the required 30 minutes allowed for the presentation. The Chairman may upon his own motion allow the Petitioner to exceed the time limitation imposed herein when the Chairman deems such an action appropriate under the circumstances. Upon completion of the presentation, the Petitioner shall advise the Chairman that the presentation has been completed.

5.5 CONTINUANCE OF PUBLIC HEARING

The Planning Board may continue a public hearing if the Planning Board finds that the continuance is necessary or appropriate to allow the Petitioner or others to provide additional information. In such a case, the Chairman shall announce to those present, prior to the adjournment of the hearing, the specific date, time, and place where the hearing will be continued, and the subject matter to be discussed at the continued hearing. The Planning Board may require the Petitioner to re-advertise or re-notify Parties in Interest, where it deems such an action to be in the public interest.

- 5.5.1 **Extension** – The period within which final action shall be taken may be extended for a defined period by written agreement between the Planning Board and the Petitioner and a copy is filed with the Town Clerk.

SECTION 6

PLANNING BOARD ACTION

6.1 VOTING REQUIREMENTS

- 6.1.1 **Required Vote** – The concurring vote of a majority of the Planning Board shall be necessary to decide in favor of granting the Permit applied for. A failure of the Planning Board to achieve the required vote shall be deemed a denial of such Permit.
- 6.1.2 **Hearing Attendance Required for Action** – Only those members of the Planning Board who were in attendance at the public hearing may vote on the Permit in question.
- 6.1.3 **Record of Proceedings** – The Planning Board shall cause to be made a detailed record of its proceedings, showing the vote of the Planning Board and whether a member of the Planning Board was absent or failed to vote, and setting forth clearly the reason or reasons for its decision and for its other official actions. Copies of such record shall be filed at the Planning Board Office and the Office of the Town Clerk.

6.2 WITHDRAWAL OF APPLICATION BEFORE PUBLIC HEARING NOTICE

Any Petition for a Special Permit may be withdrawn without prejudice by filing a properly executed form entitled, “Notice of Petition Withdrawal”. Said form must be received by the Planning Board prior to the first publication of notice of the public hearing. No refund of fees will be provided if a Petition is withdrawn.

6.3 WITHDRAWAL OF APPLICATION AFTER PUBLIC HEARING NOTICE

Withdrawal of any Petition after the first publication of notice for the public hearing requires Planning Board approval. The request for such approval shall be made on a properly executed form entitled, “Request for Petition Withdrawal”. Requests made in any other manner than that prescribed herein shall not be considered for approval by the Planning Board.

6.4 DECISION OF THE BOARD

The concurring vote of four (4) of the five (5) members of the Planning Board shall be necessary to decide in favor of granting a Special Permit. Only those members of the Planning Board who were in attendance at the public hearing may vote on the Petition in question.

- 6.4.1 **Time Period for Deliberation** – The Board will act on each Petition for a Special Permit within ninety (90) days from the date of the close of the public hearing, unless such Petition has been withdrawn from consideration.

- 6.4.2 **Notice of Decision** – The Board will send a full copy of its Decision to the property owner and the Petitioner if other than the property owner, the Stow Town Clerk, and other Town Special Permit Granting Authorities and departments. Such notice shall be on a form entitled “Special Permit Notice of Decision”.
- 6.4.3 **Recording of Decision** – Recording a Special Permit Decision is required by the Zoning Act and the Bylaw. The Petitioner will be responsible for recording the full copy of the Special Permit Decision in the Middlesex South District Registry of Deeds and for paying any required recording fees. A copy of the recorded Decision, certified by the Registry of Deeds, must be submitted to the Planning Board and the Building Inspector. No construction shall be allowed to begin at the site which was the subject of the Decision until evidence, satisfactory to the Building Inspector, has been presented to the Building Inspector that the Permit in question has been duly recorded as required herein.
- 6.4.4 **Submission of Final Approved Plans** – Five copies of the final plans as approved for construction by the Planning Board shall be submitted to the Building Inspector prior to the issuance of a building permit.

6.5 APPEAL OF DECISION

Any person aggrieved by a decision of the Planning Board, whether or not previously a party to the proceeding, may appeal such decision in accordance with Section 17 of the Zoning Act.

6.6 TIME LIMITATION ON APPROVAL

In the case where a Special Permit is granted by the Planning Board, all other permits for the execution of the work shall be obtained and substantial use thereof shall be commenced, except for good cause, or construction begun, except for good cause, within two years from the date of filing of the Planning Board’s Decision in the Office of the Town Clerk, unless the Planning Board otherwise provides for a different period of time in the Permit. Said time shall not exceed two years.

6.7 EXTENSION OF TIME LIMITATION TO BEGIN WORK

- 6.7.1 **Extension for Good Cause** – A reasonable extension of said time may be granted by the Planning Board where good cause is shown after a public hearing has been conducted in accordance with the requirements of Section 5 of these Rules on the request for extension. Such extension or extensions shall not exceed two years beyond the original expiration date of the Special Permit.
- 6.7.2 **Form of Extension Request** – Any request for an extension shall be made in writing to the Planning Board on a properly executed form entitled, “Petition for Extension of Time Period”. Such request must be submitted to the Planning Board and a copy thereof to the Town Clerk at least sixty (60) days prior to the date when the Permit is due to lapse. Failure to submit such Petition as prescribed above shall be due cause for the Planning Board to deny the requested time extension.

6.8 REPETITIVE PETITION

Section 16 of the Zoning Act stipulates that no Petition which has been unfavorably and finally acted upon by the Planning Board shall be acted favorably upon within two years after the date of final unfavorable action unless four members of the Planning Board vote to find that specific and material changes in the conditions upon which the previous unfavorable action was based have occurred and describe such changes in the records of the Planning Board's proceedings, and all but one member of the Planning Board consents to the consideration of the matter. Therefore, any person wishing to re-apply for a Permit within two (2) years from the date when the final and unfavorable action was filed with the Town Clerk must submit to the Planning Board a properly executed form entitled, "Petition for Planning Board Consent to a Repetitive Petition", annexed hereto and made part of these Rules.

6.9 AMENDING A SPECIAL PERMIT

A previously granted Special Permit may be amended upon petition to the Planning Board or upon the Planning Board's own motion. The Planning Board shall determine whether any request for further alterations to a site constitutes a minor modification and therefore does not require an amendment to the Special Permit. Requests for minor modification may be considered where the Petitioner submits sufficient information, including but not limited to:

- Repair of a scrivener's error;
- Alteration to administrative requirements, including but not limited to the timing of submittals or the sequencing of work or construction tasks, except where such alteration could change the impact on abutting property owners;
- Changes to the site plan that do not alter the nature, intensity or visual impact of the use for which the Special Permit was originally granted.

In the event that any request for minor modification relates to a topic of consideration specifically discussed as part of the Special Permit Public Hearing for which the request relates to, such request shall be subject to a Public Hearing and follow the rules for Special Permit Modification.

6.9.1 **Public Hearing** – Unless the original Permit specifically allows certain modifications or alterations without the necessity of a new public hearing, all requests for amendments shall require a new public hearing to be advertised and conducted in accordance with these Rules.

6.9.2 **Applicable Requirements** – All of the requirements applicable to a Special Permit shall be applicable to an amendment to a Special Permit. Because of the variety of amendments which are possible, Petitioners are advised to inquire whether they will need to submit any plans, reports or other information in addition to those submitted at the time the original Special Permit was applied for. If any plans, reports or other information is required, then such plans, reports or other information will comply with the requirements set forth in these Rules.

6.9.3 **Petition Fee Reduction** – Amendments to an existing Special Permit may take many forms. Some amendments may be quite simple while others could be quite complex. In each case where

an amendment to an existing Permit is sought the Petitioner may request that the Planning Board reduce the Petition fee required by these Rules. Failure to pay the required payment in a timely manner may be considered due cause to deny the requested amendment.

6.10 MAINTENANCE OF PERMIT

The Planning Board shall review on an annual basis, with the assistance of the Building Inspector, all Special Permits issued after 5/7/90 for compliance with the conditions of the Permit. More frequent reviews may be conducted if it is deemed necessary by the Planning Board. Remedial actions shall be required where necessary. Failure to comply with recommended remedial actions may result in revocation of the Special Permit and/or further zoning enforcement actions.

6.11 VALIDITY

In the event of a conflict between the provisions of these Rules and Regulations and the provisions of the Zoning Act and the Stow Zoning Bylaw, the provisions of the Zoning Act and the Stow Zoning Bylaw shall apply.

6.12 APPENDIX

Appendix 1 Petition for Special Permit

Appendix 2 Development Impact Statement

Appendix 3 Draft Legal Notice

Appendix 4 Petition for Extension of Time Period

Appendix 5 Notice of Petition Withdrawal (Prior to Publication of Legal Notice)

Appendix 6 Request for Petition Withdrawal

Appendix 7 Stormwater Management Policy

TOWN OF STOW PLANNING BOARD

PETITION

FOR

SPECIAL PERMIT

File completed Petition with the Town Clerk and then present 14 separate copies of the Petition, folded to fit neatly within a letter-sized file folder, to the secretary for the Planning Board along with a Petition fee payable to "Town of Stow" in the amount required by the Rules and Regulations for Special Permits. Refer to the "Rules and Regulations for Special Permits" for details on the information required.

Please type or print this Petition.

PETITIONER'S NAME: _____ PHONE #: _____

MAILING ADDRESS: _____

LOCATION AND STREET ADDRESS OF SITE: _____

AREA OF SITE: _____ sq. ft. FRONTAGE: _____ linear feet

ZONING DISTRICT: _____ ASSESSOR'S MAP NO.(s): _____ PARCEL NO.(s): _____

SOUTH MIDDLESEX REGISTRY OF DEEDS BOOK AND PAGE NO.(s): _____
or LAND COURT CERTIFICATE OF TITLE NO.(s): _____

PROPERTY OWNER: _____ PHONE #: _____

MAILING ADDRESS: _____

DETAILED DESCRIPTION OF THE PROPOSED SPECIAL PERMIT:

Please complete the following check list for your Petition indicating with a check mark the information included. If an item is not applicable to your Petition, write "N/A" in the blank. If any applicable items are missing attach additional sheets explaining the omission. Note that this list is not a complete description of the requirements for a complete Petition; it is each Petitioner's responsibility to prepare a complete Petition according to the "Rules and Regulations for Special Permits" as adopted by the Planning Board and available from the Planning Board's secretary. A Petition lacking any required information in the appropriate format may not be accepted or may be cause for denial of said Petition.

If any Special Permits or variances have been filed previously for this site please attach copies of the decisions.

_____ DEVELOPMENT IMPACT STATEMENT

- _____ Description of proposed or possible uses
- _____ Building coverage, total coverage, and open space areas
- _____ Drainage calculations
- _____ Earth removal calculations
- _____ Traffic study (8 copies)
- _____ List variances and Special Permits previously issued by the Planning Board of Appeals and any needed for this proposal
- _____ Provide copies of any “approval not required” subdivisions
- _____ List any Special Permits or Health Permits required and provide copies of any received
- _____ Note if Conservation Commission approval needed and provide copy of approval if received

_____ LOCUS PLAN

_____ SITE COMPOSITE PLAN

Design certifications

Legends

General site characteristics -

- Existing and proposed buildings and structures
- Driveway entrances for abutting properties and those across a public way with dimensions
- All underground tanks/structures existing or proposed or abandoned
- Zoning, Flood Plain, and Groundwater Protection District boundaries if applicable
- Yards/setbacks dimensioned

Natural site characteristics -

Waterways

Wetland boundaries and buffers

- Existing and proposed contours
- Open space with square footage calculations

Site improvements -

- Dimensions of traffic lanes
- Label all paved surfaces and note materials

Parking spaces and parking lot landscaping with dimensions

- Building areas for each floor
- Exterior lighting
- Existing and proposed signage
- Outdoor storage areas labeled

Site utilities -

- Stormwater drainage facilities shown & dimensioned
- Underground storage containers with capacities and contents
- Water services
- Fire hydrants on or off site
- Underground utilities
- Fire alarm master box
- Sprinkler feed line
- Solid waste disposal facilities
- Sewage disposal system
- Erosion and sedimentation controls – citation?
- Names of abutting property owners
- Parking calculations

CONSTRUCTION DETAIL PLAN

- Detail of structures
- Landscaping details
- Parking details in compliance with the Stow Zoning Bylaw
- Tabulations of building coverage and open space
- Details of outdoor lighting

LANDSCAPE PLAN

- Certifications
- Legend
- Number, type, & size of trees and shrubs
- Landscape buffers
- Land contours
- Site features
- Limits of work
- Perimeter of trees
- Outdoor lighting structures

BUILDING ELEVATION PLAN

- Certifications
- Scale
- Front, rear, & side elevations with maximum height

FLOOR PLAN

- Certifications
- Scale
- Net floor area/s

Any additional maps, plans, photographs, deeds, or documents which the Petitioner wishes to submit should be enclosed with each copy of this Petition.

The undersigned hereby Petition the Planning Board for a public hearing and a Special Permit under the Town of Stow Zoning Bylaw approving the Special Permit Petition including the Site Plan described above.

The undersigned hereby certify that the information on this Petition and plans submitted herewith are correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with.

The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

Date Signature of Petitioner

OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the Petition presented above.

Date Signature of Owner

DEVELOPMENT IMPACT STATEMENT

Please type or print information in blanks below.

1. Name of Proposed Subdivision _____
2. Location _____
3. Name of Applicant(s) _____
4. Brief Description of the Proposed Project _____

5. Name of Individual Preparing this DIS _____
Address _____ Business Phone _____

6. Professional Credentials _____

A. Site Description

7. Present permitted and actual land uses by percentage of the site.
____% Industrial ____% Commercial ____% Residential ____% Forest ____% Agricultural
____% Other (specify) _____
8. Total acreage on the site: _____ acres.

Approximate Acreage	Present	After Completion
Meadow or Brushland (non agriculture)		
Forested		
Agricultural (includes orchards, cropland, pasture)		
Wetland		
Water Surface Area		
Flood Plain		
Unvegetated (rock, earth, or fill)		

Roads, buildings and other impervious surfaces		
Other (indicate type)		

9. List the zoning districts in which the site is located and indicate the percentage of the site in each district.

Note: be sure to include overlay zoning districts.

<u>District</u>	<u>%</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

10. Predominant soil type(s) on the site: _____

Soil drainage (Use the U.S. Soil Conservation Service's definition)

Well drained: _____% of site

Moderately well drained _____% of site

Poorly drained _____% of site

11. Are there bedrock outcroppings on the site? ☐yes ☐no

12. Approximate percentage of proposed site with slopes between:

0-10% _____

10-15% _____

greater than 15% _____

13. Does the project site contain any species of plant or animal life that is identified as rare or endangered? ☐yes ☐no

If yes, specify: _____

14. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges? ☐yes ☐no

If yes, specify: _____

15. Are there any established foot paths running through the site or railroad right of ways?

☐yes ☐no

If yes, specify: _____

16. Is the site adjacent to conservation land or a recreation area? ☐yes ☐no

If yes, specify: _____

17. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? ☐yes ☐no

If yes, specify: _____

18. Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site?

☐yes ☐no

If yes, specify: _____

19. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? ☐yes ☐no

If yes, specify: _____

20. Has the site ever been used for the disposal of hazardous waste? Has a 21E Study been conducted for the site? ☐yes ☐no

If yes, specify results: _____

21. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? ☐yes ☐no

If yes, specify results: _____

22. Does the project contain any buildings or sites of historic or archaeological significance?

☐ Yes ☐ no

If yes, please describe _____

B. Circulation System

23. What is the average weekday traffic and peak hour traffic volumes generated by the proposed subdivision?

a. Average weekday: _____
b. Average peak hour: _____ morning
_____ evening

24. Existing street(s) providing access to proposed subdivision:

Name _____ Classification _____

25. Existing intersection(s): list intersections located within 1000 feet of any access to the proposed development:

Name of ways _____

26. Location of existing sidewalks within 1000 feet of the proposed site?

27. Location of proposed new sidewalks and their connection to existing sidewalks: _____

C. Utilities and Municipal Services

28. If dwelling units are to be constructed, what is the total number of bedrooms proposed?

29. If the proposed use of the site is nonresidential, what will the site be specifically used for and how many feet of Gross floor area will be constructed? _____

30. Storm Drainage

a. Describe nature, location and surface water body receiving current surface water of the site: _____

- b. Describe the proposed storm drainage system and how it will be altered by the proposed development: _____

31. In the event of fire, estimate the response time of the fire department (consult with Fire Dept.)
32. Schools (if residential)
- a. Projected number of new school age children.

E. Measures to Mitigate Impacts

Attach brief descriptions of the measures that will be taken to:

33. Prevent surface water contamination.
34. Prevent groundwater contamination.
35. Maximize groundwater recharge.
36. Prevent erosion and sedimentation.
37. Maintain slope stability.
38. Design the project to conserve energy.
39. Preserve wildlife habitat.
40. Preserve wetlands.
41. Ensure compatibility with the surrounding land uses.
42. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment.
43. Preserve historically significant structure and features on the site.
44. To mitigate the impact of the traffic generated by the development.

STOW PLANNING BOARD

DRAFT

LEGAL NOTICE

TOWN OF STOW PLANNING BOARD

PUBLIC HEARING

Notice is hereby given that the Stow Planning Board will hold a public hearing on _____, _____, at _____ P..M. in the Stow Town Building, Great Road, Stow, Massachusetts on the Application of _____ for property located at _____ Stow, Massachusetts for Special Permit pursuant to Section _____ of the Stow Zoning Bylaw in order to permit _____
(Describe subject matter of the hearing)

The land is further identified and shown as Parcel(s) _____ on Assessor's Map(s) _____. All interested persons should attend the hearing.

A copy of the Application is available for review at the Office of the Planning Board or the Office of the Town Clerk during posted business hours.

STOW PLANNING BOARD

PETITION FOR EXTENSION OF TIME PERIOD

Name of Applicant: _____

Applicant's Address: _____

Location of Property: _____

Nature of Application: _____

I hereby give my consent to the Planning Board to continue the public hearing to

_____ and hereby grant an extension of the
time period within which the Planning Board has to make a decision on the above referenced
Application until _____ .

Signature of Applicant: _____

Date of Signature: _____

The foregoing is hereby agreed to:

Stow Planning Board

STOW PLANNING BOARD

NOTICE OF PETITION WITHDRAWAL
(Prior to Publication of Legal Notice)

Name of Applicant: _____

Applicant's Address: _____

Location of Property: _____

Nature of Application: _____

- NOTES: 1. The Special permit Rules and Regulations specify that any Application for Special Permit may be withdrawn without prejudice provided written notice has been received by the Planning Board prior to the first publication of notice of the public hearing.
2. No refund of fees will be provided if an Application is withdrawn.

Reason for withdrawal of Application: _____

I hereby withdraw the above referenced Application for Special Permit and acknowledge that I bear the full and complete responsibility for any expenses incurred by the Planning Board in the review of the Application prior to withdrawal.

Signature of Applicant: _____

Date of Signature: _____

STOW PLANNING BOARD

REQUEST FOR PETITION WITHDRAWAL

Name of Applicant: _____

Applicant's Address: _____

Location of Property: _____

Nature of Application: _____

NOTES: 1. Withdrawal of any Application after the first publication of notice for the public hearing requires Planning Board approval.

2. No refund of fees will be provided if an Application is withdrawn.

Reason for withdrawal of Application:

I hereby withdraw the above referenced Application for Special Permit and acknowledge that I bear the full and complete responsibility for any expenses incurred by the Planning Board in the review of the Application prior to withdrawal.

Signature of Applicant: _____

Date of Signature: _____

The Planning Board, by vote of four of its five members, hereby consents to withdrawal of the Application described above.

STOW PLANNING BOARD

_____	_____
_____	_____
_____	_____
	(Dated)

**STORMWATER MANAGEMENT POLICY - APPLICABLE INTERPRETATION OF
SECTION 4.13 (DRAINAGE) OF THE ZONING BYLAW
(Adopted 04/29/2008, revised 04/29/2008 and 07/22/2008)**

The Planning Board will presume that projects meeting the 2008 Massachusetts Stormwater Handbook, or as subsequently amended, satisfy the requirements of Section 3.1.8.9 of the Stow Zoning Bylaw and related Subdivision Rules and Regulations, Site Plan Approval Rules and Regulations and Special Permit Rules and Regulations, and therefore are presumed to also satisfy other regulatory requirements, as stated in said handbook.

Stormwater Management

The objective of stormwater management for Stow is to design a system in such a way so that the volume and peak runoff from the development of a parcel will be no greater after the development is completed than it was before the development was started, and that the water quality will meet required Department of Environmental Protection (DEP) standards.

Stormwater Management Requirements

The design of a Stormwater Management System shall comply with the requirements of the 2008 Massachusetts Stormwater Handbook, subsequently known as the Handbook.

Throughout the Handbook, where the "Conservation Commission" is identified, substitute "Planning Board and Conservation Commission." This does not relieve the applicant from complying independently with the Conservation Commission's requirements.

The Planning Board, through its review process, may set more stringent requirements than are specified in the Handbook. The Planning Board may require subdivisions of any size, as well as Special Permit applications and site plans, to be compliant with the Handbook.

The Planning Board adopts the requirements of the stormwater management standards listed in the Handbook.

Best Management Practice (BMP) prioritization

Although the Planning Board is aware that the Best Management Practice (BMP) techniques employed depends largely on the site's hydrological features, it has placed a high priority on environmentally sensitive site design techniques for stormwater management, including:

- Minimizing impervious surfaces
- Fitting the development to the terrain
- Preserving and using natural drainage systems
- Reproducing pre-development hydrologic conditions

Stormwater Management Design Process

Preliminary Stormwater Design Plan

The applicant shall present a Preliminary Design Plan for the stormwater management system prior to submission of a Definitive Plan.

In the Preliminary Design Plan, the applicant shall be prepared to discuss and justify the design approach for stormwater management. The Planning Board will consider the three stormwater management components in order of priority as described in the Handbook:

- Site Planning: Design the development using environmentally sensitive site design and low impact development techniques to preserve natural vegetation, minimize impervious surfaces, slow down times of concentration, and reduce runoff;
- Source Controls, Pollution Prevention, and Construction Period Erosion and Sediment Control: Implement nonstructural measures to prevent pollution or control it at its source; and
- Structural BMPs (physical devices typically designed and constructed to trap or filter pollutants from runoff or to reduce runoff velocities): Design, construct and maintain structural BMPs to attenuate peak flows, capture and treat runoff, and provide recharge to groundwater.

The Planning Board will emphasize using environmentally sensitive site design and low impact development techniques to minimize the amount of onsite disturbance and to lessen the need for BMPs for stormwater quality treatment and volume/velocity management.

The applicant shall provide a detailed description of the approach being applied to satisfy the standards in the Handbook. At a minimum, the applicant shall consider and present the design based on the Checklist for Stormwater Report, located in the Handbook, to the Planning Board.

For the parcel being developed, the applicant shall provide a drawing of the site that identifies each watershed in the parcel and every watershed of which the parcel is a part, the Hydrological Soil Group (A, B, C& D) for each of the sub-areas, and the impervious areas to be developed on the parcel. All wells, septic systems and critical areas are to be identified on the drawing for the parcel and abutting parcels within 150 ft of the parcel being developed

The Planning Board will review the proposed design, evaluate the design, and provide comments on the design.

Definitive Stormwater Design Plan

The applicant shall:

- Implement the design proposed in the preliminary design plan as modified by the comments received from the Planning Board. The final detailed design shall be presented to the Planning Board for final review and comment. The Planning Board may reject a detailed design, which does not address the issues identified by the Planning Board from the preliminary design.
- Provide data for all Water Quality and Recharge calculations based on the Stormwater Management System design.
- Provide the source data for all Water Quantity Volume calculations.
- Provide the source data for all Stormwater Recharge calculations.

- Provide the source data for all Peak Discharge Rate Calculations
- Provide data for the TSS removal calculations.
- In addition, the Planning Board may require that the data necessary to use Rational Equation Method be provided.

Stormwater Management System Appropriate for a Parcel

The submission to the Board of any development of land has to recognize that stormwater management requirements may be the constraining factor in the amount of the proposed impervious surface and thus the number of units that can be built on a parcel in Stow.