Town of Stow
PLANNING BOARD
380 Great Road
Stow, Massachusetts 01775
(978) 897-4515
(978) 897-4534

Contents of an Accessory Apartment Special Permit Application

Your application for a Special Permit should include the following:

1.) 20 copies of the **Application Form**
2.) 20 copies of a **Certified Plot Plan** showing the location of the accessory apartment, house and parking area
3.) 20 copies of the accessory apartment **Floor Plan**
4.) 20 copies of the **Construction Detail Plan**
5.) 1 **Certified List of Abutters** (from the Board of Assessors)
6.) **Filing fee** in the amount of $500.00

ENCLOSED:

Application for Special Permit
Zoning Bylaw Section 8.1 Accessory Apartments

The Planning Board will schedule a public hearing once your completed application has been received. You will receive a copy of the Public Hearing Notice from the Planning Department, which you must send through certified mail to the list of abutters, two weeks prior to the public hearing date. Certified mail receipts should be submitted to the Planning Department prior to the public hearing.

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 NO.(s): _____
PAGE NO.(s) or LAND COURT CERTIFICATE OF TITLE NO.(s): _____

PROPERTY OWNER: _____ PHONE #: _____
MAILING ADDRESS: _____

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

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 attached to or within a single-family DWELLING 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.
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.
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.

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.

8.2 Duplex Residential Uses in a Residential District Subject to a Special Permit by the Planning Board

8.2.1 Purposes: The duplex option is intended to achieve a broader range of housing choices within the community; to stimulate more affordable housing units through the creation of duplex development on individual LOTS within a subdivision; and to permit a developer, public agency, or developer in conjunction with a public agency, to propose duplex development in subdivisions which shall be affordable to households whose incomes meet the Town's criteria for affordable housing.

8.2.2 Dimensional Requirements - On LOTS that are proposed for subdivision, duplexes must be situated on individual LOTs which conform to the density and dimensional regulations of the Residential District. Each LOT shall require a minimum LOT size of 65,340 square feet, 43,000 square feet of which is "buildable" land. Under no circumstances will a special permit be granted for projects the construction of which is sited in whole or in part in the Water Resource Protection District. The maximum square footage of the total duplex STRUCTURE (both units combined) shall be no greater that 3,000 square feet of FLOOR AREA. In no event shall duplexes be permitted on more than 25% of the LOTS within a subdivision.

8.2.3 General Requirements - Two-family development in the Residential District may only occur within a proposed subdivision by obtaining a special permit and upon obtaining certification from the Board of Health that all waste disposal standards are met. Construction must commence within two years of obtaining the special permit and must be completed within the two years following the start, or the permit will expire.

8.2.4 Special Permit Requirements - Duplex development is subject to approval as provided in this subsection.

8.2.4.1 Application for a special permit under this Section shall be made to the Planning Board through the Town Clerk by submitting ten (10) copies of all submission material and paying the required application fee.

8.2.4.2 The application shall include the following:

1. The Special Permit Granting Authority shall specify a submission fee in its Rules and Regulations and in no case shall the fee be less than $350.00;
2. all information required for a special permit;
3. all information required for a subdivision;
4. a legally recordable document that details the long term provisions that are required for the retention of the affordable units for affordability purposes;
5. information describing the projected ownership pattern of the proposed development once completed;

6 a property rights plan based on an instrument survey identifying parcels, if any, to be conveyed to the Town by deed or easement; and

7. a site grading plan showing proposed changes in contours and identifying landscaping materials, species of plants and sizes and specific plans for any common OPEN SPACE.

8.2.4.3 Public Hearing - The public hearing shall be held in accordance with the provisions of the Massachusetts General Laws.

8.2.4.4 Criteria of Approval - The special permit may be approved if the Special Permit Granting Authority finds that all the following conditions are met:

1. All of the criteria required for a special permit are met; and

2. There is a minimum of 10% or one DWELLING UNIT (whichever is more) and a maximum of 40% of all DWELLING UNITs within the proposed subdivision that are affordable according to the Town's published criteria.