

ARTICLE X: Amend Zoning Bylaw Sections 2.3.12 Location of Boundaries of Districts, Section 3.10 Table of Principal Uses, and Section 5.4 Active Adult Neighborhood Overlay District

To see if the Town will vote to amend the Zoning Bylaw by Amending Section 2.3.12 (Location of Boundaries of Districts), Section 3.10 (Table of Principal Uses), and Section 5.4 (ACTIVE ADULT NEIGHBORHOOD Overlay District) as indicated in sections A-C of this article; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

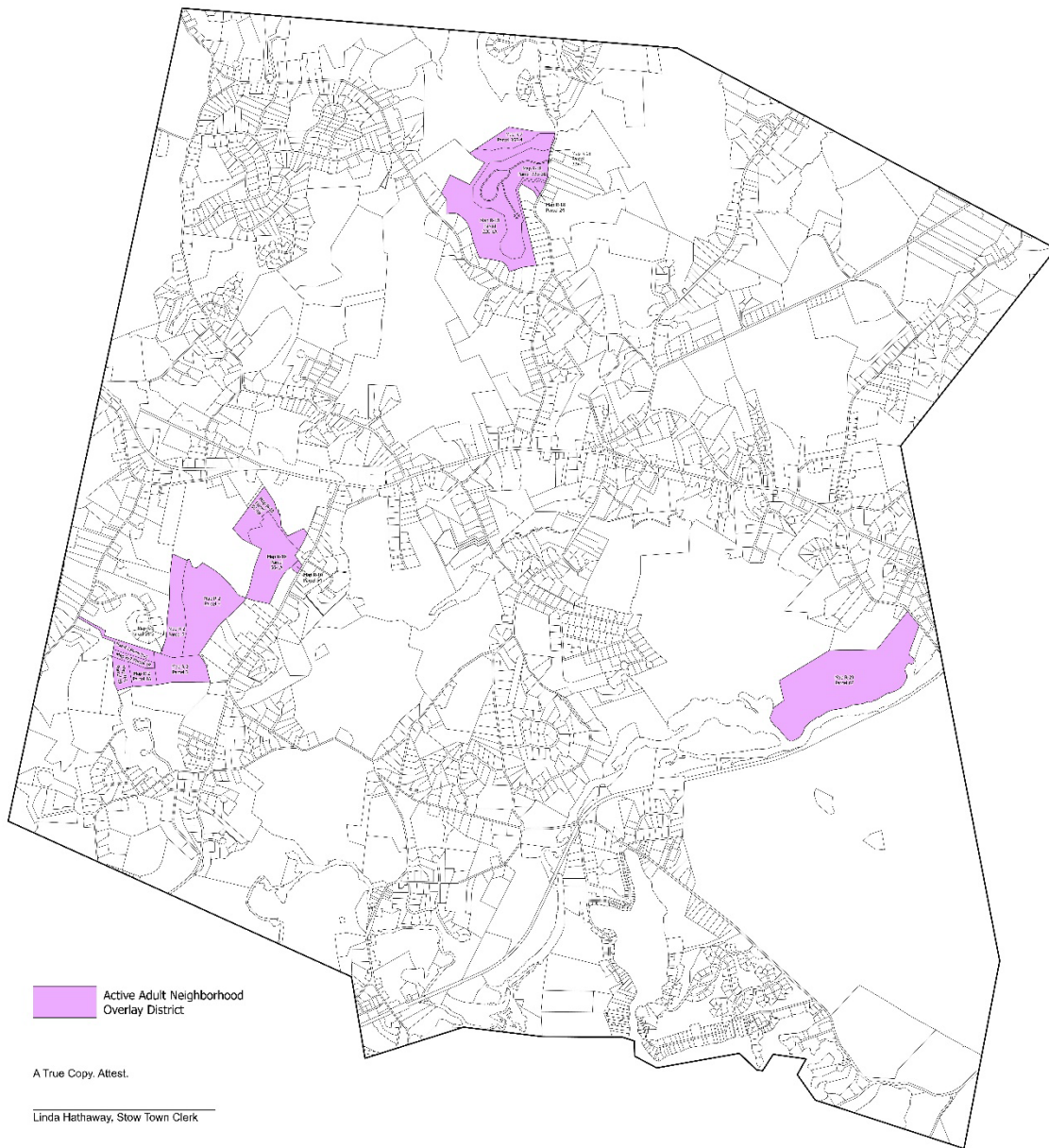
(Planning Board)

Planning Board Summary

Since the adoption of amendments to the Active Adult Neighborhood (AAN) Overlay District in October 2021, two items which should be modified in the Zoning Bylaw were brought to the attention of the Planning Board. The first item is a longstanding map error showing a parcel of land identified on Assessor's Map R-2 as Parcel 20-7 to be within the Residential District, but not within the AAN Overlay as had been assumed. In addition, a prohibition on attached garages, considered in an early draft, mistakenly remained within the Zoning Bylaw. This error is intended to be corrected in order to align with the Planning Board's AAN Rules & Regulations.

A) Amend Section 2.3.12 (Location of Boundaries of Districts) to read in its entirety as stated below:

2.3.12 The boundaries of the Active Adult Neighborhood Overlay District are as delineated on a map entitled "Active Adult Neighborhood Overlay District—~~Town of Stow,~~ Massachusetts" dated ~~May 13, 2002~~ adopted June 6, 2002 and amended May 13, 2023, at a scale of 1 inch = 800 feet, on file in the office of the Town Clerk.



Map Created: 11/30/2022 by M Ragan
 Data: Stow Assessors Maps - 2022
 Spatial Reference: NAD 1983 StatePlane Massachusetts Mainland FIPS 2001

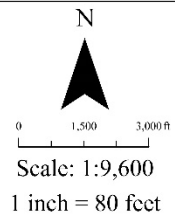


**Town of Stow
 Planning Department**

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**Active Adult Neighborhood
 Overlay District**

Adopted June 6, 2002
 Revised May 13, 2023



B) Amend Section 3.10 (Table of Principal Uses) to read in its entirety as stated below:

Table of Principal Uses

All Principal Uses listed in this Table are subject to provisions in corresponding Section 3.1, Section 5.1 and Section 5.2.

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	Flood Plain Wetlands	Refuse Disposal	Site Plan Approval
<u>General Uses</u>									
Agriculture	Y (4)	N	Y	Y	Y	Y	Y	Y	NR
Conservation	Y	Y (5)	Y	Y	Y	Y	Y	Y	NR
Recreation	SPA (4)	N	N	SPP	N	SPP	SPA	SPP	(3)
<u>Residential Uses</u>									
Single Family DWELLING	Y (4) (11)	N	Y SPP (11)	N	N	N	N	N	(3)
Single Family DWELLING with ACCESSORY APARTMENT	SPP (4) (7) (11)	N	SPP (7) (11)	N	N	N	N	N	(3)
Duplex DWELLINGs	SPP (4) (11)	N	N	N	N	N	N	N	(3)
Multi-Family DWELLING	SPP (4) (11)	N	N	N	N	N	N	N	(3)
Conversion to 2-Family DWELLING	SPA (4)	N	N	N	N	N	N	N	(3)
Combined Residence/ Home Occupation	Y (4)	N	Y	N	N	N	N	N	NR
Bed & Breakfast Home	Y (4)	SPA (1)	N	N	SPP (3)	N	N	N	R
Bed & Breakfast Home or Establishment	SPA (1) (4)	SPA (1)	N	N	SPP (1)	N	N	N	(3)
Boarding House or Rooming House	Y (4)	N	Y	N	N	N	N	N	R
Playgrounds	SPA (4)	N	N	N	N	N	N	N	(3)
Conservation Areas, Farming and Horticulture, Orchards, Nurseries, Forests, Tree Farms, Sale of Farm Produce	Y (4)	N	Y	Y	Y	Y	Y	Y	R
Storage of Farm Vehicles	Y (4)	N	N	N	N	N	N	N	NR
ACCESSORY BUILDINGs & Uses	Y (4)	Y	Y	SPP	SPP	Y	SPA	SPP	(3)

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	Flood Plain Wetlands	Refuse Disposal	Site Plan Approval
Hammerhead LOTS	SPP (4)	N	N	N	N	N	N	N	(3)
INDEPENDENT ADULT LIVING RESIDENCE	N	SPP (9) (11)	N	N	N	N	N	N	(3)
ACTIVE ADULT NEIGHBORHOOD	N <u>Y (10)</u>	N	N	SPP (10)	SPP (10)	N	N	N	(3)
Common Drives	Y	N	N	N	N	N	N	N	R
<u>Institutional Uses</u>									
CHILD CARE FACILITY	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
FAMILY DAY CARE HOME	Y (6) (4)	N	Y	N	N	N	N	N	R
Private Schools & Colleges, Dance & Music Studios	SPA (4)	N	N	SPP (3) (14)	N	N	N	N	(3)
Nursing Homes	SPA (4)	N	N	N	N	N	N	N	(3)
Day Camps, Overnight Camps, and Camp Sites	N	N	N	SPP	N	SPP	N	SPP	(3)
Municipal	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Public Service Corporation	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Religious	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Educational (Non-Profit)	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Wireless Communication Facilities	SPP (8)	N	N	SSP (8)	SSP (8)	SPP (8)	N	SSP (8)	(3)
<u>Business & Commercial Uses</u>									
TOURIST HOMES, or LODGING HOUSEs	N	SPA (1)	N	N	SPP (1)	N	N	N	(3)
Business or Professional Offices	N	SPP (1)	SPP	SPP (2)	SPP (1)	N	N	SPP (2)	(3)
Retail Stores or Service Establishments	N	SPP (1)	SPP	N	SPP (1)	N	N	N	(3)
Banks	N	SPP	SPP	N	SPP	N	N	N	(3)
U.S. Post Offices	N	SPP	SPP	N	N	N	N	N	(3)
Salesrooms for Automobiles, Bicycles, Farm Implements, Boats, and Similar Equipment	N	SPP	N	N	SPP (1)	N	N	N	(3)

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	Flood Plain Wetlands	Refuse Disposal	Site Plan Approval
Restaurants, including those offering accessory outdoor service on a patio or seating area	N	SPP	N	SPP	SPP	SPP	N	SPP	(3)
Country Clubs or Other MEMBERSHIP CLUBs	N	SPA	N	SPP	N	SPP	N	SPP	(3)
Golf Courses	SPP (4)	N	N	SPP	N	SPP	N	SPP	(3)
Ski Areas, MARINAs & Boat Landings	SPA (4)	N	N	SPP	N	SPP	N	SPP	(3)
Cross Country Ski Areas	SPP (4)	N	N	N	N	N	N	N	(3)
Parking Areas for Employees, Customers or Visitors	N	SPP	SPP	SPP	SPP	N	N	SPP	(3)
HOTELS MOTELS	N	SPA	N	N	N	N	N	N	(3)
Theaters, Bowling Alleys, Skating Rinks, Clubs or Assembly within the BUILDING	N	SPA	N	N	N	N	N	N	(3)
Funeral Home, Mortuaries or Crematories	N	N	N	N	SPP	N	N	N	(3)
Veterinary Hospitals, Stables & Kennels, Raising or Breeding of Animals for Sale, and Boarding Animals	SPA (4)	N	N	N	N	N	N	N	(3)
Printing, Publishing or Commercial Reproduction or Photo Processing Establishments, Offices, Medical or Dental Labs, and Research Laboratories	N	N	N	N	SPP (2)	N	N	N	(3)
Building Materials Salesrooms & Yards, Contractor's Yards, Wholesale Distribution Plants, Storage Warehouses	N	N	N	N	SPP	N	N	N	(3)
Gasoline Service Stations, Garages or Repair Shops	N	SPA	N	N	N	N	N	N	(3)

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	Flood Plain Wetlands	Refuse Disposal	Site Plan Approval
Utility Structures, Passenger Depots and Terminals	N	N	N	N	SPP	N	N	N	(3)
Screened Storage	N	N	N	SPP	SPP	N	N	SPP	(3)
Cafeterias for Employees	N	N	N	SPP	N	N	N	SPP	(3)
Access to Industrial Zoned Land	N	Y	N	N	N	N	N	N	(3)
Retail Store as part of a REGISTERED MARIJUANA DISPENSARY	N	SPP (1)(12)	N	N	N	N	N	N	(3)
MARIJUANA RETAILER	N	N	N	N	N	N	N	N	(3)
<u>Industrial Uses</u>									
Manufacturing Enterprises	N	N	N	SPP	N	N	N	SPP	(3)
Research Laboratories with Incidental Assembly or Manufacture	N	N	N	SPP (2)	N	N	N	SPP (2)	(3)
Sanitary Landfill	N	N	N	N	N	N	N	SPS	(3)
Refuse Transfer Station	N	N	N	N	N	N	N	SPS	(3)
Refuse Incinerator	N	N	N	N	N	N	N	SPS	(3)
COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION	SPP	SPP	N	Y	Y	SPP	N	Y	(3)
CRAFT MARIJUANA CULTIVATOR COOPERATIVE	N	N	N	N	N	N	N	N	(3)
MARIJUANA CULTIVATOR	N	N	N	N	N	N	N	N	(3)
MARIJUANA PRODUCT MANUFACTORY	N	N	N	SPP (13)	SPP (13)	N	N	N	(3)
MARIJUANA RESEARCH FACILITY	N	N	N	SPP (13)	SPP (13)	N	N	N	(3)
MARIJUANA INDEPENDENT TESTING LABORATORY	N	N	N	SPP (13)	SPP (13)	N	N	N	(3)
MARIJUANA MICROBUSINESS	N	N	N	N	N	N	N	N	(3)

- (1) Uses permitted by right provided that the BUILDING is less than 1,000 square feet GROSS FLOOR AREA, there is only one BUILDING per LOT, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the LOT area is open space.
- (2) Uses permitted by right provided that the BUILDING is less than 1,500 square feet GROSS FLOOR AREA, there is only one BUILDING per LOT, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the LOT area is open space.
- (3) All uses requiring a Special Permit are subject to Site Plan Approval requirements as part of the special permit process.
- (4) Refer to Section 7.3.3.3 of this Bylaw to determine parking requirements for uses permitted in the Residential District.
- (5) Allowed in accordance with the provisions of M.G.L., Ch. 40A, Section 3.
- (6) Allowed as accessory use only.
- (7) Allowed without special permit in accordance with Section 8.1.2 of this Bylaw.
- (8) Wireless Service Facilities shall be allowed by special permit only on land located in the Wireless Service Facility District.
- (9) The total number of INDEPENDENT ADULT UNITS shall not exceed 6% of the total single family DWELLING UNITS in Stow.
- (10) An Active Adult Neighborhood shall be allowed by Special Permit only on land located in the Active Adult Neighborhood District.
- (11) Provisions of Section 8.9, Inclusion of Affordable Housing, may apply.
- (12) The retail component of a REGISTERED MARIJUANA DISPENSARY is allowed by Special Permit within the Business District, in accordance with Section 5.5 of the BYLAW and pursuant to Department of Public Health Regulations 105 CMR 175.000 and Cannabis Control Commission Regulations 935 CMR 500.
- (13) MARIJUANA RESEARCH FACILITIES, MARIJUANA INDEPENDENT TESTING LABORATORIES, and MARIJUANA PRODUCT MANUFACTURERS are allowed in the REGISTERED MARIJUANA ESTABLISHMENT Overlay District, pursuant to Section 5.5 of the BYLAW, and Cannabis Control Commission regulations 935 CMR 500.
- (14) A special permit for Private Schools and Colleges, Dance and Music Studios located in the Industrial District shall reference an executed Development Agreement negotiated by and between the Applicant and the Select Board. The execution of said Development Agreement is a condition precedent to Special Permit approval by the Planning Board.

Prohibited Uses - All uses not specifically named in the text of the bylaw are prohibited.

C) Delete Section 5.4.10.5 in its entirety:
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~~5.4.10.5—COTTAGE DWELLING units shall not include attached garages.~~