

DRAFT Amendments to Section 9.2.7.14
Special Permit Sidewalk Requirement

ARTICLE: XX Amend Zoning Bylaw Sections 1.3 (Definitions), 9.2.7.14 (Special Permit Conditions).

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 1.3, and 9.2.7.14 to read in their entirety as stated below in section (A-B) 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.

A) Amend Section 1.3 (Definitions) by amending the following definitions to read in their entirety as stated below:

1.3 Definitions

COMPLETE STREETS IMPROVEMENT – A sidewalk, walkway, path, or other contributing component designed in accordance with the Town of Stow's Complete Streets Policy. A contributing component may include but not be limited to signage, pavement markings, wheelchair ramps, crosswalks, curb improvements, and restoration of buffer strips. COMPLETE STREETS IMPROVEMENTs shall be designed and/or constructed in accordance with the guidance, standards and recommendations as defined in the Stow Complete Streets Policy, dated February 1, 2016, as amended.

B) Amend Section 9.2.7.14 (Special Permit Conditions) by amending the following to read in its entirety as stated below:

9.2.7.14 Conformance with Complete Streets Policy

The purpose of this Section is to make efficient and ongoing progress on the Town's Complete Streets Prioritization Plan by creating a safe, comfortable and accessible street network for all road users regardless of age, ability or income levels. This section shall provide for Complete Streets improvements developed in a context sensitive manner that balances streetscape improvements with the Town's historic, rural character.

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9.2.7.14.1 Applicability

This Section shall apply to all Special Permit Approvals pursuant to Section 9.2 of the Zoning Bylaw. Special Permits granted by the Zoning Board of Appeals, in accordance with Section 3.9 of the BYLAW shall be exempt from the provisions of Section 9.2.7.14 and all subsections.

Commented [MR1]: I think we should try to avoid 5-digit section numbering.

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9.2.7.14.2 A sidewalk, walkway or path shall be required along the entire frontage of a LOT. Alternatively or in addition, the Special Permit Granting Authority may require accept other walkways and paths COMPLETE STREETS IMPROVEMENTs as it deems necessary to accommodate the safe movement of pedestrians and bicyclists. Said sidewalks, walkways, paths or COMPLETE STREETS IMPROVEMENTs may be located on the LOT or within the layout of the STREET, with the Town's permission, depending on the nature of the work and upon

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obtaining ~~the necessary whatever~~ permits, ~~are required, construction~~ Construction of COMPLETE STREETS IMPROVEMENTS, including, alterations of existing STRUCTURES and parking areas/ and LOTs, and as well as changes in use, are shall be designed in a manner which complies with the provisions of the Zoning Bylaw and Complete Streets Policy as amended, as to demonstrate protection of visual and environmental qualities and property values of the Town, and assurances of to provide adequate drainage of surface water and safe vehicular and pedestrian access, and bicycle access, and all other requirements of the Bylaw

9.2.7.14.3 The Special Permit Granting Authority may waive the requirements of Section 9.2.7.14.2, only where the Board makes one or some combination of the following findings:

- Construction of a sidewalk, walkway or path would adversely affect an "Environmentally Sensitive Area," as defined in Appendix J of the Planning Board Handbook;
- Construction would require easements from property owners that have not yet been attained by the Town of Stow for the purpose of constructing a sidewalk, walkway or path or are not willing to be granted to the Town as part of the proposed improvements;
- Construction could be detrimental to the safety of motorists, cyclists and pedestrians, due to the creation of an isolated segment of constructed sidewalk, walkway or path
- Future connections to the improvement are unsupported on the Town's Complete Streets Prioritization Plan or otherwise unlikely due to environmental, topographical or right-of-way constraints.

Commented [MR2]: If the ZBA SPs are exempt from these provisions, should this just say Planning Board?

Commented [MR3]: If the term is referenced in the bylaw, maybe we should include it in the definitions section

In the event the Planning Board waives the requirements of Section 9.2.7.14.3, the Board may accept one or some combination of the following offers:

- An offer, acceptable by the Board, to design a sidewalk, walkway or path or other COMPLETE STREETS IMPROVEMENT in another area of Town, outside of the immediate vicinity of the Special Permit locus;
- An offer of a fee in lieu of construction of a sidewalk, walkway or path into an account identified specifically for construction of COMPLETE STREETS IMPROVEMENTs in the Town of Stow, in accordance with Appendix J of the Planning Board Handbook;
- An offer of fifty percent (50%) of the total fee in lieu of construction of a sidewalk, walkway or path into an account identified specifically for construction of COMPLETE STREETS IMPROVEMENTs in the Town of Stow, in accordance with Appendix J of the Planning Board Handbook AND grant of a sidewalk easement to the Town of Stow for the future construction of a sidewalk, walkway, path, or other COMPLETE STREETS IMPROVEMENT along the frontage of the subject LOT or SITE;
- An offer of fee interest in land along the frontage of the subject LOT or SITE, and which is of adequate dimension to provide for future

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construction of a sidewalk, walkway, path, or other COMPLETE STREETS IMPROVEMENT;

- An offer to provide engineering, survey or design services in lieu of construction, for the future construction of a COMPLETE STREETS IMPROVEMENT with a value no less than 75% of the fee-in-lieu amount as described in Appendix J of the Planning Board Handbook.