

# **Stow Planning Board Frequently Asked Questions**

## **Why can't the Planning Board just say no to new development?**

Massachusetts has no formal "planning law." While the majority of states link land use plans to land use regulations, Massachusetts does not require a connection between planning and regulation. Rather, "planning" in Massachusetts is accomplished through the adoption and enforcement of zoning, subdivision regulations and other regulatory controls. The regulations become a "blueprint" for development.

Consequently, the Planning Board does not have the right to refuse a property owner from developing land if the development meets state and town regulatory requirements. In some cases, property may become available for sale, and the Town, represented by the Board of Selectmen, has first right of refusal to purchase it. If Town Meeting agrees to purchase the land, then the Town has the right to decide whether to develop or keep such land as open space.

## **How do I get on the agenda for a Planning Board meeting?**

To get on the agenda for a Stow Planning Board meeting, contact the Town Planner, Jesse Steadman, at 978-897-5098.

## **How do I know what a Planning Board meeting will discuss?**

An agenda for each Stow Planning Board meeting is posted 48 hours prior to a meeting on the bulletin board outside the entrance of the Stow Town Building. Additionally, agendas can be obtained from the Stow Town Clerk and the Planning Board office and are available at every Planning Board meeting.

## **How can I tell the Planning Board what's on my mind?**

Any resident of Stow can communicate with the Stow Planning Board at any time. The most effective means of communication is to write a letter to the Planning Board; all written communications are copied and distributed to every Planning Board member. Additionally, the agenda for Planning Board meetings typically reserve time for public input.

## **What's the difference between a public meeting and a public hearing?**

A public meeting refers to a meeting that is open to the public to attend. According to the Massachusetts Open Meeting laws, all meetings of a governmental body shall be open to the public, and any person shall be permitted to attend any meeting except as indicated by the law. The public may attend the meeting; however, the governmental body has no obligation to address or hear comments from members of the public. A public hearing is held to hear questions and comments from the public about a specific proposal.

## **What will the Planning Board do with the Master Plan? Will it sit on the shelf and collect dust?**

The Master Plan document of 1996 and most recent update of 2010 has helped guide the Stow Planning Board in its decision making. The Master Plan is currently being updated, and the Planning Board will continue to use information from the document in planning for the needs of Stow.

Stow has the ability to make its land use goals and plans consistent. The Master Plan and subsequent revisions can become a guiding document for future growth and development in Stow and a source for land use decision making in the future. Town Meeting could consider formal adoption of the updated Plan and establish a "consistency" requirement between the Plan and regulations adopted and decisions rendered by the Town's various boards, commissions and committees.

### Where can I find information about the permitting process in Stow?

The permitting process varies depending upon what type of application is being proposed: ANR (Approval Not Required), Preliminary Subdivision, Definitive Subdivision, Special Permit or Site Plan Approval.

#### ANR

<b>Fee</b>	Twenty-five dollars (\$250.00) for each plan that creates no new boundary lines.  For each plan that creates new boundary lines, the applicant shall submit a filing fee of fifty dollars (\$50.00) plus twenty-five dollars (\$250.00) for each new lot or parcel created by the plan.
<b>Time Line</b>	Planning Board action within twenty-one (21) days after the date of submission of the application.  A Public Hearing is not required.
<b>Required Vote</b>	Majority vote of the Board.

#### Preliminary Subdivision

<b>Fee</b>	Five hundred dollars (\$500.00) plus fifty cents (\$.50) per linear foot of proposed roadway, or seven hundred fifty dollars (\$750.00), whichever is greater.
<b>Time Line</b>	Planning Board action within forty-five (45) days after the date of submission of the application.  A Public Hearing, with abutter notification, is required.
<b>Required Vote</b>	Majority vote of the Board.

#### Definitive Subdivision

<b>Fee</b>	One thousand dollars (\$1,000.00) plus one dollar (\$1.00) per linear foot of proposed roadway measured on the centerline, provided the Definitive Plan is filed within seven (7) months after a Preliminary Plan is filed, or provided that the application is for a modification or amendment of an approved Definitive Plan.  If the application is for rescission of an approved Definitive Plan the filing fee shall be five hundred dollars (\$500.00).  Two thousand dollars (\$2,000.00) plus two dollars (\$2.00) per linear foot of proposed roadway, measured on the centerline, if there is no proposed new roadway.
<b>Time Line</b>	Decision within ninety (90) days of the date of submission, if the application for approval of the definitive plans was preceded by a preliminary plan in accordance with these rules. If no such preliminary plan was filed, the Planning Board shall act within one hundred thirty-five (135) days from the date of submission.  A Public Hearing is not required.  A Board of Health report must be submitted in writing to the Planning Board with its approval or disapproval within forty-five (45) days after the plan is filed with the Town Clerk.
<b>Required Vote</b>	Majority vote of the Board.

## Special Permit

<b>Fee</b>	<p>One thousand dollars (\$1,000.00) for a petition to construct, renovate or alter any structure larger than 10, 000 gross square feet, and five hundred dollars (\$500.00) for all other petitions.</p> <p>PCD Special Permit: If the PCD does not require approval under the Subdivision Control Law, the fee shall be two thousand dollars (\$2000.00). If the PCD is also a Definitive Subdivision, a single filing fee of two thousand five hundred dollars (\$2,500.00) is required.</p> <p>AAN Special Permit: If the AAN requires approval under the Subdivision Control Law as set forth in the Stow Subdivision Rules and Regulations, the filing fee for preliminary and definitive plans shall apply. If the AAN does not require approval under the Subdivision Control Law, the fee shall be two thousand five hundred dollars (\$2,500.00).</p> <p>Wireless Service Facility: The amount of the fee shall be two thousand five hundred dollars (\$2,500.00) for a permit application to construct or renovate a wireless service facility.</p>
<b>Time Line</b>	<p>Decision within ninety (90) days following the date of the close of the public hearing.</p> <p>A Public Hearing is required no later than sixty-five (65) days after the filing of a petition.</p>
<b>Required Vote</b>	Two-thirds vote of the Board (4 out of 5 members).

## Site Plan Approval

<b>Fee</b>	Five hundred dollars (\$500.00) for an application to construct, renovate or alter any structure larger than 10, 000 gross square feet, and two hundred fifty dollars (\$250.00) for all other applications.
<b>Time Line</b>	<p>Decision within ninety (90) days following the date of the close of the public hearing.</p> <p>A Public Hearing is required within sixty-five (65) days (no sooner than 35 days) from the application filing date.</p>
<b>Required Vote</b>	Majority vote of the Board.

## What are lot size and dimensional requirements for Stow?

Standard residential zoning requires the following dimensions per lot:

- Minimum lot area: 65,340 square feet
- Minimum lot frontage: 200 feet
- Minimum front yard: 30 feet
- Minimum side yard: 25 feet
- Minimum rear yard: 40 feet
- Minimum open space: 10%
- Maximum floor area ratio: not required
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We also have provisions for hammerhead lots, allowed by special permit, requiring at least 50 feet in frontage and 180,000 square feet in area.

For more information about dimensional requirements, see Section 4 of the Stow Zoning Bylaw.

## What are the uses for the various districts in Stow?

As defined in Stow Zoning Bylaw, Stow has several types of uses:

District	Intended Uses
Recreation-Conservation	To protect public health and safety; to protect persons and property against hazards of flood water inundation and unsuitable and unhealthy development of unsuitable soils, swamp land, marsh land and water courses; to protect the balance of nature, including the habitat for birds, wildlife and plants essential to the survival of man; to conserve and increase the amenities of the Town, natural conditions, and open spaces for education, recreation, agriculture, and the general welfare.
Residential	For typical rural, single-family residential and non-commercial uses.
Business	To meet the local needs for retail goods and services primarily within a building.
Compact Business	To provide certain limited uses within a structure.
Commercial	To meet the local needs for goods and services.
Industrial	For use by research laboratories, office buildings and selected light industries which are compatible with a low-density, rural residential community.
Refuse Disposal	To provide for the safe and sanitary disposal of refuse which is generated within the Town of Stow.

For more information about the districts in Stow and their uses, see Section 3 of the [Stow Zoning Bylaw](#).

#### **What's a PCD?**

A PCD (Planned Conservation Development) is an alternative to a standard sub-development, allowing a property owner to cluster development and build upon smaller lot sizes in exchange for designating at least 60% of the total land area as open space. A PCD requires a special permit, which the Planning Board may grant if it finds that the proposed PCD development encourages:

- Protection of Stow's rural character by development of land in clusters and villages which is
- in greater harmony with the town's natural resources and historic development patterns
- Preservation of land for conservation, open space, recreation, agriculture and forestry
- Preservation of significant land and water resources, natural areas and scenic vistas
- Preservation of unique and significant historical and archaeological resources
- A greater mixture of housing types and more energy-efficient and cost-effective residential development
- Reduced costs of providing municipal services

For more information about a PCD, see Section 8.5 of the [Stow Zoning Bylaw](#).

#### **Who owns the open space within a PCD?**

A PCD (Planned Conservation Development) must designate at least 60% of the total land area as open space. This land must have one of the following types of ownership:

- Owned by the development's homeowners' association
- Deeded to the Town of Stow
- Owned by a non-profit organization

#### **What's a "special permit?"**

Special permits are used to permit certain uses and structures that are desirable in Stow but require oversight and/or scrutiny to ensure that they are compatible with the abutting neighborhood or the town in general. For example, a special permit may be granted for a nursing home in a residential area, a restaurant in a business district or an office building in an industrial district.

The Stow Zoning Bylaw specifies the uses and structures that require a special permit and whether the Zoning Board of Appeals, the Planning Board or the Board of Selectmen is the special permit granting authority. A special permit requires that the proposed project is appropriate for the site and has no significant impact on the site or town services. The granting authority can impose specific conditions when issuing the special permit to protect abutting properties or ways, the neighborhood, the community or the Town. For more information about special permits, see Section 9.2 of the [Stow Zoning Bylaw](#).

### **What's an ANR?**

An ANR (Approval Not Required) plan refers to the division of land along existing roads. The ANR provision of the Subdivision Control Law is considered one of the most antiquated elements of the statute and exists in very few other states. Its original purpose was to allow landowners with frontage on a previously constructed road to divide their property into smaller parcels without need for substantive Planning Board review. Increasingly, however, the ANR provision has allowed the division of and construction on land without an opportunity to review impacts from storm-water flows, traffic circulation or public health and safety concerns. In its Subdivision Rules and Regulations, Stow requires anyone wanting to file an ANR plan to submit a plan to the Planning Board for endorsement. For more information about filing an ANR plan, see Section 2 of the [Stow Subdivision Rules and Regulations](#).

### **Does Stow allow hammerhead lots?**

The Stow Planning Board grants the creation of hammerhead lots by special permit provided that, at a minimum, certain requirements are met, including at least 50 feet in frontage and 180,000 square feet in area. For more information about regulations for hammerhead lots in Stow, see Section 6.1 of the [Stow Zoning Bylaw](#).

### **Does Stow allow common driveways?**

In Stow, a private drive can be shared by up to three lots by right, and up to five lots by special permit, provided that certain requirements are met, including a 16-foot width and a maximum length of 500 feet. A common driveway is to provide access and does not qualify as legal frontage. For more information about regulations for common driveways in Stow, see Section 6.2 of the [Stow Zoning Bylaw](#).

### **What development is allowed by right versus by a special permit?**

Each district allows certain uses by right and other uses by special permit. For a full listing of the allowed uses within a type of district, please see Section 3 of the [Stow Zoning Bylaw](#).

### **When is site plan approval required?**

The purpose of site plan approval is to ensure that new construction, alterations of structures, parking areas and parking lots, and changes in use are designed to comply with the bylaw, demonstrating protection of visual and environmental qualities and property values of the town and assuring adequate drainage of surface water and safe vehicular and pedestrian access.

Each district has certain uses that require site plan approval. The Stow Board of Appeals, Planning Board or Board of Selectmen may grant site plan approval in accordance to the bylaw. Uses that require site plan approval do not have an appeal process through the courts as special permit uses do.

For more information about uses that require site plan approval, please see Section 3 of the [Stow Zoning Bylaw](#).

### **How does the Zoning Bylaw get amended?**

The Stow Zoning Bylaw can be changed by amendment, addition or repeal by a Town Meeting in accordance with Chapter 40A Section 5 of the Massachusetts General Law. The Planning Board, a citizen's petition or a property owner can sponsor a proposed change at Town Meeting; however, the Planning Board must make a recommendation on any proposed change to the Zoning Bylaw.

### **Why doesn't Stow have sidewalks?**

Stow has traditionally been a rural town with limited pathways. However, a Master Plan survey indicated a strong desire to have sidewalks or pathways in Stow, and the Stow Planning Board has focused on the creation of sidewalks that run along the major roads in Stow. The Planning Board now requests that new subdivisions create pathways along the major roads or offer to contribute to a Town sidewalk fund, and all development subject to a special permit requires the construction of a sidewalk along the development's frontage.

### **What is mixed use or village zoning?**

Traditional zoning was developed when factories and many commercial uses were noisy, smelly, and/or hazardous to the public. To protect public health and residential property values, traditional zoning focused on separating different uses and buffering them from each other to minimize nuisances.

Today, much commercial development is environmentally benign, and there are often advantages to locating different uses in close proximity. For example, combining a mix of uses within an area can reduce auto dependence and preserve green space and natural resources. Mixed use or village zoning generally refers to a deliberate mix of housing, civic uses, and commercial uses, including retail, restaurants, and offices.

Mixed use itself is not a new idea. Housing above stores was common in village centers before the advent of zoning. Many communities across the country are now embracing this type of zoning. Some see it as an excellent way to incorporate a mix of housing types on a small scale while enhancing traditional town character. Others see it primarily as a vehicle for revitalizing struggling areas and spurring economic development. Still others use it to create or enhance village centers. Stow is investigating how mixed use or village zoning can enhance our historic village centers and provide services to emerging residential areas.