

ARTICLE: 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 as stated below in sections A and 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.

(Planning Board)

Planning Board Summary

A sidewalk along the entire frontage of a property is currently required as part of Special Permit approval in Stow. This amendment provides both the Planning Board and property owners greater flexibility in reaching compliance Special Permit requirements. Rather than focus solely on sidewalks, the amendment also aligns with the Town's Complete Streets Policy and provides a menu of options for complying with the Special Permit requirements depending on the specific nature of the site and the preference of the property owner.

A) Amend Section 1.3 Definitions by inserting a new definition to read in its 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) 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.

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.

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 accept other 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 obtaining the necessary permits. Construction of COMPLETE STREETS IMPROVEMENTs, including alterations of existing STRUCTURES and parking areas and LOTs, as well as changes in use, shall be designed in a manner which complies with the provisions of the Zoning Bylaw and Complete Streets Policy as amended, to provide adequate drainage of surface water and safe vehicular, pedestrian, and bicycle access.

9.2.7.14.3 The Planning Board 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.

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 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.

Annotated Version

Additions are underlined

Deletions are ~~strike through~~

ARTICLE: 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 as stated below in sections A and 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.

(Planning Board)

A) Amend Section 1.3 Definitions by inserting a new definition to read in its 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) to read in its entirety as stated below:

~~9.2.7.14 — A sidewalk, walkway or path shall be required along the entire frontage of a LOT. The Special Permit Granting Authority may also require other walkways and paths as it deems necessary to accommodate the safe movement of pedestrians and bicyclists. Said sidewalks, walkways or paths 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 obtaining whatever permits are required, construction, alterations of existing STRUCTURES and parking areas/LOT, and changes in use~~

~~are designed in a manner which complies with the provisions of the Bylaw as to demonstrate protection of visual and environmental qualities and property values of the Town, and assurances of adequate drainage of surface water and safe vehicular and pedestrian access, and all other requirements of the Bylaw.~~

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.

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.

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 accept other 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 obtaining the necessary permits. Construction of COMPLETE STREETS IMPROVEMENTs, including alterations of existing STRUCTURES and parking areas and LOTs, as well as changes in use, shall be designed in a manner which complies with the provisions of the Zoning Bylaw and Complete Streets Policy as amended, to provide adequate drainage of surface water and safe vehicular, pedestrian, and bicycle access.

9.2.7.14.3 The Planning Board 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.

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 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.