

WARRANT FOR

ANNUAL TOWN MEETING

Saturday, May 13, 2023

9:00 A.M.

HUGH MILL AUDITORIUM AT THE HALE MIDDLE SCHOOL,
55 HARTLEY ROAD, STOW, MA



ANNUAL TOWN ELECTION

Saturday, May 20, 2023

Polls Open 10:00 A.M. – 4:00 P.M.

CENTER SCHOOL

403 GREAT ROAD, STOW, MA

PLEASE BRING TO TOWN MEETING
THIS IS YOUR ONLY COPY

Anyone with a disability requiring special arrangements for Town Meeting should contact Town Clerk Linda Hathaway at (978) 897-5034 by 4 p.m. on Wednesday, May 10, 2023.

On January 10, 2023, the Stow Select Board voted to set the date of the Annual Town Meeting to Saturday, May 13, 2023; pursuant to MGL Chapter 39, Section 9.

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FINANCE COMMITTEE REPORT TO TOWN MEETING

Every Town in Massachusetts with a property valuation of over \$1 million is required by state law, MGL Ch. 19, Sect 16, to have a Finance Committee (Fincom) that shall “consider any or all municipal questions for the purpose of making reports or recommendations to the Town.” According to the Department of Local Services (DLS), the Finance Committee is “the official fiscal watchdog for a Town. Because it is difficult for all taxpayers to be completely informed about every aspect of a Town’s finances, Fincoms were established so a representative group of taxpayers could conduct a thorough review of municipal finance questions on behalf of all citizens.”

With this in mind, the Fincom’s primary responsibility is advisory, to examine the budget and all other warrant articles and make recommendations to the voters on each article. It also administers the Reserve Fund (\$80,000) to provide for urgent and unforeseen expenditures that might arise between Town meetings. Lastly, although it is not required in our Charter, the Finance Committee Annual Report provides the Voters with an overview of the Town’s financial condition.

In Stow, the Moderator appoints five voting members and up to five associate members to the Finance Committee. Any voter registered in Stow is eligible to join. As of the publication date, there are five voting members and zero associate members on the committee.

FY 2022 Review

Town Revenues

Town revenues totaling \$33,596,101 in FY22 is a 4.94% increase from FY21, with property taxes mainly funding the town’s operations at just over 89% of the total. This percentage decreased slightly from 90.35% in FY19.

Local receipts decreased by 1.62% for FY22, a decrease of \$26,609. It is worth noting that \$1,281,419 of Savings and Other Funds was used to balance the budget, an increase of 89.61% in use of those funds from FY21. Table 1 shows a comparison of revenue sources for FY21 and FY22.

	FY21¹	FY21 % of Total	FY22²	FY22 % of Total	\$ Change FY22 - FY21	% Change FY22 - FY21
Property Tax	\$ 28,924,173	90.35%	\$ 29,945,429	89.13%	\$ 1,021,256	3.53%
Local Receipts	\$ 1,645,000	5.14%	\$ 1,618,391	4.82%	\$ (26,609)	-1.62%
State Aid	\$ 509,755	1.59%	\$ 495,556	1.48%	\$ (14,199)	-2.79%
Savings and Other Funds	\$ 675,835	2.11%	\$ 1,281,419	3.81%	\$ 605,584	89.61%
Override	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Transfers from Other Funds	\$ 260,427	0.81%	\$ 255,306	0.76%	\$ (5,122)	-1.97%
Total	\$ 32,015,190		\$ 33,596,101		\$ 1,580,911	4.94%

Free Cash for OPEB		\$ 235,000
Free Cash - for Capital Articles		\$ 846,419
Free Cash for Sabalization		\$ 200,000
Total Income Used for Capital Outlays		\$ 1,281,419

¹ - source: Town of Stow Finance Committee FY21 Annual Report

² - source: Town of Stow Budget Book 2023, pp. 10 - 32, "FY22 Voted Budget"

Town Expenditures

Total town expenditures increased by \$1,145,028 (3.58%) in FY22 driven by increased spending in a number of budget items:

- \$526,428 (10.11%) increase in Total Other spending;
- \$356,705 (33.46%) increase in Special Article funding;
- \$294,721 (22.92%) increased assessment for the Minuteman Regional Vocational Technical High School;
- \$185,584 (28.08%) increase in Capital Spending;

Table 2: Town Expenditures

	FY21 Voted ¹	FY21% of Total	FY22 Voted ²	FY22% of Total	\$ Change FY22 - FY21	% Change FY22 - FY21
Municipal Govt						
General	\$ 1,777,801	5.55%	\$ 1,885,773	5.69%	\$107,972	6.07%
Public Safety	\$ 2,562,983	8.01%	\$ 2,681,561	8.09%	\$118,578	4.63%
Public Work & Facilities	\$ 1,142,690	3.57%	\$ 1,257,048	3.79%	\$114,358	10.01%
Human Services	\$ 386,849	1.21%	\$ 401,630	1.21%	\$14,781	3.82%
Culture & Recreation	\$ 374,563	1.17%	\$ 399,179	1.20%	\$24,616	6.57%
Town Wide Expense	\$ 1,141,154	3.56%	\$ 1,160,000	3.50%	\$18,846	1.65%
Total Municipal Govt	\$ 7,386,040	23.07%	\$ 7,785,191	23.48%	\$399,151	5.40%
Education						
Nashoba	\$ 18,135,162	56.65%	\$ 18,059,890	54.46%	-\$75,272	-0.42%
Minuteman	\$ 1,286,083	4.02%	\$ 1,580,804	4.77%	\$294,721	22.92%
Total Education	\$ 19,421,245	60.66%	\$ 19,640,694	59.23%	\$219,449	1.13%
Other						
Debt Service	\$ 2,090,560	6.53%	\$ 2,090,130	6.30%	-\$430	-0.02%
Special Articles	\$ 1,066,101	3.33%	\$ 1,422,806	4.29%	\$356,705	33.46%
Capital Spending	\$ 660,835	2.06%	\$ 846,419	2.55%	\$185,584	28.08%
Recap Items	\$ 1,390,408	4.34%	\$ 1,374,977	4.15%	-\$15,431	-1.11%
Total Other	\$ 5,207,904	16.27%	\$ 5,734,332	17.29%	\$526,428	10.11%
GRAND TOTAL	\$ 32,015,189		\$ 33,160,217		\$ 1,145,028	3.58%

Table 2a: Special Articles²

Raise & Appropriate	\$ 732,500
Appropriate & Transfer	\$ 690,306
Total Special Articles	\$ 1,422,806

¹ - source: Town of Stow Finance Committee FY21 Annual Report

² - source: Town of Stow Budget Book 2023, pp. 10 - 32, "FY22 Voted Budget"

Town Savings

Town savings (Free Cash plus the Stabilization Fund) are "rainy day" accounts that are built up during good times and drawn down in bad times. Free Cash comes from receiving more-than-budget revenue (taxes, state aid, budget money left over from the prior year) and/or spending less than our voted budget. It is annually certified each year by the Department of Revenue (DOR). Once certified, free cash is available for appropriation throughout the fiscal year, to be spent for any lawful purpose. Every dollar of free cash appropriated as revenue in the FY22 budget is a dollar that does not need to be raised and appropriated through taxation.

These savings are a necessity, not a luxury, and accumulate to build a targeted balance or used to fund the next year’s budget. In discussions with Standard and Poor’s leading up to our AAA rating approval, the Town was encouraged to attempt to maintain a stored asset balance of between 5% and 10% of the overall budget.

Table 3 Town Savings
FREE CASH AND STABILIZATION FUND
 (Beginning of Fiscal Year)

Fiscal Year	Free Cash	% of Budget	Stabilization Fund	% of Budget	Total	% of Budget	Budget
2022	\$ 2,049,610	6.18%	\$ 739,085	2.23%	\$ 2,788,695	8.41%	\$ 33,160,217
2021	\$ 2,385,510	7.45%	\$ 523,077	1.63%	\$ 2,908,587	9.09%	\$ 32,015,189
2020	\$ 2,897,441	8.87%	\$ 520,971	1.59%	\$ 3,418,412	10.46%	\$ 32,671,210
2019	\$ 2,735,392	9.00%	\$ 929,062	3.06%	\$ 3,630,835	11.94%	\$ 30,401,074
2018	\$ 2,787,417	9.40%	\$ 895,443	3.02%	\$ 3,666,392	12.37%	\$ 29,649,819
2017	\$ 2,266,676	8.09%	\$ 878,975	3.14%	\$ 3,132,207	11.18%	\$ 28,016,042
2016	\$ 1,890,072	7.03%	\$ 865,531	3.22%	\$ 2,742,691	10.20%	\$ 26,887,293
2015	\$ 1,832,298	6.96%	\$ 852,619	3.24%	\$ 2,672,631	10.16%	\$ 26,318,003
2014	\$ 1,696,289	6.83%	\$ 840,333	3.38%	\$ 2,476,145	9.97%	\$ 24,839,822
2013	\$ 1,395,874	5.94%	\$ 779,856	3.32%	\$ 2,109,184	8.98%	\$ 23,497,959
2012	\$ 1,283,016	5.61%	\$ 713,310	3.12%	\$ 1,932,969	8.45%	\$ 22,887,024
2011	\$ 778,703	3.58%	\$ 649,953	2.99%	\$ 1,365,701	6.27%	\$ 21,770,991

Source: FY23 Financial State of the Town, <https://www.stow-ma.gov/town-administrator/pages/financial-state-town-town-adm>

Property Tax Rate and Property Valuations

The information presented in Table 4 shows the trends in the tax rate, average single family home valuation and average single family tax bill. While Stow’s tax rate has continued to decrease, our average single family home valuation and tax bill continue to increase year-over-year. The town’s FY2023 tax rate was certified at 18.13 or a 7.89% decrease from FY22.

Table 4: Property Tax Rates and Valuations Trends (based on MA Class 101 Properties)

	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22 ⁴
Tax Rate (per \$1,000)	\$ 20.59	\$ 20.98	\$ 20.13	\$ 20.61	\$ 19.98	\$ 19.56
YOY % Change	3.05%	1.89%	-4.05%	2.38%	-3.06%	-2.10%
Avg Single Family Valuation	\$ 449,301	\$ 460,309	\$ 483,500	\$ 495,763	\$ 531,500	\$556,907
YOY % Change	1.58%	2.45%	5.04%	2.54%	7.21%	4.78%
Avg Single Family Tax Bill	\$ 9,251	\$ 9,657	\$ 9,733	\$ 10,201	\$ 10,619	\$ 10,893
YOY % Change	4.68%	4.39%	0.79%	4.81%	4.10%	2.58%

⁴ - Sources: <https://www.stow-ma.gov/board-assessors/pages/tax-rates>,
 FY23 Financial State of the Town, <https://www.stow-ma.gov/town-administrator/pages/financial-state-tov>

Other Post Employment Benefits (OPEB)

Other Post-Employment Benefits (or OPEB) are benefits (other than pensions) that U.S. state and local governments provide to their retired employees. (*Primarily health insurance*)

Table 5: OPEB		
	OPEB Savings	% of Liability
FY22⁵	\$ 1,131,784	15.28%
FY21	\$ 822,807	11.11%
FY20	\$ 577,144	7.79%
FY19	\$ 329,296	4.44%
FY18	\$ 218,453	2.95%
FY17	\$ 160,028	2.16%
Current OPEB Liability	\$ 7,409,078	

⁵ - as of June 30, 2022

Fiscal Year 2024 Proposed Budget Analysis

Looking forward to the 2024 requested budget and comparing to the 2023 voter-approved budget, key highlights are as follows:

- Total revenue is estimated at \$38,303,571 including unused levy capacity. The primary contributor to the revenue estimates is property tax. Of the \$38M, \$31.7M is attributable to property tax, inclusive of the prop 2 ½ increase allowance. In addition, the Town Administrator is estimating the new growth revenue at \$250,000. This projected total FY24 levy limit revenue of \$32,036,496 represents a 3.31% increase over FY23.
- Based on the initial indications from the State regarding State Aide Revenue, we are only estimating a small increase of 2% (\$12k). While the State's revenues continue to increase in record amounts, the contributions to cities and towns has remained low and with a minimal increase.
- The increase in local receipts (motor vehicle excise tax, permit fees, license fees, etc) is projected to be 4.5%.
- The Town Administrator is proposing to use \$1,103,298 of Free Cash in FY24, which will be applied to the following:
 - Transfer \$200k into the Stabilization Fund;
 - Transfer \$75k into the Capital Stabilization Fund;
 - Contribute \$235k to the OBEP Trust Fund;
 - Use \$10,000 toward the Opioids Epidemic; and
 - Use \$583,298 to fund the Capital Plan.
- FY2024 expenditures are dominated, as is typical, by the Nashoba school assessment at 52% of expenditures, followed by the municipal budget (31.38%), insurance and debt service (9.81%), and Minuteman assessment (7.04%). As with all three towns in the Nashoba regional district, Stow's educational expenses are a substantial portion of the total expenditures in any given year and so careful consideration of academic spending can have a dramatic impact on the town budget.

- Total expenditures are expected to increase by 5.42%. While the Nashoba assessment remains the largest line item, from FY2023 to FY2024 the school assessments increased by a combined 4.61%. The budget requests include an 8.64% increase in the municipal budget, a 29.17% decrease in capital expenses, and a 41.69% increase in special article expenditures.
- The net increase for the FY24 budget is 5.01% over the FY23.

The increase in municipal budget is driven predominantly through wage expenses with relatively little increase in department expenses. Further, the increase in wage expense is driven by the addition of new or amended positions far more than actual wage increases.

- Addition of a full-time patrol officer. The Police Chief reallocated his budget and was able to absorb the cost of the new officer, as well as other contractual changes, to within a 5% overall increase for the police department.
- Addition of 2 full-time firefighters (15.6% of the municipal budget increase)
- Addition of the Procurement/Grants Administrator into the budget. This position was funded through ARPA funds for the first year. The addition of this position constitutes an 8.34% of the municipal budget increase.
- The Select Board renegotiated the Town Administrator's contract; as a result of the market rate for the TA position, an increase has been budgeted for. While this increase may appear large, the Finance Committee has ascertained that we have been underpaying the TA. This increase will bring her up to the median salary, however, she will still be far below the median for total compensation in the region. The Finance Committee supports this pay adjustment to bring the Town Administrator closer to the median market value for her position. This increase represents 3.29% of the municipal increase.

Fiscal Year 2023 Special Articles – Raise & Appropriate

Special articles have increased from \$474,100 to \$671,733, an increase 41.69%. Major contributors to the increase are:

- The Planning Board has made several requests that require new funding:
 - A request for \$100,000 to obtain a consultant to assist with the Master/Comprehensive Plan;
 - A request for \$35,000 to develop access to the Kane Lane property; and
 - An increase in their funding for engineering assistance.
- The Historical Commission is looking for \$10,000 to assist with getting the West School on the historical register.
- The amount for funding the Annual Financial Audit has increased by \$10,000.

In the past, the majority of the capital allocation year over year increase is driven by allocation of CPC funds. Omitting the CPC fund usage, significant contributors to the capital allocation is the town's need to replace aging vehicles and infrastructure. Stow tends to maintain vehicles for extended periods, with highway equipment having service lifetimes upwards of 30 years. Having deferred vehicle replacement, the town is now in a place where key pieces of highway equipment and a majority of other municipal vehicles (police cruiser, ambulance, municipal vehicles) are

becoming unsafe to operate and must be replaced. Additionally, vehicles are experiencing a 1-2 year backorder. In order to ensure we have vehicles in place, when those aging vehicles can no longer function, we need to order now and get in the replacement queue.

In 2021, the town was allocated \$2.1M in funds from the American Rescue Plan Act (ARPA) and a number of regular capital expenditures were funded through the ARPA funds, thereby removing the liability from the Stow taxpayer.

Therefore, for FY24, the non-CPC capital, non-ARPA requests total \$583,298, which will be paid for with certified Free Cash. These requests represent the largest to be paid for with cash:

- Replacement of the interior doors at Hale School (17% of the request)
- Replace the Cemetery Truck (16% of the request)
- Replacement of a police cruiser with an all-electric pick-up truck (15% of the request)

For FY24, due to the large number of projects submitted for Capital, the Town Administrator is proposing we procure several capital items through borrowing. With larger vehicles on backorder, this will allow us to sign a purchase order, but not hold up cash, while we wait one to two years for delivery. It will also allow us to repair aging infrastructure within the general fund budget, while budgeting for a principal and interest payment over a number of years and not all at once. The items being proposed as borrowings are:

- Replacement of a Large 6-Wheel Dump Truck in the Highway Department (\$265,000)
- Replacement of Ambulance Rescue 16 in the Fire Department (\$436,800)
- Repairs and upgrades to the Town Building Water System (\$750,000)

Conclusion

Coupled with the growth in housing prices, the Town-wide valuation has grown faster than our costs (i.e. budget expenditures growth), allowing the Town to fund approved projects and capital items for the last several years. Moreover, the Town enjoys more than enough stored assets, and could borrow at the lowest rates due to our AAA rating. Moreover, the Town Administrator is estimating a \$1.8M excess Tax Levy capacity. As previously mentioned, this allows the town to borrow money at a more favorable rate.

It is our opinion that this is a fair and accurate picture of the Town's financial state. Whether you are pleased or displeased, the Finance Committee reminds everyone that Town Meeting directly controls the rate of growth of Town expenses. We encourage your participation.

Respectfully submitted,

Erica Benedick (Chair), Chris Buck (Member), Kevin Gross (Member), Brian Patuto (Member), Evgenia Petrova (Member).

TOWN ADMINISTRATOR'S FY24 BUDGET RECOMMENDATION LETTER



Town of Stow
Office of the
Town Administrator

*380 Great Road
Stow, MA 01775
Tel: 978-897-2927*

*Denise M. Dembkoski
Town Administrator*

townadministrator@stow-ma.gov

To: Select Board, Finance Committee, and Stow Residents

From: Denise M. Dembkoski, Town Administrator

Re: FY24 Budget Recommendations

Date: April 3, 2024

The Fiscal Year 2024 (FY24) Operating Budget process provided an opportunity for management to, once again, undertake an honest assessment of town functions to determine what is working and what changes are necessary. Some of the recommended changes contained within this memorandum will have cost implications for the FY24 budget. Beginning in the FY23 budget, we started making some necessary staffing changes, which would bring the needed staffing levels up to par on an operational standpoint. This FY24 budget includes some new or modified staffing to take the next step towards our goal of providing the most resources to our residents, while maintaining a streamlined and efficient budget.

Like last year, we are still getting out from under the accumulation of years of conservative budgeting, which while assisting the town in limiting our expenditure outlay and increased our Unused Levy Capacity to \$2.4M, created other operational issues within the Town. We took major steps with the addition of an Assistant Town Administrator to function as the Human Resources Director, and were also able to add highway, library staff, as well as facilities and community services staff. This year we will focus on public safety.

At the 2021 Annual Town Meeting, I presented changes to the Wage & Classification Schedules after a consultant was brought in to review the salaries of non-union staff. With these new schedules in place, we had to determine how employees would advance through the steps. At the 2022 Annual Town Meeting, Article 56 was unanimously approved, which changed the bylaw to allocate a step increase for July 1, 2023, to those in Grades 1 – 5. Therefore, this year, in addition to the 3% Cost of Living Adjustment (COLA), all employees in Grades 1 – 5, who were in steps 1 thru 11 will be granted a step increase. Employees in Grades 6 to 8 will be given the 3% COLA, as their step increase is not until next year (FY25).

Additionally, the Police Officers and Firefighters union contracts will expire on June 30, 2023. As the writing of this letter, the negotiations for the Police Union are still ongoing, so we made some

assumptions for salary and budgetary purposes. The Dispatchers and Fire Unions have finalized their FY24 benefits.

We continue to look for ways to streamline processes and make things more efficient. At the end of FY23, Karen Kelleher, ZBA Administrative Assistant is retiring and instead of trying to replace her knowledge and expertise with someone new, we are rolling the ZBA duties into the Planning Department. This will allow all land-use items to be consolidated under one department.

I am also working on consolidating all facility expenses. In the past, some buildings had to budget for their own heating, electric, trash pickup, landscaping, while the Town Building and Pompo were consolidated under the facilities budget. This year, I am moving those expenses from the library, police, and highway into the facilities department.

In addition to these increases, there are a few new personnel related changes that I am recommending for FY24, which are articulated below.

In this budget, I am recommending the following staffing changes:

- Adding One (1) full-time patrol officer
- Adding Two (2) full-time firefighters
- Moving the Procurement/Grants Administrator into the General Fund Budget

Full – Time Patrol Officer – Given the changes with the State and the new POST (Peace Officer Standards & Training) Commission, it has been increasingly more difficult for smaller towns to continue using Reserve Police Officers, as they now require the same level of training as fully certified officers. As a result, the Chief requested adding a full-time officer to the roster. With the proposed new developments at Athens Lane, Stow Acres, and the addition to Elizabeth Brook (Plantation) Apartments, and the overtime shifts that have gone unfilled by current officers, it was determined to be a necessary addition. The cost associated with this change is estimated at \$74,792 or a .65% increase in the municipal budget.

Adding Two (2) full-time Firefighter/EMTs – With the increase in medical calls, there have been more and more calls for service at the same time as another call. Adding two more full-time members to the department will allow for more efficiency in response times. Additionally, this will allow us to have one full-time member on every shift in the fire department. Currently we are operating the overnights with per-diem employees plus call employees. Our current hybrid model of full-time and call firefighters is sustainable, provided we add the resources that are necessary to sustain services to the expanding population. These two positions will give us more accountability and stability throughout the department and shifts while supplementing the full-time staff with per diems and call members.

We have applied for a federal grant for these positions and should this budget pass, we will not fill those positions until we hear on the grant. Only in the event that the grant is not successful, will we utilize the budgeted funds. The cost associated with these two additional positions is: \$117,411.84 or a 1.02% increase in the municipal budget.

Moving the Procurement/Grants Administrator into the General Fund Budget – With the influx of monies from the Federal Government by way of the CARES Act and APRA Funds, we had an increase in purchases and projects. It became necessary to bring on board someone to focus on the

procurement laws (both federal and state) and track grants for us. In 2022, the Select Board authorized use of \$65,000 in ARPA funds to hire a Procurement/Grants Administrator. That position was filled in October 2022 and quickly became an integral part of the team. The addition of this position has allowed Department Heads to focus on running their department and not having to research and write bid specs or contracts. For Fiscal Year 2024, I am moving this position into the General Fund budget, at a cost of \$62,500 or .54% of the municipal budget. It is expected, however, that this position will generate savings on bidding and bring in grant revenue to offset the cost of the position.

Expenses

The only significant increase in the expense side of the municipal budget occurs in the Technology Budget. Since 2020, the Town has been able to utilize federal revenues (CARES Act, ARPA Funds) to cover some large technology upgrades. As the available funds in those accounts winds down, over the next few budget years we need to incorporate the cost of these services into the general fund budget. This year, I am including the cost of our phone system and the Office 365 licensing into the budget. The licenses and fees associated with these items is approximately \$50,000 or .44% of the municipal budget.

Municipal

For the proposed FY24 Budget, municipal salaries account for 54% of the municipal budget and 19% of the entire General Fund Budget. Municipal expenses makes up 14% of the municipal budget and only 5% of the overall General Fund Budget. Municipal Insurance and Debt Service represents 31% of the Municipal Budget and 11% of the overall General Fund Budget.

For every one dollar of taxes paid to the Town of Stow, twenty-five (\$.25) cents covers the entire Municipal Budget, including insurance and non-excluded debt.

Education

As is the case most years, we have received assessments from the two school districts (Nashoba Regional School and Minuteman Vocational) with increases totaling just under \$1M combined. This increase is an increase of more than 4.61% over the FY23 assessments and \$177,681 more than the increased tax revenue we project under Prop 2 ½.

The 20.02% assessment increase (or \$429,421) at Minuteman is mainly due to increased enrollment and less out-of-district students attending. Since the new school opened, Minuteman has seen an increase in applications, primarily from member towns. As a result of fewer out-of-district students attending, the member towns need to pay more to cover those costs. Additionally, over the last several years, Stow's enrollment at Minuteman has increased to 65 students up from just 19 students five years ago.

The Nashoba increase is not as cut and dry to articulate. They have established their budget with an overall increase of about 3.55% over FY23. There is not one driving factor that we can point to as the basis for the increase. As a result of their total budget increase, Stow's assessment has increased 2.82% (or \$523,540) over the FY23 assessment.

The total FY24 Budget recommendation is increased by 5.42% over FY23. The two schools represent a total of 65% of the entire General Fund Budget and have an FY24 increase of \$952K combined or by 3.03% and the municipal budgets have increased by 2.39%.

For every one dollar of taxes paid to the Town of Stow, sixty-one (\$.61) cents goes towards the Nashoba and Minuteman Education Budgets.

For every one dollar of taxes paid to the Town of Stow, fourteen (\$.14) cents is used to pay the debt exclusions voted on by the taxpayers at the ballot.

There were other small changes within the FY24 Budget Proposal, but all other budgetary impacts were minor, as there are no proposed new programs. During FY24, we will continue to look for ways to make doing business with the Town more efficient while also remaining cost effective.

This year, the General Fund article requests have increased by more than 40% over the FY23 requests. There are a number of new initiatives that are being undertaken by Departments, Boards and Committees that account for the almost \$200,000 in increased requests, bringing the total of articles seeking to raise and appropriate from taxes, to \$671,733.

The Capital Plan requests also increased this year. As a result, I am recommending a combination of using free cash and borrowing. The recommendation for funding with free cash is \$583,298, which is down from last year's recommendation of \$823,500. But I am recommending three items to be borrowed and paid for within the town's tax levy. The total of those items is \$1,451,800. With inventory delays of up to two years, this will allow us to sign a purchase order, but not hold up cash, while we wait one to two years for delivery. It will also allow us to repair aging infrastructure within the general fund budget, while budgeting for a principal and interest payment over a number of years and not all at once. This plan of sharing the expenditures between the town and the taxpayers is looked upon favorably by the rating agencies and is expected to have a positive impact on future borrowings.

As I indicated in my letter last year, the Town is still in the process of catching up from years of static staffing levels, even though the number of residents has continued to grow. We will evaluate staffing levels each year to ensure that the service level we provide to our residents continues to increase but in the most cost effective and efficient manner.

I believe this FY24 budget is necessary for effective Town operations and ask for your support. I welcome an opportunity to discuss the FY24 Budget and answer any questions anyone may have.

Thank you.



WARRANT FOR 2023 ANNUAL TOWN MEETING

To either of the Constables of the Town of Stow, or the Stow Town Clerk, in the County of Middlesex,
GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stow, qualified to vote in Elections and Town Affairs, to assemble in

**HUGH MILL AUDITORIUM AT THE HALE MIDDLE SCHOOL,
55 HARTLEY ROAD, STOW, MA**

**In said Town on
SATURDAY, THE THIRTEENTH DAY OF MAY 2023
AT 9:00 A.M.**

Then and there to act on the following Articles, namely:

ARTICLE 1. Reports of Select Board and Other Officers and Committees

To hear and accept the reports of the Select Board and other Officers and Committees of the Town for Calendar Year 2022; or take any other action relative thereto.

(Select Board)

The Select Board and other officials including Committees like the Finance Committee produce official reports for the Town. This proforma article calls for the Town to accept and hear these reports.

ARTICLE 2. Reports of Special Committees

To hear and accept the reports of special committees for Calendar Year 2022; or take any other action relative thereto.

(Select Board)

During Calendar Year 2022, special committees were created and the committees produce official reports for the Town to review. This proforma article calls for the Town to accept and hear these reports.

ARTICLE 3. Wage and Salary Schedules for Fiscal Year 2024

To see if the Town will vote to amend Article 11 of the General Bylaws of the Town, Personnel Administration, by deleting from Section 20.h. the existing salary Schedules, and inserting in place thereof the following new Schedules; or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

**FY 2024 SALARY AND WAGE CLASSIFICATION
SCHEDULE A**

GRADE	TITLE	DEPARTMENT
Contract	Town Administrator	Administration
Contract	Police Chief	Police
Contract	Fire Chief	Fire
8	Assistant Town Administrator Building Commissioner Lieutenant Highway Superintendent	Administration Building / Facilities Police Highway
7	Principal Assessor Executive Director Conservation Director Library Director Planning Director Recreation Director Town Accountant Town Clerk Treasurer -Collector	Assessing COA Conservation Library Planning Recreation Town Accountant Town Clerk Treasurer / Collector
6	Assistant Facilities Manager / Building Inspector Community Service Coordinator Procurement & Grants Administrator IT Director Stow TV Director Assistant Superintendent Land Use Planner/GIS Administrator	Building / Facilities COA Administration IT Stow TV Highway Planning
5	Assistant Assessor Outreach Coordinator Conservation Assistant Librarian – Circulation and Tech Services Librarian - Youth Services Executive Assistant Executive Assistant Assistant Town Clerk Assistant Treasurer/Collector	Assessing COA Conservation Library Library TA / BOS Health Town Clerk Treasurer/Collector
4	Administrative Assistant - Facilities Maintenance Craftsperson Administrative Assistant Outreach Worker Senior Van Driver - Coordinator Payroll Coordinator Administrative Assistant Administrative Assistant Administrative Assistant	Building / Facilities Building / Facilities COA COA COA Treasurer / Collector Police Highway Recreation

3	Department Assistant Department Assistant Department Assistant Department Assistant Department Assistant Department Assistant Department Assistant Finance Committee Secretary	Assessing CPC COA Library Health Planning TA / BOS Finance Committee
2	Custodian Library Aide Stow TV Access Coordinator Stow TV Technical Assistant	Building / Facilities Library Stow TV Stow TV
1	Library Page	Library

GRADE	1	2	3	4	5	6	7	8	GRADE
Step 1	\$16.32	\$18.76	\$22.51	\$25.89	\$29.77	\$32.75	\$37.66	\$47.08	Step 1
Step 2	\$16.72	\$19.23	\$23.07	\$26.54	\$30.51	\$33.57	\$38.60	\$48.26	Step 2
Step 3	\$17.14	\$19.71	\$23.65	\$27.20	\$31.27	\$34.41	\$39.57	\$49.47	Step 3
Step 4	\$17.57	\$20.20	\$24.24	\$27.88	\$32.05	\$35.27	\$40.56	\$50.71	Step 4
Step 5	\$18.01	\$20.71	\$24.85	\$28.58	\$32.85	\$36.15	\$41.57	\$51.98	Step 5
Step 6	\$18.46	\$21.23	\$25.47	\$29.29	\$33.67	\$37.05	\$42.61	\$53.28	Step 6
Step 7	\$18.92	\$21.76	\$26.11	\$30.02	\$34.51	\$37.98	\$43.68	\$54.61	Step 7
Step 8	\$19.39	\$22.30	\$26.76	\$30.77	\$35.37	\$38.93	\$44.77	\$55.98	Step 8
Step 9	\$19.87	\$22.86	\$27.43	\$31.54	\$36.25	\$39.90	\$45.89	\$57.38	Step 9
Step 10	\$20.37	\$23.43	\$28.12	\$32.33	\$37.16	\$40.90	\$47.04	\$58.81	Step 10
Step 11	\$20.88	\$24.02	\$28.82	\$33.14	\$38.09	\$41.92	\$48.22	\$60.28	Step 11
Step 12	\$21.40	\$24.62	\$29.54	\$33.97	\$39.04	\$42.97	\$49.43	\$61.79	Step 12

SCHEDULE B
SINGLE RATE POSITIONS PAID ANNUALLY

Position Title	Salary
Animal Inspector	1,787
Assistant Registrar of Voters	353
Registrar of Voters	176
Tree Warden	8,000
Veterans' Service Officer	2,441
Fire S.A.F.E. Coordinator	1,000
Fire Training Coordinator	1,000
Fire PPE Coordinator	1,000
Fire Fleet Coordinator	1,000
Fire Water Hole Coordinator	1,000
EMS Coordinator	1,000
EMS Scheduler	1,000
EMS Quartermaster	1,000
Fire Lieutenant (call)	1,000

SCHEDULE C
PART-TIME/SEASONAL/TEMPORARY RATE SCHEDULE

Grade	Titles in Grade	Steps	FY24
Grade 1	Beach Checkers	1	15.00
	Assistant Camp Counselor	2	15.23
	Student Interns	3	15.45
	Seasonal Trail Stewards	4	15.61
		5	15.76
		6	15.92
Grade 2	Head Counselor	1	15.75
	Junior Lifeguard	2	15.99
	Stow TV Assistant	3	16.23
		4	16.47
		5	16.72
		6	16.97
Grade 3	Lifeguard	1	16.54
	(Senior Lifeguard)	2	16.79
		3	17.04
		4	17.29
		5	17.55
		6	17.82

Grade 4	Head Lifeguard	1	17.78
	WSI Instructor	2	18.04
	COA non-CDL Van Driver	3	18.32
	Apprentice FF Call	4	18.59
		5	18.87
		6	19.15
Grade 5	Assistant Camp Director	1	20.09
	COA CDL Van Driver	2	20.39
	EMT Call	3	20.70
	FF - Call	4	21.01
	Auxiliary Police Officer	5	21.32
		6	21.64
Grade 6	Camp Director	1	23.10
	Water-Front Director	2	23.45
	Dispatcher part-time	3	23.80
	Per Diem FF/EMT	4	24.16
	FF/EMT (call)	5	24.52
		6	24.89
Grade 7	Prisoner Watch	1	25.64
	Call Fire Lieutenant	2	26.03
	Police Officer Part time	3	26.42
		4	26.81
		5	27.22
		6	27.63

SCHEDULE D
SINGLE RATE POSITIONS PAID
HOURLY

Position Title			Hourly Rate:
Election Clerical Assistance			15.00
Election Teller			15.00
Election Clerk			18.00
Election Warden			18.00

ARTICLE 4. General Budget for Fiscal Year 2024

To see what sums of money the Town will vote to raise and appropriate to defray the necessary expenses of the several departments of the Town, as set forth in the following line items; or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

This General Fund Budget is being presented at \$33,111,129, which is up a total of 5.42% over Fiscal Year 2023, which ends on June 30, 2023. The Municipal budget is up at total of 2.39%, with the schools increasing a total of 3.03%. (The increase for last fiscal year was 6.4% in total)

In large part, the General Fund Municipal budget line item is the sum of the wage and salaries detailed in Article #3 and all wages covered by Collective Bargaining Agreements, plus expenses of all Town departments. It also contains Town-wide expenses such as property and casualty insurance, debt, technology services, and employee health insurance.

Departmental Salaries make up 54% of the Municipal Budget and 19% of the General Fund Budget.

Departmental Expenses make up 14% of the Municipal Budget and 5% of the General Fund Budget.

Insurance & Debt makes up 31% of the Municipal Budget and 11% of the General Fund Budget.

The School Budgets make up 65% of the General Fund Budget.

Non-Discretionary Items - It is important to recognize that the Town Administrator exercises NO direct control over several budget items including employee pensions, school assessments, the annual debt payment, annual health insurance increases, and state/county charges which are significant budget drivers of the General Budget.

LINE NO.	DEPARTMENT	FY 2023 ACTUAL BUDGET	FY 2024 BUDGET REQUEST	FY 2024 BUDGET TOWN ADMIN RECOMMEND	FY 2024 FINANCE COMMITTEE RECOMMEND
	<u>MUNICIPAL BUDGET</u>	LINES 1 - 76			
	<u>GENERAL GOVERNMENT</u>	LINES 1 - 37			
Line No.					
	MODERATOR				
1	MODERATOR SALARY	45.00	0.00	0.00	0.00
2	MODERATOR EXPENSES	46.00	250.00	250.00	250.00
	TOTAL MODERATOR	91.00	250.00	250.00	250.00
	TOWN ADMINISTRATION				
3	SELECT BOARD OFFICE WAGES	89,598.00	91,603.50	91,604.00	91,604.00
4	SELECT BOARD OFFICE EXPENSES	9,450.00	9,450.00	9,450.00	9,450.00
5	TOWN ADMINISTRATOR SALARY	150,328.00	154,838.36	175,000.00	175,000.00
6	ASSISTANT TOWN ADMINISTRATOR WAGES	91,709.00	94,468.95	94,469.00	94,469.00
7	TOWN ADMINISTRATOR OFFICE WAGES	2,500.00	3,000.00	67,000.00	67,000.00
8	TOWN ADMINISTRATOR EXPENSES	16,250.00	16,750.00	17,250.00	17,250.00
	TOTAL ADMINISTRATION	359,835.00	370,110.81	454,773.00	454,773.00

LINE NO.	DEPARTMENT	FY 2023 ACTUAL BUDGET	FY 2024 BUDGET REQUEST	FY 2024 BUDGET TOWN ADMIN RECOMMEND	FY 2024 FINANCE COMMITTEE RECOMMEND
	FINANCE COMMITTEE				
9	FINANCE COMMITTEE WAGES	1,000.00	0.00	0.00	0.00
10	RESERVE FUND	80,000.00	80,000.00	80,000.00	80,000.00
11	FINANCE COMMITTEE EXPENSES	1,000.00	1,000.00	1,000.00	1,000.00
	TOTAL FINANCE COMMITTEE	82,000.00	81,000.00	81,000.00	81,000.00
	TOWN ACCOUNTANT				
12	ACCOUNTANT SALARY	69,680.00	71,770.00	71,770.00	71,770.00
13	ACCOUNTANT CLERK SALARY	500.00	500.00	500.00	500.00
14	ACCOUNTANT EXPENSES	2,125.00	2,150.00	2,150.00	2,150.00
	TOTAL TOWN ACCOUNTANT	72,305.00	74,420.00	74,420.00	74,420.00
	ASSESSORS				
15	PRINCIPAL ASSESSOR'S WAGES	93,542.00	96,589.00	96,589.00	96,589.00
16	ASSESSORS CLERICAL WAGES	98,790.00	103,384.00	103,384.00	103,384.00
17	ASSESSORS EXPENSES	15,630.00	16,630.00	16,630.00	16,630.00
	TOTAL ASSESSORS	207,962.00	216,603.00	216,603.00	216,603.00

LINE NO.	DEPARTMENT	FY 2023 ACTUAL BUDGET	FY 2024 BUDGET REQUEST	FY 2024 BUDGET TOWN ADMIN RECOMMEND	FY 2024 FINANCE COMMITTEE RECOMMEND
	TREASURER-COLLECTOR				
18	TREASURER-COLLECTOR SALARY	90,745.00	93,122.00	93,122.00	93,122.00
19	TREASURER-COLLECTOR CLERICAL WAGES	98,340.00	104,683.00	104,683.00	104,683.00
20	TREASURER-COLLECTOR EXPENSES	54,655.00	55,902.12	56,282.00	56,282.00
	TOTAL TREASURER-COLLECTOR	243,740.00	253,707.12	254,087.00	254,087.00
	INFO TECH				
21	IT CLERICAL WAGES	45,832.00	45,836.58	47,176.00	47,176.00
22	IT EXPENSES	187,876.00	249,680.00	285,000.00	285,000.00
	TOTAL INFO TECH	233,708.00	295,516.58	332,176.00	332,176.00
	TOWN CLERK				
23	TOWN CLERK SALARY	94,426.00	97,583.94	97,584.00	97,584.00
24	TOWN CLERK OTHER WAGES	65,409.00	67,003.86	67,004.00	67,004.00
25	ELECTION WAGES	28,124.00	28,124.00	21,000.00	21,000.00
26	TOWN CLERK EXPENSES	29,043.00	29,118.00	29,234.00	29,234.00
	TOTAL TOWN CLERK	217,002.00	221,829.80	214,822.00	214,822.00

LINE NO.	DEPARTMENT	FY 2023 ACTUAL BUDGET	FY 2024 BUDGET REQUEST	FY 2024 BUDGET TOWN ADMIN RECOMMEND	FY 2024 FINANCE COMMITTEE RECOMMEND
	CONSERVATION COMMISSION				
27	CONSERVATION DIRECTOR	93,902.00	97,009.23	97,010.00	97,010.00
28	CONSERVATION COMMISSION CLERICAL WAGES	55,794.00	63,068.89	57,363.00	57,363.00
29	CONSERVATION COMMISSION EXPENSES	5,000.00	5,000.00	8,600.00	8,600.00
	TOTAL CONSERVATION COMMISSION	154,696.00	165,078.12	162,973.00	162,973.00
	PLANNING BOARD				
30	TOWN PLANNER	102,344.00	92,104.32	92,105.00	92,105.00
31	PLANNING BOARD CLERICAL WAGES	86,503.00	108,265.19	111,966.00	111,966.00
32	PLANNING BOARD EXPENSES	5,250.00	11,300.00	11,300.00	11,300.00
	TOTAL PLANNING BOARD	194,097.00	211,669.51	215,371.00	215,371.00
	BOARD OF APPEALS				
33	BOARD OF APPEALS CLERICAL WAGES	29,390.00	29,890.40	0.00	0.00
34	BOARD OF APPEALS EXPENSES	4,250.00	4,250.00	0.00	0.00
	TOTAL BOARD OF APPEALS	33,640.00	34,140.40	0.00	0.00

LINE NO.	DEPARTMENT	FY 2023 ACTUAL BUDGET	FY 2024 BUDGET REQUEST	FY 2024 BUDGET TOWN ADMIN RECOMMEND	FY 2024 FINANCE COMMITTEE RECOMMEND
	MUNICIPAL BUILDING				
35	MUNI BUILDING & PROPERTY WAGES	176,298.00	182,085.11	183,648.00	183,648.00
36	MUNI BUILDING & PROPERTY EXPENSES	172,910.00	178,031.30	220,176.00	220,176.00
	TOTAL MUNICIPAL BUILDING	349,208.00	360,116.41	403,824.00	403,824.00
	OTHER GENERAL GOVERNMENT				
37	TOWN REPORTS EXPENSES	7,500.00	7,500.00	7,500.00	7,500.00
	TOTAL OTHER GENERAL GOVERNMENT	7,500.00	7,500.00	7,500.00	7,500.00
	TOTAL GENERAL GOVERNMENT	2,155,784.00	2,291,941.75	2,417,799.00	2,417,799.00
-	<u>PUBLIC SAFETY</u>	LINES 38 - 46			
	POLICE DEPT				
38	POLICE CHIEF SALARY	135,460.00	139,523.00	139,523.00	139,523.00
39	POLICE & DISPATCH WAGES	1,471,873.00	1,564,355.00	1,568,362.00	1,568,362.00
40	POLICE & DISPATCH EXPENSES	122,300.00	124,625.00	109,425.00	109,425.00
	TOTAL POLICE DEPT	1,729,633.00	1,828,503.00	1,817,310.00	1,817,310.00

LINE NO.	DEPARTMENT	FY 2023 ACTUAL BUDGET	FY 2024 BUDGET REQUEST	FY 2024 BUDGET TOWN ADMIN RECOMMEND	FY 2024 FINANCE COMMITTEE RECOMMEND
	FIRE AND EMS				
41	FIRE CHIEF SALARY	107,120.00	110,333.60	110,334.00	110,334.00
42	FIRE AND EMS WAGES	719,454.00	882,469.47	859,251.00	859,251.00
43	FIRE AND EMS EXPENSES	82,400.00	87,240.00	89,090.00	89,090.00
	TOTAL FIRE AND EMS	908,974.00	1,080,043.07	1,058,675.00	1,058,675.00
	BUILDING INSPECTOR				
44	BUILDING INSPECTOR WAGES	103,748.00	106,899.07	106,899.00	106,899.00
45	BUILDING DEPT CLERICAL WAGES	63,642.00	67,463.30	67,463.00	67,463.00
46	BUILDING DEPT EXPENSES	8,745.00	8,245.00	8,945.00	8,945.00
	TOTAL BUILDING INSPECTOR	176,135.00	182,607.37	183,307.00	183,307.00
	TOTAL PUBLIC SAFETY	2,814,742.00	3,091,153.44	3,059,292.00	3,059,292.00
	<u>PUBLIC WORKS AND FACILITIES</u>	LINES 47 - 55			
	HIGHWAY AND GROUNDS				
47	SUPT OF STREETS SALARY	125,218.00	129,018.00	111,749.00	111,749.00
48	HIGHWAY & GROUNDS WAGES	685,000.00	751,765.84	735,110.00	735,110.00

LINE NO.	DEPARTMENT	FY 2023 ACTUAL BUDGET	FY 2024 BUDGET REQUEST	FY 2024 BUDGET TOWN ADMIN RECOMMEND	FY 2024 FINANCE COMMITTEE RECOMMEND
49	HIGHWAY & GROUNDS EXPENSES	178,000.00	192,000.00	179,050.00	179,050.00
50	SNOW AND ICE REMOVAL EXPENSE	200,000.00	200,000.00	200,000.00	200,000.00
	TOTAL HIGHWAY & GROUNDS	1,188,218.00	1,272,783.84	1,225,909.00	1,225,909.00
	OTHER PUBLIC WORKS				
51	MUNICIPAL LIGHTING	7,000.00	7,000.00	7,000.00	7,000.00
52	GASOLINE & DIESEL FUEL EXPENSE	76,000.00	98,261.00	98,261.00	98,261.00
	TOTAL OTHER PUBLIC WORKS	83,000.00	105,261.00	105,261.00	105,261.00
	CEMETERY DEPT				
53	CEMETERY SUPERINTENDENT	81,933.00	87,527.00	87,527.00	87,527.00
54	CEMETERY SALARY AND WAGES	9,000.00	11,000.00	4,000.00	4,000.00
55	CEMETERY EXPENSES	5,600.00	5,600.00	4,800.00	4,800.00
	TOTAL CEMETERY DEPT	96,533.00	104,127.00	96,327.00	96,327.00
	TOTAL PUBLIC WORK & FACILITIES	1,367,751.00	1,482,171.84	1,427,497.00	1,427,497.00

LINE NO.	DEPARTMENT	FY 2023 ACTUAL BUDGET	FY 2024 BUDGET REQUEST	FY 2024 BUDGET TOWN ADMIN RECOMMEND	FY 2024 FINANCE COMMITTEE RECOMMEND
	<u>HUMAN SERVICES</u>	LINES 56 - 63			
	HEALTH DEPT				
56	HEALTH ADMINISTRATIVE ASSISTANT	68,699.00	72,462.00	72,462.00	72,462.00
57	HEALTH DEPARTMENT WAGES	15,747.00	19,928.00	20,435.00	20,435.00
58	HEALTH DEPARTMENT EXPENSES	74,341.00	77,289.83	77,290.00	77,290.00
	TOTAL HEALTH DEPT	158,787.00	169,679.83	170,187.00	170,187.00
	COUNCIL ON AGING				
59	EXECUTIVE DIRECTOR SALARY	94,476.00	96,938.50	96,939.00	96,939.00
60	COUNCIL ON AGING WAGES	213,690.00	237,420.30	237,420.00	237,420.00
61	COUNCIL ON AGING EXPENSES	12,497.00	12,497.00	12,497.00	12,497.00
	TOTAL COUNCIL ON AGING	320,663.00	346,855.80	346,856.00	346,856.00
	VETERANS' DEPT				
62	VETERANS' SERVICE OFFICER SALARY	2,370.00	2,441.13	2,442.00	2,442.00
63	VETERANS' SERVICE OFFICER EXPENSES	300.00	300.00	300.00	300.00
	TOTAL VETERANS' DEPT	2,670.00	2,741.13	2,742.00	2,742.00

LINE NO.	DEPARTMENT	FY 2023 ACTUAL BUDGET	FY 2024 BUDGET REQUEST	FY 2024 BUDGET TOWN ADMIN RECOMMEND	FY 2024 FINANCE COMMITTEE RECOMMEND
	TOTAL HUMAN SERVICES	482,120.00	519,276.76	519,785.00	519,785.00
	<u>CULTURE AND RECREATION</u>	LINES 64 -73			
	LIBRARY DEPT				
64	LIBRARY DIRECTOR SALARY	95,472.00	95,472.00	94,415.00	94,415.00
65	LIBRARY WAGES	170,819.00	170,819.22	141,212.00	141,212.00
66	LIBRARY EXPENSES	85,226.00	87,797.00	78,000.00	78,000.00
	TOTAL LIBRARY DEPT	351,517.00	354,088.22	313,627.00	313,627.00
	RECREATION COMMISSION				
67	RECREATION DIRECTOR	88,192.00	90,854.40	90,855.00	90,855.00
68	RECREATION WAGES	14,000.00	14,400.80	14,744.00	14,744.00
69	RECREATION EXPENSES	24,500.00	24,500.00	24,500.00	24,500.00
	TOTAL RECREATION COMMISSION	126,692.00	129,755.20	130,099.00	130,099.00
	LAKE BOON COMMISSION				
70	LAKE BOON COMMISSION EXPENSES	7,733.00	3,067.00	3,067.00	3,067.00
	TOTAL LAKE BOON COMMISSION	7,733.00	3,067.00	3,067.00	3,067.00

LINE NO.	DEPARTMENT	FY 2023 ACTUAL BUDGET	FY 2024 BUDGET REQUEST	FY 2024 BUDGET TOWN ADMIN RECOMMEND	FY 2024 FINANCE COMMITTEE RECOMMEND
	OTHER CULTURE & RECREATION				
71	HISTORICAL COMMISSION EXPENSES	1,200.00	1,200.00	1,200.00	1,200.00
72	MEMORIAL DAY EXPENSES	900.00	900.00	1,000.00	1,000.00
73	LIGHTING OF CLOCK EXPENSES	100.00	100.00	0.00	0.00
	TOTAL OTHER CULTURE & RECREATION	2,200.00	2,200.00	2,200.00	2,200.00
	TOTAL CULTURE & RECREATION EXPENSES	488,142.00	489,110.42	448,993.00	448,993.00
	<u>TOWN WIDE EXPENSES</u>	LINES 74 -76			
74	GROUP INSURANCE	1,050,000.00	1,050,000.00	1,215,000.00	1,215,000.00
75	INSURANCE AND BONDS	190,000.00	190,000.00	200,000.00	200,000.00
76	TELEPHONE	15,000.00	15,000.00	15,000.00	15,000.00
	TOTAL TOWN WIDE EXPENSES	1,255,000.00	1,255,000.00	1,430,000.00	1,430,000.00
	MUNICIPAL BUDGET TOTAL	8,563,539.00	9,128,654.21	9,303,366.00	9,303,366.00
	<u>EDUCATION</u>	LINES 77 - 78			

LINE NO.	DEPARTMENT	FY 2023 ACTUAL BUDGET	FY 2024 BUDGET REQUEST	FY 2024 BUDGET TOWN ADMIN RECOMMEND	FY 2024 FINANCE COMMITTEE RECOMMEND
	SCHOOL DISTRICTS				
77	NASHOBA REG SCHOOL DIST ASSESSMENT	18,535,962.00	18,535,962.00	19,059,502.00	19,059,502.00
78	MINUTEMAN VOC TECH ASSESSMENT	2,145,103.00	2,576,739.00	2,574,524.00	2,574,524.00
	TOTAL DISTRICT ASSESSMENTS	20,681,065.00	21,112,701.00	21,634,026.00	21,634,026.00
	<u>DEBT SERVICE</u>	LINES 79 -81			
	PRINCIPAL				
79	MATURING PRIN LONG-TERM DEBT	1,448,211.00	1,448,211.00	1,493,296.00	1,493,296.00
	TOTAL MATURING PRINCIPAL	1,448,211.00	1,448,211.00	1,493,296.00	1,493,296.00
	INTEREST				
80	INT ON LONG-TERM DEBT - BONDS	714,809.00	714,809.00	679,441.00	679,441.00
81	INT ON TEMPORARY LOANS - REVENUE	1,000.00	1,000.00	1,000.00	1,000.00
	TOTAL INTEREST ON MATURING DEBT	715,809.00	715,809.00	680,441.00	680,441.00
	TOTAL DEBT SERVICE	2,164,020.00	2,164,020.00	2,173,737.00	2,173,737.00
	TOTAL	31,408,624.00	32,405,375.21	33,111,129.00	33,111,129.00

BEGINNING OF CONSENT CALENDAR

ARTICLE 5. Revolving Fund Expenditure Limits

(CONSENT CALENDAR)

To see if the Town will vote, pursuant to the provisions of G.L. c.44, §53E½, to set the annual spending limits for the following two (2) revolving accounts established in the General By-Laws for Fiscal Year 2024; or take any action relative thereto.

(Town Administrator)

REVOLVING FUND	SPENDING LIMIT FOR FISCAL YEAR 2024
Inspection Fees	\$50,000
Advanced Life Support	\$10,000

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures although fees retained by the Town may increase revenue and reduce expenditures. See Appendix A for Revolving Fund balances.

ARTICLE 6. Stow Cultural Council

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of One Thousand Five Hundred Dollars (\$1,500) to be added to any balance remaining from previous appropriations, to produce cultural activities and programming in Stow, or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

ARTICLE 7. Springfest

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Six Thousand Dollars (\$6,000) to be added to any balance remaining from previous appropriations, to be used to support SpringFest activities, or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

ARTICLE 8. Smart911/RAVE Notification System

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Five Thousand Dollars (\$6,000) to be expended under the direction of the Town Administrator, for the purpose of paying for a town-wide telephonic emergency notification system known as Smart911/RAVE, including all costs incidental and related thereto; or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

ARTICLE 9. Weights and Measures Testing

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Three Thousand Five Dollars (\$3,500) to be added to any balance remaining from a previous appropriation, for the purpose of funding the Town’s Weights and Measures testing, including all costs incidental and related thereto; or take any other action relative thereto.

(Select Board)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

As of January 1, 2023, the State increased the cost of this service. This article funds the regulation for specific items such as gas station pumps and cash register scales. The balance in this account as of April 11, 2023, is \$250.00 with the annual payment due in June.

ARTICLE 10. Transfer to Conservation Fund

(CONSENT CALENDAR)

To see if the town will vote to appropriate and transfer from the Conservation Land Maintenance Account to the Conservation Fund the sum of six thousand one hundred and eighty two dollars and no cents (\$6,182.00) any other sum; or take any action relative thereto.

(Conservation Commission)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

The Conservation Land Maintenance Account is an account which receives fees paid by people to rent garden plots and to lease farmland. The entire balance of this fund is transferred annually to the Conservation Fund.

ARTICLE 11. Transfer from Wetlands Protection Fund

(CONSENT CALENDAR)

To see if the Town will vote to appropriate and transfer from the Wetlands Protection Fund the sum of one thousand nine hundred and sixty-three dollars and no cents (\$1,963.00) or any other sum, as an additional appropriation to the Conservation Commission, to be expended by the Conservation Commission in performing its duties under the Wetlands Protection Act; or take any action relative thereto. (Conservation Commission)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

The Conservation Commission is responsible for administering the Wetlands Protection Act (M.G.L. Ch. 131, Section 40) as well as the Town of Stow Wetland Protection Bylaw which was adopted by Town Meeting in 1983. Under these laws, the Commission is required to review and issue permits for any proposals to alter or develop land within 100’ of wetlands and within 200’ of rivers and ponds. This permitting process helps protect the town’s drinking water and wildlife habitat, and helps prevent storm damage, pollution and flooding.

The Wetlands Protection Fund receives money from permit application fees. These fees are paid if an applicant wants to alter or develop land within 100' of wetlands and within 200' of rivers and ponds. These funds are to be used for the costs associated with administration of the Wetlands Protection Act.

ARTICLE 12. Addition to Conservation Fund

(CONSENT CALENDAR)

To see if the town will vote to appropriate and transfer from the Conservation Land Maintenance Account to the Conservation Fund the sum of five thousand dollars and no cents (\$5,000.00) any other sum; or take any action relative thereto.

(Conservation Commission)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

The Conservation Commission is Stow's largest landowner and depends on the Conservation Fund, established in the 1960s, for management of 2000 acres of land and conservation restrictions including our contract Land Steward, trail mowing, hazard tree removal, and occasional expenses associated with land acquisition. The funds also pay for community garden-related expenses, which is partially offset by plot fees. This appropriation will help maintain the fund and replenish the Conservation Land Steward's contracted expense.

The Conservation Fund receives money from the Conservation Land Management account (see Article #10), and from this annual Special Article. The money is used to pay for legal work and for conservation land purchase appraisals, the care of the community gardens, invasive species control, purchase of tools and signage for conservation land and for our Land Steward contract.

ARTICLE 13. Update of Property Valuations

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Twelve Thousand Dollars (\$12,000) to be added to the balance remaining from the amount previously appropriated for the purpose of updating property valuations in the Town to full and fair cash value, to be expended by the Assessors; or take any other action relative thereto.

(Assessors)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

These funds pay for software maintenance, special appraisals, and listing and valuation services and an occasional consultant. The balance in this account as of April 11, 2023, is \$6,682.00.

ARTICLE 14. Highway Road Machinery, Private Ways, and Municipal Parking Lots

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sums of money for Highway Department purposes as set forth in the schedule below; or take any other action relative thereto.

- 1. For the Road Machinery Account \$90,000
- 2. For Repairs on Private Ways \$15,000
- 3. For Repairs on Municipal Parking Lots \$10,000

(Highway Department)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

This article allows Highway to spend money to repair our private ways, maintain our highway equipment, and make repairs to municipal parking lots on an annual basis. The combined balance in these accounts as of April 11, 2023, is \$14,401.71.

ARTICLE 15. Highway Engineering Fees

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Four Thousand Dollars (\$4,000), to be added to any balance remaining from the previous appropriation, for the purpose of paying consulting/engineering cost associated with roadways, culverts, and other highway related needs, including any other expenses incidental and related thereto; or take any other action relative thereto.

(Highway Department)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

Consulting services for engineering for wetland delineation and surveying, plotting existing conditions to fix culvert issues. The Highway Department does not own the necessary equipment to do this in-house.

ARTICLE 16. Household Hazardous Waste Collection

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000) to be added to any balance remaining from the previous appropriation, to be expended under the direction of the Board of Health for the purpose of providing for recycling of hazardous material and household hazardous waste collection by membership of the Devens Regional Household Hazardous Products Collection Center; or take any other action relative thereto.

(Board of Health)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

Stow, along with ten other towns, is a member of the Devens Regional Household Hazardous Products Collection Center (Collection Center). This article covers our membership fee. The balance in this account as of April 11, 2023, is \$3,776.57.

ARTICLE 17. Municipal Solid Waste Disposal

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Five Hundred Dollars (\$500) to be added to any balance remaining from the previous appropriation, to be expended under the direction of the Board of Health for the purpose of renting a container and disposing of solid waste which has been dumped on Town land and roadsides; or take any other action relative thereto.

(Board of Health)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

This article allows for the disposal of solid waste the Town accumulates from roadsides, etc. The balance in this account as of April 11, 2023, is \$1,307.00.

ARTICLE 18. Stow TV Expenses

(CONSENT CALENDAR)

To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund, the sum of One Hundred Forty-Seven Thousand Five Hundred Eighty-Five Dollars (\$147,585) to be added to any balance remaining from the previous appropriation, to be expended under the direction of the Local Access Channel Advisory Committee (LACAC) for the purpose of providing for equipment and operating expenses for Stow TV; or take any other action relative thereto.

(Stow TV)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

Stow TV is managed by LACAC, which receives revenues from the town’s cable customers (as a fee on your cable bill) to pay for its operating expenses. StowTV is financially self-sustaining as funding for this station is provided through a license agreement originally with Comcast and Verizon.

ARTICLE 19. Holiday Decorations and Lighting Fund

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Seven Thousand Dollars (\$7,000) to be added to any balance remaining from the previous appropriation, and to be expended by the Highway Department or Town Administrator, for the purpose of purchasing and installing holiday decorations and lights on municipal properties, including all costs incidental and related thereto; or take any other action relative thereto.

(Highway Department)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

The balance in this account as of April 11, 2023, is \$2,591.75.

ARTICLE 20. Audit of Financial Records

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Twenty-Five Thousand Dollars (\$25,000) to be added to any balance remaining from the previous appropriation, for a Town financial audit and other Financial-related services; or take any other action relative thereto.
(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

ARTICLE 21. Transfer to OPEB Trust Fund

(CONSENT CALENDAR)

To see if the Town will vote to transfer Two Hundred Thirty-Five Thousand Dollars (\$235,000) from Fiscal Year 2022 Town Free Cash to the OPEB (Other Post-Employment Benefits) Trust Fund; or take any other action relative thereto.
(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

OPEB principally involves funding retiree health care benefits, but also may include life insurance, disability, legal and other services. These benefits are provided by State and Local Governments to their retired employees. In FY2019, the Town Administrator engaged a consultant to review and help recommend the ideal amount of money to contribute to the OPEB Trust Fund. The annual OPEB contributions are now derived from that analysis. Current OPEB balance is \$1,132,556.

ARTICLE 22. Transfer from MWPAT (Harvard Acres Wells) Loan Receipts

(CONSENT CALENDAR)

To see if the Town will vote to appropriate and transfer from MWPAT (Harvard Acre Wells) Receipts, the sum of Fifty-Six Thousand Two Hundred Ninety-Six Dollars (\$56,296) as additional appropriation to the Debt Service line item, to be expended by the Treasurer-Collector for repayment of the MWPAT loan; or take any other action relative thereto.
(Treasurer-Collector)

The Finance Committee recommends APPROVAL of this article. Passage of the article does NOT increase expenditures.

This article transfers money collected through the tax bills of Harvard Acres residents who applied for and received loans from the State for expenses associated with digging wells about 10 years ago. The Town collects the 1% fee to administer the loans on behalf of the State. FY2024 is the final year for this loan program.

ARTICLE 23. Water System Expenses

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) to be added to any balance remaining from previous appropriations, to be expended by the Facility Manager, for the purpose of paying expenses related to the operation of the Town’s public water supply systems; or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

The Town has two public water systems, one for Town Hall, the other at Pompositticut Community Center. This money pays for monthly water testing of these systems.

ARTICLE 24. Select Board’s Small Purchases Fund

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Three Thousand Dollars (\$3,000) to be added to any remaining balance, for the purpose of adding to an expense account for use by Stow’s Select Board; or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

This article funds a Small Purchases fund for projects or to help out other Departments with engineering projects. The balance in this account as of April 11, 2023, is \$3,031.02.

ARTICLE 25. Construction and Maintenance of Water Holes for Firefighting Operations

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000), to be added to any balance remaining and previously appropriated for construction and maintenance of water holes and cisterns, or any other sum, to be expended under the direction of the Fire Chief, for the purpose of constructing and maintaining water holes, cisterns and hydrants to support firefighting operations, including all costs incidental and related thereto; or take any other action relative thereto.

(Fire Department)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

The balance in this account as of April 11, 2023, is \$15,078.23.

ARTICLE 26. Lake Boon Water Quality Remediation

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Fourteen Thousand Thirty Three Dollars (\$14,033) to be added to any balance remaining from the previous appropriation, and to be expended under the direction of the Lake Boon Commission, for the purpose of weed control, including all costs incidental and related thereto; or take any other action relative thereto.

(Lake Boon Commission)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

This money is used to fight weeds in Lake Boon. The balance in this account as of April 11, 2023, is \$10,934.62.

ARTICLE 27. Planning Board Engineering/Consulting and Master Plan Expenses

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000) to be added to any balance remaining and previously appropriated for this purpose, to be expended by the Planning Board for Planning Board engineering/consulting services and master plan expenses; or take any other action relative thereto.

(Planning Board)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

The balance in this account as of April 11, 2023, is \$32,503.45.

ARTICLE 28. Community Preservation Expenses

(CONSENT CALENDAR)

To see if the Town will vote to appropriate and transfer from FY 2024 Community Preservation Fund Annual Reserves the sum of Forty Five Thousand Dollars (\$45,000) to be expended for wages and expenses associated with the creation, implementation and maintenance of Community Preservation programs, in accordance with the provision of Massachusetts General Laws Chapter 44B, the Community Preservation Act, including but not limited to office supplies, clerical assistance, property surveys, appraisals, attorney's fees, and other professional services, recording fees, printing and all other necessary and proper expenses for FY 2024, in accordance with a budget prepared for the Town Administrator; or take any other action relative thereto.

(Community Preservation Committee)

The Finance Committee recommends APPROVAL of this article. Passage of the article does NOT increase expenditures.

Note that residents pay a separate 3% CPA tax which funds Community Preservation Act (CPA) Programs.

ARTICLE 29. Community Preservation Reserves

(CONSENT CALENDAR)

To see if the Town will vote to reserve the following sums for later appropriation monies from the Community Preservation Fund Balance collected from both the Community Preservation Act Surcharge and the State Trust Fund Distribution and collected from FY 2024 Community Preservation Fund Annual Revenues, for 10% allocation to reserve accounts in accordance with the provision of Massachusetts General Laws Chapter 44B, the Community Preservation Act, for the undertaking of Community Preservation projects; or take any other action relative thereto.

- 1. Preservation of Historic Resources \$112,000
- 2. Preservation of Open Space \$112,000
- 3. Affordable Housing \$112,000

(Community Preservation Committee)

The Finance Committee recommends APPROVAL of this article. Passage of the article does NOT increase expenditures.

This article does not affect the tax rate as the Article transfers funds to their statutorily defined allocations.

ARTICLE 30. Veterans’ Benefits

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Twenty Thousand Dollars (\$20,000) to be added to any remaining balance, to be expended by the Veteran Service Officer, to provide services to Stow veterans; or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

It is worth noting that this expense has reduced this year which reflects either healthier veterans that need less health care or that veterans have moved out of town. The Town pays this budget first and then the State reimburses the Town at 75% of the total. The balance in this account as of April 11, 2023, is \$20,300.79.

ARTICLE 31. Online Budgeting Software

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Eighteen Thousand Dollars (\$18,000), to be added to any balance remaining and previously appropriated or any other sum for the annual cost associated with the online budgeting software, including any other expenses related thereto; or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

These are the subscription costs associated with the budget & capital online software purchased in FY22 after Town Meeting approved funding. The balance in this account as of April 11, 2023, is \$5,557.50.

ARTICLE 32. Replacement of Personal Protective Equipment for Structural Firefighting

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Six Thousand Dollars (\$6,000), to be added to any balance remaining and previously appropriated for the purpose of replacing Personal Protective Equipment for structural Firefighting, to be expended under the direction of the Fire Chief, for the purpose of annually replacing PPE that does not meet NFPA Standards; or take any other action relative thereto.

(Fire Chief)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

These funds will allow the department to replace three (3) sets of gear per year.

ARTICLE 33. Department of Unemployment Assistance

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000), to be added to any balance remaining and previously appropriated for the purpose of paying Department of Unemployment Assistance claims; or to take any other action relative thereto.

(Treasurer)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

The State DUA rules are such that a Town is liable for unemployment for employees even after they leave the Town's employ. This request has been decreased from prior years. Most claim are based on subsequent employment or former employees' separation from new jobs. Balance in this account as of April 11, 2023, is \$19,470.31.

ARTICLE 34. Opioid Settlement Funds

(CONSENT CALENDAR)

To see if the Town will vote to transfer from FY22 Free Cash the sum of Ten Thousand Dollars (\$10,000) for the purpose of funding programs and projects set out in the Massachusetts State Subdivision Agreement for Statewide Opioid Settlements and the National Opioid Settlement Agreement to combat the opioid epidemic; or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

This article appropriates funds the Town has received and expects to receive, through the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements in conjunction with the National Opioid Settlement Agreement. These funds must be used for the purposes outlined in the agreements, yet M.G.L. does not allow these funds to be expended without an appropriation by Town Meeting. Although dedicated to these purposes, Massachusetts Finance Laws treats these funds as

General Fund revenue. Guidance from the Department of Revenue suggests municipalities vote these funds out of Free Cash, as the funds received will eventually end up in the community's free cash.

ARTICLE 35. Transfer to Sidewalk fund

(CONSENT CALENDAR)

To see if the Town will vote to raise and appropriate the sum of Eight Thousand, Five Hundred Dollars (\$8,500), to be added to any balance remaining and previously appropriated for the purpose of constructing sidewalks, walkways, and paths in the Town of Stow.

(Planning Board)

The Finance Committee recommends APPROVAL of this article. Passage of this article DOES NOT increase expenditures.

These funds were provided to the Town as payment in lieu of sidewalk construction, in accordance with Section 7.31 of the Planning Board Special Permit requirements for development at 79 Edgehill Road dated August 20, 2019. The funds were received as General Fund revenue and need an appropriation to utilize them accordingly.

ARTICLE 36: Complete Streets Funds Transfer

(CONSENT CALENDAR)

To see if the Town will transfer all remaining funds appropriated through Article 5 of the 2019 Special Town Meeting for the purpose of Complete Streets Construction Administration and Bidding and Awarding services, to be added to any balance remaining and previously appropriated for the purpose of ongoing implementation of the Complete Streets Prioritization Plan; or take any other action relative thereto.

(Complete Streets Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article DOES NOT increase expenditures.

Article 5 of the 2019 Special Town Meeting appropriated funds to hire an engineering firm to provide construction oversight and administration for two Complete Streets Program funded construction projects, which are now completed. This article seeks to transfer the remaining funds to enable ongoing implementation of Complete Streets projects in various parts of Stow.

CONCLUSION OF CONSENT CALENDAR

ARTICLE 37. Capital Requests – Free Cash

To see if the Town will vote to transfer from FY22 Free Cash the monies as set forth below for the purposes indicated in the recommended Capital Outlay Program; or take any other action relative thereto.

(Capital Planning Committee)

	Department	Item	Amount
37-1	Police Department	Replacement of Cruiser with EV Police Pickup Truck	\$90,000
	<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>		
37-2	Highway Department	Cemetery Truck Replacement	\$95,000
	<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>		
37-3	Highway Department	Mill & Pave Militia Circle	\$75,000
	<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>		
37-4	Highway Department	Wheeler Road Bridge/Culvert Repair	\$70,000
	<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>		
37-5	Facilities	Replacement of Police Cell toilets	\$12,000
	<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>		
37-6	Facilities	Painting of Town Building	\$25,000
	<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>		
37-7	Facilities	Keyless Entry at Pompo/Fire Station	\$15,000
	<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>		
37-8	Nashoba Regional School District	Hale Interior Door Replacement	\$100,000
	<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>		

37-9	Nashoba Regional School District	Hale Auditorium Compressor Replacement	\$66,298
<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>			
37-10	Nashoba Regional School District	Hale & Center PFAS Filter Upgrade	\$35,000
<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>			
TOTAL			\$583,298

Each numbered item will be considered a separate appropriation. The budgeted amount may be spent only for the stated purpose.

ARTICLE 38. Capital Requests - Borrowing

To see if the Town will vote to borrow the monies as set forth below for the purposes indicated in the recommended Capital Outlay Program; and that to meet said appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow the full amount of such appropriation under General Laws Chapter 44 or any other general or special law or other enabling authority, and to issue bonds or notes of the Town therefor; or take any other action relative thereto.
(Capital Planning Committee)

	Department	Item	Amount
38-1	Highway Department	Replacement of Large 6-Wheel Dump Truck (S-7)	\$265,000
<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>			
38-2	Fire Department	Replacement of Ambulance Rescue 16	\$436,800
<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>			
38-3	Facilities	Town Building Water System Repairs and Upgrades	\$750,000
<i>The Finance Committee recommends APPROVAL of this item. The Capital Planning Committee recommends XX of this item. Passage of this article increases expenditures.</i>			
TOTAL			\$1,451,800

Each numbered item will be considered a separate appropriation. The budgeted amount may be spent only for the stated purpose. **Each vote on Article 38 requires 2/3's affirmative vote to adopt for borrowing purposes.**

ARTICLE 39. Neighborhood Park in Gleasondale

To see if the Town will vote to appropriate and transfer the sum of Twenty Four Thousand Dollars (\$24,000), or any lesser sum, from the Community Preservation Fund reserve for Open Space and Recreation, in accordance with the provisions of Massachusetts General Laws Chapter 44B, the Community Preservation Act, to be expended under the direction of the Gleasondale Steering Committee, in consultation with the Recreation Department, for the purposes of improving the “School Lot” in Gleasondale to be a neighborhood park.

(Gleasondale Steering Committee and the Community Preservation Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

ARTICLE 40. Veterans Exemption Clause 22G

To see if the town will vote to accept Massachusetts General Law Chapter 59, Section 5, Clause 22G, which establishes a property tax exemption for real estate that is the domicile of a person but is owned by a trustee, conservator or other fiduciary for the person's benefit if the real estate would be eligible for exemption under clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E or Twenty-second F if the person were the owner of the real estate. To be effective for any fiscal year beginning on or after July 1, 2023 or take any other action relative thereto.

(Board of Assessors)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

Under the current accepted Veteran’s exemptions, a property held in a trust would not meet the ownership requirement if the veteran was not a trustee.

ARTICLE 41. Nashoba Regional Agreement

To see if the Town will vote to amend the regional school district agreement between the towns of Bolton, Lancaster and Stow as set forth in the amended agreement entitled the “Nashoba Regional School District Agreement” on file at the Town Clerk’s Office and available online at ‘bit.ly/3YyZBpr’, or take any other action relative thereto.

(Nashoba Regional School Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

In October 2021, the School Committee created a Regional Agreement Amendment Advisory Committee (RAAAC) to review the agreement for updates and changes, and to bring it up-to-date with applicable laws and regulations considering it was last amended in 2003. The RAAAC met eleven times to discuss potential changes to the Regional Agreement. In addition, the RAAAC also met or consulted with District administration and representatives from the Department of Elementary and Secondary Education (DESE).

The RAAAC is an advisory committee responsible for making recommendations to the School Committee. According to the current Regional Agreement and Massachusetts General Law, the School Committee itself is responsible for amending the document. The process then dictates unanimous approval at all three Town Meetings. In the end, the Commissioner of DESE must provide their final approval. The RAAAC's proposed version was placed before the Nashoba Regional School Committee on February 15, 2023, for public comment, explanation and deliberation. On March 1, 2023, after additional public comment and deliberation, the School Committee voted unanimously in favor of this final draft of the Nashoba Regional Agreement.

ARTICLE 42. Transfer to Stabilization Fund

To see if the Town will vote to transfer Two Hundred Thousand Dollars (\$200,000) from Fiscal Year 2022 Free Cash to the Stabilization Fund Account; or take any other action relative thereto. **Requires 2/3's affirmative vote**

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

This article would add to our "rainy day" fund and continue to build up our reserves to the target 10% - 15% of the general fund budget. Current balance of the Stabilization account is \$951,345.47.

ARTICLE 43. Transfer to Capital Stabilization Fund

To see if the Town will vote to transfer Seventy-Five Thousand Dollars (\$75,000) from Fiscal Year 2022 Free Cash to the Capital Stabilization Fund Account; or take any other action relative thereto. **Requires 2/3's affirmative vote**

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

This article would fund the dedicated stabilization fund for capital expenditures, allowing us to build up a reserve for larger costing capital projects. Current balance of the Capital Stabilization account is \$74,767.65.

ARTICLE 44. Legal Services

To see if the Town will vote to raise and appropriate the sum of One Hundred Thousand Dollars, (\$100,000) to be added to any balance remaining from any previous appropriation, for the purpose of funding the Town's general Legal account; or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

There are a number of on-going litigations that are now moving through the courts. The balance in this account as of April 11, 2023, is \$65,607.41 with invoices posted through February 2023.

ARTICLE 45. PFAS (Per and Polyfluoroalkyl Substances) Remediation Expenses

To see if the Town will vote to borrow the sum of Three Hundred Thousand Dollars (\$300,000) for the purpose of hiring a Licensed Site Professional (LSP) to provide environmental due diligence, Massachusetts Contingency Plan (MCP) and other LSP related services necessary to address the release of per- and polyfluoroalkyl substances (PFAS) that has been detected in several public and private supply wells in Stow, including any relevant professional and administrative support services; and that to meet said appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow the full amount of such appropriation under General Laws Chapter 44 or any other general or special law or other enabling authority, and to issue bonds or notes of the Town therefor; or take any other action relative thereto. **Requires 2/3's affirmative vote**

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

This is a continuation of the PFAS project, to remediate the contamination from the former Fire Station. For FY23, the Select Board appropriated \$500,000 in ARPA funds for this project.

ARTICLE 46. MS4 Stormwater Permit Requirements

To see if the Town will vote to raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) to be added to any balance remaining and previously appropriated for the purpose of implementing the requirements of the Storm Water Management Plan as required by the town's storm water discharge permit issued by the U.S. Environmental Protection Agency or take any other action relative thereto.

(Highway Superintendent)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

The United States Environmental Protection Agency (EPA) has released the requirements for National Pollutant Discharge Elimination System (NPDES) compliance. The purpose of this funding is to implement the requirements of the Town's NPDES MS4 Stormwater permit. This will be an on-going expense. The balance in this account as of April 11, 2023, is \$13,043.19.

ARTICLE 47. Purchase of Cemetery Equipment

To see if the Town will vote to raise and appropriate the sum of Nine Thousand Eight Hundred Dollars (\$9,800) to be expended by the Highway Department, for the purpose of replacing a cemetery lawn mower, including all costs incidental and related thereto; or take any other action relative thereto.

(Highway Superintendent)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

This will allow the Highway Department to purchase much needed equipment to ensure proper maintenance of the cemeteries.

ARTICLE 48. Purchase of Cemetery Shed

To see if the Town will vote to raise and appropriate the sum of Nine Thousand Five Hundred Dollars (\$9,500) to be expended by the Highway Department, for the purpose of purchasing a confined space shed, including all costs incidental and related thereto; or take any other action relative thereto. (Highway Superintendent)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

This will allow the Highway Department to purchase a shed to ensure proper storage of cemetery equipment and materials.

ARTICLE 49. Cemetery Survey Work

To see if the Town will vote to raise and appropriate the sum of Eight Thousand Dollars (\$8,000) to be expended by the Highway Department, for the purpose of conducting survey work on the Brookside Cemetery, including all costs incidental and related thereto; or take any other action relative thereto. (Highway Superintendent)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

This will allow for a survey to be done to plan out the remainder of Brookside Cemetery to define more burial plots.

ARTICLE 50. Kane Land Walking Path Construction

To see if the Town will vote to raise and appropriate the sum of Thirty Five Thousand Dollars (\$35,000), to be expended under the direction of the Planning Department for the construction of a walking path along Gleasondale Road to access a parcel of land known as the Kane Land, shown as Map U7 Lot 34-2 on the Stow Assessors' Maps, or take any other action relative thereto. (Planning Board)

The Finance Committee recommends APPROVAL of this article. Capital Planning Recommends XXX. Passage of this article increases expenditures.

ARTICLE 51. Comprehensive Plan Technical Assistance

To see if the Town will vote to raise and appropriate the sum of One Hundred Thousand Dollars (\$100,000) to be expended by the Planning Board for Comprehensive Planning Technical Assistance; or take any other action relative thereto. (Planning Board)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures

These funds will be used to secure technical assistance for the revision to the Comprehensive/Master Plan, last updated in 2010, and to provide a competitive community match for grant applications to supplement these funds.

ARTICLE 52 . Historical Commission Funds

To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000), to be expended by the Historical Commission for expenses related to having the Stow West School added to the National Historic Registry; or to take any other action relative thereto.
(Historical Commission)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

These funds would be utilized to hire a consultant to assist with getting the West School on the National Historic Registry.

ARTICLE 53. Green Advisory Committee Funds

To see if the Town will vote to raise and appropriate the sum of Fourteen Thousand Four Hundred Dollars (\$14,400), to be expended by the Green Advisory Committee in their execution of duties including the development of a Climate Action Plan for the Town; or to take any other action relative thereto.

(Green Advisory Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article increases expenditures.

The Green Advisory Committee was formed in September-2021 with a mission to assist the Town government, organizations, and residents in areas associated with reducing greenhouse gas emissions, mitigating against climate change impacts, and advice to the town toward a clean energy future. Funds to be used in developing a climate action plan, community engagement, and other expenses. The balance in this account as of April 11, 2023, is \$13,424.00.

ARTICLE 54. Repurpose Previously Allocated Funds

To see if the Town will vote to reallocate the sum of Fifty-Eight Thousand Dollars, Three Hundred Eighty-Five Dollars and Seventy Cents (\$58,385.70) previously approved in Article 36 at the 2019 Annual Town meeting, to Replace the Town Building HVAC to the Randall Library Renovation Project; or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

This would allow \$58,385.70 in funds previously approved for the Town Building HVAC to be applied to the Library Renovation project and in addition to any funds raised through the Debt Exclusion.

ARTICLE 55. Debt Rescission

To see if the Town will vote to rescind the authorization for unissued debt that has been determined is no longer needed for the completion of various projects; or take any other action relative thereto.
(Town Administrator)

<u>Originally Voted</u>	<u>Authorized</u>	<u>Unissued</u>	<u>Purpose</u>
10/30/2021	\$1,500,000	\$1,500,000	Stow Acres

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

State law requires that Town Meeting vote to rescind authorized and unissued debt that is no longer required for its intended purpose. These funds are no longer needed as we received a State Grant to complete the purchase of Stow Acres.

ARTICLE 56. Charter Change - Board of Selectmen to Select Board

To see if the Town will vote, pursuant to General Laws c. 43B, §10, and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to: delete the title of the ‘Board of Selectmen’ and in its place insert ‘Select Board’; to delete references to “board of selectmen” and insert in their place the words ‘select board’; to delete the word ‘Selectman’ and insert in its place the words “select board member”, in each instance where such terms appear in the charter; to delete the reference in §7-8 to the ‘chairman’ and insert in place thereof the word “chair”; and, further, to authorize the Town Clerk to make appropriate amendments to the bylaws to correct grammatical, numbering, tense or other ministerial issues as a result of the vote taken hereunder; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto.
(Charter Review Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

These changes provide for gender neutral titles. They reflect current usage and are consistent with a prior town meeting vote. These changes apply throughout the charter.

ARTICLE 57. Charter Change – Initiation of Warrant Articles

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article II entitled “Legislative Branch”, as set forth below, with text to be inserted shown in underline and text to be deleted shown in ~~strike through~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto.
(Charter Review Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

The changes to Sections 2-7(c) clarify the deadline for submission of citizen petition articles for consideration at annual and special town meetings. The change to Section 2-8 eliminates the requirement that every department be represented at every session of every town meeting, regardless of the subject matter on the warrant. See Appendix B for article language with changes incorporated.

Section 2-7: Initiation of Warrant Articles

- (c) Inclusion on Warrant - The select board of selectmen shall include in the warrant for an annual town meeting the subject matter of all petitions, found and certified by the registrars of voters to be sufficient, which have been received at its office on or before by it 4:00 p.m. on the date the select board fixes for the close of the warrant. ~~ninety or more days prior to the date fixed by bylaw for the town meeting to convene.~~

~~Whenever a special town meeting is to be called, the select board of selectmen shall give notice by posting or publishing a notice of intent to call for special town meeting on the town’s website, town bulletin board, and in any other manner the select board deems appropriate. The select board shall include in the warrant for such special town meeting the subject matter of all petitions, found and certified by the registrars of voters to be sufficient, which are received at its office on or before 4:00 p.m. on the date the select board fixes for the close of the warrant. publication in the traditional manner of such intention and shall include in the warrant for such special town meeting the subject matter of all petitions, found and certified by the registrars of voters to be sufficient, which are received at its office on or before five o’clock in the afternoon of the fifth business day following such publication, or thirty or more days prior to the date announced for the special town meeting, whichever is later.~~

Section 2-8: Reserved Availability of Town Officials at Town Meetings

~~Every town agency shall designate one or more persons to attend all sessions of any town meeting for the purpose of providing the town meeting with information pertinent to matters appearing on the warrant.~~

~~If any person designated to attend the town meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section after properly informing the meeting that such person is not a voter.~~

ARTICLE 58. Charter Change – Elected Officials

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article III entitled “Elected Officials”, as set forth below, with text to be inserted shown in underline and text to be deleted shown in ~~striketrough~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed

amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. (Charter Review Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

The change in Section 3-1(c) allows a regional school agreement to govern the commencement and expiration of terms for its regional school district committee members. The change in Section 3-1(f)(2) clarifies that a vacancy in an elected multiple member body will be filled pursuant to G.L. c. 41, §11. The change to Section 3-3 reflects the fact that the Town has multiple school committees. See Appendix B for article language with changes incorporated.

Section 3-1: General Provisions

- (c) Commencement of Term - If the election is held after the dissolution of the annual town meeting, the terms of office of those elected shall commence and the terms of those replaced shall expire the day following the election. If the election is held prior to the dissolution of the annual town meeting, said terms shall commence or expire the day following the dissolution of the annual town meeting. However, if a regional school district agreement specifies the dates of expiration and commencement for its school committee members, then that regional school district agreement shall control.

- (f) Filling of Vacancies
 - (2) Multiple Member Body - If there is a failure to elect or if a vacancy occurs in the membership of any elected multiple member body other than the select board of selectmen, and unless the provisions of a controlling will or a trust provide for a different method, the remaining members of the multiple member body shall submit give a written notice to the select board of selectmen a written notice of such vacancy and inform the public in the same manner as required by the provisions of Section 7-9 for appointed town officers, by the provisions of Section 7-9. The select board of selectmen, with the remaining members of such multiple member body shall, at by a joint meeting, appoint a registered voter to fill the vacancy in accordance with chapter 41, section 11, of the Massachusetts General Laws. Notice of this meeting, listing the vacant position and remaining term, shall be posted at least one week prior on the town website, official bulletin board, and elsewhere at the discretion of the select board. vote after one week's notice of the date on which the vote is to be taken, fill such vacancy until the next town election. The votes of a majority of the persons entitled to vote shall be necessary for such appointment. election.

Section 3-3: School Committee

There shall be schools governed by local or regional school committees as determined by town meeting vote.

- (a) Local school committee - ~~The~~ Any local school committee shall have all of the powers and duties that school committees may have under the constitution and general laws of the commonwealth, and it shall have such additional powers and duties as may be authorized by this charter, by bylaw, or other town meeting vote. The powers of ~~the~~ any school committee shall include, but are not intended to be limited to, the following:
 - (1) To appoint a superintendent of the schools and all other officers and employees connected with the schools, to fix their compensation, to define their duties, to make rules concerning their tenure of office, and to discharge them;
 - (2) To make all reasonable rules and regulations consistent with law for the administration and management of the public schools and for the conduct of its own business and affairs; and
 - (3) To work with the town administrator and other town agencies to further the interests of the town, its citizens, and its children.

- (b) Regional school committee - The powers and duties conferred upon ~~the~~ any school committee by this charter may be transferred to a regional school committee in accordance with the procedures contained in the general laws.

ARTICLE 59. Charter Change – Board of Assessors

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article III entitled “Elected Officials”, and Article V, entitled “Administrative Organization”, as set forth below, with text to be inserted shown in underline and text to be deleted shown in ~~strike through~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto.

(Charter Review Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

To change the Board of Assessors from an elected board to an appointed board. The composition, term of office, and powers and duties remain unchanged but are moved from the elected boards to the appointed boards section. See Appendix B for article language with changes incorporated.

Section 3-8: Reserved ~~Board of Assessors~~

~~(a) — Composition, Term of Office — There shall be a board of assessors consisting of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.~~

~~(b) — Powers and Duties — The board of assessors shall periodically make a fair cash valuation of all the estates, real and personal, subject to taxation within the town. It shall determine, based on such valuations and such sums as may be authorized to be expended by town meeting and the consideration of other income~~

~~and expenses of the town, the rates of taxation to apply against taxable estates in the town. It shall have all of the powers and duties given to boards of assessors under the constitution and General Laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by bylaw, or by other town meeting vote.~~

Section 5-5: Town Administrative Organization
(d) Board of Assessors

- (1) Composition, Term of Office - There shall be a board of assessors consisting of three members appointed by the select board for terms of three years each, so arranged that the term of one member shall expire each year.
- (2) Powers and Duties - The board of assessors shall periodically make a fair cash valuation of all the estates, real and personal, subject to taxation within the town. It shall determine, based on such valuations and such sums as may be authorized to be expended by town meeting and the consideration of other income and expenses of the town, the rates of taxation to apply against taxable estates in the town. It shall have all of the powers and duties given to boards of assessors under the constitution and General Laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by bylaw, or by other town meeting vote.

ARTICLE 60. Charter Change – Gender Change

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article VII entitled “General Provisions”, as set forth below, with text to be inserted shown in underline and text to be deleted shown in ~~strike through~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters at the 2024 Annual Town Election; or take any other action relative thereto.

(Charter Review Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

The change to Section 7-8 reflects that there are no terms noting gender in the charter. See Appendix B for article language with changes incorporated.

Section 7-4: Singular/Plural Number ~~and Gender~~

Words importing the singular number may be applied to several persons or things; words importing the plural number may include the singular; ~~words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.~~

ARTICLE 61. Adoption of Specialized Energy Code

To see if the Town will vote to amend Article 16 of the Town of Stow General Bylaws for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications thereto, with an effective date of January 1, 2024, a copy of which is on file with the Town Clerk and by striking out the title of Article 16 and inserting in place thereof the following title: “Specialized Energy Code”, or to take any other action relative thereto.

(Green Advisory Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

The Municipal Opt-in Specialized Stretch Energy Code (Specialized Code) was designed to help achieve MA GHG emission limits and building sector sub-limits set every five years from 2025 to 2050. As a result, all compliance pathways under the Specialized Code are designed to ensure new construction that is consistent with a net-zero Massachusetts economy in 2050, primarily through building envelope energy efficiency, that it turn enables reduced heating loads and efficient electrification. The largest greenhouse gas emissions impact for many buildings stems from the heating loads and choice of heating fuel for the building. Buildings reliant on combustion equipment have no clear path to zero emissions, while electrically heated buildings using heat pump technologies do due to the steady increase in renewable and clean energy sources on the ISO-NE electric grid, and opportunities for distributed solar and other on-site renewable energy generation. Accordingly, the Specialized Code requires all new buildings to be designed with electric service and wiring sufficient for future electrification of space and water heating as well as any combustion equipment appliance loads.

ARTICLE 62. Box Mill Road Bridge – MassDOT Project

To see if the Town will vote to: (a) authorize the Select Board to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements, for public way purposes, including, without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, bridges, drainage, utilities, driveways, guardrails, slopes, grading, rounding, construction, landscaping, wetlands replication, and other appurtenances and/or facilities, to enable the Town to undertake the Box Mill Road Bridge Project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land located on or near Box Mill Road and approximately shown on plans entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Box Mill Road Over Elizabeth Brook Bridge No. S-29-011 in the Town of Stow Middlesex County,” prepared by Green International Affiliates, Inc., on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan, and land within 200 feet of said parcels; (b) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; and, further, (c) authorize the Select Board to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes; or take any other action relative thereto. **Requires 2/3’s affirmative vote**

(Town Administrator)

The Finance Committee recommends APPROVAL of this article. Passage of this article does increase expenditures.

ARTICLE 63: Amend Zoning Bylaw: Lower Village Business District

To see if the Town will vote to amend the Zoning Bylaw by Amending Section 1.3 (Definitions), Section 2.1.1 (Zoning Districts), Section 2.2 (Zoning Map), Section 3.3 (Business District Uses)- by adding a new Section 3.3.5 Lower Village Business District, Section 3.10 (Table of Principal Uses), Section 4.4 (Table of Dimensional Requirements), Section 6.3 (Signs), and Section 7.3 (Schedule of Minimum Parking-General Requirements) to read in their entirety as stated below in sections A-H 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)

The Finance Committee will make a recommendation on this article at Town Meeting . The Planning Board recommends APPROVAL of this article. Passage of this article does increase expenditures.

This proposed creation of the Lower Village Business District is intended to revitalize Stow’s primary business area to become a walkable, vibrant village center. The Bylaw directs the long-term development of Lower Village and provides greater control to Stow residents and the Planning Board to influence the look and feel of Lower Village.

The Planning Board has reviewed how zoning impacts various struggles Lower Village faces, including a high vacancy rate, an uninspired mix of businesses, auto-dominated streetscapes, and a lack of a sense of place, meaning that it does not reflect the community in which it is located. With added flexibility for property owners to redevelop and a focus on design and aesthetics, the proposed bylaw allows the district to shift over time from its current state to that of a traditional village center. Village center design is exemplified by walkability, a strong mix of businesses, inclusion of housing opportunities, accessibility by multiple modes of transport, and a distinct sense of place.

The Planning Board has worked over the last decade to study the business conditions and market of Lower Village, assess residents’ architectural and design preferences, and to solidify a vision of Lower Village. The Lower Village Revitalization Committee synthesized years of public engagement and research into their final report, which includes the following vision statement: “Lower Village will be an attractive gateway to Stow, developed in the tradition of a New England village, where residents and visitors can safely and conveniently live, work, shop, dine and recreate. As the primary gateway into town, Lower Village will project the history and character of Stow through the architectural compatibility of its buildings and streetscape, providing residents and visitors with a defined sense of place. Lower Village will be a place to meet and connect, with civic spaces for gathering, and wayfinding to attractions, including farms, orchards, conservation areas and the Assabet River Rail Trail. Businesses will thrive in Stow’s revitalized hub, attracting people of all ages to services, shopping, and entertainment opportunities accessible by all modes of transportation.” The proposed bylaw changes have been developed in recent years with assistance from consultants to ensure that the Town’s vision of Lower Village is achieved.

See Appendix C for the proposed Lower Village Business District Map.

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

ARTISAN PRODUCTION - The production and sale of craft and artisan goods, including but not limited to food products for on-site or off-site consumption, provided that sales consist primarily of products produced on-site and/or directly associated with the products being produced on-site.

BREW PUB - Restaurants, licensed under the relevant state and federal statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises. Malt beverages including beer, ales and hard ciders produced on the premises may be sold to other establishments but shall not exceed 25 percent of the establishment's production capacity.

CLINIC - A facility operated by one or more physicians, dentists, chiropractors or other licensed medical practitioners for the examination and treatment of persons, including urgent care services, solely on an outpatient basis.

CRAFT BREWERY - A facility licensed under the relevant state and federal statutes, for the small scale production of beer, malt, wine, or hard cider beverages primarily for on premises consumption through the use of a tap-room, and sale with limited distribution to retail or wholesale, with a capacity of not more than six thousand (6,000) barrels, (a barrel being equivalent to thirty-one (31) gallons per year) and which may include accessory preparation and sale of food for on premises consumption. A CRAFT BREWERY may include other uses such as a restaurant and outdoor dining as permitted in the zoning district.

FUNCTIONAL OPEN SPACE - Public or privately owned outdoor spaces within the Lower Village Business District that are available to and/or designed for public or civic activity of patrons and/or the general public, including but not limited to pedestrian plazas, arcades, courtyards, seating areas, parks, commons, greens, gardens and other areas of pedestrian and/or cyclist amenities, such as sidewalks and walkways.

INTERNAL ACCESS DRIVE - A travel lane either interior to a LOT or connecting to a public or private WAY, which allows motor vehicles access to and from the site or between parking areas and/or BUILDINGS on the LOT.

MICROBREWERY - A facility, licensed under the relevant state and federal statutes, for the production and packaging of malt, wine, or hard cider beverages for retail and/or wholesale distribution, on or off premise, with a capacity of not more than fifteen thousand (15,000) barrels, (a barrel being equivalent to thirty-one (31) gallons per year) and includes a tap-room where beverages produced on the premises may be sold and consumed. A MICROBREWERY may include other uses such as a restaurant and outdoor dining as permitted in the zoning district.

MIXED USE BUILDING - A BUILDING under single ownership, designed to encourage a diversity of compatible land uses, which include a mixture of residential uses, along with one or more of the following uses: office, retail, service, ARTISAN PRODUCTION, light industrial, or other miscellaneous uses allowed in the Lower Village Business District.

MOBILE FOOD VENDOR - A readily movable, motorized wheeled vehicle, or a towed wheeled vehicle, designed and equipped to serve food.

POP-UP MARKET - An occasional or periodic market held in an open area and/or within a STRUCTURE, where groups of individual sellers offer for sale to the public such items including but not limited to fresh produce, seasonal fruits, fresh flowers, arts and crafts, clothing, décor, and food and beverages dispensed from booths located on-site.

RETAIL SERVICE ESTABLISHMENT - Retail outlets that primarily render services rather than the sales of goods. Such services may include but not be limited to copy shops, printing services, package and postal services, dry cleaning services, and similar operations.

NEIGHBORHOOD RETAIL CENTER - A retail center providing convenience shopping for the day-to-day needs of consumers in the immediate neighborhood and/or community, anchored by a supermarket, drug store, hardware store or similar anchor offering products and services at a neighborhood scale.

SPECIALTY RETAIL CENTER – A shopping center composed mainly of non-bargain based apparel or merchandise, anchored by restaurants, entertainment venues, specialized grocers or drug stores, and containing pedestrian scaled décor, with a focus on well landscaped environments.

B) Amend Section 2.1.1 (Zoning Districts) by adding a new Zoning District to read in its entirety as stated below:

- 2.1.1 **Zoning Districts**
Recreation- Conservation District
Residential District
Business District
Compact Business District
Commercial District
Industrial District
Lower Village Business District
Refuse Disposal District

C) Amend Section 2.2 (Zoning Map) to read in its entirety as stated below:

2.2 **Zoning Map**

Said districts are hereby established as shown, located, defined and bounded on a map entitled “Town of Stow Zoning District Map”, prepared by Metropolitan Area Planning Council dated May 1, 1995 and amended May 12, 2015 and May 13, 2023 and filed with the office of the Town Clerk; which map shall also constitute an index map of all zoning districts, and together with all the maps referred to in Section 2.3 and all explanatory matter thereon shall constitute the Zoning Map of the Town, herein incorporated by reference and made a part of this Bylaw.

D) Amend Section 3.3 (Business District Uses) to include a new Section 3.3.5 to read in its entirety as stated below:

3.3.5 **Lower Village Business District**

3.3.5.1 **Purpose**

The purpose of the Lower Village Business District is to encourage the creation of an attractive gateway to Stow, informed by the traditions of a pedestrian oriented New England village, where residents and visitors can safely and conveniently live, work, shop, dine and recreate. The Lower Village Business District will project the history and character of Stow through the architectural compatibility of its buildings and streetscape, providing residents and visitors with a defined sense of place. It will be a place to meet and connect, with civic spaces for gathering, and services accessible by all modes of transportation.

The following core goals and objectives are intended to guide all development in the Lower Village Business District (LVBD). All proposed development and redevelopment in the LVBD shall meet the following goals and objectives:

- a. Encourage site plans that provide a balance of vehicle, bike and pedestrian infrastructure to create, enliven and unify the streetscape around a cohesive look and feel;
- b. Incorporate traditional New England development principles to create pedestrian-scaled streetscape environments, and encourage context sensitive architecture and site planning;
- c. Create an attractive gateway to Stow, which leverages the tourism draw of the Town’s seasonal attractions through the provision of FUNCTIONAL OPEN SPACES and public gathering places as locations that reinforce the identity and activity of the LVBD and the community;

- d. Encourage opportunities for small-scale mixed-use development that provides for diversified housing options that complement and enhance uses in the District, allowing residential units placed primarily on upper floors and/or rear facades;
- e. Utilize low impact development and green infrastructure to manage stormwater in a manner that adds to the aesthetics and functionality of the District;
- f. Manage site access from Great Road to create opportunities for inter-lot connections and interior streetscapes.

3.3.5.2 **Applicability**

The site and design standards within this Section 3.3.5.2 shall be applicable to all Parcels within the LVBD. Site Plan Approval, in accordance with Section 9.3 of the Zoning Bylaw shall be required as follows:

- a. Site Plan Approval shall be required for the following development activity:
 - i. A significant alteration to an existing BUILDING façade, including changes in the height, scale or massing of the BUILDING;
 - ii. Work which results in the increase of floor area, through either an addition to the principal structure and/or the addition of a new accessory structure;
- b. A Special Permit and Site Plan Approval shall be required for the following development activity:
 - i. A change in USE that results in a greater number of required parking spaces or requires Planning Board approval for a change in the required allowed spaces in accordance with Section 3.3.5.28(c);
 - ii. Any activity requiring a new curb cut, and/or alteration to the circulation pattern of pedestrian and vehicles;
 - iii. Any activity or request of the Planning Board which requires Planning Board waiver or relief from certain provisions of this Section 3.3.5 in accordance with the following sub-sections:
 - a. Increase in maximum BUILDING setback in accordance with Section 3.3.5.15(a);
 - b. Increase in maximum business tenant unit size in accordance with Section 3.3.5.20;
 - c. Ground floor access to second floor residential units in accordance with Section 3.3.5.23(d);
 - d. Requirement for sidewalks on INTERNAL ACCESS DRIVES in accordance with Section 3.3.5.25(h);
 - e. Relief from minimum parking standards in accordance with Section 3.3.5.28(c);
 - f. Relief from certain requirements for parking at mixed-use facilities in accordance with Section 3.3.5.28(e).
 - iv. MOBILE FOOD VENDORS and POP-UP MARKETs, as an ACCESSORY USE to any development activity described in above items i-iii, for the purpose of identifying a location for said USEs and expected events. Any events held must be in compliance with the Town of Stow’s Special Event Permit Regulations. If a location for an event with MOBILE FOOD VENDORS and POP-UP MARKETs has not been designated through the Special Permit and Site Plan Approval process, the event shall be held in compliance with the Town of Stow’s Special Event Permit Regulations;
 - v. Nothing in this Section 3.3.5.2 shall require a Special Permit for a proposed use described in M.G.L. c.40 s.3 regarding statutory exemptions from the requirement for Special Permit Approval.

3.3.5.3 **Allowed USEs**

- a. Site Plan Approval shall be required for the following USEs in the LVBD:
 - i. NEIGHBORHOOD RETAIL CENTERS with retail and RETAIL SERVICE ESTABLISHMENTS, provided there is no MIXED USE BUILDING, restaurants or drive through service component;
 - ii. Retail and RETAIL SERVICE ESTABLISHMENTS, including but not limited to banks, post offices, grocers, liquor stores, print and copy shops and dry cleaners;
 - iii. Accessory outdoor dining service on a patio or seating area;
 - iv. All USEs in which a Special Permit shall not be required, pursuant to M.G.L. c.40A s.3 regarding statutory exemptions from the requirement for Special Permit Approval.

- b. Special Permit and Site Plan Approval shall be required for the following USEs in the LVBD:
 - i. NEIGHBORHOOD RETAIL CENTERS which are proposed on the same site, or otherwise incorporate a mixed-use component or MIXED-USE BUILDING;
 - ii. SPECIALTY RETAIL CENTERS, including multi-tenant sites with a mix of restaurants, retail and RETAIL SERVICE ESTABLISHMENTS;
 - iii. Entertainment uses, including but not limited to music venues, bowling alleys and movie theaters;
 - iv. ARTISAN PRODUCTION provided that sufficient mitigating measures are employed to reduce noise that is above and beyond the typical expectation for small scale retail and service establishments;
 - v. Business or professional offices, either as single-USE BUILDINGS or as part of a NEIGHBORHOOD or SPECIALTY RETAIL CENTER, or other mixed-use development;
 - vi. CLINICs, either as single-USE BUILDINGS or as part of a NEIGHBORHOOD or SPECIALTY RETAIL CENTER, or other mixed-use development;
 - vii. Restaurant or other place for serving food and/or beverages, including MICRO BREWERIES, CRAFT BREWERIES and BREW PUBS;
 - viii. Owner-occupied BED AND BREAKFAST HOMES or BED AND BREAKFAST ESTABLISHMENTS;
 - ix. MIXED USE BUILDING consisting of two or more of the above-listed uses on the same site or within the same BUILDING.
 - x. MIXED USE BUILDING consisting of one or more of the above-listed uses together on the same site, or within the same BUILDING with construction of dwelling units in accordance with Section 3.3.5.22.
 - xi. Drive through service component of an allowed USE, except for the sale of food and beverage directly to a customer in a motor vehicle;
 - xii. USEs not otherwise permitted in the Lower Village Business District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Lower Village Business District.

The following USEs are expressly prohibited:

- i. The sale of food and beverage directly to a customer in a motor vehicle;
- ii. Storage of vehicles, equipment and/or materials not incidental to an allowed use within the BYLAW;
- iii. Motor vehicle service stations and other services that primarily exist for the purpose of providing services to motor vehicles.

3.3.5.4 Permit Granting Authority

The Planning Board shall act as the Granting Authority for all Site Plan Review and Special Permit procedures associated with allowed USES under this Section 3.3, and in accordance with Zoning Bylaw Section 9.2 – Special Permits, and 9.3 – Site Plan Review.

3.3.5.5 **Design Standards for the Lower Village Business District**

The following Design Standards shall be used as a tool to help guide development and redevelopment, assuring that advancing the vision for the LVBD is an integral part of the permitting process. The Design Standards are a set of principles that offer a positive direction for BUILDING and site level design meant to incentivize creative development outcomes that support the evolution of Lower Village into a socially and economically vibrant District.

Architectural and site design shall conform to the intent and principles described in the design standards of Sections 3.3.5.6 – 3.3.5.13. Sufficient justification and/or rationale shall be provided in the Application for any derogations from design standard intent and/or principles described herein.

3.3.5.6 **Architectural Design Standards**

Residents of the Town of Stow have shown a strong preference for BUILDINGS that include New England vernacular architectural traditions. Despite this preference, BUILDINGS in the LVBD are not required to appear historic, but rather respectful of historic traditions, while remaining functional and authentic. Architects are encouraged to look to the historic structures of Lower Village and Stow’s surrounding neighborhoods for inspiration.

All BUILDINGS and BUILDING additions shall be designed by an architect registered and/or licensed to do business in Massachusetts, unless otherwise waived by the Planning Board.

3.3.5.7 **Architectural Design of BUILDINGS**

- a. *Pedestrian Scaled Architecture* - The guiding principle of BUILDING design is that they shall be designed to the pedestrian scale. Pedestrian scale refers to the ability to design and shape BUILDINGS, OPEN SPACE, and streetscapes scaled to the pedestrian. Pedestrian scale design may be represented in the following manner:
 - i. Each individual architectural element of a BUILDING should be proportionate in relation to the overall BUILDING design;
 - ii. The scale of the entire façade should relate to and be respectful of the pedestrian-scaled streetscape.
 - iii. Floor to floor heights should be governed by exterior proportions rather than building systems, and not be elongated or exaggerated to cover up functional elements.
 - iv. Uniformity in height shall generally be avoided. See façade design standards.
- b. *Architectural Style* - While no specific architectural style shall be required, proposed BUILDINGS and STRUCTURES shall strongly consider New England architectural traditions. BUILDINGS shall be pedestrian scaled and designed to create a positive contribution to the STREET or INTERNAL ACCESS DRIVE upon which they are oriented.
- c. *Corporate Images* - Individual corporate image, trademark, or marketing architectural design elements and colors shall be incorporated only as secondary design elements of the BUILDING or SIGN and not as the dominant design element. These architectural design elements shall not define the character or style of the BUILDING or development.
- d. *Design Consistency* - A BUILDING’s architectural style shall be generally consistent throughout, however details from different eras may be mixed on a single building, as exemplified in the below image.



Example of incorporating façade and architectural design standards.

Source: *Contextual Design on Cape Cod | Design Guidelines for Large Scale Development*

3.3.5.8 Façade Design

Single and multi-story BUILDING facades shall be designed to promote visual interest and street level activity where applicable. Similar to the overall design of BUILDINGS, the scale of the entire façade should relate to the pedestrian-scaled streetscape. Single story BUILDINGS shall include peaked roofs or raised parapets.

- a. *Architectural Details* - All sides of a building should contain architectural elements that define the overall architectural approach. Details such as texture, pattern, color, and building form used on the front façade should be incorporated on all facades as practicable.
- b. *Entrance Design* - Primary entrances to BUILDINGS shall be emphasized through detailing, massing, changes in materials, or other architectural methods to create entrances that are physically and visually accessible, welcoming and inviting, including but not limited to recessed entry ways, corner entries and other techniques.
- c. *Decorative Elements* - Decorative design elements shall be consistent with the architectural character of the BUILDING and scaled appropriately. Design elements shall add depth and visual interest to BUILDING facades, and could include the mixing materials and colors, decorative trim and molding, cornice details, stepped facades, and/or columns.
- d. *Massing and Articulation* - Façade articulations should be used to reduce the apparent length, monotony and mass of larger buildings, creating the illusion of several smaller buildings with common walls and a consistent rhythm of facades. All buildings shall have sufficient relief which interrupts the horizontal and vertical plane of each wall. Where appropriate, a repeating pattern of articulation may be used to provide continuity and balance.



Example of potential building articulation and roofline repetition along Route 117.

Source: *Stow Planning Department*



Example of building footprint massing and articulation that provides opportunities for functional open space and breaks in the visual scale of the building.

Source: *Contextual Design on Cape Cod | Design Guidelines for Large Scale Development*

- e. *Materials* - Materials such as brick, wood, stone, iron, and glass provide a sense of permanence to BUILDINGs, and should be used where appropriate to provide texture and visual interest to the streetscape and/or support transitions to FUNCTIONAL OPEN SPACES. Products that reasonably imitate the above materials may also be considered.
- f. *Awnings* – Awnings are permitted on BUILDINGs at a first floor entrance facing a public STREET or an INTERNAL ACCESS DRIVE. They may project over a public ROW provided that proof of insurance is provided. A minimum clearance of ten feet shall be maintained between the ground surface and the lowest element of the marquee or awning.
- g. *Functional Elements* – All vents, down spouts, flashing, electrical conduits, meters, service connections and other functional elements shall be treated as integral parts of the design to the extent practicable. Where appropriate, these elements shall be painted to match the color of the adjacent surface, unless used expressly as an accent.

3.3.5.9 Multi-Story BUILDING Design

To promote street level activity, multistory BUILDINGs shall be designed to provide a sense of “base,” “middle” (where applicable), and “top.”

- a. Ground-level facades along public STREETs or INTERNAL ACCESS DRIVEs shall be given a “stronger” appearance than upper floors. Such a distinction between ground-level facades and upper floors may occur by incorporating two of the following features: color change, texture change and material change;
- b. Ground floor ceiling height shall be taller than upper stories to emphasize the ground floor as the “base” of the buildings. Ground floor ceiling heights should be a minimum of 10 feet;
- c. Middle floors of BUILDINGs shall be made distinct from the ground floor by a change in material or color, window treatment, incorporation of balconies, setbacks, signage bands, and other elements as appropriate. Horizontal moldings, belt courses, or other features should be utilized to create visual separation between each story of the building.
- d. The top of the building shall emphasize a prominent edge when viewed against the sky, utilizing elements such as projecting parapets, cornices, upper level setbacks, pitched rooflines or other design elements as applicable.

3.3.5.10 Sign Design Standards

Business signage in the LVBD should reflect the vitality of the District and add value and a sense of continuity to the surrounding area. Signage shall be reviewed as part of Site Plan Approval and shall be provided in accordance with this Section 3.3.5.10 and Section 6.3 of the Zoning Bylaw.

- a. Signs along a pedestrian oriented streetscape should be scaled to the pedestrian, potentially in the form of a hanging sign above the business establishment or other options that include texture or architectural components that can encourage pedestrian traffic;
- b. All signs should reflect or otherwise complement the design, architectural style and materials of the BUILDING, landscape design style, site or District as applicable. For instance, sign borders may be trimmed with corresponding elements, such as moldings that reflect the architecture of the BUILDING. Top caps or other embellishments could be added to sign posts;
- c. New construction should anticipate signage, and provide logical sign areas allowing for flexibility for new users as the building is reused over time;
- d. Signs on a BUILDING should enhance or fit within a BUILDINGs architecture, rather than obscure architectural elements. This can be achieved by locating signs within specific architectural sign bands whether on the subject BUILDING or creating continuity with sign bands on adjacent BUILDINGs;
- e. Sites with multiple signs should seek to coordinate the materials, letters and styles to the extent practicable for the purpose of providing a shared identity to the site and overall District;
- f. Corporate logos and graphics should be incorporated into the sign design, rather than become the sign itself.

3.3.5.11 Exterior Lighting Standards

Exterior Lighting in the LVBD should provide for the safety of all users while signaling entry into the District by unifying design elements and providing a welcoming village business area. Lighting shall enhance, or not negatively impact, community ambiance and character of the District. Beyond the provisions in this Section 3.3.5.11, all exterior lighting must comply with the provisions of Section 3.8.1.5 of the Zoning Bylaw.

- a. All BUILDING lighting is to be dark sky compliant and shall use warmer color lighting where possible. Lighting shall be low level and no brighter than necessary.
- b. Lighting should reflect or otherwise complement the design, architectural style, and materials of the BUILDING,
- c. Lighting shall be designed and maintained so as to protect adjacent properties, motorists, and the night sky from intrusive lighting.
- d. Temporary lighting for events sponsored by the Town or for which an Event Special Permit has been issued is allowed, such as lighting for pop-up markets, theatrical or video production.
- e. Holiday, string, festoon, and similar decorative lighting shall be allowed.
- f. All legal non-conforming lighting shall be brought into compliance when replacement with new lighting equipment is proposed, except a replacement of only lamps or bulbs.

3.3.5.12 BUILDING Siting and Orientation

The siting and orientation of BUILDINGs in the LVBD shall adhere to the principles of vibrant, pedestrian-oriented streetscapes. The Planning Board encourages site plans where buildings are oriented towards and help to shape the public space along streets, parks and public gathering spaces, with parking lots hidden behind buildings.

- a. *INTERNAL ACCESS DRIVES* – Applicants are encouraged to design INTERNAL ACCESS DRIVES as a tool for:
 - i. Creating internal streetscape environments either perpendicular or parallel to Great Road/Route 117, or within the site;

- ii. Siting the primary orientation of BUILDINGs to create visual interest and allow multiple BUILDINGs within a development to relate to each other in a manner that enhances pedestrian access;
- iii. Activating the primary entrances of BUILDINGs and NEIGHBORHOOD and SPECIALTY RETAIL CENTERs that are oriented toward Great Road/Route 117;
- iv. Positioning access points for potential future inter-lot connections where current connections are not physically possible, or where agreement between landowners has not been reached.



Example of Internal Access Drive positioned for streetscape parking off Route 117.
Source: Stow Planning Department

- b. *Inter-Lot Connections* – Connections between sites should be prioritized to reduce the number of vehicles utilizing entrances onto Great Road. In areas where an inter-lot connection may be preferred in the future, the location may be striped for parking in the interim period to ensure the connection point is maintained.
- c. *Streetscape Orientation* - The primary facades and main pedestrian entrances of BUILDINGs shall be situated on a STREET or INTERNAL ACCESS DRIVE with the emphasis on orientation toward streetscape environments.



Example of neighborhood retail center that is oriented toward an internal access drive.
Source: *Contextual Design on Cape Cod | Design Guidelines for Large Scale Development*

- d. *BUILDING Entrances* - At least one customer entrance shall be provided along a building face that fronts a STREET or INTERNAL ACCESS DRIVE. Where frontages are on both a public STREET and an INTERNAL ACCESS DRIVE, one entrance shall be located on the public STREET.
- e. *Site Cohesion* - Multiple buildings on the same site should be designed to create a cohesive visual relationship, as well as efficient circulation and access for pedestrians and vehicles. Accessory BUILDINGs should be designed to complement the primary BUILDING and/or USE on the site in design and material expression.
- f. *Location on Site* - BUILDING placement should take best advantage of solar orientation, climatic and other environmental conditions, should encourage safety and use of adjacent FUNCTIONAL OPEN SPACES.

- g. *Orientation to Open Space* - BUILDINGS adjacent to public open space and/or FUNCTIONAL OPEN SPACE should generally be oriented to that space as practicable.
- h. *Incorporation of FUNCTIONAL OPEN SPACE* - Land within the allowable setback should include FUNCTIONAL OPEN SPACES that accentuate and enliven the streetscape, including but not limited to shade trees and landscaping, pedestrian plazas, pedestrian-only streets, greenways, outdoor dining spaces, benches and bike amenities. Areas of lawn, without trees or landscaping shall be discouraged in the setback area. The design of proposed FUNCTIONAL OPEN SPACE shall anticipate future connections of FUNCTIONAL OPEN SPACE on abutting properties and provide design opportunities for such connections where applicable;



Example of courtyard space in Falmouth, MA.

Source: *Contextual Design on Cape Cod | Design Guidelines for Large Scale Development*

- i. *Low Impact Development* - Implementation of Low Impact Development techniques is strongly encouraged, including, but not limited to, storm water management practices, alternative surfacing materials, building and site design elements, and landscaping features.
- j. *Sustainability* - The practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, construction, operation, maintenance, renovation, and deconstruction are strongly encouraged. Development of buildings with net zero emissions is strongly encouraged.
- k. *Utilities* – All on-site utilities shall be located underground.

3.3.5.13 **Parking**

The intent of parking in the LVBD is to incentivize decentralized parking areas that maintain a pedestrian streetscape environment, are oriented to incentivize shared arrangements and use with abutting LOTs, and landscaped to soften their visual impact. The following standards shall apply:

- a. Parking shall be located, to the maximum extent practicable, toward the side and rear of BUILDINGS and along property lines where joint-use or combined parking areas with abutting properties are proposed, exist or are anticipated;
- b. On-street parking on INTERNAL ACCESS DRIVES should be utilized to the extent practicable to promote active pedestrian streetscapes, provide for efficiency of circulation, and create opportunities to enliven the district;
- c. Parking shall be visually broken up to create a series of smaller groupings;
- d. Parking lots shall be designed to accommodate snow storage on site or a plan for off-site storage shall be approved;
- e. Landscaping within parking lots shall be designed to create spaces, define edges, provide shading, add seasonal interest and provide water quality treatment for runoff.

- f. Shade trees shall be evenly distributed within parking areas, and shall be placed to maximize shading affect;
- g. Where parking is located adjacent to a public STREET or INTERNAL ACCESS DRIVE, it shall be screened with a year-round screen between the parking and the sidewalk. The screen shall have a height between 36” and 42” and consist of a combination of landscaping and/or fencing. Screening areas shall be between 4 and 7 feet in depth;
- h. Pedestrian access to the parking lot shall be provided from the sidewalk as well as from any INTERNAL ACCESS DRIVE or business driveway as applicable;
- i. Solar or green roof parking canopies may be located within parking areas;
- j. Parking areas may include sheltered bicycle storage;
- k. Shared parking is strongly encouraged to reduce vehicular traffic, minimize impervious surface and encourage pedestrian movements between buildings;
- l. Accommodations for electric vehicle charging stations shall be provided to the extent practicable.

3.3.5.14 Dimensional Requirements

Development in the LVBD shall consist of work on a single PARCEL, or on multiple PARCELS under single ownership, with definite boundaries ascertainable from a deed or recorded plan. There shall be no minimum width, frontage, or lot area in the LVBD and no maximum floor area ratio. Any PARCEL or LOT created in the LVBD, inclusive of any proposed USE, BUILDING or STRUCTURE, which lacks frontage on a STREET or way, or adequate width frontage width for accessing the use intended, shall provide evidence of deeded, legally enforceable access rights through a private driveway or access road.

- a. Access to Lower Village Business District zoned land- Access over Residential or Recreation-Conservation zoned land is prohibited.

3.3.5.15 Front YARD Setbacks

Setback requirements in the LVBD are intended to create active streetscapes with a diversity of landscaped areas, pedestrian amenities, and FUNCTIONAL OPEN SPACES in accordance with the Streetscape Orientation design criteria of 3.3.5.12. Front YARDS shall be the distance measured in a straight line between the LOT frontage and the nearest point of any BUILDING or STRUCTURE. The standards of Bylaw Section 4.3.2.6(1-4) shall not apply to PARCELS in the LVBD.

- a. Setbacks from Great Road – Front YARD setbacks shall be a maximum of thirty (30’) feet along Great Road.

Front yard setback requirements may be amended by the Planning Board for the following purposes provided the Design Standards of 3.3.5.6 – 3.3.5.13 are met:

- i. To allow additional BUILDINGS toward the rear of a LOT, such as in courtyard configurations, provided that the forwardmost BUILDING(s) on the lot comply with the front setbacks listed in this Section.
- ii. To allow for a BUILDING that includes multiple façade setbacks due to bump-outs, recesses, or other architectural features;
- iii. To allow for a BUILDING that includes an angled orientation to the STREET;
- iv. To allow for improved location and usage of pedestrian plazas, courtyards, terraces, outdoor dining spaces or other FUNCTIONAL OPEN SPACE.
- b. Parking for vehicles shall not be allowed within the required BUILDING setback, unless provided for the purpose of creating a streetscape environment on an INTERNAL ACCESS DRIVE in accordance with Section 3.3.5.12(a) of this Bylaw.
- c. The requirements of Section 4.3.1.2 regarding corner setbacks shall not apply to the LVBD, provided that the Applicant can demonstrate, through plans stamped by a registered engineer, that adequate sight lines exist for vehicles travelling in all directions.

3.3.5.16 **Side and Rear Yard Setbacks**

The minimum side and rear yard setback shall be zero (0) feet except where the side and/or rear yard of a PARCEL shares a LOT line with the Residential or Recreation Conservation District or residential uses within the LVBD, in which case the requirements of Section 3.3.5.17 shall apply.

3.3.5.17 **Buffer to Abutting Districts and Residential USEs within the Lower Village Business District**

The purpose of this Section is to mitigate the impacts of increased headlight glare, noise, waste management and other impacts associated with increased business and economic activity in the LVBD from abutting residential zoned properties, DWELLING UNITS and Districts. Landscaped buffers shall be improved with grass, trees, shrubs, flowers, or other materials to an adequate height and density to visually obscure parked vehicles from view. The mix of deciduous and evergreen vegetation varieties shall be tolerant to the climatic conditions of Stow.

- a. For LVBD PARCELS which abut the Residential District or Recreation Conservation District, the Planning Board shall require a fifty (50) foot landscaped buffer and/or fence, which is designed to minimize impacts in accordance with Section 3.3.5.18. For the purpose of this Section, the Lower Common, shown on Assessors Map R-30, Parcel 1, shall not be subject to buffer requirements. The Planning Board may reduce the buffer to no fewer than thirty (30) feet if sufficient protections and/or benefits are provided and where strict conformance would derogate from the intent of the design standards.
- b. Where a STRUCTURE, BUILDING, parking lot, or loading area is proposed on property abutting a residential use in existence prior to May 13, 2023, the Planning Board shall require a landscaped buffer of up to fifty (50) feet, though the Planning Board may reduce the buffer to no fewer than thirty (30) feet if sufficient protections and/or benefits are provided and where strict conformance would derogate from the intent of the design standards. Fencing may be used within the buffer to provide further visual reduction.
- c. Exposed storage areas, machinery, garbage "dumpsters," service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting properties and STREETS.

3.3.5.18 **Landscaping Plan**

Applications in the LVBD shall include a landscape plan designed by a professional landscape architect registered to do business in the state of Massachusetts. The Planning Board may accept a plan prepared by one other than a landscape architect if it believes the plan meets the design requirements below.

- a. Buffer areas shall be designed to form an opaque screen as plantings mature, for the purpose of mitigating the impact of abutting business USEs. Visual screening is required to a height of at least six (6) feet with intermittent visual obstruction to a height of at least twenty (20) feet.
- b. The opaque screen may be composed of walls, FENCES, landscaped berms or densely planted vegetation in a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Stow. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide.

3.3.5.19 **Maximum Height of Structures**

The intent of height limitations is to allow three occupied floors, with the uppermost occupied floor to be within a sloped roof to lessen the visual mass. No BUILDING shall have more than three (3) stories. The maximum height of BUILDINGS, including MIXED USE BUILDINGS and STRUCTURES shall be 35 feet. If utilizing a parapet fronted BUILDING, height shall be limited to 24 feet to accommodate two (2) stories, with an allowance for a third story with a step back from the front façade.

Rooftop gardens, patios, or other non-enclosed features designed for leisure shall not constitute a separate floor for the purpose of this bylaw.

The Planning Board may permit BUILDINGS of heights greater than 35 (thirty-five) feet in accordance with Section 4.2.1 of the Zoning Bylaw.

3.3.5.20 Maximum Business Tenant Unit Size

The purpose of this section is to minimize the potential for large, single use BUILDINGS to detract from the vibrancy, interest and pedestrian orientation of the LVBD. The maximum business tenant unit size within a BUILDING shall be limited to 20,000 square feet of GROSS FLOOR AREA.

The Planning Board may increase the allowable business tenant unit size where the Applicant can demonstrate that the BUILDING and/or site plan aligns with the Design Standards for the LVBD, and specifically includes design elements that support an active pedestrian environment.

3.3.5.21 Performance Standards

The following Performance Standards are meant to incentivize site planning that meets the intent of the Design Standards in Sections 3.3.5.6 – 3.3.5.13, while ensuring the Planning Board has an opportunity to mitigate development impacts depending on individual site characteristics. The Planning Board shall require compliance with the following standards on all LOTs in the LVBD.

3.3.5.22 MIXED USE BUILDING Standards

The purpose of allowing MIXED USE BUILDINGS in the LVBD is to provide for increased viability of the District’s business USEs and to diversify small-scale housing opportunities in Stow.

Development Standards for MIXED USE BUILDINGS

Location within BUILDING	DWELLING UNITS shall be prohibited on the ground floor of any BUILDING in the LVBD except as may be allowed in accordance with Section 3.3.5.23(d) of this Bylaw.
Maximum Number of Bedrooms	Two (2)
Maximum Dwelling Units Per Acre	Six (6)

- a. Housing units created as part of a MIXED USE BUILDING in the LVBD shall comply with the provisions of Section 8.9, Inclusion of Affordable Housing, which govern the inclusion of housing eligible on the Department of Housing and Community Development’s Subsidized Housing Inventory in the LVBD.

3.3.5.23 Ground Floor USEs

The ground floor of BUILDINGS shall be primarily occupied by USEs that promote an active streetscape and are designed in accordance with the Design Standards established in Sections 3.3.5.6 – 3.3.5.13. The following performance standards shall also apply to ground floor USEs:

- a. Ground floor BUILDING facades that contain entrances to ground floor USEs, shall have a defined arrangement and/or pattern of windows and doors. The Planning Board may require up to 50% of the ground floor wall area include transparent windows where the BUILDING is anticipated to include retail or RETAIL SERVICE ESTABLISHMENTS;
- b. Garage doors, including loading bays and docks are prohibited from the primary façade of BUILDINGS;
- c. Garage doors serving DWELLING UNITS shall not be located along the primary façade of BUILDINGS, or along the facade facing directly upon a public way;

- d. The Planning Board may permit ground floor DWELLING UNITS or associated storage spaces and/or stairway access within a multi-story MIXED USE BUILDING, provided the following:
 - i. The inclusion of such USEs conforms to the Design Standards established in Sections 3.3.5.6 – 3.3.5.13;
 - ii. DWELLING UNIT design and placement adds definition to adjacent business establishments and between USEs through architectural detailing, landscaping and other site design methods;
 - iii. No more than 50% of the total allowed number of DWELLING UNITS on the site are located on the ground floor.
- e. The Planning Board may permit ground floor DWELLING UNITS within a single-story BUILDING provided that DWELLING UNITS occupy no more than 50% of the GROSS FLOOR AREA.

3.3.5.24 **Incorporation of FUNCTIONAL OPEN SPACE**

The incorporation of FUNCTIONAL OPEN SPACES on LVBD sites is meant to create space for civic interaction, provide opportunities for future outdoor events and displays and to generally encourage activity that contributes to the vibrancy of the District. All developments requiring a Special Permit and/or Site Plan Approval shall include at a minimum, five percent (5%) of the LOT area as FUNCTIONAL OPEN SPACE. Amenities that qualify as FUNCTIONAL OPEN SPACE may be contiguous or spread among various locations on the site.

Examples of features that do not qualify as FUNCTIONAL OPEN SPACE include, but are not limited to, perimeter planting strips as detailed in Section 3.3.5.29, buffers from adjacent parcels and uses as described in Section 3.3.5.17, or small turf grass planted areas within parking lots that do not serve bioretention purposes.

In approving the Site Plan, the Planning Board will look for demonstration that the following opportunities have been considered:

- a. Proposed developments shall connect to abutting FUNCTIONAL OPEN SPACE areas where applicable to create a contiguous streetscape environment and improve village amenities;
- b. Portions of the FUNCTIONAL OPEN SPACE may be designed to function as low impact development and/or green infrastructure stormwater management areas, including but not limited to rain gardens, xeriscape landscapes, swales and other techniques. Such infrastructure may be incorporated into the FUNCTIONAL OPEN SPACE where such management techniques improve the aesthetics and/or functionality of the space.
- c. The Planning Board may require benches, sitting walls, waiting areas, bicycle racks, stroller bays, sheltered spaces near building entrances or other amenities that encourage interaction and activity.

3.3.5.25 **INTERNAL ACCESS DRIVES**

INTERNAL ACCESS DRIVES shall be designed in accordance with the Design Standards of Section 3.3.5.12(a). The following performance standards shall also apply to the design of INTERNAL ACCESS DRIVES:

- a. INTERNAL ACCESS DRIVES intersecting with Route 117/Great Road shall be positioned to align with existing intersections to the extent practicable;
- b. Parking spaces designed in a manner similar to traditional parallel or angled on-street parking is encouraged where practicable. Parking spaces shall be designed in accordance with Section 7.5 of the Zoning Bylaw.
- c. Turning radii and travel lane widths shall be designed to accommodate SU-30 emergency apparatus;

- d. INTERNAL ACCESS DRIVES shall be designed with measures to provide maximum safety and mobility for pedestrians, cyclists and motorists where practicable. Measures may include but not be limited to:
 - i. Bulb-outs / Curb extensions;
 - ii. Center island medians;
 - iii. Landscape treatments;
 - iv. Pedestrian refuge islands;
 - v. Raised crosswalks, speed humps and tables;
 - vi. Rectangular rapid flashing beacons; and
 - vii. Other measures as applicable.
- e. One (1) street tree shall be required for every thirty (30) feet of INTERNAL ACCESS DRIVE length, either provided at intervals or clustered to improve overall site aesthetics. The Planning Board may allow for a reduction in the number of required street trees where parking area shade trees are provided in close proximity, in accordance with Section 3.3.5.29 of this Bylaw.
- f. Curbing and structured drainage facilities shall be provided pursuant to the Stow Zoning Bylaw, Stow Subdivision Rules and Regulations, and all state and federal regulations.
- g. Other than secondary access for emergency use, no driveway for a non-residential principal USE shall cross land in a residential zoning district in which the principal use is not allowed.
- h. Sidewalks which meet the Massachusetts Architectural Access Board design standards shall be installed along both sides of INTERNAL ACCESS DRIVES. The Planning Board may waive the requirement for sidewalks along INTERNAL ACCESS DRIVE where the following design criteria are met:
 - i. There are portions of the INTERNAL ACCESS DRIVE which are primarily used for vehicle circulation and pedestrian circulation is otherwise adequately provided on the site pursuant to the Design Standards;
 - ii. Sidewalks and walkways that provide alternative pedestrian access are present adjacent to or within the parking area;
 - iii. The INTERNAL ACCESS DRIVE either currently does not or is unlikely to be used to provide pedestrian connection to an existing or proposed BUILDING or pedestrian destination.

3.3.5.26 Sidewalk Standards

Sidewalks are intended to connect all areas of a site that pedestrians may utilize. The standards are meant to ensure active BUILDING frontage, with ample space for outdoor displays, dining and wheelchair accessibility.

- a. In addition to the sidewalk requirements along INTERNAL ACCESS DRIVES, sidewalks and/or walkways are required to connect pedestrian destinations, including but not limited to:
 - i. Connecting the entrances between multiple BUILDINGS on site;
 - ii. Connecting to and from existing sidewalks along Great Road or INTERNAL ACCESS DRIVES;
 - iii. Connecting to adjacent FUNCTIONAL OPEN SPACE or public features, such as parks and playgrounds, courtyards, etc.
- b. Unless otherwise stated in this Section, all sidewalks and walkways shall meet the minimum requirements of the Massachusetts Architectural Access Board (MAAB);
- c. The Planning Board may allow sidewalks to be located wholly or partially within the street right of way, where such location will enhance the existing streetscape and where all necessary easements for continued pedestrian use are provided;

3.3.5.27 Pedestrian Access to BUILDINGS

Sidewalks and walkways shall service the primary entrances and/or facades of all BUILDINGS on a site in accordance with the Design Standards of Sections 3.3.5.6 – 3.3.5.13.

- a. Sidewalks and/or walkways along a BUILDING façade shall be at least ten (10) feet wide. The Planning Board may alter this requirement where the addition of landscaping or FUNCTIONAL OPEN SPACE offers improved streetscape design;
 - i. Sidewalks servicing the primary entrances of BUILDINGS shall be separated, as practicable, from the STREET or INTERNAL ACCESS DRIVE with a landscaped buffer to protect pedestrians from parking and create an inviting streetscape. The landscaped planting zone between the sidewalk and STREET, parking area or INTERNAL ACCESS DRIVE, shall extend at least 50% of the façade length. The desired landscaping separating the sidewalk from the street shall be restricted to ‘soft’ plantings such as trees and shrubs in a bed of mulch, grass, or groundcover.
 - ii. Landscaped buffers shall consist of shade trees placed at intervals as described in Section 3.3.5.24(e) along with other landscaping, and street design elements such as benches, shrubs, or grass. Landscaping shall be organized in clusters of plantings where applicable rather than in a rigid line along the front of the lot. Landscaped buffers that include street design elements may not be counted toward the 5% minimum FUNCTIONAL OPEN SPACE.
- b. To the extent practicable, sidewalks shall have a degree of shelter achieved through the combined use of building fronts, trees, low hedges, arcades, trellised walks, or other means to delineate the pedestrian space;
- c. Outdoor restaurant and café seating, merchandise displays, planters, trash receptacles and sandwich board signs placed on the sidewalk shall leave a pathway along the sidewalk of at least four (4’) feet that is free of obstruction.

3.3.5.28 Parking Requirements

The purpose of this Section is to incentivize decentralized parking areas that provide a diversity of walkable, pedestrian streetscape environments that are oriented to encourage shared arrangements with abutting lots and landscaped to soften their visual impact.

- a. *Conformance to Design Standards* – Any parking area serving a USE or USEs allowed in the LVBD shall be designed in compliance with the standards and design guidelines in Section 3.3.5.13.
- b. *Parking Lot Construction* - Required parking spaces, loading areas and INTERNAL ACCESS DRIVES shall be provided and maintained with suitable grading, paved surfaces and adequate drainage which is suitable in accordance with good engineering practices.
- c. *Minimum Parking Accommodations* The base parking schedule for the Lower Village Business District shall be approved in accordance with Section 7.3.3.5 of the Zoning Bylaw and shall apply to individual uses in the Lower Village Business District. As part of the LVBD Special Permit process, the Planning Board may permit reductions or increases to the requirements of the Schedule of Parking. The Planning Board shall consider the following criteria upon request to alter the Schedule of Parking in Section 7.3.3.5 of the Zoning Bylaw:
 - i. The extent to which the parking design maximizes pedestrian flow to, from and within the development;
 - ii. The extent to which the parking design improves the overall conformance to the design guidelines in Sections 3.3.5.6 – 3.3.5.13;
 - iii. Existing or proposed shared parking agreements;
 - iv. Parking studies, reports or testimony from qualified professionals, indicating the rationale for alternative parking minimums and/or maximums for the USE proposed;
 - v. Existence and or proposed use of inter-lot connections.

- d. *Maximum Parking Space Grouping* – To encourage decentralized parking arrangements, no more than twenty (20) parking spaces shall be grouped together without separation conforming to the parking landscaping requirements in Section 3.3.5.29.

The Planning Board may permit more than twenty parking spaces in one grouping provided that such grouping decreases impacts to abutting residential PARCELS, allows for improved FUNCTIONAL OPEN SPACE, or provides opportunities for streetscape environments to be created along INTERNAL ACCESS DRIVES.

- e. *Parking Accommodations for Mixed Use Facilities* - MIXED USE BUILDINGs, or LOTS which contain more than one USE, are considered mixed-use facilities. In the case of mixed-use facilities, the parking requirements shall be the sum of the requirement calculated separately for each use, so that adequate space shall be provided to accommodate all vehicles anticipated on the premises at any one time. The Planning Board may permit a reduction in the number of parking spaces required where at least one of the following criteria can be met:
 - i. The application demonstrates that the differing USEs proposed have differing peak parking requirements;
 - ii. The application includes proposals for shared parking agreements to manage parking demand.
- f. *Required Off-Street Loading Areas* - One or more off-street loading areas shall be provided for any business that may be regularly serviced by delivery vehicles, including container trucks, SU-30 design vehicles or other similar delivery vehicles. Adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each BUILDING and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.
- g. *Comparable USE Requirement* – Where a USE is not specifically included in the Schedule of Parking, it is intended that the regulations for the most nearly comparable USE specified shall apply. Alternative parking standards to those required in Section 7.3.3.5 may be accepted if the applicant demonstrates to the satisfaction of the Permit Granting Authority (BUILDING INSPECTOR if no special permit or site plan approval is required), or their designee, that such standards are adequate for the intended USE.
- h. *Location of Parking Facilities* – Parking in the LVBD is not intended to be the dominant feature of a proposed site plan. Parking facilities shall be located at the side or rear yard of BUILDINGs, in accordance with the design guidelines in Section 3.3.5.13. Parking facilities shall not be allowed within the required BUILDING setback, unless the following design criteria are met:
 - i. The parking is along an INTERNAL ACCESS DRIVE, designed to resemble on-street parking and/or a pedestrian friendly street frontage for BUILDINGs, including angled or parallel parking;
 - ii. A sidewalk is located between the BUILDING and the INTERNAL ACCESS DRIVE, which meets the sidewalk standards of Section 3.3.5.26.
- i. *Standard Parking Dimensional Regulations* - Parking dimensions shall be designed in accordance with Section 7.5 of the Zoning Bylaw.
- j. *Inter-lot Connections* – Inter-lot connections for vehicles and pedestrians are encouraged to improve connectivity of the District, and to avoid unnecessary vehicles trips to and from Great Road. The Permit Granting Authority may require driveway and walkway connections to abutting LOTS where practicable. Where such connections are not available due to existing conditions on abutting LOTS, the Permit Granting Authority may require amendments to the site plan to allow efficient connections in the future.
- k. *Changes in USE* – Any change to a BUILDING, STRUCTURE or USE, or a change from on permitted USE to another permitted USE shall comply with the requirements of the Schedule of Parking for the entire BUILDING, STRUCTURE or USE as changed.

- l. *Undetermined Uses* – Where the tenants of a BUILDING or USE has not been determined at the time of application for a Building Permit, Special Permit, or Site Plan Approval, the parking requirements applicable to the most intensive use allowed in the district where such undetermined use is to be located shall be considered, however, the number of parking spaces actually built need not exceed the number required by the actual USE or USEs of the BUILDING when established to the satisfaction of the permit granting authority by calculation and/or appropriate condition or covenant in recordable form. In this instance, the applicant is encouraged to consider phasing the construction of parking spaces. The Permit Granting Authority may alter the number of spaces required in accordance with Section 3.3.5.28(c and d).

3.3.5.29 **Perimeter Planting Strip**

Parking lots adjacent to STREETS, sidewalks, paths or INTERNAL ACCESS DRIVES shall include a perimeter planting strip four (4) to seven (7) feet wide. The planting strip shall be protected from vehicular damage through the use of planting beds that may be raised above the surface of the parking lot, through the use of concrete wheel stops, or other measures to ensure that vehicles will not damage the landscaping. The planting strip may include non-opaque fencing, such as iron, or other materials that can provide an attractive, physical separation between the parking, and pedestrian or vehicular passages.

- a. *Shade trees* – Shade trees shall be planted in accordance with Planning Board Rules and Regulations on the same.
- b. Large parking areas (e.g. greater than 20 parking spaces) shall be separated by landscaped islands of eight (8) to ten (10) feet in width.
- c. The exact location of the tree plantings is not specified. Rather, the most appropriate location of plantings shall be considered, including use of plantings to buffer neighboring properties, along the street frontage and pedestrian ways. Trees planted within parking areas shall be planted in protected pervious plots of at least 60 square feet of area.
- d. *Plantings* – Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover. Where practicable, native plants and other drought tolerant species shall be utilized to reduce water consumption. Plantings shall be considered in accordance with Planning Board Rules and Regulations on the same.
- e. *Sight Distance* – All landscaping along any STREET shall be placed and maintained so that it will not obstruct sight distance.

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

Principal Uses	Residential	Business	<u>Lower Village Business District</u>	Compact Business	Industrial	Commercial	Recreation on Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
<u>General Uses</u>										
Agriculture	Y (4)	N	<u>N</u>	Y	Y	Y	Y	Y	Y	NR
Conservation	Y	Y (5)	<u>Y (5)</u>	Y	Y	Y	Y	Y	Y	NR
Recreation	SPA (4)	N	<u>N</u>	N	SPP	N	SPP	SPA	SPP	(3)
<u>Residential Uses</u>										
Single Family DWELLING	Y (4) (11)	N	<u>N</u>	Y SPP(11)	N	N	N	N	N	(3)
Single Family DWELLING with ACCESSORY APARTMENT	SPP (4) (7) (11)	N	<u>N</u>	SPP (7) (11)	N	N	N	N	N	(3)
Duplex DWELLINGS	SPP (4) (11)	N	<u>N</u>	N	N	N	N	N	N	(3)
Multi-Family DWELLING	SPP(4) (11)	N	<u>N</u>	N	N	N	N	N	N	(3)
Conversion to 2-Family DWELLING	SPA (4)	N	<u>N</u>	N	N	N	N	N	N	(3)
Combined Residence/ Home Occupation	Y (4)	N	<u>N</u>	Y	N	N	N	N	N	NR
Bed & Breakfast Home	Y (4)	SPA (1)	<u>SPP (1)</u>	N	N	SPP (3)	N	N	N	R
Bed & Breakfast Home or Establishment	SPA (1) (4)	SPA (1)	<u>SPP (1)</u>	N	N	SPP (1)	N	N	N	(3)
Boarding House or Rooming House	Y (4)	N	<u>N</u>	Y	N	N	N	N	N	R
Playgrounds	SPA (4)	N	<u>N</u>	N	N	N	N	N	N	(3)
Conservation Areas, Farming and Horticulture, Orchards, Nurseries, Forests, Tree Farms, Sale of Farm Produce	Y (4)	N	<u>N</u>	Y	Y	Y	Y	Y	Y	R
Storage of Farm Vehicles	Y (4)	N	<u>N</u>	N	N	N	N	N	N	NR
ACCESSORY BUILDINGS & Uses	Y (4)	Y	<u>Y</u>	Y	SPP	SPP	Y	SPA	SPP	(3)
Hammerhead LOTS	SPP (4)	N	<u>N</u>	N	N	N	N	N	N	(3)
INDEPENDENT ADULT LIVING RESIDENCE	N	SPP (9) (11)	<u>N</u>	N	N	N	N	N	N	(3)
ACTIVE ADULT NEIGHBORHOOD	N	N	<u>N</u>	N	SPP (10)	SPP (10)	N	N	N	(3)
Common Drives	Y	N	<u>N</u>	N	N	N	N	N	N	R
<u>Institutional Uses</u>										
CHILD CARE FACILITY	Y (5) (4)	Y (5)	<u>Y (5)</u>	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
FAMILY DAY CARE HOME	Y (6) (4)	N	<u>N</u>	Y	N	N	N	N	N	R
Private Schools & Colleges, Dance & Music Studios	SPA (4)	N	<u>N</u>	N	SPP (3)(14)	N	N	N	N	(3)
Nursing Homes	SPA (4)	N	<u>N</u>	N	N	N	N	N	N	(3)
Day Camps, Overnight Camps, and Camp Sites	N	N	<u>N</u>	N	SPP	N	SPP	N	SPP	(3)
Municipal	Y (5) (4)	Y (5)	<u>Y (5)</u>	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Public Service Corporation	Y (5) (4)	Y (5)	<u>Y (5)</u>	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Religious	Y (5) (4)	Y (5)	<u>Y (5)</u>	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R

Table of Principal Uses (Continued)

Principal Uses	Residential	Business	<u>Lower Village Business District</u>	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
Educational (Non-Profit)	Y (5) (4)	Y (5)	<u>Y (5)</u>	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Wireless Communication Facilities	SPP (8)	N	<u>N</u>	N	SSP(8)	SSP(8)	SPP (8)	N	SSP(8)	(3)
<u>Business & Commercial Uses</u>										
TOURIST HOMES, or LODGING HOUSES	N	SPA (1)	<u>N</u>	N	N	SPP (1)	N	N	N	(3)
Business or Professional Offices	N	SPP (1)	<u>SPP (1)</u>	SPP	SPP (2)	SPP (1)	N	N	SPP (2)	(3)
Retail Stores or Service Establishments	N	SPP (1)	<u>SPP (1)</u>	SPP	N	SPP (1)	N	N	N	(3)
Banks	N	SPP	<u>SPP</u>	SPP	N	SPP	N	N	N	(3)
U.S. Post Offices	N	SPP	<u>SPP</u>	SPP	N	N	N	N	N	(3)
Salesrooms for Automobiles, Bicycles, Farm Implements, Boats, and Similar Equipment	N	SPP	<u>N</u>	N	N	SPP (1)	N	N	N	(3)
<u>Salesrooms for Bicycles</u>	<u>N</u>	<u>SPP</u>	<u>SPP</u>	<u>N</u>	<u>N</u>	<u>SPP (1)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>(3)</u>
Restaurants, including those offering accessory outdoor service on a patio or seating area	N	SPP	<u>SPP</u>	N	SPP	SPP	SPP	N	SPP	(3)
Country Clubs or Other MEMBERSHIP CLUBS	N	SPA	<u>N</u>	N	SPP	N	SPP	N	SPP	(3)
Golf Courses	SPP (4)	N	<u>N</u>	N	SPP	N	SPP	N	SPP	(3)
Ski Areas, MARINAS & Boat Landings	SPA(4)	N	<u>N</u>	N	SPP	N	SPP	N	SPP	(3)
Cross Country Ski Areas	SPP (4)	N	<u>N</u>	N	N	N	N	N	N	(3)
Parking Areas for Employees, Customers or Visitors	N	SPP	<u>SPP</u>	SPP	SPP	SPP	N	N	SPP	(3)
HOTELS MOTELS	N	SPA	<u>N</u>	N	N	N	N	N	N	(3)
Theaters, Bowling Alleys, Skating Rinks, Clubs or Assembly within the BUILDING	N	SPA	<u>SPP</u>	N	N	N	N	N	N	(3)
Funeral Home, Mortuaries or Crematories	N	N	<u>N</u>	N	N	SPP	N	N	N	(3)
Veterinary Hospitals, Stables & Kennels, Raising or Breeding of Animals for Sale, and Boarding Animals	SPA(4)	N	<u>N</u>	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	<u>N</u>	N	N	SPP (2)	N	N	N	(3)
Building Materials Salesrooms & Yards, Contractor's Yards, Wholesale Distribution Plants, Storage Warehouses	N	N	<u>N</u>	N	N	SPP	N	N	N	(3)

Table of Principal Uses (Continued)

Principal Uses	Residential	Business	<u>Lower Village Business District</u>	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
Gasoline Service Stations, Garages or Repair Shops	N	SPA	<u>N</u>	N	N	N	N	N	N	(3)
Utility Structures, Passenger Depots and Terminals	N	N	<u>N</u>	N	N	SPP	N	N	N	(3)
Screened Storage	N	N	<u>N</u>	N	SPP	SPP	N	N	SPP	(3)
Cafeterias for Employees	N	N	<u>N</u>	N	SPP	N	N	N	SPP	(3)
Access to Industrial Zoned Land	N	Y	<u>N</u>	N	N	N	N	N	N	(3)
Retail Store as part of a REGISTERED MARIJUANA DISPENSARY	N	SPP (1)(12)	<u>SPP (1) (12)</u>	N	N	N	N	N	N	(3)
MARIJUANA RETAILER	N	N	<u>N</u>	N	N	N	N	N	N	(3)
<u>NEIGHBORHOOD RETAIL CENTERS and SPECIALTY RETAIL CENTERS</u>	<u>N</u>	<u>N</u>	<u>SPP (1)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>(3)</u>
<u>MOBILE FOOD VENDORS and POP-UP MARKETS</u>	<u>N</u>	<u>N</u>	<u>SPP (15)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>(3)</u>
<u>MIXED USE BUILDINGS</u>	<u>N</u>	<u>N</u>	<u>SPP (1)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>(3)</u>
<u>CLINICS</u>	<u>N</u>	<u>N</u>	<u>SPP (1)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>(3)</u>
<u>ARTISAN PRODUCTION</u>	<u>N</u>	<u>N</u>	<u>SPP (1)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>(3)</u>
<u>MICROBREWERYs, CRAFT BREWERYs, BREW PUBs</u>	<u>N</u>	<u>N</u>	<u>SPP (1)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>(3)</u>
Industrial Uses										
Manufacturing Enterprises	N	N	<u>N</u>	N	SPP	N	N	N	SPP	(3)
Research Laboratories with Incidental Assembly or Manufacture	N	N	<u>N</u>	N	SPP (2)	N	N	N	SPP (2)	(3)
Sanitary Landfill	N	N	<u>N</u>	N	N	N	N	N	SPS	(3)
Refuse Transfer Station	N	N	<u>N</u>	N	N	N	N	N	SPS	(3)
Refuse Incinerator	N	N	<u>N</u>	N	N	N	N	N	SPS	(3)
COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION	SPP	SPP	<u>N</u>	N	Y	Y	SPP	N	Y	(3)
CRAFT MARIJUANA CULTIVATOR COOPERATIVE	N	N	<u>N</u>	N	N	N	N	N	N	(3)
MARIJUANA CULTIVATOR	N	N	<u>N</u>	N	N	N	N	N	N	(3)
MARIJUANA PRODUCT MANUFACTOR	N	N	<u>N</u>	N	SPP (13)	SPP (13)	SPP (13)	N	N	(3)
MARIJUANA RESEARCH FACILITY	N	N	<u>N</u>	N	SPP (13)	SPP (13)	N	N	N	(3)
MARIJUANA INDEPENDENT TESTING LABORATORY	N	N	<u>N</u>	N	SPP (13)	SPP (13)	N	N	N	(3)
MARIJUANA MICROBUSINESS	N	N	<u>N</u>	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.
- (15) A Special Permit and Site Plan Approval through the Planning Board is required for MOBILE FOOD TRUCKs and POP-UP MARKETs as an ACCESSORY USE, in accordance with Section 3.3.5.2(b)(iv). Any events held must be in compliance with the Town of Stow's Special Event Permit Regulations.**

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

F) Amend Section 4.4 (Table of Dimensional Requirements) to read in its entirety as stated below:

4.4 Table of Dimensional Requirements

These requirements shall be satisfied entirely within each district.

Zoning District	Minimum LOT Area in sq. ft.	Minimum LOT Frontage in ft.	Minimum FRONT YARD in ft.	Minimum SIDE YARD in ft.	Minimum REAR YARD in ft.	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO
R/C	40,000	150 (2)	100	50	100	80%	.10
Res	65,340	200 (2)	30	25	40	10%	NR
Bus	40,000	150 (2)	50	None (1)	50 (1)	20%	.30
<u>LVBD</u>	<u>None (6)</u>	<u>None (6)</u>	<u>None (6)</u>	<u>None (6)</u>	<u>None (6)</u>	<u>None (6)</u>	<u>None (6)</u>
Comm	40,000	150 (2)	50	25 (1)	50 (1)	30%	.30
Ind	40,000	150 (2)	100	25 (1)	50 (1)	40%	.30
C/B	65,340	200	50	None (1)	40 (1)	30%	.30
R/D	300,000	150	300 (3)	150 (3)	150 (3)	80%	.10

NR = Not Regulated

Footnotes to Table of Dimensional Requirements

- (1) If the LOT abuts a residential or recreation-conservation district, whether directly or separated by a public or railroad right-of-way, the side and rear YARDS abutting the residential or recreation-conservation district shall be increased as follows and shall include a 50' landscaped buffer that consists of an opaque screen as defined in Section 7.7.4.1 of the Zoning Bylaw.

Minimum Side or Rear YARD

Compact Business District	50 feet
Business District	50 feet
Commercial District	50 feet
Industrial District	100 feet

- (2) The minimum frontage on Route 117 (Great Road) shall be 200 feet **except for LOTS within the Lower Village Business District.**
- (3) In the Refuse Disposal District, one hundred feet (100') of the FRONT, REAR and SIDE YARDS must be densely planted with natural screening, or otherwise screened. YARD requirements may be waived as a condition of the special permit for that portion of a parcel of land abutting an operational REFUSE disposal facility. Such YARD requirements are to be measured from the LOT boundaries and the outer-most limits of the excavation or any BUILDING for the REFUSE disposal facility.
- (4) Wireless Service Facilities shall be exempt from the provisions of Section 4 but shall be subject to minimum front, side and rear YARD setbacks stated in Section 4.4 and setbacks and other limitations established in Section 3.11 of the Zoning Bylaw.
- (5) An Active Adult Neighborhood shall be exempt from the provisions of Section 4 and shall be subject to minimum front, side and rear YARD setbacks and other limitations established in Section 8.8 of the Zoning Bylaw.
- (6) The Lower Village Business District shall be exempt from the provisions of Section 4 and shall be subject to minimum front, side and rear YARD setbacks and other limitations established in Section 3.3.5 of the Zoning Bylaw.**

G) Amend Section 6.3 (SIGNS) by amending Section 6.3.3.2 as stated below:

6.3.3.2 Business, Compact Business, Commercial, Industrial, Lower Village Business District and Refuse Disposal Districts:

H) Amend Section 7.3 (Schedule of Minimum Parking- General Requirements) to read in its entirety as stated below:

7.3 Schedule of Minimum Parking - General Requirements

7.3.1 Comparable USE Requirement - Where a USE is not specifically included in the Schedule of Minimum Parking, it is intended that the regulations for the most nearly comparable USE specified shall apply. Alternative off-street parking standards to those shown below may be accepted if the applicant demonstrates to the satisfaction of the Permit Granting Authority (or BUILDING INSPECTOR if no special permit or site plan approval is required), or their designee, that such standards are adequate for the intended USE.

7.3.1.1 Section 7.3 shall not apply to DWELLINGs, COTTAGE DWELLINGs or indoor community facilities proposed as part of the Active Adult Neighborhood Overlay District in Section 5.4 of the Bylaw. Parking Schedules shall adhere to the requirements of the Planning Board’s Active Adult Neighborhood Rules and Regulations as amended.

7.3.2 Mixed Use Facilities - BUILDINGs or LOTS which contain more than one USE are considered mixed use facilities. In the case of mixed uses, the requirements shall be the sum of the requirement calculated separately for each use, so that adequate space shall be provided to accommodate all vehicles anticipated on the premises at any one time. Parking spaces for one USE shall not be considered as providing the required spaces for any other USE, except when it can be clearly demonstrated that the need for parking occurs at different times.

7.3.3 Schedule of ~~Minimum~~ Parking

7.3.3.1 Agricultural

Greenhouse	1 space <u>minimum</u> for each 250 sq. ft. of GROSS FLOOR AREA of inside sales or display room.
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7.3.3.2 Recreation

Camps	1 space <u>minimum</u> per 10 children of rated capacity of camp plus 1 space per employee and 1 space per camp vehicle kept on the premises.
Handball, racquetball, tennis courts	3 spaces <u>minimum</u> per court plus 1 space per employee on the largest shift.
Golf Courses	5 spaces <u>minimum</u> per hole plus 1 space per employee on the largest shift plus 50 percent of the spaces otherwise required for accessory uses (restaurants, bar, etc.).
Swimming pool	<u>Minimum</u> 1 space per 75 sq. ft. of GROSS FLOOR AREA.
Bowling alley	4 spaces <u>minimum</u> per alley.
Skating rink	<u>Minimum</u> 1 space per 300 sq. ft. of GROSS FLOOR AREA of facility plus 1 space <u>minimum</u> per employee on the largest shift.
Other outdoor recreational facilities	1 space <u>minimum</u> per 4 persons generally expected on the premises at any one time.

7.3.3.3 Residential

DWELLINGS	2 spaces <i>minimum</i> for each DWELLING UNIT containing less than 5 bedrooms plus one parking space for each additional bedroom and sufficient off-street parking for visitors.
BOARDING HOUSE	2 spaces <i>minimum</i> , plus 1 space per rentable room or suite.
Bed and Breakfast	1 space <i>minimum</i> for each bedroom plus 1 space per employee on the largest shift.
Home Occupation	2 spaces <i>minimum</i> for the DWELLING UNIT and sufficient spaces to comply with section 3.2.1.7.
INDEPENDENT ADULT LIVING RESIDENCE	1 space <i>minimum</i> for each employee on the shift having the greatest number of employees, including resident staff. The number of resident spaces shall be 40% of the total units.

7.3.3.4 Institutional

Schools, elementary and middle	2 spaces <i>minimum</i> for each classroom, but not less than 1 space per teacher and staff position plus 1 space for each 5 seats of rated capacity of the largest auditorium or gymnasium.
High schools	1 space <i>minimum</i> per teacher and staff position plus 1 space per 5 students.
Other non-profit educational uses	To be determined by Permit Granting Authority (or BUILDING INSPECTOR if no special permit required) based upon the most comparable other use in the table.
Nursing home, elder care facility	1 space for each 2 beds <i>minimum</i> , plus 1 space for each employee on the largest shift and adequate spaces for delivery vehicles.
Religious	<i>Minimum</i> 1 space per 3 seats or 1 space for each 4 persons to maximum rated capacity of the hall or meeting room, whichever is greater.
Libraries, museums, community centers	1 space <i>minimum</i> per 300 sq. ft. of GROSS FLOOR AREA.
Lodge or club	1 space <i>minimum</i> per 3 seats.
Day-care	1 space <i>minimum</i> per 10 children of rated capacity of the day-care facility plus 1 space for each teacher and staff person on the largest shift.

7.3.3.5 Business

Retail stores not listed below, general and personal services, studio	1-3 spaces per 1000 for each 200 sq. ft. of GROSS FLOOR AREA.
<i>MIXED USE BUILDING</i>	<i>Maximum of 1.5 spaces per DWELLING UNIT</i>
Business or professional office	1-3 spaces per 1000 250 sq. ft. of GROSS FLOOR AREA.
Restaurant, funeral home	1 space for each 3 seats, including seats provided outdoors seasonally and year round, plus 1 space for each employee on the largest shift.
Quick Fast food restaurant, video rental store , other quick service establishments	1 space for each 30 sq. ft. of GROSS FLOOR AREA.
Motor vehicle service station, repair or body shop	4 spaces for each service bay and work area.
Shopping center	1 space per 250 sq. ft. of gross leasable area.
Vehicle dealership, boat sales, rentals	1 space per 1,500 sq. ft. of GROSS FLOOR AREA and 1 space per 1,500 sq. ft. of exterior display area
Veterinary, kennel	2 spaces per exam room plus 1 space for each additional employee on largest shift.

Medical center, <i>CLINIC</i> , laboratories	1 space per 250 sq. ft. of GROSS FLOOR AREA.
Building trade shop / <i>ARTISAN PRODUCTION</i>	1 space for each 800 sq. ft. of GROSS FLOOR AREA.
Convenience store	1 space per 250 sq. ft. of GROSS FLOOR AREA.
Financial institutions	1 space per 300 sq. ft. of GROSS FLOOR AREA.
HOTEL, INN, MOTEL	1 space for each bedroom plus 10 per 1,000 sq. ft. of GROSS FLOOR AREA and adequate spaces for delivery vehicles.

7.3.3.6 Industrial

Manufacturing, packaging, processing and testing	1 space for each 800 sq. ft. of GROSS FLOOR AREA.
Warehouse	1 space per 5,000 sq. ft. of GROSS FLOOR AREA.

ARTICLE 64. 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

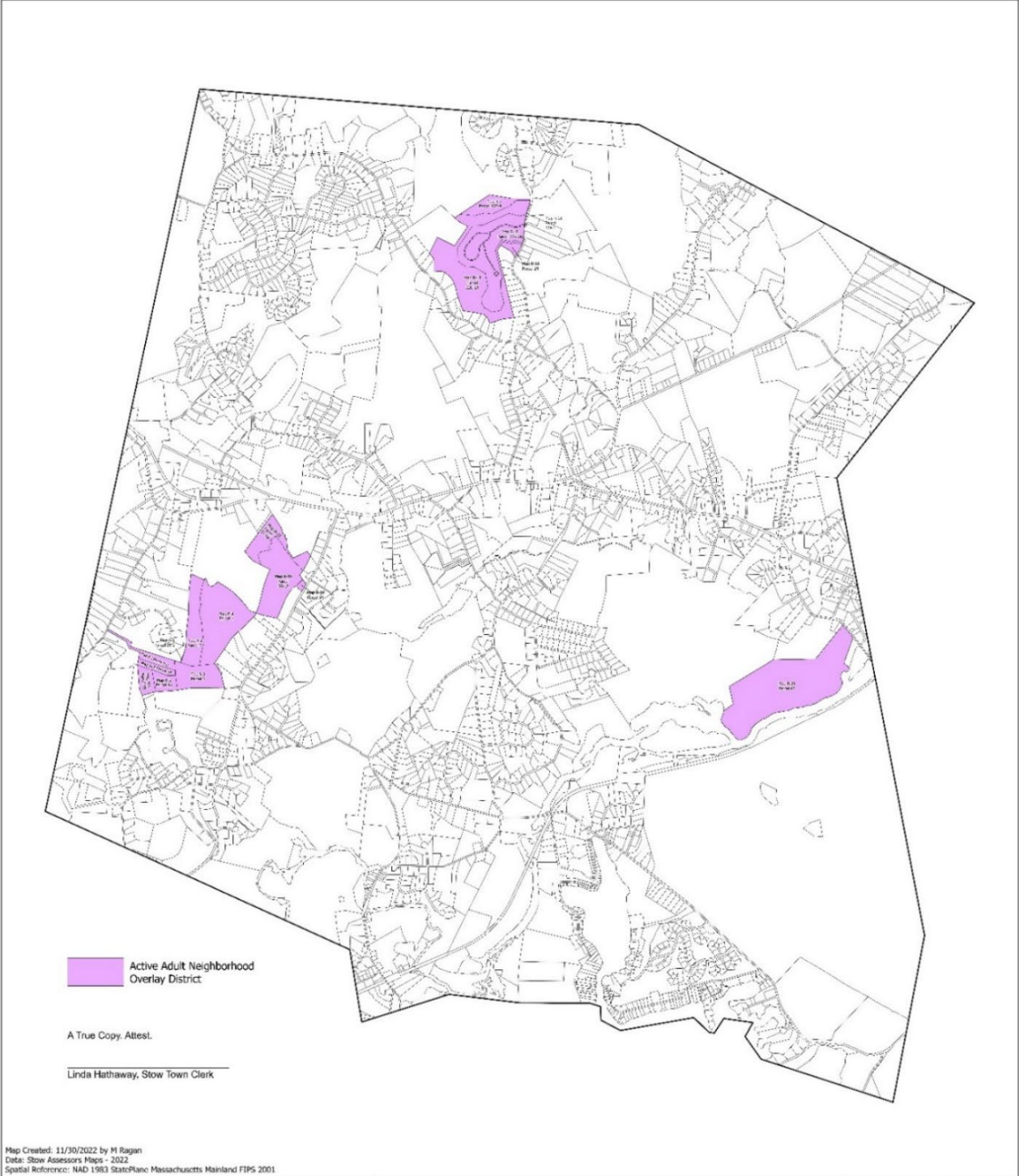
To see if the Town will vote to amend the Zoning Bylaw by Amending Section 2.3.12 (Location of Boundaries of Districts), Section 3.10 (Table of Principal Uses), and Section 5.4 (ACTIVE ADULT NEIGHBORHOOD Overlay District) as indicated in sections A-C of this article; and further that non-substantive 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)

The Finance Committee recommends APPROVAL of this article. The Planning Board recommends APPROVAL of this article. Passage of this article does increase expenditures.

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:

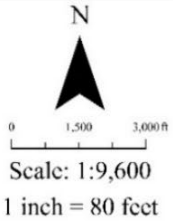
2.3.12 The boundaries of the Active Adult Neighborhood **Overlay** District are as delineated on a map entitled “Active Adult Neighborhood **Overlay** District–Town of Stow, Massachusetts” dated ~~May 13, 2002~~ **adopted June 6, 2002 and amended May 13, 2023**, at a scale of 1 inch = 800 feet, on file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



**Town of Stow
Planning Department**
380 Great Road
Stow, Massachusetts 01775
(978) 897-5098

**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)
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	Y (10)	N	N	SPP (10)	SPP (10)	N	N	N	(3)
Common Drives	Y	N	N	N	N	N	N	N	R

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	Flood Plain Wetlands	Refuse Disposal	Site Plan Approval
<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)
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)

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	Flood Plain Wetlands	Refuse Disposal	Site Plan Approval
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)
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)

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	Flood Plain Wetlands	Refuse Disposal	Site Plan Approval
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 MANUFACTURER	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:

~~5.4.10.5 — COTTAGE DWELLING units shall not include attached garages.~~

ARTICLE 65. Amend Zoning Bylaw Sections 5.4 Active Adult Neighborhood Overlay District, 8.6 Phasing of Growth, and 8.7 Independent Adult Living Residences

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 5.4, 8.6, and 8.7 to read as stated below in sections A, B, and 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)

The Finance Committee recommends APPROVAL of this article. The Planning Board recommends APPROVAL of this article. Passage of this article does increase expenditures.

The Planning Board recommends deletion of the Phasing of Growth bylaw, as it would not hold up to legal review, has never resulted in slowing the rate of development in Stow, and blocks the Town from accessing specific grant funds through the State. Although the Phasing of Growth bylaw was adopted in 1988 during a period of rapid growth, even the largest housing developments in Stow have not triggered the need for phasing of growth as outlined in the bylaw. The Planning Board recognizes there are large developments on the horizon, yet as a Comprehensive Permit, the developer of Stow Acres could reasonably request a waiver from this bylaw and Active Adult Neighborhoods such as The Cottages at Wandering Pond off Athens Street are already exempted under the current Zoning Bylaw. The inclusion of a Phased Growth bylaw has previously disqualified Stow from Housing Choice Designation, which would allow Stow to become eligible for capital grants through the Department of Housing and Community Development.

A) Amend Section 5.4 by deleting section 5.4.21:

~~5.4.21 — ACTIVE ADULT NEIGHBORHOODS constructed under a Special Permit issued in accordance with this Section are exempt from Section 8.6, Phasing of Growth.~~

B) Delete Section 8.6 in its entirety:

~~8.6 — Phasing of Growth~~

~~Over the past decade, the Town of Stow has been subject to extensive growth that has strained its ability to govern. With this point in mind, the purpose of this Section is to ensure that future growth occurs in an orderly and planned manner that allows the Town time for preparation to maintain high quality municipal services for an expanded~~

residential population while allowing a reasonable amount of additional residential growth during those preparations. The citizens of Stow insist on, take pride in, and enjoy a reputation for such high quality and reliable municipal services. Several key municipal services, including human services and schools, are currently or may soon be under considerable strain. This Section will relate the timing of residential development to the Town's ability to provide services.

In addition, this Section also proposes to encourage certain types of residential growth which reflect the values of the Town as previously expressed in its policies and appropriations.

8.6.1 — Regulations:

8.6.1.1 — Beginning on the effective date of this Section, no building permit for construction of projects involving four or more residential units shall be issued unless in accordance with the regulations of this Section.

8.6.1.2 — DWELLING UNITS shall be considered as part of a single development if located either on a single parcel or contiguous parcels of land which have been in the same ownership at any time subsequent to the date of adoption of this Section.

8.6.1.3 — All newly authorized residential units for which individual or several building permits have been issued pursuant to the Massachusetts State Building Code, 780 CMR shall count toward the growth rate limit of 35 DWELLING UNITS defined in Section 8.6.2.1 of the Zoning Bylaw.

8.6.2 — Planned Growth Rate

8.6.2.1 — This Section shall take effect beginning on the date of adoption by Town Meeting (December 12, 1988). Beginning on this date of adoption, the applicable permit granting authority (Planning Board, Zoning Board of Appeals or BUILDING INSPECTOR) shall not approve any residential development which would result in authorizations for more than 35 DWELLING UNITS over a 730 consecutive day (two year) period unless (a) specifically exempted (the project has less than four residential units); or (b) it is duly authorized in a development schedule.

8.6.2.2 — Once a development schedule is approved, building permits shall be issued in conformity with that schedule. Once authorized by the development schedule, said building permits shall be issued even if the 35 unit limit has been reached.

8.6.3 — Development Schedule — Building permits for new DWELLING UNITS shall be authorized only in accordance with the following schedule:

# of New Units in Development	Maximum DWELLING UNITS per Year*
1—24	4
25—29	5
30—46	6
47+	up to 15%

* — Number of units in the development for which building permits may be authorized each year beginning on the anniversary date of issuance date of the first building permit for the development. In instances where the calculated numbers are less than whole numbers, they will be rounded down to the nearest whole number.

8.6.4 — Modification to Schedule — The following modifications to the development schedule found in Section 8.6.3 shall be allowed by the Planning Board (for Definitive Subdivision, ANR, and special permits) or Zoning Board of Appeals (for special permits) as part of the approval of any

development. Points assigned in each category are to be cumulatively totaled to determine the modification to the schedule based on the Modification to Schedule Table found in Section 8.6.4.7.

8.6.4.1 — Affordable Housing

1. Any development which includes 25 to 100% of its units for low and/or moderate income people and which is subsidized by federal, state or local programs, or proposed by the Stow Housing Authority, or by a non-profit or limited dividend partnership, or any development which includes non-subsidized housing units priced to be affordable to people whose income is equal to or less than 120% of the median income for Stow and which provides that the mix of affordable and market rate housing built in any one year is equivalent to the overall mix for the entire development, and which further provides that resale restrictions are established by the developer which ensure that the affordable units remain affordable for a period of thirty years, shall be exempt from the Planned Growth Rate in Section 8.6.3 and shall be allowed in accordance with the following schedule:

	<i># of New Units</i>	<i>DWELLING UNITS/ Year*</i>
	<i>1-50</i>	<i>100%</i>
	<i>51-80</i>	<i>up to 50%</i>
<i>80+ total units</i>		<i>up to 33%</i>

	Points Assigned
2. Any development that meets the criteria found in Section 8.6.4.1, but which includes 10% to 24% of its units for low and moderate income people.	20
3. Any development that includes no affordable units that meet the criteria in Section 8.6.4.1.	-10

8.6.4.2 — Open Land/Farmland:

	Points Assigned
1. Provision of open land/parkland, as part of any development. For the purposes of this provision "usable land" shall be defined as in Section 8.5.4 and "open land" shall be defined as in Section 8.5.8:	
(1) — Open land consisting of 4,000 to 4,999 square feet of usable land per DWELLING UNIT which is protected from future development through deed restrictions and/or protective covenant, and including provisions for renewal.	10
(2) — Open land consisting of 5,000 to 5,999 square feet of usable land per DWELLING UNIT which is protected from future development through deed restrictions and/or protective covenant, and including provisions for renewal.	15
(3) — Open land consisting of at least 6,000 square feet or more usable land area per DWELLING UNIT which is protected from future development through deed restrictions and/or protective covenant, and including provisions for renewal.	20

(4) — Improved open land that meets the defined recreation needs of the Town of Stow as defined by Open Space Plan and deeded to the Town of Stow (Add 5 points to the applicable category above.)	
(5) — No usable open land.	-10
2. Protection and retention of farmland according to the following impacts on working farms:	
(1) — Development of agricultural land, defined as land classified prime, unique or of state or local importance by the USDA, SCS or land characterized by active agricultural use as defined by Chapter 61A of the Mass. General Laws.	-30
(2) — Provision of a permanent 100-foot buffer zone as a deed restriction, including a FENCE and screening vegetation from the property boundary of a working farm.	10

8.6.4.3 — AQUIFER Protection:

	Points Assigned
1. Development in the Aquifer Protection Overlay District	
(1) — Average LOT size less than two acres.	-30
(2) — Average LOT size two acres or more.	-15

8.6.4.4 — Planned Conservation Development — Any proposed approval under Section 8.5 will be subject to the following schedule provided that the OPEN SPACE is deeded to the Town:

# Units in Development	Maximum DWELLING UNITS per Year*
1–11	8
12–33	9
34–66	30%
67–99	19 units or 26%
100+	25 units or 22%

* — Number of units in the development for which building permits may be authorized each year beginning on the anniversary date of the issuance date of the first building permit for the development. In instances where the calculated numbers are less than whole numbers, they will be rounded down to the nearest whole number.

8.6.4.5 — Infrastructure:

	Points Assigned
1. Any development which commits to completing all roads and utilities prior to issuance of building permits during the first year of the total project.	30

2. Any development that commits to completing all roads or utilities (one or the other) prior to issuance of building permits.	15
3. Any development which commits to completing all roads and utilities during years one to three of the project.	5
4. Any development which commits to completing all roads and utilities after the third year of the project.	-15

8.6.4.6 ~~Other~~ The Planning Board (Definitive Subdivision, Approval Not Required and special permits) and Zoning Board of Appeals (special permits) may grant up to a total maximum of 40 points after making the relevant findings based on submitted documentation and giving due consideration to the following:

1. ~~Ability of the Town to adequately serve the proposed development with STREETS, utilities, drainage, educational and protective services.~~
2. ~~The amelioration of development impacts, such as through lower densities, preservation of natural or agricultural resources, preservation of scenic views, or other approaches approved by the Planning Board.~~
3. ~~Other arrangements which will provide for or reduce the cost of public services and facilities such as child care, health care, elder services, disabled services, recreation, transportation or water conservation.~~
4. ~~Provision of housing needs for diverse population groups.~~
5. ~~Commitments to improve town facilities.~~
6. ~~Site design which responds to, incorporates and protects natural features such as vegetation, topography, water courses and views, or which is designed to respond to the character of the neighborhood.~~
7. ~~Housing and site features that emphasize safety aspects such as sidewalks, school bus stops or fire protection systems.~~

8.6.4.7 ~~Development Schedule Modification Table~~ Points accumulated under Section 8.6.4.1 through 8.6.4.6 shall be totaled and the total shall modify the development schedule in Section 8.6.3 according to the following table.

Development Schedule										
Point Total										
# of Units	-30	-29 to -15	-14 to -1	0	1 to 5	6 to 12	13 to 20	21 to 28	29 to 36	37+
1-24	1	2	3	4	5	5	6	7	8	9
25-29	2	3	4	5	6	6	7	8	10	11
30-46	3	4	5	6	7	8	9	10	12	13
47-76	9%	10%	13%	15%	18%	21%	25%	30%	35%	40%
77-106	8%	7 units or 9%	12%	11 units or 14%	17%	20%	19 units or 23%	22 units or 27%	26 units or 31%	30 units or 35%

107+	8 units or 7%	9 units or 8%	12 units or 11%	14 units or 13%	18 units or 16%	21 units or 18%	24 units or 20%	28 units or 23%	32 units or 27%	37 units or 30%
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8.6.5 Requirements:

8.6.5.1 All Definitive Subdivision, Approval Not Required and Special Permit applications include a proposed development schedule by the applicant.

8.6.5.2 Development schedules as proposed or modified shall be approved by the appropriate body (Planning Board or Zoning Board of Appeals), shall be recorded at the Middlesex County Registry of Deeds, and shall have no effect until recorded. The schedule shall specify the earliest date that each unit/LOT may become eligible for the issuance of a building permit.

8.6.6 Zoning Change Protection

The protection against zoning changes as granted by Section 6 of Chapter 40A, Mass. General Laws, shall, in the case of a development whose completion has been constrained by this Bylaw, be extended to the minimum time for completion allowed under this Bylaw.

C) Amend Section 8.7 by deleting Section 8.7.7.6:

8.7.7.6 INDEPENDENT ADULT UNITS constructed under a Special Permit issued in accordance with this section are exempt from Section 8.6, Phasing of Growth.

ARTICLE 66. Amend Zoning Bylaw Sections 1.3 Definitions, 3.3.2 Business District Uses Allowed by Special Permit from the Planning Board, 3.8 General Use Regulations Pertaining to All Districts, 3.10 Table of Principal Uses, 5.5 Registered Marijuana Establishment Overlay District

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 1.3, 3.3.2, 3.8, 3.10, and 5.5 to read as stated below in sections A, B, C, D, and E of this article in order to align with State changes around language used to describe use of medicinal marijuana and updated references to State laws; 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)

The Finance Committee recommends APPROVAL of this article. The Planning Board recommends APPROVAL of this article. Passage of this article does increase expenditures.

The purpose of this article is to amend the Registered Marijuana Establishment Overlay District bylaw for clarity and to include current and proper references to updated State laws. Language around the types of establishments allowed in Town in Sections 3.8.4 through 3.8.9 is in conflict with allowed establishments as described elsewhere in the Zoning Bylaw and those allowed through the Special Town Election held in November 2018.

A) Amend Section 1.3 as stated below:

~~MARIJUANA RETAILER – A REGISTERED MARIJUANA ESTABLISHMENT providing a retail location accessible to consumers 21 years of age or older, or in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Medical Use of Marijuana Program.~~

MEDICAL MARIJUANA TREATMENT CENTER (*MTC*)– A not-for-profit entity registered under ~~105 CMR 725.100~~ *935 CMR 501.100*, to be known as a REGISTERED MARIJUANA DISPENSARY (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers MARIJUANA, products containing MARIJUANA, related supplies, or educational materials to registered qualifying patients or their personal caregivers, as those terms are defined under ~~105 CMR 725.004~~ *935 CMR 501.002*. Unless otherwise specified, ~~RMD~~ *MTC* refers to the site(s) of dispensing, cultivation, and preparation of MARIJUANA.

MEDICAL USE OF MARIJUANA: The acquisition, cultivation, possession, processing (including development of related products such as tinctures, aerosols, or ointments), transfer, transportation, sale, distribution, dispensing, or administration of MARIJUANA, for the benefit of qualifying patients in the treatment of debilitating medical conditions, or the symptoms thereof, as those terms are defined under ~~105 CMR 725.004~~ *935 CMR 501.002*.

~~REGISTERED MARIJUANA DISPENSARY (RMD) – has the same meaning as MEDICAL MARIJUANA TREATMENT CENTER.~~

~~REGISTERED MARIJUANA DISPENSARY – A REGISTERED MARIJUANA ESTABLISHMENT, also known as a Medical Marijuana Treatment Center, is a not for profit entity registered under 105 CMR 725.000, that acquires, cultivates, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their caregivers. Unless otherwise specified, REGISTERED MARIJUANA DISPENSARY refers to the site(s) of dispensing, cultivation and preparation of marijuana.~~

REGISTERED MARIJUANA ESTABLISHMENT – A Marijuana Establishment registered with the Cannabis Control Commission in accordance with 935 CMR 500 *or 935 CMR 501* as amended. A RECREATIONAL MARIJUANA RETAILER, MARIJUANA PRODUCT MANUFACTURER, CRAFT MARIJUANA CULTIVATOR COOPERATIVE, INDEPENDENT MARIJUANA TESTING LABORATORY, MARIJUANA MICROBUSINESS, MARIJUANA CULTIVATOR, MARIJUANA RESEARCH FACILITY, ~~REGISTERED MARIJUANA DISPENSARY~~ *MEDICAL MARIJUANA TREATMENT CENTER*, or any other type of MARIJUANA related entity that has been duly licensed by the Massachusetts Cannabis Control Commission, ~~Department of Public Health or relevant State agency.~~

B) Amend Section 3.3.2.11 as stated below:

3.3.2.11 ~~MARIJUANA RETAILERS~~, including the retail component of a ~~REGISTERED MARIJUANA DISPENSARY~~ *MEDICAL MARIJUANA TREATMENT CENTER* provided that the maximum number of such Special Permits in effect at any one time shall be equal to 20% of the available off-premise liquor licenses available for issuance in the Town of Stow as amended in accordance with M.G.L. c.138 s.17 and Sections 5.5.4.3 as amended.

C) Amend Section 3.8 as stated below:

3.8.4 CRAFT MARIJUANA CULTIVATOR COOPERATIVES, as defined in M.G.L. c.94G Section 1(i), shall be prohibited in the Town of Stow.

- ~~3.8.5~~ ~~INDEPENDENT MARIJUANA TESTING LABORATORY, as defined in M.G.L. c.94G. Section 1, shall be prohibited in the Town of Stow~~
- 3.8.56 MARIJUANA CULTIVATORS, as defined in M.G.L. c.94G Section 1, shall be prohibited in the Town of Stow.
- 3.8.67 MARIJUANA MICROBUSINESS, as defined in Cannabis Control Commission regulations 935 CMR 500, shall be prohibited in the Town of Stow.
- ~~3.8.8~~ ~~MARIJUANA PRODUCT MANUFACTURER, as defined in M.G.L. c.94G Section 1, shall be prohibited in the Town of Stow.~~
- ~~3.8.9~~ ~~MARIJUANA RESEARCH FACILITIES, as defined in Cannabis Control Commission regulations 935 CMR 500, shall be prohibited in the Town of Stow.~~
- 3.8.740 MARIJUANA RETAILER, as defined in M.G.L. c.94G Section 1, shall be prohibited in the Town of Stow.

D) Amend Section 3.10 as stated below:

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
Retail Store as part of a REGISTERED MARIJUANA DISPENSARY <u>MEDICAL MARIJUANA TREATMENT CENTER</u>	N	SPP (1)(12)	N	N	N	N	N	N	(3)

- (12) The retail component of a ~~REGISTERED MARIJUANA DISPENSARY~~ **MEDICAL MARIJUANA TREATMENT CENTER** 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 501.

E) Amend Section 5.5 to read in its entirety as stated below:

5.5 REGISTERED MARIJUANA ESTABLISHMENT OVERLAY DISTRICT

- 5.5.1 Establishment - The REGISTERED MARIJUANA ESTABLISHMENT Overlay District is intended to provide for the siting and establishment of a REGISTERED MARIJUANA ESTABLISHMENTS, including ~~REGISTERED MARIJUANA DISPENSARIES~~ **MEDICAL MARIJUANA TREATMENT CENTERS**, in accordance with M.G.L c.94G, ~~Massachusetts Department of Public Health Chapter 55 of the Acts of 2017 (“An Act to Ensure Safe Access to Marijuana”) regulations set forth in 105 CMR 725.000, and Cannabis Control Commission regulations set forth in 935 CMR 500.000.~~ **(“Adult Use of Marijuana”) and 935 CMR 501 (“Medical Use of Marijuana”).**

This Section 5.5 is adopted for the purpose of regulating such uses as REGISTERED MARIJUANA ESTABLISHMENTS in the Town of Stow.

- 5.5.2 Purpose - The REGISTERED MARIJUANA ESTABLISHMENT Overlay District Bylaw and the Rules and Regulations for REGISTERED MARIJUANA ESTABLISHMENTS are designed to provide safe and efficient access to REGISTERED MARIJUANA ESTABLISHMENTS, and to minimize the adverse impacts of such facilities on abutting properties, residential neighborhoods, and schools through controls on site design, location, hours of operation, security and setbacks from incompatible USES as established in accordance with all applicable law.

5.5.3 Applicability

- 1. No REGISTERED MARIJUANA ESTABLISHMENT, including any and all accessory STRUCTURES and USES shall be allowed within the REGISTERED MARIJUANA ESTABLISHMENT Overlay District unless a Special Permit by the Planning Board is granted in accordance with the requirements set forth in

this section of the Zoning Bylaw and the Rules and Regulations for RECREATIONAL MARIJUANA ESTABLISHMENTS.

2. REGISTERED MARIJUANA ESTABLISHMENTs shall comply with all applicable State and local laws, regulations, by-laws, permit conditions and agreements with the Town of Stow, including but not limited to M.G.L. Ch.94G, Ch.94I, 935 CMR 500, ~~405 CMR 725~~ **935 CMR 501**, the Town of Stow's General Bylaws, Zoning Bylaws, all applicable Town and State building, fire, police and health codes, regulations and standards, as well as any conditions placed upon REGISTERED MARIJUANA ESTABLISHMENTs by State and local entities in relation to permits granted, including conditions and agreements in a Host Community Agreement entered into with the Town of Stow.
3. REGISTERED MARIJUANA ESTABLISHMENTs shall not be considered a form of agriculture pursuant to M.G.L Ch.40A s.3.

5.5.4 General Requirements

5.5.4.1 REGISTERED MARIJUANA ESTABLISHMENT Rules and Regulations -

The Planning Board shall adopt and maintain a set of regulations that contain the necessary policies, procedures and requirements to implement the provisions of this Bylaw.

5.5.4.2 REGISTERED MARIJUANA ESTABLISHMENTs shall execute and maintain a Host Community Agreement with the Town of Stow Select Board pursuant to the provisions of M.G.L. c.94G.

5.5.4.2.1 Nothing in this Bylaw shall cause to preclude the Town of Stow and a REGISTERED MARIJUANA ESTABLISHMENT from entering into a Host Community Agreement in accordance with 935 CMR 500.101(f).

5.5.4.3 Consistent with M.G.L c.94G Section 3[2](ii), Special Permits granted for the retail sale of MARIJUANA PRODUCTS by a MARIJUANA RETAILER, including through the retail component of a ~~REGISTERED MARIJUANA DISPENSARY~~ **MEDICAL MARIJUANA TREATMENT CENTER**, shall be limited to twenty percent (20%) of the off-premise liquor licenses available for issuance in the Town of Stow, in accordance with M.G.L c.138 §15. The maximum number of such Special Permits in effect at any one time shall be equal to 20% of the available off-premise liquor licenses available for issuance in the Town of Stow as amended in accordance with M.G.L c.138 s.17.

5.5.4.4 Application for a REGISTERED MARIJUANA ESTABLISHMENT Special Permit.

An application for a REGISTERED MARIJUANA ESTABLISHMENT Special Permit shall be submitted in writing pursuant to the requirements set forth in Section 5.5 of this Bylaw, the Town of Stow Planning Board's Rules and Regulations for REGISTERED MARIJUANA ESTABLISHMENTs, Town of Stow Site Plan Approval Rules and Regulations and Town of Stow Special Permit Rules and Regulations.

5.5.4.5 Limitation of Approval

A Special Permit authorizing the establishment of a REGISTERED MARIJUANA ESTABLISHMENT shall be valid only for the registered entity to which the Special Permit was issued, and only for the site on which the REGISTERED MARIJUANA ESTABLISHMENT has been authorized to locate. In the event that license and/or registration for a REGISTERED MARIJUANA ESTABLISHMENT has been revoked or suspended by the Cannabis Control Commission, or in such instance as the REGISTERED MARIJUANA ESTABLISHMENT license has been transferred to another controlling entity, or relocated to a different site within the REGISTERED MARIJUANA ESTABLISHMENT, the Special Permit shall become null and void and a new Special Permit shall be required to reestablish its USE.

5.5.4.6 Hours of operation for the REGISTERED MARIJUANA ESTABLISHMENT shall be set by the Special Permit Granting Authority

5.5.5 Location Requirements

5.5.5.1 All aspects of a REGISTERED MARIJUANA ESTABLISHMENT, including but not limited to sales, distribution, acquisition, cultivation, manufacture, processing, dispensing, and administration shall be contained within a building or structure. No REGISTERED MARIJUANA ESTABLISHMENT shall allow cultivation, processing, manufacture, sale or display of MARIJUANA PRODUCTS to be visible from a public place without the use of binoculars, aircraft or other optical aids.

The Planning Board may only allow outdoor activity at the site of a REGISTERED MARIJUANA ESTABLISHMENT ~~under the following circumstances: The REGISTERED MARIJUANA ESTABLISHMENT~~ ***where it*** utilizes vehicles as part of regular activity, in accordance with all safety, security and storage requirements of 935 CMR 500.

5.5.5.2 No REGISTERED MARIJUANA ESTABLISHMENT, including the retail component of a ~~REGISTERED MARIJUANA DISPENSARY~~ ***MEDICAL MARIJUANA TREATMENT CENTER*** in the Business District, shall be located within a building which houses residential DWELLING UNITS.

5.5.5.3 Manufacturing and extraction of MARIJUANA PRODUCTS shall not occur in any BUILDING containing assembly, education, health care, ambulatory health care, residential board and care, detention or correctional facilities.

5.5.5.4 No REGISTERED MARIJUANA ESTABLISHMENT shall be located within a moveable structure, trailer or truck. All sales related to the retail component of a ~~REGISTERED MARIJUANA DISPENSARY~~ ***MEDICAL MARIJUANA TREATMENT CENTER*** shall be conducted within a building or through home deliveries to qualified adults or patients pursuant to 935 CMR 500 or ~~105 CMR 725~~ ***935 CMR 501*** as amended. Nothing in this Section shall be cause to preclude the lawful transportation of MARIJUANA PRODUCTS as allowed through 935 CMR 500 or ~~105 CMR 725.000~~ ***935 CMR 501***.

5.5.5.5 No REGISTERED MARIJUANA ESTABLISHMENT shall be permitted within (500') five hundred feet ~~of the lot line~~ of a pre-existing public or private school providing education in kindergarten or any of grades one (1) through twelve (12). The distance shall be measured in a straight line from the ***geometric center of the REGISTERED MARIJUANA ESTABLISHMENT entrance to the geometric center of the nearest school entrance, unless there is an impassable barrier within those 500 feet; in such case, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the REGISTERED MARIJUANA ESTABLISHMENT entrance to the geometric center of the nearest school entrance.*** nearest point of the property line in question to the nearest point of the property line where the REGISTERED MARIJUANA ESTABLISHMENT is or will be located.

5.5.5.6 The establishment and operation of the retail component of a ~~REGISTERED MARIJUANA DISPENSARY~~ ***MEDICAL MARIJUANA TREATMENT CENTER*** may only be permitted in the Business District in accordance with all applicable laws and regulations as stated in 935 CMR 500, ***935 CMR 501***, Massachusetts Department of Public Health regulations set forth in ~~105 CMR 725.000~~ and the provisions outlined in this Section 5.5 - REGISTERED MARIJUANA ESTABLISHMENT Overlay District of the Zoning Bylaw. Despite the provisions herein, regarding the siting of the retail component of a ~~REGISTERED MARIJUANA DISPENSARY~~ ***MEDICAL MARIJUANA TREATMENT CENTER***, the retail component of a ~~REGISTERED MARIJUANA DISPENSARY~~ ***MEDICAL MARIJUANA TREATMENT CENTER*** shall be governed by the provisions outlined in this Section 5.5 - REGISTERED MARIJUANA DISPENSARY Overlay District.

5.5.6 Security Requirements

- 5.5.6.1 REGISTERED MARIJUANA ESTABLISHMENTS shall maintain compliance with all security requirements set forth in 935 CMR 500. Additionally, REGISTERED MARIJUANA ESTABLISHMENTS shall:
1. Provide a Security and Emergency Response Plan with the Town's Fire and Police Departments. The plan shall include but be limited to information on the REGISTERED MARIJUANA ESTABLISHMENT's processes and provisions related to alarms, fencing, gates, limited access areas, delivery procedures, police details, locations of security video and associated lighting, and operations plans for the notification of the Police and Fire Departments in the event of any emergency or known or suspected violation of criminal law that has taken place on or near the location of the REGISTERED MARIJUANA ESTABLISHMENT.
 2. Secure every entrance to the REGISTERED MARIJUANA ESTABLISHMENT for the purpose of restricting access to areas containing MARIJUANA PRODUCTS to all persons other than employees and others permitted by the REGISTERED MARIJUANA ESTABLISHMENT to access the establishment, and to Cannabis Control Commission, or state and local law enforcement officers, agents and emergency personnel.
 3. Secure inventory and equipment during and after operation hours to deter theft or unlawful tampering with MARIJUANA PRODUCTS in accordance with 935 CMR 500, the conditions of the Special Permit and the Security and Emergency Response plan approved pursuant to Section 5.5.6.1(1) of this Bylaw.

5.5.7 Access to Premises and Information

- 5.5.7.1 In addition to the inspection requirements set forth in 935 CMR 500, the granting of a Special Permit from the Planning Board shall serve as consent to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner, Planning, Health, Fire and Police Departments or their designee during normal business hours, for the purpose of determining compliance with applicable State and local laws, permits, licenses and agreements. Inspectors shall be granted access to all areas of the REGISTERED MARIJUANA ESTABLISHMENT. The REGISTERED MARIJUANA ESTABLISHMENT shall be subject to re-inspection fees upon identification of a circumstance that requires re-inspection. The fee structure for applicable inspections shall be provided in the Rules and Regulations for REGISTERED MARIJUANA ESTABLISHMENTS.
- 5.5.7.2 Within 24 hours of receipt of notice, a REGISTERED MARIJUANA ESTABLISHMENT shall file with the Planning Board, Department of Health and Building Commissioner, any summary cease and desist order, cease and desist, quarantine, suspension or revocation order, order limiting sales, deficiency statement, plan of correction, notice of hearing, notice of any administrative process or legal action, denial of license, denial of license renewal or final action issued by the State Cannabis Control Commission or Department of Public Health regarding the REGISTERED MARIJUANA ESTABLISHMENT, the REGISTERED MARIJUANA ESTABLISHMENT license, or the Department of Public Health Certificate of Registration.

5.5.8 Site and Dimensional Requirements

- 5.5.8.1 Dimensions – A REGISTERED MARIJUANA ESTABLISHMENT shall conform to the dimensional requirements of the underlying district in which it resides as set forth in the Section 4.4 of the Stow Zoning Bylaw, Table of Dimensional Requirements.
- 5.5.8.1.1 In addition to the limitations provided in Section 5.5 of the Zoning Bylaw, the retail component of a ~~REGISTERED MARIJUANA DISPENSARY~~ **MEDICAL MARIJUANA TREATMENT CENTER** shall be limited to 2500 square feet of gross floor area where such establishment is located at the street level of a BUILDING or STRUCTURE.

- 5.5.8.2 Height – REGISTERED MARIJUANA ESTABLISHMENTS shall conform to the height regulations set forth in Section 4.2 of the Stow Zoning Bylaw.
- 5.5.8.3 Parking and Loading – The required number of parking and loading areas servicing the REGISTERED MARIJUANA ESTABLISHMENT shall conform to Parking Regulations in Section 7 of the Zoning Bylaw. The Planning Board, at its sole discretion, may require a copy of projected parking needs to determine whether there is sufficient parking and loading area on site for the expected traffic and demand. Based on a transportation analysis, or other relevant documents, not limited to market analyses, trade area studies and/or comparable site analyses submitted as part of the Special Permit application, the Planning Board may deviate from the required number of parking spaces to ensure an adequate number of parking spaces and to preclude an excess amount of traffic on site.
- 5.5.8.4 Signage – REGISTERED MARIJUANA ESTABLISHMENTS shall meet the requirements of Section 6.3 of the Zoning Bylaw regulating signs. Under no circumstance shall a REGISTERED MARIJUANA ESTABLISHMENT be held to a Zoning Bylaw standard for signage more restrictive than those applied to retail establishments selling alcoholic beverages within the Town of Stow.
 - 5.5.8.4.1 Illuminated Signage – Notwithstanding requirements of Section 3.8.1.5 – Lighting, and Section 6.3 – Signage, any external signage, which is illuminated beyond the period of thirty (30) minutes before sundown until closing, shall be prohibited.
- 5.5.8.5 Lighting – Lighting for the REGISTERED MARIJUANA ESTABLISHMENT, including all accessory structures, parking and security requirements, shall comply with Section 3.8.1.5 (exterior lighting) of the Zoning Bylaw. The Planning Board may deviate from the requirements of Section 3.8.1.5 where it determines that additional light is needed to facilitate exterior surveillance in accordance with the Department of Public Health Regulations 105 CMR 725.110 A(10) and security requirements as set forth in 935 CMR 500.110.

Planning Board Action

- 5.5.9 In evaluating the proposed REGISTERED MARIJUANA ESTABLISHMENT Special Permit application, the Planning Board shall consider the general objectives of the Zoning Bylaw, as well as the degree to which the following criteria are met:
 - a) The REGISTERED MARIJUANA ESTABLISHMENT proposal complies with all requirements for a Special Permit, including the Stow Zoning Bylaw, the Site Plan Approval Rules and Regulations, Rules and Regulations for a REGISTERED MARIJUANA ESTABLISHMENT, all requirements pursuant to ~~the Department of Public Health Regulations 105 CMR 725.000~~, Cannabis Control Commission regulations at 935 CMR 500-000 and 935 CMR 501, and M.G.L. c.94G.
 - b) Issuance of a Special Permit for the retail component of a ~~REGISTERED MARIJUANA DISPENSARY~~ MEDICAL MARIJUANA TREATMENT CENTER shall not exceed the limitation on the number of such establishments pursuant to Section 5.5.4.3 of the Zoning Bylaw.
 - c) The site is designed to create safe, secure and efficient access and egress to customers and employees using multiple modes of transportation, including vehicle, bicycle and pedestrians.
 - d) Traffic generated by clients, employees and delivery schedules from the REGISTERED MARIJUANA ESTABLISHMENT shall not create a substantial adverse impact on nearby residential uses.
 - e) Loading and refuse disposal areas are designed to be safe, secure and shielded from abutting uses.
 - f) The hours and methods of transportation are not substantially detrimental to surrounding USEs.
 - g) The REGISTERED MARIJUANA ESTABLISHMENT has provided documentation to show compliance with 527 CMR 1 – the Comprehensive Fire Code and Chapter 38 of the National Fire Protection Association (NFPA) standards for *Marijuana Growing, Processing, or Extraction Facilities*.

- h) The building and site have been designed in a manner consistent and compatible with nearby structures of a similar size and use and in a manner that mitigates any negative aesthetic impact imposed by the required security conditions, measures and restrictions stated ~~in the Department of Public Health Regulations pursuant to 105 CMR 725.000 and Cannabis Control Commission Regulations pursuant to 935 CMR 500.000~~ and 935 CMR 501.
- 5.5.9.1 The Planning Board shall consider the recommendation of the Board of Health, the Conservation Commission, the Town’s consulting engineer, and other Boards, Departments and agents, in making said findings.
- 5.5.9.2 The Planning Board may require changes to the “REGISTERED MARIJUANA ESTABLISHMENT Site Plan” and impose additional conditions, safeguards and limitations, as it deems necessary, to secure the objectives of this Bylaw.
- 5.5.10 Severability - If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, or the application of those provisions to persons or circumstances other than those to which it is held invalid, the remaining provisions of this Zoning Bylaw shall not be affected thereby, and to this end the provisions of this Zoning Bylaw are severable.
- 5.5.11 Enforcement – Special Permits pertaining to REGISTERED MARIJUANA ESTABLISHMENTS shall be enforced by the Zoning Enforcement Officer of the Town of Stow or its designee as may be consistent with M.G.L Ch.94G. Enforcement shall supersede any conflicting provision of the Zoning Bylaw that would otherwise be applicable to the enforcement of this section.
- 5.5.12 Discontinuance and Abandonment - Any REGISTERED MARIJUANA ESTABLISHMENT permitted under this section shall be required to remove all material, plants, equipment, and other paraphernalia in compliance with ~~105 CMR 725 and~~ 935 CMR 500 and 935 CMR 501 prior to the expiration of its ~~Department of Public Health or Cannabis Control Commission~~ Registration and or License, immediately following revocation or voiding of such.
- 5.5.13 Annual Reporting - A REGISTERED MARIJUANA ESTABLISHMENT permitted under this Zoning Bylaw shall, as a condition of its Special Permit, file an annual report to the Planning Board no later than January 31st, providing a copy of all current applicable state licenses for the operation according to the type of license it has been issued, and/or its owners.

ARTICLE 67. Amend Zoning Bylaw Section 3.3 Business District Uses

To see if the Town will vote to amend the Stow Zoning Bylaw by deleting existing section 3.3.2.4 and substituting the following therefor, thus adding to the uses permitted in the business district, subject to special permit granted by the Planning Board:

3.3.2.4 Restaurants or other places serving food within the BUILDING, or offered through accessory outdoor service on a patio of seating area. Also included is an establishment whose principal or ancillary method of operation includes sale of food and beverages for take out in paper, plastic, or other disposable containers, or other disposable containers, or where food and beverages are served directly to the customer in a motor vehicle.

(Citizen’s Petition)

The Finance Committee will make a recommendation on this article at Town Meeting. The Planning Board DOES NOT recommend approval of this article. Passage of this article does not increase expenditures.

ARTICLE 68. Amend the Lower Village Business District Zoning Boundary to Exclude the Residential Property at 196 Great Road

To see if the Town will vote to amend the Zoning Boundary of the Lower Village Business District by excluding the historical residential property at 196 Great Road from its current zoning within the Business District and including it in the Residential District, or to take any other action relative thereto.

(Leigh Hilderbrandt – Property Owner)

The Finance Committee will make a recommendation on this article at Town Meeting. The Planning Board recommends APPROVAL of this article. Passage of this article does not increase expenditures.

Under Section 3 of the Zoning Bylaw - Use Regulations, 3.2, “The Residential District is intended as a district for typical rural, single-family residential and non-commercial uses” and 3.3 “The Business District is intended to meet local needs for retail goods and services primarily within a BUILDING.” 196 Great Road is a single-family residential home that has continually served as a residential dwelling for over 300 years. It is of historical and cultural significance to the Town of Stow and contains secondary conservation resources, including a historic stone wall and steep slope. This unique First Period Colonial home contributes to the rich variety of Great Road’s historic streetscape. Amending the southwest zoning boundary of the Lower Village Business District from the western property line of 196 Great Road to the eastern property line will place the historical, single-family residential property within the Residential District, thereby matching the current and continued use of the property to the intended use regulation of the Residential District, as well as match the zoning of the neighboring residential properties, while also providing a more clear delineation of the Residential District and separation from the Business District.

ARTICLE 69. TOWN ELECTION

To vote by ballot on May 20, 2023, at the Center School, 403 Great Road, in said Town of Stow the following officers. The polls are open from 10 a.m. – 4 p.m.

- One member of the Select Board for three years;
- One member of the Select Board an unexpired three year term, expiring in 2024;
- One member of the Board of Assessors for three years;
- One member of the Board of Health for three years;
- One member of the Planning Board for five years;
- Two members of the Trustees, Randall Library for three years;
- One member of the Trustees, Randall Library for an unexpired three year term, expiring in 2025;
- Two members of the Nashoba Regional School District Committee for three years;

And you are directed to serve this warrant by posting copies attested by you calling same at the Town Building and at each of at least seven (7) other public places at least seven (7) days before the time of holding said meeting.

Hereof, fail not and make due return of the warrant with your doings thereon to the Town Clerk or Select Board on or before the time of said meeting.

Given under our hands this 25th day of April in the year 2023.

SELECT BOARD

Megan Birch-McMichael, Chair
Ellen Sturgis, Clerk
Hector Constantzos
Cortni Frecha
Ingeborg Hegemann Clark

CONSENT CALENDAR PROCEDURES

Each year there are a number of warrant articles, for which past experience suggests that the **action will be routine, non-controversial and predictable**. Again at this annual meeting, these articles have been selected for inclusion in the Consent Calendar. The use of the Consent Calendar speeds the passage of warrant articles which the Select Board and Moderator, in consultation with Town Counsel and the Finance Committee, believe should generate no controversy and can be properly voted without debate.

The consent calendar will be taken up as one of the first orders of business at the Annual Town Meeting.

There will be a motion to take all of the Consent Calendar articles identified in the warrant and **act upon these as a group by a single brief affirmative main motion**, referred to as the Consent Calendar, which will also contain separate and specific motions for each such article included in the Consent Calendar. The language and the amount of money specified in the Consent Calendar articles as printed in the warrant are subject to change. The motion made at Town Meeting will include any changes.

At the motion of the Consent Calendar, the Moderator will call out the number of each of the articles, one by one. If any voter has doubt about passing any motion or wishes an explanation of any article included in the Consent Calendar, the voter should say the word **“Hold”** in a loud voice when the article number is called by the Moderator.

The Moderator will then inquire as to whether the request to hold is for a question or for debate. If the purpose of the request is merely to ask a question, an attempt to obtain a satisfactory answer will be made, and if this occurs the article will remain on the Consent Calendar. If the purpose of the request is to hold the article for debate, the article will be dropped from the Consent Calendar and restored to its original place in the warrant, to be brought up, debated, and voted on in the usual way. It is hoped that voters will remove articles from the Consent Calendar only in cases of genuine concern.

After calling the individual articles on the Consent Calendar, the Moderator will ask that all articles remaining be **passed as a unit** by a unanimous vote after a brief affirmative main motion is made inclusive of all articles remaining on the Consent Calendar.

Before Town Meeting, please review the Consent Calendar articles. The articles begin after Article 5 and are marked “(CONSENT CALENDAR)” in the upper right-hand corner of the article. Please do your homework before coming to Town Meeting. If you have any questions about the articles included in the Consent Calendar, motion or procedures, please feel free to call the Town Administrator (978-897-2927) **before Town Meeting**.

CONSENT CALENDAR MOTION

Move that the Annual Town Meeting take action on Articles 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 as printed in the warrant, without debate on any such articles, and provided that upon the request of any voter at this meeting made before the vote is taken on this motion, an article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course and order of business at this Town Meeting.

APPENDIX A – Annual Report of Revolving Funds

Recreation – pursuant to M.G.L. Ch. 44, §53D

FY23 Beginning Balance: \$ 125,102.17
Revenue through March 31, 2023: \$ 107,455.78
Expenses through March 31, 2023: \$ 182,280.25
Balance as of March 31, 2023: \$ 50,277.70

Inspection Fees – pursuant to M.G.L. Ch. 44, §53E-1/2

GAS

FY23 Beginning Balance: \$ 18,765.91
Revenue through March 31, 2023: \$ 4,239.00
Expenses through March 31, 2023: \$ 5,805.00
Balance as of March 31, 2023: \$ 17,199.91

PLUMBING

FY23 Beginning Balance: \$ 32,905.64
Revenue through March 31, 2023: \$ 9,756.00
Expenses through March 31, 2023: \$ 10,008.00
Balance as of March 31, 2023: \$ 32,653.64

WIRING

FY23 Beginning Balance: \$ 43,069.10
Revenue through March 31, 2023: \$ 12,981.60
Expenses through March 31, 2023: \$ 18,230.00
Balance as of March 31, 2023: \$ 37,820.70

WEIGHTS AND MEASURES

FY23 Beginning Balance: \$ 99.00
Revenue through March 31, 2023: \$ 0.00
Expenses through March 31, 2023: \$ 0.00
Balance as of March 31, 2023: \$ 99.00

Advanced Life Support Services – pursuant to M.G.L. Ch. 44, §53E-1/2

FY23 Beginning Balance: \$ 0.00
Revenue through March 31, 2023: \$ 1,275.00
Expenses through March 31, 2023: \$ 1,275.00
Balance as of March 31, 2023: \$ 0.00

APPENDIX B – Charter Changes with Proposed Amendments

These will be the amended sections of the Charter going forward to the ballot in 2024, should the articles be voted on favorably.

ARTICLE 56. Charter Change – Initiation of Warrant Articles

Section 2-7: Initiation of Warrant Articles

- (c) Inclusion on Warrant - The select board shall include in the warrant for an annual town meeting the subject matter of all petitions, found and certified by the registrars of voters to be sufficient, which have been received at its office on or before 4:00 p.m. on the date the select board fixes for the close of the warrant.

Whenever a special town meeting is to be called, the select board shall give notice by posting or publishing a notice of intent to call for special town meeting on the town’s website, town bulletin board, and in any other manner the select board deems appropriate. The select board shall include in the warrant for such special town meeting the subject matter of all petitions, found and certified by the registrars of voters to be sufficient, which are received at its office on or before 4:00 p.m. on the date the select board fixes for the close of the warrant.

ARTICLE 57. Charter Change – Elected Officials

Section 3-1: General Provisions

- (c) Commencement of Term - If the election is held after the dissolution of the annual town meeting, the terms of office of those elected shall commence and the terms of those replaced shall expire the day following the election. If the election is held prior to the dissolution of the annual town meeting, said terms shall commence or expire the day following the dissolution of the annual town meeting. However, if a regional school district agreement specifies the dates of expiration and commencement for its school committee members, then that regional school district agreement shall control.
- (f) Filling of Vacancies
 - (2) Multiple Member Body - If there is a failure to elect or if a vacancy occurs in the membership of any elected multiple member body other than the select board, and unless the provisions of a controlling will or a trust provide for a different method, the remaining members of the multiple member body shall submit to the select board a written notice of such vacancy and inform the public in the same manner as required by the provisions of Section 7-9 for appointed town officers. The select board, with the remaining members of such multiple member body shall, at a joint meeting, appoint a registered voter to fill the vacancy in accordance with chapter 41, section 11, of the Massachusetts General Laws. Notice of this meeting, listing the vacant position and remaining term, shall be posted at least one week prior on the town website, official bulletin board, and elsewhere at the discretion of the select board. The votes of a majority of the persons entitled to vote shall be necessary for such appointment.

Section 3-3: School Committee

There shall be schools governed by local or regional school committees as determined by town meeting vote.

- (a) Local school committee - Any local school committee shall have all of the powers and duties that school committees may have under the constitution and general laws of the commonwealth, and it shall have such additional powers and duties as may be authorized by this charter, by bylaw, or other town meeting vote. The powers of any school committee shall include, but are not intended to be limited to, the following:
 - (1) To appoint a superintendent of the schools and all other officers and employees connected with the schools, to fix their compensation, to define their duties, to make rules concerning their tenure of office, and to discharge them;
 - (2) To make all reasonable rules and regulations consistent with law for the administration and management of the public schools and for the conduct of its own business and affairs; and
 - (3) To work with the town administrator and other town agencies to further the interests of the town, its citizens, and its children.
- (b) Regional school committee - The powers and duties conferred upon any school committee by this charter may be transferred to a regional school committee in accordance with the procedures contained in the general laws.

ARTICLE 58. Charter Change – Board of Assessors

Section 3-8: Reserved

Section 5-5: Town Administrative Organization

(d) Board of Assessors

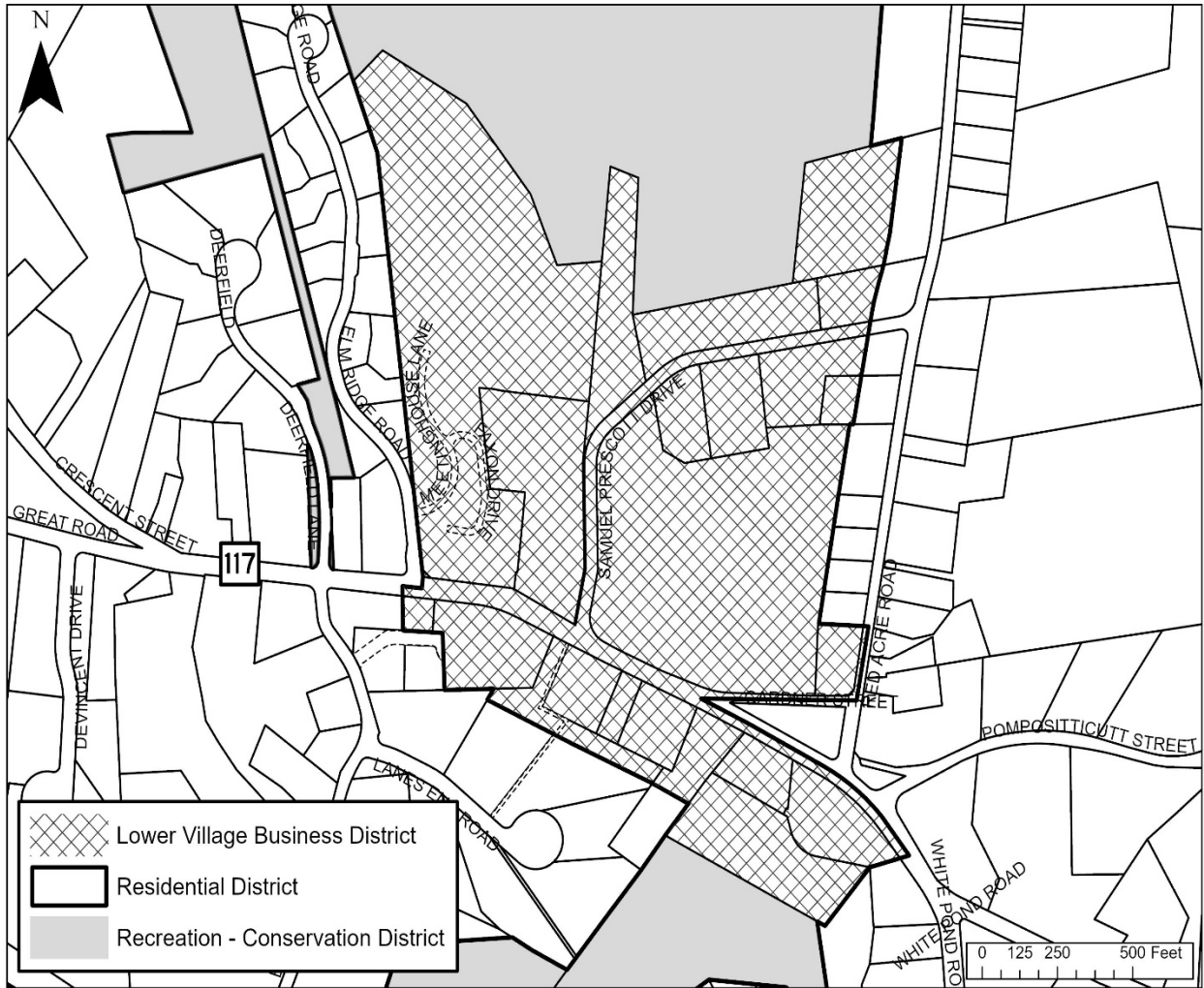
- (1) Composition, Term of Office - There shall be a board of assessors consisting of three members appointed by the select board for terms of three years each, so arranged that the term of one member shall expire each year.
- (2) Powers and Duties - The board of assessors shall periodically make a fair cash valuation of all the estates, real and personal, subject to taxation within the town. It shall determine, based on such valuations and such sums as may be authorized to be expended by town meeting and the consideration of other income and expenses of the town, the rates of taxation to apply against taxable estates in the town. It shall have all of the powers and duties given to boards of assessors under the constitution and General Laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by bylaw, or by other town meeting vote.

ARTICLE 59. Charter Change – Gender Change

Section 7-4: Singular/Plural Number

Words importing the singular number may be applied to several persons or things; words importing the plural number may include the singular.

APPENDIX C – Lower Village Business District Map



APPENDIX C - Definitions of Commonly Used Terms at Town Meeting

Appropriation – An authorization by the Town Meeting to make expenditures and incur liabilities for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended.

Assessed Valuation – A valuation set upon real estate or other property by the Assessors as a basis for levying taxes.

Bond – A written promise to pay a specified sum of money by a fixed date, and carrying with it interest payments at a fixed rate, paid periodically. A **Note** is similar, but issued for a shorter period.

Debt and Interest – The amount of money necessary annually to pay the interest and the principal on the Town's outstanding debt. Also known as "Debt Service."

Fiscal Year – The budget period used by the Town running from July 1 of one year to June 30 of the next year. At the end of this period, the Town closes its books in order to determine its financial condition and the results of its operation.

Free Cash (Available Funds) – The amount of money left after all prior years' uncollected taxes have been deducted from surplus revenue. This amount may be used as available funds by vote of the Town Meeting.

Overlay – The amount, up to 5% of the tax levy, raised by the Assessors in excess of appropriations and other charges to cover abatements and exemptions.

Overlay Reserve – Unused amount of the overlay for previous years, which the Town may transfer to Surplus Revenue after all abatements for such fiscal year are settled.

Reserve Fund – A fund voted by the Annual Town Meeting and controlled by the Finance Committee for extraordinary and unforeseen expenditures incurred by Town departments during the year.

Stabilization Fund – Special Reserve Fund that can be used by a 2/3 vote of the Town Meeting.

Surplus Revenue – The amount by which cash, accounts receivable and other assets exceed the liabilities and reserves. Used in calculating free cash.

Transfer – The movement of funds from one account to another. Transfers between accounts (other than the Reserve Fund) can be made only by vote of the Town Meeting, unless it is the last two months of the fiscal year.

Unexpended Balance – That portion of an appropriation or account not yet expended. Any such balances left at the end of the fiscal year are generally used as Surplus Revenue in calculating Free Cash.

APPENDIX D - Table of Motions

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Rank		Second Required	Debatable	Amendable	Vote Required	May Reconsider	May Interrupt
PRIVILEGED MOTIONS							
1	Dissolve or adjourn sine die	Yes	No	No	Majority	No	No
2	Adjourn to fix time or recess	Yes	Yes	Yes	Majority	No	No
3	Point of no quorum	No	No	No	None	No	No
4	Fix the time to (or at) which to adjourn	Yes	Yes	Yes	Majority	Yes	No
5	Question of privilege	No	No	No	None	No	Yes
SUBSIDIARY MOTIONS							
6	Lay on the table	Yes	No	No	2/3	Yes	No
7	The previous question	Yes	No	No	2/3	No	No
8	Limit or extend debate	Yes	No	No	2/3	Yes	No
9	Postpone to a time certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or refer	Yes	Yes	Yes	Majority	Yes	No
11	Amend (or substitute)	Yes	Yes	Yes	Majority	Yes	No
12	Postpone indefinitely	Yes	Yes	No	Majority	Yes	No
INCIDENTAL MOTIONS							
*	Point of order	No	No	No	None	No	Yes
*	Appeal	Yes	Yes	No	Majority	Yes	No
*	Division of a question	Yes	Yes	Yes	Majority	No	No
*	Separate consideration	Yes	Yes	Yes	Majority	No	No
*	Fix the method of voting	Yes	Yes	Yes	Majority	Yes	No
*	Nominations to committees	No	No	No	Plur.	No	No
*	Withdraw or modify a motion	No	No	No	Majority	No	No
*	Suspension of rules	Yes	No	No	2/3***	No	No
MAIN MOTIONS							
None	Main Motion	Yes	Yes	Yes	Var.	Yes	No
**	Reconsider or rescind	Yes	**	No	Majority	No	No
None	Take from the table	Yes	No	No	Majority	No	No
None	Advance an article	Yes	Yes	Yes	Majority	Yes	No

* Same rank as motion out of which they arise.

** Same rank and debatable to same extent as motion being reconsidered.

*** Unanimous if rule protects minorities; out of order if rule protects absentees.

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**TOWN OF STOW
MASSACHUSETTS
2022-2023**

SELECT BOARD

Megan Birch Mc-Michael, Chair
Ellen Sturgis, Clerk
Hector Constantzos
Cortni Frecha
Ingeborg Hegemann Clark

TOWN ADMINISTRATOR

Denise M. Dembkoski

FINANCE COMMITTEE

Erica Benedick, Chair
Christopher Buck
Kevin Gross
Brian Patuto
Evgenia Petrova