

ZONING BY-LAWS

Town of Stow

As Amended October 14, 1963

A by-law to promote the health, safety, convenience, morals, and welfare of the inhabitants by dividing the town into districts and regulating the use of buildings and premises with a view of encouraging the most appropriate use of land in the town. The use of buildings or premises already in existence is not affected by this by-law.

SECTION 1. DISTRICTS

All of the town shall be included in one district.

SECTION 2. ADMINISTRATION AND ENFORCEMENT

1. Machinery for Administration and Enforcement

- (a) This Zoning By-Law shall be enforced by the Selectmen as agents for the Town.
- (b) No dwelling, and no building intended for commercial or industrial purposes, shall be erected, placed or enlarged, and no building shall be changed as to use for dwelling, industrial or commercial purposes, on any lot in the Town unless a building permit has been issued by the Board of Selectmen, or in appropriate cases, by the Board of Appeals.
- (c) No permit shall be issued unless the applicant submits a plan of the lot showing the location of the proposed building and in cases of an enlargement or change as to use, the location of such existing building. Application for a building permit shall be on such form as the Selectmen shall prescribe. Building permits shall expire two (2) years from the date of issuance. No permit shall be issued if the proposed building or construction shall violate any of the Town By-Laws or General Laws.

2. Appeals

There shall be a Board of Appeals of five members appointed by the Selectmen as provided in Section 30, Chapter 40 of the General Laws of Massachusetts, as amended. The members shall be appointed for a term of five years in such a way that the term of one member shall expire each year, and one appointment shall, therefore, be made by the Selectmen to fill the vacancy each year. The Selectmen shall also appoint one Associate Member for a term of five years, and this Associate shall serve upon the Board of Appeals in case of the death or disability of any regular member before his term shall have expired. The Board of Appeals shall act upon all matters within its jurisdiction under this By-Law in the manner prescribed by Chapter 40 of the General Laws of Massachusetts. This Board of Appeals shall, at all times, give consideration to the promotion of the public health, safety, convenience and welfare, and this Board shall permit no building or structure or use of any premises which causes injury to any neighborhood or which is detrimental to any neighborhood, and the Board shall prescribe appropriate conditions and safeguards in each case.

SECTION 3. NON-CONFORMING USES

1. Continuation of Non-Conforming Uses

Any lawful building or structure or use of a building, structure or premises existing at any time this by-law is adopted may be continued and if destroyed or damaged by fire or other cause, may be restored even if such building, structure or use does not conform to the regulations of this By-Law.

2. Change and Enlargement of Non-Conforming Uses.

The Board of Appeals may permit the extension of non-conforming building or structure or use throughout the premises provided such extension is not more detrimental or objectionable to the neighborhood and the town.

SECTION 4. AREA REGULATIONS

1. Yard Regulations

- (a) Front Yards. No building shall be built or placed within 30 feet of the street line
- (b) Rear Yards. No building shall be built or placed within 30 feet of a rear lot line.
- (c) Side Yards. No building shall be built or placed within 20 feet of a side lot line.
- (d) No building may be enlarged so as to violate any of these requirements.
- (e) Special Permits may be granted by the Board of Appeals allowing less than these requirements in cases where the average set back of buildings on either side is less than 30 feet, or where they deem there will be no detriment to surrounding property or the public health or safety to allow less than minimum yard regulations.

2. Area Regulations

- (a) No dwelling, or commercial or industrial building, shall be built or placed on a lot containing less than 40,000 square feet in area or having less than 150 feet street frontage.
- (b) No building shall be changed as to use for dwelling, commercial or industrial purposes on a lot of less than minimum size.

SECTION 5. USES IN ALL DISTRICTS

No building or premises shall be erected, altered or used for -

1. Any purpose injurious, noxious, or offensive to a neighborhood by reason of the emission of odors, fumes, dust, smoke, vibration or noises of other cause.
2. Storage of junk.
3. No person shall keep poultry, swine, or any animals in any section of the Town in such a way as to become a nuisance. Any nuisance so declared by the Board of Health shall be abated upon order of the Board. No person shall keep over five swine without first obtaining a permit from the Board of Health. The Board of Health may deny and revoke a permit at any time for cause. Permit must be posted on premises where swine are kept. Fee \$1.00 when granted.

4. The Removal of Earth Material

- 4.1 As used in this By-Law, earth material shall include soil, loam, sand, gravel, and crushed or quarried stone.
- 4.2 No earth material shall be removed from any parcel of land within the Town unless such removal is done pursuant to a special permit therefor issued by the Board of Appeals subsequent to a public hearing of which due notice is given or unless such removal constitutes an exempt operation as defined herein below.
- 4.3 The removal of earth material under any one of the following conditions shall constitute an exempt operation:
- (a) The removal of material by the Town, Commonwealth of Massachusetts or Federal Government from land in public use including cemeteries.
 - (b) The removal of material from a parcel of land when incidental to and in connection with the construction of a building on said parcel.
 - (c) The transfer of material from one part of a parcel of land to another part of the same parcel or to an adjacent parcel under the same ownership or in the case of normal operation of a farm, orchard or nursery to another separate parcel under the same ownership. Where parcels of land are directly opposite one another on a roadway, such parcels shall be considered adjacent.
 - (d) The continued operation of a sand or gravel pit in lawful operation at the time this By-Law is published until such operation is discontinued for a period of one year or more.
- 4.4 Any person desiring to have his earth removal operation determined to be an exempt operation, as defined in 4.3 (d) above, shall, in order to retain his exempt status, file with the Board of Appeals within sixty (60) days of the date of adoption of this By-Law a statement containing either of the following, whichever is applicable: (A) An affidavit that earth material in fact was removed within the 12 months period preceding the publication of this By-Law and that such removal was lawful under the existing By-Laws of the Town. Said affidavit shall also contain the name and address of the operator, type of material stripped or removed, approximate cubic yards removed daily on active days during the 12 month period, nearest distance of excavation to adjacent public ways, property lines and buildings, area in square feet of operation, depth of operating plane below surrounding normal grade. (B) That the operator holds an unexpired permit for earth removal whether or not operations have actually commenced. If such statement is not filed as required the operation shall be unlawful.
- 4.5 Application for a permit for the removal of earth material shall be made on a form prescribed by the Board of Appeals and the Board may require that it be accompanied by plans showing the present area and topography of the land and the future topography of said land after completion of earth removal. The Board of Appeals may require engineering, surveying and inspection services deemed necessary for the proper control of earth material removal operations under this By-Law all costs of which shall be borne by the applicant, or permit holder. The Board of Appeals shall, after due notice, hold a public hearing thereon following the procedure prescribed by the General Laws.
- 4.6 No permit for the removal of earth material shall be granted hereunder by the Board of Appeals unless the Board shall find that operations under such a permit, subject to the conditions imposed by the permit, will not be contrary to the best interests of the Town. For this purpose, an operation shall be considered contrary to the best interests of the Town which:

- (a) will be injurious, dangerous to the public health or safety, constitute a nuisance, or
 - (b) will produce noise, dust, or other effects, observable at the lot lines in amount objectional or detrimental to the normal use of the adjacent property, or
 - (c) will result in transportation of materials on ways giving access to the land in question which will cause traffic hazards or otherwise impair the amenities of living in residences abutting upon such way, or
 - (d) will result in transportation which will cause undue injury to the roadway surfaces, or
 - (e) will be nonconforming use or detrimental to the future development of the Town as may be judged from a master plan or any Zoning regulation hereinafter adopted by the Town.
- 4.7 In no event shall earth material removal operations, exempt or otherwise, be conducted in a manner contrary to the best interests of the Town, as defined in 4.6 above.
- 4.8 Any permit granted hereunder by the Board of Appeals shall impose reasonable conditions designed to safeguard the public welfare including: method of removal, hours of operation, speed limits and routes of transportation, area, depth and distance of excavation from street and lot lines, re-establishment of levels and grades, replacement of loam and planting of cover, steepness of slopes excavated, provision of temporary or permanent drainage, and any other reasonable stipulation. The Board of Appeals shall require a bond or other surety to insure compliance with the conditions of the permit.
- 4.9 A permit issued under this By-Law shall expire upon the removal of the material for which it was issued and in any event upon expiration of one year from date of issue. If at the expiration of one year, the operation has not been completed, and the operation has been carried on in good faith in compliance with the conditions of the permit, the permit may be renewed for an additional year without a hearing. The Board, on proof of violation of any condition and after public hearing, may revoke any permit issued. The expiration or revocation of any permit will not relieve the permit holder or any surety on a bond furnished to secure compliance, from the obligations of the conditions of the permit.
- 4.10 The penalty for violation of this By-Law shall be as follows: For the first offense: \$50.00; for the second offense: \$100.00; for each subsequent offense; \$200.00, and each day shall constitute a separate offense.

In the event that any part of this By-Law is declared invalid, such invalidity shall not effect the remaining portions of the By-Law.

5. The following types of signs may be erected or placed -
- (a) Real estate sign advertising rental, lease, or sale of the premises, and not exceeding twelve (12) square feet in area.
 - (b) Sign or bulletin board incidental to a permitted use and not exceeding twelve (12) square feet in area unless authorized by the Board of Appeals, and in no case to exceed sixteen (16) square feet in area.
 - (c) Sign advertising accessory use and not exceeding one (1) square foot in area.

- 6. (a) Only single family dwellings may hereafter be built or placed on any lot in the town. No existing building may be altered, enlarged, or changed for use by more than one family without a special permit from the Board of Appeals. Such permits may be issued if the Board finds that there will be no detriment to surrounding property or the public health or safety and finds that there are adequate means of access. No permits shall be issued for use by more than two families.
 - (b) Only one dwelling may be built or placed on any lot in the town.
7. No trailer shall be moved onto any lot within the Town for use as a dwelling.

A True Copy. Attest:

Francis W. Warren
Town Clerk