

ZONING BY-LAWS

AND

BY-LAWS

TOWN OF STOW  
MASSACHUSETTS

Including Amendments to March 3, 1965

TOWN OF STOW

Zoning By-Laws

Amended March 3, 1965

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.

BY-LAWS

Town of Stow

As Amended by Annual Town Meeting March 3, 1965

ARTICLE 1. TOWN MEETINGS

- SECTION 1. The annual town meeting for the transaction of business shall be held on the first Monday in March of each year.
- SECTION 2. The annual town meeting for the election of officers and such other matters as may be voted on the official ballot, shall be held on the second Monday of March of each year.
- SECTION 3. All town meetings shall be notified and warned by posting attested copies of the warrant calling same at the Town Hall and at each of at least seven (7) other public places at least seven (7) days before the time of holding the meeting.

ARTICLE 2. GOVERNMENT OF TOWN MEETINGS

- SECTION 1. The moderator, while occupying the chair shall not second any motion nor participate in any discussion before the meeting.
- SECTION 2. No article in the warrant shall be again taken into consideration after having been disposed of unless ordered by a vote of two-thirds of the voters present and voting.
- SECTION 3. All motions shall be reduced to writing before being submitted to the meeting, if required by the moderator.
- SECTION 4. No vote fixing the time of closing a ballot shall be reconsidered after such ballot shall have commenced; but the time for closing such ballot may be extended without reconsideration.
- SECTION 5. When a question is under debate, motions may be received to fix time of adjournment, to adjourn, to lay on the table, the previous question, to postpone to a certain time, to commit, to amend, and to postpone indefinitely, which several motions shall have precedence in the order in which they are herein enumerated, and the second, third, and fourth shall be decided without debate. All motions shall be seconded, but any motion may be withdrawn by the mover if no objection is made.
- SECTION 6. Articles in the warrant shall be acted upon in their order, unless otherwise directed by a majority of the voters present.
- SECTION 7. The duties of the moderator and the conduct of the meeting, not specially provided for by law nor by the foregoing rules, shall be determined by the rules of parliamentary law contained in "Handbook for Town Moderators" by Geoffrey Bolton.
- SECTION 8. A vote to receive the report of a committee shall place the report before the meeting, but shall not discharge the committee. A vote to accept or to adopt a report of a committee with or without amendment shall discharge the committee.

SECTION 1. A quorum shall consist of 10 registered voters at all town meetings; provided, that a smaller legal quorum may from time to time adjourn the same. This section shall not apply to such part of meetings as are devoted exclusively to the election of Town Officers.

ARTICLE 1. TOWN AFFAIRS

SECTION 1. The financial year shall begin with the first day of January in each year, and end with the thirty-first day of December following.

SECTION 2. During the interval between the first day of January in each year and the time of making the next annual appropriations the Selectmen, the School Committee, and the Board of Health, in order to meet the liabilities of their several departments incurred in the carrying on of the work entrusted to them, shall have authority to make expenditures and payments from the treasury from any available funds therein, and the same shall be charged against the next annual appropriations; but such expenditures and liabilities, incurred for any purpose, shall not exceed one-sixth of the entire amount appropriated for that purpose in the previous year.

SECTION 3. All town officers, except the auditor shall deliver to the Selectmen their annual report prior to the fifteenth day of January in each year. The Board of Selectmen shall deliver its annual report to the auditor on or before the fifteenth day of January in each year. The auditor shall deliver to the Selectmen his annual report on or before the first day of February in each year.

The Selectmen shall cause these reports, together with a list of town officers and other matter usually published, to be printed and placed in the hands of the Town Clerk, ready for distribution ten days, at least, before the annual meeting. They shall cause the by-laws of the Town to be printed in the annual report once in five years.

SECTION 4. The reports of the several boards of town officers shall contain a schedule of all property in their charge at the end of the year, with the valuation thereof, and an estimate of the amount required for the ensuing year.

SECTION 5. No town officer and no salaried employee of the Town, nor any agent of any such officer or salaried employee, shall sell materials or supplies to the Town without the permission of the Board of Selectmen expressed in a vote which shall appear on their records with the reasons therefor.

SECTION 6. No town officer and no salaried employee of the Town, nor any agent of such an officer or employee, shall receive any compensation or commission for work done by him for the Town except his official salary and fees allowed by law without the permission of the Selectmen expressed in a vote which shall appear on their records with the reasons therefor.

SECTION 7. The Selectmen shall appoint, annually, an Inspector of Gas Piping and Gas Appliances in Buildings, whose duty shall be the enforcement of the rules and regulations adopted by the Board established under Section 12H of Chapter 25 of the General Laws.

SECTION 8. A Wire Inspector shall be appointed by the Board of Selectmen for the term of one year from April 1st or until his successor is appointed and qualified. He shall be a qualified licensed electrician. The Board of Selectmen shall have authority to establish and change fees to be charged for inspections to be made by the Wire Inspector.

ARTICLE II. TOWN GOVERNMENT AND ADMINISTRATION

SECTION 1. There shall be a Finance Committee consisting of five registered voters, none of whom shall be town officers, agents, or employees. The five members of the Finance Committee shall be appointed by the moderator to serve through the next annual town meeting. Said committee shall choose its own chairman and secretary. Vacancies on said committee may be filled at any time by the moderator. To this committee shall be referred all articles and warrants calling for appropriations. No action shall be taken at any town meeting appropriating or involving the expenditure of money, the creation of a debt, or the disposal of property of the Town, until the proposition has been referred to the Finance Committee and a report made thereon. The committee shall consider all matters proposed to be acted on at the town meetings, except that it shall not report on such matters as may have been referred to other committees by vote of the Town. It shall be the duty of the Selectmen after drawing the town warrant to transmit immediately a copy of the same to each member of the Finance Committee. The officers of the Town shall upon request furnish the committee with facts, figures, and any other information; provided, however, that any such information may be withheld when, in the opinion of such officer or board of officers so requested, the communication thereof might injuriously affect the interest of the Town or its citizens. The committee shall report in print or otherwise to all town meetings. Their report to the annual town meeting shall be in print.

SECTION 2. The Selectmen shall have authority in their discretion to institute and prosecute proceedings under the provision of Chapter 60 of the General Laws for the foreclosure of the right to redeem lands purchased, taken or held by the Town for the nonpayment of taxes.

SECTION 3. The town treasurer shall have the custody, management and sale of all lands held by the Town under a tax collector's deed or a taking of lands for taxes after the title of the Town has become absolute by the foreclosure of the right of redemption according to law. And he is authorized and empowered with the approval of the Selectmen, in the name and on behalf of the Town to sell and convey such lands after publicly advertising such sale and to execute, acknowledge and deliver proper deeds for that purpose.

SECTION 4. The Selectmen shall act as town agents, and have authority as agents and officers of the Town to appoint and employ a town counsel, who shall act as attorney and counsel for the Town and the various officers and boards thereof, and to fix his compensation, to institute and prosecute suits in the name of the Town, to defend suits brought against the Town, and to compromise and settle suits and claims, unless otherwise ordered by special vote of the Town.

SECTION 5. No elected town officer shall hold a salaried position under the board of which he is a member. Nor shall any contract for materials or property of any kind to an amount exceeding one hundred dollars in any one year, be made in behalf of the Town by any such board with any of its members. Provided, however, that such contract may be made with any person who is the lowest bidder in an open competition wherein written bids are called for.

SECTION 6. The registrars of voters shall hold a session from three o'clock until five o'clock in the afternoon of the last day fixed by law for filing nomination papers.

... shall be granted by the head of the Highway Department to all employees of the Highway Department in each year ... an aggregate of thirty-five (35) weeks or more, during one 12 months preceding June 1st in that year.

- (b) This By-Law shall take effect on June 1, 1959 and vacations may be granted pursuant thereto on and after that date.
- (c) The adoption of the foregoing By-Law is not intended to be an acceptance in any form of the provisions of the General Laws, Chapter 41, Section 111.

SECTION 8. Paid Holidays

- (a) All full time members of the Highway and Police Departments shall be entitled to nine (9) paid holidays in each year beginning after December 31, 1964, namely: New Year's Day (January 1); Washington's Birthday (February 22); Patriots' Day (April 19); Memorial Day (May 30); July Fourth; Labor Day; Veterans' Day (November 11); Thanksgiving Day; and Christmas Day (December 25).
- (b) Such members shall also be entitled to their regular compensation for the time worked on such holidays.

SECTION 9. The Collector of Taxes shall have the same powers and is authorized to use all the means of collecting taxes which a town treasurer may use when appointed a collector of taxes.

ARTICLE 5. ACCEPTANCE OF NEW ROADS THROUGH PRIVATE PROPERTY

SECTION 1. Specifications for new roads and ways through private property.

- (a) A plan and profile of every such street or way shall be filed in the office of the Selectmen.
- (b) All streets shall be designed so that they will provide safe vehicular travel, and shall conform to any Master or Study Plan as shall be adopted in whole or in part by the Planning Board.
- (c) The minimum centerline radii of curved streets shall be one hundred (100) feet. Greater radii may be required for principal streets.
- (d) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees.
- (e) Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than twenty-five (25) feet.
- (f) The minimum width of a street rights-of-way shall be forty (40) feet.
- (g) Grades of streets shall not be less than 0.5%. Grades shall not be more than 0.08% for principal streets nor more than 10.0% for secondary streets.
- (h) Dead-end streets shall not be longer than five hundred (500) feet.

- (i) Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet, and a property line diameter of at least one hundred and twenty (120) feet.
- (j) Trees, stumps and brush, including roots, shall be completely removed from all areas where the finished grade of the street, shoulders or any embankment slope is to be within 3-1/2 feet of the original ground level. Trees outside of graded areas shall be removed only where necessary.
- (k) Unsuitable material shall be removed to a depth of at least 12 inches wherever the grade of the new surface is less than 3 feet above the existing ground. Peat, loam or other unsatisfactory bearing material shall be removed from under roadway or embankment areas to a satisfactory depth, as determined by the Selectmen, and the space filled with clean gravel.
- (l) Embankments shall be made of Ordinary Borrow which may be taken from cuts elsewhere on the project where the material is approved. They shall be built in layers not in excess of 12 inches and compacted satisfactorily by tractor or 12 ton roller. The tops of embankments shall be at least 32 feet wide and the slopes shall be no steeper than two horizontal to one vertical.
- (m) Shoulders 12 inches thick and 4 feet wide shall be constructed of Gravel Borrow and compacted as above.
- (n) Pavement Foundation shall be placed 10 inches thick in two layers separately and satisfactorily compacted over a 24 foot width using Gravel Borrow, said borrow shall contain no stone having any dimension greater than 2-1/2 inches, penetrated with two applications of asphalt at the rate of 1/4 of a gallon per square yard, covered with sand.
- (o) Bituminous Concrete Pavement Type I-1 shall be laid in accord with the specifications of the Massachusetts Department of Public Works 2-1/2 inches thick in two courses over a full 24 foot width. The paved surface on dead-end turn-arounds shall have an outside roadway diameter of at least 100 feet and a property line diameter of at least 120 feet.
- (p) Curbing of bituminous concrete, made 4 inches high with a 45° slope on the face and a 4 inch width on the top, shall be placed along the outside of the paved surface where grades are in excess of 2% or in other locations where such protection is deemed necessary.
- (q) Guard rails or posts and street lights and street signs shall be installed where necessary.
- (r) Catch basins, manholes, culverts, paved waterways, drainage fields, and drainage pipes, both in street areas and drainage easements, shall be installed to an adequate design capacity.

SECTION 2. All streets to be accepted by the Town must be petitioned for not later than November 1, previous to the annual March meeting. No streets hereafter built shall be accepted by the Town unless constructed in compliance with the foregoing specifications.



ARTICLE 6. POLICE REGULATIONS

- SECTION 1. No owner or person having the care of any sheep, swine, horses, oxen, cows or other grazing animals shall permit or suffer them to go at large or to graze on any street, lane, common, square or other public place within this Town, nor permit any such animal to go or stand upon any sidewalk therein.
- SECTION 2. No person shall coast in any street or public way except such as are publicly designated for that purpose by the Selectmen.
- SECTION 3. No person or persons shall play or perform on a musical instrument, sing, parade, hold a public meeting, make a public address, march or congregate in any public way or public place, except in connection with a funeral, without a written permit from the Board of Selectmen.
- SECTION 4. No person shall at any time swim or bathe in any pond, stream, or waters in the Town of Stow unless properly clothed. No person shall appear in any way, street, or public place in the Town of Stow in a bathing suit unless properly covered.
- SECTION 5. No person shall collect, deal in, or keep a shop for the purchase, sale, or barter of junk, old metals or second hand articles within the limits of the Town, unless licensed by the Board of Selectmen.
- SECTION 6. No person shall break or dig up, or aid in breaking or digging up, the ground in any street or square in the Town, or set up any post, fence, tree or edgestone in any street or square in the Town without a permit from the Selectmen.
- SECTION 7. No person shall own or keep in this Town any dog which, by biting, barking, howling, or in any other manner, disturbs the peace or quiet of any neighborhood, or endangers the safety of any person.
- (a) No person shall operate a kennel for the keeping of more than four (4) dogs without a permit from the Board of Selectmen.
- SECTION 8. No person shall permit any team or vehicle under his care or control to stand across any highway, crosswalk, sidewalk or street in such a manner as to obstruct the travel over the same; no person shall stop with any vehicle in any public street so near to another vehicle as to obstruct public travel; and no person shall stop with any vehicle upon or across any crossing in any street or highway in the Town.
- SECTION 9. No person shall make any indecent figure or write any indecent or obscene words upon any fence, building, or structure in any public place, or upon any sidewalk or wall.
- SECTION 10. No person, unless required by law so to do, shall make any marks, letters, or figures of any kind, or place any sign, advertisement, or placard upon or against any wall, fence, post, ledge, stone, tree, building or structure in or upon any street in this Town without the permission of the owner thereof.
- SECTION 11. No person shall distribute papers, circulars or advertisements throughout the Town in such a manner as to create a disturbance or litter, nor shall any person distribute for any purpose to any person in any street, or upon any sidewalk, any handbill, card, circular or paper except newspapers.

- SECTION 12. No person shall throw stones, snowballs, sticks, or other missiles, nor kick at football, nor play at any game in which a ball is used, nor fly any kite or balloon, nor shoot with or use a bow and arrow, gun, air-gun, or sling, in or across any of the public ways of the Town; nor obstruct any street in the Town; nor unnecessarily make any alarming or tumultuous noise; nor take hold of, nor ride upon, the hind part of any carriage, or any other vehicle, without leave; nor join in any assemblage or group in the street, or on any sidewalk in the Town, to the annoyance of passengers; or so as to obstruct the free passage of passengers; nor otherwise disturb the quiet of any person improperly; nor behave himself in a rude or disorderly manner; nor use any profane, indecent, or insulting language in any street or other public place in the Town, or near any dwelling house, or other building therein; nor be or remain upon any doorstep, portico, or other step or projection of any such building or house to the annoyance or disturbance of other persons.
- SECTION 13. No person shall resort to or frequent any school-house grounds or enclosure in the Town to interfere with or annoy any person lawfully using or enjoying the same; nor shall any person resort to or frequent any cemetery or graveyard in the Town and there engage in or be present at any game of cards or other game of sport, or lounge or loiter therein to the annoyance or interference of persons properly visiting or resorting to said places.
- SECTION 14. No vehicle shall be parked on the left side of any street, road, square or way within the Town of Stow nor shall any vehicle be parked so as to interfere with the normal flow of traffic, nor shall any vehicle be parked anywhere within the Town of Stow in such a manner as to hinder in the plowing or removal of snow from any street, road, square, or way.
- SECTION 15. The Board of Selectmen, or any person authorized by them may, when necessity or convenience requires, by the placing of suitable signs, restrict the parking of vehicles upon any public way within the limits marked by such signs.
- SECTION 16. Any person who shall violate any provision of these by-laws shall, in cases not otherwise provided for, forfeit and pay for each offense a fine not exceeding twenty dollars.
- SECTION 17. The Town may erect any and all signs to protect the safety of the public.
- SECTION 18. No person shall dispose of garbage, refuse, any bottle, can or any form of rubbish on any public way or on private property, or in any waterway, river, brook or pond in the Town of Stow. Any violator of this section to be punished by a fine not to exceed fifty dollars (\$50.00).
- SECTION 19. No person, except an officer of the law in the performance of his duties, shall enter upon the premises of another with the intention of peeping into the windows of a house or spying upon in any manner, any person or persons therein. Anyone found violating this law may be arrested without a warrant.
- SECTION 20. No person shall propel a bicycle on any public way within the Town of Stow during the period from 1/2 hour after sunset to 1/2 hour before sunrise, without displaying proper lights or reflectors so as to be plainly visible both front and rear.

## SECTION 21. Boating regulations at Lake Boon

Rule 1. No person operating a craft propelled by other than muscular power shall pass another craft within one hundred fifty feet (150) nor circle around any craft in a manner as to annoy or endanger the occupants of other crafts, nor pass between moored rafts or floats and the shore. No craft shall operate at a speed that endangers the life, limb or property of any person. No tow line shall exceed seventy-five (75) feet from the point of contact on tow boat to object being towed.

## Rule 2. A. EQUIPMENT

All motor or power boats on the Lake, whether or not required to be registered under State law shall display the lights and be equipped with a proper muffler or underwater exhaust as is or may be required by Sections 5 and 6 of Chapter 275, Acts of 1960, or acts in amendment thereof, or regulations made thereunder.

## B. SPEED

- (1) No person shall operate any motor boat on the Lake at a speed that is greater than is reasonable and proper under the circumstances and conditions then existing, or operate same or manipulate any water skis, surfboard or similar device in a negligent manner so that the lives or safety of the public might be endangered.
- (2) Speed in the narrows between the first and second, and second and third basins shall not exceed four (4) miles per hour.
- (3) Speed during the period from one-half hour after sunset until one-half hour before sunrise shall not exceed fifteen (15) miles per hour.
- (4) Speed shall not exceed fifteen (15) miles per hour on all Sundays, May 30th, July 4th and Labor Day between the hours of two P.M. and six P.M.

## C. WATER SKIING

- (1) Water skiing and skip board riding is prohibited in the narrows between the first and second and second and third basins at all times, and same shall be prohibited on all the waters of Lake Boon between the hours of 2 P.M. and 6 P.M. on all Sundays, May 30th, July 4th and Labor Day.
- (2) No person operating a boat with a water skier, skip board or similar device in tow shall bring such device or the boat within one hundred fifty (150) feet of any other boat, dock, pier, raft, wharf, float, or a person or persons swimming, unless to embark or disembark.
- (3) Two persons, an operator and an observer, shall be in any boat towing a skier, skip board, or similar device.
- (4) The towing of two or more persons on skis, skip or surf board or other device is hereby prohibited.
- (5) No craft, skier or towed object may go beyond the markers set by the commission at Hanson's Beach except for the purpose of docking at a permanent dock. Craft proceeding to dock or leaving said dock shall enter and leave without delay from the marked area and shall be operated so as not to endanger any swimmer.

Rule 3. When any person having charge of a vessel, canoe, boat or motorboat approaches another vessel, canoe, boat or motorboat, head and head, that is, and on, or nearly so, it shall be the duty of each craft to pass on the right side of the other. But, if the course of such vessel, canoe, boat or motorboat, is so far on the left side of each other as not to be considered as meeting head and head, each shall pass on the left side of each other. When any person, having charge of a vessel, canoe, boat or motorboat overtakes another vessel, canoe, boat or motorboat, it shall be the duty of the person in charge of the overtaking boat to pass on the left side.

Rule 4. Any person who violates any provision of the by-law shall be punished by a fine of not more than Fifty (50) Dollars.

#### SECTION 22. The Removal of Earth Material.

- a. As used in this By-law, earth material shall include soil, loam, sand, and gravel.
- b. No earth material shall be removed from any parcel of land within the Town unless such removal is done pursuant to a permit therefor issued by the Board of Selectmen subsequent to a public hearing of which due notice is given.
- c. Application for a permit for the removal of earth material shall be made on a form prescribed by the Board of Selectmen 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 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.
- d. No permit for the removal of earth material shall be granted hereunder by the Board of Selectmen 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:
  - (1) will be injurious, dangerous to the public health or safety, constitute a nuisance, or
  - (2) 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
  - (3) 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
  - (4) will result in transportation which will cause undue injury to the roadway surfaces.
- e. Any permit granted hereunder by the Board of Selectmen shall impose reasonable conditions designed to safeguard the public welfare including:

method of removal, hours of operation, speed limits and routes of transportation, width, depth and distance of excavation from street and low lines, re-establishment of levels and grades, replacement of loam and placing of cover, steepness of slopes excavated, provision of temporary or permanent drainage, and any other reasonable stipulation. The Board shall require a bond or other surety to insure compliance with the conditions of the permit.

- 7. 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.
- g. 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.
- h. Upon the effective date of this By-Law, all permits issued under prior By-Laws concerning earth material removal operations shall cease to be in force and effect.
- i. 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.

ARTICLE 7. CEMETERIES

SECTION 1. The Town of Stow will receive of any person any sum of money, the interest whereof shall be applied to the annual care of such lot in the public or private burial grounds of the Town of Stow as the person paying the money, shall designate. Such deposit may be made perpetual, if so desired by the depositor.

SECTION 2. All sums of money now or hereafter deposited with the town treasurer in accordance with the provisions of Section 19, Chapter 114, of the General Laws, shall be credited to the account of the cemetery perpetual-care fund, and the town treasurer shall keep a book which shall contain a record of all moneys deposited, the date of each deposit, the name of the depositor, the name of the cemetery containing the lot for care of which the deposit is made, and the number of said lot.

SECTION 3. There shall be a board of cemetery trustees consisting of three persons, one of whom, at the first election thereof, shall be elected for the term of one year, one for the term of two years, and one for the term of three years, and annually thereafter one shall be elected for the term of three years. Said board, with the town treasurer, shall have the management of the cemetery perpetual-care fund.

SECTION 4. Every person who may hereafter deposit any money under the provision of Section 19, Chapter 114, of the General Laws shall receive a certificate

Form of Law

Town of Stow \_\_\_\_\_ 19\_\_

That is to-wit: that \_\_\_\_\_ has deposited with us the sum of \_\_\_\_\_ dollars, the interest of which is to be forever applied in accordance with the provisions of Section 19, Chapter III, of the General Laws, and the by-laws of the town in respect thereto for the lot numbered \_\_\_\_\_ on the plan of \_\_\_\_\_ cemetery.

\_\_\_\_\_  
Town Treasurer

SECTION 5. The income on all deposits made under the provision of Section 1 shall be computed annually on the thirty-first day of December and the amount due thereon shall be entered to its credit in the book provided for in Section 2 of this article, and annually on the first day of April the treasurer shall return to the secretary of the cemetery trustees a statement of the amount of income to the credit of each deposit, with the name of the depositor, the name of the cemetery, and the number of the lot therein. The provisions of this section shall not apply to deposits made prior to the adoption of this by-law.

SECTION 6. The town treasurer shall be the custodian of said funds, and shall deposit and invest the same as directed by the board of trustees. He shall make all transfers of securities, execute all papers necessary therefor when duly authorized by vote of the trustees, and collect, receive and enforce the payment of all debts and obligations due to it and upon payment therefor shall acquit and discharge the same, and surrender, discharge, or assign all security held therefor.

SECTION 7. The cemetery trustees shall attend to the care and preservation of the lots for which deposits have thus been made and said trustees shall include in their annual report to the Town a statement of the amount expended on each of said lots. The town treasurer shall pay such bills as may be thus incurred and approved by the cemetery trustees to an amount not exceeding the interest to the credit of said deposits, and charge to the same.

SECTION 8. The town treasurer shall also pay to the authorities having control of private cemeteries, for the care of which moneys have been received by the Town of Stow, the income on all sums so deposited for the care of the lots for which deposit was made, and the cemetery trustees shall include in their annual report to the Town a statement of such payments.

ARTICLE 6. REPEAL

SECTION 1. All by-laws or part of by-laws heretofore adopted which are inconsistent with the provisions of the foregoing by-laws are hereby repealed and annulled; but the provisions of the foregoing by-laws so far as they are the same as the provisions of by-laws heretofore adopted shall be construed as a continuation thereof, and not as new enactments.

SECTION 2. The repeal of a by-law heretofore adopted shall not effect any act done, ratified, or confirmed, or any right accrued or established, or any action,

suit or proceeding commenced or had in a civil case, nor effect any punishment, penalty, or forfeiture incurred under such by-law.

SECTION 3. These by-laws may be repealed or amended at any annual town meeting or at any other town meeting specially called for the purpose, an article or articles for such purpose having been inserted in the warrant for such meeting.

A true copy.

Attest:

FRANCIS W. WARREN

Town Clerk