

A TRUE COPY,  
ATTEST:

*Ann L. Allison*  
Town Clerk, Stow

TOWN OF STOW

STOW, MASSACHUSETTS 01775

ZONING BY-LAWS

Effective October 23, 1968  
Including amendments to January 1, 1973

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ZONING BY-LAWS

Effective October 24, 1968  
Including amendments to January 1, 1973

SECTION I

Purposes

The purposes of this Zoning Bylaw are in accord with provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts.

SECTION II

Definitions

For the purposes of this bylaw certain terms and words are herein defined as follows:

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "shall" is mandatory and not directory; the word "lot" includes the word "plot", the word "land" includes the words "marsh" and "water".

A. Accessory Building or Use:

A use, or detached building, which is located on the same lot with the main building or use and which is subordinate and customarily incidental to the use of the main building or the land.

B. Building:

A structure having a roof or cover for the shelter, support, or enclosure of persons, animals, or property.

C. Building Inspector:

Building Inspector shall mean the existing Inspector of Buildings under the Building Code or other designated authority, or his duly authorized representative, appointed by the Selectmen, and charged with the enforcement of this bylaw.

D. Building Lot or Lot:

A building lot is that area of land described in an application for a building permit or an application to the Board of Appeals for a permit or a variance, or otherwise defined as the area on which a structure is to be constructed or a use is to be carried on. A building lot shall not include any part of a street. A corner lot shall be any lot abutting on two (2) or more streets at their intersection.

E. Dwelling:

Any building, or part thereof, used for habitation for one (1) or more persons, but not including commercial accommodations for transient occupancy or trailers or mobile homes, however mounted.

F. Dwelling Unit:

One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit, but not for more than five (5) persons unrelated by blood or marriage.

G. Floor Area:

The interior floor area of a dwelling unit exclusive of basements, stair wells, halls, bathrooms, corridors, attics, walls, partitions, porches, and attached accessory buildings.

H. Garage, Private:

Covered space for the housing of motor vehicles, but not for the rental of more than two (2) stalls or commercial repair or commercial storage.

I. Hotel, Inn, Motel, Tourist Home or Lodging House:

A building, or portion thereof, or a group of buildings on a single lot, intended to be used for the temporary occupancy of three (3) or more persons who are lodged, with or without meals, and in which major provision for cooking may be made in a central kitchen but may not be in the individual rooms or suites.

J. Loading Space, Off-Street:

An off-street space or berth, on the same lot with a building, for the temporary parking of vehicles while loading or unloading merchandise or material, and which has access to a street, alley or other appropriate means of ingress or egress.

K. Marina:

A public or commercial area with docking facilities for one (1) or more of the following: the launching, docking, storage, or servicing of pleasure boats; docks and related structures for the sale of fuel, boats, or marine accessories.

L. Membership Club:

A private, non-profit organization, building or grounds, to include specifically country clubs and fraternities and other organizations to which membership is limited or controlled.

M. Non-Conforming Uses:

A non-conforming use shall be as defined in Chapter 40A Section 5 of the General Laws.

N. Rooming or Boarding House:

A building or premises, other than a hotel, inn, motel, tourist court, or lodging house, where rooms are let and where meals may be regularly served by prearrangement for compensation; not open to transient guests; in contrast to hotels, restaurants, and tourist homes, open to transients.

O. Sign:

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, whether stationary or portable, by which anything is made known, such as are used to designate or locate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public or private street or right-of-way and used to attract attention.

P. Street:

A public way or private way either shown on a plan approved in accordance with the subdivision control law, or otherwise qualifying a lot for frontage under the subdivision control law.

Q. Street Line:

The dividing line between a street and a lot and, in the case of a public way, the street line established by the public authority laying out the way upon which the lot abuts.

R. Structure:

Any construction, erection, assemblage or other combination of materials upon the land, necessitating pilings, footings or a foundation for attachment to the land, and swimming pools which require a permit under the Building Code.

S. Trailer or Mobile Home:

Trailer or Mobile Home shall mean any vehicle or object which is drawn by or used in connection with a motor vehicle and which is so designed and constructed or added to by means of such accessories as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundations. It shall include the type of vehicle commonly known as a mobile home, containing complete electrical, plumbing, and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

T. Yard:

An open space, other than an enclosed court, on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and a lot line, and is not occupied or obstructed from the ground upward by a building or a structure.

1. Yard, Front:

A yard extending across the full width of the lot and lying between the street line of the lot and the nearest line of the building. The depth of a front yard shall be the minimum distance between the building and front lot line.

2. Yard, Rear:

A yard extending across the full width of the lot and lying between the building and the rear lot line.

3. Yard, Side:

A yard between the side lot line of the lot and the nearest line of the building, and extending from the front yard to the rear yard, or, in the absence of either such yards, to the front or rear lot lines, as may be. The width of a side yard shall be the minimum distance between the building and the side lot line.

SECTION III

Districts

A. Establishment of Districts:

For the purposes of this bylaw the Town of Stow is divided into the following districts:

1. Recreation-Conservation District
2. Residential District
3. Business District
4. Commerical District
5. Industrial District

B. Location of Districts:

Said districts are hereby established as shown, located, defined and bounded on a map entitled "Zoning District Map of the Town of Stow", dated September, 1968 signed by the Planning Board and filed with the office of the Town Clerk; which map, together with all explanatory matter thereon, is hereby incorporated in and made a part of this bylaw.

C. Location of Boundaries of Districts:

1. Where the boundry lines are shown upon said map within the street lines or utility transportation lines, the center lines of such right-of-ways or lines shall be the boundry lines unless otherwise indicated.
2. Boundry lines located outside of such street lines or transmission lines, and shown approximately parallel thereto, shall be regarded as parallel to such lines, and dimensions shown in figures placed upon said map between such boundary lines and such transmission lines are the distance in feet of such boundary lines from the center line of such lines, such distances being measured at right angles to such lines unless otherwise indicated.
3. Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.

4. Contour lines used as boundary lines are the elevation above the datum mean sea level as indicated by the U. S. Geological Survey map dated 1952.
5. Soil Association lines used as boundary lines are the soil association boundary lines as shown on the Soil Association Map, prepared by the U. S. Soil Conservation Service, dated 1964, and on file with the Planning Board.
6. In all cases which are not covered by other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map, or by the scale of said map.

#### SECTION IV

##### Continuance of Existing Uses:

A non-conforming use may continue. However:

- A. The extent of the non-conforming use of a structure may be increased up to one hundred (100) percent of the floor area and the extent of the non-conforming use of the land may be increased up to twenty-five (25) percent of the ground area. These limits may be further extended upon special permit granted by the Board of Appeals.
- B. If said non-conforming use has been changed to a more restricted use, it shall not again be changed to a less restricted use.
- C. If the non-conforming use is discontinued for a period of more than one (1) year or is abandoned, it shall not be re-established except upon a special permit for a longer period of time granted by the Board of Appeals.
- D. A non-conforming building which has been damaged or removed may be rebuilt or restored at the same location and again used as previously, provided that the owner shall start operations for restoring or rebuilding on said premises within twelve (12) months after such damage or removal and reconstruction is completed and occupancy begun within two (2) years of start of restoration except upon a special permit for a longer period of time granted by the Board of Appeals.

#### SECTION V

##### New Construction and New Uses:

- A. No building, structure or land, or part thereof, may be constructed, altered, enlarged, repaired or moved, occupied and used for any purpose which violates any section of this bylaw or any of the provisions of the bylaws of the Town of Stow.
- B. Only one main building may be built or placed on any lot within the Town except within a business district. Any main building hereafter erected shall be on a lot which has frontage upon a street as defined by this bylaw.

- C. A lot on which there existed at the time of the adoption of this bylaw two (2) or more dwelling houses may be divided into as many lots as there were dwelling houses thereon, providing the lot is divided in such manner that the resulting lots shall conform to the area and frontage requirements of this bylaw, except upon special permit granted by the Board of Appeals. No other lot may be changed so as to result in a lot or lots having less than the minimum area and frontage requirements.
- D. No building except piers, wharfs or other structures to service boats shall be erected below the flood contour line as shown on the U. S. Geological Survey map on file with the Planning Board and indicated on the zoning map accompanying this bylaw, except upon a special permit granted by the Board of Appeals.
- E. Any construction or use for which a permit was legally issued prior to the adoption of this bylaw or any amendment thereto shall be permitted, notwithstanding non-compliance with the requirements of this bylaw or amendment thereto, provided such construction or use was commenced within six (6) months after the issuance of the permit and carried on to completion within two (2) years, unless a permit for a longer period of time is granted by the Board of Appeals.

SECTION VI

Use Regulations

A. Recreation-Conservation District:

This district is intended to protect the public health and safety, to protect persons and property against hazards of flood water inundation and unsuitable and unhealthy development of unsuitable soils, swamp land, marsh land and water courses; to protect the balance of nature, including the habitat for birds, wildlife, and plants essential to the survival of man; to conserve and increase the amenities of the Town, natural conditions and open spaces for education, recreation, agriculture, and the general welfare.

- 1. Uses Permitted, provided that no buildings are located within one hundred (100) feet of a district boundary line:
  - a. Conservation areas for water, water supply, plants, and wildlife, and dams necessary for achieving this purpose.
  - b. Farming and horticulture, including raising, harvesting and storing crops, truck gardening, grazing, dairying, and poultry and livestock raising, but not including piggeries or the raising of animals for fur.
  - c. Orchards, nurseries, forests, and tree farms, provided that any logging equipment or other equipment necessary for these uses is normally stored in an enclosure, or is not visible from district or property boundaries.
  - d. Recreation, including golf courses, ski areas and tows, municipal, county or state parks (but not an amusement park), boating, fishing, hunting (where legally permitted), marinas, landings, and any non-commercial recreation use.
  - e. Single-family detached dwellings for the owner, operator or caretaker of a use permitted in paragraph 1 a-d above, or of a use permitted upon approval of the Board of Appeals in paragraph 2 of this section.



f. Display and sale, or offering for sale, of farm produce, provided that the major portion of the produce is raised by the owner occupant or lessee of the premises, and provided that no stand for such sale is located within twenty-five (25) feet of a street side line, and provision is made for off-street parking in accord with Section VII D.

g. Accessory buildings and uses.

2. Uses permitted subject to site plan approval as provided in Section VII F, provided that provisions for disposal of waste products is approved by the Board of Health and parking is provided as required in Section VII D:

a. Restaurants, provided that their use is in connection with a permitted use, and provided that no such building be located within one hundred (100) feet of a district boundary line.

b. Country clubs or other membership clubs, airports or landing fields.

c. Commercial picnic areas and swimming areas.

d. Day camps, overnight camps, and camp sites, where occupancy is limited to the period between May 15th and September 15th, provided that there is only one camp building or site for each 3500 square feet of grass area.

B. Residential District:

The Residential District is intended as a district for typical rural, single-family residential and non-commercial uses.

1. Uses Permitted:

a. Conservation areas, farming and horticulture, orchards, nurseries, forests, and tree farms, display and sale, or offering for sale, of farm produce, all as permitted in the Recreation-Conservation District.

b. Single-family detached buildings.

c. Boarding houses or rooming houses for not more than two (2) persons, provided that the house is also occupied as a private residence by the owner.

d. Playgrounds.

e. Keeping of pets and animals for use of the residents of the premises.

f. Storage of farm vehicles, and, subject to the provisions of Section VII D 2 b, school buses.

g. Professional office or customary home occupation, provided that:

(1) The profession or customary home occupation is conducted by a resident of the premises.

(2) The use is clearly incidental to and secondary to the use as a residence.

- (3) Not more than two (2) persons, other than residents of the premises, are regularly employed on the premises in connection with such use.
  - (4) No noise, vibration, smoke, dust, odors, heat, glare, unsightliness or other nuisance is produced which is discernible from other properties.
  - (5) There is no public display of goods or wares, and there are no signs except as permitted in Section VII E.
  - (6) There is no exterior storage of material or equipment and no exterior evidence of a non-residential use of the premises, except signs as permitted in Section VII E.
  - (7) There is adequate off-street parking for any employee or visitor in connection with such use.
- h. Accessory uses and buildings, including such normal accessory uses as private garages, storage sheds, tennis courts, swimming pools, cabanas for swimming pools, gazebos, and structures approved by Civil Defense authorities and designed for use by the inhabitants, employees or customers of the property to which it is accessory, and used for shelter from natural disaster or war, and detached fireplaces, but not including the outdoor parking of trucks or buses.
2. Uses Permitted, subject to site plan approval as provided in Section VII F and upon special permit granted by the Board of Appeals:
- a. Private schools and colleges, with or without dormitory facilities, including nursery and kindergarten schools, dance and music studios, provided adequate parking areas are provided.
  - b. Cemeteries, hospitals, sanitariums or other medical institutions, nursing homes or charitable institutions.
  - c. Conversion of a one-family dwelling, existing at the time of the original adoption of this section of the bylaw, into a two-family dwelling, provided that the exterior appearance is not altered and that there is sufficient floor and ground area above the minimum requirements as provided in Section VII B.
  - d. Non-commercial recreation, including golf courses, ski area and tows, municipal, county or state parks (but not an amusement park), boating, fishing, hunting (where legally permitted), marinas, landings, and any other non-commercial recreation use.
  - e. Veterinary hospitals, stables and kennels, raising or breeding animals for sale, and boarding animals, provided that no such buildings are located within one hundred (100) feet of a lot line.

C. Business District:

The Business District is intended to provide goods and services at retail primarily within a structure.

1. Uses Permitted, subject to site plan approval as provided in Section VII F:
  - a. Retail store or service establishment, the principal activity of which shall be the offering of goods or services at retail within the building.
  - b. Business or professional office or banks.
  - c. Salesrooms for automobiles, bicycles, boats, farm implements, and similar equipment, provided there is no outside display.
  - d. Restaurants or other places for serving food within the structure.
  - e. Parking areas or garages for use of employees, customers, or visitors, subject to design standards in Section VII D.
  - f. Funeral homes, mortuaries, or crematories.
  - g. Accessory buildings and uses.
  - h. Signs as provided in Section VII E.
2. In addition to site plan approval in accord with Section VII F, the following uses require a special permit from the Board of Appeals which shall be based on satisfaction that said use will not create a nuisance by virtue of noise, odor, smoke, vibration, traffic generated, or unsightliness.
  - a. Hotels, motels, tourist homes, or lodging houses.
  - b. Passenger depots and terminals and utility structures.
  - c. Theatres, halls, bowling alleys, skating rinks, clubs and other places of amusement or assembly.
  - d. Gasoline service stations, garages, and repair shops, provided that:
    - (1) Repairs shall be limited to minor repairs and adjustments unless conducted in a building.
    - (2) There shall be no storage of motor vehicles, appliances, and equipment on the premises other than those in process of repair or awaiting delivery or required in the operation of the service stations, garages, or repair shops.
    - (3) The area used to service, repair, or store vehicles shall be paved.
    - (4) There shall be an area at least fifteen (15) feet deep between the street line and the paved area which shall be separated from the street by a curb, and which shall be seeded and landscaped except at an entrance and exit which shall be at least twenty (20) feet wide and at least fifty (50) feet apart, and further provided that there shall be only one entrance and one exit for each one hundred and fifty (150) feet of street frontage.

D. Commercial District:

The Commercial District is intended to provide goods and services.

1. Uses Permitted, subject to site plan approval as provided in Section VII F:
  - a. Funeral homes, mortuaries, or crematories.
  - b. Salesrooms for automobiles, bicycles, boats, farm implements, and similar equipment.
  - c. Building materials salesrooms and yards, utility structures, contractor's yards, storage warehouses, buildings, and yards and wholesale distribution plants, provided that all loading and unloading is done at the rear of the building in covered berths with walls on three (3) sides, and provided all materials and equipment stored outside are screened from view from public ways or abutting properties by an opaque fence or screening at least six (6) feet high but not more than twenty (20) feet high except that items on display for retail sales need be screened only from properties in a Recreation-Conservation or Residential District on the same side of the street.
  - d. Utility structures, passenger depots and terminals.
  - e. Printing, publishing, or commercial reproduction or photo-processing establishments, offices, medical or dental laboratories, and research laboratories with incidental assembly or manufacture.
  - f. Restaurants or other places for serving food.
  - g. Screened storage, accessory buildings and uses.
  - h. Parking areas or garages for use of employees, customers, or visitors, subject to design standards in Section VII D.
  - i. Signs as provided in Section VII E.

E. Industrial District:

The Industrial District is intended for use by research laboratories, office buildings and selected light industries which are compatible with a low-density, rural, residential community.

1. Uses Permitted, subject to site plan approval as provided in Section VII F:
  - a. Research laboratories with incidental assembly or manufacture.
  - b. Office buildings.
  - c. Manufacturing enterprises, provided that such activities will not be offensive, injurious, dangerous to the public health, or noxious because of sewage or refuse, vibration, smoke or gas, fumes, dust or dirt, odors, dangers of combustion, or unsightliness.
  - d. Parking areas or garages for use of employees, customers, or visitors, subject to design standards in Section VII D.

- e. Screened storage, accessory buildings and uses.
- f. Cafeterias for employees, when contained in the same structure as a permitted use.'
- g. All uses as permitted in the Recreation-Conservation District.

F. General:

1. Use regulations pertaining to all Districts:

a. Building construction.

All buildings shall be constructed as prescribed by the Building Code of the Town of Stow.

b. Odor, dust and smoke:

No such offensive emissions shall be discernible beyond the property line or, in the case of an industrial park development or of multiple use of the property, beyond one hundred (100) feet of the building generating the emission, except that in no case shall the discharge from any source exceed the following limits:

- (1) Smoke measured at point of discharge into the air shall not exceed a density on No. 1 on the Ringlemen Smoke Chart as published by the U. S. Bureau of Mines, except that a smoke of a density not darker than No. 2 on the Ringlemen Chart may be emitted for not more than three (3) minutes in any one (1) hour.
- (2) Lime dust, as CaO, measured at the property line of any lot on which the activity creates such dust. shall not exceed ten (10) micrograms per cubic meter of air.
- (3) Total particulate matter measured at all stacks or other points of emission to the air shall not exceed thirty (30) grams per hour per acre of land included in the lot.
- (4) Odors shall not exceed the smallest values given in Table III (Odor Thresholds) in Chapter 5 of the "Air Pollution Manual" Manufacturing Chemists Association, Inc., Washington D.C., 1951.
- (5) All measurements of air pollution shall be by the procedures, and with equipment, approved by the Building Inspector, which procedures and equipment shall be of the latest generally recognized development and design readily available.

c. Noise:

The noise generated on any lot, measured at any point beyond the property lines of the lot on which the noise source is located, shall not cause the total sound level to be more than three (3) decibels above the natural ambient sound level except as provided below:

- (1) For not more than five (5) minutes in any one (1) hour the noise generated shall not cause the total sound level to be more than ten (10) decibels above the natural ambient sound level.

- (2) For not more than sixty (60) minutes in any seven (7) day period the noise generated shall not cause the total sound level to be more than thirty (30) decibels above the natural ambient sound level.
- (3) Noise making devices which are maintained and are utilized strictly to serve as safety warning devices are excluded from these regulations.

Measurements shall be conducted by personnel approved by the Building Inspector using the "A" weighting on a standard commercial total sound level instrument approved by the Building Inspector. For the purpose of this bylaw the natural ambient sound level shall be assumed to be forty (40) decibels above 0.0002 microbar during hours of daylight, and thirty (30) decibels above 0.0002 microbar at all other times.

d. Heat, glare, vibration, and radiation:

No heat, glare, or vibration shall be discernible without instruments from the outside of any structure, and no radiation shall be discernible from the outside of the structure with or without instruments.

e. Exterior lighting:

No exterior lighting, other than street lighting approved by the Selectmen, shall shine on adjacent properties or towards any street in such a manner as to create a nuisance or hazard.

f. Screening, surfacing, parking, and signs:

As provided in Section VII of this bylaw.

g. Waste disposal and water supply:

Regulations of the State Board of Health and the Stow Board of Health shall be met and shall be indicated on a site plan, when a site plan is required.

2. Use regulations pertaining to the Business, Commercial, and Industrial districts.

a. Storage:

All materials, supplies and equipment shall be stored in accord with Fire Prevention Standards of the National Board of Fire Underwriters and shall be screened from view from public ways or abutting properties by an opaque fence or screening at least six (6) feet but not more than twenty (20) feet high.

b. No open burning is permitted, unless in an incinerator of a type approved by the Board of Selectmen.

SECTION VII

Development of Sites and Location of Buildings and Structures

A. Height Regulations:

1. The height of any building or structure shall not exceed thirty-five (35) feet unless site plan approval has been granted in accord with Section VII F when there is no obstruction to scenic views from public ways or properties, except that in no case shall the height exceed the limits permitted by Section 35A of Chapter 90 of the General Laws as inserted by Chapter 756 of the Acts of 1960 and any more restrictive amendments thereto.
2. Height shall be measured as the vertical distance from the average ground elevation around the exterior walls of the structure, or, in the case of built-up land, the highest elevation at the site prior to such change in contour, to the highest point of the roof surface in the case of a flat roof, and to the mean height between eaves and ridge in the case of a pitched roof.
3. Limitations of height shall not apply to spires, domes, steeples, radio towers, chimneys, broadcasting and television antennae, bulkheads, cooling towers, water towers, ventilators, and other appurtenances, provided that, if the use requires a permit, one has been granted.

B. Area, Frontage, Yard, and Floor Area Requirements:

No building shall be erected unless in conformity with the requirements on the Table following, except:

1. that eaves, sills, steps, cornices, belt cornices, fences or walls and similar features may project into the specified yards;
2. on a corner lot in order to provide unobstructed visibility at intersection, no sign, fence wall tree, hedge or other vegetation, and no building or other structure more than three (3) feet above the established street grades measured from a plane through the curb grades or the height of the crown of the street, shall be erected, placed, or maintained within the area formed by intersecting street lines and a straight line joining said street lines at points which are twenty-five (25) feet distant from the point of intersection, measured along said street lines;
3. further, no yard, lot area or open space required for a building by this bylaw, shall, during the existence of such building, be occupied by or counted as open space for another building. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed in this bylaw.
4. In no case shall a building or structure or sewage disposal area be located within thirty (30) feet of the center line of a stream or river except as provided in Section V, D.
5. a. Any person who submits to the Planning Board, for approval under the Subdivision Control Law, a plan of land containing Twenty (20) acres or more in a Residential District may in accordance with the provi-

sions of this Section make application to the Board of Appeals for a special permit excepting the building lots shown on such plan in said District from the lot area and frontage requirements specified in Section VII, but not any other requirements, of the Zoning Bylaw. Prior to the granting of a permit, a plan must be submitted indicating (1) which lots are to be used as building lots and which are to remain open land, and (2) on each building lot, two site lines parallel to the street between which the entire dwelling, including attached garage, if any, must lie.

b. After notice and hearing in accordance with law, the Board of Appeals may grant such a permit if it determines that:

- (1) The area of the tract shown on the plan is at least twenty (20) acres in a Residential District.
- (2) The building lots shown thereon comply with the requirements of paragraph c. of this Section as to minimum and average area and as to frontage.
- (3) The plan promotes the more efficient use of the land in harmony with its natural features and with the general intent of the Zoning Bylaw.
- (4) The number of such lots does not exceed the number of lots which could be built upon in the tract shown on such plan without a special permit hereunder. For the purposes of this paragraph the number of lots which could be built without a special permit shall be computed at .7 of a dwelling unit per 40,000 square feet of usable land. This calculation shall include as usable only twenty (20) per cent of any land in Soil Association Muck-Whitman as shown on the General Soil Map, Town of Stow, prepared by the Soil Conservation Service, U. S. Department of Agriculture, dated 1966 and on file with the Planning Board.
- (5) The building lots shown on the plan shall each be served by an adequate water supply system approved by the Stow Board of Health.
- (6) Each of such lots contains a site which, subject to approval of the Stow Board of Health, may be suitable for a septic disposal system.
- (7) Each lot shall have at least ninety (90) percent of the minimum area required in paragraph c. (1) with a slope less than fifteen (15) percent.
- (8) The open land is suitable as to location, size, shape and condition and equal to at least thirty (30) percent of the gross area shown upon the Subdivision plan and that a minimum of two (2) acres plus one (1) acre of such open land per twenty-five (25) dwelling units, or fraction thereof, shall be of land suitable for active outdoor recreation. For the purposes of this paragraph land shall be deemed suitable for active outdoor recreation if the slope does not exceed fifteen (15) percent, if the soil is in Soil



Association Hinckley-Merrimac, Paxton-Woodbridge or Hollis-Paxton as shown on the General Soil Map, Town of Stow, prepared by the Soil Conservation Service, U. S. Department of Agriculture, dated 1966 and on file with the Planning Board, and if there is an area of at least one (1) acre suitable for playing football, baseball or similar games.

- (9) The plan has been submitted for recommendation to the Planning Board. Failure of the Planning Board to submit a recommendation prior to the hearing as herein provided shall be construed to mean favorable recommendation.
- c. The building lots shown on any plan for which a special permit is granted under this Section shall meet with the following requirements:
- (1) Each such lot lying in the Residential District shall contain a minimum of twenty thousand (20,000) square feet.
  - 2 Each lot lying in the Residential District shall have a minimum frontage and width of at least one hundred (100) feet, such width to be measured on a line which is the shortest distance between those segments of the side lines of the lot which lies between the two site lines specified in paragraph a.
- d. All land shown on a plan for which a special permit is granted under this Section which is not included in building lots or streets shall be Open Land. Provision shall be made by agreement, duly executed in form suitable for recording by the owner or owners of such Open Land, that in the event that a special permit is granted under this Section a fee interest or a lesser interest of such Open Land shall be:
- (1) Owned alone or jointly by any of the following: jointly or in common by the owners of the building lots shown on said plan in a manner in which the ownership of the Open Land runs with the title to the lots and is not separately alienable, or by an association of which the owners of the building lots (or groups of such lots) are the members, or by the Town, and
  - (2) Subject to restrictions unlimited as to time that such Open Land shall be used only for conservancy in its natural state, grazing and agriculture, walking, horseback riding and/or bicycle riding, playing fields and courts, swimming pools and other recreational facilities and structures for use of the owners of the Open Land, or any combination of the foregoing. The restrictive agreement shall be in such form and contain such facts and provisions that, so far as possible under then existing law the restrictions will not terminate by operation of law.

The manner of ownership of such Open Land (or of various parcels thereof) shall be determined by the applicant and shall be subject to approval by the Board of Appeals.

Where the water supply system is located within Open Land, it shall be maintained by the Owners of the Open Land in accord with the regulations of the Board of Health established at the time of the passage of this bylaw and filed with the Town Clerk and included in the restrictive agreement.

The above provisions for ownership and restrictions shall be developed by the applicant after consultation with the Planning Board. Such restrictions shall be for the benefit of and enforceable by the Town, and if the applicant so requests, shall also be enforceable by the applicant and/or by the owners of the building lots shown on such plan. The applicant may specify subject to the approval of the Board of Appeals that such restrictions be established for the benefit of the Town by a trust enforceable by the Selectmen.

The instructions provided above shall include an agreement that open space not owned by the Town shall be maintained in accordance with standards established by the Conservation Commission of the Town of Stow at the time of the passage of this bylaw and filed with the Town Clerk and included in the restrictive agreement. The Conservation Commission shall notify the building inspector of failure to comply with these standards, and he shall take steps to cause compliance in accord with the provisions of this bylaw or initiate proceedings for the Town to take the open land without compensation, and notify the Selectmen and the owners of any non-compliance.

After notification to the owners by the building inspector of non-compliance, the Selectmen may arrange for maintenance of the land by Town labor or contract until such time as the owners arrange for maintenance in a manner satisfactory to the Selectmen and Conservation Commission or the Town takes title to the open land. The costs incurred by the Town for such maintenance shall be assessed to the owners.

- e. If all the requirements of this Section are met, the Board of Appeals may grant a permit. If in the opinion of the Board of Appeals the granting of a permit would derogate from the intent and purpose of this section, this shall be deemed good and sufficient reason for not granting a permit.
- f. Upon application for a special permit under Section 5 above, the Board of Appeals shall refer all matters relevant thereto to the Planning Board and shall take no final action upon such permit until the Planning Board has submitted its report or has had forty-five (45) days within which to submit such report. In said report the Planning Board shall state whether the plans and documents submitted to it are in compliance with this bylaw and shall make such recommendations as it deems appropriate.

| District                | Minimum Lot Area in Square Feet (1) | Min. Contiguous Lot Frontage in Feet (2) | Minimum Front Yard in Feet (3)  | Minimum Side Yard in Feet (4)   | Minimum Rear Yard in Feet   | Maximum % Building Coverage of Land Including Accessory Buildings | Minimum Floor Area Per Dwelling In Square Feet (5) |
|-------------------------|-------------------------------------|--|---|---|---|---|--|
| Recreation-Conservation | 40,000                              | 150                                      | 50 for dwelling<br>150 for all other uses                                   | 100   | 100   | 10%   | 768  |
| Residential District    | 40,000                              | 150                                      | 30  | 25  | 40  | 25%   | 768 plus 600 for each additional dwelling unit     |
| Business District       | 40,000                              | 150                                      | 50  | None, except 50 where abuts Recreation-Conservation or Residence District (6) | 50 (6)  | 30%   |  |
| Commercial District     | 20,000                              | 150                                      | 50  | 25 except 50 where abuts Recreation-Conservation or Residence District (6)    | 50 (6)  | 30%   |  |
| Industrial District     | 40,000                              | 150                                      | 75 (6) except 150 where abuts Recreation-Conservation or Residence District | 25 (6) except 150 where abuts Recreation-Conservation or Residence District   | 50 (6) except 150 where abuts Recreation-Conservation or Residence District | 30%   |  |

FOOTNOTE TO CHART

- (1) To qualify under this section, water area shall not be computed beyond ten (10) feet from the shore lines.
- (2) Measured along the street line. For a corner lot, frontage shall be measured along one street only, including one half of the corner arc, or that portion of the corner arc not exceeding twenty-five (25) feet, whichever is less.
- (3) From a fifty (50) foot right-of-way, plus from all right-of-ways less than fifty (50) feet, an amount equal to one half the distance between the right-of-way and fifty (50) feet; provided that any front yard in a Recreation-Conservation or Residential District need only be the average of the depths of the front yards on the abutting lots, considering the front yards of abutting vacant lots as having the minimum permitted, except that in no case shall the front yard be less than forty-five (45) feet from the centerline of a street.
- (4) Except that in the case of a lot having frontage on two (2) streets, the front yard requirements apply to the side of the structure on street frontage as well as to the front.
- (5) Except that the Board of Appeals may issue a permit for temporary occupancy of a building having less than the required area for an initial period of not more than two (2) years, which may be renewed by the Board for successive periods of not more than one (1) year each.
- (6) Where a Business, Commercial, or Industrial District abuts a Recreation-Conservation or Residential District, off-street parking and loading areas shall not be included within the minimum side and rear yard requirements.

C. Accessory Buildings:

A detached accessory building or a swimming pool may be erected in the rear or side yard area in conformance with the yard requirements of the district in which it is located. An accessory building attached to its principal building shall be considered an integral part thereof, and as such shall be subject to the front, side and rear yard requirements applicable to the principal building.

D. Off-Street Parking and Loading Areas:

1. Off-street parking and loading spaces shall be required as follows:

a. Dwellings:

One (1) parking space for each dwelling unit therein and sufficient off-street parking for visitors and employees.

b. Place of public assembly:

One (1) parking space for each three (3) seats therein or one (1) space for each sixty (60) inches of bleachers or benches, plus one (1) space for every two (2) employees thereof.

c. Schools:

One (1) parking space for each three (3) seats in the auditorium thereof.

d. Hotels, motels and other places providing overnight accommodations:

One (1) parking space for each room accommodation therein, plus one (1) space for each two (2) employees and adequate spaces for delivery vehicles.

e. Restaurants:

One (1) parking space for each table or booth, and one (1) parking space for every two (2) counter seats, plus one (1) space for each two (2) employees, and adequate spaces for delivery vehicles.

f. Other service and retail establishments:

Parking areas, exclusive of driveways, shall be in a minimum ratio of three (3) square feet of ground area to one (1) square foot of gross floor area, exclusive of storage areas, plus one (1) space for every two (2) employees, space for all company vehicles, space for visitors and loading space for all deliveries and shipping.

Parking areas shall be in a minimum ratio of one (1) square foot of ground area for each three (3) square feet of floor area.

2. Design of Off-Street Parking and Loading Spaces:

a. For all required off-street parking spaces, open or enclosed, each three hundred (300) square feet of net standing and maneuvering area shall be considered one (1) space. However, if such spaces are located

in a completely enclosed building, each two hundred and fifty (250) feet of net standing and maneuvering area shall be considered one (1) space. All required parking spaces shall be at least ten (10) feet from street lines and shall be properly maintained in such a manner as to permit them to be used at all times. All required parking spaces shall be located on the same lot as the use with which such spaces are connected or, in the case of unenclosed spaces, within two hundred (200) feet of the lot, except that two (2) or more businesses may jointly provide the required spaces on one (1) or more of their lots. The number of spaces in any such joint facilities shall at least equal the total number required under the provisions of this Section for their individual uses.

- b. All open off-street parking and loading areas, permitted and/or required, except for single-family dwellings, which are located within or adjacent to a Residential District or Recreation-Conservation District (whether on the side or rear) shall be screened from all adjacent lots in said district by a strip six (6) feet wide, densely planted with shrubs or trees, which are at least three (3) feet high at the time of planting and of a type which may be expected to form a year-round dense screen at least five (5) feet high within three (3) years.
- c. Required off-street parking and loading spaces shall not hereafter be reduced, nor shall one be counted as or substituted for the other.
- d. Required off-street parking and loading spaces and rear yards shall have adequate vehicular access to the street, which, along with the areas themselves, must be approved on a site plan in the case of uses in a Business, Commercial or Industrial District, in accordance with Section VII F. Except in the case of parking spaces provided for single-family detached dwellings, such accesses to the street shall not be located closer than two hundred (200) feet apart and shall be provided with separate entrance and exit lanes.
- e. Except in the case of parking spaces provided for dwellings, off-street parking and loading areas shall be paved to specifications prepared by the Selectmen with the advice of the Planning Board.
- f. Except in the case of parking spaces provided for dwellings, off-street parking and loading areas used after sundown shall be illuminated, while in use, with illumination so arranged as not to shine on abutting properties or on streets in such a manner as to create a nuisance or hazard.

~~F.~~ Signs:

- 1. Signs which are not oscillating, flashing or operating with moving parts are permitted in all districts, subject to restrictions as follows:
  - a. One (1) sign for identification or announcement of professional or home occupations or announcement of membership of an occupant of a dwelling, or announcement of use of any other property, not exceeding three (3) square feet in area;

- b. One (1) sign pertaining to the rent, lease or sale of land or building on which the sign is located, not exceeding twelve (12) square feet in area, except that if the tract of land has more frontage than would be required for a dwelling, it may have one (1) such sign on each increment of required frontage, or, in the case of a corner lot, one (1) such sign for each street, or, in the case of Recreation-Conservation, Business, Commercial and Industrial Districts, one (1) such sign for each three hundred (300) feet of frontage.
2. In Business, Commercial and Industrial Districts, additional signs are permitted as follows:
    - a. An announcement sign advertising goods and services available on the premises, or the name of the occupant, attached to the facade of the building, not exceeding thirty-six (36) square feet, unless a larger sign is approved with a site plan (see Section VII F) and providing the sign is not oscillating, flashing, or operated with moving parts;
    - b. An identification sign for a business development or industrial park of a size and location approved with the site plan (see Section VII F).

F. Site Plan Approval:

For the purposes of assuring proper drainage, safe access with particular attention to the separation and location of the entrances and exits, administering provisions of this bylaw in regard to parking and loading areas, signs and screening, and to assure adequate consideration for abutting land owners, a site plan shall be submitted for the following:

1. All the uses for which off-street parking areas are mandatory except single-family dwellings;
2. All other uses for which it is required by the provisions of this bylaw.

The site plan shall be prepared by a professional architect, landscape architect, or registered professional engineer, and shall be submitted in triplicate to the Building Inspector who shall give the applicant a dated receipt. The plan shall indicate all property boundaries, use and ownership of adjacent land and location of buildings thereon within two hundred (200) feet of the property lines, all existing and proposed structures within the property lines, driveways, driveway openings, parking and loading spaces, service areas, and all facilities for screening, surfacing, lighting, signs, sewage, refuse and other waste disposal, drainage, dust and erosion control, and landscaping. If the plan complies with all provisions of this bylaw, and the regulations of the State Board of Health and the Stow Board of Health, the Building Inspector shall approve it. If a special permit is also required, he shall submit copies of the site plan to the Board of Appeals within three (3) days of receiving the plan.

The Board of Appeals shall conduct a public hearing and shall also within three (3) days of receiving the plan from the Building Inspector submit one (1) copy of the site plan to the Planning Board and one (1) copy to the Board of Health and shall within thirty (30) days meet with them to consider the plan, which, if it complies with the purposes and specifications of this bylaw, may be approved by the Board of Appeals with or without conditions; if it does not comply with the purposes and specifications of this bylaw, it may

be disapproved, or approved with conditions which will bring about compliance. The applicant shall be notified within sixty (60) days from the date of submission of the plan of action taken, or approval will be assumed.

G. Earth Removal:

Except for earth removal operations in existence at the time notice was given of the public hearing on the amendment of the zoning bylaw by adoption of this section, no soil, loam, sand or gravel may be removed from any land in Stow, except for earth removal operations in existence under a permit duly issued under the Earth Removal by-law (Police Regulations, Article 6, Section 22) and except as provided under Section j of said bylaw.

H. Trailers and Mobile Homes:

No trailer or mobile home shall be moved onto any lot within the Town for use as a dwelling.

SECTION VIII

Administration

The provisions of this bylaw and any amendments thereto shall be administered and enforced by the Building Inspector.

A. Building Permits:

Building permits are required in accord with the Building Code of the Town of Stow.

B. Certificate of Occupancy:

Certificates of occupancy are required in accord with the Building Code of the Town of Stow.

C. Violations and Enforcement:

Enforcement shall be in accord with provisions of the Stow Building Code.

D. The penalty for violation of this bylaw shall be a fine of fifty dollars (\$50.00). Each day that a violation continues shall constitute a separate offense.

SECTION IX

Board of Appeals

The Board of Appeals under this bylaw shall be the existing Board of Appeals established in accordance with Section 14 of Chapter 40 A of the General Laws.



SECTION X

Amendment

This bylaw may from time to time be changed by amendment, addition or repeal by a town meeting in the manner provided by Section 6 of Chapter 40 A of the General Laws.

SECTION XI

Religious, Educational or Municipal Uses

Nothing in this bylaw shall be construed to limit or prohibit the use of land in any district, or any building or structure, for any church or religious purpose, for any educational purpose which is religious, sectarian, denominational or public, or for any municipal purpose with the exception of a refuse disposal area.

SECTION XII

Validity

Where this bylaw imposes a greater restriction upon the use, height and the area of structures or the use of premises than is imposed by other bylaws, the provisions of this bylaw shall control. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

A True Copy.

Attest:

Francis W. Warren  
Town Clerk