

TOWN OF STOW

STOW, MASSACHUSETTS

ZONING BYLAWS

Effective October 23, 1968
Including amendments through
May 25, 1983

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SECTION I

Purposes

The purposes of this Zoning Bylaw are to regulate the use of land, buildings, and structures to the full extent of the constitutional and statutory powers of the Town to protect the health, safety and general welfare of present and future inhabitants, including but not limited to the following purposes: to preserve the environmental resources of the Town; to maintain open spaces by recognizing the concern for irretrievable loss of farm, wetlands and woodlands while respecting the rights of landowners; to encourage the most appropriate use of land through a proper balance of residential, commercial and industrial designations; to preserve the historical and cultural characteristics of the Town; and to induce its citizens to remain in the community, thus providing a sense of history and continuity.

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 State 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 for 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, Structures and Lots:

A non-conforming use, structure or lot shall be defined in Chapter 40A, Section 6 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 IIIDISTRICTSA. 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
- 3a. Compact Business District
4. Commercial District
5. Industrial District
6. Flood Plain/Wetlands District
7. Refuse Disposal 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 April 5, 1978 signed by the Planning Board and filed with the office of the Town Clerk; which map shall also constitute an index map of all zoning districts, and together with all the maps referred to in Section III-C below and all explanatory matter thereon shall constitute the Zoning Map of the Town, herein incorporated by reference and made a part of this bylaw.

C. Location of Boundaries of Districts:

1. Where the boundary lines are shown upon said map within the street lines or utility transportation lines, the center lines of such rights-of-way or lines shall be the boundary lines unless otherwise indicated.

2. Boundary 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 in existence and as recorded at the time of the adoption of or amendment to the Zoning Map.
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, 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.
7. Boundary lines outlining wetlands districts and delineating streams are the lines shown on the IEP (Interdisciplinary Environmental Planning) Wetlands Map, Figure 13, with a scale of 1" = 800', Water Resource Study, Town of Stow, dated October 28, 1977.
8. Boundary lines outlining the flood plain of the Assabet River shall be the limits of the Standard Project Flood Modified delineated on the plan entitled "Flood Plains & Profiles", sheets 2, 3, and 4 of the Assabet River Technical Report, Department of the Army, Corps of Engineers, dated June, 1966 and on file with the Town Clerk. Boundary lines outlining the flood plain of Heath Hen Meadow Brook shall be the limits of the 100-year design storm flood plain delineated on the plan entitled "Flood Plain - Plan and Profile Heath Hen Meadow Brook, Stow, Massachusetts" by BSC Engineering, Inc., dated February 21, 1975, revised May 2, 1975, and on file with the Town Clerk. Boundary lines of the flood plain elsewhere in the Town shall be the limits of the "Special Flood Hazard Areas" delineated on maps entitled "FIA Flood Hazard Boundary Maps", Nos. H01 - H0-11 inclusive, Town of Stow, revised December 6, 1977 and on file with the Town Clerk.

SECTION IVContinuance of Existing, Non-Conforming Uses and Structures:

A pre-existing, non-conforming use or structure may continue. However:

- A. No pre-existing, non-conforming uses or structures may be extended or altered except upon application for a Level 2 special permit and a finding by the Board of Appeals that such change is not substantially more detrimental to the neighborhood than the existing non-conforming use. 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 Level 2 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 or abandoned for a period of two (2) years or more, it shall not be re-established except upon a Level 2 special permit granted by the Board of Appeals.
- D. A non-conforming single or two family dwelling or agricultural structure 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 Level 2 special permit for a longer period of time granted by the Board of Appeals.

SECTION VNew 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 Level 2 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 requirement.

- D. No building except piers, wharfs or other structures to service boats shall be erected below the flood contour lines as shown on the maps and plans set forth in Section III-C.8. of this bylaw, as indicated on and incorporated in by reference on the zoning map accompanying this bylaw, except upon a Level 2 special permit granted by the Board of Appeals as hereinafter provided for in Section VI-G.1.g.
- 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 Level 2 special permit for a longer period of time is granted by the Board of Appeals.
- F. This section is intended to provide additional rights to build single family dwellings on certain lots in the Residential District that do not conform to zoning area and frontage requirements in effect, and is in no way intended to limit any rights set forth as to such lots in Chapter 40A, as from time to time amended. The Board of Appeals shall grant a Level 2 special permit for the construction of a single-family dwelling to the owner of any lot of at least 40,000 square feet area and at least 150 feet of contiguous lot frontage in the Residential District, which was separately shown, laid out or described in a plan, deed or certificate of title duly recorded or registered at the Middlesex South District Registry of Deeds, and met all requirements of the Zoning Bylaws then in effect, prior to the first publication of notice of the public hearing required before any amendment of the Zoning Bylaw pursuant to said Chapter 40A, increasing such area or frontage requirements, or both, for a residential lot, and situated on a street as defined in the Zoning Bylaws open for use by the public at such date of publication, upon a finding that the conditions in subsection 1 are met.
1. Any adjoining lot to the lot described in the application for a Level 2 special permit, held in common ownership with the lot described in the application for the Level 2 special permit, had an existing lawful building thereon, or a building permit had issued for such a building (on which construction was commenced within six (6) months from the date of the permit and continued through to completion as continuously and expeditiously as reasonable) before the date of publication of the first notice of the public hearing on the amendment to the Zoning Bylaws, increasing such area or frontage requirements, so that such adjoining lot is not available for use in combination with the lot which is the subject of the application at the time of filing the application.
 2. Provided, however, that the Board of Appeals shall grant such Level 2 special permit for only one lot to any owner owning such lot in common with a lot unavailable for use in combination therewith as defined in this section which permit shall run with the land; and shall impose as conditions to such Level 2 special permit that any proposed dwelling is to be located on such lot so as to conform with all other minimum requirements of front, side and rear yard setbacks of the Zoning Bylaws in effect; and the further condition that, unless the lot is sold and

thereafter is in separate ownership, a Level 2 special permit granted under this section shall lapse within a specified period of time, not more than two (2) years thereafter if a building permit has not been issued and construction has not begun by such expiration date except for good cause shown and an extension of such Level 2 special permit by the Board of Appeals granted upon a showing of good cause.

3. Provided further, that the Board of Appeals may impose additional conditions and safeguards, where appropriate, to assure harmony with the general purpose and intent of the Zoning Bylaws.

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, dams necessary for achieving this purpose.
 - b. Farming and horticulture, including raising, harvesting and storing crops, truck gardening, grazing, dairying, and poultry and live-stock 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 from uses permitted in paragraphs b. and c. above, and products normally sold therewith, provided that:
 - (1) At least 51% of gross annual sales is from produce raised by the owner, operator or lessee of the stand, and at least 90% of gross annual sales is farm produce.
 - (2) No stand for such sale is located within twenty-five (25) feet of the street sideline.
 - (3) Provision is made for off-street parking in accord with Section VII-D.
 - g. Accessory buildings and uses.
2. Uses permitted subject to Level 1 special permit 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.
 - 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 15, 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 home occupation, provided that:
 - (1) The profession or 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) There is no exterior evidence of a non-residential use of the premises except as otherwise permitted in this section.
 - (4) No additional 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 is no additional exterior storage of material or equipment.
 - (6) One sign, not exceeding three (3) square feet, is permitted subject to the provisions of Section VII-E.
 - (7) There is no on-street parking permitted for any employee or visitor in connection with such use.
 - (8) The use does not present a safety or health hazard to the public.
 - 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 Level 1 special permit as provided in Section VII-F and upon Level 2 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 Level 1 special permit 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 Level 1 special permit in accord with Section VII-F, the following uses require a Level 2 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 Level 1 special permit 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.

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 Level 1 special permit 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 State Building Code.

- 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 of 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.

h. Scientific Uses:

Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a Level 2 special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.

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.

G. Flood Plain/Wetlands District:

The Flood Plain/Wetlands District is intended to protect the public health and safety, persons and property against the hazards of flood water inundation; to preserve and maintain the ground water table; to protect the community from the costs which may be incurred when unsuitable development occurs in swamps, marshes, along water courses, or in areas subject to floods; and to conserve natural conditions, wildlife, and open spaces for the education, recreation and general welfare of the public. The provisions applicable to the Flood Plain/Wetlands District shall be considered as overlapping other zoning districts. In those cases where the Flood Plain/Wetlands District overlaps another zoning district, the provisions of the Flood Plain/Wetlands District shall be controlling.

i. Uses permitted:

a. Conservation areas for water, water supply, plants and wildlife, and dams necessary for achieving this purpose.

- b. Farming and horticulture, including raising and harvesting crops, truck gardening, grazing and livestock raising, but not including piggeries or the raising of animals for fur.
- c. Nurseries, forests and tree farms, provided that any equipment necessary for these uses is normally stored so it is not visible from district or property boundaries.
- d. Recreation, including golf courses, 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. In a business, commercial or industrial district, any of the foregoing uses which are conducted for profit, or for which a fee or similar charge is made, are allowed within the Flood Plain/Wetlands District, provided such uses are otherwise permitted in the district overlapped by the Flood Plain/Wetlands District.
- f. Subject to General Laws, Chapter 131, Section 40 and 40A access across land within the district overlapped.
- g. The Board of Appeals may grant a Level 2 special permit to allow any use or structure otherwise permitted in the district overlaid by the Flood Plain/Wetlands District if it is clearly shown that the land intended for said use or structure is included within the Flood Plain/Wetlands District through mapping error, or that no portion of said proposed new use or structure will be below the flood plain elevation as defined in this bylaw.

H. Compact Business District:

The Compact Business District is intended as a district to provide certain limited business uses within a structure.

1. Uses Permitted: same as Residential District 1. a, b, c, d, e and h.
2. Uses Permitted, subject to Level 1 special permit 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 or U. S. Post Office.
 - c. Parking areas or garages for use of employees, customers or visitors, subject to design standards in Section VII-D.
 - d. Accessory buildings and uses.
 - e. Signs as provided in Section VII-E.

I. Refuse Disposal District:

The Refuse Disposal District is intended to provide for the safe and sanitary disposal of refuse which is generated within the Town of Stow.

1. Uses permitted, subject to Level 1 special permit as provided in Section VII-F:
 - a. All uses permitted in the Industrial District as provided in Section VI-E, subject to all requirements and limitations contained in the Zoning Bylaw for construction or use in the Industrial District, or otherwise applicable to all districts or any overlying district.
2. Uses permitted subject to Level 1 special permit as provided in Section VII-F, and the issuance of a Level 2 special permit granted by the Board of Selectmen for the following, collectively or individually called a "refuse disposal facility" for refuse:
 - a. Sanitary landfill.
 - b. Refuse transfer station.
 - c. Refuse incinerator.
 - d. Any other facility for treating or disposing of refuse.

Such Level 2 special permit may be granted by the Selectmen only upon making such findings as are necessary therefor under Chapter 40A of the Massachusetts General Laws, as amended, and on such further terms, conditions, safeguards and limitations on time or use as are necessary and appropriate therefor. Provided, however, that only one such permit shall exist at any time, except that two or more may be issued for "refuse disposal facilities" located adjacent to an existing "refuse disposal facility" for which a Level 2 special permit under this section has been granted, or, if at the sole discretion of the Selectmen, a need exists for the issuance of more than one such permit for a non-adjacent site during a transition period from use of one site to another.

Such Level 2 special permit shall lapse within two (2) years from the issuance thereof if a substantial use or construction has not commenced, except that for good cause shown, the Selectmen may in their sole discretion grant an extension thereof. Such Level 2 special permit shall limit the intended use to a "refuse disposal facility" for municipal purposes, to be used solely by the Town of Stow.

"Refuse shall mean all solid or liquid waste materials, including garbage and rubbish, but not including sewage.

SECTION VIIDevelopment of Sites and Location of Buildings and StructuresA. Height Regulations:

1. The height of any building or structure shall not exceed thirty-five (35) feet unless a Level 1 special permit 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 hereafter be located, constructed or substantially improved in a Flood Plain/Wetlands District or within one hundred (100) feet of the bank or boundary of a stream, river, watercourse, flood plain or wetland except as provided in Section V-D and Section VI-G-1-g. "Substantial improvement", for the purposes of this section, shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either before the improvement is started or in the case where the structure has been damaged and is being restored, before the damage occurred.
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 provisions of this Section make application to the Board of Appeals for a Level 2 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 65,340 square feet of usable land. This calculation shall include as usable only twenty (20) percent of any land in a wetlands district or 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.

5/2/83
6/28/82

- (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 it is not in a wetlands district, 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 Level 2 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.
 - (3) Those lots within the cluster, but having frontage on existing roads, must meet the frontage and area requirements of the district without regard to the provisions of this Section.
- d. All land shown on a plan for which a Level 2 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 Level 2 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 with 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 not be in harmony with the general purpose and intent of the Zoning Bylaw, this shall be deemed good and sufficient reason for not granting a permit.
- f. Upon application for a Level 2 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 had had thirty-five (35) days from the date of receipt 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	Max. % Bldg. Coverage of Land including Accessory Bldgs.	Minimum Floor Area per Dwelling In Sq. Ft.
Recreation-Conservation	40,000	150	50 for dwelling 150 for all other uses	100	100	10%	(5)
Residential District	65,340	200	30	25	40	25%	(5)
Business District	40,000	150	50	None, except 50 where abuts Recreation-Conservation or Residential District (6)	50 (6)	30%	
Commercial District	20,000	150	50	25 except 50 where abuts Recreation-Conservation District (6)	50 (6)	30%	
Industrial District	40,000	150	75 (6) except 150 where abuts Recreation-Conservation or Residential District	25 (6) except 150 where abuts Recreation-Conservation or Residential District	50 (6) except 150 where abuts Rec.-Cons. or Residential District	30%	
Compact Business	65,340	200	50 (8)	None (7) (8)	40 (7) (8)	30%	
Refuse Disposal	(10) 300,000	150	300 (9) (9A)	150 (9) (9A)	150 (9) (9A)	N/A	

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) The interior area of a single family dwelling may not be regulated or restricted. Reference is made to Chapter 40A, Section 3 of the General Laws, which in general prohibits such regulation. In addition, Chapter 40A, Section 3 provides for the application of this table to regulate agricultural, religious or educational uses.
- (6) Where a Business, Commercial, or Industrial District abuts a Recreation-Conservation or Residential District, off-street parking and loading area shall not be included within the minimum side and rear yard requirements.
- (7) Where a Compact Business District abuts a Residential District or use, off-street parking and loading areas shall be screened from said residential use.
- (7A) Where a Compact Business District abuts a Residential District, side yard is 50 feet.
- (8) Area not devoted to building, walks, parking areas and access roads shall be seeded and landscaped.
- (9) Yard requirements may be waived as a condition of the special permit for that portion of a parcel of land abutting an operational refuse disposal area. Such yard requirements are to be measured from the lot boundaries and the outer-most limits of the excavation or any building for the "refuse disposal facility".
- (9A) One hundred (100) feet must be densely planted with natural screening, or otherwise screened from view in the manner, if any, provided under the Level 2 special permit issued by the Selectmen.
- (10) For Industrial District uses permitted the requirements of the Industrial District shall apply, except that the minimum front yard requirement shall be three hundred (300) feet.

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. 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, and within the same district. Two (2) or more adjacent 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 the 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 districts by a strip six (6) feet wide, densely planted and maintained with shrubs or trees, which are at least three (3) feet high at the time of planting and of a type which shall form year-round dense screen at least five (5) feet high within three (3) years.
- c. Parking spaces shall be specified areas, not less than nine by twenty (9 x 20) feet, except that the permit granting authority may allow areas not less than eight by sixteen (8 x 16) feet to be designated for compact vehicles.
- d. Required off-street parking and loading areas shall not hereafter be reduced, nor shall one be counted as or substituted for the other.
- e. All 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 cases of uses in a Business, Compact Business, Commercial or Industrial District, in accordance with Section VII-F. Except in the case of parking spaces provided for single-family detached dwellings, 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.
- f. Except in the case of parking spaces provided for dwellings, off-street parking and loading areas shall be paved adequately for the intended use. Alternate rows of parking spaces shall be separated by a landscaped strip not less than five (5) feet wide unless located in the rear yard.
- g. 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.

E. 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 or a refuse disposal facility of a size and location approved with the site plan (see Section VII-F).

F. Level 1 Special Permit:

1. No business, commercial or industrial building, or structure, nor any building containing more than two dwelling units, shall hereafter be erected or enlarged; nor any such use be expanded in ground area; nor any site be altered except in conformance with a Level 1 special permit. When both a Level 1 and a Level 2 special permit are required both shall be considered by the Level 2 permit granting authority, and no separate Level 1 permit shall be issued.

For the purpose of this section, the Level 1 special permit granting authority shall be the Planning Board, unless otherwise provided in this bylaw.

For the purpose of this section, the following terms shall have the following meanings: "enlarged" means an increase of at least 10 percent in building floor area or 1,000 square feet, whichever is smaller; "expanded in ground area" means any increase in the ground area devoted to such use; and "altered" means any change to any items listed in 2-b through 2-e inclusive below.

2. Eight (8) copies of an application and proposed site plan, in a format acceptable to the Registry of Deeds, prepared by a registered professional engineer, architect and/or land surveyor, and one list of abutters and addresses, shall be submitted to the Planning Board or the special permit granting authority at a regularly scheduled meeting. Said site plan shall show and describe, where applicable, the following as minimums:

- a. All existing lot lines, easements, rights-of-way and other matters of record, land use and ownership of abutting land, including land across the street(s) from the site, and a description of all zoning districts within one thousand (1,000) feet of the site perimeter.
 - b. All existing and proposed buildings, structures, signs, parking spaces, driveway openings, driveways, fire lanes, service areas and other open uses.
 - c. All existing and proposed natural land features, contours at two-foot intervals (or as specified by the Board), water courses, ponds, streams, wetlands, soils by SCS type, ground water elevations, flood plains and methods of handling surface and subsurface drainage and runoff.
 - d. All existing and proposed facilities for sewage, refuse and other waste disposal facilities.
 - e. All existing and proposed buffers and planting areas for screening purposes, walls, fences, outside lighting and signs.
 - f. Information as to the proposed use of any buildings and structures.
3. The Planning Board shall promptly transmit a copy of the application, proposed site plan and any accompanying information to the Board of Selectmen, Town Clerk, Zoning Board of Appeals, Building Inspector, Board of Health, Fire Engineers and Conservation Commission for their review and recommendations within twenty-five (25) days of receipt of a properly submitted application by the Planning Board. Failure to so make recommendations shall be deemed a lack of opposition to the application.
 4. The Level 1 special permit granting authority shall hold a public hearing on the proposed Level 1 special permit within thirty (30) days and shall render a decision within sixty-five (65) days of the receipt of a properly submitted application.
 5. In considering a site plan under this section, the special permit granting authority shall assure that the proposed site plan is in harmony with the general purposes and intent of the bylaw and is consistent with the uses permitted for the district in which it is located:
 - a. Protection against detrimental or offensive uses of the site by imposing conditions, safeguards and limitations on time or use.
 - b. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent land and streets serving the site.
 - c. Adequacy of the methods for disposal of sewage, refuse and other wastes resulting from the uses permitted and the methods of control for surface water on the site.

G. Level 2 Special Permit:

1. For the purposes of this section, the Level 2 special permit granting authority shall be the Board of Appeals, unless otherwise provided in this bylaw.

No Level 2 special permit shall be granted unless the special permit granting authority finds that

- a. the special permit will be in harmony with the general purposes and intent of the bylaw; and
 - b. that all requirements or conditions contained in this bylaw for the granting of such a permit have been satisfied.
2. The Level 2 special permit granting authority may attach such conditions or safeguards or limitations to a special permit as it finds to be reasonable, including but not limited to
 - a. set-back requirements greater than the minimum required by this bylaw;
 - b. requirements as to installation of screening, fencing, landscaping or other means of protecting adjacent property;
 - c. modification of the exterior features or appearance of any structure;
 - d. limitation as to the size, number of occupants or method and time of operation of any proposed use;
 - e. regulation of number, design and location of access drives and other traffic features;
 - f. requirement for off-street parking and other special features;
 - g. installation of mechanical or other devices to limit noise, light, odor or other objectionable aspects of a use;
 - h. requirement for surety bonds or other security for the performance of any conditions attached to the special permit.
 3. Any special permit granted under this bylaw shall lapse within a period of time, to be specified by the special permit granting authority, not to exceed two (2) years from the date of issue, unless, in the case of a special permit for a building or structure, construction has commenced or, in the case of any other use of or activity upon land, such use or activity has commenced.
 4. The public hearing on any application for a special permit shall be held within sixty-five (65) days after the filing of the application therefor with the special permit granting authority and with other officers, boards or commissions, as required by law and this bylaw.

5. Failure of the Level 2 special permit granting authority to act within ninety (90) days following the public hearing shall be deemed to be the grant of the special permit applied for, and the applicant shall be entitled to whatever documents are necessary to evidence such permit.

H. 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 bylaw (Police Regulations, Article 6, Section 22) and except as provided under Section j of said bylaw.

I. 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 the 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 State Building Code.

B. Certificate of Occupancy:

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

C. Violations and Enforcement:

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

D. Penalty for Violation:

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 IXBoard of Appeals

The Board of Appeals under this bylaw shall be the existing Board of Appeals established in accordance with Section 12 of Chapter 40A and Article 3, Section 12 of the General Bylaws of the Town. The Board of Appeals shall constitute the permit granting authority and the special permit granting authority, except as otherwise provided in the Zoning Bylaw, and shall exercise the powers contained in Chapter 40A, Section 14 of the General Laws, as amended.

SECTION XAmendment

This bylaw may from time to time be changed by amendment, addition or repeal by a town meeting in the manner provided by Section 5 of Chapter 40A of the General Laws.

SECTION XIReligious, Educational, Agricultural 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 non-profit educational purpose which is religious, sectarian, denominational or public, for agricultural use except piggeries or raising animals for fur, or for any municipal purpose with the exception of a refuse disposal area. Such uses shall nevertheless conform to the dimensional, parking and building coverage requirements of this bylaw.

SECTION XIIValidity

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.

SECTION XIIIProcedure

All procedure, time periods, hearings, actions taken and the adoption of rules and regulations shall be in accordance with Chapter 40A of the General Laws, as amended by Chapter 808 of the Acts of 1975, and any subsequent amendments thereto.

A True Copy. Attest: Virginia I. Hatch
Town Clerk of Stow

SUMMARY OF ZONING AMENDMENTS

MARCH 3 & 4, 1969

(Approved by Attorney General May 22, 1969)

Included in the Industrial District a parcel of land on the westerly side of Hudson Road, adjoining and southerly of the existing Industrial District and beginning at a point on the westerly side of Hudson Road at the northerly side of Athens Street. And further, by redefining the southerly line of the existing Industrial District as a segment of a straight line from the intersection of Edson Street and Hudson Road to the town bound at Maple Street.

Included in the Recreation-Conservation District the land on both sides of Assabet Brook, from the point where Potash Brook joins Assabet Brook downstream to the point where Assabet Brook joins the existing flood plain zone which extends northerly of the Assabet River, along Assabet Brook, and which lies within two hundred (200) feet of the center line of Assabet Brook.

Included in the Industrial District a strip of land along the westerly side of Boxboro Road, by the Boxborough town line and by the easterly line of the existing Industrial District.

Voted to accept the provisions of General Laws Chapter 40A, Section 8 concerning reconsideration of changes in the zoning bylaw after unfavorable action.

NOVEMBER 24, 1969

(Approved by Attorney General January 19, 1970)

Minor amendments

MARCH 2 & 3, 1970

(Approved by Attorney General June 16, 1970)

Section VII-B: inserted subsection 5, cluster zoning.

MARCH 3, 1971

(Approved by Attorney General April 12, 1971)

Changed from Residential to Commercial a parcel of land between Great Road and Delaney Street next to the Bolton town line.

NOVEMBER 1, 1971

(Approved by Attorney General February 25, 1972)

Section XI: amended to provide a municipal exemption for certain purposes.

OCTOBER 5, 1972

(Approved by Attorney General November 7, 1972)

Amended in order to correct an inconsistency in the original zoning map as it relates to the Recreation-Conservation District along Elizabeth Brook between Great Road and the dam at the easterly end of Wheeler's Pond by changing the legend on the map in that section which reads "220-foot contour" to read "210-foot contour".

MARCH 5, 6, 7 & 8, 1973

(Approved by Attorney General August 27, 1973)

Section III-A "Establishment of Districts": added "6. Wetlands District".

Section III-C "Location of Boundaries of Districts": added paragraph 7.

Section VI "Use Regulations": added subsection "G. Wetlands District".

Section VII-B-4: amended

Zoning map amended to add "Wetlands District".

OCTOBER 15, 1973

(Approved by Attorney General November 13, 1973)

Section VII-B "Area, Frontage, Yard, & Floor Area Requirements" and the accompanying table for the Residential District:

Column entitled "Minimum Lot Area in Square Feet", changed the number "40,000" to read "65,340".

Column entitled "Minimum Contiguous Lot Frontage in Feet", changed the number "150" to read "200".

Section VII-B-5-b-(4), second sentence: changed "40,000 square feet" to read "65,340 square feet".

Section VII-B-6-c: added paragraph (3) to read:

"Those lots within the cluster, but having frontage on existing roads, must meet the frontage and area requirements of the District without regard to the provisions of this section."

MAY 6, 7, 8 & 20, 1974

(Approved by Attorney General October 7, 1974)

Section VII-B-5-b-(4): added the words "in a wetlands district or" to the third sentence of the section.

Section VII-B-5-b-(8): added the words "if it is not in a Wetlands District" to the second sentence of the section.

MAY 5, 6, 7 & 8, 1975

(Approved by Attorney General September 9, 1975)

Included within the Wetlands District all land subject to periodic flooding by adopting the following changes, and amended the zoning map of the Town accordingly:

1. Section III-A "Establishment of Districts": changed item 6 to read "6. Flood Plain/Wetlands District".
2. Section III-C "Location of Boundaries of Districts": added a new paragraph 8.
3. Section VI "Use Regulations" paragraph G: struck out the words "Wetlands District" wherever they appear and substituted therefor the words "Flood Plain/Wetlands District".
4. Section VI-G-1 "Uses Permitted ": added a new paragraph g.
5. Section VII-B-4: amended to read

"4. In no case shall a building or structure or sewage disposal area hereafter be located, constructed or substantially improved in a Flood Plain/Wetlands District or within thirty (30) feet of the bank or boundary of a stream, river, watercourse, flood plain or wetland except as provided in Section V-D and Section VI-G-1-g. "Substantial improvement", for the purposes of this section, shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either before the improvement is started, or in the case where the structure has been damaged and is being restored, before the damage occurred."
6. Section V-D "New Construction and New Uses": deleted the language in its entirety and inserting a new Section V-D to read

"D. No building except piers, wharfs or other structures to service boats shall be erected below the flood contour lines as shown on the maps and plans set forth in Section III-C-8 of this bylaw, as indicated on and incorporated in by reference on the zoning map accompanying this bylaw, except upon a special permit granted by the Board of Appeals as hereinafter provided for in Section VI-G-1-g."

NOVEMBER 10, 1975

(Approved by Attorney General February 23, 1976)

Section III-A "Establishment of Districts": added a new district "3a. Compact Business District".

Section VI "Use Regulations": added a new subsection H. "H. Compact Business District".

Section VII-B "Area, Frontage, Yard, and Floor Area Requirements" table: added Compact Business District and Footnotes (7), (7A) and (8).

Rezoned from Residential to Compact Business two parcels of land on the easterly side of Gleasondale Road, beginning at a point approximately 334 feet from the easterly corner of Great Road and Gleasondale Road and extending southerly along the easterly side of Gleasondale Road to the southern boundary of the parcel containing the Post Office.

MAY 3, 4 & 5, 1976

(Approved by Attorney General August 10, 1976)

Section V: added a new paragraph F. to provide for a special permit for various lots of at least 40,000 square feet and 150 feet of frontage.

NOVEMBER 17, 1976

(Approved by Attorney General February 28, 1977)

Section III-A "Establishment of Districts": added a new district "7. Refuse Disposal District".

Section VI "Use Regulations": added a new subsection "I. Refuse Disposal District".

Section VII-F "Site Plan Approval": inserted after the words "Board of Appeals" wherever they occur the words "or the Board of Selectmen, whichever applies".

Section VII-F: deleted the last sentence and inserted in place thereof

"The public hearing on the special permit and site plan shall be held within sixty-five (65) days after the filing of an application for a special permit, and final action taken within ninety (90) days of the date of the public hearing, pursuant to the provisions of Chapter 40A of the Massachusetts General Laws, as amended by Chapter 808 of the Acts of 1975. Failure to act within the specified time shall constitute approval."

Section VII-B "Area, Frontage, Yard, and Floor Area Requirements" table: added Refuse Disposal District and Footnotes (9), (9A) and (10).

Section VII-E "Signs": struck out the first part of the first sentence and paragraph 2 and inserted in its place

"2. In Business, Commercial, Industrial and Refuse Disposal Districts additional signs are permitted as follows:"

Paragraph 2, subparagraph b: inserted after the words "industrial park" the words "or a refuse disposal facility".

MAY 2, 3 & 4, 1977
(Approved by Attorney General August 18, 1977)

Rezoned from Residential to Refuse Disposal a portion of a parcel of land located in Stow and Hudson, containing approximately thirty-four (34) acres in Stow.

MAY 1 & 2, 1978
(Approved by Attorney General August 1, 1978)

Amended in order to bring zoning bylaws into conformity with the provisions of Chapter 808 of the Acts of 1975 and the new Chapter 40A of the General Laws.

1. Section 1 "Purposes": deleted and a new Section 1 inserted.
2. Section II-C: deleted the words "Building Code" and inserted the words "State Building Code".
3. Section II-M "Non-Conforming Uses, Structures and Lots": deleted and added a new Section M.
4. Section III-B: adopted the revised and updated zoning district map dated April 5, 1978; deleted the present date of the map and added the date of the new map in its place.
5. Section III-B: deleted all the language after the words "Town Clerk" and added language in place thereof.
6. Section III-C-3: added at the end of the sentence "in existence and as recorded at the time of the adoption of or amendment to the Zoning Map".
7. Section III-C-8: adopted updated flood plain maps by deleting the last sentence and adding in its place

"Boundary lines of the flood plain elsewhere in the Town shall be the limits of the "Special Flood Hazard Areas" delineated on maps entitled "FIA Flood Hazard Boundary Maps", Nos. H01-H011 inclusive, Town of Stow, revised December 6, 1977 and on file with the Town Clerk."
8. Section IV: deleted title and introductory sentence and added

"Continuance of Existing, Non-Conforming Uses and Structures
A pre-existing, non-conforming use or structure may continue. However:"
9. Section IV-A: added a new first sentence

"No pre-existing, non-conforming uses or structures may be extended or altered except upon application for a special permit and a finding by the Board of Appeals that such change is not substantially more detrimental to the neighborhood than the existing non-conforming use."

10. Section IV-C: deleted the words "one (1) year" and inserted the words "two (2) years".
11. Section IV-D: deleted the words "non-conforming building" and added in place thereof the words "non-conforming single or two family dwelling or agricultural structure".
12. Section VI-F-1-a: deleted the words "Building Code of the Town of Stow" and inserted in place thereof "State Building Code".
13. Section VI-F-1-h: added a new subsection h. Scientific Uses.
14. Section VII-B "Area, Frontage, Yard, and Floor Area Requirements" table: deleted the entries in the last column under "Minimum Floor Area" and the existing footnote (5) and added in place thereof a new footnote (5).
15. Section VII-B-5-e: deleted the second sentence and inserted in place thereof
"If in the opinion of the Board of Appeals the granting of a permit would not be in harmony with the general purpose and intent of the Zoning Bylaw, this shall be deemed good and sufficient reason for not granting a permit."
16. Section VII-B-5-f: deleted the end of the first sentence the words "forty-five (45) days within which to submit such report" and added in place thereof the words "thirty-five (35) days from the date of receipt within which to submit such report".
17. Section VIII-A, B and C: deleted in each section the words "Building Code of the Town of Stow" or "Stow Building Code" and inserted in place thereof the words "State Building Code".
18. Section IX: deleted reference to "Section 14 of Chapter 40A" and inserted in place thereof the words "Section 12 of Chapter 40A and Article 3, Section 12 of the General Bylaws of the Town" and added an additional sentence at the end to read
"The Board of Appeals shall constitute the permit granting authority and the special permit granting authority, except as otherwise provided in the Zoning Bylaw, and shall exercise the powers contained in Chapter 40A, Section 14 of the General Laws, as amended."
19. Section X: deleted the reference to Section 6 of Chapter 40A and inserted in its place the words "Section 5 of Chapter 40A".
20. Section XI: deleted title and added in its place the title "Religious, Educational, Agricultural or Municipal Uses"; added the word "non-profit" before the words "educational purpose" and the words "for agricultural use except piggeries or raising animals for fur" before the words "or for any municipal purpose"; added a sentence to the end of the Section - "Such uses shall nevertheless conform to the dimensional, parking and building coverage requirements of this bylaw."
21. Section XIII: added this Section entitled "Procedure".

OCTOBER 5, 1981

(Approved by Attorney General January 25, 1982)

Added Section XIV "Suspension of Airport or Landing Field Uses and Site Plan Approvals for Such Use" to provide a nine-month moratorium on those uses.

Section VI-B-1: deleted subparagraph g. in its entirety and inserted a new subparagraph g. "Professional office or home occupation, provided that:"

MAY 3 & 4, 1982

(Approved by Attorney General August 12, 1982)

Section III-C: deleted paragraph 7 in its entirety and substituted in place thereof a new paragraph 7 in order to define the wetlands map reference.

Section VII-D "Off-Street Parking and Loading Areas": deleted paragraph 2 in its entirety and substituted a new paragraph 2 "Design of Off-Street Parking and Loading Spaces".

JUNE 28, 1982

(Approved by Attorney General October 12, 1982)

Section VI-A-1: deleted paragraph f and substituted in place thereof a new paragraph f regarding display and sale or offering for sale farm produce.

Section VI-A-2: deleted from paragraph b the words "airports or landing fields".

Section VII-F: deleted paragraph F in its entirety and substituted in place thereof a new paragraph F to provide for Level 1 special permit (site plan approval).

Sections VII-G and VII-H: renumbered to Sections VII-H and VII-I respectively.

Section VII-G (new): inserted to provide for Level 2 special permit.

Site Plan Approval: deleted the words "site plan approval" wherever they appeared and substituted in place thereof the words "Level 1 special permit".

Special Permit: deleted the words "special permit" wherever they appeared and substituted in place thereof the words "Level 2 special permit".

Section XIV: deleted "Suspension of Airport or Landing Field Uses and Site Plan Approvals for Such Use".

MAY 2, 3, 4 & 25, 1983

(Approved by Attorney General August 26, 1983)

Section VII-B-4: deleted from the first sentence the words "thirty (30)" and adopted the words "one hundred (100)".