



VIRGINIA I. HATCH

OFFICE OF THE  
**TOWN CLERK**

STOW, MASSACHUSETTS 01775

June 3, 1988

The Honorable James M. Shannon  
Attorney General of Massachusetts  
One Ashburton Place, Room 2019  
Boston, Massachusetts 02108

Dear Attorney General:

The following is a true copy of action taken under Article 34 of the warrant for the annual town meeting held in Stow on May 2 and 3, 1988. Action on Article 34 was taken on May 3, 1988.

ARTICLE 34. Voted unanimously to amend the Zoning Bylaws in the following manner as printed in the warrant.

1. Amend Section II by adding the following definition as "I" and appropriately relettering the present definitions which follow it.

✓ "Green Space:

An area left as a natural or landscaped area which may include fences, signs, poles, footpaths and access driveways."

2. Amend Section VI A.1.d. to read as follows:

- ✓ "d. Non-commercial recreation, including municipal, county or state parks and boat landings, but not an amusement park."

and add the following as "e" at the end of Section VI A.2.:

- ✓ "e. Recreation, including golf courses, ski areas and tows, marinas and commercial boat landings, but not an amusement park."

3. Amend Section VI B.1.d. to read as follows:

- ✓ "d. Playgrounds where approved as part of a subdivision plan."

and delete Section VI B.2.b. and replace with:

- ✓ "b. Playgrounds, unless approved as part of a subdivision plan."

4. Delete Sections VI C., D. and E. in their entirety and replace with the following:

"C. Business District:

The Business District is intended to meet local needs for retail goods and services primarily within a building.

1. Uses Permitted, provided that the building is less than 1,000 square feet gross floor area, there is only one building per lot, all parking spaces are located only in the rear yard, and 50% of the lot area is green space.
- Overruled 12/1/88*
- a. Tourist homes or lodging houses, *bed & breakfast establishments or home*
- b. Business or professional offices.
- c. Retail stores, the principal activity of which shall be the offering of goods but not food at retail within the building.
2. Uses Permitted, subject to Level 1 special permit as provided in Section VII-F:
- a. Retail stores or service establishments, the principal activity of which shall be the offering of goods or services at retail within the building.
- b. Business or professional offices or banks.
- c. Salesrooms for automobiles, bicycles, boats, farm implements, and similar equipment, provided there is no outside display or storage.
- d. Restaurants or other places for serving food within the building. Specifically excluded is any establishment whose principal method of operation includes sales of food and beverages in paper, plastic or other disposable containers; and where consumption of foods and beverages on the premises outside the restaurant building or within parked motor vehicles on the premises is allowed and encouraged; or where food and beverages are served directly to the customer in a motor vehicle.
- e. Parking areas for use of employees, customers or visitors, subject to the requirements of Section VII-D.
- f. Accessory buildings and uses which are customary and incidental to the uses permitted.

g. Signs as provided in the Signs Section (Section VII-E).

3. In addition to a 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.

*(x) - added 6/1/88*  
a. Hotels, motels, tourist homes or lodging houses.

*bed & breakfast est. on house*  
b. Theatres, bowling alleys, skating rinks, clubs or other places of amusement or assembly which occur within the building.

c. Gasoline service stations, garages or repair shops, provided that:

(1) Repairs shall be limited to minor repairs and adjustments, with all repairs occurring within 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 station, garage or repair shop.

(3) The area used to service, repair or store vehicles shall be paved and provided with traps to catch and retain (until removal in accordance with an approved maintenance plan) any grease, oil or other fluids.

(4) There shall be an area at least twenty (20) 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, and maintained as such, except at an entrance/exit which shall be at least twenty (20) feet but no more than thirty (30) feet wide, and at least fifty (50) feet apart, and further provided that there shall be only two curb cuts for each one hundred and fifty (150) feet of street frontage.

D. Commercial District:

The Commercial District is intended to meet local needs for goods and services.

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.

2. Uses Permitted, provided that the building is less than 1,000 square feet gross floor area, there is only one building per lot, all parking spaces are located only in the rear yard, and 50% of the lot area is green space.

*amended 2/88*  
a. Tourist homes, or lodging houses. *had a brief past established on how*

b. Business or professional offices.

c. Retail store, the principal activity of which shall be the offering of goods but not food at retail within the building.

d. Salesrooms for bicycles, boats and farm implements, provided that no more than 30% of the lot area is used for building, parking and display areas.

3. 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 within the building. Specifically excluded is any establishment whose principal method of operation includes sale of food and beverages in paper, plastic or other disposable containers; and where consumption of foods and beverages on the premises outside the restaurant building or within parked motor vehicles on the premises is allowed and encouraged; or where food and beverages are served directly to the customer in a motor vehicle.
- 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.

*changed 6/10/88*  
*1 added breakfast establishment on plan*  
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:

- 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.

2. Uses Permitted, provided that the building is less than 1,500 square feet gross floor area, all parking spaces are located only in the rear yard, and 50% of the lot area is green space.

- a. Research laboratories with incidental assembly or manufacture.
- b. Office buildings.

3. 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."

*6/10/88* h. Conversion of existing residential 6 + 6 . . . .  
5. Delete Section VII-F in its entirety and replace with the following:

"F. Special Permits:

A special permit is a permit to use property for the purpose specified and shall not reverse, alter or vary any provision of this bylaw applicable thereto. The uses or developments for which special permits are provided may be appropriate in a particular district but have potential adverse effects which make control and oversight necessary. A special permit allows on a specific lot a use or structure which is not allowed as of right on other land in the same zoning district.

The burden rests on the applicant to support the application, submitted in accordance with the adopted rules of the Special Permit Granting Authority (SPGA), by a site plan and specific, detailed, clear and convincing evidence on each matter relevant to the application under the bylaw. The application shall show satisfactorily that the use will comply with the Zoning Bylaws, and in particular with the General subsection (Section VI-F), as well as be subject to and conditioned on meeting other relevant bylaws of the Town. A permit shall be denied if, within the time limit conditions specified by Chapter 40A and described by this bylaw (Section F-1), all studies relating to the findings which the SPGA must make are not completed within a sufficient time period to enable the SPGA to incorporate into the conditions of the special permit sufficient mitigating actions extending from those studies. If a special permit is to be granted, the SPGA shall impose, as part of such permit, conditions, safeguards and limitations of time and use, in addition to any specifically provided in the bylaw, as may be appropriate protection for the

present and for the future, for the neighborhood, the community and the natural environment, including surface and ground water quality, air quality, flora and fauna, and wetland resources.

1. The SPGA shall decide on the application or issue any permit only after a public hearing, held within 65 days after receipt of the application by the SPGA. The SPGA shall render a decision within 90 days following the close of the public hearing, unless the applicant and the SPGA have agreed in writing to an extension. A special permit may be granted only after a finding has been made and documented that the criteria described below have been examined and are adequately addressed within the order of conditions associated with the special permit.
  - a. The development will result in
    - (1) no danger of pollution or contamination of the ground water, a ground water recharge area, a well, pond, stream, watercourse or inland wetland;
    - (2) no significant effect on the "level of service" (LOS) for any of the Town's roads or intersections of these roads, and for roads or intersections within three miles of the site. Proof of significant effect is a lower LOS as defined by the Highway Capacity Manual, 1985 Edition, Transportation Research Board, or total traffic levels 110% or greater of those existing prior to the project;
    - (3) no significant effect on the level of service for any service provided by the Town, including fire, police and ambulance, such that on the per capita basis of existing services there would be a need for additional services specifically due to the development;
    - (4) no redirection of existing surface water runoff such that there would be material impact on abutting parcels or downstream properties unless an appropriate easement is obtained to an existing watercourse;
    - (5) no transport by air or water of erodible material beyond the boundary line of the lot. See also Use Regulations - General (Section VI-F);
    - (6) adequate provision for pedestrian traffic.

- b. The proposed development will be related harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the vicinity that have functional or visual relationship to the proposed buildings.
  - c. No construction activity shall take place on the site and no special permit shall be issued until all relevant documents including easements are executed and filed with and approved by the SPGA and subsequently recorded.
  - d. The permitted use sought in the special permit shall be in harmony with the general purpose and intent of the bylaw, as well as any specific restriction required in the bylaw.
  - e. The requirements of site standards for special permits shall have been met (see subsection 3 below).
  - f. From a detailed statement, where required, of the expected community and environmental impacts of the proposed development, sufficient mitigating measures which will be implemented as part of the special permit for any adverse findings noted in the statement (see subsection 4 below).
  - g. The requirements of Use Regulations - General (Section VI-F) shall have been met.
2. The SPGA shall impose conditions, including periodic review if necessary, to ensure continuously that
- a. all solid waste generated by any use on the site shall be legally and adequately disposed of;
  - b. a program of maintenance of screening and green space will continue for the life of the permitted project;
  - c. a program of snow storage or removal will continue for the life of the permitted project;
  - d. ground water will be protected through all necessary measures such as those to limit the use of salt to control ice and snow and those to remove oil and grease from surface runoff;
  - e. all sewage, refuse and any other potential pollutant from uses on the site shall have adequate means or methods of disposal.



3. Site Standards for Non-Residential Use Requiring Special Permit

The following standards shall apply to all uses which require special permits and which are not for residential uses:

- a. Each lot shall have as green space at least 50% of the first 1.50 acres of lot area and at least 75% of the lot area in excess of 1.50 acres.
- b. The Table of Requirements To Be Satisfied Entirely Within Each District (Section VII-B) shall apply to all structures on any lot except driveways and footpaths which provide necessary access to the buildable area.

4. Assessment of Community and Environmental Impacts for Non-Residential Use Requiring Special Permit

- a. A detailed statement describing community and environmental impacts, as well as measures proposed for sufficiently mitigating the impacts, shall be completed if the proposed project subject to the special permit falls into one or more of the following categories:
  - (1) Construction of 80,000 or more square feet of gross floor area in one or more buildings.
  - (2) Construction of one or more structures (as defined in Section II-S, Definitions) having a footprint of 160,000 or more square feet.
  - (3) Any project providing 100 or more new parking spaces.
  - (4) Any project generating 350 or more new trips per day.
- b. The statement shall be prepared by a qualified professional, such as a landscape architect, architect, engineer or land planner, and shall specifically address the following as well as any other relevant items:
  - (1) Impact on physical environment.
  - (2) Impact on adjacent neighborhoods.
  - (3) Impact on surface and subsurface waters, runoff, soils and vegetation.
  - (4) Impact, including costs, on town services such as schools, traffic, police, fire, ambulance, population growth, road maintenance, taxes and health.

- (5) Impact on the quality of life of residents of Stow.
- (6) Design consideration and design process which resulted in proposed building types, size, style and interrelationships.

The impact on these items shall be quantified wherever possible in terms of irreversibility, magnitude and economics.

5. A Level 1 Special Permit is required for:

- a. Construction or enlargement of any business, commercial or industrial building or structure not otherwise specifically permitted as a matter of right.
- b. Construction, enlargement or alteration of any building containing more than one dwelling unit not otherwise specifically permitted as a matter of right.
- c. Any site alteration for the above structures/uses.
- d. Any increase in intensity of a site or use for which a special permit is required. Increase in intensity shall include, but not be limited to, increases in number of employees, ground area, parking size, seating capacity and the like.
- e. Uses which specifically require a Level 1 special permit.
- f. Any use listed in a, b or c above which is expanded in ground area.

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.

6. Definitions

For the purpose of this section, the following definitions shall apply:

"enlargement" shall mean any increase in building floor area.  
"expanded in ground area" shall mean any increase in ground area devoted to such use.

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"alteration" shall include, but not necessarily be limited to, any change in parking spaces, driveways and driveway openings, fire lanes, service areas, facilities for sewage, refuse and waste disposal, structures, signs, outside lighting, buffers and screening including walls and fences, and topography."

6. Amend Section VII-B, Table of Requirements To Be Satisfied Entirely Within Each District, by adding a new Footnote (12) to read:

"~~(12)~~ Reference should be made to specific sections of the  
(13) bylaw requiring green space in the appropriate districts."

7. Amend the following by relabelling

Section VII-G to become VII-F.7. Level 2 Special Permit  
Section VII-H to become VII-G Earth Removal  
Section VII-I to become VII-H Trailers and Mobile Homes

A true copy. Attest:

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Virginia I. Hatch  
Town Clerk of Stow