



OFFICE OF THE
TOWN CLERK

STOW, MASSACHUSETTS 01775

~~XXXXXXXXXXXX~~
Ann L. Allison

June 18, 1990

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 Articles 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 54 of the warrant for the annual town meeting held in Stow on May 7, 8, 9 and 29, 1990.

Action on Article 38 was taken on May 8, 1990. Action on Article 40 was taken on May 29, 1990. Action on the remaining articles was taken on May 9, 1990.

ARTICLE 38. Voted by majority to amend the General Bylaws, Article 3, Town Affairs, Section 10, by changing the words "first day of June" to "fifteenth day of April" and by changing "Fifteen Dollars (\$15.00)" to "Twenty-Five Dollars (\$25.00)", so that Section 10, as amended, will read as follows:

"SECTION 10. All owners or keepers of dogs kept in the Town of Stow during the preceding six (6) months and who on the fifteenth day of April of each year have not licensed said dog or dogs, as prescribed by Chapter 140 of the Massachusetts General Laws, shall be required to pay a fine of Twenty-Five Dollars (\$25.00) in addition to the licensing fee."

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ARTICLE 40. Voted unanimously to amend the Zoning Bylaws Section XIII, Procedure, by adding a second paragraph to read in its entirety as follows:

"The Planning Board under this bylaw may appoint one (1) Associate Member, and the chairman may designate said Associate Member, to sit on the Planning Board for purposes of action on a special permit application in the case of absence, inability to act or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Board."

ARTICLE 41. Voted unanimously to amend the Zoning Bylaws by deleting paragraph F. "Special Permits" from Section VII "Development of Sites and Locations of Buildings and Structures" and inserting in its place a new paragraph F. to read in its entirety as follows:

F. Special Permits:

1. Special Permit Granting Authority

Certain uses are designated in bylaw as requiring a special permit. The Board of Appeals, the Planning Board or the Board of Selectmen are herein designated as a Special Permit Granting Authority for specific purposes. Wherever specific designation is not made, the Planning Board shall be deemed the Special Permit Granting Authority. The Board of Appeals, the Planning Board or the Board of Selectmen may grant special permits for such designated uses as authorized in this bylaw and shown in the Table of Principal Uses.

2. Rules and Regulations and Fees

Each Special Permit Granting Authority shall promulgate, adopt and, from time to time, amend rules and regulations, not inconsistent with the provisions of this bylaw or Chapter 40A of the General Laws or other applicable provision of the General Laws, and shall file a copy of said rules and regulations with the Town Clerk. Such rules and regulations shall prescribe as a minimum:

- a. the size, form, contents, style and number of copies of plans and specifications;
- b. the town boards or agencies from which the Special Permit Granting Authority may require reports; and
- c. fees sufficient to cover reasonable costs incurred by the Town in the review and administration of special permits.

3. Petition

Any person seeking to obtain a special permit (hereinafter referred to as the Petitioner) shall file a petition with the Town Clerk, and the required number of copies of said petition, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Special Permit Granting Authority. Each petition shall be completed on the proper forms and accompanied by the information required by the Special Permit Granting Authority as set forth in its rules and regulations.

4. Reports from Town Boards or Agencies

The Special Permit Granting Authority shall transmit forthwith one copy each to the Planning Board, Zoning Board of Appeals, Building Inspector, Board of Health, Conservation Commission, Board of Selectmen, Highway Department, Fire Department, Police Department, Historical Commission and other such board or agency deemed necessary by the Special Permit Granting Authority for their written reports. Failure of any such board or agency to make a recommendation within thirty-five (35) days of receipt of said petition shall be deemed lack of opposition by said board or agency in accordance with the provisions of Chapter 40A of the General Laws. However, additional comments from any such board or agency may be received prior to the close of the public hearing.

5. Public Hearing and Decision

The Special Permit Granting Authority shall hold a public hearing after proper notification in accordance with the provisions of Chapter 40A of the General Laws no later than sixty-five (65) days after the filing of a petition. As all uses requiring a special permit also require site plan approval, one public hearing shall be deemed sufficient for both the special permit petition and the application for site plan approval. The decision of the Special Permit Granting Authority shall be made within ninety (90) days following the date of the public hearing. The Special Permit Granting Authority shall have the power to continue a public hearing if it finds that such continuance is necessary to obtain additional information in order to make an informed decision. The required times for a public hearing and said action may be extended by written agreement between the petitioner and the Special Permit Granting Authority, a copy of which is filed with the Town Clerk.

6. Mandatory Findings by Special Permit Granting Authority

The Special Permit Granting Authority shall not issue a special permit unless without exception it shall find that the proposed use and development

- a. is in harmony with the purpose and intent of this bylaw;
- b. will not be detrimental or injurious to abutting properties or ways, the neighborhood, community amenities or the Town of Stow;
- c. is appropriate for the site for which the petition is submitted and is related harmoniously to the terrain and to the use,

scale and proportions of existing and proposed buildings in the immediate vicinity that have functional or visual relationship to the proposed use;

- d. includes sufficient mitigating measures which shall be implemented as part of the special permit for any adverse effects noted in the Development Impact Statement, reports from town boards and agencies, reports from consultants and public hearings;
- e. will result in no pollution or contamination of the ground water, a ground water recharge area, a well, pond, stream, watercourse or inland wetland;
- f. will result in no significant effect on the "level of service" (LOS) for any of the town 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.
- g. will result in no significant effect on level of service for any service provided by the Town, including fire, police and ambulance. Proof of no significant effect is the lack of need for the Town to add equipment and/or staff specifically due to the development.
- h. will result in 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.
- i. will result in no transport by air or water of erodible material beyond the boundary line of the lot. See also Section VI F. Use Regulations, General.
- j. will provide adequate provision for pedestrian traffic.
- k. will comply with all requirements of Site Plan Approval and all other applicable requirements of this bylaw.

7. Special Permit Conditions

The Special Permit Granting Authority shall impose such conditions, safeguards and limitations as it deems appropriate to protect abutting properties or ways, the neighborhood, community amenities or the Town of Stow including, but not limited to:

- a. Limitation of size, number of occupants, method and time of operation, lighting, signage and extent of facilities.
- b. Dimensional setback requirements greater than the minimum required by this bylaw.
- c. Modification of the exterior features or appearances of the structure(s).
- d. Screening of parking areas or other parts of the premises from adjoining premises or from the street by specified walls, fences, plantings or other devices, including a program of maintenance for said screening which will continue for the life of the permitted use.
- e. Continuing provision for adequate and legal disposal of all solid waste, sewage, refuse and any other potential pollutant generated by any use.
- f. A program of snow storage or removal to continue for the life of the permitted project.
- g. Inclusion of measures to ensure ground water protection, and to ensure the proposed development will not redirect existing surface water runoff such that there would be adverse impact on abutting parcels or downstream properties unless an appropriate easement is obtained to an existing watercourse.
- h. Provision of open space within the developable site area, including a program of maintenance for said open space which will continue for the life of the permitted use, in accordance with the following requirements:

In the Business District, a minimum of 10% of the total developable site area shall remain as open space.

In the Compact Business District, a minimum of 30% of the total developable site area shall remain as open space.

In the Commercial District, a minimum of 30% of the total developable site area shall remain as open space.

In the Industrial District, a minimum of 40% of the total developable site area shall remain as open space.

In the Refuse Disposal District, a minimum of 40% of the total developable site area shall remain as open space.

- i. Provision of easements, restrictions and other means enabling other uses in accordance with the zoning bylaw.
- j. Requirement of off-street parking and other special features.
- k. Regulation of number, design and location of access drives, drive-up windows and other traffic measures.
- l. Provision for the safety and convenience of pedestrian traffic.
- m. Requirement for performance bonds or other security.
- n. Installation and certification of mechanical or other devices to limit present or potential hazard to human health, safety, welfare or the environment resulting from smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise, vibration or any other objectionable impact generated by any given use of land. If said devices are of a new technology or design not in general use, it shall be the petitioner's responsibility to provide sufficient information to verify the safety and efficacy of said technology or devices to the satisfaction of the Town of Stow through all the appropriate boards.

8. Time Limitation on Special Permit

A special permit shall lapse if a substantial use thereon has commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause within a period of time to be specified by the Special Permit Granting Authority, not to exceed two years from the date of grant thereof, in accordance with Chapter 40A, Section 9 of the General Laws.

A reasonable extension of said time, but not more than two additional years, may be granted by the Special Permit Granting Authority where good cause is shown. Any request to the Special Permit Granting Authority for such extension of time shall be submitted to the Special Permit Granting Authority and a copy to the Stow Town Clerk at least thirty (30) days prior to the date when the special permit is due to lapse. Failure to submit such a request as prescribed herein shall be sufficient cause for the Special Permit Granting Authority to deny the requested time extension.

9. Maintenance of Special Permit

A periodic review, at least annually, for compliance with the conditions imposed within the special permit shall be conducted by the Special Permit Granting Authority with the assistance of the Building

Inspector. Notification of any deficiencies found through said review shall be forwarded to the property owner and special permit holder. Failure to rectify said deficiencies may result in rescission of the special permit or other zoning enforcement proceedings.

10. Effective Date of Special Permit

No special permit or any modification or extension thereof shall take effect until a copy of the decision has been recorded in the Middlesex County South Registry of Deeds or Land Court. Such decision shall bear the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed, it has been dismissed or denied.

No construction activity, including site alteration, for any use or structure authorized by the special permit shall take place on the proposed development site until all relevant documents including easements are approved, executed, filed with the appropriate Special Permit Granting Authority and recorded in the Middlesex County South Registry of Deeds or Land Court, unless this requirement has been specifically waived in writing by the Special Permit Granting Authority.

ARTICLE 42. Voted unanimously to amend the Zoning Bylaws by inserting a new paragraph I. entitled "Site Plan Approval" after the existing paragraph H. in Section VII "Development of Sites and Locations of Buildings and Structures" to read in its entirety as follows:

I. Site Plan Approval:

1. Site Plan Approval Granting Authority

Certain uses are designated in the Table of Principal Uses as requiring site plan approval. The Board of Appeals, Planning Board or the Board of Selectmen may grant site plan approval in accordance with the standards set forth in this bylaw. Wherever a specific designation is not made, the Planning Board shall be deemed the Site Plan Approval Granting Authority.

2. Rules and Regulations and Fees

Each board designated as a Site Plan Approval Granting Authority in the Table of Principal Uses, or otherwise so designated in the zoning bylaws, shall promulgate, adopt and, from time to time, amend rules and regulations, not inconsistent with the provisions of the General Laws, and shall file a copy of said rules and regulations with the Town Clerk. Such rules and regulations shall prescribe as a minimum

- a. the size, form, contents, style and number of copies of all applications and specifications;
- b. the town boards or agencies from which the Site Plan Approval Granting Authority may require reports; and
- c. fees sufficient to cover reasonable costs incurred by the Town in the review and administration of site plan approval.

3. Projects Requiring Site Plan Approval

Site plan approval and a building permit shall be required for any of the following uses, as set forth below or in the Table of Principal Uses:

- a. The construction or exterior alteration of a business or commercial structure or parking area/lot.
- b. The construction or exterior alteration of an industrial structure or parking area/lot.

- c. Notwithstanding that any particular use is an allowed use, site plan approval is also required for the following:
- (1) single family dwelling with accessory apartment
 - (2) bed and breakfast home
 - (3) boarding house or rooming house
 - (4) permanent building or structure for the sale of farm produce
 - (5) common drives
 - (6) in the Business District, uses permitted, provided that the building is less than 1,000 square feet gross floor area
 - (7) in the Commercial and Industrial Districts, uses permitted, provided that the building is less than 1,500 square feet gross floor area
- d. Change from one permitted use to another permitted use of an existing structure or lot.
- e. Change in or establishment of an area for vehicle parking, loading, storage or vehicular access including common drives.
- f. Any other use specified in the Table of Principal Uses which indicates a special permit or site plan approval is required.

The Site Plan Approval Granting Authority may waive any or all requirements of site plan approval process for external enlargements or alterations of less than 10% or five hundred (500) square feet, whichever is less, of the existing floor area if the Site Plan Approval Granting Authority finds that the requirements of this bylaw have been met.

4. Purpose

The purpose of site plan approval is to ensure that new construction, alterations of existing structures and parking areas/lot, and changes in use are designed in a manner which complies with the provisions of the zoning bylaws as to demonstrate protection of visual and environmental qualities and property values of the Town, and assurances of adequate drainage of surface water and safe vehicular and pedestrian access, and all other requirements of the zoning bylaws.

5. Application

Any person who seeks to obtain site plan approval shall file a written application, signed by the applicant and the current property owner, with the Site Plan Approval Granting Authority, and

forthwith file a copy with the office of the Town Clerk. The applicant shall submit said application, including the date and time of filing, certified by the Town Clerk, to the appropriate office of the Site Plan Approval Granting Authority, accompanied by the required number of copies of the site plan in accordance with the rules and regulations.

6. Reports from Town Boards or Agencies

The Site Plan Approval Granting Authority shall transmit forthwith one copy each to the Planning Board, Zoning Board of Appeals, Building Inspector, Board of Health, Conservation Commission, Board of Selectmen, Highway Department, Fire Department, Police Department, Historical Commission and other such board or agency deemed necessary by the Site Plan Approval Granting Authority for their written reports. Failure of any such board or agency to make a recommendation within thirty-five (35) days of receipt of said application shall be deemed lack of opposition by said board or agency. However, additional comments from any such board or agency may be received prior to the close of the public hearing.

7. Public Hearing and Decision

The Site Plan Approval Granting Authority shall hold a public hearing no later than sixty-five (65) days after the filing of an application. If the site plan approval is sought in conjunction with a special permit, one hearing and decision shall suffice for both the site plan approval and special permit. The decision of the Site Plan Approval Granting Authority shall be made within ninety (90) days following the date of the public hearing. The Site Plan Approval Granting Authority shall have the power to continue a public hearing if it finds that such continuance is necessary to gather additional information in order to make an informed decision. Such continuance shall not automatically extend the required time limits set forth herein. The required time limits for a public hearing and/or decision may be extended by written agreement between the applicant and the Site Plan Approval Granting Authority. A copy of such agreement shall be filed in the office of the Town Clerk. Failure by the Site Plan Approval Granting Authority to take final action within said ninety (90) days or extended time, if applicable, shall be deemed to be a grant of the site plan approval.

8. Time Limitation on Site Plan Approval

Site plan approval shall lapse if construction has not commenced, except for good cause, within a period of time to be specified by the Site Plan Approval Granting Authority, not to exceed two years from the date of grant thereof.

A reasonable extension of said time, but not more than two additional years, may be granted by the Site Plan Approval Granting Authority where good cause is shown. Any request for such extension of time shall be submitted to the Site Plan Granting Authority and a copy to the Stow Town Clerk at least thirty (30) days prior to the date when the site plan approval is due to lapse. Failure to submit such a request as prescribed herein shall entitle the Site Plan Approval Granting Authority to deny the requested time extension.

9. Developable Site Area

The developable site area shall be calculated by subtracting from the lot area all land which is located in

- a. a wetland, which shall mean a "freshwater wetland", as defined in Chapter 131, Section 40 of the General Laws and in the Stow Wetlands Protection Bylaw, Article 9 of the General Bylaws;
- b. a Flood Plain/Wetlands District, as defined in the Stow zoning bylaw;
- c. another zoning district in which the principal use of the lot is not also permitted;
- d. an access or right of way easement; and
- e. any portion of the site with grades greater than 15%.

10. Site Plan Design Criteria

The purpose of the following site plan design criteria is to ensure that adequate consideration will be given to the natural resources and characteristics of a site, to its topographic, hydrologic and geologic conditions, to public convenience and safety, and to the suitability of a proposed use on a site. Before the granting of any site plan approval, the Site Plan Approval Granting Authority shall determine compliance with the following:

- a. The development shall be integrated into the existing terrain and surrounding landscape and shall be designed to protect abutting properties or ways, the neighborhood, community amenities or the Town of Stow in accordance with, but not limited to, the following:
 - (1) Site development shall minimize impacts on wetlands, steep slopes, flood plains, hilltops.

- (2) Site development, including building sites and structures proposed thereon, should not obstruct scenic views from publicly accessible locations.
 - (3) Sites shall be developed so as to preserve unique natural or historical features.
 - (4) Site development shall minimize deforestation, vegetation and soil removal and shall avoid grade changes.
 - (5) Development of the site shall be in accordance with open space provisions of the zoning bylaw.
 - (6) Screening of objectionable features, including, but not limited to, exposed storage areas, storage tanks, machinery, service areas, truck loading areas, and utility buildings and structures, from abutting properties and roadways shall be year-round and provided in the site development plan.
- b. The developable site area shall be clearly identified on the plan and shall meet the requirements of subparagraph 9 above.
 - c. Architectural style should be in harmony with the prevailing character and scale of buildings in the neighborhood and the town through the use of similar building materials, screening roof and wall lines and other architectural features. Variation in detail, form and siting should be used to provide visual interest and avoid monotony. Proposed site development shall provide adequate light, air circulation and separation between buildings.
 - d. The development shall be served with adequate water supply and waste disposal systems. For structures to be served by on-site waste disposal systems, the applicant shall submit a septic system design prepared by a registered professional engineer and approval by the Board of Health.
 - e. The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. Unless waived by the Site Plan Approval Granting Authority, a traffic study plan shall be prepared by a registered professional engineer and shall prescribe estimated average daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site.

- f. The site plan shall show adequate proven measures to prevent pollution of surface or ground water, to prevent erosion and sedimentation, and to prevent significant changes in ground water levels, increased runoff and potential for flooding. Drainage shall be designed so that the rate and volume of runoff from the site shall not be increased, and abutting properties and ways, the neighborhood and community amenities will not be adversely impacted.
- g. The development shall not excessively burden town services and infrastructures. To that end, the development shall place no more than the minimum demands on town services and infrastructures as may be reasonably taken care of on site or by alternate means. If the foregoing is not reasonably feasible, the site plan approval shall include provisions to assure that adequate provision for any significant increase in demands on town services and infrastructures which result from the development are provided or secured by the applicant.
- h. Electric, telephone, natural gas, cable television and other such utilities and services shall be underground unless otherwise authorized by the Site Plan Approval Granting Authority.
- i. The site plan shall comply with all zoning requirements for parking, loading, lighting, dimensions, environmental performance standards, and all other provisions of this bylaw.

Before approval of a site plan, the Site Plan Approval Granting Authority may request the applicant make modifications in the proposed design to ensure that the above criteria are met.

11. Findings by the Site Plan Approval Granting Authority

The Site Plan Approval Granting Authority, in order to grant site plan approval, shall find the proposed use of the site consistent with the uses permitted in the district in which the site is located and shall give due consideration to the reports received under subparagraph 6. Prior to the granting of any site plan approval, the Site Plan Approval Granting Authority shall find that the site plan

- a. Protects the abutting properties and ways, the neighborhood, community amenities and the Town against seriously detrimental or offensive uses on the site and against adverse effects on the natural environment;
- b. Provides for convenient and safe vehicular and pedestrian movement and that the locations of road and driveway openings are

convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site;

- c. Provides an adequate, convenient and safe arrangement of parking and loading spaces in relation to the proposed uses of the site;
- d. Provides adequate and safe methods of disposal of refuse or other wastes resulting from the uses permitted on the site;
- e. Will not derogate from the purpose of this bylaw; and
- f. Complies with all applicable requirements of this bylaw.

12. Final Action by the Site Plan Approval Granting Authority

Final action in connection with site plan approval shall consist of either

- a. a determination that the proposed project as set forth in the application constitutes a suitable development and is in compliance with the criteria set forth in this bylaw, and the approval thereof; or
- b. a written denial of the application stating the reasons for such denial.

13. As-Built Plan

At the time the buildings contained within the development site are ready for occupancy and prior to the issuance of an Occupancy Permit by the Building Inspector, the applicant shall have prepared and certified by a registered professional engineer or land surveyor an "As-Built Plan" drawn with dark lines on a medium acceptable for recording with the Middlesex County Registry of Deeds or Land Court showing the following:

- a. property boundary lines
- b. location of all buildings and other structures, including utility sheds, storage areas and storage tanks
- c. actual widths, lengths and bearings of all boundary lines of streets, driveways, parking lots/areas, drainage structures and easements

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- d. grades of streets, driveways, parking lots/areas, drainage structures, pipes and easements
- e. locations of all pipes and utilities.

Said "As-Built Plan" shall be accepted by the Site Plan Approval Granting Authority prior to the issuance of any Occupancy Permit.

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ARTICLE 43. Voted unanimously to amend the Zoning Bylaws by inserting at the end of Section VI, Use Regulations, the "Table of Principal Uses" to read in its entirety as follows:

TABLE OF PRINCIPAL USES

Provisions Applicable to Table of Principal Uses

Existing and future uses of land, buildings or structures shall be allocated among the categories set forth in Section VI and Section VII of the Zoning Bylaw, and further indicated on the Table of Principal Uses. Each use set forth in the principal use column shall be subject to any conditions or limitations that are set forth in Section VI. and Section VII. of the Zoning Bylaw and in the Table of Principal Uses. If there is a discrepancy between the Table of Principal Uses and Section VI. and/or Section VII., the provisions of Sections VI. and Section VII. shall take precedent.

1. A use listed in the Table of Principal Uses, is permitted in any district denoted by the letter "Y" and is not permitted in any district denoted by the letter "N". If denoted by the letters "SPA", "SPP" or "SPS" the use is permitted only if the designated Special Permit Granting Authority grants a special permit as provided herein and makes such specific findings as may be required by the Bylaw in respect of such use. For the purposes of the Table of Principal Uses, "SPA" shall mean a special permit authorized by Board of Appeals; "SPP" shall mean a special permit authorized by the Planning Board; and "SPS" shall mean a special permit authorized by the Board of Selectmen.
2. Site plan approval in accordance with Section VII. is required for a use where the letter "R" appears and is not required where the letters "NR" appear.
3. A special permit is required for any increase in intensity of a site or use for which a special permit is required, except as to lawful pre-existing non-conforming uses.

TABLE OF PRINCIPAL USES

All PRINCIPAL USES listed in this Table are subject to provisions in corresponding Section VI.

PRINCIPAL USES	RESIDENTIAL DISTRICTS		BUSINESS DISTRICTS		INDUSTRIAL DISTRICTS		SPECIAL DISTRICTS			SITE PLAN APPROVAL
	RES	BUS	CBUS	IND	COMM	RC	FPWD	RDD		
GENERAL USES										
Agriculture	Y	N	Y	Y	Y	Y	Y	Y	NR	
Conservation	Y	Y(5)	Y	Y	Y	Y	Y	Y	NR	
Recreation	SPP	N	N	SPP	N	SPP	SPA	SPP	(3)	
RESIDENTIAL USES										
Single Family Dwelling	Y	N	Y	N	N	N	N	N	NR	
Single Family Dwelling with Accessory Apartment	Y	N	N	N	N	N	N	N	R	
Single Family Dwelling with Accessory Apartment	SPP	N	SPP	N	N	N	N	N	(3)	
Duplex Dwellings	SPP	N	N	N	N	N	N	N	(3)	
Conversion to 2 Family	SPA	N	N	N	N	N	N	N	(3)	
Combined Residence/ Home Occupation	Y	N	N	N	N	N	N	N	NR	
Bed & Breakfast Home	Y	N	N	N	SPP(3)	N	N	N	R	

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TABLE OF PRINCIPAL USES

	RIES	BUS	CIJUS	IND	COMM	RC	FPWD	RDD	
Bed & Breakfast Home or Establishment	SPA(1)	SPA(1)	N	N	SPP(1)	N	N	N	(3)
Boarding House or Rooming House	Y	N	Y	N	N	N	N	N	R
Playgrounds	SPA	N	N	N	N	N	N	N	(3)
Conservation Areas, Farming and Horticulture, Orchards, Nurseries, Forests, Tree Farms, Sale of Farm Produce	Y	N	Y	Y	Y	Y	Y	SPP(3)	R
Storage of farm vehicles	Y	N	N	N	N	N	N	N	NR
Accessory Buildings & Uses	Y	Y	Y	SPP	SPP	Y	SPA	SPP	(3)
Hammerhead Lots	SPP	N	N	N	N	N	N	N	(3)
Common Drives	Y	N	N	N	N	N	N	N	R
INSTITUTIONAL USES									
Private Schools and Colleges, Nursery and Kindergarten Schools, Dance and Music Studios	SPA	N	N	N	N	N	N	N	(3)
Nursing Homes or Elderly Care Facility	SPA	N	N	N	N	N	N	N	(3)
Day Camps, Overnight Camps, and Camp Sites	N	N	N	SPP	N	SPP	N	N	(3)
Municipal	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	R
Public Service Corporation	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	R
Religious	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	R
Educational (Non-Profit)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	R
BUSINESS & COMMERCIAL USES									
Tourist homes, or lodging houses	N	SPA(1)	N	N	SPP(1)	N	N	N	(3)
Business or Professional Offices	N	SPP(1)	SPP	SPP(2)	SPP(1)	N	N	SPP	(3)
Retail Stores or Service Establishments	N	SPP(1)	SPP	N	SPP(1)	N	N	N	(3)
Banks	N	SPP	SPP	N	SPP	N	N	N	(3)
U.S. Post Office	N	N	SPP	N	N	N	N	N	(3)
Salesrooms for Automobiles, Bicycles, Boats, Farm Implements, and Similar Equipment	N	SPP	N	N	SPP(1)	N	N	N	(3)
Restaurants	N	SPP	SPP	N	SPP	SPP	N	N	(3)
Country Clubs or Other Membership Clubs	N	SPP	SPP	N	SPP	SPP	N	N	(3)

TABLE OF MUNICIPAL USES

(1) Uses permitted by right 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, Site Plan Approval is granted, and 50% of the lot area is open space.

(2) Uses permitted by right provided that the building is less than 1,500 square feet gross floor area, there is only one building per lot, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the lot area is open space.

(3) All uses requiring a Special Permit are subject to Site Plan Approval (Section VII.L.) requirements as part of the special permit process.

(4) Refer to Section VI.B. for parking requirements for uses permitted in the Residential District.

(5) Allowed in accordance with the provisions of M.G.L. Ch. 40A, Section 3.

PROHIBITED USES - All uses not specifically named in the text of the bylaw are prohibited.

* Abbreviations of Zoning Districts

PES = Residential District
IND = Industrial District
FPWD = Flood Plain/Wetlands District

BUS = Business District
COMM = Commercial District
RDD = Refuse Disposal District

CBUS = Compact Business
RC = Recreation/Conservation District

ARTICLE 44. Voted unanimously to amend the Zoning Bylaws in the following manner:

1. By deleting the words "Level 1" wherever they appear in the following sections:

Section VI A.2.	Section VI E.3.
Section VI B.2.	Section VI H.2.
Section VI B.4.	Section VI I.1.
Section VI B.5.	Section VI I.2.
Section VI B.6.	Section VII A.1.
Section VI B.7.	Section VII B.6.
Section VI C.2.	

2. By deleting the words "Level 2" wherever they appear in the following sections:

Section IV A.	Section VI F.1.h.
Section IV C.	Section VI G.1.g.
Section IV D.	Section VI I.2.
Section VI C.	Section VII B.5.
Section VI D.	Section VII B. Footnote to Chart
Section VI E.	

3. In the following sections, after the words "special permit", insert the words, "granted by the Planning Board":

Section VI A.2.	Section VI F.1.h.
Section VI B.4.	Section VI H.2.
Section VI C.2.	Section VI I.1.
Section VI D.3.	Section VII A.1.
Section VI E.3.	

4. In Section VI B.2., delete the words, "and upon Level 2 special permit".
5. In Section VI C.3., delete the words, "In addition to a Level 1 special permit".
6. In Section VI F.1.i., replace the words, "Level 1 or Level 2" with the words, "Site Plan Approval".
7. In Section VI I.2., delete the words, "and the issuance of a Level 2 special permit".
8. In Section VI J.2., delete the words, "Level 1 or Level 2".
9. In Section VI J.3., delete the words, "Level 1 or Level 2".
10. In Section XIV D., delete the words, "Level 1" and the words, "Level 2".

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ARTICLE 45. Voted unanimously to amend the Zoning Bylaws, Section IV A.1., by deleting the words "Section VI.D." and inserting in place thereof the words "Section VII D".

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ARTICLE 46. Voted unanimously to amend the Zoning Bylaws, Section VI D.3., Commercial District, by deleting the existing subparagraph i., and by inserting new subparagraphs i., j. and k., to read as follows:

- i. Tourist homes, bed and breakfast establishment or home, or lodging houses.
- j. Business or professional offices.
- k. Retail store, the principal activity of which shall be the offering of goods but not food at retail within the building.

ARTICLE 47. Voted unanimously to amend the Zoning Bylaws by inserting a new paragraph 3 concerning exterior lighting in Section VI F. "Use Regulations" to read as follows:

3. Use regulations pertaining to the Residential District:

Exterior lighting shall conform with the requirements of Section VI F.l.e., except that the use of exterior lighting by a commercial or business activity or operation during the period from one-half hour after sunset to one-half hour before sunrise shall not be permitted. This provision shall not preclude the use of emergency lighting required by a public agency in the performance of its duties, lighting of signs in conformance with the general regulations included in Section VII E., customary holiday lighting or low level illumination of entranceways, exits and driveways.

ARTICLE 48. Voted unanimously to amend Section II of the Zoning Bylaws by adding a new definition "G. Developable Site Area", to read as follows, and by appropriately relettering the existing definitions which follow it.

G. Developable Site Area:

The developable site area shall be calculated by subtracting from the lot area all land which is located in

1. a wetland, which shall mean a "freshwater wetland" as defined in Chapter 131, Section 40 of the General Laws and the Stow Wetlands Bylaw;
2. a Flood Plain/Wetlands District as defined in the Stow Zoning Bylaw;
3. another zoning district in which the principal use of the lot is not also permitted;
4. an access or right of way easement; and
5. any portion of the site with grades greater than 15%.

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ARTICLE 49. Voted unanimously to amend Section II of the Zoning Bylaws by adding a new definition "Q. Open Space", to read as follows, and by appropriately relettering the existing definitions which follow it.

Q. Open Space:

An area of natural or landscaped vegetated growth. This may include within said area recreation areas, playing fields, benches, trails, footpaths, bodies of water and certain other surfaces such as gravel, cobblestone, brick, pavers or other similar materials when used to construct impermeable walkways as may be approved by the Special Permit Granting Authority or Site Plan Approval Authority.

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ARTICLE 50. Voted unanimously to amend the Zoning Bylaws by deleting the words "Green Space" wherever they appear in Section VI C.1., Section VI D.2. and Section VI E.2. and by inserting in place thereof the words "Open Space".

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ARTICLE 51. Voted unanimously to amend the Zoning Map by establishing the following parcels as entirely within the Residential District:

Parcels of land in Stow, Middlesex County, consisting of the following owner occupied parcels as indexed and shown in the Assessors' list of maps of the Town of Stow, and described as recorded at the Middlesex South District Registry of Deeds at the Book and Page listed, and at the Land Court at the Book and Page where indicated:

8.12 acres	209 Hudson Road
Book 14200	Page 16
Map R-2	Parcel 7
4.25 acres	217 Hudson Road
Book 13282	Page 252
Map R-2	Parcel 6

In the event of discrepancies between the Assessors' maps and the deeds and plans recorded at the Middlesex South District Registry of Deeds and the Land Court, the recorded deeds and plans shall govern.

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ARTICLE 54. Voted unanimously to amend Section VII B. "Table of Requirements to Be Satisfied Entirely Within Each District", footnote (3) by adding the sentence, "Driveways are allowed within front yards."

Attest:

Ann L. Allison
Town Clerk of Stow



THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL

JOHN W. McCORMACK STATE OFFICE BUILDING
ONE ASHBURTON PLACE, BOSTON 02108-1698

JAMES M. SHANNON
ATTORNEY GENERAL

Ann L. Allison
Town Clerk
375 Great Road, P.O. Box 261
Stow, MA 01775

January 9, 1991

Dear Ms. Allison:

I enclose the amendment to the zoning by-laws adopted under article 41 of the warrant for the Stow Annual Town Meeting that convened May 7, 1990, as corrected and resubmitted, with the approval of the Attorney General endorsed thereon.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Anthony E. Penski".

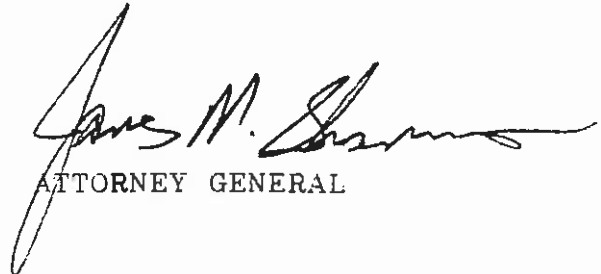
Anthony E. Penski
Assistant Attorney General
617-727-2200 ext. 2082

AEP:ap

January 9, 1991

Boston, Massachusetts

The foregoing amendment to the zoning by-laws adopted under article 41 of the warrant for the Stow Annual Town Meeting that convened May 7, 1990, as corrected and resubmitted, is hereby approved.



James M. Lawrence
ATTORNEY GENERAL

ARTICLE 41. Voted unanimously on May 9, 1990 to amend the Zoning Bylaws by deleting paragraph F. "Special Permits" from Section VII "Development of Sites and Locations of Buildings and Structures" and inserting in its place a new paragraph F. to read in its entirety as follows:

F. Special Permits:

1. Special Permit Granting Authority

Certain uses are designated in bylaw as requiring a special permit. The Board of Appeals, the Planning Board or the Board of Selectmen are herein designated as a Special Permit Granting Authority for specific purposes. Wherever specific designation is not made, the Planning Board shall be deemed the Special Permit Granting Authority. The Board of Appeals, the Planning Board or the Board of Selectmen may grant special permits for such designated uses as authorized in this bylaw and shown in the Table of Principal Uses.

2. Rules and Regulations and Fees

Each Special Permit Granting Authority shall promulgate, adopt and, from time to time, amend rules and regulations, not inconsistent with the provisions of this bylaw or Chapter 40A of the General Laws or other applicable provision of the General Laws, and shall file a copy of said rules and regulations with the Town Clerk. Such rules and regulations shall prescribe as a minimum

- a. the size, form, contents, style and number of copies of plans and specifications;
- b. the town boards or agencies from which the Special Permit Granting Authority may require reports; and
- c. fees sufficient to cover reasonable costs incurred by the Town in the review and administration of special permits.

3. Petition

Any person seeking to obtain a special permit (hereinafter referred to as the Petitioner) shall file a petition with the Town Clerk, and the required number of copies of said petition, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Special Permit Granting Authority. Each petition shall be completed on the proper forms and accompanied by the information required by the Special Permit Granting Authority as set forth in its rules and regulations.

4. Reports from Town Boards or Agencies

The Special Permit Granting Authority shall transmit forthwith one copy each to the Planning Board, Zoning Board of Appeals, Building Inspector, Board of Health, Conservation Commission, Board of Selectmen, Highway Department, Fire Department, Police Department, Historical Commission and other such board or agency deemed necessary by the Special Permit Granting Authority for their written reports. Failure of any such board or agency to make a recommendation within thirty-five (35) days of receipt of said petition shall be deemed lack of opposition by said board or agency in accordance with the provisions of Chapter 40A of the General Laws. However, additional comments from any such board or agency may be received prior to the close of the public hearing.

5. Public Hearing and Decision

The Special Permit Granting Authority shall hold a public hearing after proper notification in accordance with the provisions of Chapter 40A of the General Laws no later than sixty-five (65) days after the filing of a petition. As all uses requiring a special permit also require site plan approval, one public hearing shall be deemed sufficient for both the special permit petition and the application for site plan approval. The decision of the Special Permit Granting Authority shall be made within ninety (90) days following the date of the public hearing. The Special Permit Granting Authority shall have the power to continue a public hearing if it finds that such continuance is necessary to obtain additional information in order to make an informed decision. The required times for a public hearing and said action may be extended by written agreement between the petitioner and the Special Permit Granting Authority, a copy of which is filed with the Town Clerk.

6. Mandatory Findings by Special Permit Granting Authority

The Special Permit Granting Authority shall not issue a special permit unless without exception it shall find that the proposed use and development

- a. is in harmony with the purpose and intent of this bylaw;
- b. will not be detrimental or injurious to abutting properties of ways, the neighborhood, community amenities or the Town of Stow;
- c. is appropriate for the site for which the petition is submitted and is related harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the immediate vicinity that have functional or visual relationship to the proposed use;

- d. includes sufficient mitigating measures which shall be implemented as part of the special permit for any adverse effects noted in the Development Impact Statement, reports from town boards and agencies, reports from consultants and public hearings;
 - e. will result in no pollution or contamination of the ground water, a ground water recharge area, a well, pond, stream, watercourse or inland wetland;
 - f. will result in no significant effect on the "level of service" (LOS) for any of the town 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.
 - g. will result in no significant effect on level of service for any service provided by the Town, including fire, police and ambulance. Proof of no significant effect is the lack of need for the Town to add equipment and/or staff specifically due to the development.
 - h. will result in 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.
 - i. will result in no transport by air or water of erodible material beyond the boundary line of the lot. See also Section VI F. Use Regulations, General.
 - j. will provide adequate provision for pedestrian traffic.
 - k. will comply with all requirements of Site Plan Approval and all other applicable requirements of this bylaw.
7. Special Permit Conditions

The Special Permit Granting Authority shall impose such conditions, safeguards and limitations as it deems appropriate to protect abutting properties or ways, the neighborhood, community amenities or the Town of Stow including, but not limited to:

- a. Limitation of size, number of occupants, method and time of operation, lighting, signage and extent of facilities.

- b. Dimensional setback requirements greater than the minimum required by this bylaw.
- c. Modification of the exterior features or appearances of the structure(s).
- d. Screening of parking areas or other parts of the premises from adjoining premises or from the street by specified walls, fences, plantings or other devices, including a program of maintenance for said screening which will continue for the life of the permitted use.
- e. Continuing provision for adequate and legal disposal of all solid waste, sewage, refuse and any other potential pollutant generated by any use.
- f. A program of snow storage or removal to continue for the life of the permitted project.
- g. Inclusion of measures to ensure ground water protection, and to ensure the proposed development will not redirect existing surface water runoff such that there would be adverse impact on abutting parcels or downstream properties unless an appropriate easement is obtained to an existing watercourse.
- h. Provision of open space within the developable site area, including a program of maintenance for said open space which will continue for the life of the permitted use, in accordance with the following requirements:
 - In the Business District, a minimum of 10% of the total developable site area shall remain as open space.
 - In the Compact Business District, a minimum of 30% of the total developable site area shall remain as open space.
 - In the Commercial District, a minimum of 30% of the total developable site area shall remain as open space.
 - In the Industrial District, a minimum of 40% of the total developable site area shall remain as open space.
 - In the Refuse Disposal District, a minimum of 40% of the total developable site area shall remain as open space.
- i. Provision of easements, restrictions and other means enabling other uses in accordance with the zoning bylaw.

- j. Requirement of off-street parking and other special features.
- k. Regulation of number, design and location of access drives, drive-up windows and other traffic measures.
- l. Provision for the safety and convenience of pedestrian traffic.
- m. Requirement for performance bonds or other security.
- n. Installation and certification of mechanical or other devices to limit present or potential hazard to human health, safety, welfare or the environment resulting from smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise, vibration or any other objectionable impact generated by any given use of land. If said devices are of a new technology or design not in general use, it shall be the petitioner's responsibility to provide sufficient information to verify the safety and efficacy of said technology or devices to the satisfaction of the Town of Stow through all the appropriate boards.

8. Time Limitation on Special Permit

A special permit shall lapse if a substantial use thereof has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause within a period of time to be specified by the Special Permit Granting Authority, not to exceed two years from the date of grant thereof, in accordance with Chapter 40A, Section 9 of the General Laws.

A reasonable extension of said time, but not more than two additional years, may be granted by the Special Permit Granting Authority after a public hearing has been held where good cause is shown. Any request to the Special Permit Granting Authority for such extension of time shall be submitted to the Special Permit Granting Authority and a copy to the Stow Town Clerk at least sixty (60) days prior to the date when the special permit is due to lapse. Failure to submit such a request as prescribed herein shall be sufficient cause for the Special Permit Granting Authority to deny the requested time extension.

9. Maintenance of Special Permit

A periodic review, at least annually, for compliance with the conditions imposed within the special permit shall be conducted by the Special Permit Granting Authority with the assistance of the Building Inspector. Notification of any deficiencies found through said review shall be forwarded to the property owner and special permit holder. Failure to rectify said deficiencies may result in rescission of the special permit or other zoning enforcement proceedings.

10. Effective Date of Special Permit

No special permit or any modification or extension thereof shall take effect until a copy of the decision has been recorded in the Middlesex County South Registry of Deeds or Land Court. Such decision shall bear the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed, it has been dismissed or denied.

No construction activity, including site alteration, for any use or structure authorized by the special permit shall take place on the proposed development site until all relevant documents including easements are approved, executed, filed with the appropriate Special Permit Granting Authority and recorded in the Middlesex County South Registry of Deeds or Land Court.

Attest:

Ann L. Allison, Town Clerk of Stow

September 13, 1990

Boston, Massachusetts

The foregoing amendments to the general by-laws adopted under articles ~~41~~ 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 54 of the warrant for the Stow Annual Town Meeting that convened May 7, 1990, are hereby approved.


ATTORNEY GENERAL