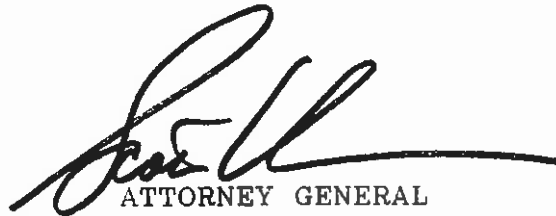


February 7, 1991

Boston, Massachusetts

The foregoing amendment to the zoning by-laws adopted under article 7 of the warrant for the Stow Special Town Meeting held November 13, 1990, is hereby approved.



ATTORNEY GENERAL



OFFICE OF THE
TOWN CLERK

STOW, MASSACHUSETTS 01775

~~XXXXXXXXXX~~

Ann L. Allison

December 6, 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 Article 7 of the warrant for the special town meeting held in Stow on November 13, 1990.

ARTICLE 7. Voted unanimously to amend the Zoning Bylaws of the Town as follows:

1. Section III C.8.: Delete the words "revised December 6, 1977" in the last sentence and insert the words "as revised".
2. Section IV A.: Delete the words "Level 1" from the second sentence of the second paragraph.
3. Section V C.: Delete the words "Level 2" from the first sentence.
4. Section V D.: Delete the words "Level 2".
5. Section V E.: Delete the words "Level 2".
6. Section V F.: Delete the words "Level 2" wherever they appear.
7. Section VI D.3.: Delete the words "Level 1" in the heading.

Attest:



Ann L. Allison
Town Clerk of Stow

STOW ZONING BYLAWS
NOVEMBER 1990

AMENDMENTS SUPPLEMENT NO. 3

SECTION VII-B

Remove page 7B-1
7B-5

Insert page 7B-1 dated 12/8/92
Insert page 7B-5 dated 12/8/92

SUMMARY OF ZONING AMENDMENTS

Remove page 13A dated 1/21/92

Insert page 13A dated 12/8/92

SECTION VII-B

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. eaves, sills, cornices, belt cornices and window awnings may project up to two feet into the required yard;
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 by this bylaw.
4. 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 be in accordance with the provisions of this Section make application to the Board of Appeals for a special permit excepting the building lots shown on such plan in said District from the lot area and frontage requirements specified in Section VII, but not any other requirements, of the Zoning Bylaw. Prior to the granting of a permit, a plan must be submitted indicating:
 - (1) which lots are to be used as building lots and which are to remain open land, and
 - (2) on each building lot, two site lines parallel to the street between which the entire dwelling, including attached garage, if any, must lie.

SECTION VII-B

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 special permit under Section 5 above, the Board of Appeals shall refer all matters relevant thereto to the Planning Board and shall take no final action upon such permit until the Planning Board has submitted its report or has had 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.
5. In a Residential District, a lot known as "Hammerhead Lot" may be granted by special permit by the Planning Board, under the requirements and process for a special permit, provided that the Board is able to make a finding that all the following conditions have been met:
- a. The lot has a frontage of at least 50 feet;
 - b. The lot has an area of at least 180,000 square feet;
 - c. The lot has sufficient area suitable for buildings. The area suitable for buildings shall be considered sufficient if
 - (1) a circle of 150 feet in diameter, or
 - (2) a rectangle with an area of 20,000 square feet and a minimum side of 80 feetcan be drawn on the lot plan within the buildable area and not overlap any lot line or any wetlands or Flood Plain/Wetlands District;
 - d. The lot has a minimum width of 50 feet between the street line and the buildable area. A lot means the minimum width requirement if a 50-foot diameter circle can move on the lot plan from the street line to the buildable area without overlapping or crossing any lot line or any Flood Plain/Wetlands district line;
 - e. Any building on the lot be set back at least 40 feet from every property line;
 - f. A condition of the permit be that the lot shall not be further divided;
 - g. One such hammerhead lot shall be contiguous to no more than one other hammerhead lot along any and all lot line(s); and

- Section VI-D.1.: Commercial District - added subparagraph b. "Child care facility".
- Section VI-E.1.: Industrial District - added subparagraph b. "Child care facility".
- Section VI-H.1.: Compact Business District - added subparagraph a. "Child care facility".
- Section VII-B: Footnote to Chart - added footnote (14) re child care facilities.
- Section VII-F.6.: Special Permits - replaced subparagraph f.

DECEMBER 8, 1992

(Approved by Attorney General March 15, 1993)

Section VII-B: Deleted paragraph 4. concerning activity within 100 feet of of the bank or boundary of a stream, river, watercourse, flood plain or wetland.

Renumbered existing paragraphs 5 and 6 to read "4" and "5".

Zoning Map: Rezoned from Industrial/Residential to Residential a parcel of approximately three acres identified as Parcel No. 1 on Stow Property Map Sheet R-11 (134 Hudson Road).

Rezoned from Industrial/Residential to Industrial the parcel of land identified as Parcel No. 22 on Stow Property Map Sheet R-18 on Boxboro Road.

STOW ZONING BYLAWS
NOVEMBER 1990

AMENDMENTS SUPPLEMENT NO. 2

SECTION II

Remove pages 2-2
2-3 dated 5/9/91,
2-4, 2-5

Insert pages 2-2, 2-3, 2-4, 2-5,
2-6 dated 1/21/92

SECTION III

Remove page 3-2

Insert page 3-2 dated 1/21/92

SECTION IV

Remove page 4-2

Insert page 4-2 dated 1/21/92

SECTION VI-B

Remove page 6B-2
Remove pages 6B-7 & 6B-8
dated 5/6/91

Insert pages 6B-2 & 6B-3A dated 1/21/92
Insert pages 6B-7 & 6B-8 dated 1/21/92

SECTION VI-C

Remove page 6C-1

Insert page 6C-1 dated 1/21/92

SECTION VI-D

Remove page 6D-1

Insert page 6D-1 dated 1/21/92

SECTION VI-E

Remove page 6E-1

Insert page 6E-1 dated 1/21/92

SECTION VI-H

Remove page 6H-1

Insert page 6H-1 dated 1/21/92

SECTION VI - Table

Remove pages 2 & 4

Insert pages 2 & 4 dated 1/21/92

AMENDMENTS SUPPLEMENT NO. 2

SECTION VII-B

Remove page 7B-9

Insert page 7B-9 dated 1/21/92

SECTION VII-F

Remove pages 7F-3, 7F-4 & 7F-5

Insert pages 7F-3, 7F-4, 7F-5 & 7F-6
dated 1/21/92

SUMMARY OF ZONING AMENDMENTS

Remove page 12A dated 5/6/91

Insert pages 12A & 13A dated 1/21/92

SECTION II

F. 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.

G. Child Care Facility:

A day care or school-age child care center or program as defined in Massachusetts General Laws, Chapter 40A.

H. 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%.

I. 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.

J. 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.

K. Family Day Care Home:

A family day care home as defined in the Massachusetts General Laws, Chapter 40A.

SECTION II

L. Fence:

A structure made of wood, wire, metal or other durable material erected so as to serve as an enclosure or a barrier against unobstructed passage from one side to another.

M. 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.

1. Floor Area, Gross:

The sum of the horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a common wall, but not including any space where the floor-to-ceiling height is less than six feet.

2. Floor Area, Net:

The sum of the horizontal areas of the several floors of a building, measured from the interior face of the exterior walls or common wall, but not including stairwells, elevator wells, bathrooms, hallways and corridors, designated and approved building service areas and areas used for a child care facility as defined in this Bylaw, provided that such child care facility is accessory to a principal use located in the same building or on the same lot.

N. Garage, Private:

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

O. Green Space:

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

P. 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 room or suites.

Q. 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

SECTION II

material, and which has access to a street, alley or other appropriate means of ingress or egress.

R. 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 or related structures for the sale of fuel, boats, or marine accessories.

S. 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.

T. 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.

U. 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 Authority or Site Plan Approval Authority.

V. 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.

W. 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.

X. Slope:

For the purposes of the erosion control provision, slope shall be measured using the two-foot contours on the topographic map supplied with the site plans. The slope percentage will be the change in elevation divided by

SECTION II

the shortest distance between two contour lines. Upon written permission of the permit granting authority, slope percentages may be averaged across specified horizontal distances.

Y. 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.

Z. 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.

AA. Structure:

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

BB. 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 mobile home, containing complete electrical, plumbing, and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

CC. Wall:

A structure of stone, masonry, wood or other durable material constructed so as to retain soils or to serve as an enclosure or barrier against unobstructed passage from one side to another.

DD. 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

SECTION II

depth of a front yard shall be the minimum distance between the building and front lot line.

2. Yard, Rear:

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

3. Yard, Side:

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

SECTION III

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. The Flood Plain/Wetlands District shall also include all lands designated as Zone A, AO, AH or Zone A1-30 and A99 on the Town of Stow Flood Insurance Rate Map (FIRM), panel 250216-0005 dated August 1, 1979 as amended.
9. Where the limit of the Standard Project Flood Modified, referenced above, is used as a district boundary, the district boundary shall be determined by the elevations delineated on said plan.
10. The boundaries of the Water Resource Protection District are as delineated on a map entitled "Water Resource Protection District Map - Town of Stow, Massachusetts" dated May 1, 1987, at a scale of 1 inch = 800 feet, on file in the office of the Town Clerk.

SECTION IV

- 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 and rebuilding on said premises within twelve (12) months after such damage or removal and reconstruction is completed and occupancy begun within two (2) years of start of restoration except upon a special permit for a longer period of time granted by the Board of Appeals.
- E. An amendment to the Zoning Bylaw shall not apply to the issuance of a building permit, or to a special permit, the application for which has been duly filed as required by the Zoning Bylaw or the Massachusetts General Laws, before the first publication of notice of the public hearing on such amendment required by Massachusetts General Laws Chapter 40A, Section 5; provided that the applicant proceeds diligently to obtain such permit and said permit is issued, and further provided all applicable appeal periods have expired. In cases involving construction, such construction shall be carried through to completion continuously and expeditiously. If such construction has ceased for a period of two or more years, it shall be considered abandoned, and exemptions from zoning bylaw amendments shall cease to apply.

SECTION VI-B

- (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.
 - i. Bed and Breakfast Home, provided that off-street parking, one parking space per guest room, is available.
 - j. Child care facility, provided that the facility complies with the standards set forth in the Table of Requirements to Be Satisfied Entirely Within Each District and the following standards:

Minimum open space, including outdoor play areas	35%
Maximum number of children or students present at any one time	50
 - k. Family day care homes if such family day care home is accessory to the residential use.
2. Uses Permitted, subject to special permit as provided in Section VII-F granted by the Board of Appeals:
- a. Private schools and colleges, with or without dormitory facilities, including dance and music studios, provided adequate parking areas are provided.
 - b. Playgrounds, unless approved as part of a subdivision plan.
 - 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 municipal, county or state parks (but not an amusement park), boating, fishing, hunting (where legally permitted), marinas, landings, and 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.

SECTION VI-B

- f. Bed and Breakfast Establishment, provided that off-street parking, one parking space per guest room, is available.
- g. Nursing homes or elderly care facilities.

SECTION VI-B

- (4) no trail or new building including improvements to existing buildings for ski related activities and new parking area is within fifty (50) feet of any property line.
 - (5) No so-called snowmobiles shall be permitted except for emergency or maintenance purposes.
6. Golf Course Uses in the Residential District subject to a Special Permit by the Planning Board:
- a. Commercial 18-hole golf courses of at least fifty-five hundred (5,500) linear yards and at least seventy-five (75) acres with common and incidental accessory uses including parking; clubhouse (inclusive of pro shop for sale of golf related items only, administrative office, and snack bar, but not a restaurant), with a total gross floor area not to exceed twenty-five hundred (2,500) square feet unless entirely within a structure in existence at the time of adoption of this bylaw (11/6/89) but in no case shall the total gross floor area devoted to golf related uses exceed three thousand (3,000) square feet; and a single family caretaker's residence, provided that:
 - (1) no fairway, new building including improvements to existing buildings for golf related activities, and new parking area is within fifty (50) feet of any property line;
 - (2) new buildings and improvements on existing buildings for golf related activities and new parking areas shall be screened year round from adjacent property by evergreens and other vegetative growth of mixed variety;
 - (3) the operation of the course, including accessory uses, shall be limited to the hours between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset;
 - (4) at least forty percent (40%) of the residential zoned area of the parcel(s) devoted to the golf course and accessory uses shall be placed under a conservation restriction to the Stow Conservation Commission and approved by the Stow Board of Selectmen. Such restriction shall be for a period of time not less than thirty (30) years in duration and be evidenced by a deed in proper form and duly recorded with the Middlesex County Registry of Deeds or Land Court. Ten percent (10% of the total residential zoned area shall be placed under a permanent conservation restriction as allowed by the provisions of Mass. General Laws Chapter 184, Sections 31 and 32. Neither the 30% area placed under a conservation restriction nor the 10% area placed under a permanent conservation restriction shall contain a greater percentage of wetlands, as defined in Mass. General Laws Chapter 131, Section 40 and

SECTION VI-B

the Town of Stow Wetlands Protection Bylaw, than the percentage of wetlands found in the overall tract of land on which the golf course is to be located.

- (5) The Planning Board may require as a condition a public access pedestrian right of way of at least ten (10) feet in width provided to and along any natural watercourse or wetland in or running through the parcel or to any other portion of the parcel as deemed acceptable by the Planning Board.
- (6) A state licensed person shall be responsible for applying pesticides/herbicides on the golf course site. Results from an approved laboratory of surface and ground water samples shall be periodically provided to the Conservation Commission and the Board of Health, the location and frequency of testing to be determined by the Planning Board.

SECTION VI-C

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 open space.
 - a. Tourist homes, bed and breakfast establishment or home, or lodging houses.
 - 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.
 - d. Child care facility.
2. Uses Permitted, subject to special permit granted by the Planning Board 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 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.
 - 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).

SECTION VI-D

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.

b. Child care facility.

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 open space.

a. Tourist homes, bed and breakfast establishment or home, or lodging houses.

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 special permit granted by the Planning Board 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.

SECTION VI-E

E. Industrial District:

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

1. Uses Permitted:

- 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. Child care facility.

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 open space.

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

3. Uses Permitted, subject to special permit granted by the Planning Board 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 the 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.
- h. Conversion of existing residence to bed and breakfast establishment or home.

SECTION VI-H

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.
 - a. Child care facility.
2. Uses Permitted, subject to special permit granted by the Planning Board 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.

TABLE OF PRINCIPAL USES

	RES	BUS	CBUS	IND	COMM	RC	FPWD	RDD	
- Bed & Breakfast Home or Establishment	SPA(1)	SPA(1)	N	N	SPP(1)	N	N	(3)	
- Boarding House or Rooming House	Y	N	Y	N	N	N	N	R	
- Playgrounds	SPA	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)	
- Storage of farm vehicles	Y	N	N	N	N	N	N	R	
- Accessory Buildings & Uses	Y	Y	Y	SPP	SPP	Y	SPA	(3)	
- Hammerhead Lots	SPP	N	N	N	N	N	N	(3)	
- Common Drives	Y	N	N	N	N	N	N	R	
INSTITUTIONAL USES									
- Child Care Facility	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	Y(5)	R	
- Family Day Care Home								(6)	
- Private Schools & Colleges	SPA	N	N	N	N	N	N	(3)	
- Dance & Music Studios								(3)	
- Nursing Homes or Elderly Care Facility	SPA	N	N	N	N	N	N	(3)	
- Day Camps, Overnight Camps, and Camp Sites	N	N	N	SPP	N	SPP	N	(3)	
- Municipal	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)	R	
- Religious	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)	R	
BUSINESS & COMMERCIAL USES									
- Tourist homes, or lodging houses	N	SPA(1)	N	N	SPP(1)	N	N	(3)	
- Business or Professional Offices	N	SPP(1)	SPP	SPP(2)	SPP(1)	N	N	(3)	
- Retail Stores or Service Establishments	N	SPP(1)	SPP	N	SPP(1)	N	N	(3)	
- Banks	N	SPP	SPP	N	SPP	N	N	(3)	
- U.S. Post Office	N	N	SPP	N	N	N	N	(3)	
- Salesrooms for Automobiles, Bicycles, Boats, Farm Implements, and Similar Equipment	N	SPP	N	N	SPP(1)	N	N	(3)	
- Restaurants	N	SPP	SPP	N	SPP	SPP	N	(3)	
- Country Clubs or Other Membership Clubs	N	SPP	N	N	N	SPP	N	(3)	

- (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.I.) 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.
- (6) Allowed as accessory use only.

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

• Abbreviations of Zoning Districts

RES = 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

SECTION VII-B - Footnote to Chart

- (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 special permit issued by the Selectmen.
- (10) For Industrial District used permitted the requirements of the Industrial District shall apply, except that the minimum front yard requirement shall be three hundred (300) feet.
- (11) Except in the case of reduced frontage lots as permitted in the Residential District, each lot shall have sufficient area suitable for buildings. The area suitable for buildings shall be considered sufficient if: (a) a circle of 150 feet in diameter, or, (b) a rectangle with an area of 20,000 square feet and a minimum side of 80 feet can be drawn on the lot plan without overlapping any lot line or any wetlands or Flood Plain/Wetlands District. Each lot shall have a minimum width of at least 100 feet between the street line and the area suitable for buildings. A lot meets the minimum width requirement if a 100-foot diameter circle can move on the lot plan, from the street line to the area suitable for buildings, without overlapping any side or rear lot line or any wetlands or Flood Plain/Wetlands District line.
- (12) For purposes of the Water Resource Protection District, this shall mean render impervious, by any means, more than ten percent (10%) of the lot area proposed for development within the Water Resource Protection District or 5,000 square feet of said District, whichever is greater.
- (13) Reference should be made to specific sections of the bylaw requiring green space in the appropriate districts.
- (14) Child care facilities are exempt from maximum percentage building coverage on land in non-residential districts.

SECTION VII-F

- f. will result in no significant effect on the "level of service" (LOS) of the town roads or intersections of these roads. A significant effect on level of service is a projected use of greater than five percent (5%) of the reserve capacity of a road segment or turning movement by the proposed use at the completion of its development. Reserve capacity calculations are to be done by a registered professional engineer using accepted methods of traffic analysis and shall include both projected growth in traffic during the period of development and projected traffic from other uses and developments which have applied for approval under the Zoning Bylaw prior to the close of the public hearing.
 - 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).

SECTION VII-F

- 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.

SECTION VII-F

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.

SECTION VII-F

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.

NOVEMBER 13, 1990

(Approved by Attorney General February 7, 1991)

Section III-C: Location of Boundaries of Districts - deleted from the last sentence of paragraph 8. "revised December 6, 1977" and inserted "as revised".

Sections IV-A., V-C., V-D., V-E., V-F. and VI-D.3.: deleted "Level 1" and "Level 2" with reference to special permits.

MAY 6, 1991

(Approved by Attorney General September 13, 1991)

Section II: Definitions - added to "Floor Area", "Floor Area, Gross".

Section VI-B: Residential District - deleted paragraph 3. and 4. and inserted new paragraph 3. "Accessory Apartments".

Section VI-F.1.: Use Regulations - added new subparagraph k. "Special Provisions to Enhance Access for Handicapped Persons".

Section VII-B: Area, Frontage, Yard, and Floor Area Requirements - deleted paragraph 4. and inserted new paragraph 4.

Section VII-D: Off-Street Parking and Loading Spaces - deleted and inserted new paragraph D. "Parking Standards".

JANUARY 21, 1992

(Approved by Attorney General March 5, 1992)

Section II: Definitions - added "Child Care Facility" and "Family Day Care Home"; added to "Floor Area", "Floor Area, Net".

Section III-C: Location of Boundaries of Districts - deleted last sentence of subparagraph 8. and inserted new sentence.

Section IV: Continuance of Existing Non-Conforming Uses and Structures - added paragraph E.

Section VI-B.1.: Residential District - added subparagraph j. "Child care facility" and subparagraph k. "Family day care homes".

Section VI-B.2.: Residential District - deleted "nursery and kindergarten schools" from subparagraph a.

Section VI-B.6.: Residential District, Golf Course Uses - deleted last sentence of subparagraph a.(4) and inserted new sentence.

Section VI-C.1.: Business District - added subparagraph d. "Child care facility".

1/21/92

Section VI-D.1.: Commercial District - added subparagraph b. "Child care facility".

Section VI-E.1.: Industrial District - added subparagraph b. "Child care facility".

Section VI-H.1.: Compact Business District - added subparagraph a. "Child care facility".

Section VII-B: Footnote to Chart - added footnote (14) re child care facilities.

Section VII-F.6.: Special Permits - replaced subparagraph f.

NOVEMBER 13, 1990

(Approved by Attorney General February 7, 1991)

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Section VI-C.1.: Business District - added subparagraph d. "Child care facility".

STOW ZONING BYLAWS
NOVEMBER 1990

AMENDMENTS SUPPLEMENT NO. 1

SECTION II

Remove pages 2-3 & 2-4 Insert pages 2-3 & 2-4 dated 5/6/91

SECTION VI-B

Remove pages 6B-3, 6B-4, 6B-5,
6B-6, 6B-7, 6B-8 Insert pages 6B-3, 6B-4, 6B-5, 6B-6,
6B-7, 6B-8 dated 5/6/91

SECTION VI-F

Remove pages 6F-4 & 6F-5 Insert pages 6F-4 & 6F-5 dated 5/6/91

SECTION VII-B

Remove page 7B-1 Insert page 7B-1 dated 5/6/91

SECTION VII-D

Remove pages 7D-1, 7D-2 & 7D-3 Insert pages 7D-1 through 7D-13
dated 5/6/91

SUMMARY OF ZONING AMENDMENTS

Remove page 12A Insert page 12A dated 5/6/91

10/31/91

SECTION II

K. 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.

1. Floor Area, Gross:

The sum of the horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a common wall, but not including any space where the floor-to-ceiling height is less than six feet.

L. Garage, Private:

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

M. Green Space:

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

N. 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 room or suites.

O. 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.

P. 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 or related structures for the sale of fuel, boats, or marine accessories.

Q. 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.

SECTION II

R. 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.

S. 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 Authority or Site Plan Approval Authority.

T. 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.

U. 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.

V. Slope:

For the purposes of the erosion control provision, slope shall be measured using the two-foot contours on the topographic map supplied with the site plans. The slope percentage will be the change in elevation divided by the shortest distance between two contour lines. Upon written permission of the permit granting authority, slope percentages may be averaged across specified horizontal distances.

W. 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.

X. 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.

SECTION VI-B

3. Accessory Apartments:

a. Purpose:

As provided herein, one additional dwelling unit may be allowed as an accessory apartment in a single-family dwelling or accessory building located on a lot with a single-family dwelling for the purpose of providing small additional dwelling units without adding to the number of buildings in the Town or substantially altering the appearance of buildings, the neighborhood or the Town; increasing the range of housing accommodations; encouraging a greater diversity of population; and encouraging a more efficient and economic use of existing housing stock by enabling owners of single-family dwellings larger than required for their present needs to share space and the burdens of homeownership while maintaining the single-family appearance and character of buildings, the neighborhood and the Town.

b. Accessory Apartments Allowed by Right:

The Building Inspector may grant a building permit for one accessory apartment provided that

The single-family dwelling or accessory building was in existence on or before May 6, 1991, OR

The accessory apartment is attached to or within a single-family dwelling constructed after May 6, 1991; AND

provided that all of the following requirements are met:

- (1) The accessory apartment shall be a use incidental to the single-family dwelling and shall contain no more than 700 square feet of gross floor area.
- (2) No more than one accessory apartment shall exist on the lot.
- (3) Either the single-family dwelling or the accessory apartment shall be occupied by the owner of the lot. For the purposes of this section, the "owner" shall be one or more individuals who holds legal or beneficial title to said lot and for whom the dwelling is the primary residence for voting and tax purposes.
- (4) Both the single-family dwelling and the accessory apartment shall satisfy the requirements of 310 CMR 15.00 (Sanitary Code - Title V) and Stow Board of Health regulations.
- (5) The lot on which the single family dwelling or accessory building is located shall contain no less than 1.5 acres.

SECTION VI-B

- (6) All stairways to the accessory apartment shall be enclosed.
- (7) Any entrance required by the inclusion of an accessory apartment shall be clearly secondary to the main entrance of the primary dwelling unit.
- (8) Any modification to the existing entrances on the front facade of the single-family dwelling shall result in the appearance of a single main entrance.
- (9) A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit. There shall be adequate provision for ingress and egress from all parking spaces.
- (10) There shall be no more than one (1) driveway per lot.

c. Accessory Apartments Allowed by Special Permit:

A special permit for an accessory apartment may be granted by the Planning Board provided that:

- (1) All of the conditions and requirements of Section VI B.3. are met, with the exception of Sections VI B.3.b.(5) and VI B.3.b.(10).
- (2) All conditions and requirements for approval of a special permit are satisfied.

4. Duplex Residential Uses in a Residential District Subject to a Special Permit by the Planning Board:

a. Purposes:

The duplex option is intended

- (1) To achieve a broader range of housing choices within the community.
- (2) To stimulate more affordable housing units through the creation of duplex development on individual lots within a subdivision.
- (3) To permit a developer, public agency, or developer in conjunction with a public agency, to propose duplex development in subdivisions which shall be affordable to households whose incomes meet the Town's criteria for affordable housing.

SECTION VI-B

b. Dimensional Requirements:

On lots that are proposed for subdivision, duplexes must be situated on individual lots which conform to the density and dimensional regulations of the Residential District. Each lot shall require a minimum lot size of 65,340 square feet, 43,000 square feet of which is "buildable" land. Under no circumstances will a special permit be granted for projects the construction of which is sited in whole or in part in the Water Resource Protection District (see Section VI.J.). The maximum square footage of the total duplex structure (both units combined) shall be no greater than 3,000 square feet of floor area. In no event shall duplexes be permitted on more than 25% of the lots within a subdivision.

c. General Requirements:

Two-family development in the Residential District may only occur within a proposed subdivision by obtaining a special permit as described in Section IV and upon obtaining certification from the Board of Health that all waste disposal standards are met. Construction must commence within two years of obtaining the special permit and must be completed within the two years following the start, or the permit will expire.

d. Special Permit Requirements:

Duplex development is subject to approval as provided in this subsection.

- (1) Application for a special permit under this Section shall be made to the Planning Board through the Town Clerk by submitting ten (10) copies of all submission material and paying the required application fee.
- (2) The application shall include the following:
 - (a) The Special Permit Granting Authority shall specify a submission fee in its Rules and Regulations and in no case shall the fee be less than \$350.00;
 - (b) all information required for a special permit;
 - (c) all information required for a subdivision;
 - (d) a legally recordable document that details the long term provisions that are required for the retention of the affordable units for affordability purposes;
 - (e) information describing the projected ownership pattern of the proposed development once completed;

SECTION VI-B

- (f) a property rights plan based on an instrument survey identifying parcels, if any, to be conveyed to the Town by deed or easement;
- (g) a site grading plan showing proposed changes in contours and identifying landscaping materials, species of plants and sizes and specific plans for any common open space.

(3) Public Hearing

The public hearing shall be held in accordance with the provisions of the Massachusetts General Laws.

(4) Criteria of Approval

The special permit may be approved if the Special Permit Granting Authority finds that all the following conditions are met:

- (a) All of the criteria required for a special permit are met (see Section VII.F); and
- (b) There is a minimum of 10% or one dwelling unit (whichever is more) and a maximum of 40% of all dwelling units within the proposed subdivision that are affordable according to the Town's published criteria.

5. Cross-Country Ski Uses in the Residential District subject to a Special Permit by the Planning Board:

- a. Commercial cross-country ski courses on at least twenty-five (25) acres of land with common and incidental accessory uses including parking; clubhouse (inclusive of store for the rental and sale of ski related items only, administrative office, and snack bar but not a restaurant), with a total gross floor area not to exceed one thousand (1,000) square feet unless entirely within a structure in existence at the time of adoption of this bylaw (11/6/89) but in no case shall the total gross floor area devoted to cross-country ski related uses exceed twenty-five hundred (2,500) square feet; and a single family caretaker's residence, provided that:

- (1) no snow-making equipment shall be used;
- (2) the operation of the course, including accessory uses, trail grooming and maintenance equipment, shall be limited to the hours between 7:00 A.M. and one-half (1/2) hour after sunset;
- (3) new buildings, including improvements to existing buildings for ski related activities and new parking areas shall be screened year round from the adjacent property by evergreens and other vegetative growth of mixed variety;

SECTION VI-B

- (4) no trail or new building including improvements to existing buildings for ski related activities and new parking area is within fifty (50) feet of any property line.
 - (5) No so-called snowmobiles shall be permitted except for emergency or maintenance purposes.
6. Golf Course Uses in the Residential District subject to a Special Permit by the Planning Board:
- a. Commercial 18-hole golf courses of at least fifty-five hundred (5,500) linear yards and at least seventy-five (75) acres with common and incidental accessory uses including parking; clubhouse (inclusive of pro shop for sale of golf related items only, administrative office, and snack bar, but not a restaurant), with a total gross floor area not to exceed twenty-five hundred (2,500) square feet unless entirely within a structure in existence at the time of adoption of this bylaw (11/6/89) but in no case shall the total gross floor area devoted to golf related uses exceed three thousand (3,000) square feet; and a single family caretaker's residence, provided that:
 - (1) no fairway, new building including improvements to existing buildings for golf related activities, and new parking area is within fifty (50) feet of any property line;
 - (2) new buildings and improvements on existing buildings for golf related activities and new parking areas shall be screened year round from adjacent property by evergreens and other vegetative growth of mixed variety;
 - (3) the operation of the course, including accessory uses, shall be limited to the hours between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset;
 - (4) at least forty percent (40%) of the residential zoned area of the parcel(s) devoted to the golf course and accessory uses shall be placed under a conservation restriction to the Stow Conservation Commission and approved by the Stow Board of Selectmen. Such restriction shall be for a period of time not less than thirty (30) years in duration and be evidenced by a deed in proper form and duly recorded with the Middlesex County Registry of Deeds or Land Court. Ten percent (10% of the total residential zoned area shall be placed under a permanent conservation restriction as allowed by the provisions of Mass. General Laws Chapter 184, Sections 31 and 32. Any area in a permanent restriction shall constitute a credit toward the forty percent (40%) otherwise required by this section.

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- (5) The Planning Board may require as a condition a public access pedestrian right of way of at least ten (10) feet in width provided to and along any natural watercourse or wetland in or running through the parcel or to any other portion of the parcel as deemed acceptable by the Planning Board.
- (6) A state licensed person shall be responsible for applying pesticides/herbicides on the golf course site. Results from an approved laboratory of surface and ground water samples shall be periodically provided to the Conservation Commission and the Board of Health, the location and frequency of testing to be determined by the Planning Board.

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- (3) No areas totaling two acres or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled six inches or more so as to destroy existing vegetation unless in conjunction with agricultural activity or unless necessarily incidental to construction on the premises under a currently valid building permit or unless within streets which are either public or designated on an approved subdivision plan or unless a special permit is approved by the Planning Board on the condition that run-off will be controlled, erosion prevented and either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without temporary cover of winter rye or similar plant material being provided for soil control, except in the case of agricultural activity when such temporary cover would be infeasible.
- (4) The Building Inspector shall require information of the applicant as necessary for him to ensure compliance with these requirements, including if necessary, elevation at key locations, description of vegetative cover and the nature of impoundment basins proposed, if any.
- (5) Where resultant site grades will exceed fifteen percent (15%) the Town shall require a performance bond to ensure compliance with these requirements.
- (6) Where j.(1) and j.(3) apply, hillside areas shall be retained with vegetative cover as follows:

<u>Average Slope</u>	<u>Minimum % of Land to Remain in Vegetation</u>
10.0 - 14.9	25
15.0 - 19.9	40
20.0 - 24.9	55
25.0 - 29.9	70
30.0 +	85

k. Special Provisions to Enhance Access for Handicapped Persons

Attempts to provide and improve handicapped access on lots with established residential or non-residential uses often create conflicts with various dimensional requirements of this bylaw. Therefore, the following partial exemptions shall apply in order to facilitate the installation of handicapped parking spaces, handicapped access ramps and other amenities designed to improve

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access for the handicapped to existing buildings and structures. The requirements listed in (1) through (3) below may be reduced only to the degree necessary to be consistent with the requirements of the Massachusetts Architectural Access Board.

- (1) Any minimum number of required parking spaces.
- (2) Any minimum required open space.
- (3) Any minimum required front, side and rear yard.
- (4) No special permit shall be required for the installation of handicapped access amenities and for the implementation of any exemption provided herein.

All proposed handicapped access amenities and any of the exemptions provided herein shall be approved by the Building Inspector prior to any work or construction.

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.

3. Use regulations pertaining to the Residential District:

Exterior lighting shall conform with the requirements of Section VI F.1.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.

SECTION VII-B

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. eaves, sills, cornices, belt cornices and window awnings may project up to two feet into the required yard;
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 by 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, except as provided in Section V D. and Section VI G.1.g. or within one hundred (100) feet of the bank or boundary of a stream, river, watercourse or wetland. "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 be in accordance with the provisions of this Section make application to the Board of Appeals for a special permit excepting the building lots shown on such plan in said District from the lot area and frontage requirements specified in Section VII, but not any other requirements, of the Zoning Bylaw. Prior to the granting of a permit, a plan must be submitted indicating:
 - (1) which lots are to be used as building lots and which are to remain open land, and
 - (2) on each building lot, two site lines parallel to the street between which the entire dwelling, including attached garage, if any, must lie.

SECTION VII-D

D. Parking Standards:

1. Purpose:

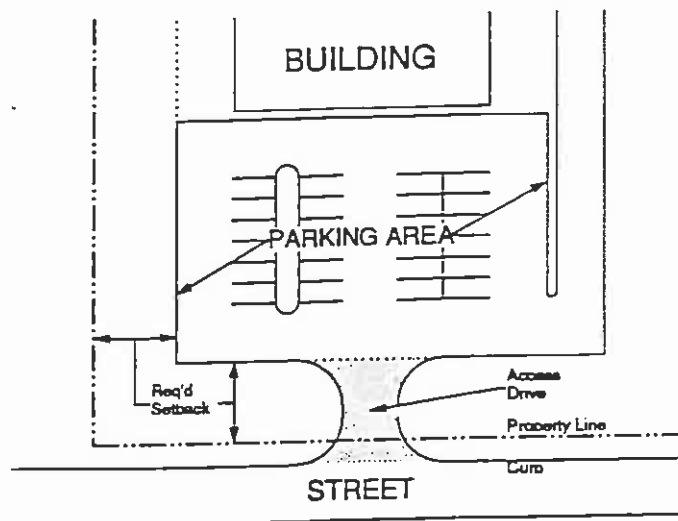
The purpose of this section is to ensure that all uses be provided with sufficient off-street parking and loading facilities to meet the needs of the proposed and actual uses; to ensure that off-street parking and loading facilities are designed so as to reduce hazards to pedestrians and drivers; to reduce congestion in the streets; to reduce nuisance to abutters from noise, fumes and headlight glare ordinarily associated with parking and loading areas; to reduce the environmental deterioration to surrounding neighborhoods resulting from glare, storm water runoff, heat, dust and unattractive views associated with large expanses of pavement and vehicles.

2. Definitions:

For the purposes of this Section, the following terms shall have the following meaning:

- a. Access Driveway - The travel lane that allows motor vehicles ingress from the street and egress from the site and includes the area between the edge of street pavement to the area within the lot where the access driveway is no longer within the minimum parking area setback required under Section VII D.8.

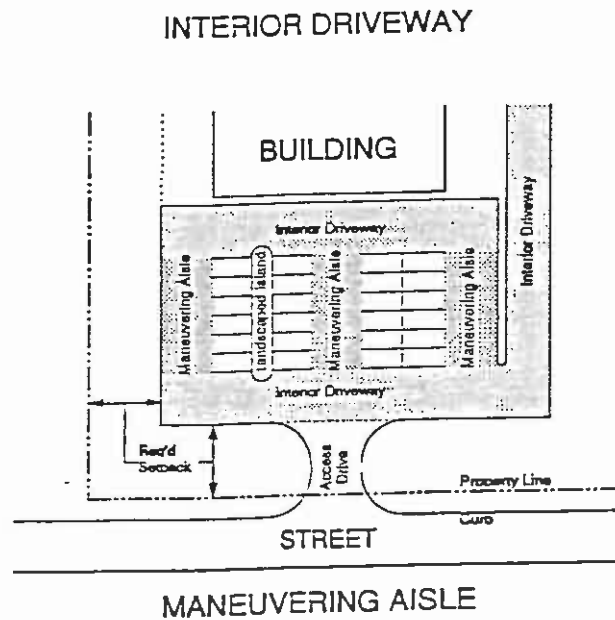
ACCESS DRIVEWAY



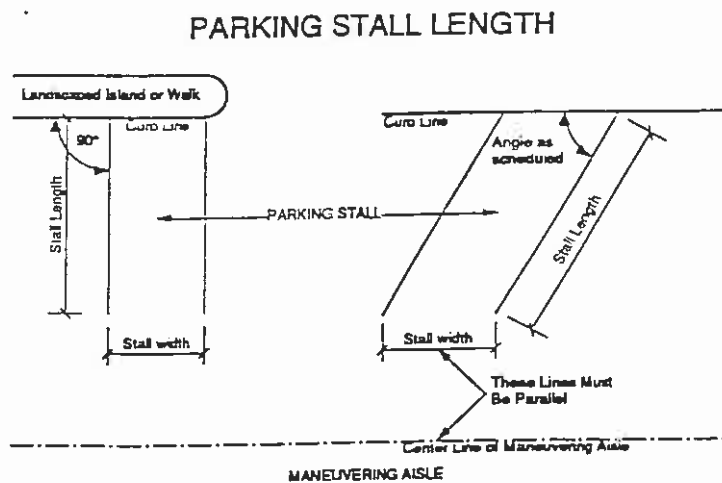
- b. Interior Driveway - A travel lane located within the lot which is not used to directly enter or leave parking spaces. An interior driveway shall not include any part of the access driveway.

SECTION VII-D

- c. Maneuvering Aisle - A travel lane located within the perimeter of a parking area by which motor vehicles directly enter and leave parking spaces.



- d. Parking Stall Length - The longitudinal dimension of the stall measured parallel to the angle of parking. (see chart)
- e. Width of Parking Stall - The linear dimension measured across the stall and parallel to the maneuvering aisle. (see chart)



PARKING STALL WIDTH

SECTION VII-D

3. General Provisions:

An adequate number of off-street parking spaces shall be required in all districts to accommodate residents and visitors. Therefore, no building or structure shall be located upon any lot and no activity shall be conducted upon any lot unless the required parking facilities are provided on site in accordance with this Section.

- a. Changes: Any change to a building, structure or use, or a change from one permitted use to another permitted use shall comply with the requirements of the Schedule of Minimum Parking for the entire building, structure or use as changed.
- b. Undetermined Uses: Where the use of a building or buildings has not been determined at the time of application for a building permit or special permit, the parking requirements applicable to the most intensive use allowed in the district where such undetermined use is to be located shall apply provided, however, that the number of parking spaces actually built need not exceed the number required by the actual use or uses of the building when established to the satisfaction of the permit granting authority by calculation and/or appropriate condition or covenant in recordable form.
- c. Relief from Parking Regulations by Special Permit from the Board of Appeals: Relief from the parking regulations may be granted by special permit from the Board of Appeals where the Board finds that it is not practicable to provide the number of parking spaces required, if either (1) in the case of a change from a nonconforming use to a conforming use, that the benefits of a change to a conforming use outweigh the lack of parking spaces, or (2) in the case of a change from one conforming use to another conforming use, that the lack of parking spaces will not create undue congestion or traffic hazards on or off the site; provided that in either case the Board of Appeals shall require the maximum practicable number of parking spaces.
- d. Use of Required Parking as Commercial or Public Lot: No parking area designated as required parking in connection with a building, structure or use shall be operated as a commercial or public parking lot to provide spaces for the general public (excluding customers, clients, patients, guests or business invitees of the owner or tenant of each building or structure) for a fee or other compensation.
- e. Reserved Parking spaces: Where the total number of off-street parking spaces required are not immediately required for a particular intended use as established to the satisfaction of the permit granting authority (or Building Inspector if no special

SECTION VII-D

permit or site plan approval is required), a phased development plan may be permitted requiring that only a portion of the parking area, but not less than sixty-five percent (65%) of the required spaces, be completed initially, subject to the following provisions:

- (1) The total number of spaces required to be shown on the plan shall be determined in accordance with the provisions of this bylaw.
- (2) The spaces that are not intended for construction immediately shall be labelled "Reserve Parking" on the plan and shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development, and in no case located within area counted as buffer, setback or open space under other provisions of this bylaw.
- (3) Adequate drainage shall be provided for both the partial and total parking areas.
- (4) The portion of the parking areas not to be paved initially shall be landscaped with a ground cover to prevent erosion. The ground cover shall be appropriate for soil conditions, water availability and the environment.
- (5) Separate performance guarantees shall be posted which shall reflect the cost of installing the additional parking facilities necessary to provide the total number of parking spaces required.
- (6) An appropriate condition shall be in the special permit or other instrument, such as a covenant, in recordable form, which shall be recorded at the Registry of Deeds or filed with the Land Court, as the case may be, to establish the intended use and provisions for any future changes to the satisfaction of the Permit Granting Authority, which condition or covenant shall run with the land and be enforceable by the Town.

4. Schedule of Minimum Parking - General Requirements:

- a. Comparable Use Requirement: Where a use is not specifically included in the Schedule of Minimum Parking, it is intended that the regulations for the most nearly comparable use specified shall apply. Alternative off-street parking standards to those shown below may be accepted if the applicant demonstrates to the satisfaction of the Permit Granting Authority (or Building Inspector if no special permit or site plan approval is required), or their designee, that such standards are adequate for the intended use.

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- b. Mixed Use Facilities: Buildings or lots which contain more than one use are considered mixed use facilities. In the case of mixed uses, the requirements shall be the sum of the requirement calculated separately for each use, so that adequate space shall be provided to accommodate all vehicles anticipated on the premises at any one time. Parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times.
- c. Schedule of Minimum Parking:
- (1) Agricultural
 - (a) Greenhouse 1 space for each 250 sq. ft. of gross floor area of inside sales or display room.
 - (2) Recreation
 - (a) Camps 1 space per 10 children of rated capacity of camp plus 1 space per employee and 1 space per camp vehicle kept on the premises.
 - (b) Handball, racquetball, tennis courts 3 spaces per court plus 1 space per employee on the largest shift.
 - (c) Golf Courses 5 spaces per hole plus 1 space per employee on the largest shift plus 50 percent of the spaces otherwise required for accessory uses (restaurants, bar, etc.).
 - (d) Swimming pool 1 space per 75 sq. ft. of gross floor area.
 - (e) Bowling alley 4 spaces per alley.
 - (f) Skating rink 1 space per 300 sq. ft. of gross floor area of facility plus 1 space per employee on the largest shift.
 - (g) Other outdoor recreational facilities 1 space per 4 persons generally expected on the premises at any one time.

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(3) Residential

- (a) Dwellings 2 spaces for each dwelling unit containing less than 5 bedrooms plus one parking space for each additional bedroom and sufficient off-street parking for visitors.
- (b) Boarding house 2 spaces plus 1 space per rentable room or suite.
- (c) Bed and Breakfast 1 space for each bedroom plus 1 space per employee on the largest shift.
- (d) Home Occupation 2 spaces for the dwelling unit and sufficient spaces to comply with Section VI B.1.g.

(4) Institutional

- (a) Schools, elementary and middle 2 spaces for each classroom, but not less than 1 space per teacher and staff position plus 1 space for each 5 seats of rated capacity of the largest auditorium or gymnasium.
- High schools 1 space per teacher and staff position plus 1 space per 5 students.
- Other non-profit educational uses To be determined by Permit Granting Authority (or Building Inspector if no special permit required) based upon the most comparable other use in the table.
- (b) Nursing home, elder care facility 1 space for each 2 beds plus 1 space for each employee on the largest shift and adequate spaces for delivery vehicles.
- (c) Religious 1 space per 3 seats or 1 space for each 4 persons to maximum rated capacity of the hall or meeting room, whichever is greater.
- (d) Libraries, museums, community centers 1 space per 300 sq. ft. of gross floor area.

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- (e) Lodge or club 1 space per 3 seats.
 - (f) Day-care 1 space per 10 children of rated capacity of the day-care facility plus 1 space for each teacher and staff person on the largest shift.
- (5) Business
- (a) Retail stores not listed below, general and personal services, studio 1 space for each 200 sq. ft. of gross floor area.
 - (b) Business or professional office 1 space per 250 sq. ft. of gross floor area.
 - (c) Restaurant, funeral home 1 space for each 3 seats plus 1 space for each employee on the largest shift.
 - (d) Quick food restaurant, video rental store, other quick service establishments 1 space for each 30 sq. ft. of gross floor area.
 - (e) Motor vehicle service station, repair or body shop 4 spaces for each service bay and work area.
 - (f) Shopping center 1 space per 250 sq. ft. of gross leasable area.
 - (g) Vehicle dealership, boat sales, rentals 1 space per 1,500 sq. ft. of gross floor area and 1 space per 1,500 sq. ft. of exterior display area.
 - (h) Veterinary, kennel 2 spaces per exam room plus 1 space for each additional employee on largest shift.
 - (i) Medical center, laboratories 1 space per 250 sq. ft. of gross floor area.
 - (j) Building trade shop 1 space for each 800 sq. ft. of gross floor area.

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- (k) Convenience store 1 space per 250 sq. ft. of gross floor area.
- (l) Financial institutions 1 space per 300 sq. ft. of gross floor area.
- (m) Hotel, Inn, Motel 1 space for each bedroom plus 10 per 1,000 sq. ft. of gross floor area and adequate spaces for delivery vehicles.

(6) Industrial

- (a) Manufacturing, packaging, processing and testing 1 space for each 800 sq. ft. of gross floor area.
- (b) Warehouse 1 space per 5,000 sq. ft. of gross floor area.

5. Off-Street Loading Areas:

One or more off-street loading areas shall be provided for any business that may be regularly serviced by tractor-trailer trucks, SU-30 design vehicles or other similar delivery vehicles. Adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.

6. Standard Parking Dimensional Regulations:

- a. Off-street parking areas shall be located on the same or adjacent parcel as the use they are designed to serve.
- b. Access to parking and loading areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress and egress from all parking spaces and loading areas to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
- c. Where sidewalks occur in parking areas, parked vehicles shall not overhang the sidewalk unless an additional two (2) foot sidewalk width is provided in order to accommodate such overhang.
- d. Parking areas shall comply with the requirements of the Architectural Access Board or other such regulatory authority.

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- e. Paved off-street parking areas shall be laid out and striped in compliance with the following minimum provisions.

<u>Angle of Parking</u>	<u>Width of Parking Stall</u>	<u>Parking Stall Length of Line</u>	<u>Width of Maneuvering Aisle</u>
90°(two-way)	9.0'	18.5'	24.0'
75°(one-way)	9.0'	19.0'	22.0'
60°(one-way)	10.4'	22.0'	18.0'
45°(one-way)	12.7'	25.0'	14.0'
Parallel(one-way)	8.0'	22.0'	14.0'
Parallel(two-way)	8.0'	22.0'	18.0'

7. Small Car Stalls:

In parking areas containing more than forty (40) parking stalls, thirty percent (30%) of such parking stalls may be for small car use, except for retail store, personal service facility, general services or restaurant uses. Such small car stalls shall be grouped in one or more contiguous areas and shall be identified by a sign(s).

- a. Small Car Parking Dimensional Regulations: Off-street small car parking areas shall be laid out and striped in compliance with the following minimum provisions:

<u>Angle of Parking</u>	<u>Width of Parking Stall</u>	<u>Parking Stall Length of Line</u>	<u>Width of Maneuvering Aisle</u>
90°(two-way)	8.5'	15.0'	24.0'
75°(one-way)	8.5'	17.0'	22.0'
60°(one-way)	9.8'	18.5'	18.0'
45°(one-way)	12.0'	21.5'	14.0'
Parallel(one-way)	8.0'	18.0'	14.0'
Parallel(two-way)	8.0'	18.0'	18.0'

8. Off-Street Parking and Loading Area Design Requirements:

Any parking area serving a use or uses other than a single family residential use, including duplex dwellings and accessory apartments, shall be designed in compliance with the following standards.

Required parking spaces, loading areas and driveways shall be provided and maintained with suitable grading, paved surfaces and adequate drainage which is suitable in accordance with good engineering practices. Any parking area containing five (5) or more parking spaces shall include landscaping as required below which is satisfactory to the Permit Granting Authority (if the parking area is related to a permitted use for which a special permit or site plan approval is required), or the Building Inspector (for other parking areas), or

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their designee, in accordance with good engineering practices, located and designed to enhance the visual appearance of the parking or loading facility, to ensure traffic safety and to minimize the adverse effects of the parking or loading facility on the natural environment.

- a. Cells: Parking requirements shall be met by utilization of parking cells having a maximum of forty (40) parking spaces per parking cell. There shall be a minimum separation distance of thirty (30) feet between parking cells.
- b. Setbacks: Except where greater setbacks may be required elsewhere in this bylaw, no parking space or other paved surface, other than access driveways, common driveways or walkways, shall be located within thirty (30) feet of the front lot line and within ten (10) feet of the side and rear lot lines.
- c. Access Driveways: Each lot may have one access driveway through its front yard which shall be twenty-four (24) feet wide, unless in the opinion of the Permit Granting Authority (if the parking area is related to a permitted use for which a special permit or site plan approval is required), or the Building Inspector (for other parking areas), or their designee, in accordance with good engineering practice for safety or other reasons, a wider and/or greater number of access driveway is necessary to provide adequate area for safe vehicular turning movements and circulation. An access driveway for one-way traffic only may be a minimum of fourteen (14) feet wide. There shall be no more than one additional access driveway for each 200 feet of frontage, and all such additional access driveways shall be at least 200 feet apart on the lot measured from the centerline of each access driveway. No driveway for a non-residential principal use shall cross land in a residential zoning district in which the principal use is not allowed.
- d. Interior Driveways: Interior driveways shall be at least twenty (20) feet wide for two-way traffic and fourteen (14) feet for one-way traffic.
- e. Perimeter Landscaping Requirements: All parking areas/cells with more than five (5) spaces and all loading areas shall be bordered on all sides with a minimum of a ten (10) foot wide buffer strip on which shall be located and maintained appropriate landscaping of suitable type, density and height to effectively screen the parking area. The perimeter landscaping requirements shall be in addition to any minimum open space or landscaped buffer area required elsewhere in this Bylaw.
 - (1) Off-street parking and loading areas which are located within or adjacent to a Residential District or a Recreation-

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Conservation District (whether on the side or rear) shall be screened from all adjacent lots in said district by a landscaped buffer strip of at least thirty (30) feet in width through the use of an opaque screen. Said screen shall be opaque from the ground to a height of at least six (6) feet with intermittent visual obstruction to a height of at least twenty (20) feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm or densely planted vegetation in a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Stow. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide.

f. Interior Area Landscaping Requirements: A minimum of ten percent (10%) of the interior area, exclusive of perimeter landscaping, of a parking area cell containing more than twenty-five (25) parking spaces must be planted as landscaped island areas. The landscaped islands shall be slightly convex in shape to prevent pooling of water and shall be located so that some portion of every parking space is not more than forty-five (45) feet from either a landscaped island or the perimeter planting area. Landscaped islands shall be dimensioned so that a circle with a minimum radius of five (5) feet can be placed at each location within the island except that within the immediate vicinity of driveway or maneuvering aisle roundings and intersections the radius may be reduced to two (2) feet. Granite or concrete curbing, at least five (5) inches in height, shall surround each landscaped island as protection from vehicles. Planting required within the parking area is exclusive of other planting requirements such as for shade trees planted along the street and shall not be included as part of any minimum open space required elsewhere in this Bylaw.

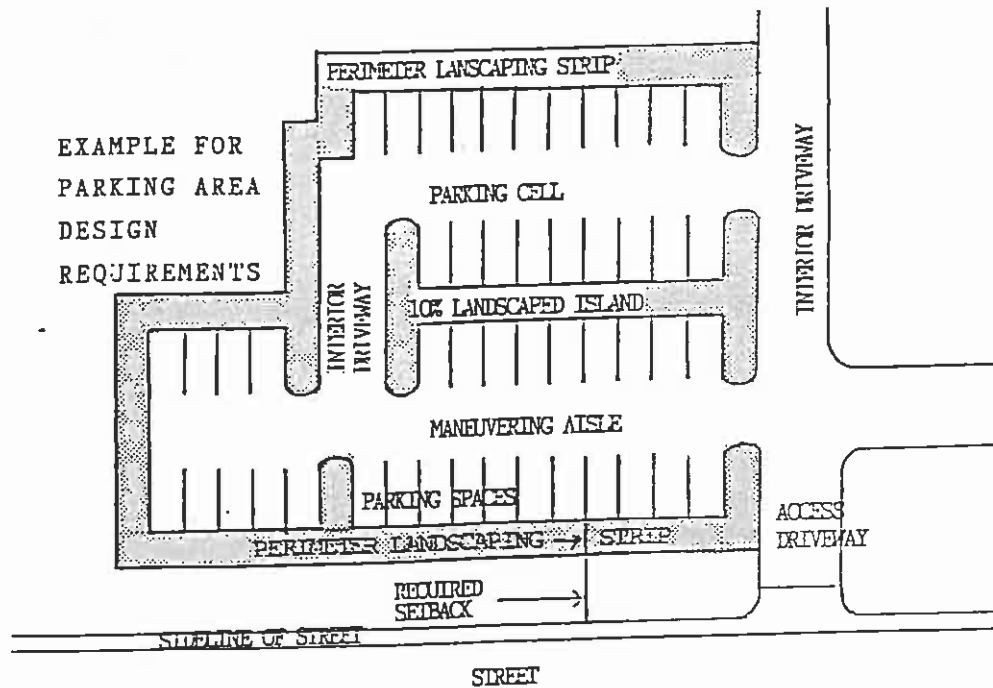
g. Plantings for Perimeter and Interior Area Landscaping Requirements shall consist of:

- (1) A minimum of one (1) shrub per thirty (30) square feet of landscaped island area and one (1) shade tree per every ten (10) parking spaces shall be installed, unless the Permit Granting Authority (if the parking area is related to a permitted use for which a special permit or site plan approval is required), or the Building Inspector (for other parking areas), or their designee, determines that there is sufficient existing vegetation to allow a reduction in the amount of new landscaping.

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- (2) Shade trees shall be of a species tolerant to the climatic conditions of Stow and/or parking area conditions and be at least two (2) inch caliper (measured four feet above grade level).
- (3) Shrubs shall be a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Stow, and be at least eighteen (18) inches in height at time of planting. Snow storage areas shall be planted with shrubs that are tolerant to weight and extended duration of snow cover.
- (4) Except for the portion of the landscaped island that will be under the car overhang, which shall be mulched or covered with paving material, the area between trees and shrubs shall be covered with loam to a depth of six (6) inches and planted with turf grass or a hardy noninvasive, low maintenance ground cover such as creeping juniper.
- (5) Wherever possible, the above requirements shall be met by retention of existing vegetation.
- (6) Planting shall be done in accordance with proper landscaping practices.
- (7) Trees, shrubs, grass and ground cover which die or become diseased shall be replaced.
- (8) All landscaping in parking areas shall be placed so that it will not obstruct sight distance. Final locations of all plantings shall be inspected and approved by the Permit Granting Authority (if the parking area is related to a permitted use for which a special permit or site plan approval is required), or the Building Inspector (for other parking areas), or their designee, including the viability of existing vegetation retained after development and any necessary replacements thereof.

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h. Lighting: Off-street parking and loading areas used after sunset shall be illuminated while in use. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents, and the design of lighting standards shall be of a type appropriate to the development and Stow and otherwise in compliance with Section VI F.1.e. of this Bylaw.

i. Bonds, Securities: The Permit Granting Authority (if the parking area is related to a permitted use for which a special permit or site plan approval is required), or the Building Inspector (for other parking area), or their designee, may require a bond or other form of security to ensure the satisfactory planting of required landscaping and to ensure the survival of such landscaping for up to two (2) years following such planting. All required landscaping and plantings must be maintained in a neat, attractive appearance as a condition of the continued principal use of the lot.

9. Structured Parking:

The accommodation of required off-street parking spaces in a garage, deck or other structure shall require, in addition to all other open space requirements of this Bylaw, the set-aside of open space of an area equal to the floor area of the structured parking facility in excess of one story. Structured parking facilities shall not be counted in calculating the net floor area of a building.

NOVEMBER 13, 1990

(Approved by Attorney General February 7, 1991)

Section III-C: Location of Boundaries of Districts - deleted from the last sentence of paragraph 8. "revised December 6, 1977" and inserted "as revised".

Sections IV-A., V-C., V-D., V-E., V-F. and VI-D.3.: deleted "Level 1" and "Level 2" with reference to special permits.

MAY 6, 1991

(Approved by Attorney General September 13, 1991)

Section II: Definitions - added to "Floor Area", "Floor Area, Gross".

Section VI-B: Residential District - deleted paragraph 3. and 4. and inserted new paragraph 3. "Accessory Apartments".

Section VI-F.1.: Use Regulations - added new subparagraph k. "Special Provisions to Enhance Access for Handicapped Persons".

Section VII-B: Area, Frontage, Yard, and Floor Area Requirements - deleted paragraph 4. and inserted new paragraph 4.

Section VII-D: Off-Street Parking and Loading Spaces - deleted and inserted new paragraph D. "Parking Standards".