

TOWN OF STOW
STOW, MASSACHUSETTS



ZONING BYLAWS

Recodification, May, 1993

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STOW ZONING BYLAW

SECTION 1

AUTHORITY, PURPOSE, DEFINITIONS

1.1 Authority

The Town of Stow Zoning Bylaw is adopted under Chapter 40A of the General Laws (the Zoning Act) and Article 89 of the Amendments to the Constitution (the Home Rule Amendment).

1.2 Purpose

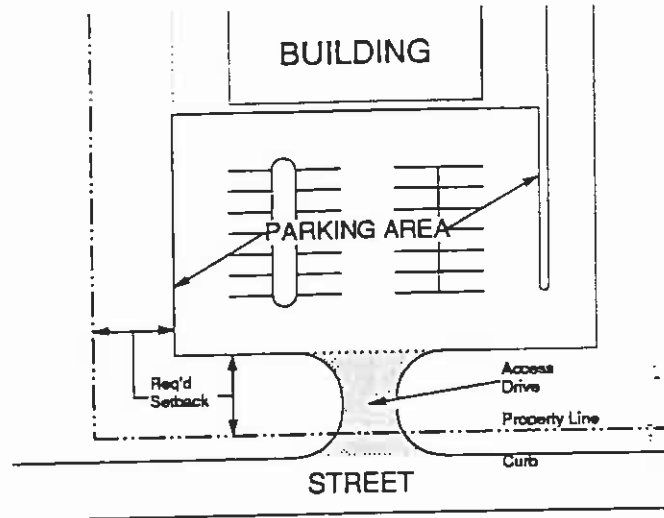
The purposes of this Zoning Bylaw are to regulate the use of land, buildings, and structures to the full extent of the constitutional and statutory powers of the Town to protect the health, safety and general welfare of present and future inhabitants, including but not limited to the following purposes: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

1.3 Definitions

The words defined in this section shall be capitalized throughout the Bylaw. Where a defined word has not been capitalized, it is intended that the meaning of the word be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context.

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

- 1.3.1 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 the Parking Section of the Zoning Bylaw.



1.3.2 ACCESSORY APARTMENT:

1.3.2.1 A second dwelling unit located within a structure constructed as a detached one-family dwelling, subordinate in size to the principal dwelling unit and separated from it in a manner that maintains the appearance of the structure as a one-family unit; or

1.3.2.2. A second dwelling unit located within a separate structure, such as a barn, garage or shed, that is clearly subordinate to the principal dwelling unit.

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

1.3.4 AQUIFER - A geologic formation, group of geologic formations, or part of a geologic formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

1.3.5 AREA OF SIGN:

1.3.5.1 The area of a sign shall include all lettering and accompanying designs and symbols, together with the background on which they are displayed.

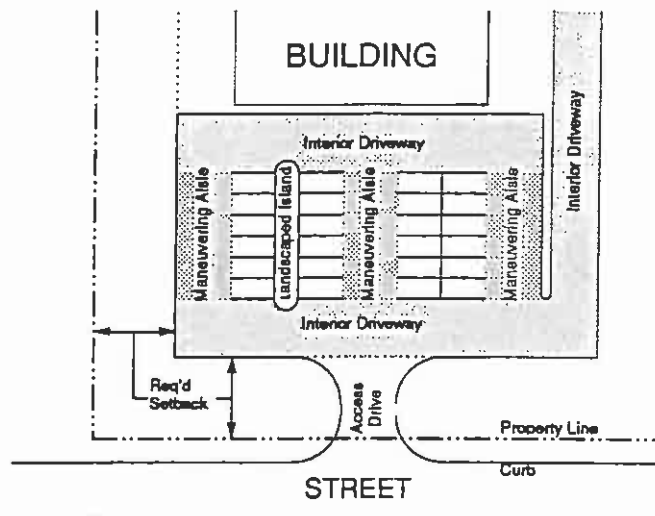
- 1.3.5.2 The area of a sign consisting of individual letters or symbols shall be the area of the smallest rectangle or triangle which encompasses all the letters and symbols.
- 1.3.5.3 The area of a three-dimensional form sign shall be the area of the four vertical faces of a cube which encompasses the form.
- 1.3.6 BED AND BREAKFAST ESTABLISHMENT - A private owner-occupied dwelling where at least four but not more than eight rooms are let and a breakfast is included in the rent.
- 1.3.7 BED AND BREAKFAST HOME - A private owner-occupied dwelling where three or fewer rooms are let and a breakfast is included in the rent.
- 1.3.8 BUILDING - A structure having a roof or cover for the shelter, support, or enclosure of persons, animals, or property.
- 1.3.9 BUILDING INSPECTOR - The existing Inspector of Buildings under the State Building Code or other designated authority, or his duly authorized representative, appointed by the Selectman, and charged with the enforcement of this Bylaw.
- 1.3.10 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.
- 1.3.11 CHILD CARE FACILITY - A day care of school-age child care center or program as defined in Massachusetts General Laws, Chapter 40A.
- 1.3.12 DEVELOPABLE SITE AREA - The developable site area shall be calculated by subtracting from the LOT area all land which is located in:
 - 1.3.12.1 a wetland, which shall mean a "freshwater wetland" as defined in Chapter 131, Section 40 of the General Laws and the Stow Wetlands Protection Bylaw, Article 9 of the General Bylaws;
 - 1.3.12.2 a Flood Plain/Wetlands District as defined in the Stow Zoning Bylaw;
 - 1.3.12.3 another zoning district in which the principal use of the LOT is not also permitted;

- 1.3.12.4 an access or right of way easement; and
- 1.3.12.5 any portion of the site with grades greater than 15%.
- 1.3.13 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.
- 1.3.14 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.
- 1.3.15 ERECTED - Attached, constructed, reconstructed, altered, enlarged or moved. Erected shall not mean repainted, cleaned, repaired or maintained. Altered includes changes in the structure or lettering or symbols of the sign, or replacement.
- 1.3.16 EXISTING CONDITIONS - As referred to in this Bylaw means conditions in existence on the date the first publication of notice of this Bylaw appears in accordance with Chapter 40A, Sections 5 and 6 of the Massachusetts General Laws.
- 1.3.17 FAMILY DAY CARE HOME - A family day care home as defined in the Massachusetts General Laws, Chapter 40A.
- 1.3.18 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.
- 1.3.19 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.
- 1.3.20 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.
- 1.3.21 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.

- 1.3.22 GARAGE, PRIVATE - Covered space for the housing of motor vehicles, but not for the rental of more than two (2) stalls for commercial repair or commercial storage.
- 1.3.23 GREEN SPACE - An area left as a natural or landscaped area which may include FENCES, signs, poles, footpaths and ACCESS DRIVEWAYS.
- 1.3.24 GROUND WATER: All water beneath the surface of the ground.
- 1.3.25 HAZARDOUS MATERIAL: A substance which because of quantity, concentration or physical or chemical characteristics poses a hazard to human health, safety, welfare or the environment, when improperly treated, stored, transported, used or disposed, or otherwise managed; this includes but is not limited to any substance set forth or deemed a hazardous material in Massachusetts General Laws Chapter 21C and 21E, 310 CMR 30.00 of the Code of Massachusetts Regulations or pursuant to any Bylaws or regulations of the Town of Stow.
- 1.3.26 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.
- 1.3.27 IMPERVIOUS SURFACE - A surface impenetrable by water.
- 1.3.28 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.

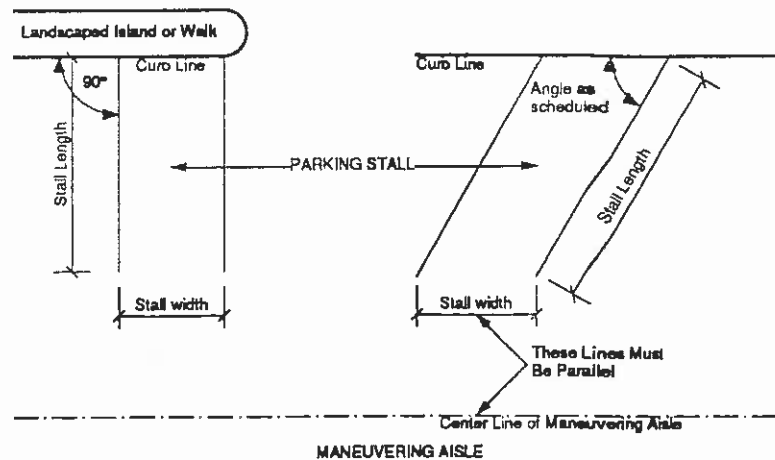
- 1.3.29 **LOADING SPACE, OFF-STREET** - An off-street space or berth, on the same LOT with a BUILDING, for the temporary parking of vehicles while loading or unloading merchandise or material, and which has access to a street, alley or other appropriate means of ingress or egress.
- 1.3.30 **MANEUVERING AISLE** - A travel lane located within the perimeter of a parking area by which motor vehicles directly enter and leave parking spaces.



- 1.3.31 **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.
- 1.3.32 **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.
- 1.3.33 **MINING OF LAND** - The removal of geologic materials such as topsoil, sand and gravel, metallic ores and bedrock.
- 1.3.34 **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.
- 1.3.35 **ON-SITE SIGN** - A SIGN pertaining to products or activities located or offered at the same location as the SIGN.
- 1.3.36 **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.

- 1.3.37 PARKING STALL LENGTH - The longitudinal dimension of the stall measured parallel to the angle of parking.
- 1.3.38 PARKING STALL WIDTH - The linear dimension measured across the stall and parallel to the MANEUVERING AISLE.



- 1.3.39 PERMANENT SIGN - Any sign other than a temporary sign.
- 1.3.40 PROCESS WASTES - Nondomestic, nontoxic, nonhazardous, liquid or solid waste by-products associated with the manufacture or preparation of a product, including but not limited to hardware, dry goods, foodstuffs and printed material.
- 1.3.41 RECHARGE AREA - An area in which water is absorbed that eventually reaches the zone of saturation in one or more AQUIFERS.
- 1.3.42 REFUSE - All solid or liquid waste materials, including garbage and rubbish, but not including sewage.
- 1.3.43 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.
- 1.3.44 SANITARY WASTES - Waste waters arising from ordinary domestic water use from toilets, sinks and bathing facilities and containing normal wastes. For

purposes of this Bylaw, all references to disposable volume(s) of sanitary wastes refer to design standards as outlined in Title V of the State Environmental Code (310 CMR 15.00).

- 1.3.45 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.
- 1.3.46 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.
- 1.3.47 SOLID WASTES - Any discarded solid material, putrescible or non-putrescible, consisting of all combustible and noncombustible solid material including, but not limited to, garbage and rubbish.
- 1.3.48 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.
- 1.3.49 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.
- 1.3.50 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.
- 1.3.51 TEMPORARY SIGN - Any SIGN which is displayed for a continuous period of not more than twenty-one (21) days and not replaced by a SIGN of a similar intent within sixty (60) days.
- 1.3.52 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.

- 1.3.53 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.
- 1.3.54 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.
- 1.3.55 YARD, FRONT - A YARD extending across the full width of the LOT and lying between the STREET LINE of the LOT and the nearest line of the BUILDING. The depth of a front yard shall be the minimum distance between the BUILDING and front LOT line.
- 1.3.56 YARD, REAR - A YARD extending across the full width of the LOT and lying between the BUILDING and the rear LOT line.
- 1.3.57 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.
- 1.3.58 ZONE OF SATURATION - The subsurface zone occurring below the water table where the soil pores are filled with water and the moisture content equals the porosity.

SECTION 2

ESTABLISHMENT OF ZONING DISTRICTS

2.1 Classification of Districts

For the purposes of this Bylaw, the Town of Stow is divided into the following zoning districts and overlay districts:

2.1.1 Zoning Districts

Recreation-Conservation District

Residential District

Business District

Compact Business District

Commercial District

Industrial District

Refuse Disposal District

2.1.2 Overlay Districts:

Flood Plain/Wetlands District

Water Resource Protection District

2.2 Zoning Map

Said districts are hereby established as shown, located, defined and bounded on a map entitled "Zoning District Map of the Town of Stow", dated April 5, 1978 signed by the Planning Board and filed with the office of the Town Clerk; which map shall also constitute an index map of all zoning districts, and together with all the maps referred to in Section 2.3 and all explanatory matter thereon shall constitute the Zoning Map of the Town, herein incorporated by reference and made a part of this Bylaw.

2.3 Location of Boundaries of Districts:

- 2.3.1 Where the boundary lines are shown upon said map within the STREET LINES or utility transportation lines, the center lines of such rights-of-way or lines shall be the boundary lines unless otherwise indicated.
- 2.3.2 Boundary lines located outside of such STREET LINES or transmission lines, and shown approximately parallel thereto, shall be regarded as parallel to such lines, and dimensions shown in figures placed upon said map between such boundary lines and such transmission lines are the distance in feet of such boundary lines from the center line of such lines, such distances being measured at right angles to such lines unless otherwise indicated.
- 2.3.3 Where the boundary lines are shown approximately on the location of property or LOT lines, and the exact location of property, LOT or boundary lines is not indicated by means of dimensions shown in figures, then the property or LOT lines shall be the boundary lines in existence and as recorded at the time of the adoption of or amendment to the Zoning Map.
- 2.3.4 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.
- 2.3.5 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.
- 2.3.6 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.
- 2.3.7 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.
- 2.3.8 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.

- 2.3.9 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.
- 2.3.10 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 3

USE REGULATIONS

3.1 Recreation-Conservation District Uses

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

- 3.1.1 Uses permitted, provided that no BUILDINGS are located within one hundred (100) feet of a district boundary line:
 - 3.1.1.1 Conservation areas for water, water supply, plants, and wildlife, dams necessary for achieving this purpose;
 - 3.1.1.2 Farming and horticulture, including raising, harvesting and storing crops, truck gardening, grazing, dairying, and poultry and livestock raising, but not including piggeries or the raising of animals for fur;
 - 3.1.1.3 Orchards, nurseries, forests and tree farms, provided that any logging equipment or other equipment necessary for these uses is normally stored in an enclosure, or is not visible from district or property boundaries;
 - 3.1.1.4 Non-commercial recreation, including municipal, county or state parks and boat landings, but not an amusement park; and
 - 3.1.1.5 Display and sale or offering for sale, of farm produce from uses permitted in paragraphs b. and c. above, and products normally sold therewith, provided that:
 - 1. At least 51% of gross annual sales is from produce raised by the owner, operator or lessee of the stand, and at least 90% of gross annual sales is from farm produce;
 - 2. No stand for such sale is located within twenty-five (25) feet of the street sideline; and
 - 3. Provision is made for off-street parking in accord with the Parking Section of this Bylaw.

3.1.1.6 ACCESSORY BUILDINGS and USES.

3.1.2. Uses permitted subject to special permit, granted by the Planning Board, provided that provisions for disposal of waste products is approved by the Board of Health and parking is provided as required in the Parking Section of this Bylaw:

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

3.1.2.2 Country clubs or other MEMBERSHIP CLUBS;

3.1.2.3 Commercial picnic areas and swimming areas;

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

3.1.2.5 Recreation, including golf courses, ski areas and tows, MARINAS and commercial boat landings, but not an amusement park.

3.2 Residential District Uses

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

3.2.1 Uses permitted:

3.2.1.1 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;

3.2.1.2 Single-family detached BUILDINGS;

3.2.1.3 BOARDING HOUSES or ROOMING HOUSES for not more than two (2) persons, provided that the house is also occupied as a private residence by the owner;

3.2.1.4 Playgrounds where approved as part of a subdivision plan;

3.2.1.5 Keeping of pets and animals for use of the residents of the premises;

- 3.2.1.6 Storage of farm vehicles, and, subject to the provisions of Section 7.7.5.1, school buses;
- 3.2.1.7 Professional office or home occupation, provided that:
1. The profession or home occupation is conducted by a resident of the premises;
 2. The use is clearly incidental to and secondary to the use as a residence;
 3. There is no exterior evidence of a non-residential use of the premises except as otherwise permitted in this section;
 4. No additional noise, vibration, smoke, dust, odors, heat, glare, unsightliness or other nuisance is produced which is discernible from other properties;
 5. There is no public display of goods or wares, and there is no additional exterior storage of material or equipment;
 6. One SIGN, not exceeding three (3) square feet, is permitted subject to the provisions of this Bylaw regulating SIGNS;
 7. There is no on-street parking permitted for any employee or visitor in connection with such use; and
 8. The use does not present a safety or health hazard to the public;
- 3.2.1.8 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;
- 3.2.1.9 BED AND BREAKFAST HOME, provided that off-street parking, one parking space per guest room, is available;
- 3.2.1.10 CHILD CARE FACILITY, provided that the facility complies with the standards set forth in the Table of Dimensional Requirements and the following standards:
1. Minimum OPEN SPACE, including outdoor play areas 35%;

- 2. Maximum number of children or students present at any one time 50; and
- 3.2.1.11 FAMILY DAY CARE HOMES if such FAMILY DAY CARE HOME is accessory to the residential use.
- 3.2.2 Uses permitted subject to special permit, granted by the Board of Appeals:
 - 3.2.2.1 Private schools and colleges, with or without dormitory facilities, including nursery and kindergarten schools, dance and music studios, provided adequate parking areas are provided;
 - 3.2.2.2 Playgrounds, unless approved as part of a subdivision plan;
 - 3.2.2.3 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 4.3 and 4.4;
 - 3.2.2.4 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;
 - 3.2.2.5 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;
 - 3.2.2.6 BED AND BREAKFAST ESTABLISHMENT, provided that off-street parking, one parking space per guest room, is available; and
 - 3.2.2.7 Nursing homes or elderly care facilities.
- 3.2.3 Uses permitted by special permit, granted by the Planning Board:
 - 3.2.3.1 ACCESSORY APARTMENTS in a Residential District as permitted in Section 8.1;
 - 3.2.3.2 Duplex Residential Uses in a Residential District as permitted in Section 8.2;
 - 3.2.3.3 Cross-Country Ski Uses in the Residential District as permitted in Section 8.3; and

3.2.3.4 Golf Course Uses in the Residential District as permitted in Section 8.4.

3.3 Business District Uses

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

3.3.1 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:

3.3.1.1 TOURIST HOMES, BED AND BREAKFAST ESTABLISHMENT or HOME, or LODGING HOUSES;

3.3.1.2 Business or professional offices;

3.3.1.3 Retail stores, the principal activity of which shall be the offering of goods but not food at retail within the BUILDING; and

3.3.1.4 CHILD CARE FACILITY.

3.3.2 Uses Permitted, subject to special permit granted by the Planning Board:

3.3.2.1 Retail stores or service establishments, the principal activity of which shall be the offering of goods or services at retail within the BUILDING;

3.3.2.2 Business or professional offices or banks;

3.3.2.3 Salesrooms for automobiles, bicycles, boats, farm implements, and similar equipment, provided there is no outside display or storage;

3.3.2.4 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;

3.3.2.5 Parking areas for use of employees, customers or visitors, subject to the requirements of the Parking Section of this Bylaw;

3.3.2.6 ACCESSORY BUILDINGS and USES which are customary and incidental to the uses permitted; and

3.3.2.7 SIGNS as provided in the Sign Section of this Bylaw.

3.3.3 Uses permitted, subject to a special permit, granted by the Board of Appeals, which shall be based on satisfaction that said use will not create a nuisance by virtue of noise, odor, smoke, vibration, traffic generated or unsightliness:

3.3.3.1 HOTELS, MOTELS, TOURIST HOMES, BED AND BREAKFAST ESTABLISHMENT or HOME, or LODGING HOUSES;

3.3.3.2 Theatres, bowling alleys, skating rinks, clubs or other places of amusement or assembly which occur within the BUILDING; and

3.3.3.3 Gasoline service stations, garages or repair shops, provided that:

1. Repairs shall be limited to minor repairs and adjustments, with all repairs occurring within a BUILDING;
2. There shall be no storage of motor vehicles, appliances and equipment on the premises other than those in process of repair or awaiting delivery or required in the operation of the service station, garage or repair shop; and
3. The area used to service, repair or store vehicles shall be paved and provided with traps to catch and retain (until removal in accordance with an approved maintenance plan) any grease, oil or other fluids.
4. There shall be an area at least twenty (20) feet deep between the STREET LINE and the paved area which shall be separated from the STREET by a curb, and which shall be seeded and landscaped, and maintained as such, except at an entrance/exit which shall be at least twenty (20) feet but no more than thirty (30) feet wide, and at least fifty (50) feet apart, and further provided that there shall be only two curb cuts for each one hundred and fifty (150) feet of street frontage.

3.4 Compact Business District

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

3.4.1 Uses permitted:

- 3.4.1.1 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;
- 3.4.1.2 Single-family detached BUILDINGS;
- 3.4.1.3 BOARDING HOUSES or ROOMING HOUSES for not more than two (2) persons, provided that the house is also occupied as a private residence by the owner;
- 3.4.1.4 Playgrounds where approved as part of a subdivision plan;
- 3.4.1.5 Keeping of pets and animals for use of the residents of the premises;
- 3.4.1.6 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; and
- 3.4.1.7 Child Care Facility.
- 3.4.2 Uses permitted, subject to special permit granted by the Planning Board:
 - 3.4.2.1 Retail store or service establishment, the principal activity of which shall be the offering of goods or services at retail within the BUILDING;
 - 3.4.2.2 Business or professional offices, banks, U. S. Post Office;
 - 3.4.2.3 Parking areas or garages for use of employees, customers or visitors, subject to design standards in the Parking Section of this Bylaw;
 - 3.4.2.4 ACCESSORY BUILDINGS and USES and
 - 3.4.2.5 SIGNS as provided in the Sign Section of this Bylaw.

3.5 Commercial District Uses

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

- 3.5.1 Uses Permitted:

- 3.5.1.1 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; and
- 3.5.1.2 Child care facility.
- 3.5.2 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:
 - 3.5.2.1 TOURIST HOMES, BED AND BREAKFAST ESTABLISHMENT or HOME, or LODGING HOUSES;
 - 3.5.2.2 Business or professional offices;
 - 3.5.2.3 Retail store, the principal activity of which shall be the offering of goods but not food at retail within the BUILDING; and
 - 3.5.2.4 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.
- 3.5.3 Uses permitted, subject to special permit granted by the Planning Board:
 - 3.5.3.1 Funeral homes, mortuaries or crematories;
 - 3.5.3.2 Salesrooms for automobiles, bicycles, boats, farm implements, and similar equipment;
 - 3.5.3.3 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;
 - 3.5.3.4 Utility structures, passenger depots and terminals;
 - 3.5.3.5 Printing, publishing or commercial reproduction or photo-processing establishments, offices, medical or dental laboratories, and research laboratories with incidental assembly or manufacture;

- 3.5.3.6 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;
- 3.5.3.7 Screened storage, ACCESSORY BUILDINGS and USES;
- 3.5.3.8 Parking areas or garages for use of employees, customers or visitors, subject to design standards in the Parking Section of this Bylaw;
- 3.5.3.9 TOURIST HOMES, BED AND BREAKFAST ESTABLISHMENT or HOME, or LODGING HOUSES;
- 3.5.3.10 Business or professional offices; and
- 3.5.3.11 Retail store, the principal activity of which shall be the offering of goods but not food at retail within the BUILDING.

3.6 Industrial District Uses

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.

- 3.6.1 Uses permitted:
 - 3.6.1.1 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; and
 - 3.6.1.2 CHILD CARE FACILITY.
- 3.6.2 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:
 - 3.6.2.1 Research laboratories with incidental assembly or manufacture; and
 - 3.6.2.2 Office BUILDINGS.

- 3.6.3 Uses permitted, subject to special permit granted by the Planning Board:
 - 3.6.3.1 Research laboratories with incidental assembly or manufacture;
 - 3.6.3.2 Office BUILDINGS;
 - 3.6.3.3 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;
 - 3.6.3.4 Parking areas or garages for use of employees, customers or visitors, subject to the design standards in the Parking Section of this Bylaw;
 - 3.6.3.5 Screened storage, ACCESSORY BUILDINGS and USES;
 - 3.6.3.6 Cafeterias for employees, when contained in the same STRUCTURE as a permitted use;
 - 3.6.3.7 All uses as permitted in the Recreation-Conservation District; and
 - 3.6.3.8 Conversion of existing residence to BED AND BREAKFAST ESTABLISHMENT or HOME.

3.7 REFUSE Disposal District

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

- 3.7.1 Uses permitted, subject to special permit granted by the Planning Board:
 - 3.7.1.1 All uses permitted in the Industrial District, subject to all requirements and limitations contained in this Bylaw for construction or use in the Industrial District, or otherwise applicable to all districts or any overlying district.
- 3.7.2 Uses permitted, subject to special permit granted by the Board of Selectmen, collectively or individually called a "refuse disposal facility" for REFUSE:

Such special permit may be granted by the Selectmen only upon making such findings as are necessary therefor under Chapter 40A of the Massachusetts General Laws, as amended, and on such further terms, conditions, safeguards and limitations on time or use as are necessary and appropriate therefor. Provided, however, that only one such permit shall exist at any time, except

that two or more may be issued for "refuse disposal facilities" located adjacent to an existing "refuse disposal facility for which a special permit under this section has been granted, or, if at the sole discretion of the Selectmen, a need exists for the issuance of more than one such permit for non-adjacent site during a transition period from use of one site to another.

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

- 3.7.2.1 Sanitary landfill;
- 3.7.2.2 REFUSE transfer station;
- 3.7.2.3 REFUSE incinerator; and
- 3.7.3.4 Any other facility for treating or disposing of REFUSE.

3.8 General Use Regulations

3.8.1 Pertaining to all Districts:

3.8.1.1 BUILDING construction - All BUILDINGS shall be constructed as prescribed by the State Building Code.

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

1. Smoke measured at the point of discharge into the air shall not exceed a density of No. 1 on the Ringlemen Smoke Chart as published by the U. S. Bureau of Mines, except that a smoke of a density not darker than No. 2 on the Ringlemen Chart may be emitted for not more than three (3) minutes in any one (1) hour.
2. Lime dust, as CaO, measured at the property line of any LOT on which the activity creates such dust, shall not exceed ten (10) micrograms per cubic meter of air.

3. Total particulate matter measured at all stacks or other points of emission to the air shall not exceed thirty (30) grams per hour per acre of land included in the LOT.
4. Odors shall not exceed the smallest values given in Table III (Odor Thresholds) in Chapter 5 of the "Air Pollution Manual" Manufacturing Chemists Association, Inc., Washington, D.C., 1951.
5. All measurements of air pollution shall be by the procedures, and with equipment, approved by the BUILDING INSPECTOR, which procedures and equipment shall be of the latest generally recognized development and design readily available.

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

1. For not more than five (5) minutes in any one (1) hour the noise generated shall not cause the total sound level to be more than ten (10) decibels above the natural ambient sound level.
2. For not more than sixty (60) minutes in any seven (7) day period the noise generated shall not cause the total sound level to be more than thirty (30) decibels above the natural ambient sound level.
3. Noise making devices which are maintained and are utilized strictly to serve as safety warning devices are excluded from these regulations.

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

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

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

- 3.8.1.6 Screening, surfacing, parking, and SIGNS - As provided in the Sign Section and Parking Section of this Bylaw.
- 3.8.1.7 Waste disposal and water supply - Regulations of the State Board of Health and the Stow Board of Health shall be met and shall be indicated on a site plan, when a site plan is required.
- 3.8.1.8 Scientific Uses - Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit granted by the Planning Board provided the granting authority finds that the proposed ACCESSORY USE does not substantially derogate from the public good.
- 3.8.1.9 Drainage - When a subdivision approval or a Site Plan Approval Special Permit is required drainage shall be designed so that the following conditions shall be met during and after construction and development:
1. Pre-development surface water runoff rates and volumes shall not be increased;
 2. Pre-development GROUND WATER infiltration rates shall not be increased;
 3. Pre-development erosion and sedimentation rates shall not be increased; and
 4. No building permit, special permit or subdivision approval shall be granted if these conditions cannot be met.
- 3.8.1.10 Erosion control - Site design and materials and construction processes shall be designed to avoid erosion damage, sedimentation or uncontrolled surface water run-off.
1. Grading or construction which will result in SLOPES of twenty-five percent (25%) or greater on fifty percent (50%) or more of the LOT area or on thirty-two thousand (32,000) square feet or more on a single parcel, even if less than half of the LOT area, shall be allowed only under special permit from the Planning Board. This shall be granted only under demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled degradation. Applications and plans for such special permits shall be referred to the Conservation Commission.

2. Where 3.8.1.10.1 and 3.8.1.10.3 apply, all slopes exceeding fifteen percent (15%) resulting from site grading shall be covered with topsoil to a depth of at least six inches and planted with vegetative cover sufficient to prevent erosion.
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 3.8.1.10.1 and 3.8.1.10.3 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

3.8.1.11 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 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.
5. 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.

3.8.2 Use Regulations Pertaining to the Business, Commercial, and Industrial Districts

3.8.2.1 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.

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

3.8.3 Use Regulations Pertaining to the Residential District

3.8.3.1 Exterior lighting shall conform with the requirements of Section 3.8.5, 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 6.3.1, customary holiday lighting or low level illumination of entranceways, exits and driveways.

3.9 NON-CONFORMING USES and STRUCTURES

A pre-existing, NON-CONFORMING USE or STRUCTURE may continue. However:

- 3.9.1 No pre-existing, NON-CONFORMING USES or STRUCTURES may be extended or altered except upon application for a special permit and a finding by the Board of Appeals that such change is not substantially more detrimental to the neighborhood than the existing non-conforming use. The extent of the NON-CONFORMING USE of a STRUCTURE may be increased up to one hundred (100) percent of the FLOOR AREA and the extent of the NON-CONFORMING USE of the land may be increased up to twenty-five (25) percent of the ground area. These limits may be further extended upon special permit granted by the Board of Appeals.

All applications for extensions and/or alterations shall include a scaled floor plan of the STRUCTURE(S) in question showing FLOOR AREA and ground coverage prior to and following the proposed changes in order to determine the degree to which the use has expanded from its original size. All applications for such special permits shall include such information and plans as required for a special permit as required in Section 9.2. Applicants shall also comply with the following site planning standards for "NON-CONFORMING USES or STRUCTURES":

- 3.9.1.1 It shall comply with the parking requirements of the Parking Section of this Bylaw, except as superseded by 3.9.1.4., 3.9.1.5. and 3.9.1.6. below;
- 3.9.1.2 It shall comply with the SIGN section of this Bylaw;
- 3.9.1.3 It shall comply with the General Use Regulations section of this Bylaw;
- 3.9.1.4 No parking, BUILDING or outdoor storage facility of materials or products shall be closer than 35 feet from the side or rear LOT line, nor closer than 50 feet from the STREET LINE;
- 3.9.1.5 Parking and outdoor storage of materials or products shall be screened from the view of abutting properties and the view from public ways by vegetative screens, opaque fencing or topography; and
- 3.9.1.6 There shall be sufficient space and provision on site for the maneuvering of vehicles so as to allow loading and unloading of materials and products without

impeding the flow of traffic along public ways or blocking pedestrian sidewalks, paths and rights of way.

- 3.9.2 If said NON-CONFORMING USE has been changed to a more restricted use, it shall not again be changed to a less restricted use.
- 3.9.3 If the NON-CONFORMING USE is discontinued or abandoned for a period of two (2) years or more, it shall not be re-established except upon a special permit granted by the Board of Appeals.
- 3.9.4 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.
- 3.9.5 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.

3.10 Table of Principal Uses

- 3.10.1 Provisions Applicable to Table of Principal Uses - No land, STRUCTURE or BUILDING shall be used except for the purposes permitted in the district as set forth in this Bylaw and further indicated on the Table of Principal Uses. Each use set forth in the principal use column shall be subject to any conditions or limitations that are set forth in this Bylaw and in the Table of Principal uses. If there is a discrepancy between the Table of Principal Uses and the text of this Bylaw, the provisions set forth in the text of this Bylaw shall take precedent.
 - 3.10.1.1 A use listed in the Table of Principal Uses is permitted in any district denoted by the letter "Y" and is not permitted in any district denoted by the letter "N".

If denoted by the letters "SPA", "SPP" or "SPS" the use is permitted only if the designated Special Permit Granting Authority grants a special permit as provided herein and makes such specific findings as may be required by the Bylaw in respect of such use. For the purposes of the Table of Principal Uses, "SPA" shall mean a special permit authorized by the Board of Appeals; "SPP" shall mean a special permit authorized by the Planning Board; and "SPS" shall mean a special permit authorized by the Board of Selectmen.

- 3.10.1.2 Site plan approval in accordance with Section 9.3 is required for a use where the letter "R" appears and is not required wither the letters "NR" appear.
- 3.10.1.3 A special permit is required for any increase in intensity of a site or use for which a special permit is required, except as to lawful pre-existing NON-CONFORMING USES.

Table of Principal Uses (Continued)

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	Floodplain Wetlands	Refuse Disposal	Site Plan Approval
<u>Institutional Uses</u>									
Religious	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Educational (Non-Profit)	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
<u>Business & Commercial Uses</u>									
Tourist homes, or lodging houses	N	SPA (1)	N	N	SPP (1)	N	N	N	(3)
Business or Professional Offices	N	SPP (1)	SPP	SPP (2)	SPP (1)	N	N	SPP	(3)
Retail Stores or Service Establishments	N	SPP (1)	SPP	N	SPP (1)	N	N	N	(3)
Banks	N	SPP	SPP	N	SPP	N	N	N	(3)
U.S. Post Offices	N	N	SPP	N	N	N	N	N	(3)
Salesrooms for Automobiles, Bicycles, Farm Implements, Boats, and Similar Equipment	N	SPP	N	N	SPP (1)	N	N	N	(3)
Restaurants	N	SPP	SPP	N	SPP	SPP	N	N	(3)
Country Clubs or Other Membership Clubs	N	SPP	N	N	N	SPP	N	N	(3)
Golf Courses	SPP (4)	N	N	N	N	N	N	N	(3)
Ski Areas, Marinas & Boat Landings	SPA (4)	N	N	N	N	SPP	N	N	(3)
Cross Country Ski Areas	SPP (4)	N	N	N	N	N	N	N	(3)
Parking Areas for Employees, Customers or Visitors	N	SPP	SPP	SPP	SPP	N	N	SPP	(3)
Hotels Motels	N	SPA	N	N	N	N	N	N	(3)
Theaters, Bowling Alleys, Skating Rinks, Clubs or Assembly within the Building	N	SPA	N	N	N	N	N	N	(3)
Funeral Home, Mortuaries or Crematories	N	N	N	N	SPP	N	N	N	(3)
Veterinary Hospitals, Stables & Kennels, Raising or Breeding of Animals for Sale, and Boarding Animals	N	N	N	N	N	N	N	N	(3)
Printing, Publishing or Commercial Reproduction or Photo-Processing Establishments, Offices, Medical or Dental Labs, and Research Laboratories	SPA (4)	N	N	N	N	N	N	N	(3)
	N	N	N	N	SPP (2)	N	N	N	(3)

Table of Principal Uses (Continued)

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	Flood Plain Wetlands	Refuse Disposal	Site Plan Approval
Building Materials Salesrooms & Yards, Contractor's Yards, Wholesale Distribution Plants, Storage Warehouses.	N	N	N	N	SPP	N	N	N	(3)
Gasoline Service Stations, Garages or Repair Shops	N	SPA	N	N	N	N	N	N	(3)
Utility Structures, Passenger Depots and Terminals	N	N	N	N	SPP	N	N	N	(3)
Screened Storage	N	N	N	SPP	SPP	N	N	N	(3)
Caterias for Employees	N	N	N	SPP	N	N	N	SPP	(3)
<u>Industrial Uses</u>									
Manufacturing Enterprises	N	N	N	N	SPP	N	N	SPP	(3)
Research Laboratories with Incidental Assembly or Manufacture	N	N	N	SPP (2)	N	N	N	SPP (2)	(3)
Sanitary Landfill	N	N	N	N	N	N	N	SPS	(3)
Refuse Transfer Station	N	N	N	N	N	N	N	SPS	(3)
Refuse Incinerator	N	N	N	N	N	N	N	SPS	(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 requirements as part of the special permit process.
 - (4) Refer to Section 7.3.3.3 of this Bylaw to determine 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.
 - (7) Allowed without special permit in accordance with Section 8.1.2 of this Bylaw
- Prohibited Uses - All uses not specifically named in the text of the bylaw are prohibited.

SECTION 4

DIMENSIONAL REGULATIONS

4.1 Standard Dimensional Provisions:

- 4.1.1 No BUILDING, STRUCTURE or land, or part thereof, may be constructed, altered, enlarged, repaired or moved, occupied and used for any purpose which violates any section of this Bylaw or any of the provisions of the bylaws of the Town of Stow.
- 4.1.2 Only one main BUILDING may be built or placed on any LOT within the Town except within a business district. Any main BUILDING hereafter erected shall be on a LOT which has frontage upon a STREET as defined in this Bylaw.
- 4.1.3 A LOT on which there existed at the time of the adoption of this Bylaw two (2) or more DWELLING houses may be divided into as many LOTS as there were DWELLING houses thereon, providing the LOT is divided in such manner that the resulting LOTS shall conform to the area and frontage requirements of this Bylaw, except upon special permit granted by the Board of Appeals. No other LOT may be changed so as to result in a LOT or LOTS having less than the minimum area and frontage requirements.
- 4.1.4 No BUILDING except piers, wharfs and other STRUCTURES to service boats shall be erected below the flood contour lines as shown on the maps and plans set forth in Section 2.3.8 of this Bylaw, as indicated on and incorporated in by reference on the zoning map accompanying this Bylaw, except upon a special permit granted by the Board of Appeals as hereinafter provided for in Section 5.1.1.7.
- 4.1.5 Any construction or use for which a permit was legally issued prior to the adoption of this bylaw or any amendment thereto shall be permitted, notwithstanding non-compliance with the requirements of this bylaw or amendment thereto, provided such construction or use was commenced within six (6) months after the issuance of the permit and carried on to completion within two (2) years, unless a special permit for a longer period of time is granted by the Board of Appeals.
- 4.1.6 This section is intended to provide additional rights to build single family DWELLINGS on certain LOTS in the Residential District that do not conform to zoning area and frontage requirements in effect, and is in no way intended to limit any rights set forth as to such LOTS in Chapter 40A, as from time to

time amended. The Board of Appeals shall grant a special permit for the construction of a single-family DWELLING to the owner of any LOT of at least 40,000 square feet area and at least 150 feet of contiguous LOT frontage in the Residential District, which was separately shown, laid out or described in a plan, deed or certificate of title duly recorded or registered at the Middlesex South District Registry of Deeds, and met all requirements of the Bylaw then in effect, prior to the first publication of notice of the public hearing required before any amendment of the Zoning Bylaw pursuant to said Chapter 40A, increasing such area or frontage requirements, or both, for a residential LOT, and situated on a STREET as defined in the Zoning Bylaws open for use by the public at such date of publication, upon a finding that the conditions in Section 4.1.6.1 are met.

- 4.1.6.1 Any adjoining LOT to the LOT described in the application for a special permit, held in common ownership with the LOT described in the application for the special permit, had an existing lawful BUILDING thereon, or a building permit had issued for such a BUILDING (on which construction was commenced within six [6] months from the date of the permit and continued through to completion as continuously and expeditiously as reasonable) before the date of the publication of the first notice of the public hearing on the amendment to the Zoning Bylaw, increasing such area or frontage requirements, so that such adjoining LOT is not available for use in combination with the LOT which is the subject of the application at the time of filing the application.
- 4.1.6.2 Provided, however, that the Board of Appeals shall grant such special permit for only one LOT to any owner owning such LOT in common with a LOT unavailable for use in combination therewith as defined in this section which permit shall run with the land; and shall impose as conditions to such special permit that any proposed DWELLING is to be located on such LOT so as to conform with all other minimum requirements of FRONT, SIDE and REAR YARD setbacks of the Zoning Bylaws in effect; and the further condition that, unless the LOT is sold and thereafter is in separate ownership, a special permit granted under this section shall lapse within a specified period of time, not more than two (2) years thereafter if a building permit has not been issued and construction has not begun by such expiration date except for good cause shown and an extension of such special permit by the Board of Appeals granted upon a showing of good cause.
- 4.1.6.3 Provided further, that the Board of Appeals may impose additional conditions and safeguards, where appropriate, to assure harmony with the general purpose and intent of the Zoning Bylaws.

4.2 Height Regulations:

- 4.2.1 The height of any BUILDING or STRUCTURE shall not exceed thirty-five (35) feet unless a special permit has been granted by the Planning Board when there is no obstruction to scenic views from public ways or properties, except that in no case shall the height exceed the limits permitted by Section 35A of Chapter 90 of the General Laws as inserted by Chapter 756 of the Acts of 1960 and any more restrictive amendments thereto. Radio towers, chimneys, broadcasting and television antennae, bulkheads, cooling towers, water towers, ventilators and other appurtenances shall in no event exceed one hundred (100) feet in height, and amateur radio towers and antennae shall not exceed one hundred fifty (150) feet in height, and further provided that if the use requires a permit or license for the intended use from any governmental authority, one has been granted.
- 4.2.2 Height shall be measured as the vertical distance from the average ground elevation around the exterior WALLS of the STRUCTURE, or, in the case of built-up land, the highest elevation at the site prior to such change in contour, to the highest point of the roof surface in the case of a flat roof, and to the mean height between eaves and ridge in the case of a pitched roof.
- 4.2.3 Limitations of height shall not apply to spires, domes and steeples.

4.3 Area, Frontage, YARD, and FLOOR AREA Requirements:

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

- 4.3.1 eaves, sills, cornices, belt cornices and window awnings may project up to two feet into the required YARD;
- 4.3.2 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; and
- 4.3.3 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.

- 4.3.4 A detached ACCESSORY BUILDING or a swimming pool may be erected in the REAR or SIDE YARD area in conformance with the YARD requirements of the district in which it is located. An ACCESSORY BUILDING attached to its principal BUILDING shall be considered an integral part thereof, and as such shall be subject to the FRONT, SIDE and REAR YARD requirements applicable to the principal BUILDING;

4.4 Table of Dimensional Requirements - These requirements shall be satisfied entirely within each district.

Zoning District	Minimum LOT Area in Square Feet (1)	Minimum Contiguous LOT Frontage in Feet (2)	Minimum Front Yard in Feet (3)	Minimum Side Yard in Feet (4)	Minimum Rear Yard in Feet	Maximum Percent Building Coverage of Land including Accessory Buildings	Minimum Floor Area per Dwelling in Square Feet
Recreation-Conservation	40,000	150	50 for dwellings 150 all other uses	100	100	10%	(5)
Residential	65,340 (13)	200 (13)	30	25	40	25%	(5)
Business	40,000	150	50	None, except 50 where abuts R/C or Res. District (6)	50 (6)	30% (15) (16)	
Commercial	20,000	150	50	25 except 50 where abuts R/C District (6)	50 (6)	30% (15) (16)	
Industrial	40,000	150	75 (6) except 150 where abuts R/C or Res. District	25 (6) except 150 where abuts R/C or Res. District	50 (6) except 150 where abuts R/C or Res. District	30% (15) (16)	
Compact Business	65,340	200	50 (9)	None (7) (8) (9)	40 (7) (9)	30% (15) (16)	
Refuse Disposal	300,000 (12)	150	300 (10) (11)	150 (10) (11)	150 (10) (11)	N/A	
Water Resource Protection						10% (14)	

R/C = Recreation-Conservation Res. = Residential

Footnote to Table of Dimensional Requirements

- (1) To qualify under this section, water area shall not be computed beyond ten (10) feet from the shore lines. Furthermore, any district, at least 50% of the minimum required area shall be land which is not in a wetlands or Flood Plain /Wetlands District.
- (2) Measured along the STREET LINE. For a corner LOT, frontage shall be measured along one STREET only, including one half of the corner arc, or that portion of the corner arc not exceeding twenty-five (25) feet, whichever is less.
- (3) From a fifty (50) foot right-of-way, plus from all right-of-ways less than fifty (50) feet an amount equal to one half the distance between the right of-way and fifty (50) feet; provided that any FRONT YARD in a Recreation-Conservation or Residential District need only be the average of the depths of the FRONT YARDS on the abutting LOTS, considering the front yards of abutting vacant LOTS as having the minimum permitted, except that in no case shall the FRONT YARD be less than forty-five (45) feet from the centerline of a STREET. Driveways are allowed within FRONT YARDS.
- (4) Except that in the case of a LOT having frontage on two (2) streets, the FRONT YARD requirements apply to the side of the STRUCTURE on street frontage as well as to the front.
- (5) The interior area of a single family DWELLING may not be regulated or restricted. Reference is made to Chapter 40A, Section 3 of the General Laws, which in general prohibits such regulation. In addition, Chapter 40A, Section 3 provides for the application of this table to regulate agricultural, religious or educational uses.
- (6) Where a Business, Commercial, or Industrial District abuts a Recreation-Conservation or Residential District, off-street parking and loading area shall not be included within the minimum SIDE and REAR YARD requirements.
- (7) Where a Compact Business District abuts a Residential District or use, off-street parking and loading areas shall be screened from said residential use.
- (8) Where a Compact Business District abuts a Residential District, side yard is 50 feet.
- (9) Area not devoted to BUILDING, walks, parking areas and access roads shall be seeded and landscaped.

- (10) YARD requirements may be waived as a condition of the special permit for that portion of a parcel of land abutting an operational REFUSE disposal area. Such YARD requirements are to be measured from the LOT boundaries and the outer-most limits of the excavation or any BUILDING for the "refuse disposal facility".
- (11) 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.
- (12) 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.
- (13) 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 Flood Plain/Wetlands District line.
- (14) 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.
- (15) Reference should be made to specific sections of the Bylaw requiring GREEN SPACE in the appropriate districts.
- (16) Child care facilities are exempt from maximum percentage building coverage on land in non-residential districts.

SECTION 5
OVERLAY DISTRICTS

5.1 Flood Plain/Wetlands District

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

5.1.1 Uses Permitted:

- 5.1.1.1 Conservation areas for water, water supply, plants and wildlife, and dams necessary for achieving this purpose;
- 5.1.1.2 Farming and horticulture, including raising and harvesting crops, truck gardening, grazing and livestock raising, but not including piggeries or the raising of animals for fur;
- 5.1.1.3 Nurseries, forests and tree farms, provided that any equipment necessary for these uses is normally stored so it is not visible from district or property boundaries;
- 5.1.1.4 Recreation, including golf courses, municipal, county or state parks (but not an amusement park), boating, fishing, hunting (where legally permitted), MARINAS, landings and any non-commercial recreation use;
- 5.1.1.5 In a business, commercial or industrial district, any of the foregoing uses which are conducted for profit, or for which a fee or similar charge is made, and allowed within the Flood Plain/Wetlands District, provided that such uses are otherwise permitted in the district overlapped by the Flood Plain/Wetlands District;
- 5.1.1.6 Subject to General Laws, Chapter 131, Section 40 and 40A access across land within the district overlapped; and

- 5.1.1.7 The Board of Appeals may grant a special permit to allow any use or STRUCTURE otherwise permitted in the district overlaid by the Flood Plain/Wetlands District if it is clearly shown that the land intended for said use or structure is included within the Flood Plains/Wetlands District through mapping error, or that no portion of said proposed new use or structure will be below the flood plain elevation as defined in this Bylaw.

5.2 Water Resource Protection District

The Water Resource Protection District is intended to protect, preserve and maintain the existing and potential GROUND WATER supply and GROUND WATER RECHARGE AREAS within the town; to preserve and protect present and potential sources of ground water supply for the public health and safety; and to conserve the natural resources of the town. The Water Resource Protection District shall be considered as overlying other zoning districts and the provisions of the Water Resource Protection District shall be controlling, and any uses permitted in the portions of the underlying districts shall be permitted subject to all the provisions of this Section. Prohibitions of land use in the underlying districts shall not be modified by the conditions of the Water Resource Protection District.

- 5.2.1 Uses permitted provided that all necessary permits, orders or approvals required by local, state or federal law shall have been obtained:

- 5.2.1 All uses of the underlying district provided that no such use on any LOT or parcel shall as to that portion of said LOT or parcel within the Water Resource Protection District:

1. Result in the disposal of any waste material, solid or liquid, other than SANITARY WASTES, brush or stumps.
2. Generate on-site sewage disposal exceeding 110 gallons per day per 10,000 square feet of LOT area, except as provided in Section 5.2.2.3. For the purposes of this Bylaw, such volumes are to be estimated as provided in Title 5, Sanitary Sewage, of the State Environmental Code.
3. Conduct any activity which involves as a principal or ACCESSORY USE the manufacture, process, storage, application, transportation and/or disposal of toxic or HAZARDOUS MATERIALS where such activity would involve outside storage, on-site waste disposal except as provided in Section 5.2.2, or uncontrolled drainage facilities which would allow discharge to surface or GROUND WATER.
4. Dispose of snow brought in from outside the District.

5. Involve the storage for sale of fuel, oil or gasoline or, except as allowed by special permit, involve outdoor storage of road salt, or other deicing chemicals, fertilizers, herbicides or pesticides.
 6. Store underground and/or transmit oil, gasoline or other liquid petroleum products, excluding liquified petroleum gases.
 7. Involve mining of the land, except as allowed in Section 5.2.18.3.
 8. 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.
 9. Use septic system cleaners containing HAZARDOUS MATERIAL.
 10. Damage to underlying GROUND WATER. For the purpose hereof the following uses shall be considered to damage the underlying GROUND WATER: automotive service and repair shops; junk and salvage yards; truck and bus terminals; car wash establishments; painting, wood preserving or furniture stripping establishments; dry cleaning establishments; metal plating, finishing, polishing or etching establishments; or any other similar use determined by the Board of Health or its sanitary agent to damage the underlying GROUND WATER.
- 5.2.1.2 Conservation of soil, water, plants and wildlife;
 - 5.2.1.3 Outdoor recreation, foot, bicycle and/or horse paths, nature study, boating, landings, bridges, fishing or hunting where otherwise legally permitted;
 - 5.2.1.4 Proper operation and maintenance of existing dams, splash boards and other water control, supply and conservation devices;
 - 5.2.1.5 Farming and horticulture, including raising, harvesting and storing crops, truck gardening, grazing, dairying, orchards, nurseries, forests and tree farms, and poultry and livestock raising but not including piggeries or the raising of animals for fur, provided that fertilizers, herbicides, pesticides and other leachable materials are not stored in any manner which would permit leakage thereof; the appropriateness of the management practices shall be governed by USDA or Soil Conservation Service, or Cooperative Extension Service or Massachusetts Department of Food and Agriculture's guidelines and use regulations;
 - 5.2.1.6 Necessary public utilities and facilities, provided they are designed to prevent contamination of GROUND WATER;

- 5.2.1.7 Construction of BUILDINGS, STRUCTURES and other facilities for parking and other uses are as appurtenant thereto, provided that except to the extent of naturally occurring pH and temperature components of surface water quality and GROUND WATER quality standards, runoff waters leaving the developed site via surface flow shall remain unimpaired as to quality;
- 5.2.1.8 Maintenance, replacement and repair of existing BUILDINGS or STRUCTURES;
- 5.2.1.9 Home heating storage tanks, provided that the contents thereof are for heating the premises and that the tanks are contained within the BUILDING; and
- 5.2.1.10 Liquefied petroleum gas storage tanks.
- 5.2.2 Uses permitted where allowed in the underlying zoning district, subject to a special permit granted by the appropriate Special Permit Granting Authority:
 - 5.2.2.1 Expansion of existing NON-CONFORMING USES to the extent allowed in the underlying district. The Special Permit Granting Authority shall not grant such approval unless it shall find that such expansion shall not be more detrimental to the GROUND WATER supply than the existing use;
 - 5.2.2.2 Any use involving on-site disposal of PROCESS WASTES;
 - 5.2.2.3 Generation of on-site sewage disposal exceeding 110 gallons per day per 10,000 square feet of LOT area; and
 - 5.2.2.4 Above ground or indoor storage of toxic or HAZARDOUS MATERIALS totaling more than fifty gallons of liquid volume or twenty-five pounds per dry weight, except as allowed in Section 5.2.1.9.
- 5.2.3 In addition to the usual requirements in applying for a special permit, each applicant for a special permit hereunder shall provide the following additional information at the time the application is filed:
 - 5.2.3.1 A complete list of all chemicals, pesticides, fuel or other potentially toxic or HAZARDOUS MATERIALS to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion and leakage and to provide for control of spills;
 - 5.2.3.2 A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods;

- 5.2.3.3 Evidence of approval by the Massachusetts Department of Environmental Protection (DEP) of any industrial waste treatment or disposal system or any waste water treatment system subject to 310 CMR 15.02; and
- 5.2.3.4 Analysis by a technically qualified expert certifying that during the normal operation of the proposed use the quality and supply of the underlying GROUND WATER resources will not be degraded from EXISTING CONDITIONS.
- 5.2.4 The Special Permit Granting Authority may grant such a special permit provided that it finds in addition to such other findings as are otherwise required by the Bylaw that such use permitted thereby:
 - 5.2.4.1 Meets the purpose and intent of this Bylaw and will not derogate from the purpose of the Water Resource Protection District;
 - 5.2.4.2 Satisfies the requirements for design set forth in Section 5.2.5 below;
 - 5.2.4.3 Will not, during construction or thereafter, impair existing GROUND WATER quality or reduce existing recharge capacity beyond that allowed in Section 5.2.1.1.8 of this Bylaw; and
 - 5.2.4.4 Will not adversely affect the quality or the yield of an existing or potential GROUND WATER supply.
- 5.2.5 The above uses shall be permitted only upon satisfaction of the following design requirements:
 - 5.2.5.1 Where a portion of the LOT is located partially outside the Water Resource Protection District, site design shall to the extent feasible, locate potential pollution sources, such as on-site disposal systems, outside the district boundaries.
 - 5.2.5.2 Roof, parking and drive runoff shall be recharged on the site, diverted toward areas covered with vegetation for surface infiltration to the maximum extent practicable. Runoff from parking areas of 5,000 square feet or more shall be discharged to oil-gas trap catch basins with appropriate sumps prior to recharge.
 - 5.2.5.3 MINING OF LAND or excavation for earth, sand, gravel and other soils shall not extend closer than five feet above the maximum GROUND WATER elevation, except to provide for structural foundations, holding ponds for drainage purposes and utility conduits. Exposed land shall be returned to its natural vegetative state when excavation is complete.

- 5.2.5.4 Any additional net runoff volume shall not be diverted beyond the boundaries of this District.
- 5.2.5.5 Risk of pollution through accidental spillage of HAZARDOUS MATERIALS shall be reduced through the use of secure storage areas, impermeable diked catchments, separated drainage systems from an area where toxic or hazardous materials are stored or handled, or similar measures, which shall at the minimum meet any requirements of any governmental agency and shall in general conform to any standards established for such purpose by any industry or other private organization.
- 5.2.5.6 PROCESS WASTES from other operations other than personal hygiene and food for residents, patrons and employees shall be treated so that contaminant levels in GROUND WATER resulting from such disposal will not exceed those levels specified in 310 CMR 22.00, or existing levels where such existing levels are higher.
- 5.2.5.7 All runoff from IMPERVIOUS SURFACES shall be recharged on the site by being diverted toward areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are not feasible and shall be preceded by oil, grease and sediment traps to facilitate removal of contaminated solids. No discharge directly into surface waters without intervening mitigative measures will be allowed.

SECTION 6
GENERAL REGULATIONS

6.1 Hammerhead LOTS

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:

- 6.1.1 The LOT has a frontage of at least 50 feet;
- 6.1.2 The LOT has an area of at least 180,000 square feet;
- 6.1.3 The LOT has sufficient area suitable for BUILDINGS. The area suitable for BUILDINGS shall be considered sufficient if
 - 6.1.3.1 a circle of 150 feet in diameter, or
 - 6.1.3.2 a rectangle with an area of 20,000 square feet and a minimum side of 80 feet can be drawn on the LOT plan within the buildable area and not overlap any LOT line or any wetlands or Flood Plain/Wetlands District;
- 6.1.4 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;
- 6.1.5 Any BUILDING on the LOT be set back at least 40 feet from every property line;
- 6.1.6 A condition of the permit be that the LOT shall not be further divided;
- 6.1.7 One such hammerhead LOT shall be contiguous to no more than one other hammerhead LOT along any and all LOT line(s); and
- 6.1.8 Sufficient sight distance to permit safe access to the way is provided in both directions at the point of access from the LOT across its frontage. Sight distance shall be deemed sufficient if, in feet, it is equal to at least six times the posted or allowable speed (miles per hour) of the way onto which access is provided.

6.2 Common Drive

Common drives are not permitted except as provided in this section. In the Residential District, construction of a private drive to be shared by more than one LOT, but not more than three (3) LOTS, is permitted subject to the following specifications:

- 6.2.1 The common drive surface shall be sixteen (16) feet wide. It shall have an 11-inch gravel base and a 4-inch compacted dense graded surface.
- 6.2.2 The maximum length of the common drive shall be five hundred (500) feet and shall be measured from the near side line of the street along the center line of the common drive to the throat of the furthest junction.
- 6.2.3 The common drive shall lie entirely within the LOTS being served.
- 6.2.4 Use of the common drive by vehicle traffic shall be limited to ingress and egress and does not include the parking of vehicles on the common drive, except that occasional overflow parking of guests' vehicles shall be permitted, provided that such vehicles are parked in a manner that does not impede traffic flow and that such parking does not extend overnight.
- 6.2.5 The owners of the LOTS shall bear and have joint and several responsibilities and obligations for the repair, maintenance, reconstruction and snowplowing of the common drive, so as to provide continuous year-round access for vehicle traffic for the convenience of the owners of the LOTS, and to provide continuous year-round access for all emergency, fire, rescue, police, moving, construction and maintenance vehicles. No building permit shall be issued until a restriction or covenant to run with the land has been approved by the Planning Board in a form satisfactory to assure compliance with this provision and a copy of the document received by the BUILDING INSPECTOR.

6.3 SIGNS

- 6.3.1 The following general regulations shall apply to all SIGNS in all districts:
 - 6.3.1.1 No SIGN shall be ERECTED except as provided in this Bylaw;
 - 6.3.1.2 No SIGN shall be ERECTED to in any way create a traffic hazard or confuse traffic control;
 - 6.3.1.3 Only white lights shall be used for illumination of a SIGN. The illumination for any SIGN shall be shielded, directed and maintained at a sufficiently low intensity that it shall not affect the vision of vehicle operators moving on or near

the premises nor cause glare or offensive lighting in the neighborhood. SIGNS shall not be illuminated between 9:00 p.m. and 5:00 a.m., except during business hours;

- 6.3.1.4 Any SIGN, including pre-existing signs, not properly maintained or which applies to products or activities which are no longer offered shall be removed;
- 6.3.1.5 SIGNS which are oscillating, internally illuminated, flashing or operating with moving parts are not permitted;
- 6.3.1.6 Each PERMANENT SIGN shall display its permit number at a location readily visible to the inspector;
- 6.3.2 Pre-existing SIGNS - Any SIGN legally ERECTED prior to the adoption of this Bylaw may continue to be maintained, provided, however, that no such SIGN shall be enlarged or altered except in conformance with a permit issued in accordance with the provisions of this Bylaw.
- 6.3.3 On Site - Permanent - PERMANENT SIGNS are permitted subject to the General Regulations of following subsections:
 - 6.3.3.1 Residential and Recreation-Conservation Districts:
 1. One (1) ON-SITE SIGN is permitted not exceeding three (3) square feet in area.
 2. One (1) ON-SITE SIGN pertaining to the rent, lease or sale of land or BUILDING(s) not exceeding three (3) square feet in area. All such SIGNS shall be removed within seven (7) days of rental, lease or sale of land or BUILDING.
 3. Seasonal Agriculture: one SIGN for uses permitted in sections 3.1.1.2, 3.1.1.3, 3.1.1.5, and section 3.2.1.1, each not exceeding four (4) square feet in area, may be ERECTED.
 - 6.3.3.2 Business, Compact Business, Commercial, Industrial and Refuse Disposal Districts:
 1. For each establishment, one (1) ON-SITE SIGN attached to the facade of the BUILDING not exceeding the lesser of one square foot for each one lineal foot of business, commercial or industrial building frontage or eighty (80) square feet in area.

2. Window SIGNS in total may be the larger of 30% of the window or three (3) square feet.
 3. One (1) primary free standing SIGN visible from the main public way not exceeding twenty (20) square feet in area.
 4. In the case of multiple businesses in the same BUILDING or sharing the same access and/or parking facilities, only one SIGN is permitted per principal access.
 5. If the business is on a corner LOT and the primary SIGN is not visible from the intersecting road, a secondary SIGN not larger than 50% of the primary SIGN is permitted.
 6. One (1) ON-SITE SIGN pertaining to the rent, lease or sale of land or BUILDING(s) not exceeding six (6) square feet in area. All such SIGNS shall be removed within seven (7) days of rental, lease or sale of land or BUILDING.
- 6.3.4 Off-site SIGNS - The following off-site SIGNS are permitted subject to any required approvals of the State Department of Public Works or the Outdoor Advertising Board.
- 6.3.4.1 Seasonal Agriculture: Two (2) SIGNS for uses permitted in sections 3.1.1.2, 3.1.1.3, 3.1.1.5 and section 3.2.1.1, each not exceeding six (6) square feet in area, may be ERECTED outside of the right of way. Seasonal agriculture SIGNS may be ERECTED one (1) week prior to the beginning of sales and must be removed one (1) week after sales are completed;
- 6.3.4.2 Directional: A free-standing pole may be ERECTED at intersections of town roads, located not to obstruct vision on the right of way and affixed with directional SIGNS, with the approval of the Selectmen;
1. The directional SIGNS shall be no larger than 6" x 24" and have a dark green background. Lettering shall be yellow and no more than 4" in height.
 2. A directional SIGN may bear only the name of a business, logotype, distance and directional arrow.
 3. Directional SIGNS shall not be illuminated.
 4. The maximum number of SIGNS per business shall not exceed three (3) located at different intersections.

5. Maximum of two (2) direction SIGN poles per intersection.
 6. The maximum height of a direction SIGN pole is eight (8) feet above the road surface.
 7. Direction SIGN poles and locations will be subject to the approval of the BUILDING INSPECTOR and Superintendent of Streets.
 8. A maximum of eight (8) businesses may share a pole for direction SIGNS.
 9. The cost of the SIGNS, pole and maintenance shall be the sole responsibility of the SIGN owners.
- 6.3.5 TEMPORARY SIGNS - TEMPORARY SIGNS up to three (3) square feet in area may be placed on private or public land. Each SIGN shall include the name, address and telephone number of the person responsible for the SIGN and date of posting. Any SIGN without this information is in violation of this Bylaw and shall be removed at the owner's expense. Failure of the owner to remove any SIGN within twenty-one (21) days of posting is a violation of this Bylaw.
- Each event shall be allowed up to ten (10) TEMPORARY SIGNS. Similar events which occur at the same location and on consecutive days shall be deemed to be one event.
- 6.3.6 Exceptions - In all districts the following exceptions shall apply, but these SIGNS should reasonably comply with Town bylaws where possible. No permit is required unless otherwise specified:
- 6.3.6.1 Federal, state and Town of Stow SIGNS are exempt from the provisions of this section;
 - 6.3.6.2 Religious and charitable organizations are permitted up to three (3) SIGNS with a combined area not exceeding forty (40) square feet, but require a permit;
 - 6.3.6.3 Historical markers or tablets, if approved by the Stow Historical Commission, are exempt;
 - 6.3.6.4 Window SIGNS stating hours of operation, affiliations, credit cards and emergency information are exempt, provided each such SIGN does not exceed one half (1/2) square foot;
 - 6.3.6.5 SIGNS regulating the use of or access to land are exempt if less than one (1) square foot in area;

6.3.6.6 SIGNS endorsing political campaigns or issues, provided such SIGNS are removed within seven (7) days after the election to which they pertain; and

6.3.6.7 SIGNS showing the name only of the resident for identification shall not require a permit.

6.3.7 Administration and Enforcement

6.3.7.1 Administration - There is hereby created a Sign Officer who shall be appointed annually by the Board of Selectmen.

6.3.7.2 Permits - No PERMANENT SIGN shall be erected unless a permit has been issued by the Sign Officer. TEMPORARY SIGNS do not require a permit. The permit fee shall be \$2.00 per square foot payable to the Town of Stow when the permit application is submitted. There shall be no charge for seasonal agricultural SIGNS.

6.3.7.3 Application - Permit applications shall be submitted to the Town Clerk and shall include at least:

1. the location, by street number, of the proposed SIGN;
2. the name and address of the SIGN owner and of the owner of the premises where the SIGN is to be located;
3. a scale drawing showing the proposed construction, method of installation or support, colors, dimensions, location of the SIGN on the site and method of illumination;
4. all existing SIGNS maintained on the premises;
5. such other pertinent information as the BUILDING INSPECTOR and/or Sign Officer may require to ensure compliance with this Bylaw and any other applicable law; and
6. the signature of the owner of the SIGN and the owner of the premises where the SIGN is to be located.

The Sign Officer shall have the authority to reject any SIGN permit application which is not complete when submitted.

6.3.7.4 Approval - The Sign Officer shall approve or disapprove any application for a SIGN permit within thirty (30) days of receipt of the application by the Town Clerk. If the Sign Officer should fail to approve or disapprove an application for

a SIGN permit within such thirty (30) day period, the application shall be deemed to be approved. The Sign Officer shall issue a permit number with each approval.

6.3.7.5 Enforcement -

1. The BUILDING INSPECTOR and/or Sign Officer shall, at reasonable times, have the power to enter upon the premises on which any SIGN is ERECTED or maintained in order to inspect said SIGN.
2. If the BUILDING INSPECTOR determines that a SIGN is in violation of this Bylaw, he shall give written notice to the owner of such SIGN, and to the owner of the premises on which such SIGN is located, to remove or modify the SIGN within thirty (30) days to be in accordance with the provisions of this Bylaw. Failure to comply with the notice or appeal the decision constitutes a violation of this Bylaw. Immediate removal may be ordered for any SIGN requiring a permit which is erected without first obtaining such permit, or which is a safety hazard.
3. All SIGNS without a permit number displayed will be removed at the owner's expense.

6.3.7.6 Right of Appeal - Any person who is dissatisfied with the decision of the BUILDING INSPECTOR or Sign Officer may appeal to the Board of Appeals within thirty (30) days from the date of such refusal, order or decision. If the action of the Inspector is modified or annulled, the BUILDING INSPECTOR shall issue a permit or order in accordance with the decision of the Board.

6.3.7.7 Variation in Specific Cases - The Board of Appeals may vary the provisions of this Bylaw in specific cases which appear to them not to have been contemplated by this Bylaw, and in cases wherein its enforcement would involve practical difficulties or unnecessary hardship, if, in each instance, desirable relief may be granted without substantially derogating from the intent of this bylaw but not otherwise. Any decision to vary the provisions of this Bylaw shall be by at least a 4/5 vote of the Board and shall specify any variance allowed and the reasons therefor.

6.3.7.8 Penalties - Any SIGN owner or property owner who violates this Bylaw shall be subject to a fine of not more than \$50.00 per day. Each day that a violation continues shall constitute a separate offense.

6.4 TRAILERS and MOBILE HOMES

No TRAILER or MOBILE HOME shall be moved onto any LOT within the Town for use as a DWELLING.

6.5 Earth Removal

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

6.6 FENCES

- 6.6.1 In residential districts, no FENCE or WALL shall exceed eight feet in height.
- 6.6.2 In residential districts, FENCES shall be set back a minimum of one foot from the property lines. In instances when the FENCE is primarily intended to enclose animals, it shall be set back a minimum of three (3) feet from the property line.
- 6.6.3 Swimming Pools Fencing:
 - 6.6.3.1 Every outdoor swimming pool having a capacity of 4,000 gallons or more, whether or not filled with water, shall be completely surrounded at all times by a FENCE or WALL not less than 48" in height above grade, which may be the pool WALL itself.
 - 6.6.3.2 Every such FENCE or wall shall be so constructed as to not have openings, holes or gaps larger than 4" in any dimension except for doors, gates and picket FENCES; in the latter case, however, the gaps between the pickets shall not exceed 4".
 - 6.6.3.3 All gates or doors opening through such enclosures shall be of not less than 48" in height and shall be equipped with a self-closing and self-latching device located at least 48" above the underlying ground and inaccessible from the outside to small children. Every such gate or door shall be kept latched at all times when the swimming pool is not in use, and any ladders shall be removed.

SECTION 7

PARKING REGULATIONS

7.1 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.

7.2 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.

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 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.

- 7.2.4 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.
- 7.2.5 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 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:
 - 7.2.5.1 The total number of spaces required to be shown on the plan shall be determined in accordance with the provisions of this Bylaw;
 - 7.2.5.2 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;
 - 7.2.5.3 Adequate drainage shall be provided for both the partial and total parking areas;
 - 7.2.5.4 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;
 - 7.2.5.5 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; and
 - 7.2.5.6 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.

7.3 Schedule of Minimum Parking - General Requirements

7.3.1 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.

7.3.2 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.

7.3.3 Schedule of Minimum Parking

7.3.3.1 Agricultural

Greenhouse	1 space for each 250 sq. ft. of gross floor area of inside sales or display room.
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7.3.3.2 Recreation

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.
Handball, racquetball, tennis courts	3 spaces per court plus 1 space per employee on the largest shift.
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.).
Swimming pool	1 space per 75 sq. ft. of gross floor area.
Bowling alley	4 spaces per alley.
Skating rink	1 space per 300 sq. ft. of gross floor area of facility plus 1 space per employee on the largest shift.
Other outdoor recreational facilities	1 space per 4 persons generally expected on the premises at any one time.

7.3.3.3 Residential

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.
BOARDING HOUSE	2 spaces plus 1 space per rentable room or suite.
Bed and Breakfast	1 space for each bedroom plus 1 space per employee on the largest shift.
Home Occupation	2 spaces for the dwelling unit and sufficient spaces to comply with section 3.2.1.7

7.3.3.4 Institutional

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.
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.
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.
Libraries, museums, community centers	1 space per 300 sq. ft. of gross floor area.
Lodge or club	1 space per 3 seats.
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.

7.3.3.5 Business

Retail stores not listed below, general and personal services, studio	1 space for each 200 sq. ft. of gross floor area.
Business or professional office	1 space per 250 sq. ft. of gross floor area.
Restaurant, funeral home	1 space for each 3 seats plus 1 space for each employee on the largest shift.
Quick food restaurant, video rental store, other quick service establishments	1 space for each 30 sq. ft. of gross floor area.
Motor vehicle service station, repair or body shop	4 spaces for each service bay and work area.
Shopping center	1 space per 250 sq. ft. of gross leasable area.
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.
Veterinary, kennel	2 spaces per exam room plus 1 space for each additional employee on largest shift.
Medical center, laboratories	1 space per 250 sq. ft. of gross floor area.
Building trade shop	1 space for each 800 sq. ft. of gross floor area.
convenience store	1 space per 250 sq. ft. of gross floor area.
financial institutions	1 space per 300 sq. ft. of gross floor area.
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.

7.3.3.6 Industrial

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

7.4 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.

7.5 Standard Parking Dimensional Regulations

- 7.5.1 Off-street parking areas shall be located on the same or adjacent parcel as the use they are designed to serve.
- 7.5.2 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.
- 7.5.3 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.
- 7.5.4 Parking areas shall comply with the requirements of the Architectural Access Board or other such regulatory authority.
- 7.5.5 Paved off-street parking areas shall be laid out and striped in compliance with the following minimum provisions.

Angle of Parking	Width of Parking Stall	Parking Stall Length of Line	Width of Maneuvering Aisle
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'

7.6 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).

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

Angle of Parking	Width of Parking Stall	Parking Stall Length of Line	Width of Maneuvering Aisle
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'

7.7 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 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.

- 7.7.1 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.
- 7.7.2 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.
- 7.7.3 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.

- 7.7.4 INTERIOR DRIVEWAYS: INTERIOR DRIVEWAYS shall be at least twenty (20) feet wide for two-way traffic and fourteen (14) feet for one-way traffic.
- 7.7.5 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.
 - 7.7.5.1 Off-street parking and loading areas which are located within or adjacent to a Residential District or a Recreation-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.
- 7.7.6 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.

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

7.7.7.1 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;

7.7.7.2 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).

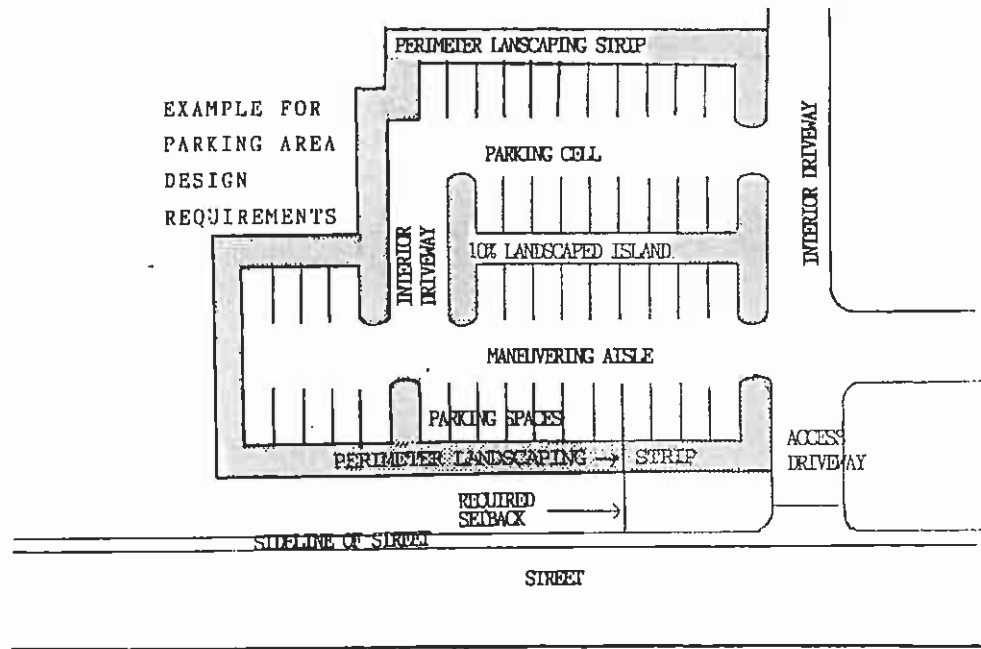
7.7.7.3 Shrubs shall be a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Stow, and be at least eighteen (18) inches in height at time of planting. Snow storage areas shall be planted with shrubs that are tolerant to weight and extended duration of snow cover.

7.7.7.4 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.

7.7.7.5 Wherever possible, the above requirements shall be met by retention of existing vegetation.

7.7.7.6 Planting shall be done in accordance with proper landscaping practices.

- 7.7.7.7 Trees, shrubs, grass and ground cover which die or become diseased shall be replaced.
- 7.7.7.8 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.



- 7.7.8 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 3.8.5 of this Bylaw.
- 7.7.9 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.

7.8 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.

SECTION 8

SPECIAL REGULATIONS

8.1 Accessory Apartments

- 8.1.1 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.
- 8.1.2 ACCESSORY APARTMENTS Allowed by Right - The BUILDING INSPECTOR may grant a building permit for one ACCESSORY APARTMENT provided that
- 8.1.2.1 The single-family DWELLING or ACCESSORY BUILDING was in existence on or before May 6, 1991, or
- 8.1.2.2 The ACCESSORY APARTMENT is attached to or within a single-family DWELLING constructed after May 6, 1991; and
- 8.1.2.3 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.
 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.
- 8.1.3 ACCESSORY APARTMENTS Allowed by Special Permit - A special permit for an ACCESSORY APARTMENT may be granted by the Planning Board provided that:
- 8.1.3.1 All of the conditions and requirements of Section 8.1.2 are met, with the exception of Sections 8.1.2.3.5 and 8.1.2.3.10.
 - 8.1.3.2 All conditions and requirements for approval of a special permit are satisfied.
- 8.2 Duplex Residential Uses in a Residential District Subject to a Special Permit by the Planning Board**
- 8.2.1 **Purposes:** The duplex option is intended to achieve a broader range of housing choices within the community; to stimulate more affordable housing units through the creation of duplex development on individual LOTS within a subdivision; and 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.
 - 8.2.2 **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. 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.

- 8.2.3 General Requirements - Two-family development in the Residential District may only occur within a proposed subdivision by obtaining a special permit 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.
- 8.2.4 Special Permit Requirements - Duplex development is subject to approval as provided in this subsection.
 - 8.2.4.1 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.
 - 8.2.4.2 The application shall include the following:
 1. 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;
 2. all information required for a special permit;
 3. all information required for a subdivision;
 4. a legally recordable document that details the long term provisions that are required for the retention of the affordable units for affordability purposes;
 5. information describing the projected ownership pattern of the proposed development once completed;
 6. a property rights plan based on an instrument survey identifying parcels, if any, to be conveyed to the Town by deed or easement; and
 7. 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.

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

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

1. All of the criteria required for a special permit are met; and
2. 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.

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

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:

- 8.3.1 no snow-making equipment shall be used;
- 8.3.2 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;
- 8.3.3 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;
- 8.3.4 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.
- 8.3.5 No so-called snowmobiles shall be permitted except for emergency or maintenance purposes.

8.4 Golf Course Uses in the Residential District subject to a Special Permit by the Planning Board:

- 8.4.1 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:
- 8.4.1.1 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;
 - 8.4.1.2 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;
 - 8.4.1.3 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;
 - 8.4.1.4 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 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 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.
 - 8.4.1.5 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.
 - 8.4.1.6 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.

8.5 Cluster Development

- 8.5.1 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 4, but not any other requirements, of the Bylaw. Prior to the granting of a permit, a plan must be submitted indicating:
- 8.5.1.1 which LOTS are to be used as BUILDING LOTS and which are to remain open land, and
 - 8.5.1.2 on each BUILDING LOT, two site lines parallel to the STREET between which the entire DWELLING, including attached GARAGE, if any, must lie.
- 8.5.2 After notice and hearing in accordance with law, the Board of Appeals may grant such a permit if it determines that:
- 8.5.2.1 The area of the tract shown on the plan is at least twenty (20) acres in a Residential District.
 - 8.5.2.2 The BUILDING LOTS shown thereon comply with the requirements of this Section as to minimum and average area and as to frontage.
 - 8.5.2.3 The plan promotes the more efficient use of the land in harmony with its natural features and with the general intent of the Bylaw.
 - 8.5.2.4 The number of such LOTS does not exceed the number of LOTS which could be built upon in the tract shown on such plan without a special permit hereunder. For the purposes of this paragraph the number of LOTS which could be built without a special permit, shall be computed at .7 of a DWELLING UNIT per 65,340 square feet of usable land. This calculation shall include as usable only twenty (20) percent of any land in a wetlands district or in Soil Association Muck-Whitman as shown on the General Soil Map, Town of Stow, prepared by the Soil Conservation Service, U. S. Department of Agriculture, dated 1966 and on file with the Planning Board.

- 8.5.2.5 The BUILDING LOTS shown on the plan shall each be served by an adequate water supply system approved by the Stow Board of Health.
- 8.5.2.6 Each of such LOTS contains a site which, subject to approval of the Stow Board of Health, may be suitable for a septic disposal system.
- 8.5.2.7 Each LOT shall have at least ninety (90) percent of the minimum area required in Section 8.5.3.1 with a SLOPE less than fifteen (15) percent.
- 8.5.2.8 The open land is suitable as to location, size, shape and condition and equal to at least thirty (30) percent of the gross area shown upon the Subdivision plan and that a minimum of two (2) acres plus one (1) acre of such open land per twenty-five (25) DWELLING UNITS, or fraction thereof, shall be of land suitable for active outdoor recreation. For the purposes of this paragraph, land shall be deemed suitable for active outdoor recreation, if the SLOPE does not exceed fifteen (15) percent, if it is not in a wetlands district, if the soil is Hinckley-Merrimac, Paxton-Woodbridge or Hollis-Paxton as shown on the General Soil Map, Town of Stow, prepared by the Soil Conservation Service, U. S. Department of Agriculture, dated 1966 and on file with the Planning Board, and if there is an area of at least one (1) acre suitable for playing football, baseball or similar games.
- 8.5.2.9 The plan has been submitted for recommendation to the Planning Board. Failure of the Planning Board to submit a recommendation prior to the hearing as herein provided shall be construed to mean favorable recommendation.
- 8.5.3 The BUILDING LOTS shown on any plan for which a special permit is granted under this Section shall meet with the following requirements:
 - 8.5.3.1 Each such LOT lying in the Residential District shall contain a minimum of twenty thousand (20,000) square feet.
 - 8.5.3.2 Each LOT lying in the Residential District shall have a minimum frontage and width of at least one hundred (100) feet, such width to be measured on a line which is the shortest distance between those segments of the side lines of the LOT which lies between the two site lines specified in Section 8.5.1.2.
 - 8.5.3.3 Those LOTS within the cluster, but having frontage on existing roads, must meet the frontage and area requirements of the district without regard to the provisions of this Section.
- 8.5.4 All land shown on a plan for which a special permit is granted under this Section which is not included in BUILDING LOTS or STREETS shall be Open Land. Provision shall be made by agreement, duly executed in form suitable

for recording by the owner or owners of such Open Land, that in the event that a special permit is granted under this Section a fee interest or a lesser interest of such Open Land shall be:

- 8.5.4.1 Owned alone or jointly by any of the following: jointly or in common by the owners of the BUILDING LOTS shown on said plan in a manner in which the ownership of the Open Land runs with the title to the LOTS and is not separately alienable, or by an association of which the owners of the BUILDING LOTS (or groups of such LOTS) are the members, or by the Town, and
- 8.5.4.2 Subject to restrictions unlimited as to time that such Open Land shall be used only for conservancy in its natural state, grazing and agriculture, walking, horseback riding and/or bicycle riding, playing fields and courts, swimming pools and other recreational facilities and STRUCTURES for use of the owners of the Open Land, or any combination of the foregoing. The restrictive agreement shall be in such form and contain such facts and provisions that, so far as possible under then existing law the restrictions will not terminate by operation of law.
- 8.5.4.3 The manner of ownership of such Open Land (or of various parcels thereof) shall be determined by the applicant and shall be subject to approval by the Board of Appeals.
- 8.5.4.4 Where the water supply system is located with Open Land, it shall be maintained by the Owners of the Open Land in accord with the regulations of the Board of Health established at the time of the passage of this Bylaw and filed with the Town Clerk and included in the restrictive agreement.
- 8.5.4.5 The above provisions for ownership and restrictions shall be developed by the applicant after consultation with the Planning Board. Such restrictions shall be for the benefit of and enforceable by the Town, and if the applicant so requests, shall also be enforceable by the applicant and/or by the owners of the BUILDING LOTS shown on such plan. The applicant may specify subject to the approval of the Board of Appeals that such restrictions be established for the benefit of the Town by a trust enforceable by the Selectmen.
- 8.5.4.6 The instructions provided above shall include an agreement that OPEN SPACE not owned by the Town shall be maintained in accordance with standards established by the Conservation Commission of the Town of Stow at the time of the passage of this Bylaw and filed with the Town Clerk and included in the restrictive agreement. The Conservation Commission shall notify the BUILDING INSPECTOR of failure to comply with these standards, and he shall take steps to cause compliance in accord with the provisions of this Bylaw or

initiate proceedings for the Town to take the open land without compensation, and notify the Selectmen and owners of any non-compliance.

- 8.5.4.7 After notification to the owners by the BUILDING INSPECTOR of non-compliance, the Selectmen may arrange for maintenance of the land by town labor or contract until such time as the owners arrange for maintenance in a manner satisfactory to the Selectmen and Conservation Commission or the Town takes title to the Open Land. The costs incurred by the Town for such maintenance shall be assessed to the owners.
- 8.5.5 If all the requirements of this Section are met, the Board of Appeals may grant a permit. If in the option of the Board of Appeals the granting of a permit would not be in harmony with the general purpose and intent of the Bylaw, this shall be deemed good and sufficient reason for not granting a permit.
- 8.5.6 Upon application for a special permit as provided under Section 8.5, 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.

8.6 Phasing of Growth

Over the past decade, the Town of Stow has been subject to extensive growth that has strained its ability to govern. With this point in mind, the purpose of this Section is to ensure that future growth occurs in an orderly and planned manner that allows the Town time for preparation to maintain high quality municipal services for an expanded residential population while allowing a reasonable amount of additional residential growth during those preparations. The citizens of Stow insist on, take pride in, and enjoy a reputation for such high quality and reliable municipal services. Several key municipal services, including human services and schools, are currently or may soon be under considerable strain. This Section will relate the timing of residential development to the Town's ability to provide services.

In addition, this Section also proposes to encourage certain types of residential growth which reflect the values of the Town as previously expressed in its policies and appropriations.

8.6.1 Regulations:

- 8.6.1.1 Beginning on the effective date of this Section, and continuing for ten calendar years, no building permit for construction of projects involving four or more

residential units shall be issued unless in accordance with the regulations of this Section.

8.6.1.2 DWELLING UNITS shall be considered as part of a single development if located either on a single parcel or contiguous parcels of land which have been in the ownership at any time subsequent to the date of adoption of this Section.

8.6.1.3 All newly authorized residential units for which individual or several building permits have been issued pursuant to 780 CMR 113.1 shall count toward the growth rate limit of 35 DWELLING UNITS defined in Section 8.6.2.1.

8.6.2 Planned Growth Rate

8.6.2.1 This Section shall take effect beginning on the date of adoption by Town Meeting (December 12, 1988). Beginning on this date of adoption, the applicable permit granting authority (Planning Board, Zoning Board of Appeals or BUILDING INSPECTOR) shall not approve any residential development which would result in authorizations for more than 35 DWELLING UNITS over a 730 consecutive day (two-year) period unless (a) specifically exempted (the project has less than four residential units); or (b) it is duly authorized in a development schedule.

8.6.2.2 Once a development schedule is approved, building permits shall be issued in conformity with that schedule. Once authorized by the development schedule, said building permits shall be issued even if the 35-unit limit has been reached.

8.6.3 Development Schedule - Building permits for new DWELLING UNITS shall be authorized only in accordance with the following schedule:

<u># of New Units in Development</u>	<u>Dwelling Units per Year*</u>
1 - 3	100%
4 - 10	up to 40%
11 - 20	up to 25%
21 - 40	up to 20%
41 +	up to 15%

* Percent of units in the development for which building permits may be authorized each year. In instances where the calculated numbers are less than whole numbers, they will be rounded down to the nearest whole number.

8.6.4 Modification to Schedule - The following modifications to the development schedule found in Section 8.6.3 shall be allowed by the Planning Board (for Definitive Subdivision, ANR, and special permits) or Zoning Board of Appeals

(for special permits) as part of the approval of any development. Points assigned in each category are to be cumulatively totaled to determine the modification to the schedule based on the Modification to Schedule Table found in Section 8.6.4.7.

8.6.4.1 Affordable Housing

1. Any development which includes 25 to 100% of its units for low and/or moderate income people and which is subsidized by federal, state or local programs, or proposed by the Stow Housing Authority, or by a non-profit or limited dividend partnership, or any development which includes non-subsidized housing units priced to be affordable to people whose income is equal to or less than 120% of the median income for Stow and which provides that the mix of affordable and market rate housing built in any one year is equivalent to the overall mix for the entire development, and which further provides that resale restrictions are established by the developer which ensure that the affordable units remain affordable for a period of thirty years, shall be exempt from the Planned Growth Rate in Section 8.6.3 and shall be allowed in accordance with the following schedule:

<u>Number of New Units</u>	<u>Dwelling Units/Year</u>
1 - 50 total units	100 %
51 - 80 total units	up to 50%
80 + total units	up to 33%

		<u>Points Assigned</u>
2.	Any development that meets the criteria found in Section 8.6.4.1, but which includes 10% to 24% of its units for low and moderate income people.	20
3.	Any development that includes no affordable units that meet the criteria in Section 8.6.4.1.	-10

8.6.4.2 Open Land/Farmland:

		<u>Points Assigned</u>
1.	<p>Provision of open land/parkland, as part of any development. For the purposes of this provision "usable land" shall be defined as in Section 8.5.2.4 and "open land" shall be defined as in Section 8.5.2.8.</p> <p>(1) Open land consisting of 4,000 to 4,999 square feet of usable land per dwelling unit which is protected from future development through deed restrictions and/or protective covenant, and including provisions for renewal.</p> <p>(2) Open land consisting of 5,000 to 5,999 square feet of usable land per dwelling unit which is protected from future development through deed restrictions and/or protective covenant, and including provisions for renewal.</p> <p>(3) Open land consisting of at least 6,000 square feet or more usable land area per dwelling unit which is protected from future development through deed restrictions and/or protective covenant, and including provisions for renewal.</p> <p>(4) Improved open land that meets the defined recreation needs of the Town of Stow as defined by Open Space Plan and deeded to the Town of Stow. (Add 5 points to the applicable category above.)</p> <p>(5) No usable open land.</p>	<p>10</p> <p>15</p> <p>20</p> <p>-10</p>
2.	<p>Protection and retention of farmland according to the following impacts on working farms:</p> <p>(1) Development of agricultural land, defined as land classified prime, unique or of state or local importance by the USDA, SCS or land characterized by active agricultural use as defined by Chapter 61A of the Mass. General Laws.</p> <p>(2) Provision of a permanent 100-foot buffer zone as a deed restriction, including a fence and screening vegetation from the property boundary of a working farm.</p>	<p>-30</p> <p>10 pts.</p>

8.6.4.3 AQUIFER Protection:

		<u>Points Assigned</u>
1.	Development in the Aquifer Protection Overlay District	
	(1) Average lot size less than two acres.	-30
	(2) Average lot size two acres or more.	-15

8.6.4.4 Open Space Residential Development - Any proposed approval under Section 8.5 will be subject to the following schedule provided that the OPEN SPACE is decided to the Town:

<u># Units in Development</u>	<u>Dwelling Units per Year</u>
1 - 10	100%
10 - 20	80%
20 - 30	50%
30 +	30%

8.6.4.5 Infrastructure:

		<u>Points Assigned</u>
1.	Any development which commits to completing all roads and utilities prior to issuance of building permits during the first year of the total project.	30
2.	Any development that commits to completing all roads or utilities (one or the other) prior to issuance of building permits.	15
3.	Any development which commits to completing all roads and utilities during years one to three of the project.	5
4.	Any development which commits to completing all roads and utilities after the third year of the project.	-15

8.6.4.6 Other - The Planning Board (Definitive Subdivision, Approval Not Required and special permits) and Zoning Board of Appeals (special permits) may grant up to a total maximum of 40 points after making the relevant findings based on submitted documentation and giving due consideration to the following:

1. Ability of the Town to adequately serve the proposed development with STREETS, utilities, drainage, educational and protective services.
2. The amelioration of development impacts, such as through lower densities, preservation of natural or agricultural resources, preservation of scenic views, or other approaches approved by the Planning Board.
3. Other arrangements which will provide for or reduce the cost of public services and facilities such as child care, health care, elder services, disabled services, recreation, transportation or water conservation.
4. Provision of housing needs for diverse population groups.
5. Commitments to improve town facilities.
6. Site design which responds to, incorporates and protects natural features such as vegetation, topography, water courses and views, or which is designed to respond to the character of the neighborhood.
7. Housing and site features that emphasize safety aspects such as sidewalks, school bus stops or fire protection systems.

8.6.4.7 Development Schedule Modification Table - Points accumulated under Section 8.6.4.1 through 8.6.4.6 shall be totaled and the total shall modify the development schedule in Section 8.6.3 according to the following table.

DEVELOPMENT SCHEDULE		POINT TOTAL								
# of Units	-30	-15 to -29	-1 to -14	0	1 to 5	6 to 12	13 to 20	21 to 28	29 to 36	37+
1-3	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
4-10	28%	32%	36%	40%	55%	60%	65%	70%	75%	83%
11-20	17%	19%	22%	25%	38%	43%	48%	53%	58%	66%
21-40	14%	16%	18%	20%	30%	35%	40%	45%	50%	58%
41+	9%	10%	13%	15%	25%	30%	35%	40%	45%	53%

8.6.5 Requirements:

8.6.5.1 All Definitive Subdivision, Approval Not Required and Special Permit applications shall include a proposed development schedule by the applicant.

8.6.5.2 Development schedules as proposed or modified shall be approved by the appropriate body (Planning Board or Zoning Board of Appeals), shall be recorded at the Middlesex County Registry of Deeds, and shall have no effect until recorded. The schedule shall specify the earliest date that each unit/LOT may become eligible for the issuance of a building permit.

8.6.6 Zoning Change Protection

The protection against zoning changes as granted by Section 6 of Chapter 40A, Mass. General Laws, shall, in the case of a development whose completion has been constrained by this Bylaw, be extended to the minimum time for completion allowed under this Bylaw.

SECTION 9
ADMINISTRATION

9.1 Board of Appeals

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

9.2 Special Permits

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

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

9.2.2.1 the size, form, contents, style and number of copies of plans and specifications;

9.2.2.2 the town boards or agencies from which the Special Permit Granting Authority may require reports; and

9.2.2.3 fees sufficient to cover reasonable costs incurred by the Town in the review and administration of special permits.

9.2.3 Petition - Any person seeking to obtain a special permit (hereinafter referred to as the Petitioner) shall file a petition with the Town Clerk, and the required number of copies of said petition, including the date and time of filing certified

by the Town Clerk, shall be filed forthwith by the petitioner with the Special Permit Granting Authority. Each petition shall be completed on the proper forms and accompanied by the information required by the Special Permit Granting Authority as set forth in its rules and regulations.

- 9.2.4 Reports from Town Boards or Agencies - The Special Permit Granting Authority shall transmit forthwith one copy each to the Planning Board, Zoning Board of Appeals, BUILDING INSPECTOR, Board of Health, Conservation Commission, Board of Selectmen, Highway Department, Fire Department, Police Department, Historical Commission and other such board or agency deemed necessary by the Special Permit Granting Authority for their written reports. Failure of any such board or agency to make a recommendation within thirty-five (35) days of receipt of said petition shall be deemed lack of opposition by said board or agency in accordance with the provisions of Chapter 40A of the General Laws. However, additional comments from any such board or agency may be received prior to the close of the public hearing.
- 9.2.5 Public Hearing and Decision - The Special Permit Granting Authority shall hold a public hearing after proper notification in accordance with the provisions of Chapter 40A of the General Laws no later than sixty-five (65) days after the filing of a petition. As all uses requiring a special permit also require site plan approval, one public hearing shall be deemed sufficient for both the special permit petition and the application for site plan approval. The decision of the Special Permit Granting Authority shall be made within ninety (90) days following the date of the public hearing. The Special Permit Granting Authority shall have the power to continue a public hearing if it finds that such continuance is necessary to obtain additional information in order to make an informed decision. The required times for a public hearing and said action may be extended by written agreement between the petitioner and the Special Permit Granting Authority, a copy of which is filed with the Town Clerk.
- 9.2.6 Mandatory Findings by Special Permit Granting Authority - The Special Permit Granting Authority shall not issue a special permit unless without exception it shall find that the proposed use and development:
 - 9.2.6.1 is in harmony with the purpose and intent of this Bylaw;
 - 9.2.6.2 will not be detrimental or injurious to abutting properties or ways, the neighborhood, community amenities or the Town of Stow;
 - 9.2.6.3 is appropriate for the site for which the petition is submitted and is related harmoniously to the terrain and to the use, scale and proportions of existing and proposed BUILDINGS in the immediate vicinity that have functional or visual relationship to the proposed use;

- 9.2.6.4 includes sufficient mitigating measures which shall be implemented as part of the special permit for any adverse effects noted in the Development Impact Statement, reports from town boards and agencies, reports from consultants and public hearings;
- 9.2.6.5 will result in no pollution or contamination of the GROUND WATER, a GROUND WATER RECHARGE AREA, a well, pond, stream, watercourse or inland wetland;
- 9.2.6.6 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;
- 9.2.6.7 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;
- 9.2.6.8 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;
- 9.2.6.9 will result in no transport by air or water of erodible material beyond the boundary line of the LOT (See also Section 3.8. Use Regulations, General);
- 9.2.6.10 will provide adequate provision for pedestrian traffic; and
- 9.2.6.11 will comply with all requirements of Site Plan Approval and all other applicable requirements of this Bylaw.
- 9.2.7 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:
 - 9.2.7.1 Limitation of size, number of occupants, method and time of operation, lighting, signage and extent of facilities;

- 9.2.7.2 Dimensional setback requirements greater than the minimum required by this Bylaw;
- 9.2.7.3 Modification of the exterior features or appearances of the STRUCTURE(S);
- 9.2.7.4 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;
- 9.2.7.5 Continuing provision for adequate and legal disposal of all solid waste, sewage, REFUSE and any other potential pollutant generated by any use;
- 9.2.7.6 A program of snow storage or removal to continue for the life of the permitted project;
- 9.2.7.7 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;
- 9.2.7.8 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:
 - 1. In the Business District, a minimum of 10% of the total DEVELOPABLE SITE area shall remain as OPEN SPACE;
 - 2. In the Compact Business District, a minimum of 30% of the total DEVELOPABLE SITE AREA shall remain as OPEN SPACE;
 - 3. In the Commercial District, a minimum of 30% of the total DEVELOPABLE SITE AREA shall remain as OPEN SPACE;
 - 4. In the Industrial District, a minimum of 40% of the total DEVELOPABLE SITE AREA shall remain as OPEN SPACE; or
 - 5. In the Refuse Disposal District, a minimum of 40% of the total DEVELOPABLE SITE area shall remain as OPEN SPACE;
- 9.2.7.9 Provision of easements, restrictions and other means enabling other uses in accordance with the Bylaw;

- 9.2.7.10 Requirement of off-street parking and other special features;
- 9.2.7.11 Regulation of number, design and location of access drives, drive-up windows and other traffic measures;
- 9.2.7.12 Provision for the safety and convenience of pedestrian traffic;
- 9.2.7.13 Requirement for performance bonds or other security; and
- 9.2.7.14 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.
- 9.2.8 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.
 - 9.2.8.1 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.
- 9.2.9 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.
- 9.2.10 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.

- 9.2.10.1 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.

9.3 Site Plan Approval

- 9.3.1 Site Plan Approval Granting Authority - Certain uses are designated in the Table of Principal Uses as requiring site plan approval. The Board of Appeals, Planning Board or the Board of Selectmen may grant site plan approval in accordance with the standards set forth in this Bylaw. Wherever a specific designation is not made, the Planning Board shall be deemed the Site Plan Approval Granting Authority.
- 9.3.2 Rules and Regulations and Fees - Each board designated as a Site Plan Approval Granting Authority in the Table of Principal Uses, or otherwise so designated in the Bylaw, shall promulgate, adopt and, from time to time, amend rules and regulations, not inconsistent with the provisions of the General Laws, and shall file a copy of said rules and regulations with the Town Clerk. Such rules and regulations shall prescribe as a minimum:
 - 9.3.2.1 the size, form, contents, style and number of copies of plans, applications and specifications;
 - 9.3.2.2 the town boards or agencies from which the Site Plan Approval Granting Authority may require reports; and
 - 9.3.2.3 fees sufficient to cover reasonable costs incurred by the Town in the review and administration of site plan approval.
- 9.3.3 Projects Requiring Site Plan Approval - Site plan approval and a building permit shall be required for any of the following uses, as set forth below or in the Table of Principal Uses:
 - 9.3.3.1 The construction or exterior alteration of a business or commercial STRUCTURE or parking area/lot;

- 9.3.3.2 The construction or exterior alteration of an industrial STRUCTURE or parking area/lot;
- 9.3.3.3 Notwithstanding that any particular use is an allowed use, site plan approval is also required for the following:
1. single family DWELLING with ACCESSORY APARTMENT;
 2. BED AND BREAKFAST HOME;
 3. BOARDING HOUSE or ROOMING HOUSE;
 4. permanent BUILDING or STRUCTURE for the sale of farm produce;
 5. common drives;
 6. in the Business District, uses permitted, provided that the BUILDING is less than 1,000 square feet GROSS FLOOR AREA; and
 7. in the Commercial and Industrial Districts, uses permitted, provided that the BUILDING is less than 1,500 square feet GROSS FLOOR AREA;
- 9.3.3.4 Change from one permitted use to another permitted use of an existing STRUCTURE or LOT;
- 9.3.3.5 Change in or establishment of an area for vehicle parking, loading, storage or vehicular access including common drives; and
- 9.3.3.6 Any other use specified in the Table of Principal Uses which indicates a special permit or site plan approval is required.
- 9.3.4 The Site Plan Approval Granting Authority may waive any or all requirements of site plan approval process for external enlargements or alterations of less than 10% or five hundred (500) square feet, whichever is less, of the existing FLOOR AREA if the Site Plan Approval Granting Authority finds that the requirements of this Bylaw have been met.
- 9.3.5 Purpose - The purpose of site plan approval is to ensure that new construction, alterations of existing STRUCTURES and parking areas/LOT, and changes in use are designed in a manner which complies with the provisions of the Bylaw as to demonstrate protection of visual and environmental qualities and property values of the Town, and assurances of adequate drainage of surface water and safe vehicular and pedestrian access, and all other requirements of the Bylaw.

- 9.3.6 Application - Any person who seeks to obtain site plan approval shall file a written application, signed by the applicant and the current property owner, with the Site Plan Approval Granting Authority, and forthwith file a copy with the office of the Town Clerk. The applicant shall submit said application, including the date and time of filing, certified by the Town Clerk, to the appropriate office of the Site Plan Approval Granting Authority, accompanied by the required number of copies of the site plan in accordance with the rules and regulations.
- 9.3.7 Reports from Town Boards or Agencies - The Site Plan Approval Granting Authority shall transmit forthwith one copy each to the Planning Board, Zoning Board of Appeals, BUILDING INSPECTOR, Board of Health, Conservation Commission, Board of Selectmen, Highway Department, Fire Department, Police Department, Historical Commission and other such board or agency deemed necessary by the Site Plan Approval Granting Authority for their written reports. Failure of any such board or agency to make a recommendation within thirty-five (35) days of receipt of said application shall be deemed lack of opposition by said board or agency. However, additional comments from any such board or agency may be received prior to the close of the public hearing.
- 9.3.8 Public Hearing and Decision - The Site Plan Approval Granting Authority shall hold a public hearing no later than sixty-five (65) days after the filing of an application. If the site plan approval is sought in conjunction with a special permit, one hearing and decision shall suffice for both site plan approval and special permit. The decision of the Site Plan Approval Granting Authority shall be made within ninety (90) days following the date of the public hearing. The Site Plan Approval Granting Authority shall have the power to continue a public hearing if it finds that such continuance is necessary to gather additional information in order to make an informed decision. Such continuance shall not automatically extend the required time limits set forth herein. The required time limits for a public hearing and/or decision may be extended by written agreement between the applicant and the Site Plan Approval Granting Authority. A copy of such agreement shall be filed in the office of the Town Clerk. Failure by the Site Plan Approval Granting Authority to take final action within said ninety (90) days or extended time, if applicable, shall be deemed to be a grant of the site plan approval.
- 9.3.9 Time Limitation on Site Plan Approval - Site plan approval shall lapse if construction has not commenced, except for good cause, within a period of time to be specified by the Site Plan Approval Granting Authority, not to exceed two years from the date of grant thereof.
- 9.3.10 A reasonable extension of said time, but not more than two additional years, may be granted by the Site Plan Approval Granting Authority where good cause is shown. Any request for such extension of time shall be submitted to

the Site Plan Granting Authority and a copy to the Stow Town Clerk at least thirty (30) days prior to the date when the site plan approval is due to lapse. Failure to submit such a request as prescribed herein shall entitle the Site Plan Approval Granting Authority to deny the requested time extension.

- 9.3.11 Site Plan Design Criteria - The purpose of the following site plan design criteria is to ensure that adequate consideration will be given to the natural resources and characteristics of a site, to its topographic, hydrologic and geologic conditions, to public convenience and safety, and to the suitability of a proposed use on a site. Before the granting of any site plan approval, the Site Plan Approval Granting Authority shall determine compliance with the following:
- 9.3.11.1 The development shall be integrated into the existing terrain and surrounding landscape and shall be designed to protect abutting properties or ways, the neighborhood, community amenities or the Town of Stow in accordance with, but not limited to, the following:
1. Site development shall minimize impacts on wetlands, steep SLOPES, flood plains, hilltops;
 2. Site development, including building sites and STRUCTURES proposed thereon, should not obstruct scenic views from publicly accessible locations;
 3. Sites shall be developed so as to preserve unique natural or historical features;
 4. Site development shall minimize deforestation, vegetation and soil removal and shall avoid grade changes;
 5. Development of the site shall be in accordance with OPEN SPACE provisions of the Bylaw; and
 6. Screening of objectionable features, including, but not limited to, exposed storage areas, storage tanks, machinery, service areas, truck loading areas, and utility BUILDINGS and STRUCTURES, from abutting properties and roadways shall be year-round and provided in the site development plan;
- 9.3.11.2 The DEVELOPABLE SITE AREA shall be clearly identified on the plan and shall meet the requirements of Section 1.3.1.2 (definition);
- 9.3.11.3 Architectural style should be in harmony with the prevailing character and scale of BUILDINGS in the neighborhood and the town through the use of similar building materials, screening, roof and wall lines and other architectural features. Variation in detail, form and siting should be used to provide visual

interest and avoid monotony. Proposed site development shall provide adequate light, air circulation and separation between BUILDINGS;

- 9.3.11.4 The development shall be served with adequate water supply and waste disposal systems. For STRUCTURES to be served by on-site waste disposal systems, the applicant shall submit a septic system design prepared by a registered professional engineer and approval by the Board of Health;
- 9.3.11.5 The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. Unless waived by the Site Plan Approval Granting Authority, a traffic study plan shall be prepared by a registered professional engineer and shall prescribe estimated average daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site;
- 9.3.11.6 The site plan shall show adequate proven measures to prevent pollution of surface or GROUND WATER, to prevent erosion and sedimentation, and to prevent significant changes in ground water levels, increased runoff and potential for flooding. Drainage shall be designed so that the rate and volume of runoff from the site shall not be increased, and abutting properties and ways, the neighborhood and community amenities will not be adversely impacted;
- 9.3.11.7 The development shall not excessively burden town services and infrastructures. To that end, the development shall place no more than the minimum demands on town services and infrastructures as may be reasonably taken care of on site or by alternate means. If the foregoing is not reasonably feasible, the site plan approval shall include provisions to assure that adequate provision for any significant increase in demands on town services and infrastructures which result from the development are provided or secured by the applicant;
- 9.3.11.8 Electric, telephone, natural gas, cable television and other such utilities and services shall be underground unless otherwise authorized by the Site Plan Approval Granting Authority;
- 9.3.11.9 The site plan shall comply with all zoning requirements for parking, loading, lighting, dimensions, environmental performance standards, and all other provisions of this Bylaw; and
- 9.3.11.10 Before approval of a site plan, the Site Plan Approval Granting Authority may request the applicant make modifications in the proposed design to ensure that the above criteria are met.

- 9.3.12 Findings by the Site Plan Approval Granting Authority - The Site Plan Approval Granting Authority, in order to grant site plan approval, shall find the proposed use of the site consistent with the uses permitted in the district in which the site is located and shall give due consideration to the reports received under Section 9.3.7. Prior to the granting of any site plan approval, the Site Plan Approval Granting Authority shall find that the site plan:
- 9.3.12.1 Protects the abutting properties and ways, the neighborhood, community amenities and the Town against seriously detrimental or offensive uses on the site and against adverse effects on the natural environment;
 - 9.3.12.2 Provides for convenient and safe vehicular and pedestrian movement and that the locations of road and driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site;
 - 9.3.12.3 Provides an adequate, convenient and safe arrangement of parking and LOADING SPACES in relation to the proposed uses of the site;
 - 9.3.12.4 Provides adequate and safe methods of disposal of REFUSE or other wastes resulting from the uses permitted on the site;
 - 9.3.12.5 Will not derogate from the purpose of this Bylaw; and
 - 9.3.12.6 Complies with all applicable requirements of this Bylaw.
- 9.3.13 Final Action by the Site Plan Approval Granting Authority - Final action in connection with site plan approval shall consist of either:
- 9.3.13.1 a determination that the proposed project as set forth in the application constitutes a suitable development and is in compliance with the criteria set forth in this Bylaw, and the approval thereof; or
 - 9.3.13.2 a written denial of the application stating the reasons for such denial.
- 9.3.14 As-Built Plan - At the time the BUILDINGS contained within the development site are ready for occupancy and prior to the issuance of an Occupancy Permit by the BUILDING INSPECTOR, the applicant shall have prepared and certified by a registered professional engineer or land surveyor an "As-Built Plan" drawn with dark lines on a medium acceptable for recording with the Middlesex County Registry of Deeds or Land Court showing the following:
- 9.3.14.1 property boundary lines;

- 9.3.14.2 location of all BUILDINGS and other STRUCTURES, including utility sheds, storage areas and storage tanks;
- 9.3.14.3 actual widths, lengths and bearings of all boundary lines of STREETS, driveways, parking lots/areas, drainage structures and easements;
- 9.3.14.4 grades of streets, driveways, parking lots/areas, drainage structures, pipes and easements; and
- 9.3.14.5 locations of all pipes and utilities.

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

9.4 Procedures

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

9.5 Planning Board Associate Member

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

9.6 Enforcement

The provisions of the Bylaw and any amendments thereto shall be administered and enforced by the BUILDING INSPECTOR.

- 9.6.1 Building Permits - Building permits are required in accord with the State Building Code.
- 9.6.2 Certificate of Occupancy - Certificates of occupancy are required in accord with the State Building Code.
- 9.6.3 Violations and Enforcement - Enforcement shall be in accord with provisions of the State Building Code.

9.6.4 Penalty for Violation - The penalty for violation of this Bylaw shall be a fine of one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense, three hundred dollars (\$300) for the third offense and three hundred dollars (\$300) for each succeeding offense. Each day that a violation continues shall constitute a separate offense.

9.7 Amendment

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

9.8 Validity

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

9.9 Exemptions - Religious, Educational, Agricultural or Municipal Uses

Nothing in this Bylaw shall be construed to limit or prohibit the use of land in any district, or any BUILDING or STRUCTURE, for any church or religious purpose, for any non-profit educational purpose which is religious, sectarian, denominational or public, for agricultural use except piggeries or raising animals for fur, or for any municipal purpose with the exception of a REFUSE disposal area. Such uses shall nevertheless conform to the dimensional, parking and BUILDING coverage requirements of this Bylaw.

A true copy. Attest: Ann L. Allison
Town Clerk of Stow