



TOWN OF STOW

ZONING BYLAW

SUPPLEMENT NO. 1

September 9, 1994

REVISIONS TO TOWN OF STOW ZONING BYLAW

This supplement contains amendments to the Town of Stow Zoning Bylaw which have been Approved by the Attorney General on August 26, 1994.

Remove Old Page	Zoning Bylaw Section Amended	Insert New Page	Date that should be shown on the left hand corner of the new page
5/6	Section 1.3.19	5/6	08-26-94
17/18	Section 3.2.1.10	17/18	08-26-94
29/30	Section 3.8.3.1	29/30	08-26-94
65/66	Section 7.7.8	65/66	08-26-94

- 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 or 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 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

- 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 NET FLOOR AREA of 4,000 square feet.
- 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

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 3.8.1.5, 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.

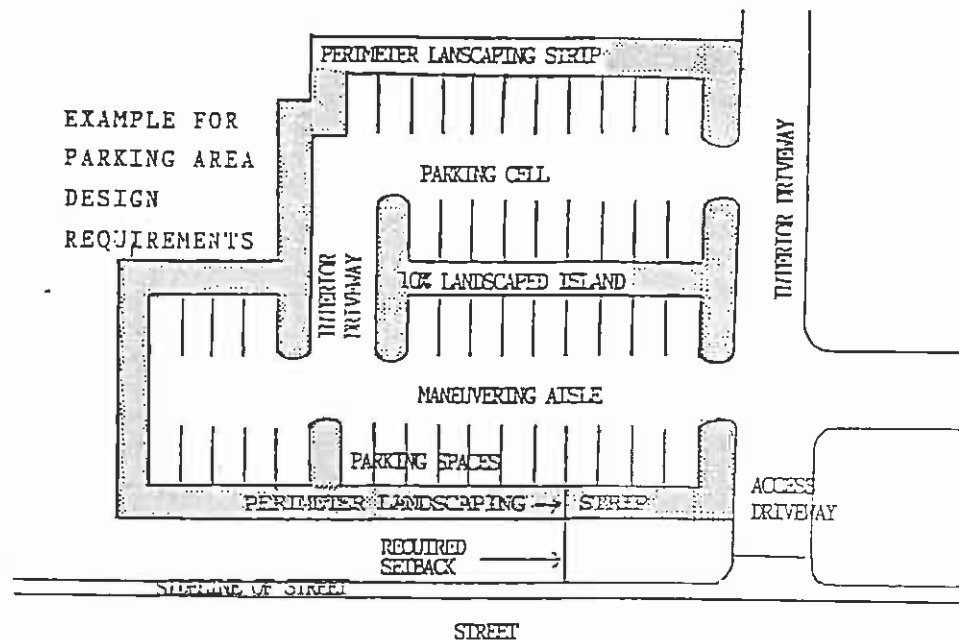
All applications for extensions and/or alterations shall include a scaled floor plan of the STRUCTURE(S) in question showing FLOOR AREA and ground coverage prior to and following the proposed changes in order to determine the degree to which the use has expanded from its original size. All applications 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

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 3.8.1.5 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.