

ZONING BYLAW AMENDMENTS



- Article 53: Section 6.2 and 9.3**
- Article 54: Section 8.5**
- Article 55: Section 8.5**
- Article 56: Zoning Map Amendment**
- Article 57: Zoning Map Amendment**

Final Version as Adopted

**Town Meeting Vote – May 17, 2004 Annual Town Meeting
Attorney General Approval – August 18, 2004**

Final Version of By-law as Amended:

**TOWN OF STOW
ZONING BYLAW**

Article 53(A), (B) and (C)

6.2 Common Drive

Common drives are encouraged and may be allowed 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 twelve (12) 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.
- 6.2.6 An Erosion Control and Sedimentation Plan, in accordance with Planning Board Rules and Regulations governing the same, shall be submitted to and approved by the Planning Board.

Article 53(D) and (E)

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.

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- 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. in the Business District, uses permitted, provided that the BUILDING is less than 1,000 square feet GROSS FLOOR AREA; and
 - 6. 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; 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.

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- 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:

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- 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

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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:

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- 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.

A True Copy Attest:

Linda Hathaway, Stow Town Clerk

Final Version as Amended:

**TOWN OF STOW
ZONING BYLAW**

8.5 Planned Conservation Development (PCD)

8.5.1 Purpose - The purpose of the Planned Conservation Development is to allow residential development which encourages

- protection of Stow's rural character by development of land in clusters and villages which is in greater harmony with the town's natural resources and historic development patterns;
- preservation of land for conservation, OPEN SPACE, recreation, agriculture and forestry;
- preservation of significant land and water resources, natural areas and scenic vistas;
- preservation of unique and significant historical and archaeological resources;
- a greater mixture of housing types and more energy-efficient and cost-effective residential development; and
- reduced costs of providing municipal services.

It is not the intent of this bylaw to make undevelopable land developable, nor to permit an increase in the number of BUILDING LOTS that would otherwise be possible on a conventional plan pursuant to the provisions of the zoning bylaws that otherwise apply, but rather to encourage the preservation of important site features.

8.5.2 Special Permit - Planned Conservation Development as set forth in this section is authorized by the Zoning Act, Mass. General Laws Chapter 40A, Section 9, and is based on the general concept of "cluster development" described therein. As the Special Permit Granting Authority, the Planning Board may grant a Special Permit for the development and construction of a Planned Conservation Development on all land and parcels in the Residential District(s) subject to the following requirements.

8.5.3 Procedural Requirements - If the Planned Conservation Development requires approval under the Subdivision Control Law, Mass. General Laws Chapter 41, the "PCD Site Plan" shall contain a plan in the form and with the contents required of a Definitive Subdivision by the Rules and Regulations Governing the Subdivision of Land in Stow. The application for a PCD Special Permit and for approval of a Definitive Subdivision plan shall be filed concurrently. To the extent permitted by law, the Planning Board shall consider both applications at the same time.

8.5.4 Planning Board Action - In evaluating the proposed Planned Conservation Development, the Planning Board shall consider the general objectives of this bylaw and of Planned Conservation Development in particular; the existing and probable future development of surrounding areas; and the appropriateness of the proposed layout of the lots and the proposed layout and use of the Open Land in relation to the topography, soils and other characteristics and resources of the tract of land in question. The Planning Board shall grant a Special Permit for a PCD if it finds that the PCD

- protects and enhances the rural character and environment of Stow;

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- provides Open Land which is of a size, shape and location and has adequate access so as to benefit the town and the residents of the PCD;
- is appropriate to the natural terrain of the tract of land to be developed;
- provides for the convenience and safety of vehicular and pedestrian movement in the development in a manner that is compatible with the narrow, tree-lined country roads of Stow;
- the application sets forth a specific plan for maintenance of all Open Land, waste disposal and drainage facilities, roadways and other improvements to be constructed in the development;
- complies with all other legal requirements for a Special Permit and the Zoning Bylaw, including those for a PCD; and
- is consistent with the Stow Growth Management Plan or succeeding plan, as amended.

8.5.4.1 The Planning Board shall consider the recommendations of the Board of Health, the Conservation Commission and the Town's consulting engineer in making said findings.

8.5.4.2 The Planning Board may require changes to the "PCD Site Plan" and impose additional conditions, safeguards and limitations as it deems necessary to secure the objectives of this bylaw provision.

8.5.5 Application for a Planned Conservation Development Special Permit - Any person who desires a PCD Special Permit shall submit an application in writing which meets the requirements set forth herein and all other information which may be required by the Planning Board under its Rules and Regulations for PCD's:

8.5.5.1 Contents of an Application for a Planned Conservation Development Special Permit - The application for a PCD Special Permit shall be accompanied by a "PCD Site Plan" showing the information required by the Rules and Regulations for a PCD. The information shall include but not be limited to topography; soil characteristics as shown on the Soil Conservation Service maps; wetlands as defined by MGL Ch. 131, S.40 and the Stow Wetlands Protection Bylaw; flood plain boundary lines; existing types of vegetation; any other unique natural, historical, archaeological and aesthetic resources; the proposed layout of the lots; the proposed location of DWELLINGS, garages and other accessory STRUCTURES; the proposed location of roads, driveways, wells, septic systems and utilities; proposed finished grades; proposed landscaping; the approximate layout of lots under a conventional plan pursuant to the provisions of the Zoning Bylaw that otherwise apply without the benefit of PCD standards and under the given site limitations; the proposed layout and land use plan of the Open Land in the PCD; and the proposed form of ownership of the Open Land and any improvements proposed thereon.

8.5.6 Standards for Planned Conservation Developments

8.5.6.1 Minimum Tract Size - A Planned Conservation Development shall be permitted upon a tract of land with definite boundaries ascertained from a recorded deed(s) or recorded plan(s) which contains an area of not less than ten (10) acres in the Residential District(s).

1. The Planning Board may permit lots on directly opposite sides of a street to qualify as a single tract of land. To permit such division of a tract of land by a

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street, the Planning Board must find that this would enhance the purposes of the PCD bylaw provision and would not result in any more DWELLING UNITS than would be possible in accordance with the provisions of this bylaw if the lots on either side of the street were developed separately.

2. Where a tract of land is divided by a zoning district boundary between any residential district and the Recreation-Conservation District, the total area of the tract of land may be used in the PCD solely for the purpose of qualifying the tract of land as a PCD, provided that the portion of the tract of land contained within the Recreation-Conservation District is entirely preserved as Open Land within the PCD.

8.5.6.2 Number of Lots - The number of lots allowed in the PCD shall be the number of lots into which the parcel could be divided and built upon under the normally applicable dimensional requirements and land use regulations.

8.5.6.3 Permitted Uses - There shall be permitted in any Planned Conservation Development

1. Single-family DWELLINGS, single-family DWELLINGS with ACCESSORY APARTMENTS;
2. MULTI-FAMILY DWELLINGS which are designed to be consistent in character with the single-family DWELLINGS in the same development. Such MULTI-FAMILY DWELLINGS may be allowed provided
 - (a) no more than one (1) doorway faces the front yard area and further provided that, in terms of exterior appearance, the BUILDING is compatible in design and, to the extent practicable, indistinguishable from the single-family DWELLINGS in the same development; and
 - (b) not more than twenty-five percent (25%) of the total number of DWELLING UNITS are in MULTI-FAMILY DWELLINGS; and
 - (c) there shall be no more than four (4) DWELLING UNITS in any residential BUILDING; and
 - (d) the overall length of any residential BUILDING shall not exceed 200 feet.
3. Accessory uses and structures incidental to principal uses indicated above.

In its Rules and Regulations for Planned Conservation Developments, the Planning Board may establish design guidelines for DWELLINGS, require submission of architectural floor plans and side elevation plans for all proposed DWELLINGS, and impose additional conditions affecting the design and location of DWELLINGS.

8.5.6.4 Special Conditions for MULTI-FAMILY DWELLINGS -

1. Where MULTI-FAMILY DWELLINGS are part of the development, the Planning Board may permit the common side yard requirement to be eliminated.
2. Where MULTI-FAMILY DWELLINGS are allowed, the total LOT area upon which the MULTI-FAMILY DWELLING is located shall comply with the minimum LOT area requirement(s) for a single-family DWELLING for the first DWELLING unit and an additional 10,000 square feet for each additional DWELLING UNIT.
3. For each MULTI-FAMILY DWELLING unit in excess of one per LOT, an additional 10,000 square feet of OPEN SPACE, in addition to the OPEN SPACE required pursuant to the Planned Conservation Development Regulations, shall be provided for each DWELLING UNIT in excess of one (1) per LOT.

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- 8.5.6.5 Prohibition of Future Development - No tract, LOT, parcel or exclusive use area for which a special permit is granted under this section shall be further subdivided, and such notation shall be shown on the plan and set forth in documents to be recorded and to run with the land.
- 8.5.7 Dimensional Requirements - Where the requirements of the PCD differ from or conflict with other requirements of the Bylaw, the requirements established for PCD's shall prevail. The following requirements shall be met in all PCD's. Where appropriate, the Planning Board may impose additional requirements upon the tract of land as a condition of the Special Permit.
- 8.5.7.1 The following minimum requirements shall be met:
1. Minimum frontage*100 feet
*frontage may be reduced to 50 feet if LOT is served by a common drive
 2. Minimum front, rear and side yard setbacks 20 feet
 3. Minimum LOT area per DWELLING 20,000 sq. ft.
- 8.5.7.2 No BUILDING shall be located within 100 feet of an existing public way or within 50 feet of the boundary line of the PCD or the Open Land.
1. To preserve the scenic qualities of Stow's roads and to encourage connection between neighborhoods, a 50-foot buffer shall be provided along the entire length of the frontage of the tract of land proposed for the PCD. Within this 50-foot buffer the PCD shall include a walkway that meanders in a manner to preserve public shade trees and stone walls. The proposed construction specifications for the walkway shall be shown on the plan and shall be subject to the Planning Board's approval.
- 8.5.7.3 The Planning Board shall have the authority to require larger setbacks and distances, and it may permit smaller setbacks and distances if it finds that such alternate setbacks and distances will promote the intent and purpose of PCD and will not pose public safety problems.
- 8.5.7.4 The limitation on the number of lots served by a common drive under Section 6.2 of the Bylaw shall not apply to lots within a PCD. Specifications for common drives within a PCD shall be included within the Rules and Regulations.
- 8.5.7.5 Parking shall be provided as required in Section 7 of the Zoning Bylaw, provided that no more than eight (8) parking spaces shall be grouped together.
- 8.5.8 Dimensional Requirements for Open Land - A minimum of 60% of the total area of the tract of land to be developed as a PCD shall be designated as Open Land. The following additional requirements shall apply:
- 8.5.8.1 Except as otherwise permitted by the Planning Board, because it is in the public interest, the minimum required area of the Open Land shall not contain more than 50% wetlands, as defined in MGL Ch. 131, S.40 and the Stow Wetlands Protection Bylaw.
- 8.5.8.2 The location and layout of the Open Land shall take into account, preserve and, where appropriate, promote such features of the tract as rivers, streams, ponds, marshes, wetlands, historic sites, wildlife refuges, unique geological or botanical areas or features, and existing or potential trails, paths and open land links.
- 8.5.8.3 Open Land shall be planned as large contiguous parcels whenever possible and shall have a shape, dimension, character and location suitable for the designated uses of

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the Open Land. Strips or narrow parcels of Open Land shall be permitted only when necessary for access, or if the Planning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose and intent of the PCD.

- 8.5.8.4 If the tract of land abuts adjacent Open Land or undeveloped lots, the Open Land shall be connected in a manner that provides significant continuity with such adjacent Open Land and with such undeveloped lots.
- 8.5.8.5 The Open Land shall be provided with adequate upland access from a way or street at least forty (40) feet wide in the form of a right of way.
- 8.5.9 Use of the Open Land - The Open Land shall be dedicated and used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses. No other uses shall be allowed in the Open Land, except as otherwise provided herein.
- 8.5.9.1 The proposed use of the Open Land shall be specified on a Land Use Plan and appropriate dedications and restrictions shall be part of the deed to the Open Land. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the Open Land in order to enhance the specific purposes of Planned Conservation Development.
- 8.5.9.2 The Open Land shall remain unbuilt upon, provided that an overall maximum of five percent (5%) of such land may be subject to pavement and STRUCTURES accessory to the dedicated use or uses of the Open Land, and provided that the Open Land may be subject to temporary easements for the construction, maintenance and repair of roads, utilities and sewer or drainage facilities serving the PCD or adjacent land.
- 8.5.9.3 Wells and sewage disposal areas or facilities may be located on the Open Land as permitted or regulated by Title 5 or local Board of Health regulations, if serving the PCD, and if such use, in the opinion of the Planning Board, enhances the specific purpose of Planned Conservation Development to promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Open Land is used for the purpose of a community well or leaching area, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the LOT owners within the PCD.
- 8.5.9.4 In addition, a portion of the Open Land may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the PCD or adjacent land if such a use, in the opinion of the Planning Board, enhances the general purpose of this Bylaw and enhances better site and community planning, and if the Planning Board finds that adequate assurances and covenants exist, to ensure proper maintenance of such facilities by the owner of the Open Land.
- 8.5.10 Ownership of the Open Land - The Open Land shall be owned in common by the owners of all DWELLING UNITS in the PCD or shall be conveyed in whole or in part to
- the Town of Stow and accepted by it; or to
 - a non-profit organization, the principal purpose of which is the conservation of open space and/or any of the purposes and uses to which the Open Land may be dedicated; or to
 - a corporation or trust owned, or to be owned, by the owners of lots or residential units within the PCD. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units.

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- 8.5.10.1 In all cases, a perpetual restriction approved by the Planning Board and enforceable by the Town of Stow shall be imposed on the use of such land, providing in substance that the land be kept in its natural state and that the land shall not be built upon or developed or used except in accordance with the provisions of PCD as set forth herein and, if applicable, as further specified in the decision of the Planning Board governing the individual PCD.
 - 8.5.10.2 The proposed ownership of all Open Land shall be shown on the Land Use Plan for the PCD.
 - 8.5.10.3 At the time of its conveyance the Open Land shall be free of all encumbrances, mortgages or other claims, except as to easements, restrictions and encumbrances required or permitted by this Bylaw.
- 8.5.11 Streets and Utilities - All streets and ways, whether public or private, wastewater disposal systems, drainage facilities, drinking water supplies, and utilities shall be designed and constructed in compliance with the Town of Stow Rules and Regulations Governing the Subdivision of Land, as amended, whether or not the Planned Conservation Development is a subdivision.
- 8.5.11.1 Performance Guarantee - Before the issuance of any building permits for the PCD, the petitioner shall agree to complete the required improvements specified in the decision, such construction and installation to be secured in accordance with performance guarantee requirements of the Town of Stow Rules and Regulations Governing the Subdivision of Land. Special exceptions to the Subdivision Rules and Regulations may be authorized by the Planning Board in granting a Special Permit hereunder, provided the Board determines such exceptions are in the public interest and are consistent with the purposes of Section 8.5 of the Bylaw.
- 8.5.12 Revisions and Amendments of Planned Conservation Development Special Permit - Any change in the layout of streets; in the configuration of the Open Land; in the ownership or use of the Open Land; or any other change which, in the opinion of the Planning Board, would significantly alter the character of the PCD, shall require the written approval of the Planning Board. The Planning Board may, upon its own determination, require a new Special Permit and hold a public hearing pursuant to the requirements of this bylaw if it finds that the proposed changes are substantial in nature and of public concern.

A True Copy Attest:

Linda Hathaway, Stow Town Clerk

Final Version of By-law as Amended:

**TOWN OF STOW
ZONING BYLAW**

8.5 Planned Conservation Development (PCD)

8.5.1 Purpose - The purpose of the Planned Conservation Development is to allow residential development which encourages

- protection of Stow's rural character by development of land in clusters and villages which is in greater harmony with the town's natural resources and historic development patterns;
- preservation of land for conservation, OPEN SPACE, recreation, agriculture and forestry;
- preservation of significant land and water resources, natural areas and scenic vistas;
- preservation of unique and significant historical and archaeological resources;
- a greater mixture of housing types and more energy-efficient and cost-effective residential development; and
- reduced costs of providing municipal services.

It is not the intent of this bylaw to make undevelopable land developable, nor to permit an increase in the number of BUILDING LOTS that would otherwise be possible on a conventional plan pursuant to the provisions of the zoning bylaws that otherwise apply, but rather to encourage the preservation of important site features.

8.5.2 Special Permit - Planned Conservation Development as set forth in this section is authorized by the Zoning Act, Mass. General Laws Chapter 40A, Section 9, and is based on the general concept of "cluster development" described therein. As the Special Permit Granting Authority, the Planning Board may grant a Special Permit for the development and construction of a Planned Conservation Development on all land and parcels in the Residential District(s) subject to the following requirements.

8.5.3 Procedural Requirements - If the Planned Conservation Development requires approval under the Subdivision Control Law, Mass. General Laws Chapter 41, the "PCD Site Plan" shall contain a plan in the form and with the contents required of a Definitive Subdivision by the Rules and Regulations Governing the Subdivision of Land in Stow. The application for a PCD Special Permit and for approval of a Definitive Subdivision plan shall be filed concurrently. To the extent permitted by law, the Planning Board shall consider both applications at the same time.

8.5.4 Planning Board Action - In evaluating the proposed Planned Conservation Development, the Planning Board shall consider the general objectives of this bylaw and of Planned Conservation Development in particular; the existing and probable future development of surrounding areas; and the appropriateness of the proposed layout of the lots and the proposed layout and use of the Open Land in relation to the topography, soils and other characteristics and resources of the tract of land in question. The Planning Board shall grant a Special Permit for a PCD if it finds that the PCD

- protects and enhances the rural character and environment of Stow;

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- provides Open Land which is of a size, shape and location and has adequate access so as to benefit the town and the residents of the PCD;
- is appropriate to the natural terrain of the tract of land to be developed;
- provides for the convenience and safety of vehicular and pedestrian movement in the development in a manner that is compatible with the narrow, tree-lined country roads of Stow;
- the application sets forth a specific plan for maintenance of all Open Land, waste disposal and drainage facilities, roadways and other improvements to be constructed in the development;
- complies with all other legal requirements for a Special Permit and the Zoning Bylaw, including those for a PCD; and
- is consistent with the Stow Growth Management Plan or succeeding plan, as amended.

8.5.4.1 The Planning Board shall consider the recommendations of the Board of Health, the Conservation Commission and the Town's consulting engineer in making said findings.

8.5.4.2 The Planning Board may require changes to the "PCD Site Plan" and impose additional conditions, safeguards and limitations as it deems necessary to secure the objectives of this bylaw provision.

8.5.5 Application for a Planned Conservation Development Special Permit - Any person who desires a PCD Special Permit shall submit an application in writing which meets the requirements set forth herein and all other information which may be required by the Planning Board under its Rules and Regulations for PCD's:

8.5.5.1 Contents of an Application for a Planned Conservation Development Special Permit - The application for a PCD Special Permit shall be accompanied by a "PCD Site Plan" showing the information required by the Rules and Regulations for a PCD. The information shall include but not be limited to topography; soil characteristics as shown on the Soil Conservation Service maps; wetlands as defined by MGL Ch. 131, S.40 and the Stow Wetlands Protection Bylaw; flood plain boundary lines; existing types of vegetation; any other unique natural, historical, archaeological and aesthetic resources; the proposed layout of the lots; the proposed location of DWELLINGS, garages and other accessory STRUCTURES; the proposed location of roads, driveways, wells, septic systems and utilities; proposed finished grades; proposed landscaping; the approximate layout of lots under a conventional plan pursuant to the provisions of the Zoning Bylaw that otherwise apply without the benefit of PCD standards and under the given site limitations; the proposed layout and land use plan of the Open Land in the PCD; and the proposed form of ownership of the Open Land and any improvements proposed thereon.

8.5.6 Standards for Planned Conservation Developments

8.5.6.1 Minimum Tract Size - A Planned Conservation Development shall be permitted upon a tract of land with definite boundaries ascertained from a recorded deed(s) or recorded plan(s) which contains an area of not less than ten (10) acres in the Residential District(s).

1. The Planning Board may permit lots on directly opposite sides of a street to qualify as a single tract of land. To permit such division of a tract of land by a

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street, the Planning Board must find that this would enhance the purposes of the PCD bylaw provision and would not result in any more DWELLING UNITS than would be possible in accordance with the provisions of this bylaw if the lots on either side of the street were developed separately.

2. Where a tract of land is divided by a zoning district boundary between any residential district and the Recreation-Conservation District, the total area of the tract of land may be used in the PCD solely for the purpose of qualifying the tract of land as a PCD, provided that the portion of the tract of land contained within the Recreation-Conservation District is entirely preserved as Open Land within the PCD.

8.5.6.2 Number of Lots - The number of lots allowed in the PCD shall be the number of lots into which the parcel could be divided and built upon under the normally applicable dimensional requirements and land use regulations.

8.5.6.3 Permitted Uses - There shall be permitted in any Planned Conservation Development

1. Single-family DWELLINGS, single-family DWELLINGS with ACCESSORY APARTMENTS;
2. MULTI-FAMILY DWELLINGS which are designed to be consistent in character with the single-family DWELLINGS in the same development. Such MULTI-FAMILY DWELLINGS may be allowed provided
 - (a) no more than one (1) doorway faces the front yard area and further provided that, in terms of exterior appearance, the BUILDING is compatible in design and, to the extent practicable, indistinguishable from the single-family DWELLINGS in the same development; and
 - (b) not more than twenty-five percent (25%) of the total number of DWELLING UNITS are in MULTI-FAMILY DWELLINGS; and
 - (c) there shall be no more than four (4) DWELLING UNITS in any residential BUILDING; and
 - (d) the overall length of any residential BUILDING shall not exceed 200 feet.
3. Accessory uses and structures incidental to principal uses indicated above.

In its Rules and Regulations for Planned Conservation Developments, the Planning Board may establish design guidelines for DWELLINGS, require submission of architectural floor plans and side elevation plans for all proposed DWELLINGS, and impose additional conditions affecting the design and location of DWELLINGS.

8.5.6.4 Special Conditions for MULTI-FAMILY DWELLINGS -

1. Where MULTI-FAMILY DWELLINGS are part of the development, the Planning Board may permit the side yard requirement to be eliminated so as to allow the separate sale of individual DWELLING UNITS within a MULTI-FAMILY DWELLING along with its accompanying yard area.
2. Where MULTI-FAMILY DWELLINGS are allowed, the total LOT area upon which the MULTI-FAMILY DWELLING is located shall comply with the total LOT area requirement(s) applicable to the same number of DWELLING UNITS on separate lots as if single-family DWELLINGS were being located in the same development.
3. All privileges and exemptions provided to single-family residential uses or BUILDINGS under this Bylaw shall also apply to MULTI-FAMILY DWELLINGS.

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- 8.5.6.5 Prohibition of Future Development - No tract, LOT, parcel or exclusive use area for which a special permit is granted under this section shall be further subdivided, and such notation shall be shown on the plan and set forth in documents to be recorded and to run with the land.
- 8.5.7 Dimensional Requirements - Where the requirements of the PCD differ from or conflict with other requirements of the Bylaw, the requirements established for PCD's shall prevail. The following requirements shall be met in all PCD's. Where appropriate, the Planning Board may impose additional requirements upon the tract of land as a condition of the Special Permit.
- 8.5.7.1 The following minimum requirements shall be met:
1. Minimum frontage*100 feet
*frontage may be reduced to 50 feet if LOT is served by a common drive
 2. Minimum front, rear and side yard setbacks 20 feet
 3. Minimum LOT area per DWELLING 20,000 sq. ft.
- 8.5.7.2 No BUILDING shall be located within 100 feet of an existing public way or within 50 feet of the boundary line of the PCD or the Open Land.
1. To preserve the scenic qualities of Stow's roads and to encourage connection between neighborhoods, a 50-foot buffer shall be provided along the entire length of the frontage of the tract of land proposed for the PCD. Within this 50-foot buffer, the Planning Board may require a walkway that meanders in a manner to preserve public shade trees and stonewalls.
- 8.5.7.3 The Planning Board shall have the authority to require larger setbacks and distances, and it may permit smaller setbacks and distances if it finds that such alternate setbacks and distances will promote the intent and purpose of PCD and will not pose public safety problems.
- 8.5.7.4 The limitation on the number of lots served by a common drive under Section 6.2 of the Bylaw shall not apply to lots within a PCD. Specifications for common drives within a PCD shall be included within the Rules and Regulations.
- 8.5.7.5 Parking shall be provided as required in Section 7 of the Zoning Bylaw, provided that no more than eight (8) parking spaces shall be grouped together.
- 8.5.8 Dimensional Requirements for Open Land - A minimum of 60% of the total area of the tract of land to be developed as a PCD shall be designated as Open Land. The following additional requirements shall apply:
- 8.5.8.1 Except as otherwise permitted by the Planning Board, because it is in the public interest, the minimum required area of the Open Land shall not contain more than 50% wetlands, as defined in MGL Ch. 131, S.40 and the Stow Wetlands Protection Bylaw.
- 8.5.8.2 The location and layout of the Open Land shall take into account, preserve and, where appropriate, promote such features of the tract as rivers, streams, ponds, marshes, wetlands, historic sites, wildlife refuges, unique geological or botanical areas or features, and existing or potential trails, paths and open land links.
- 8.5.8.3 Open Land shall be planned as large contiguous parcels whenever possible and shall have a shape, dimension, character and location suitable for the designated uses of the Open Land. Strips or narrow parcels of Open Land shall be permitted only when necessary for access, or if the Planning Board finds that a vegetated buffer strip

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along the site's perimeter is appropriate and consistent with the purpose and intent of the PCD.

- 8.5.8.4 If the tract of land abuts adjacent Open Land or undeveloped lots, the Open Land shall be connected in a manner that provides significant continuity with such adjacent Open Land and with such undeveloped lots.
- 8.5.8.5 The Open Land shall be provided with adequate upland access from a way or street at least forty (40) feet wide in the form of a right of way.
- 8.5.9 Use of the Open Land - The Open Land shall be dedicated and used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses. No other uses shall be allowed in the Open Land, except as otherwise provided herein.
- 8.5.9.1 The proposed use of the Open Land shall be specified on a Land Use Plan and appropriate dedications and restrictions shall be part of the deed to the Open Land. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the Open Land in order to enhance the specific purposes of Planned Conservation Development.
- 8.5.9.2 The Open Land shall remain unbuilt upon, provided that an overall maximum of five percent (5%) of such land may be subject to pavement and STRUCTURES accessory to the dedicated use or uses of the Open Land, and provided that the Open Land may be subject to temporary easements for the construction, maintenance and repair of roads, utilities and sewer or drainage facilities serving the PCD or adjacent land.
- 8.5.9.3 Wells and sewage disposal areas or facilities may be located on the Open Land as permitted or regulated by Title 5 or local Board of Health regulations, if serving the PCD, and if such use, in the opinion of the Planning Board, enhances the specific purpose of Planned Conservation Development to promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Open Land is used for the purpose of a community well or leaching area, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the LOT owners within the PCD.
- 8.5.9.4 In addition, a portion of the Open Land may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the PCD or adjacent land if such a use, in the opinion of the Planning Board, enhances the general purpose of this Bylaw and enhances better site and community planning, and if the Planning Board finds that adequate assurances and covenants exist, to ensure proper maintenance of such facilities by the owner of the Open Land.
- 8.5.10 Ownership of the Open Land - The Open Land shall be owned in common by the owners of all DWELLING UNITS in the PCD or shall be conveyed in whole or in part to
- the Town of Stow and accepted by it; or to
 - a non-profit organization, the principal purpose of which is the conservation of open space and/or any of the purposes and uses to which the Open Land may be dedicated; or to
 - a corporation or trust owned, or to be owned, by the owners of lots or residential units within the PCD. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units.
- 8.5.10.1 In all cases, a perpetual restriction approved by the Planning Board and enforceable by the Town of Stow shall be imposed on the use of such land, providing in substance

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that the land be kept in its natural state and that the land shall not be built upon or developed or used except in accordance with the provisions of PCD as set forth herein and, if applicable, as further specified in the decision of the Planning Board governing the individual PCD.

- 8.5.10.2 The proposed ownership of all Open Land shall be shown on the Land Use Plan for the PCD.
- 8.5.10.3 At the time of its conveyance the Open Land shall be free of all encumbrances, mortgages or other claims, except as to easements, restrictions and encumbrances required or permitted by this Bylaw.
- 8.5.11 Streets and Utilities - All streets and ways, whether public or private, wastewater disposal systems, drainage facilities, drinking water supplies, and utilities shall be designed and constructed in compliance with the Town of Stow Rules and Regulations Governing the Subdivision of Land, as amended, whether or not the Planned Conservation Development is a subdivision.
 - 8.5.11.1 Performance Guarantee - Before the issuance of any building permits for the PCD, the petitioner shall agree to complete the required improvements specified in the decision, such construction and installation to be secured in accordance with performance guarantee requirements of the Town of Stow Rules and Regulations Governing the Subdivision of Land. Special exceptions to the Subdivision Rules and Regulations may be authorized by the Planning Board in granting a Special Permit hereunder, provided the Board determines such exceptions are in the public interest and are consistent with the purposes of Section 8.5 of the Bylaw.
- 8.5.12 Revisions and Amendments of Planned Conservation Development Special Permit - Any change in the layout of streets; in the configuration of the Open Land; in the ownership or use of the Open Land; or any other change which, in the opinion of the Planning Board, would significantly alter the character of the PCD, shall require the written approval of the Planning Board. The Planning Board may, upon its own determination, require a new Special Permit and hold a public hearing pursuant to the requirements of this bylaw if it finds that the proposed changes are substantial in nature and of public concern.

A True Copy Attest:

Linda Hathaway, Stow Town Clerk

Form 3 (revised 1/2002)

Town: Stow

Article 56

Date TM Convened: May 17, 2004

MAPS: ZONING AND/OR HISTORIC DISTRICTS

See attached map:

“Town of Stow – Proposed Zoning Map Change – Parcel 65, Map R-10”, dated September 25, 2003, said parcel identified on the Stow Assessors’ Records as Map R-10, Parcel 65 and as more particularly described in a deed, dated December 18, 2003, recorded in the Middlesex Registry of Deeds on Page 537 of Book 41641.

A TRUE COPY

Doreen E. Hallaway
TOWN CLERK

May 17, 2004 Annual Town Meeting

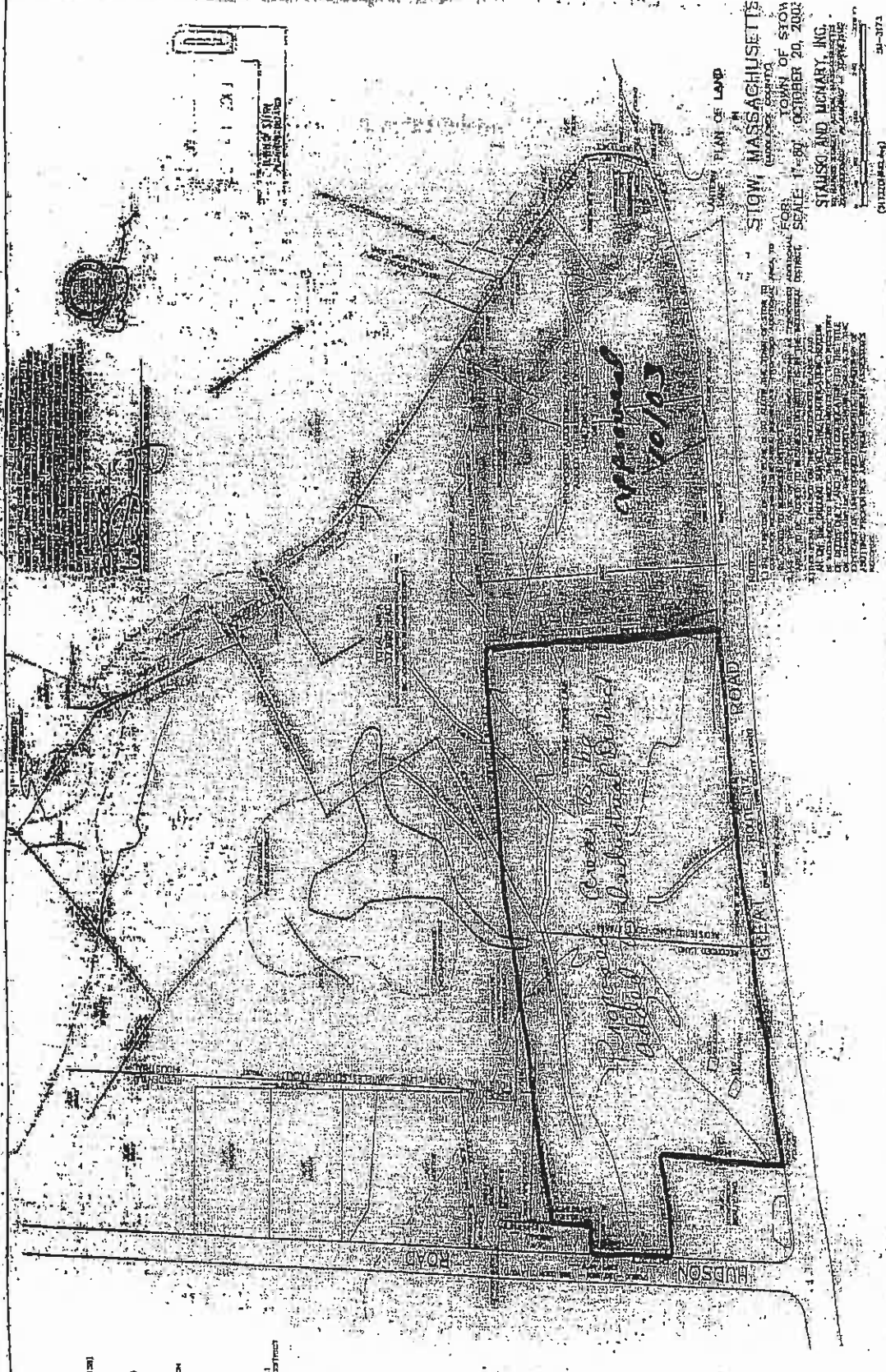
Form 3
Article 56

18-11-04

REFERENCE
 STOW RECORDS DEPARTMENT OF
 OPEN BOOKS 1472 PAGE 217
 1991 1992 1993 1994 1995 1996
 1997 1998 1999 2000 2001 2002 2003
 2004 2005 2006 2007 2008 2009 2010
 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024

SECOND CHURCH
 1000 STATE STREET
 STOW, MA 01986

FOURTH DISTRICT
 INDUSTRIAL
 RESIDENTIAL
 COMMERCIAL
 FLOOD PLAIN/ACROSS DISTRICT
 WATER RESOURCE PROTECTION DISTRICT



UNIMPROVED PLAN OF LAND
 FOR THE TOWN OF STOW
 MASSACHUSETTS
 SCALE: 1" = 50'
 DATE: OCTOBER 20, 2003
 PREPARED BY: STAHISKO AND MEMORY, INC.
 1000 STATE STREET
 STOW, MA 01986
 (MICROFILM)

MAPS: ZONING AND/OR HISTORIC DISTRICTS

See attached map:

“Town of Stow – Proposed Zoning Map Change – Parcel 83, Map R-29”, dated April 5, 1999, said parcel identified on the Stow Assessors’ Records as Map R-29, Parcel 83 and as more particularly described in a deed, dated April 5, 1999, recorded in the Middlesex Registry of Deeds on Page 479 of Book 30011.

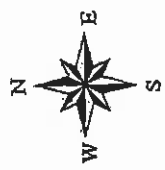
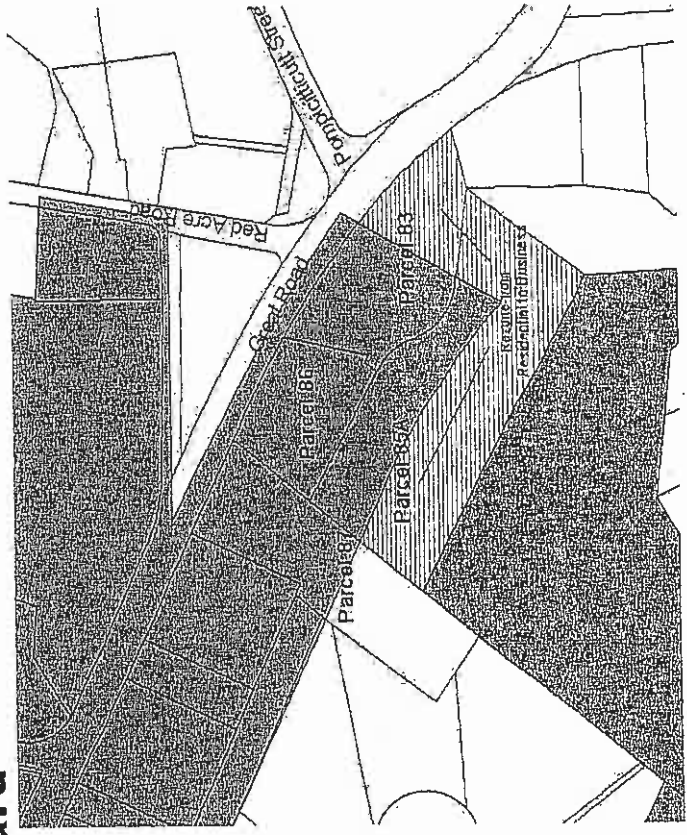
“Town of Stow – Proposed Zoning Map Change – Parcel 85A, Map R-29”, dated February 1, 1999, said parcel identified on the Stow Assessors’ Records as Map R-29, Parcel 85A and as more particularly described in a deed, dated February 1, 1999, recorded in the Middlesex Registry of Deeds on Page 346 of Book 29743.





ATLANTIC CITY
OFFICE

Handwritten signature
TOWN CLERK

Town of Stow – May 17, 2004 Annual Town Meeting

Planning Board Article 57



-  Business District
-  Rezone from Residential to Business
-  Residential District
-  Recreation Conservation District