

ZONING BYLAW AMENDMENTS

- Article 11, Section 4.4 (Table of Dimensional Requirements)
- Article 12, Section 1.3 (Definitions)
- Article 13, Section 6.2 (Common Drives)
- Article 14, Section 8.9 (Inclusion of Affordable Housing)
- Article 15, Section 8.9 (Inclusion of Affordable Housing)
- Article 16, Section 8.1 (Accessory Apartments)
- Article 17, Section 6.6 (Fences)
- Article 18, Section 4.1 (Standard Dimensional Provisions)
- Article 19, Section 1.3 (Definitions)



ADOPTED: October 24, 2005

ATTORNEY GENERAL APPROVAL:
January 20, 2006

Final Version of By-law as Amended:

**TOWN OF STOW
ZONING BYLAW**

Article 11

4.4 Table of Dimensional Requirements

These requirements shall be satisfied entirely within each district.

Zoning District	Minimum LOT Area in sq. ft.	Minimum LOT Frontage in ft.	Minimum FRONT YARD in ft.	Minimum SIDE YARD in ft.	Minimum REAR YARD in ft.	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO
R/C	40,000	150 (2)	100	50	100	80%	.10
Res	65,340	200 (2)	30	25	40	10%	NR
Bus	40,000	150 (2)	50	None (1)	50 (1)	20%	.30
Comm	40,000	150 (2)	50	25 (1)	50 (1)	30%	.30
Ind	40,000	150 (2)	100	25 (1)	50 (1)	40%	.30
C/B	65,340	200	50	None (1)	40 (1)	30%	.30
R/D	300,000	150	300 (3)	150 (3)	150 (3)	80%	.10

NR = Not Regulated

Footnote to Table of Dimensional Requirements

- (1) If the LOT abuts a residential or recreation-conservation district, whether directly or separated by a public or railroad right-of-way, the side and rear YARDS abutting the residential or recreation-conservation district shall be increased as follows and shall include a 50' landscaped buffer that consists of an opaque screen as defined in Section 7.7.4.1 of the Zoning Bylaw.

Minimum Side or Rear YARD


Compact Business District 50 feet
 Business District 50 feet
 Commercial District 50 feet
 Industrial District 100 feet

- (2) The minimum frontage on Route 117 (Great Road) shall be 200 feet.
- (3) In the Refuse Disposal District, one hundred feet (100') of the FRONT, REAR and SIDE YARDS must be densely planted with natural screening, or otherwise screened. 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 facility. 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.
- (4) Wireless Service Facilities shall be exempt from the provisions of Section 4 but shall be subject to minimum front, side and rear YARD setbacks stated in Section 4.4 and setbacks and other limitations established in Section 3.11 of the Zoning Bylaw.

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- (5) An Active Adult Neighborhood shall be exempt from the provisions of Section 4 and shall be subject to minimum front, side and rear YARD setbacks and other limitations established in Section 8.8 of the Zoning Bylaw.

A True Copy Attest:


Linda Hathaway, Stow Town Clerk

Final Version of By-law as Amended:

**TOWN OF STOW
ZONING BYLAW**

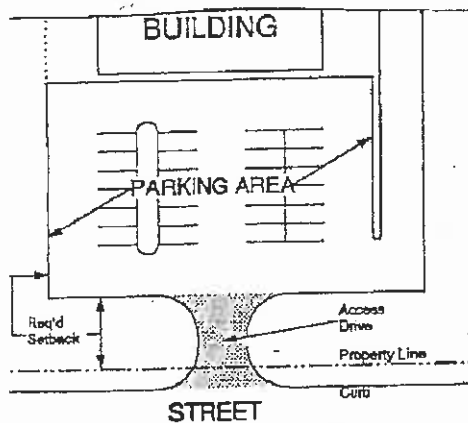
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1.3 Definitions

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** - A detached BUILDING, which is located on the same LOT

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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 ACTIVE ADULT NEIGHBORHOOD (AAN) - A group of DWELLING UNITS for only adult residents of which at least one resident per DWELLING UNIT is 55 years of age or older. Such developments shall have this age restriction as part of the deed or other documents of record and running with the land for the dwellings and/or property and are permitted as exception to the Fair Housing Act pursuant to 42 USC Section 3607 B.2.c.
- 1.3.5 AFFORDABLE DWELLING UNIT - A DWELLING UNIT the value of which is determined by the Department of Housing and Community Development (DHCD) to be affordable by a low income or moderate income family and thus to be included in DHCD's Subsidized Housing Inventory of low income or moderate income housing DWELLING UNITS for the purposes of compliance with the provisions of Massachusetts General Laws Chapter 40B, §§ 20-23.
- 1.3.6 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.
- 1.3.7 AREA OF SIGN:
 - 1.3.7.1 The area of a sign shall include all lettering and accompanying designs and symbols, together with the background on which they are displayed.
 - 1.3.7.2 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.
 - 1.3.7.3 The area of a three-dimensional form sign shall be the area of the four vertical faces of a cube which encompasses the form.
- 1.3.8 ASSISTED LIVING RESIDENCE - Any entity, however organized, which meets all of the following criteria: Provides room and/or board in a residential living environment; provides services to residents who do not require 24-hour skilled nursing care, but need assistance with activities of daily living; and in any event collects payments for the provision of these services.
- 1.3.9 ASSISTED LIVING 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 contained within an ASSISTED LIVING RESIDENCE.
- 1.3.10 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.
- 1.3.11 BED AND BREAKFAST HOME - A private owner-occupied DWELLING where three or fewer rooms are let and a breakfast is included in the rent.
- 1.3.12 BUILDING - A structure having a roof or cover for the shelter, support, or enclosure of persons, animals, or property.
- 1.3.13 BUILDING INSPECTOR - The existing Inspector of Buildings under the State Building Code or other designated authority, or his duly authorized representative, appointed by the Selectmen, and charged with the enforcement of this Bylaw.

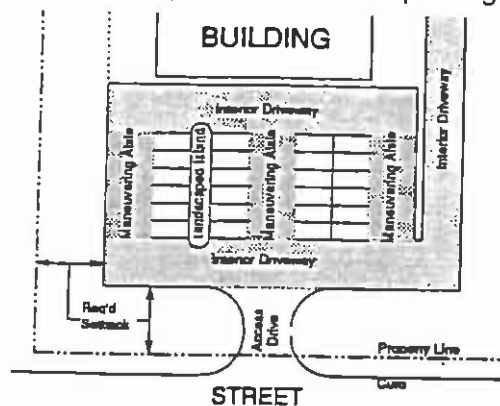
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- 1.3.14 **BUILDING LOT** - A BUILDING LOT is that area of land described in an application for a building permit or an application to the Board of Appeals for a permit or a variance, or otherwise defined as the area on which a structure is to be constructed 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.
- 1.3.15 **CHILD CARE FACILITY** - A day care or school-age child care center or program as defined in Massachusetts General Laws, Chapter 40A.
- 1.3.16 **DEVELOPABLE SITE AREA** - The DEVELOPABLE SITE AREA shall be calculated by subtracting from the LOT area all land which is located in:
- 1.3.16.1 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;
 - 1.3.16.2 a Flood Plain/Wetlands District as defined in the Stow Zoning Bylaw;
 - 1.3.16.3 another zoning district in which the principal use of the LOT is not also permitted;
 - 1.3.16.4 an access or right of way easement; and
 - 1.3.16.5 any portion of the site with grades greater than 15%.
- 1.3.17 **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.
- 1.3.18 **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.
- 1.3.19 **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.
- 1.3.20 **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.
- 1.3.21 **FAMILY DAY CARE HOME** - A FAMILY DAY CARE HOME as defined in the Massachusetts General Laws, Chapter 40A.
- 1.3.22 **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.
- 1.3.23 **FLOOR AREA** - The interior FLOOR AREA exclusive of basements, stair wells, halls, bathrooms, corridors, attics, walls, partitions, porches and attached ACCESSORY BUILDINGS.
- 1.3.24 **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.

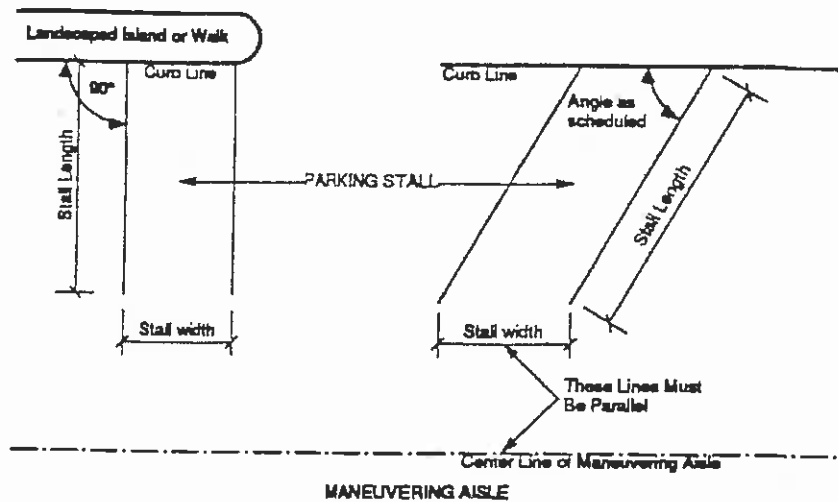
- 1.3.25 FLOOR AREA, NET - The sum of the horizontal areas of the several floors of a BUILDING, measured from the interior face of the exterior walls or common wall, but not including stairwells, elevator wells, bathrooms, hallways and corridors, designated and approved building service areas and areas 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.
- 1.3.26 FLOOR AREA RATIO - The ratio of the sum of the GROSS FLOOR AREA of all BUILDINGS on a LOT to the DEVELOPABLE SITE AREA of the LOT.
- 1.3.27 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.
- 1.3.28 GROUND WATER - All water beneath the surface of the ground.
- 1.3.29 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.
- 1.3.30 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.
- 1.3.31 IMPERVIOUS SURFACE - A surface impenetrable by water.
- 1.3.32 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.
- 1.3.33 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.
- 1.3.34 LOT - An area of land, undivided by any STREET, in one ownership with definitive boundaries ascertainable from the most recently recorded deed or plan which is 1) a deed recorded in Middlesex South District Registry of Deeds, or 2) a Certificate of Title issued by the Land Court and registered in the Land Court section of such Registry, or 3) title or record disclosed by any and all pertinent public documents or otherwise established by determination of a court. A corner LOT shall be any LOT abutting on two (2) or more streets at their intersection.

- 1.3.35 MANEUVERING AISLE - A travel lane located within the perimeter of a parking area by which motor vehicles directly enter and leave parking spaces.



- 1.3.36 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.
- 1.3.37 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.
- 1.3.38 MINING OF LAND - The removal of geologic materials such as topsoil, sand and gravel, metallic ores and bedrock.
- 1.3.39 MULTI-FAMILY DWELLING - A BUILDING for residential USE, other than a DWELLING conversion, containing more than two DWELLING UNITS but not more than 4 DWELLING UNITS.
- 1.3.40 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.
- 1.3.41 ON-SITE SIGN - A SIGN pertaining to products or activities located or offered at the same location as the SIGN.
- 1.3.42 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 permeable walkways as may be approved by the Special Permit Authority or Site Plan Approval Authority.
- 1.3.43 PARKING STALL LENGTH - The longitudinal dimension of the stall measured parallel to the angle of parking.

1.3.44 PARKING STALL WIDTH - The linear dimension measured across the stall and parallel to the MANEUVERING AISLE.



1.3.45 PERMANENT SIGN - Any sign other than a temporary sign.

1.3.46 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.

1.3.47 QUALIFIED AFFORDABLE HOUSING PURCHASER - An individual or family with household incomes that do not exceed 80% of the median income (this shall be referred to as "moderate income") or 50% of the median income (this shall be referred to as "low income"), with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD).

1.3.48 RECHARGE AREA - An area in which water is absorbed that eventually reaches the zone of saturation in one or more AQUIFERS.

1.3.49 REFUSE - All solid or liquid waste materials, including garbage and rubbish, but not including sewage.

1.3.50 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.

1.3.51 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).

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- 1.3.52 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.
- 1.3.53 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.
- 1.3.54 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.
- 1.3.55 STREET - A street shall be (1) an approved public way laid out by the Town of Stow, or Middlesex County Commissioners, or the Commonwealth of Massachusetts; or (2) A way which the Stow Town Clerk certifies is maintained by public authority and used as a public way; or (3) a public or private way shown on a plan theretofore approved and endorsed in accordance with the Subdivision control Law; or (4) a way in existence as of June 15, 1956 having in the opinion of the Planning Board sufficient width, suitable grades and adequate construction to accommodate the vehicle traffic anticipated by reason of the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the building erected or to be erected thereon. A public or private way shall not be deemed to be a STREET as to any lot of land that does not have rights of access and passage over said way.
- 1.3.56 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.
- 1.3.57 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.
- 1.3.58 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.
- 1.3.59 TRACT OF LAND - An area consisting of a single LOT or parcel of land, or several contiguous lots or parcels of land.
- 1.3.60 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.

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- 1.3.61 USE, ACCESSORY - Any USE which is incidental and subordinate to a PRINCIPAL USE.
- 1.3.62 USE, PRINCIPAL - The main or primary USE of any land or LOT.
- 1.3.63 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.
- 1.3.64 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.
- 1.3.65 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.
- 1.3.66 YARD, REAR - A YARD extending across the full width of the LOT and lying between the BUILDING and the REAR LOT line.
- 1.3.67 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.
- 1.3.68 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.

A True Copy Attest:

Linda Hathaway, Stow Town Clerk

Final Version of By-law as Amended:

TOWN OF STOW
ZONING BYLAW


Article 13

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. As part of an approved subdivision or special permit granted by the Planning Board, the length of a common drive may be longer than five hundred (500) feet.
- 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.

A True Copy Attest:


Linda Hathaway, Stow Town Clerk

Final Version of By-law as Amended:

**TOWN OF STOW
ZONING BYLAW**

Article 14:

8.9 Inclusion of Affordable Housing

8.9.1 Purpose and Intent - The purpose of this Bylaw is to increase the supply of housing in the Town of Stow that is available to and affordable by low income or moderate income households who might otherwise have difficulty in finding homes in Stow, and to ensure that such housing is affordable over the long-term and provided in accordance with the requirements of Massachusetts General Law Chapter 40B and its implementing regulations, Stow Comprehensive Permit Policy, the Stow Master Plan, and other ongoing programs within the Town of Stow. It is intended that the AFFORDABLE DWELLING UNITS authorized under the provisions of this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or additional programs adopted by the Commonwealth or its agencies, and that said units count toward Stow's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended. Through multi-family units, developers will be able to increase the number of DWELLING UNITS within a development versus conventional developments. The increased number of DWELLING UNITS is intended to offset the reduced revenue from the affordable homes. In those cases where the Inclusion of Affordable Housing may conflict or be inconsistent with Section 8.5, Planned Conservation Development (PCD) or other sections of the Town of Stow Zoning Bylaw, except as otherwise expressly provided herein, the provisions of Inclusion of Affordable Housing shall be controlling.

8.9.2 Applicability

8.9.2.1 Beginning with the effective date of this Bylaw, any development or division of land subject to Massachusetts General Law Chapter 41, Sections 81-K through 81-GG, which could result in the creation of six (6) or more DWELLING UNITS, shall require a Special Permit from the Planning Board, and shall include as a condition of said permit that:

- A. At least 10% of the units be priced for QUALIFIED AFFORDABLE HOUSING PURCHASERS;
- B. The mix of AFFORDABLE DWELLING UNITS and market rate housing built in any one year be equivalent to the overall mix for the entire development;
- C. Deed restrictions, acceptable to the Town, and established in accordance with the standards of DHCD or successor or additional programs adopted by the Commonwealth or its agencies, shall be placed on the appropriate property to ensure that AFFORDABLE DWELLING UNITS created under this section shall remain AFFORDABLE DWELLING UNITS in perpetuity or for as long a period as is allowed by law.

8.9.2.2 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 same ownership at any time subsequent to the date of adoption of Inclusion of Affordable Housing.

8.9.3 **Inclusion of Affordable Housing Regulations** – The Planning Board shall adopt and maintain a set of regulations that contains the necessary policies, procedures, and requirements to implement the provisions of this Section.

8.9.4 **Provision of AFFORDABLE DWELLING UNITS - AFFORDABLE DWELLING UNITS** required under Section 8.9.2.1 may be provided in any one or combination of methods described below, subject to the approval of the Planning Board:

- A. Constructed on the locus subject to the Special Permit;
- B. Constructed on a locus different than the one subject to the Special Permit;
- C. An applicant may offer, and the Planning Board, in concert with the Board of Selectmen may accept, donations of land in fee simple, on or off-site, that the Planning Board determines are suitable for the construction of an equivalent number of AFFORDABLE DWELLING UNITS. The Planning Board may require, prior to acceptance of land by the Town, satisfaction of the requirements of this Bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of value;
- D. For fractional AFFORDABLE DWELLING UNITS, the applicant may round up to the next whole number of units or choose to pay equivalent fees-in-lieu of units (see Section 8.9.7) proportionate to the percentage of the unit required;
- E. Preservation of existing DWELLING UNITS as AFFORDABLE DWELLING UNITS through the purchase of deed restrictions.

8.9.5 Provisions Applicable to AFFORDABLE DWELLING UNITS On- and Off-Site

8.9.5.1. Allowed types of AFFORDABLE DWELLING UNITS:

- A. Single-family DWELLINGS;
- B. Single-family DWELLINGS with ACCESSORY APARTMENTS;
- C. 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:
 - i. 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
 - ii. there shall be no more than four (4) DWELLING UNITS in any residential BUILDING; and
 - iii. the total number of MULTI-FAMILY DWELLINGS shall not exceed 10% of the lots in the development; and
 - iv. the overall length of any residential BUILDING shall not exceed 100 feet.
- D. Accessory uses and structures incidental to principal uses indicated above and approved by the Planning Board.

8.9.5.2. Siting of AFFORDABLE DWELLING UNITS. All AFFORDABLE DWELLING UNITS that are constructed on-site under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall,

on average, be no less accessible to public amenities, such as open space, as the market-rate units. The Site Plan shall identify those lots selected for AFFORDABLE DWELLING UNITS.

8.9.5.3. Minimum Design and Construction Standards for AFFORDABLE DWELLING UNITS.

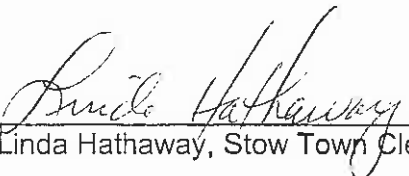
AFFORDABLE DWELLING UNITS within market-rate developments shall be integrated with the rest of the development and shall be compatible to the extent practicable in exterior design and appearance with other units, to the extent that such regulation is not inconsistent with Massachusetts General Laws Chapter 40B, Section 3.

8.9.5.4. With the approval of the Planning Board, as an alternative to the requirements of Section 8.9.4.A, an applicant subject to the Bylaw may develop, construct or otherwise provide AFFORDABLE DWELLING UNITS equivalent to those required by Section 8.9.2.1 off-site. To the maximum extent practicable, all requirements of this Bylaw that apply to on-site provision of AFFORDABLE DWELLING UNITS shall apply to provision of off-site AFFORDABLE DWELLING UNITS. In addition, the Planning Board shall approve the location of the off-site units to be provided as an integral element of the Special Permit review and approval process.

8.9.6 **Fees-in-Lieu of AFFORDABLE DWELLING UNIT Provision** - As an alternative to the requirements of Section 8.9.2.1, and as allowed by law and with the approval of the Planning Board, an applicant may contribute an amount in cash equal to the costs of constructing such AFFORDABLE DWELLING UNITS, and satisfactory to the Planning Board in consultation with other relevant Town boards, to the Town of Stow Housing Authority or its designee for the development and preservation of affordable housing, in consultation with the Planning Board and other appropriate Town Boards, in lieu of constructing and offering AFFORDABLE DWELLING UNITS within the locus of the proposed development or off-site, as set forth in Section 8.9.6.1 below.

8.9.6.1. Calculation of fees-in-lieu of units. The applicant for development subject to this Bylaw may pay fees-in-lieu of the construction. For the purposes of this Bylaw, the fees-in-lieu of the construction or provision of each AFFORDABLE DWELLING UNIT is determined to be three (3) times 80% of the median income for a household of four (4), as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD).

A True Copy Attest:


Linda Hathaway, Stow Town Clerk

Final Version of By-law as Amended:

**TOWN OF STOW
ZONING BYLAW**

Article 15

8.9 Inclusion of Affordable Housing

8.9.1 Purpose and Intent - The purpose of this Bylaw is to increase the supply of housing in the Town of Stow that is available to and affordable by low income or moderate income households who might otherwise have difficulty in finding homes in Stow, and to ensure that such housing is affordable over the long-term and provided in accordance with the requirements of Massachusetts General Law Chapter 40B and its implementing regulations, Stow Comprehensive Permit Policy, the Stow Master Plan, and other ongoing programs within the Town of Stow. It is intended that the AFFORDABLE DWELLING UNITS authorized under the provisions of this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or additional programs adopted by the Commonwealth or its agencies, and that said units count toward Stow's requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended. Through multi-family units, developers will be able to increase the number of DWELLING UNITS within a development versus conventional developments. The increased number of DWELLING UNITS is intended to offset the reduced revenue from the affordable homes. In those cases where the Inclusion of Affordable Housing may conflict or be inconsistent with Section 8.5, Planned Conservation Development (PCD) or other sections of the Town of Stow Zoning Bylaw, except as otherwise expressly provided herein, the provisions of Inclusion of Affordable Housing shall be controlling.

8.9.2 Applicability

8.9.2.1 Beginning with the effective date of this Bylaw, any development or division of land, which could result in the creation of six (6) or more DWELLING UNITS, shall require a Special Permit from the Planning Board, and shall include as a condition of said permit that:

- A. At least 10% of the units be priced for QUALIFIED AFFORDABLE HOUSING PURCHASERS;
- B. The mix of AFFORDABLE DWELLING UNITS and market rate housing built in any one year be equivalent to the overall mix for the entire development;
- C. Deed restrictions, acceptable to the Town, and established in accordance with the standards of DHCD or successor or additional programs adopted by the Commonwealth or its agencies, shall be placed on the appropriate property to ensure that AFFORDABLE DWELLING UNITS created under this section shall remain AFFORDABLE DWELLING UNITS in perpetuity or for as long a period as is allowed by law.

8.9.2.2 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 same ownership at any time subsequent to the date of adoption of Inclusion of Affordable Housing.

8.9.3 Inclusion of Affordable Housing Regulations – The Planning Board shall adopt and maintain a set of regulations that contains the necessary policies, procedures, and requirements to implement the provisions of this Section.

8.9.4 Provision of AFFORDABLE DWELLING UNITS - AFFORDABLE DWELLING UNITS required under Section 8.9.2.1 may be provided in any one or combination of methods described below, subject to the approval of the Planning Board:

- A. Constructed on the locus subject to the Special Permit;
- B. Constructed on a locus different than the one subject to the Special Permit;
- C. An applicant may offer, and the Planning Board, in concert with the Board of Selectmen may accept, donations of land in fee simple, on or off-site, that the Planning Board determines are suitable for the construction of an equivalent number of AFFORDABLE DWELLING UNITS. The Planning Board may require, prior to acceptance of land by the Town, satisfaction of the requirements of this Bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of value;
- D. For fractional AFFORDABLE DWELLING UNITS, the applicant may round up to the next whole number of units or choose to pay equivalent fees-in-lieu of units (see Section 8.9.7) proportionate to the percentage of the unit required;
- E. Preservation of existing DWELLING UNITS as AFFORDABLE DWELLING UNITS through the purchase of deed restrictions.

8.9.5 Provisions Applicable to AFFORDABLE DWELLING UNITS On- and Off-Site

8.9.5.1. Allowed types of AFFORDABLE DWELLING UNITS:

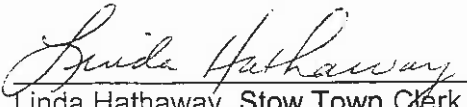
- A. Single-family DWELLINGS;
- B. Single-family DWELLINGS with ACCESSORY APARTMENTS;
- C. MULTI-FAMILY DWELLINGS, which are designed to be consistent in character with the single-family DWELLINGS in the same development. Such MULTI-FAMILY DWELLINGS may be allowed provided:
 - i. in terms of exterior appearance, the BUILDING is compatible in design and, to the extent practicable, indistinguishable from the single-family DWELLINGS in the same development; and
 - ii. there shall be no more than four (4) DWELLING UNITS in any residential BUILDING; and
 - iii. the total number of MULTI-FAMILY DWELLINGS shall not exceed 10% of the lots in the development; and
 - iv. the overall length of any residential BUILDING shall not exceed 100 feet.
- D. Accessory uses and structures incidental to principal uses indicated above and approved by the Planning Board.

8.9.5.2. Siting of AFFORDABLE DWELLING UNITS. All AFFORDABLE DWELLING UNITS that are constructed on-site under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. The Site Plan shall identify those lots selected for AFFORDABLE DWELLING UNITS.

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Article 15

- 8.9.5.3. Minimum Design and Construction Standards for AFFORDABLE DWELLING UNITS. AFFORDABLE DWELLING UNITS within market-rate developments shall be integrated with the rest of the development and shall be compatible to the extent practicable in exterior design and appearance with other units, to the extent that such regulation is not inconsistent with Massachusetts General Laws Chapter 40B, Section 3.
- 8.9.5.4. With the approval of the Planning Board, as an alternative to the requirements of Section 8.9.4.A, an applicant subject to the Bylaw may develop, construct or otherwise provide AFFORDABLE DWELLING UNITS equivalent to those required by Section 8.9.2.1 off-site. To the maximum extent practicable, all requirements of this Bylaw that apply to on-site provision of AFFORDABLE DWELLING UNITS shall apply to provision of off-site AFFORDABLE DWELLING UNITS. In addition, the Planning Board shall approve the location of the off-site units to be provided as an integral element of the Special Permit review and approval process.
- 8.9.6 Fees-in-Lieu of AFFORDABLE DWELLING UNIT Provision** - As an alternative to the requirements of Section 8.9.2.1, and as allowed by law and with the approval of the Planning Board, an applicant may contribute an amount in cash equal to the costs of constructing such AFFORDABLE DWELLING UNITS, and satisfactory to the Planning Board in consultation with other relevant Town boards, to the Town of Stow Affordable Housing Trust Fund, for the development and preservation of affordable housing, in consultation with the Planning Board and other appropriate Town Boards, in lieu of constructing and offering AFFORDABLE DWELLING UNITS within the locus of the proposed development or off-site, as set forth in Section 8.9.6.1 below.
- 8.9.6.1. Calculation of fees-in-lieu of units. The applicant for development subject to this Bylaw may pay fees-in-lieu of the construction. For the purposes of this Bylaw, the fees-in-lieu of the construction or provision of each AFFORDABLE DWELLING UNIT is determined to be three (3) times 80% of the median income for a household of four (4), as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD).

A True Copy Attest:


Linda Hathaway, Stow Town Clerk

Final Version of By-law as Amended:

**TOWN OF STOW
ZONING BYLAW**

Article 16

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 secondary and 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 5) 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. *this subsection language deleted October 24, 2005*
 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.

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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.

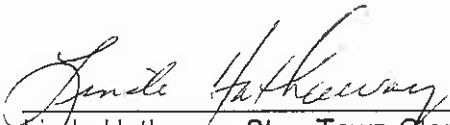
10. There shall be no more than one (1) driveway per LOT.

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.

A True Copy Attest:



Linda Hathaway, Stow Town Clerk

Final Version of By-law as Amended:

**TOWN OF STOW
ZONING BYLAW**

Article 17

6.6 FENCES

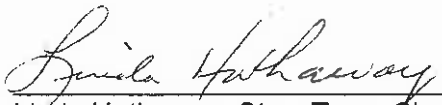
6.6.1 In residential districts, no FENCE or WALL shall exceed eight feet in height.

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, whether or not filled with water, shall be completely surrounded at all times by a FENCE or WALL, in compliance with The Massachusetts State Building Code, 780 CMR, Section 421.

A True Copy Attest:



Linda Hathaway, Stow Town Clerk

Final Version of By-law as Amended::

**TOWN OF STOW
ZONING BYLAW**

Article 18

4.1 Standard Dimensional Provisions:

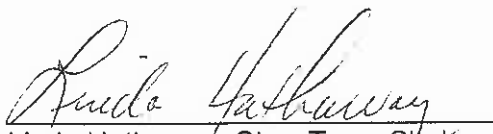
- 4.1.1 No BUILDING, STRUCTURE or land, or part thereof, may be constructed, altered, enlarged, repaired or moved, occupied and used for any purpose which violates any section of this Bylaw or any of the provisions of the bylaws of the Town of Stow.
- 4.1.2 Only one main BUILDING may be built or placed on any LOT within the Town except within a business, commercial, or industrial 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

Article 18

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.

A True Copy Attest:


Linda Hathaway, Stow Town Clerk

Final Version of By-law as Amended:

TOWN OF STOW
ZONING BYLAW

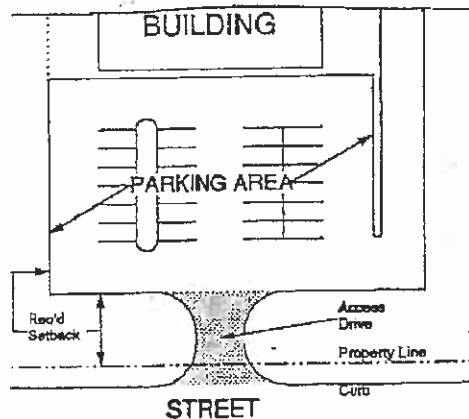
Article 12

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 - A 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 ACTIVE ADULT NEIGHBORHOOD (AAN) - A group of DWELLING UNITS for only adult residents of which at least one resident per DWELLING UNIT is 55 years of age or older. Such developments shall have this age restriction as part of the deed or other documents of record and running with the land for the dwellings and/or property and are permitted as exception to the Fair Housing Act pursuant to 42 USC Section 3607 B.2.c.
- 1.3.5 AFFORDABLE DWELLING UNIT - A DWELLING UNIT the value of which is determined by the Department of Housing and Community Development (DHCD) to be affordable by a low income or moderate income family and thus to be included in DHCD's Subsidized Housing Inventory of low income or moderate income housing DWELLING UNITS for the purposes of compliance with the provisions of Massachusetts General Laws Chapter 40B, §§ 20-23.
- 1.3.6 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.
- 1.3.7 AREA OF SIGN:
 - 1.3.7.1 The area of a sign shall include all lettering and accompanying designs and symbols, together with the background on which they are displayed.
 - 1.3.7.2 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.
 - 1.3.7.3 The area of a three-dimensional form sign shall be the area of the four vertical faces of a cube which encompasses the form.
- 1.3.8 ASSISTED LIVING RESIDENCE - Any entity, however organized, which meets all of the following criteria: Provides room and/or board in a residential living environment; provides services to residents who do not require 24-hour skilled nursing care, but need assistance with activities of daily living; and in any event collects payments for the provision of these services.
- 1.3.9 ASSISTED LIVING 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 contained within an ASSISTED LIVING RESIDENCE.
- 1.3.10 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.
- 1.3.11 BED AND BREAKFAST HOME - A private owner-occupied DWELLING where three or fewer rooms are let and a breakfast is included in the rent.
- 1.3.12 BUILDING - A structure having a roof or cover for the shelter, support, or enclosure of persons, animals, or property.
- 1.3.13 BUILDING INSPECTOR - The existing Inspector of Buildings under the State Building Code or other designated authority, or his duly authorized representative, appointed by the Selectmen, and charged with the enforcement of this Bylaw.

Article 19

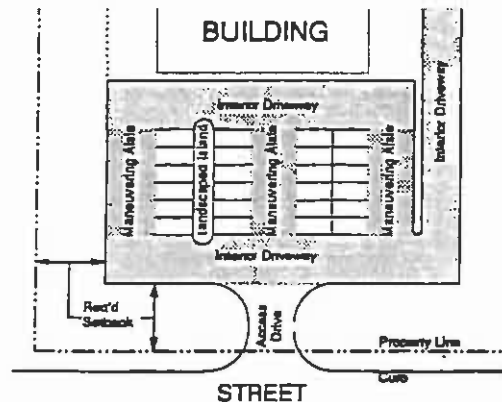
- 1.3.14 BUILDING LOT - A BUILDING LOT is that area of land described in an application for a building permit or an application to the Board of Appeals for a permit or a variance, or otherwise defined as the area on which a structure is to be constructed or a use is to be carried on. A BUILDING LOT shall not include any part of a street. A corner LOT shall be any LOT abutting on two (2) or more streets at their intersection.
- 1.3.15 CHILD CARE FACILITY - A day care of school-age child care center or program as defined in Massachusetts General Laws, Chapter 40A.
- 1.3.16 DEVELOPABLE SITE AREA - The DEVELOPABLE SITE AREA shall be calculated by subtracting from the LOT area all land which is located in:
- 1.3.16.1 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;
 - 1.3.16.2 a Flood Plain/Wetlands District as defined in the Stow Zoning Bylaw;
 - 1.3.16.3 another zoning district in which the principal use of the LOT is not also permitted;
 - 1.3.16.4 an access or right of way easement; and
 - 1.3.16.5 any portion of the site with grades greater than 15%.
- 1.3.17 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.
- 1.3.18 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.
- 1.3.19 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.
- 1.3.20 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.
- 1.3.21 FAMILY DAY CARE HOME - A FAMILY DAY CARE HOME as defined in the Massachusetts General Laws, Chapter 40A.
- 1.3.22 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.
- 1.3.23 FLOOR AREA - The interior FLOOR AREA exclusive of basements, stair wells, halls, bathrooms, corridors, attics, walls, partitions, porches and attached ACCESSORY BUILDINGS.
- 1.3.24 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

Form 2 – attachment 3
Article 19

- common wall, but not including any space where the floor-to-ceiling height is less than six feet.
- 1.3.25 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.
- 1.3.26 FLOOR AREA RATIO - The ratio of the sum of the GROSS FLOOR AREA of all BUILDINGS on a LOT to the DEVELOPABLE SITE AREA of the LOT.
- 1.3.27 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.
- 1.3.28 GROUND WATER - All water beneath the surface of the ground.
- 1.3.29 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.
- 1.3.30 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.
- 1.3.31 IMPERVIOUS SURFACE - A surface impenetrable by water.
- 1.3.32 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.
- 1.3.33 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.
- 1.3.34 LOT - An area of land, undivided by any STREET, in one ownership with definitive boundaries ascertainable from the most recently recorded deed or plan which is 1) a deed recorded in Middlesex South District Registry of Deeds, or 2) a Certificate of Title issued by the Land Court and registered in the Land Court section of such Registry, or 3) title or record disclosed by any and all pertinent public documents or otherwise established by determination of a court. A corner LOT shall be any LOT abutting on two (2) or more streets at their intersection.

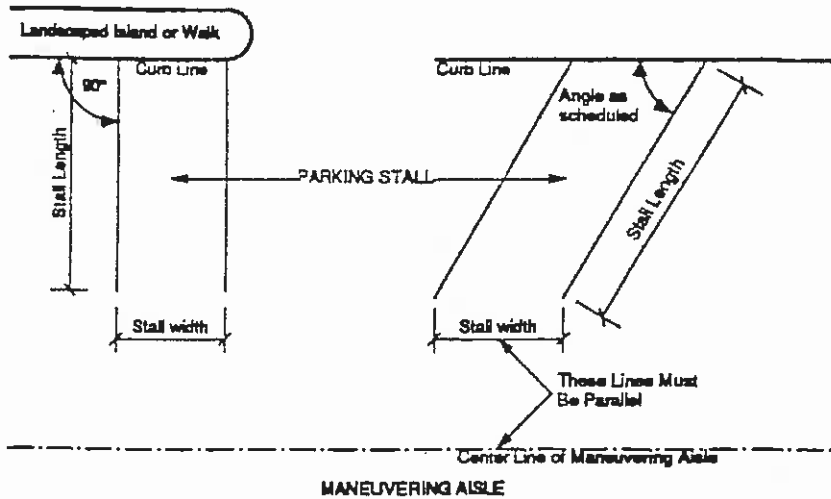
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- 1.3.35 MANEUVERING AISLE - A travel lane located within the perimeter of a parking area by which motor vehicles directly enter and leave parking spaces.



- 1.3.36 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.
- 1.3.37 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.
- 1.3.38 MINING OF LAND - The removal of geologic materials such as topsoil, sand and gravel, metallic ores and bedrock.
- 1.3.39 MULTI-FAMILY DWELLING - A BUILDING for residential USE, other than a DWELLING conversion or ACCESSORY APARTMENT, containing more than one DWELLING UNIT but not more than 4 DWELLING UNITS.
- 1.3.40 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.
- 1.3.41 ON-SITE SIGN - A SIGN pertaining to products or activities located or offered at the same location as the SIGN.
- 1.3.42 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 permeable walkways as may be approved by the Special Permit Authority or Site Plan Approval Authority.
- 1.3.43 PARKING STALL LENGTH - The longitudinal dimension of the stall measured parallel to the angle of parking.

1.3.44 PARKING STALL WIDTH - The linear dimension measured across the stall and parallel to the MANEUVERING AISLE.



- 1.3.45 PERMANENT SIGN - Any sign other than a temporary sign.
- 1.3.46 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.
- 1.3.47 QUALIFIED AFFORDABLE HOUSING PURCHASER - An individual or family with household incomes that do not exceed 80% of the median income (this shall be referred to as "moderate income") or 50% of the median income (this shall be referred to as "low income"), with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD).
- 1.3.48 RECHARGE AREA - An area in which water is absorbed that eventually reaches the zone of saturation in one or more AQUIFERS.
- 1.3.49 REFUSE - All solid or liquid waste materials, including garbage and rubbish, but not including sewage.
- 1.3.50 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.
- 1.3.51 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).

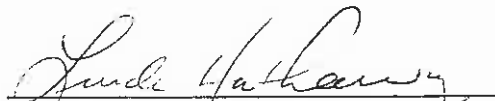
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- 1.3.52 SIGN - Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, whether stationary or portable, by which anything is made known, such as are used to designate or 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.
- 1.3.53 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.
- 1.3.54 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.
- 1.3.55 STREET - A street shall be (1) an approved public way laid out by the Town of Stow, or Middlesex County Commissioners, or the Commonwealth of Massachusetts; or (2) A way which the Stow Town Clerk certifies is maintained by public authority and used as a public way; or (3) a public or private way shown on a plan theretofore approved and endorsed in accordance with the Subdivision control Law; or (4) a way in existence as of June 15, 1956 having in the opinion of the Planning Board sufficient width, suitable grades and adequate construction to accommodate the vehicle traffic anticipated by reason of the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the building erected or to be erected thereon. A public or private way shall not be deemed to be a STREET as to any lot of land that does not have rights of access and passage over said way.
- 1.3.56 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.
- 1.3.57 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.
- 1.3.58 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.
- 1.3.59 TRACT OF LAND - An area consisting of a single LOT or parcel of land, or several contiguous lots or parcels of land.
- 1.3.60 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.

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- 1.3.61 USE, ACCESSORY - Any USE which is incidental and subordinate to a PRINCIPAL USE.
- 1.3.62 USE, PRINCIPAL - The main or primary USE of any land or LOT.
- 1.3.63 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.
- 1.3.64 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.
- 1.3.65 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.
- 1.3.66 YARD, REAR - A YARD extending across the full width of the LOT and lying between the BUILDING and the REAR LOT line.
- 1.3.67 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.
- 1.3.68 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.

A True Copy Attest:


Linda Hathaway, Stow Town Clerk