

TOWN OF STOW STOW, MASSACHUSETTS



May 2007 ZONING BYLAW AMENDMENTS

Adopted: May 7, 2007 Annual Town Meeting
Vote occurred May 9, 2007 – third session

(Approved by Attorney General - *PENDING*)

Section #	Article #	Amendment
1.3.8	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
1.3.9	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
1.3.10	61	<p>Change Bed and Breakfast Definition – delete owner-occupied requirement:</p> <p>BED AND BREAKFAST ESTABLISHMENT - A private owner-occupied DWELLING <u>with an on-site manager</u> where at least four but not more than eight rooms are let and a breakfast is included in the rent daily rate.</p>
1.3	59	Remove subsection numbers and list Definitions in alphabetical order.
1.3	65-A	<p>Add new Definitions: EXTERIOR LIGHT, FULL-CUTOFF FIXTURE, INITIAL DESIGN LIGHT OUTPUT, PUBLIC STREETLIGHT</p> <p><u>DIRECT LIGHT</u> - <u>Light that reaches a location from a light source or some part of the fixture containing the source, rather than reflecting off an illuminated surface. Light from filaments or other sources, surrounding glass, reflectors, diffusers, or similar components is DIRECT LIGHT. Light arriving from illuminated ground is not direct light.</u></p> <p><u>EXTERIOR LIGHT</u> - <u>Any luminaire (light fixture) that is either not within a structure having a substantially opaque roof or is installed so that more than half the light output shines outside. A permanently-installed fixture in a screen- or glass-enclosed porch that is not normally climate-controlled or in a greenhouse or similar structure shall be considered an exterior light.</u></p> <p><u>FULL-CUTOFF FIXTURE</u> - <u>A luminaire having a light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (10 percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire. This kind of luminaire emits no light above the horizontal.</u></p> <p><u>INITIAL DESIGN LIGHT OUTPUT</u> - <u>The luminous output of a fixture as determined by specifications of the fixture and lamps (bulbs) that are installed in it, rather than by measuring the actual light output.</u></p> <p>PUBLIC STREETLIGHT - An exterior light shining primarily onto a STREET, which is both authorized by the Board of Selectmen and paid for from the Town budget or which is required by the Planning Board.</p>

Zoning Bylaw Amendments
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 Attorney General Approval: Pending

Section #	Article #	Amendment
3.2	63-A	<p>Amend Section 3.2 (Residential District Uses) by inserting a new use permitted by special permit (Uses not otherwise permitted in the Residential District), granted by the Planning Board, as subsection 3.2.3.5:</p> <p><u>3.2.3.5 Uses not otherwise permitted in the Residential District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Residential District. This Section shall not eliminate the requirements of Section 3.2.2.5, which shall remain intact as written.</u></p>
3.3	63-B	<p>Amend Section 3.3 (Business District Uses) by inserting a new use permitted by special permit (Uses not otherwise permitted in the Business District), granted by the Planning Board, as subsection 3.3.2.9:</p> <p><u>3.3.2.9 Uses not otherwise permitted in the Business District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Business District.</u></p>
3.3.2.8	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
3.4	63-C	<p>Amend Section 3.4 (Compact Business District Uses) by inserting a new use permitted by special permit (Uses not otherwise permitted in the Compact Business District) granted by the Planning Board, as subsection 3.4.2.6:</p> <p><u>3.4.2.6 Uses not otherwise permitted in the Compact Business District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Compact Business District.</u></p>

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Section #	Article #	Amendment
3.5	63-D	<p>Amend Section 3.5, Commercial District Uses, by inserting a new use permitted by special permit (Uses not otherwise permitted in the Commercial District), granted by the Planning Board, as subsection 3.5.3.12:</p> <p><u>3.5.3.12 Uses not otherwise permitted in the Commercial District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Commercial District.</u></p>
3.6	63-E	<p>Amend Section 3.6, Industrial District Uses, by inserting a new use permitted by special permit (Uses not otherwise permitted in the Commercial District), granted by the Planning Board, as subsection 3.6.3.9:</p> <p><u>3.6.3.9 Uses not otherwise permitted in the Industrial District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Industrial District.</u></p>

Section #	Article #	Amendment
3.8.1.5	65-B	<p data-bbox="500 184 1365 241">Amend Section 3.8.1.5 (Exterior Lighting) by adding new subsections 3.8.1.5.1, 3.8.1.5.2, 3.8.1.5.3, 3.8.1.5.4, 3.8.1.5.5, 3.8.1.5.6 and 3.8.1.5.7:</p> <p data-bbox="500 275 1425 453">3.8.1.5.1 <u>The INITIAL DESIGN LIGHT OUTPUT of all exterior lighting on a LOT shall be subject to a cap of 25,000 lumens/acre or 10,000 lumens, whichever is greater. Fixtures under an opaque covering such as a canopy or in a parking garage shall count as 0.25 of their output if 5-10 feet from the nearest edge, 0.1 at 10-30 feet and 0 for more than 30 feet.</u></p> <p data-bbox="500 487 1417 972">3.8.1.5.2 <u>A Special Permit from the Planning Board is required when installing new fixtures or replacing existing fixtures and the total resulting INITIAL DESIGN LIGHT OUTPUT would be more than 100,000 lumens on any LOT. However, a Special Permit shall not be required when replacing existing fixtures with FULL-CUTOFF fixtures and the total INITIAL DESIGN LIGHT OUTPUT of the replacement fixtures is less than half the total INITIAL DESIGN LIGHT OUTPUT of the removed fixtures. The Special Permit application shall show the location, type and output of all fixtures. The Planning Board shall impose mitigating conditions to protect abutters not only from DIRECT LIGHT but also reflected light, and shall limit the total light output and hours of use to that which is reasonably necessary. The Planning Board shall require remediation of existing lighting.</u></p> <p data-bbox="500 1005 1425 1367">3.8.1.5.3 <u>Lighting of athletic fields shall be only by Special Permit from the Planning Board, and shall be exempt from the 25,000 lumens/acre cap. The Planning Board shall require full engineering plans with a design average illuminance of no more than 200 lux. No DIRECT LIGHT shall shine off the LOT containing the field. Athletic field lighting shall be illuminated only while in use and shall not be illuminated between 10 p.m and sunrise under any circumstances. All lighting fixtures shall be set back 500 feet from any RESIDENTIAL or RECREATION/CONSERVATION LOT, and 200 feet from any other LOT.</u></p> <p data-bbox="500 1400 1414 1644">3.8.1.5.4 <u>The Planning Board may issue a Special Permit for lighting that does not conform to the conditions of the table in Section 3.8.1.5.6 up to 4,000 additional lumens of nonconforming lighting if the lighting is found to provide a public benefit. The Planning Board shall impose mitigating conditions such as limiting lighting levels, hours of operation, and requiring shielding to protect abutters from unwanted light.</u></p> <p data-bbox="500 1677 1425 1824">3.8.1.5.5 <u>Shining lasers in excess of 5 mW at wavelengths within the range of human vision or searchlights into the sky, for advertising or any other purpose, is prohibited. Airfield beacons required by the FAA are exempt from this prohibition.</u></p>

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3.8.1.5	65-B	<p><u>3.8.1.5.6 Each EXTERIOR LIGHT fixture shall comply with the following specific conditions:</u></p> <p style="text-align: center;"><u>Fixture-Specific Conditions</u></p> <table border="1" data-bbox="508 279 1425 1780"> <thead> <tr> <th data-bbox="508 279 894 342"><u>Fixture Type:</u></th> <th data-bbox="894 279 1425 342"><u>Conditions:</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="508 342 894 663"> <u>All EXTERIOR LIGHT Fixtures with a rated output of 2,000 lumens or more (other than PUBLIC STREETLIGHTS)</u> </td> <td data-bbox="894 342 1425 663"> <u>Must be FULL-CUTOFF FIXTURES.</u> <u>Must be installed in the proper orientation so as to emit no light above the horizontal.</u> <u>Must be no more than 35 feet above ground.</u> <u>Must not be used to illuminate a LOT, which is across any STREET.</u> </td> </tr> <tr> <td data-bbox="508 663 894 1003"> <u>EXTERIOR LIGHT Fixtures (other than PUBLIC STREETLIGHTS) with an INITIAL DESIGN LIGHT OUTPUT of more than 4,000 lumens</u> </td> <td data-bbox="894 663 1425 1003"> <u>Must comply with all above conditions and:</u> <u>Must not shine DIRECT LIGHT onto any other LOT or STREET located within a RESIDENTIAL or RECREATION/CONSERVATION district.</u> <u>Must not shine DIRECT LIGHT onto any body of water not on the same LOT as the fixture.</u> </td> </tr> <tr> <td data-bbox="508 1003 894 1323"> <u>EXTERIOR LIGHT Fixtures (other than PUBLIC STREETLIGHTS) with an INITIAL DESIGN LIGHT OUTPUT of more than 10,000 lumens</u> </td> <td data-bbox="894 1003 1425 1323"> <u>Must comply with all above conditions and:</u> <u>Must not shine DIRECT LIGHT onto any other LOT located within any district.</u> <u>Must not shine DIRECT LIGHT onto any STREET.</u> <u>Must not shine DIRECT LIGHT onto any body of water.</u> </td> </tr> <tr> <td data-bbox="508 1323 894 1780"> <u>PUBLIC STREETLIGHTS</u> <u>All floodlights, spotlights, or similar EXTERIOR LIGHT FIXTURE that are not full cutoff</u> </td> <td data-bbox="894 1323 1425 1780"> <u>Must be FULL-CUTOFF FIXTURES.</u> <u>Must be installed in the proper orientation so as to emit no light above the horizontal.</u> <u>Must be no more than 35 feet above ground.</u> <u>Must not shine DIRECT LIGHT onto any DWELLING.</u> <u>Must be aimed at least 45 degrees below horizontal.</u> </td> </tr> </tbody> </table>	<u>Fixture Type:</u>	<u>Conditions:</u>	<u>All EXTERIOR LIGHT Fixtures with a rated output of 2,000 lumens or more (other than PUBLIC STREETLIGHTS)</u>	<u>Must be FULL-CUTOFF FIXTURES.</u> <u>Must be installed in the proper orientation so as to emit no light above the horizontal.</u> <u>Must be no more than 35 feet above ground.</u> <u>Must not be used to illuminate a LOT, which is across any STREET.</u>	<u>EXTERIOR LIGHT Fixtures (other than PUBLIC STREETLIGHTS) with an INITIAL DESIGN LIGHT OUTPUT of more than 4,000 lumens</u>	<u>Must comply with all above conditions and:</u> <u>Must not shine DIRECT LIGHT onto any other LOT or STREET located within a RESIDENTIAL or RECREATION/CONSERVATION district.</u> <u>Must not shine DIRECT LIGHT onto any body of water not on the same LOT as the fixture.</u>	<u>EXTERIOR LIGHT Fixtures (other than PUBLIC STREETLIGHTS) with an INITIAL DESIGN LIGHT OUTPUT of more than 10,000 lumens</u>	<u>Must comply with all above conditions and:</u> <u>Must not shine DIRECT LIGHT onto any other LOT located within any district.</u> <u>Must not shine DIRECT LIGHT onto any STREET.</u> <u>Must not shine DIRECT LIGHT onto any body of water.</u>	<u>PUBLIC STREETLIGHTS</u> <u>All floodlights, spotlights, or similar EXTERIOR LIGHT FIXTURE that are not full cutoff</u>	<u>Must be FULL-CUTOFF FIXTURES.</u> <u>Must be installed in the proper orientation so as to emit no light above the horizontal.</u> <u>Must be no more than 35 feet above ground.</u> <u>Must not shine DIRECT LIGHT onto any DWELLING.</u> <u>Must be aimed at least 45 degrees below horizontal.</u>
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3.8.1.5	65-B	<p><u>3.8.1.5.7</u> <u>The following table provides exemptions to both fixture-specific conditions and the cap in 3.8.1.5.1</u></p> <p style="text-align: center;"><u>Exemptions</u></p> <table border="1" data-bbox="508 279 1425 1360"> <thead> <tr> <th data-bbox="508 279 927 342"><u>Situation:</u></th> <th data-bbox="927 279 1425 342"><u>Exemption:</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="508 342 927 653"><u>Emergency Lighting Fixtures</u></td> <td data-bbox="927 342 1425 653"><u>Emergency lighting fixtures operated by a public safety agency are exempt. Lighting fixtures with an INITIAL LIGHT OUTPUT of less than 200 lumens, which are intended to signal the location of emergency services, rather than provide illumination and which are authorized by a public safety agency, are exempt.</u></td> </tr> <tr> <td data-bbox="508 653 927 814"><u>Greenhouse Lighting FixtureS for the purpose of supporting plant growth.</u></td> <td data-bbox="927 653 1425 814"><u>Exempt from the 25,000 lumens per acre requirement. Exempt from the 100,000 lumen Special Permit requirement (Section 3.8.1.5.2).</u></td> </tr> <tr> <td data-bbox="508 814 927 1041"><u>Lighting fixtures required by the FAA</u></td> <td data-bbox="927 814 1425 1041"><u>Lighting fixtures required to comply with FAA requirements may be installed, but shall not emit more light above horizontal or shine more DIRECT LIGHT onto any other LOT than is required to comply with the FAA regulations.</u></td> </tr> <tr> <td data-bbox="508 1041 927 1360"><u>Seasonal Holiday Lighting</u></td> <td data-bbox="927 1041 1425 1360"><u>Seasonal holiday lighting may be installed and illuminated, provided that it is illuminated for no more than 90 days in any 270 day period. (This allows nonconforming holiday lighting even if the property is not eligible for the nonconforming fixture exemption. Conforming holiday lighting is not restricted in any way.)</u></td> </tr> </tbody> </table>	<u>Situation:</u>	<u>Exemption:</u>	<u>Emergency Lighting Fixtures</u>	<u>Emergency lighting fixtures operated by a public safety agency are exempt. Lighting fixtures with an INITIAL LIGHT OUTPUT of less than 200 lumens, which are intended to signal the location of emergency services, rather than provide illumination and which are authorized by a public safety agency, are exempt.</u>	<u>Greenhouse Lighting FixtureS for the purpose of supporting plant growth.</u>	<u>Exempt from the 25,000 lumens per acre requirement. Exempt from the 100,000 lumen Special Permit requirement (Section 3.8.1.5.2).</u>	<u>Lighting fixtures required by the FAA</u>	<u>Lighting fixtures required to comply with FAA requirements may be installed, but shall not emit more light above horizontal or shine more DIRECT LIGHT onto any other LOT than is required to comply with the FAA regulations.</u>	<u>Seasonal Holiday Lighting</u>	<u>Seasonal holiday lighting may be installed and illuminated, provided that it is illuminated for no more than 90 days in any 270 day period. (This allows nonconforming holiday lighting even if the property is not eligible for the nonconforming fixture exemption. Conforming holiday lighting is not restricted in any way.)</u>
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3.8.3	65-C	<p>Amend Section 3.8.3 (Use Regulations Pertaining to the Residential District) by adding a new paragraph to subsection 3.8.3.1:</p> <p><u>Signs shall not be illuminated unless the business is open to the general public and employees are present and ready to receive customers, and shall not be illuminated between 9 p.m. and 7 a.m. Any fixture with an INITIAL DESIGN LIGHT OUTPUT of more than 2,000 lumens shall not be considered low level illumination. Any peak illuminance on the ground, a building or a sign, of more than 10 lux shall not be considered low level illumination.</u></p>										
3.10	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".										

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Section #	Article #	Amendment
3.11	62	Delete Wireless Service Facility Section and insert in Section 5 (Overlay Districts) as a new Section 5.3
4.5.1	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
4.5.1.1	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
4.5.1.2	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
4.5.1.3	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
5.3	62	Wireless Service Facility Section moved from Section 3.11
5.4	62	Active Adult Neighborhood Section moved from Section 8.8
6.3.3.1	64-A	Amend subsection 3 of Section 6.3.3.1 (Permanent Signs in the Residential and Recreation-Conservation districts): 3. Seasonal Agriculture: One ON-SITE SIGN for uses pertaining to agriculture, as permitted in Sections 3.1.1.2, 3.1.1.3, 3.1.1.5, and Section 3.2.1.1, each not exceeding four (4) sixteen (16) square feet in area, may be ERECTED.
6.3.4.1	64-B	Amend Section 6.3.4.1 (Seasonal Agriculture Signs): 6.3.4.1 Seasonal Agriculture: Two (2) SIGNS for uses permitted in sections 3.1.1.2, 3.1.1.3, 3.1.1.5 and section 3.2.1.1, each not exceeding six (6) square feet in area, may be ERECTED outside of the right of way. Seasonal agriculture SIGNS may be ERECTED one (1) week prior to the beginning of sales and must be removed one (1) week after sales are completed; 6.3.4.1 Seasonal Agriculture: 1) <u>SIGNS for uses permitted/allowed in Sections 3.1.1.2, 3.1.1.3, 3.1.1.5 and Section 3.2.1.1, one not to exceed sixteen (16) square feet in area, and other such SIGNS not to exceed twelve (12) square feet, with a total square footage of all such SIGNS not to exceed seventy five (75) square feet.</u> 2) <u>One (1) slot on each community agricultural ladder SIGN posted at the Town entrances, subject to dimension and format requirements of the Planning Board and written approval of the Stow Agricultural Commission.</u> 3) <u>Seasonal agriculture SIGNS may be ERECTED one (1) week prior to the beginning of sales and must be removed one (1) week after sales are completed.</u> 4) <u>The Planning Board may grant a waiver from the requirements of this Section.</u>

Section #	Article #	Amendment
6.3.4.2	64-C	<p>Amend Section 6.3.4.2 (Directional Signs):</p> <p>6.3.4.2 Directional <u>SIGNS for Businesses located in Stow</u>: A free-standing pole may be ERECTED at intersections of Town roads, located not to obstruct vision on the right of way and affixed with directional SIGNS, with the approval of the <u>Board of</u> Selectmen;</p> <ol style="list-style-type: none"> 1. The <u>non-agricultural</u> directional SIGNS shall be no larger than 6" x 24" and have a dark green background. Lettering shall be yellow and no more than 4" in height. 2. A directional SIGN may bear only the name of a business, logotype, distance and directional arrow. 3. Directional SIGNS shall not be illuminated. 4. The maximum number of SIGNS per business shall not exceed three (3) located at different intersections. 5. Maximum of two (2) direction SIGN poles per intersection, <u>excluding agricultural directional SIGNS.</u> 6. The maximum height of a direction SIGN pole is eight (8) feet above the road surface. 7. Direction SIGN poles and locations will be subject to the approval of the BUILDING INSPECTOR and Superintendent of Streets. 8. A maximum of eight (8) businesses may share a pole for direction SIGNS. 9. The cost of the SIGNS, pole and maintenance shall be the sole responsibility of the SIGN owners. <u>10. Agricultural directional SIGNS shall be 6" x 24". The colors for the background and lettering and logos may be consistent with the marketing colors and logo used by the agricultural businesses. There is no restriction to lettering or logo size.</u>
7.3.3.3	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
7.7	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
7.7	65	<p>Amend Section 7.7 (Off-street parking and Loading Area Design Requirements) by adding two new paragraphs to subsection 7.7.7:</p> <p><u>A fixture with an INITIAL DESIGN LIGHT OUTPUT of more than 2,000 lumens that shines DIRECT LIGHT into the sky or onto any DWELLING on another LOT shall be considered a NUISANCE and not proper lighting under this section.</u></p> <p><u>Parking lot and driveway lighting with a total INITIAL DESIGN LIGHT OUTPUT of more than 10,000 lumens shall be subject to a Special Permit, which shall show the location, output and type of all fixtures. The total INITIAL DESIGN LIGHT OUTPUT of all fixtures shall not be greater than 6 lumens per square meter of parking lot or driveway.</u></p>

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Section #	Article #	Amendment
8.7	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
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8.7.3	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
8.7.3.d)	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
8.7.3.2	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
8.7.4	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
8.7.4.1	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
8.7.5	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
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8.7.9.2	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
8.7.9.2.a)	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
8.7.9.3	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
8.7.10	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
8.7.11	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
8.7.12	60	Change the title "ASSISTED LIVING" to "INDEPENDENT ADULT".
8.8	62	Delete Active Adult Neighborhood Section and insert in Section 5 (Overlay Districts) as a new Section 5.4
9.3.11.2	59	Amend Section 9.3.11.2: 9.3.11.2 The DEVELOPABLE SITE AREA shall be clearly identified on the plan and shall meet the requirements of <u>the definition</u> in Section 4.3.16 <u>1.3 (definition)</u> ;