



WARRANT FOR OCTOBER 30, 2021 SPECIAL TOWN MEETING

To either of the Constables and Town Clerk of the Town of Stow, in the County of Middlesex, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stow, qualified to vote in Elections and Town Affairs, to assemble in

**HUGH MILL AUDITORIUM AT THE HALE MIDDLE SCHOOL,
55 HARTLEY ROAD, STOW, MA**

In said Town on
**SATURDAY, THE THIRTIETH DAY OF OCTOBER 2021
AT 10:00 A.M.**

Then and there to act on the following Articles, namely:

ARTICLE 1. Unpaid Bills

To see if the Town will vote to raise and appropriate, pursuant to any applicable statute, a sum, or sums of money, to be expended by the Town Administrator, to pay for unpaid bills of the Town, from previous fiscal years, or to take any other action related thereto.

(Requires a 9/10ths majority)

(Town Administrator)

<u>Department</u>	<u>Vendor</u>	<u>Amount</u>	<u>Description</u>
Police Department	MHQ	\$170.10	Cruiser Evaluation

The Finance Committee recommends approval of this article. The Select Board recommends approval of this article. Passage of this article increases expenditures.

We received a bill for this work in October for a cruiser evaluation conducted in March 2021. Due to lack of staffing at their end, MHQ was just able to bill for it.

ARTICLE 2. Barton Road Dam Safety Improvements

To see if the Town will vote to raise and appropriate the sum of Sixty Thousand Dollars (\$60,000) or any other sum, for the purpose of addressing the deficiencies in the Barton Road Dam in Stow, including the payment of professional, administrative, and construction expenses and any other costs incidental or related thereto; or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends approval of this article. The Select Board recommends approval of this article. Passage of this article increases expenditures.

On Friday, August 20, 2021, a failure occurred in the Barton Road Dam, which caused part of the road to be undermined and collapse. The Town implemented the Dam Emergency Action Plan and contacted our engineering firm to address the needed repairs. Repairs were made over the subsequent days. These funds are needed to cover the deficit expense of the repairs.

ARTICLE 3. Senior Property Tax Work-off

To see if the town will vote to accept Massachusetts General Law Chapter 59, Section 5K, establishing a senior tax work-off program for taxpayers who are over 60 years of age, and further, to allow an approved representative for persons physically unable to provide such services to the Town. To be effective for any fiscal year beginning on or after July 1, 2021; or take any other action relative thereto.

(Board of Assessors)

The Finance Committee recommends approval of this article. The Select Board recommends approval of this article. Passage of this article DOES NOT increase expenditures. Funding comes out of the overlay account.

This provision is already allowed for, but reacceptance brings us up to the new DOR standards. Additionally, this will allow proxy workers to work on behalf of those physically unable to do so.

ARTICLE 4. Veterans Property Tax Work-off

To see if the town will vote to accept Massachusetts General Law Chapter 59, Section 5N, establishing a tax work-off program for veterans, and to allow an approved representative for persons physically unable to provide such services to the Town. To be effective for any fiscal year beginning on or after July 1, 2021; or take any other action relative thereto.

(Board of Assessors)

The Finance Committee recommends approval of this article. The Select Board recommends approval of this article. Passage of this article DOES NOT increase expenditures. Funding comes out of the overlay account.

This would allow Veterans to benefit from a work-off program, as defined in G.L. C. 4, Section 7, Clause 43, and to allow proxy workers to work on behalf of those physically unable to do so.

ARTICLE 5. Stow Acres North Course Acquisition

To see if the Town will vote to raise and appropriate, transfer, borrow or otherwise the sum of four million dollars (\$4,000,000) or any lesser sum to acquire, for open space and recreation purposes, approximately 115 +/- acres of land on Randall Road in Stow, shown as the entirety of Assessors' Map R11, Lot 11A and a portion of Assessors Map R11, Lot 25B-3, and described in a deed recorded with the Middlesex South Registry of Deeds in Book 67309, Page 266, and for costs incidental or related thereto, including legal, title, appraisal, engineering, and other costs or fees,

And, to fund said acquisition, to appropriate and transfer up to two million two hundred thousand dollars (\$2,200,000) from the Community Preservation Unreserved Fund Balance and three hundred thousand dollars (\$300,000) from the Community Preservation Open Space Fund Balance, and to authorize the Treasurer, with the approval of the Select Board, to borrow all or a portion of the funds from G.L. c. 44 and/or any other enabling authority, and to issue notes or bonds of the Town therefore, with the balance of the purchase price being funded by gifts and/or grants;

And, further, to authorize the Select Board to acquire said parcels of land by purchase, gift, and/or eminent domain, with the care, custody and control of appropriately 24 acres to be vested in the Conservation Commission for passive recreation and open space purposes under the provisions of MGL Chapter 40, Section 8C, and with the remaining 90 acres of said land to be in the care, custody and control of the Recreation Commission for active recreation and parks under the provisions of MGL Chapter 45, Section 3, which parcels shall be shown on a plan recorded at the Middlesex South Registry of Deeds;

And to authorize the Select Board to convey conservation restrictions and/or easements as required by MGL Chapter 44B, Section 12(a), meeting the requirements of MGL Chapter 184,

Sections 31-33, and/or enter into agreements for the short-term use (which may exceed three years) of portions of the recreation land for golf;

And, further, to authorize the Select Board or its designee to apply for, accept and expend any funds that may be provided by the Commonwealth of Massachusetts and/or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursements under the Land and Water Conservation Fund Act, Chapter 132A Section 11, and/or any other state or federal program in any way connected with the scope of this Article, or receive gifts as may be available for reimbursement to the Town for these purposes; and take any other action relative thereto.

(Conservation Commission, Recreation Commission, and Community Preservation Committee)

The Finance Committee recommends approval of this article. The Select Board recommends approval of this article. Passage of this article will NOT increase expenditures, unless the general fund budget is needed to cover a portion of the purchase.

This article approves expenditures of up to \$2.5 million in Community Preservation funds currently in hand toward the acquisition of the majority of the North Course at Stow Acres Golf Course on Randall Road for conservation and recreation purposes as shown on the map printed in the warrant. The balance of the funds needed will come from grants and fundraising. The purchase cannot proceed until the full amount is raised.

Stow Acres North Course Aquisition



Map created 10/6/2021 by M Ragan
Data: Town of Stow, MassGIS

ARTICLE 6. Amend Zoning Bylaw Section 6.3 Signs

To see if the Town will vote to amend the Zoning Bylaw by amending section 6.3 to read in its entirety as stated below in sections A, B, and C of this article; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

The Finance Committee recommends approval of this article. The Select Board recommends approval of this article. Passage of this article DOES NOT increase expenditures. See Appendix A for full annotated version of this article.

The Planning Board is proposing a targeted amendment to the portion of the Zoning Bylaw that regulates signs for the purpose of allowing businesses in certain districts to continue to use internally illuminated signs, such as “open” signs, until such time as a more thorough review of sign bylaws may take place. This amendment would permit a single internally illuminated sign up to three (3) square feet in size for each establishment within the Business, Compact Business, Industrial, and Refuse Disposal zoning districts. Internally illuminated signs would remain prohibited in the Residential and Recreation-Conservation Districts. A severability clause has also been added to ensure that should one section of the sign bylaw face judicial review, other sections may remain in effect.

A) Amend Section 6.3.1.5 to read in its entirety as stated below:

6.3.1.5 SIGNS which are oscillating, flashing or operating with moving parts are not permitted;

B) Amend Section 6.3.3 to read in its entirety as stated below:

6.3.3 On Site - Permanent - PERMANENT SIGNS are permitted subject to the General Regulations of following subsections:

6.3.3.1 Residential and Recreation-Conservation Districts:

1. One (1) ON-SITE SIGN is permitted not exceeding five (5) square feet in area on State numbered highways and three (3) square feet in area elsewhere.
2. One (1) ON-SITE SIGN pertaining to the rent, lease or sale of land or BUILDING(s) not exceeding three (3) square feet in area. All such SIGNS shall be removed within seven (7) days of rental, lease or sale of land or BUILDING.
3. One ON-SITE SIGN 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 sixteen (16) square feet in area, may be ERECTED.
4. Internally illuminated SIGNS are not permitted.

6.3.3.2 Business, Compact Business, Commercial, Industrial and Refuse Disposal Districts:

1. For each establishment, one (1) ON-SITE SIGN attached to the facade of the BUILDING not exceeding the lesser of one square foot for each one lineal foot of business, commercial or industrial BUILDING frontage or eighty (80) square feet in area.
2. Window SIGNS in total may be the larger of 30% of the window or three (3) square feet.
3. For each establishment, one (1) internally illuminated window SIGN not exceeding three (3) square feet.
4. One (1) primary free standing SIGN visible from the main public way not exceeding twenty (20) square feet in area.
5. In the case of multiple businesses in the same BUILDING or sharing the same access and/or parking facilities, only one SIGN is permitted per principal access.
6. If the business is on a corner LOT and the primary SIGN is not visible from the intersecting road, a secondary SIGN not larger than 50% of the primary SIGN is permitted.
7. One (1) ON-SITE SIGN pertaining to the rent, lease or sale of land or BUILDING(s) not exceeding six (6) square feet in area. All such SIGNS shall be removed within seven (7) days of rental, lease or sale of land or BUILDING.

<p>C) Insert new Section 6.3.7.9 to read in its entirety as stated below:</p>
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6.3.7.9 Severability – If any provision of this section, or the application thereof to any person or circumstance, shall be held invalid by any court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this section are hereby declared to be severable.

ARTICLE 7: Amend Zoning Bylaw Sections 3.10 Table of Principal Uses, 5.5 Registered Marijuana Establishment Overlay District, and 10 Temporary Moratorium on Recreational Marijuana Establishments

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 3.10, 5.5, and 10 as stated below in sections A, B, C, D, E, F, and G of this article; and further than non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

The Finance Committee recommends approval of this article. The Select Board recommends approval of this article. Passage of this article DOES NOT increase expenditures. See Appendix A for full annotated version of this article.

In 2018 Town Meeting approved a Registered Marijuana Overlay District which prohibited all categories of recreational marijuana establishments, unless or until voters allowed such categories of uses through a subsequent Town wide ballot vote. At the ballot, Stow voters

approved testing laboratories, marijuana product manufactures, and marijuana research facilities as permitted uses in the Registered Marijuana Overlay District. These proposed amendments update the Zoning Bylaw to reflect this election outcome, eliminating language regarding the voting process, and to make it clear which uses are currently permitted in the overlay district. The amendments also remove the language of Section 10, the previous Temporary Moratorium on Recreational Marijuana Establishments, which is no longer in effect due to passage of the Registered Marijuana Overlay District.

A) Amend Section 3.10 - Table of Principal Uses as stated below:

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
Retail Store as part of a REGISTERED MARIJUANA DISPENSARY	N	SPP (1)(12)	N	N	N	N	N	N	(3)
MARIJUANA RETAILER	N	N	N	N	N	N	N	N	(3)
Industrial Uses									
CRAFT MARIJUANA CULTIVATOR COOPERATIVE	N	N	N	N	N	N	N	N	(3)
MARIJUANA CULTIVATOR	N	N	N	N	N	N	N	N	(3)
MARIJUANA PRODUCT MANUFACTOR	N	N	N	SPP (13)	SPP (13)	N	N	N	(3)
MARIJUANA RESEARCH FACILITY	N	N	N	SPP (13)	SPP (13)	N	N	N	(3)
MARIJUANA INDEPENDENT TESTING LABORATORY	N	N	N	SPP (13)	SPP (13)	N	N	N	(3)
MARIJUANA MICROBUSINESS	N	N	N	N	N	N	N	N	(3)

- (1) Uses permitted by right provided that the BUILDING is less than 1,000 square feet GROSS FLOOR AREA, there is only one BUILDING per LOT, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the LOT area is open space.
- (2) Uses permitted by right provided that the BUILDING is less than 1,500 square feet GROSS FLOOR AREA, there is only one BUILDING per LOT, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the LOT area is open space.
- (3) All uses requiring a Special Permit are subject to Site Plan Approval requirements as part of the special permit process.
- (4) Refer to Section 7.3.3.3 of this Bylaw to determine parking requirements for uses permitted in the Residential District.
- (5) Allowed in accordance with the provisions of M.G.L., Ch. 40A, Section 3.
- (6) Allowed as accessory use only.
- (7) Allowed without special permit in accordance with Section 8.1.2 of this Bylaw.
- (8) Wireless Service Facilities shall be allowed by special permit only on land located in the Wireless Service Facility District.
- (9) The total number of INDEPENDENT ADULT UNITS shall not exceed 6% of the total single family DWELLING UNITS in Stow.

- (10) An Active Adult Neighborhood shall be allowed by Special Permit only on land located in the Active Adult Neighborhood District.
- (11) Provisions of Section 8.9, Inclusion of Affordable Housing, may apply.
- (12) The retail component of a REGISTERED MARIJUANA DISPENSARY is allowed by Special Permit within the Business District, in accordance with Section 5.5 of the BYLAW and pursuant to Department of Public Health Regulations 105 CMR 175.000 and Cannabis Control Commission Regulations 935 CMR 500.
- (13) MARIJUANA RESEARCH FACILITIES, MARIJUANA INDEPENDENT TESTING LABORATORIES, and MARIJUANA PRODUCT MANUFACTURERS are allowed in the REGISTERED MARIJUANA ESTABLISHMENT Overlay District, pursuant to Section 5.5 of the BYLAW, and Cannabis Control Commission regulations 935 CMR 500.

Prohibited Uses - All uses not specifically named in the text of the bylaw are prohibited.

B) Amend Section 5.5.1 to read in its entirety as stated below:

5.5.1 Establishment - The REGISTERED MARIJUANA ESTABLISHMENT Overlay District is intended to provide for the siting and establishment of a REGISTERED MARIJUANA ESTABLISHMENTS, including REGISTERED MARIJUANA DISPENSARIES, in accordance with M.G.L c.94G, Massachusetts Department of Public Health regulations set forth in 105 CMR 725.000, and Cannabis Control Commission regulations set forth in 935 CMR 500.000.

This Section 5.5 is adopted for the purpose of regulating such uses as REGISTERED MARIJUANA ESTABLISHMENTS in the Town of Stow.

C) Delete section 5.5.4.5.1

D) Amend Section 5.5.5 Location Requirements to read in its entirety as stated below:

5.5.5 Location Requirements

5.5.5.1 All aspects of a REGISTERED MARIJUANA ESTABLISHMENT, including but not limited to sales, distribution, acquisition, cultivation, manufacture, processing, dispensing, and administration shall be contained within a building or structure. No REGISTERED MARIJUANA ESTABLISHMENT shall allow cultivation, processing, manufacture, sale or display of MARIJUANA PRODUCTS to be visible from a public place without the use of binoculars, aircraft or other optical aids.

The Planning Board may only allow outdoor activity at the site of a REGISTERED MARIJUANA ESTABLISHMENT under the following circumstances:

- The REGISTERED MARIJUANA ESTABLISHMENT utilizes vehicles as part of regular activity, in accordance with all safety, security and storage requirements of 935 CMR 500.

- 5.5.5.2 No REGISTERED MARIJUANA ESTABLISHMENT, including the retail component of a REGISTERED MARIJUANA DISPENSARY in the Business District, shall be located within a building which houses residential DWELLING UNITS.
- 5.5.5.3 Manufacturing and extraction of MARIJUANA PRODUCTS shall not occur in any BUILDING containing assembly, education, health care, ambulatory health care, residential board and care, detention or correctional facilities.
- 5.5.5.4 No REGISTERED MARIJUANA ESTABLISHMENT shall be located within a moveable structure, trailer or truck. All sales related to the retail component of a REGISTERED MARIJUANA DISPENSARY shall be conducted within a building or through home deliveries to qualified adults or patients pursuant to 935 CMR 500 or 105 CMR 725 as amended. Nothing in this Section shall be cause to preclude the lawful transportation of MARIJUANA PRODUCTS as allowed through 935 CMR 500 or 105 CMR 725.000.
- 5.5.5.5 No REGISTERED MARIJUANA ESTABLISHMENT shall be permitted within (500') five hundred feet of the lot line of a pre-existing public or private school providing education in kindergarten or any of grades one (1) through twelve (12). The distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the REGISTERED MARIJUANA ESTABLISHMENT is or will be located.
- 5.5.5.6 The establishment and operation of the retail component of a REGISTERED MARIJUANA DISPENSARY may only be permitted in the Business District in accordance with all applicable laws and regulations as stated in 935 CMR 500, Massachusetts Department of Public Health regulations set forth in 105 CMR 725.000 and the provisions outlined in this Section 5.5 - REGISTERED MARIJUANA ESTABLISHMENT Overlay District of the Zoning Bylaw. Despite the provisions herein, regarding the siting of the retail component of a REGISTERED MARIJUANA DISPENSARY, the retail component of a REGISTERED MARIJUANA DISPENSARY shall be governed by the provisions outlined in this Section 5.5 - REGISTERED MARIJUANA DISPENSARY Overlay District.

E) Amend Section 5.5.8.1.1 to read in its entirety as stated below:

- 5.5.8.1.1 In addition to the limitations provided in Section 5.5 of the Zoning Bylaw, the retail component of a REGISTERED MARIJUANA DISPENSARY shall be limited to 2500 square feet of gross floor area where such establishment is located at the street level of a BUILDING or STRUCTURE.

F) Amend Section 5.5.9 to read in its entirety as stated below:

Planning Board Action

5.5.9 In evaluating the proposed REGISTERED MARIJUANA ESTABLISHMENT Special Permit application, the Planning Board shall consider the general objectives of the Zoning Bylaw, as well as the degree to which the following criteria are met:

- a) The REGISTERED MARIJUANA ESTABLISHMENT proposal complies with all requirements for a Special Permit, including the Stow Zoning Bylaw, the Site Plan Approval Rules and Regulations, Rules and Regulations for a REGISTERED MARIJUANA ESTABLISHMENT, all requirements pursuant to the Department of Public Health Regulations 105 CMR 725.000, Cannabis Control Commission regulations 935 CMR 500.000 and M.G.L. c.94G.
- b) Issuance of a Special Permit for the retail component of a REGISTERED MARIJUANA DISPENSARY shall not exceed the limitation on the number of such establishments pursuant to Section 5.5.4.3 of the Zoning Bylaw.
- c) The site is designed to create safe, secure and efficient access and egress to customers and employees using multiple modes of transportation, including vehicle, bicycle and pedestrians.
- d) Traffic generated by clients, employees and delivery schedules from the REGISTERED MARIJUANA ESTABLISHMENT shall not create a substantial adverse impact on nearby residential uses.
- e) Loading and refuse disposal areas are designed to be safe, secure and shielded from abutting uses.
- f) The hours and methods of transportation are not substantially detrimental to surrounding USEs.
- g) The REGISTERED MARIJUANA ESTABLISHMENT has provided documentation to show compliance with 527 CMR 1 – the Comprehensive Fire Code and Chapter 38 of the National Fire Protection Association (NFPA) standards for *Marijuana Growing, Processing, or Extraction Facilities*.
- h) The building and site have been designed in a manner consistent and compatible with nearby structures of a similar size and use and in a manner that mitigates any negative aesthetic impact imposed by the required security conditions, measures and restrictions stated in the Department of Public Health Regulations pursuant to 105 CMR 725.000 and Cannabis Control Commission Regulations pursuant to 935 CMR 500.000.

5.5.9.1 The Planning Board shall consider the recommendation of the Board of Health, the Conservation Commission, the Town’s consulting engineer, and other Boards, Departments and agents, in making said findings.

5.5.9.2 The Planning Board may require changes to the “REGISTERED MARIJUANA ESTABLISHMENT Site Plan” and impose additional conditions, safeguards and limitations, as it deems necessary, to secure the objectives of this Bylaw.

G) Amend Section 10 by deleting Section 10 and all subsections

ARTICLE 8. Amend Zoning Bylaw Sections 3.10 Table of Principal Uses and 3.6.3 Uses Allowed by Special Permit in the Industrial District

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 3.10, and 3.6.3, as stated below in sections A and B of this article; and further than non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

The Finance Committee recommends approval of this article. The Select Board recommends approval of this article. Passage of this article DOES NOT increase expenditures. See Appendix A for full annotated version of this article.

The purpose of this update is to allow private schools, colleges and dance/music academies in the Industrial District of Stow. With the bulk of the Industrial District either already developed or considered for future development, private school uses offer a development option that invites fewer trucks and industrial disturbance, and is generally more in keeping with the rural, residential character of Stow.

A) Amend Section 3.10 - Table of Principal Uses as stated below:

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
<u>Institutional Uses</u>									
Private Schools & Colleges, Dance & Music Studios	SPA (4)	N	N	SPP (3)(14)	N	N	N	N	(3)

- (1) Uses permitted by right provided that the BUILDING is less than 1,000 square feet GROSS FLOOR AREA, there is only one BUILDING per LOT, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the LOT area is open space.
- (2) Uses permitted by right provided that the BUILDING is less than 1,500 square feet GROSS FLOOR AREA, there is only one BUILDING per LOT, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the LOT area is open space.
- (3) All uses requiring a Special Permit are subject to Site Plan Approval requirements as part of the special permit process.
- (4) Refer to Section 7.3.3.3 of this Bylaw to determine parking requirements for uses permitted in the Residential District.
- (5) Allowed in accordance with the provisions of M.G.L., Ch. 40A, Section 3.
- (6) Allowed as accessory use only.
- (7) Allowed without special permit in accordance with Section 8.1.2 of this Bylaw.
- (8) Wireless Service Facilities shall be allowed by special permit only on land located in the Wireless Service Facility District.
- (9) The total number of INDEPENDENT ADULT UNITS shall not exceed 6% of the total single family DWELLING UNITS in Stow.

- (10) An Active Adult Neighborhood shall be allowed by Special Permit only on land located in the Active Adult Neighborhood District.
- (11) Provisions of Section 8.9, Inclusion of Affordable Housing, may apply.
- (12) The retail component of a REGISTERED MARIJUANA DISPENSARY is allowed by Special Permit within the Business District, in accordance with Section 5.5 of the BYLAW and pursuant to Department of Public Health Regulations 105 CMR 175.000 and Cannabis Control Commission Regulations 935 CMR 500.
- (13) MARIJUANA RESEARCH FACILITIES, MARIJUANA INDEPENDENT TESTING LABORATORIES, and MARIJUANA PRODUCT MANUFACTURERS are allowed in the REGISTERED MARIJUANA ESTABLISHMENT Overlay District, pursuant to Section 5.5 of the BYLAW, and Cannabis Control Commission regulations 935 CMR 500.
- (14) A special permit for Private Schools and Colleges, Dance and Music Studios located in the Industrial District shall reference an executed Development Agreement negotiated by and between the Applicant and the Select Board. The execution of said Development Agreement is a condition precedent to Special Permit approval by the Planning Board.

Prohibited Uses - All uses not specifically named in the text of the bylaw are prohibited.

B) Amend Section 3.6.3, Uses Permitted by Special Permit in the Industrial District, by adding Section 3.6.3.10 to read in its entirety as stated below:

3.6.3.10 Private Schools & Colleges, Dance & Music Studios, inclusive of USES that are ACCESSORY to the primary academic USE, including but not limited to: onsite dormitories for students and staff; incidental retail USES for supplies, equipment, food service and concessions, and athletic fields and complexes.

ARTICLE 9. Amend Zoning Bylaw Sections 1.3 Definitions, 9.2.7.14 (Special Permit Conditions)

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 1.3, and 9.2.7.14 as stated below in sections A and B of this article; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

The Finance Committee recommends approval of this article. The Select Board recommends approval of this article. Passage of this article DOES NOT increase expenditures. See Appendix A for full annotated version of this article.

A sidewalk along the entire frontage of a property is currently required as part of Special Permit approval in Stow. This amendment provides both the Planning Board and property owners

greater flexibility in reaching compliance Special Permit requirements. Rather than focus solely on sidewalks, the amendment also aligns with the Town's Complete Streets Policy and provides a menu of options for complying with the Special Permit requirements depending on the specific nature of the site and the preference of the property owner.

A) Amend Section 1.3 Definitions by inserting a new definition to read in its entirety as stated below:

1.3 Definitions

COMPLETE STREETS IMPROVEMENT – A sidewalk, walkway, path, or other contributing component designed in accordance with the Town of Stow's Complete Streets Policy. A contributing component may include but not be limited to signage, pavement markings, wheelchair ramps, crosswalks, curb improvements, and restoration of buffer strips. COMPLETE STREETS IMPROVEMENTs shall be designed and/or constructed in accordance with the guidance, standards and recommendations as defined in the Stow Complete Streets Policy, dated February 1, 2016, as amended.

B) Amend Section 9.2.7.14 (Special Permit Conditions) to read in its entirety as stated below:

9.2.7.14 Conformance with Complete Streets Policy

The purpose of this Section is to make efficient and ongoing progress on the Town's Complete Streets Prioritization Plan by creating a safe, comfortable and accessible street network for all road users regardless of age, ability or income levels. This section shall provide for Complete Streets improvements developed in a context sensitive manner that balances streetscape improvements with the Town's historic, rural character.

9.2.7.14.1 Applicability

This Section shall apply to all Special Permit Approvals pursuant to Section 9.2 of the Zoning Bylaw. Special Permits granted by the Zoning Board of Appeals, in accordance with Section 3.9 of the BYLAW shall be exempt from the provisions of Section 9.2.7.14 and all subsections.

9.2.7.14.2 A sidewalk, walkway or path shall be required along the entire frontage of a LOT. Alternatively or in addition, the Special Permit Granting Authority may accept other COMPLETE STREETS IMPROVEMENTs as it deems necessary to accommodate the safe movement of pedestrians and bicyclists. Said sidewalks, walkways, paths or COMPLETE STREETS IMPROVEMENTs may be located on the LOT or within the layout of the STREET, with the Town's permission, depending on the nature of the work and upon obtaining the necessary permits. Construction of COMPLETE STREETS IMPROVEMENTS,

including alterations of existing STRUCTURES and parking areas and LOTs, as well as changes in use, shall be designed in a manner which complies with the provisions of the Zoning Bylaw and Complete Streets Policy as amended, to provide adequate drainage of surface water and safe vehicular, pedestrian, and bicycle access.

- 9.2.7.14.3 The Planning Board may waive the requirements of Section 9.2.7.14.2, only where the Board makes one or some combination of the following findings:
- Construction of a sidewalk, walkway or path would adversely affect an “Environmentally Sensitive Area,” as defined in Appendix J of the Planning Board Handbook;
 - Construction would require easements from property owners that have not yet been attained by the Town of Stow for the purpose of constructing a sidewalk, walkway or path or are not willing to be granted to the Town as part of the proposed improvements;
 - Construction could be detrimental to the safety of motorists, cyclists and pedestrians, due to the creation of an isolated segment of constructed sidewalk, walkway or path
 - Future connections to the improvement are unsupported on the Town’s Complete Streets Prioritization Plan or otherwise unlikely due to environmental, topographical or right-of-way constraints.

In the event the Planning Board waives the requirements of Section 9.2.7.14.3, the Board may accept one or some combination of the following offers:

- An offer, acceptable by the Board, to design a sidewalk, walkway or path or other COMPLETE STREETS IMPROVEMENT in another area of Town, outside of the immediate vicinity of the Special Permit locus;
- An offer of a fee in lieu of construction of a sidewalk, walkway or path into an account identified specifically for construction of COMPLETE STREETS IMPROVEMENTs in the Town of Stow, in accordance with Appendix J of the Planning Board Handbook;
- An offer of fifty percent (50%) of the total fee in lieu of construction of a sidewalk, walkway or path into an account identified specifically for construction of COMPLETE STREETS IMPROVEMENTs in the Town of Stow, in accordance with Appendix J of the Planning Board Handbook AND grant of a sidewalk easement to the Town of Stow for the future construction of a sidewalk, walkway, path, or other COMPLETE STREETS IMPROVEMENT along the frontage of the subject LOT or SITE;
- An offer of fee interest in land along the frontage of the subject LOT or SITE, and which is of adequate dimension to provide for future construction of a sidewalk, walkway, path, or other COMPLETE STREETS IMPROVEMENT;

- An offer to provide engineering, survey or design services in lieu of construction, for the future construction of a COMPLETE STREETS IMPROVEMENT with a value no less than 75% of the fee-in-lieu amount as described in Appendix J of the Planning Board Handbook.

ARTICLE 10. Amend Zoning Bylaw Sections 1.3 Definitions, 5.4.9 (ACTIVE ADULT NEIGHBORHOOD Overlay District Special Housing Standards), and 7.3 Schedule of Minimum Parking

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 1.3, 5.4.9, and 7.3 as stated below in sections A, B, and C of this article; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

The Finance Committee recommends approval of this article. The Select Board recommends approval of this article. Passage of this article DOES NOT increase expenditures. See Appendix A for full annotated version of this article.

Following the revisions to the Active Adult Neighborhood Overlay District approved by voters at the May 2021 Annual Town Meeting, the Planning Board discovered inconsistencies between the floor area definitions of different allowed housing types. The proposed amendment would clarify the building requirements by providing a single definition of floor area for units in an Active Adult Neighborhood.

The Planning Board has also recognized that the parking needs of an Active Adult Neighborhood may be different than a traditional residential development. The amendments to Section 7.3 would exempt Active Adult Neighborhoods from the Schedule of Minimum Parking and instead allow the Planning Board greater flexibility in regulating parking in Active Adult Neighborhoods by placing relevant standards in the Active Adult Neighborhood Rules and Regulations.

A) Amend Section 1.3 Definitions, by amending the following definition to read in its entirety as stated below:

COTTAGE DWELLING - A detached one-family dwelling that does not exceed 1,800 sq. ft. of FLOOR AREA.

B) Amend Section 5.4.9.4 (Special Housing Standards) to read in its entirety as stated below:

5.4.9.4 At least 30% of total number of units in an AAN shall have a FLOOR AREA below 1,800' square feet. At least 50% of those units below 1,800' square feet shall be comprised of detached housing types.

C) Amend Section 7.3 Schedule of Minimum Parking – General Requirements, by inserting new section 7.3.1.1 as stated below:

7.3 Schedule of Minimum Parking - General Requirements

7.3.1 Comparable USE Requirement - Where a USE is not specifically included in the Schedule of Minimum Parking, it is intended that the regulations for the most nearly comparable USE specified shall apply. Alternative off-street parking standards to those shown below may be accepted if the applicant demonstrates to the satisfaction of the Permit Granting Authority (or BUILDING INSPECTOR if no special permit or site plan approval is required), or their designee, that such standards are adequate for the intended USE.

7.3.1.1 Section 7.3 shall not apply to DWELLINGs, COTTAGE DWELLINGs or indoor community facilities proposed as part of the Active Adult Neighborhood Overlay District in Section 5.4 of the Bylaw. Parking Schedules shall adhere to the requirements of the Planning Board's Active Adult Neighborhood Rules and Regulations as amended.

7.3.2 Mixed Use Facilities - BUILDINGs or LOTS which contain more than one USE are considered mixed use facilities. In the case of mixed uses, the requirements shall be the sum of the requirement calculated separately for each use, so that adequate space shall be provided to accommodate all vehicles anticipated on the premises at any one time. Parking spaces for one USE shall not be considered as providing the required spaces for any other USE, except when it can be clearly demonstrated that the need for parking occurs at different times.

And you are directed to serve this warrant by posting copies attested by you calling same at the Town Building and at each of at least seven (7) other public places at least fourteen (14) days before the time of holding said meeting.

Hereof, fail not and make due return of the warrant with your doings thereon to the Town Clerk or Select Board on or before the time of said meeting.

Given under our hands this 12th day of October in the year 2021.

SELECT BOARD

Ellen Sturgis, Chair
Megan Birch-McMichael, Clerk
Zackory Burns
Cortni Frecha
James H. Salvie

Please bring this copy with you. There will not be extra copies of the warrant available at Special Town Meeting.

Anyone with a disability requiring special arrangements for Town Meeting should contact Town Clerk Linda Hathaway at (978) 897-5034 by 2 p.m. on Friday, October 22, 2021.

APPENDIX A – Annotated Versions of the Zoning Bylaw Articles

Annotated Version

*Additions are **underlined***

Deletions are ~~strike through~~

ANNOTATED ARTICLE 6. Amend Zoning Bylaw Section 6.3 Signs

To see if the Town will vote to amend the Zoning Bylaw by amending section 6.3 as stated below in sections A, B, and C of this article; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

A) Amend Section 6.3.1.5 to read in its entirety as stated below:

6.3.1.5 SIGNS which are oscillating, ~~internally illuminated~~, flashing or operating with moving parts are not permitted;

B) Amend Section 6.3.3 to read in its entirety as stated below:

6.3.3 On Site - Permanent - PERMANENT SIGNS are permitted subject to the General Regulations of following subsections:

6.3.3.1 Residential and Recreation-Conservation Districts:

1. One (1) ON-SITE SIGN is permitted not exceeding five (5) square feet in area on State numbered highways and three (3) square feet in area elsewhere.
2. One (1) ON-SITE SIGN pertaining to the rent, lease or sale of land or BUILDING(s) not exceeding three (3) square feet in area. All such SIGNS shall be removed within seven (7) days of rental, lease or sale of land or BUILDING.
3. One ON-SITE SIGN 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 sixteen (16) square feet in area, may be ERECTED.
4. Internally illuminated SIGNS are not permitted.

6.3.3.2 Business, Compact Business, Commercial, Industrial and Refuse Disposal Districts:

1. For each establishment, one (1) ON-SITE SIGN attached to the facade of the BUILDING not exceeding the lesser of one square foot for each one lineal foot of business, commercial or industrial BUILDING frontage or eighty (80) square feet in area.

2. Window SIGNS in total may be the larger of 30% of the window or three (3) square feet.
3. For each establishment, one (1) internally illuminated window SIGN not exceeding three (3) square feet.
4. One (1) primary free standing SIGN visible from the main public way not exceeding twenty (20) square feet in area.
5. In the case of multiple businesses in the same BUILDING or sharing the same access and/or parking facilities, only one SIGN is permitted per principal access.
6. If the business is on a corner LOT and the primary SIGN is not visible from the intersecting road, a secondary SIGN not larger than 50% of the primary SIGN is permitted.
7. One (1) ON-SITE SIGN pertaining to the rent, lease or sale of land or BUILDING(s) not exceeding six (6) square feet in area. All such SIGNS shall be removed within seven (7) days of rental, lease or sale of land or BUILDING.

C) Insert new Section 6.3.7.9 to read in its entirety as stated below:

6.3.7.9 Severability – If any provision of this section, or the application thereof to any person or circumstance, shall be held invalid by any court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this section are hereby declared to be severable.

Annotated Version

Additions are underlined

Deletions are ~~strike through~~

ANNOTATED ARTICLE 7: Amend Zoning Bylaw Sections 3.10 Table of Principal Uses, 5.5 Registered Marijuana Establishment Overlay District, and 10 Temporary Moratorium on Recreational Marijuana Establishments

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 3.10, 5.5, and 10 as stated below is sections A, B, C, D, E, F, and G of this article; and further than non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

B) Amend Section 5.5.1 to read in its entirety as stated below:

5.5.1 Establishment - The REGISTERED MARIJUANA ESTABLISHMENT Overlay District is intended to provide for the siting and establishment of a REGISTERED MARIJUANA ESTABLISHMENTS, including REGISTERED MARIJUANA DISPENSARIES, in accordance with M.G.L c.94G, Massachusetts Department of

Public Health regulations set forth in 105 CMR 725.000, and Cannabis Control Commission regulations set forth in 935 CMR 500.000.

~~At the May 2, 2017 Annual Town Meeting, the Town of Stow adopted Section 10 of the Zoning Bylaw – Temporary Moratorium on RECREATIONAL MARIJUANA ESTABLISHMENTS. This Section 5.5 is adopted for the purpose of regulating such uses as REGISTERED MARIJUANA ESTABLISHMENTS in the Town of Stow. Section 10 – Temporary Moratorium on RECREATIONAL MARIJUANA ESTABLISHMENTS shall no longer be in effect.~~

C) Delete section 5.5.4.5.1:

~~5.5.4.5.1 In the event that a prohibition or ban on a category of REGISTERED MARIJUANA ESTABLISHMENT as defined in M.G.L Ch.94G, 935 CMR 500 or in Section 1.3 of this Zoning Bylaw has been approved at a local Stow election in a manner that affirms such prohibition pursuant to M.G.L. c.94G §A(2)(i), the specific category of the applicable REGISTERED MARIJUANA ESTABLISHMENT shall be deemed prohibited in Stow and all provisions, standards and permissions outlined in Section 5.5 of this Zoning Bylaw shall be deemed non-applicable.~~

D) Amend Section 5.5.5 Location Requirements to read in its entirety as stated below:

5.5.5 Location Requirements

5.5.5.1 All aspects of a REGISTERED MARIJUANA ESTABLISHMENT, including but not limited to sales, distribution, acquisition, cultivation, manufacture, processing, dispensing, and administration shall be contained within a building or structure. No REGISTERED MARIJUANA ESTABLISHMENT shall allow cultivation, processing, manufacture, sale or display of MARIJUANA PRODUCTS to be visible from a public place without the use of binoculars, aircraft or other optical aids.

The Planning Board may only allow outdoor activity at the site of a REGISTERED MARIJUANA ESTABLISHMENT under the following circumstances:

- The REGISTERED MARIJUANA ESTABLISHMENT utilizes vehicles as part of regular activity, in accordance with all safety, security and storage requirements of 935 CMR 500.
- ~~The REGISTERED MARIJUANA ESTABLISHMENT is licensed under 935 CMR 500 as a MARIJUANA CULTIVATOR. Under such determination, the Planning Board may permit a MARIJUANA CULTIVATOR to operate in outdoor cultivation facilities. Outdoor cultivation facilities shall be screened and secured in accordance with Section 5.5.6 of this Zoning Bylaw, and in accordance with 935 CMR 500.110.~~

- 5.5.5.2 No REGISTERED MARIJUANA ESTABLISHMENT, including the retail component of a REGISTERED MARIJUANA DISPENSARY in the Business District, shall be located within a building which houses residential DWELLING UNITS.
- 5.5.5.3 Manufacturing and extraction of MARIJUANA PRODUCTS shall not occur in any BUILDING containing assembly, education, health care, ambulatory health care, residential board and care, detention or correctional facilities.
- 5.5.5.4 No REGISTERED MARIJUANA ESTABLISHMENT shall be located within a moveable structure, trailer or truck. All sales related to a ~~MARIJUANA RETAILER~~ and the retail component of a REGISTERED MARIJUANA DISPENSARY shall be conducted within a building or through home deliveries to qualified adults or patients pursuant to 935 CMR 500 or 105 CMR 725 as amended. Nothing in this Section shall be cause to preclude the lawful transportation of MARIJUANA PRODUCTS as allowed through 935 CMR 500 or 105 CMR 725.000.
- 5.5.5.5 No REGISTERED MARIJUANA ESTABLISHMENT shall be permitted within (500') five hundred feet of the lot line of a pre-existing public or private school providing education in kindergarten or any of grades one (1) through twelve (12). The distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the REGISTERED MARIJUANA ESTABLISHMENT is or will be located.
- 5.5.5.6 The establishment and operation of a ~~MARIJUANA RETAILER~~, or the retail component of a REGISTERED MARIJUANA DISPENSARY may only be permitted in the Business District in accordance with all applicable laws and regulations as stated in 935 CMR 500, Massachusetts Department of Public Health regulations set forth in 105 CMR 725.000 and the provisions outlined in this Section 5.5 - REGISTERED MARIJUANA ESTABLISHMENT Overlay District of the Zoning Bylaw. Despite the provisions herein, regarding the siting of ~~MARIJUANA RETAILERS~~, including the retail component of a REGISTERED MARIJUANA DISPENSARY, ~~MARIJUANA RETAILERS~~, and the retail component of a REGISTERED MARIJUANA DISPENSARY shall be governed by the provisions outlined in this Section 5.5 - REGISTERED MARIJUANA DISPENSARY Overlay District.

E) Amend Section 5.5.8.1.1 to read in its entirety as stated below:
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- 5.5.8.1.1 In addition to the limitations provided in Section 5.5 of the Zoning Bylaw, ~~MARIJUANA RETAILERS~~ and the retail component of a REGISTERED MARIJUANA DISPENSARY shall be limited to 2500 square feet of gross floor area where such establishment is located at the street level of a BUILDING or STRUCTURE.

F) Amend Section 5.5.9 to read in its entirety as stated below:

Planning Board Action

5.5.9 In evaluating the proposed REGISTERED MARIJUANA ESTABLISHMENT Special Permit application, the Planning Board shall consider the general objectives of the Zoning Bylaw, as well as the degree to which the following criteria are met:

- a) The REGISTERED MARIJUANA ESTABLISHMENT proposal complies with all requirements for a Special Permit, including the Stow Zoning Bylaw, the Site Plan Approval Rules and Regulations, Rules and Regulations for a REGISTERED MARIJUANA ESTABLISHMENT, all requirements pursuant to the Department of Public Health Regulations 105 CMR 725.000, Cannabis Control Commission regulations 935 CMR 500.000 and M.G.L. c.94G.
- b) Issuance of a Special Permit for a ~~MARIJUANA RETAILER~~ or the retail component of a REGISTERED MARIJUANA DISPENSARY shall not exceed the limitation on the number of such establishments pursuant to Section 5.5.4.3 of the Zoning Bylaw.
- c) The site is designed to create safe, secure and efficient access and egress to customers and employees using multiple modes of transportation, including vehicle, bicycle and pedestrians.
- d) Traffic generated by clients, employees and delivery schedules from the REGISTERED MARIJUANA ESTABLISHMENT shall not create a substantial adverse impact on nearby residential uses.
- e) Loading and refuse disposal areas are designed to be safe, secure and shielded from abutting uses.
- f) The hours and methods of transportation are not substantially detrimental to surrounding USEs.
- g) The REGISTERED MARIJUANA ESTABLISHMENT has provided documentation to show compliance with 527 CMR 1 – the Comprehensive Fire Code and Chapter 38 of the National Fire Protection Association (NFPA) standards for *Marijuana Growing, Processing, or Extraction Facilities*.
- h) The building and site have been designed in a manner consistent and compatible with nearby structures of a similar size and use and in a manner that mitigates any negative aesthetic impact imposed by the required security conditions, measures and restrictions stated in the Department of Public Health Regulations pursuant to 105 CMR 725.000 and Cannabis Control Commission Regulations pursuant to 935 CMR 500.000.

5.5.9.1 The Planning Board shall consider the recommendation of the Board of Health, the Conservation Commission, the Town’s consulting engineer, and other Boards, Departments and agents, in making said findings.

5.5.9.2 The Planning Board may require changes to the “REGISTERED MARIJUANA ESTABLISHMENT Site Plan” and impose additional conditions, safeguards and limitations, as it deems necessary, to secure the objectives of this Bylaw.

G) Amend Section 10 by deleting Section 10 and all subsections

SECTION 10.

TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

10.1 Purpose

~~By vote at the State election of November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law, Chapter 334 of the Acts of 2016, An Act The Regulation and Taxation of Marijuana Act, and as amended by Chapter 351 of the Acts of 2016, became effective December 15, 2016, and requires the Governor to appoint a Cannabis Control Commission which shall adopt final regulations governing RECREATIONAL MARIJUANA ESTABLISHMENTS by April 1, 2018.~~

~~Currently, a RECREATIONAL MARIJUANA ESTABLISHMENT is not a permitted use in the Town and any regulations promulgated by the Cannabis Advisory Board and Cannabis Control Commission are expected to provide guidance to the Town in regulating RECREATIONAL MARIJUANA ESTABLISHMENTS.~~

~~The regulation of RECREATIONAL MARIJUANA ESTABLISHMENTS raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of RECREATIONAL MARIJUANA ESTABLISHMENTS and address such novel and complex issues, as well as to address the potential impact of evolving State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of RECREATIONAL MARIJUANA ESTABLISHMENTS and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for RECREATIONAL MARIJUANA ESTABLISHMENTS so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.~~

10.2 Definition

~~RECREATIONAL MARIJUANA ESTABLISHMENT – A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed recreational marijuana related business.~~

10.3 Temporary Moratorium

There is hereby established a temporary moratorium on the use of land or structures for a RECREATIONAL MARIJUANA ESTABLISHMENT, the moratorium shall be in effect until December 31, 2018, or any date prior. During the moratorium period, the use of land or structures for a RECREATIONAL MARIJUANA ESTABLISHMENT shall be prohibited.

Nothing contained in this Article shall be construed to permit, or authorize to be permitted, the use of land or structures for any activity involving marijuana, other than as a RECREATIONAL MARIJUANA ESTABLISHMENT.

10.4 Planning Process

During the temporary moratorium established in section 10.3, the Town shall undertake a planning process to address the potential effects of RECREATIONAL MARIJUANA ESTABLISHMENTS and other land uses and structures related to the use of marijuana for medical purposes, shall consider the final regulations promulgated by the State of Massachusetts, and shall make recommendations regarding the adoption of new Zoning Bylaw provisions governing the location, operation and effects of RECREATIONAL MARIJUANA ESTABLISHMENTS and other land uses and structures related to the use of marijuana for recreational purposes.

Annotated Version

Additions are underlined

Deletions are ~~strike through~~

ANNOTATED ARTICLE 8: Amend Zoning Bylaw Sections 3.10 Table of Principal Uses and 3.6.3 Uses Allowed by Special Permit in the Industrial District

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 3.10, and 3.6.3, as stated below is sections A and B of this article; and further than non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

B) Amend Section 3.6.3, Uses Permitted by Special Permit in the Industrial District, by adding Section 3.6.3.10 to read in its entirety as stated below:

3.6.3.10 Private Schools & Colleges, Dance & Music Studios, inclusive of USES that are ACCESSORY to the primary instructional USE, including but not limited to: onsite dormitories for students and staff; incidental retail USES for supplies, equipment, food service and concessions, and athletic fields and complexes.

Annotated Version

Additions are underlined

Deletions are ~~strike through~~

ANNOTATED ARTICLE 9. Amend Zoning Bylaw Sections 1.3 Definitions, 9.2.7.14 (Special Permit Conditions)

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 1.3, and 9.2.7.14 as stated below in sections A and B of this article; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

A) Amend Section 1.3 Definitions by inserting a new definition to read in its entirety as stated below:

1.3 Definitions

COMPLETE STREETS IMPROVEMENT – A sidewalk, walkway, path, or other contributing component designed in accordance with the Town of Stow’s Complete Streets Policy. A contributing component may include but not be limited to signage, pavement markings, wheelchair ramps, crosswalks, curb improvements, and restoration of buffer strips. COMPLETE STREETS IMPROVEMENTs shall be designed and/or constructed in accordance with the guidance, standards and recommendations as defined in the Stow Complete Streets Policy, dated February 1, 2016, as amended.

B) Amend Section 9.2.7.14 (Special Permit Conditions) to read in its entirety as stated below:

~~9.2.7.14 — A sidewalk, walkway or path shall be required along the entire frontage of a LOT. The Special Permit Granting Authority may also require other walkways and paths as it deems necessary to accommodate the safe movement of pedestrians and bicyclists. Said sidewalks, walkways or paths may be located on the LOT or within the layout of the STREET, with the Town’s permission, depending on the nature of the work and upon obtaining whatever permits are required, construction, alterations of existing STRUCTURES and parking areas/LOT, and changes in use are designed in a manner which complies with the provisions of the Bylaw as to demonstrate protection of visual and environmental qualities and property values of the Town, and assurances of adequate drainage of surface water and safe vehicular and pedestrian access, and all other requirements of the Bylaw.~~

9.2.7.14 Conformance with Complete Streets Policy

The purpose of this Section is to make efficient and ongoing progress on the Town’s Complete Streets Prioritization Plan by creating a safe, comfortable and accessible street network for all road users regardless of age, ability or income

levels. This section shall provide for Complete Streets improvements developed in a context sensitive manner that balances streetscape improvements with the Town's historic, rural character.

9.2.7.14.1 Applicability

This Section shall apply to all Special Permit Approvals pursuant to Section 9.2 of the Zoning Bylaw. Special Permits granted by the Zoning Board of Appeals, in accordance with Section 3.9 of the BYLAW shall be exempt from the provisions of Section 9.2.7.14 and all subsections.

9.2.7.14.2 A sidewalk, walkway or path shall be required along the entire frontage of a LOT. Alternatively or in addition, the Special Permit Granting Authority may accept other COMPLETE STREETS IMPROVEMENTS as it deems necessary to accommodate the safe movement of pedestrians and bicyclists. Said sidewalks, walkways, paths or COMPLETE STREETS IMPROVEMENTS may be located on the LOT or within the layout of the STREET, with the Town's permission, depending on the nature of the work and upon obtaining the necessary permits. Construction of COMPLETE STREETS IMPROVEMENTS, including alterations of existing STRUCTURES and parking areas and LOTs, as well as changes in use, shall be designed in a manner which complies with the provisions of the Zoning Bylaw and Complete Streets Policy as amended, to provide adequate drainage of surface water and safe vehicular, pedestrian, and bicycle access.

9.2.7.14.3 The Planning Board may waive the requirements of Section 9.2.7.14.2, only where the Board makes one or some combination of the following findings:

- Construction of a sidewalk, walkway or path would adversely affect an "Environmentally Sensitive Area," as defined in Appendix J of the Planning Board Handbook;
- Construction would require easements from property owners that have not yet been attained by the Town of Stow for the purpose of constructing a sidewalk, walkway or path or are not willing to be granted to the Town as part of the proposed improvements;
- Construction could be detrimental to the safety of motorists, cyclists and pedestrians, due to the creation of an isolated segment of constructed sidewalk, walkway or path
- Future connections to the improvement are unsupported on the Town's Complete Streets Prioritization Plan or otherwise unlikely due to environmental, topographical or right-of-way constraints.

In the event the Planning Board waives the requirements of Section 9.2.7.14.3, the Board may accept one or some combination of the following offers:

- An offer, acceptable by the Board, to design a sidewalk, walkway or path or other COMPLETE STREETS IMPROVEMENT in another area of Town, outside of the immediate vicinity of the Special Permit locus;
- An offer of a fee in lieu of construction of a sidewalk, walkway or path into an account identified specifically for construction of COMPLETE STREETS IMPROVEMENTs in the Town of Stow, in accordance with Appendix J of the Planning Board Handbook;
- An offer of fifty percent (50%) of the total fee in lieu of construction of a sidewalk, walkway or path into an account identified specifically for construction of COMPLETE STREETS IMPROVEMENTs in the Town of Stow, in accordance with Appendix J of the Planning Board Handbook AND grant of a sidewalk easement to the Town of Stow for the future construction of a sidewalk, walkway, path, or other COMPLETE STREETS IMPROVEMENT along the frontage of the subject LOT or SITE;
- An offer of fee interest in land along the frontage of the subject LOT or SITE, and which is of adequate dimension to provide for future construction of a sidewalk, walkway, path, or other COMPLETE STREETS IMPROVEMENT;
- An offer to provide engineering, survey or design services in lieu of construction, for the future construction of a COMPLETE STREETS IMPROVEMENT with a value no less than 75% of the fee-in-lieu amount as described in Appendix J of the Planning Board Handbook.

Annotated Version

*Additions are **underlined***

Deletions are ~~strike through~~

ANNOTATED ARTICLE 10: Amend Zoning Bylaw Sections 1.3 Definitions, 5.4.9 (ACTIVE ADULT NEIGHBORHOOD Overlay District Special Housing Standards), and 7.3 Schedule of Minimum Parking

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 1.3, 5.4.9, and 7.3 as stated below in sections A, B, and C of this article; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

A) Amend Section 1.3 Definitions, by amending the following definition to read in its entirety as stated below:

COTTAGE DWELLING - A detached one-family dwelling that does not exceed 1,800 sq. ft. of livable floor area (meaning the heated floor area of the building above finished grade, excluding non-dwelling areas such as attic space, basement or detached garage).
FLOOR AREA.

B) Amend Section 5.4.9.4 (Special Housing Standards) to read in its entirety as stated below:

5.4.9.4 At least 30% of total number of units in an AAN shall have a ~~gross floor area~~ FLOOR AREA below 1,800' square feet. At least 50% of those units below 1,800' square feet shall be comprised of detached housing types.

C) Amend Section 7.3 Schedule of Minimum Parking – General Requirements, by inserting new section 7.3.1.1 as stated below:

7.3 Schedule of Minimum Parking - General Requirements

7.3.1 Comparable USE Requirement - Where a USE is not specifically included in the Schedule of Minimum Parking, it is intended that the regulations for the most nearly comparable USE specified shall apply. Alternative off-street parking standards to those shown below may be accepted if the applicant demonstrates to the satisfaction of the Permit Granting Authority (or BUILDING INSPECTOR if no special permit or site plan approval is required), or their designee, that such standards are adequate for the intended USE.

7.3.1.1 Section 7.3 shall not apply to DWELLINGs, COTTAGE DWELLINGs or indoor community facilities proposed as part of the Active Adult Neighborhood Overlay District in Section 5.4 of the Bylaw. Parking Schedules shall adhere to the requirements of the Planning Board's Active Adult Neighborhood Rules and Regulations as amended.

7.3.2 Mixed Use Facilities - BUILDINGs or LOTS which contain more than one USE are considered mixed use facilities. In the case of mixed uses, the requirements shall be the sum of the requirement calculated separately for each use, so that adequate space shall be provided to accommodate all vehicles anticipated on the premises at any one time. Parking spaces for one USE shall not be considered as providing the required spaces for any other USE, except when it can be clearly demonstrated that the need for parking occurs at different times.

Annotated Version

Additions are underlined

Deletions are ~~strike through~~

ANNOTATED TABLE OF USE WITH AMENDMENTS FROM ARTICLES 7 & 8

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
<u>General Uses</u>									
Agriculture	Y (4)	N	Y	Y	Y	Y	Y	Y	NR
Conservation	Y	Y (5)	Y	Y	Y	Y	Y	Y	NR
Recreation	SPA (4)	N	N	SPP	N	SPP	SPA	SPP	(3)
<u>Residential Uses</u>									
Single Family DWELLING	Y (4) (11)	N	Y SPP(11)	N	N	N	N	N	(3)
Single Family DWELLING with ACCESSORY APARTMENT	SPP (4) (7) (11)	N	SPP (7) (11)	N	N	N	N	N	(3)
Duplex DWELLINGs	SPP (4) (11)	N	N	N	N	N	N	N	(3)
Multi-Family DWELLING	SPP(4) (11)	N	N	N	N	N	N	N	(3)
Conversion to 2-Family DWELLING	SPA (4)	N	N	N	N	N	N	N	(3)
Combined Residence/ Home Occupation	Y (4)	N	Y	N	N	N	N	N	NR
Bed & Breakfast Home	Y (4)	SPA (1)	N	N	SPP (3)	N	N	N	R
Bed & Breakfast Home or Establishment	SPA (1) (4)	SPA (1)	N	N	SPP (1)	N	N	N	(3)
Boarding House or Rooming House	Y (4)	N	Y	N	N	N	N	N	R
Playgrounds	SPA (4)	N	N	N	N	N	N	N	(3)
Conservation Areas, Farming and Horticulture, Orchards, Nurseries, Forests, Tree Farms, Sale of Farm Produce	Y (4)	N	Y	Y	Y	Y	Y	Y	R
Storage of Farm Vehicles	Y (4)	N	N	N	N	N	N	N	NR
ACCESSORY BUILDINGs & Uses	Y (4)	Y	Y	SPP	SPP	Y	SPA	SPP	(3)
Hammerhead LOTs	SPP (4)	N	N	N	N	N	N	N	(3)
INDEPENDENT ADULT LIVING RESIDENCE	N	SPP (9) (11)	N	N	N	N	N	N	(3)
ACTIVE ADULT NEIGHBORHOOD	N	N	N	SPP (10)	SPP (10)	N	N	N	(3)
Common Drives	Y	N	N	N	N	N	N	N	R
<u>Institutional Uses</u>									
CHILD CARE FACILITY	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
FAMILY DAY CARE HOME	Y (6) (4)	N	Y	N	N	N	N	N	R

Private Schools & Colleges, Dance & Music Studios	SPA (4)	N	N	<u>SPP</u> (3) (14)	N	N	N	N	(3)
Nursing Homes	SPA (4)	N	N	N	N	N	N	N	(3)
Day Camps, Overnight Camps, and Camp Sites	N	N	N	SPP	N	SPP	N	SPP	(3)
Municipal	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Public Service Corporation	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Religious	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Educational (Non-Profit)	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Wireless Communication Facilities	SPP (8)	N	N	SSP(8)	SSP(8)	SPP (8)	N	SSP(8)	(3)
<u>Business & Commerical Uses</u>									
TOURIST HOMES, or LODGING HOUSEs	N	SPA (1)	N	N	SPP (1)	N	N	N	(3)
Business or Professional Offices	N	SPP (1)	SPP	SPP (2)	SPP (1)	N	N	SPP (2)	(3)
Retail Stores or Service Establishments	N	SPP (1)	SPP	N	SPP (1)	N	N	N	(3)
Banks	N	SPP	SPP	N	SPP	N	N	N	(3)
U.S. Post Offices	N	SPP	SPP	N	N	N	N	N	(3)
Salesrooms for Automobiles, Bicycles, Farm Implements, Boats, and Similar Equipment	N	SPP	N	N	SPP (1)	N	N	N	(3)
Restaurants, including those offering accessory outdoor service on a patio or seating area	N	SPP	N	SPP	SPP	SPP	N	SPP	(3)
Country Clubs or Other MEMBERSHIP CLUBs	N	SPA	N	SPP	N	SPP	N	SPP	(3)
Golf Courses	SPP (4)	N	N	SPP	N	SPP	N	SPP	(3)
Ski Areas, MARINAs & Boat Landings	SPA(4)	N	N	SPP	N	SPP	N	SPP	(3)
Cross Country Ski Areas	SPP (4)	N	N	N	N	N	N	N	(3)
Parking Areas for Employees, Customers or Visitors	N	SPP	SPP	SPP	SPP	N	N	SPP	(3)
HOTELS MOTELS	N	SPA	N	N	N	N	N	N	(3)
Theaters, Bowling Alleys, Skating Rinks, Clubs or Assembly within the BUILDING	N	SPA	N	N	N	N	N	N	(3)
Funeral Home, Mortuaries or Crematories	N	N	N	N	SPP	N	N	N	(3)
Veterinary Hospitals, Stables & Kennels, Raising or Breeding of Animals for Sale, and Boarding Animals	SPA(4)	N	N	N	N	N	N	N	(3)
Printing, Publishing or Commercial Reproduction or Photo Processing Establishments, Offices,	N	N	N	N	SPP (2)	N	N	N	(3)

Medical or Dental Labs, and Research Laboratories									
Building Materials Salesrooms & Yards, Contractor's Yards, Wholesale Distribution Plants, Storage Warehouses	N	N	N	N	SPP	N	N	N	(3)
Gasoline Service Stations, Garages or Repair Shops	N	SPA	N	N	N	N	N	N	(3)
Utility Structures, Passenger Depots and Terminals	N	N	N	N	SPP	N	N	N	(3)
Screened Storage	N	N	N	SPP	SPP	N	N	SPP	(3)
Cafeterias for Employees	N	N	N	SPP	N	N	N	SPP	(3)
Access to Industrial Zoned Land	N	Y	N	N	N	N	N	N	(3)
Retail Store as part of a REGISTERED MARIJUANA DISPENSARY	N	SPP (1)(12)	N	N	N	N	N	N	(3)
MARIJUANA RETAILER	N	SPP (12) (20) N	N	N	N	N	N	N	(3)
Industrial Uses									
Manufacturing Enterprises	N	N	N	SPP	N	N	N	SPP	(3)
Research Laboratories with Incidental Assembly or Manufacture	N	N	N	SPP (2)	N	N	N	SPP (2)	(3)
Sanitary Landfill	N	N	N	N	N	N	N	SPS	(3)
Refuse Transfer Station	N	N	N	N	N	N	N	SPS	(3)
Refuse Incinerator	N	N	N	N	N	N	N	SPS	(3)
COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION	SPP	SPP	N	Y	Y	SPP	N	Y	(3)
CRAFT MARIJUANA CULTIVATOR COOPERATIVE	N	N	N	SPP (13)(14) N	SPP (13)(14) N	N	N	N	(3)
MARIJUANA CULTIVATOR	N	N	N	SPP (13)(15) N	SPP (13)(15) N	N	N	N	(3)
MARIJUANA PRODUCT MANUFACTOR	N	N	N	SPP (13) (16)	SPP (13) (16)	N	N	N	(3)
MARIJUANA RESEARCH FACILITY	N	N	N	SPP (13) (17)	SPP (13) (17)	N	N	N	(3)
MARIJUANA INDEPENDENT TESTING LABORATORY	N	N	N	SPP (13) (18)	SPP (13) (18)	N	N	N	(3)
MARIJUANA MICROBUSINESS	N	N	N	SPP (13)(19) N	SPP (13)(19) N	N	N	N	(3)

- (1) Uses permitted by right provided that the BUILDING is less than 1,000 square feet GROSS FLOOR AREA, there is only one BUILDING per LOT, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the LOT area is open space.
- (2) Uses permitted by right provided that the BUILDING is less than 1,500 square feet GROSS FLOOR AREA, there is only one BUILDING per LOT, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the LOT area is open space.
- (3) All uses requiring a Special Permit are subject to Site Plan Approval requirements as part of the special permit process.
- (4) Refer to Section 7.3.3.3 of this Bylaw to determine parking requirements for uses permitted in the Residential District.
- (5) Allowed in accordance with the provisions of M.G.L., Ch. 40A, Section 3.
- (6) Allowed as accessory use only.
- (7) Allowed without special permit in accordance with Section 8.1.2 of this Bylaw.
- (8) Wireless Service Facilities shall be allowed by special permit only on land located in the Wireless Service Facility District.
- (9) The total number of INDEPENDENT ADULT UNITS shall not exceed 6% of the total single family DWELLING UNITS in Stow.
- (10) An Active Adult Neighborhood shall be allowed by Special Permit only on land located in the Active Adult Neighborhood District.
- (11) Provisions of Section 8.9, Inclusion of Affordable Housing, may apply.
- (12) ~~MARIJUANA RETAILERS and the Retail~~ The retail component of a REGISTERED MARIJUANA DISPENSARY ~~are~~ is allowed by Special Permit within the Business District, in accordance with Section 5.5 of the BYLAW and pursuant to Department of Public Health Regulations 105 CMR 175.000 and Cannabis Control Commission Regulations 935 CMR 500.
- (13) ~~MARIJUANA CULTIVATORS, CRAFT MARIJUANA CULTIVATOR COOPERATIVES, MARIJUANA RESEARCH FACILITIES, MARIJUANA INDEPENDENT TESTING LABORATORIES, and MARIJUANA PRODUCT MANUFACTURERS, MARIJUANA MICROBUSINESSES, and MARIJUANA TRANSPORTERS~~ are allowed in the REGISTERED MARIJUANA ESTABLISHMENT Overlay District, pursuant to Section 5.5 of the BYLAW, and Cannabis Control Commission regulations 935 CMR 500.
- (14) A special permit for Private Schools and Colleges, Dance and Music Studios located in the Industrial District shall reference an executed Development Agreement negotiated by and between the Applicant and the Select Board. The execution of said Development Agreement is a condition precedent to Special Permit approval by the Planning Board.
- ~~(14) Notwithstanding the allowances stated in the Table of Principal Uses, CRAFT MARIJUANA CULTIVATOR COOPERATIVES shall be prohibited in all Districts~~

~~in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~

- ~~(15) Notwithstanding the allowances stated in the Table of Principal Uses, MARIJUANA CULTIVATORS shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~
- ~~(16) Notwithstanding the allowances stated in the Table of Principal Uses, MARIJUANA PRODUCT MANUFACTURERS shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~
- ~~(17) Notwithstanding the allowances stated in the Table of Principal Uses, MARIJUANA RESEARCH FACILITIES shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~
- ~~(18) Notwithstanding the allowances stated in the Table of Principal Uses, MARIJUANA INDEPENDENT TESTING LABORATORYs shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~
- ~~(19) Notwithstanding the allowances stated in the Table of Principal Uses, MARIJUANA MICROBUSINESSES shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~
- ~~(20) Notwithstanding the allowances stated in the Table of Principal Uses, MARIJUANA RETAILERS shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~

Prohibited Uses - All uses not specifically named in the text of the bylaw are prohibited.

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YOUR voice  **YOUR choice** 

The Stow Council On Aging (COA) wants to know what you are most interested in. We also want to identify senior residents' concerns and needs as they think about growing older.

Please take the Stow COA Survey:

<https://www.surveymonkey.com/r/YourVoiceYourChoice>



- You must be a Stow resident (or acting on behalf of a Stow resident) to complete this survey
- Paper copies are available at the COA
- If you have questions or need help in filling out the survey, please call the COA office at (978) 897-1880
- Each member of a household can complete the survey but only one survey should be completed per person
- The survey will be available until October 31



No-Fare Rides for Eligible Stow Residents!

Are you:

- Over the age of 50?
- Mobility Impaired?
- In financial need?
- Active Duty Military/Veteran?
- An Essential Worker?

Go to tinyurl.com/gostowtaxi
to fill out an application!

Or contact Gigi Lengieza, Stow COA Office
Manager & Transportation Coordinator at
978-897-1880 or [COAAdminAsst@Stow-
MA.gov](mailto:COAAdminAsst@Stow-MA.gov)

GO Stow is a collaboration between the Planning Dept. and Council on Aging. Funded with a grant from the Metropolitan Area Planning Council's COVID-19 Taxicab, Livery, and Hackney Transportation Partnership.