



TOWN OF STOW

BOARD OF APPEALS

STOW, MASSACHUSETTS 01775

NOTICE AND DECISION OF SPECIAL PERMIT GRANTING AUTHORITY

Applicant: SCC Associates, Inc.

Address: 58 Randall Road, Stow, Mass.

Premises Affected: Stow Acres Country Club, specifically a driving range located between 77-79 Randall Road and 80 Edson Street, Stow, Massachusetts, shown on Stow Property Map Sheet R-11 as Parcel No. 25.

Special Permit Requested: A Level 2 special permit under Section IV "Continuance of Existing, Non-Conforming Uses and Structures" to allow

1. An alteration to an existing storage shed
2. The addition of exterior floodlights
3. The enlargement of the driving range tee and impact area
4. The addition of a new putting green.

Pursuant to Massachusetts General Laws Chapter 40A, and referring to the application for special permit filed on December 2, 1988, the following decisions have been made by the Stow Board of Appeals as hereby certified after a public hearing held on January 30, 1989 at the Town Hall, Stow.

The Notice of Decision and Decision of the Board of Appeals regarding an appeal of the action of the Building Inspector in reference to this driving range, and filed as a companion action to this application for special permit, shall constitute an integral part of these decisions. The findings of fact set thereon are incorporated by reference. In addition, the Board finds that the newly enacted amendment to Section IV-A of the Stow zoning bylaws, passed at the December 12, 1988 special town meeting, applies to this application and has duly noted the application of these new requirements or conditions in rendering its decision.

1. At a duly notified meeting held on February 15, 1989, the Board, by unanimous vote of the four members present, VOTED TO GRANT A LEVEL 2 SPECIAL PERMIT under Section IV-A for the alterations to the storage shed for the purpose of securing equipment from vandalism, such proposed use being specifically found to be in harmony with the purposes and intent of the zoning bylaw and not more detrimental to the residential neighborhood than before the alteration, as substantiated by the facts found by the Board. The special permit is subject to the

SCC Associates, Inc.
Page Two

following conditions, safeguards and limitations in addition to those specifically or generally imposed by the zoning bylaws:

- a. This special permit is subject to the applicant filing for and obtaining a building permit for the alterations made to the pre-existing structure. Failure to do so shall be cause for this permit to be revoked and the alterations to be demolished.
- b. External security lighting for this structure shall be limited to a single, pole-mounted security light directed downward toward the building but away from the adjoining residential property. There is no restriction on the hours of use of this lighting.

2. At a duly notified meeting held on February 15, 1989, the Board, by unanimous vote of the four members present, VOTED TO DENY A LEVEL 2 SPECIAL PERMIT under Section IV-A for extension of the pre-existing non-conforming use to night-time operation of the driving range, such proposed use being specifically found not to be in harmony with the purposes and intent of the zoning bylaw and, there being no lighted, commercial night-time outdoor activities in any residential district within the entire town, to be substantially more detrimental to the residential neighborhood than the pre-existing operation of the driving range.

3. At a duly notified meeting held on February 15, 1989, the Board, by unanimous vote of the four members present, VOTED TO GRANT A LEVEL 2 SPECIAL PERMIT under Section IV-A for the extension of use of the tee area of the driving range, such proposed use being specifically found to be in harmony with the purposes and intent of the zoning bylaw and not more detrimental to the residential neighborhood than before the extension, as substantiated by the facts found by the Board. The Board finds that the enlargement of the impact area, documented by sketch filed with the application, is not an extension or alteration of use and, therefore, a special permit for such enlargement is not required. The special permit for the tee area is subject to the following conditions, safeguards and limitations in addition to those specifically or generally imposed by the zoning bylaws:

- a. The extension of a 90-foot tee area westerly of the existing upper teeing area and the existence of a 150-foot concrete slab for use with driving mats is confirmed and allowed.
 - b. The parking area shall be formalized by the addition of a suitable barrier or fence between Randall Road and the area reserved to be used for parking, said barrier or fence to be open at each end. One such opening shall be designated as an entrance and the other as an exit. No additional parking, other than that in the existing area, shall be added or created by this construction or in the future without further application for a special permit.
 - c. Hours of operation shall be limited from one-half hour before sunrise to one-half hour following sunset. The existing floodlights may be used during this period and for this purpose.
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SCC Associates, Inc.
Page Three

- d. Golf driving practice "line-of-flight" shall be directed exclusively toward the impact area and away from adjacent residential properties.

4. At a duly notified meeting held on February 15, 1989, the Board, by unanimous vote of the four members present, VOTED TO GRANT A LEVEL 2 SPECIAL PERMIT under Section IV-A for the extension of pre-existing use of the driving range to include a putting green, such proposed use being specifically found to be in harmony with the purposes and intent of the zoning bylaw and not more detrimental to the residential neighborhood than before the extension, as substantiated by the facts found by the Board. The special permit is subject to the following conditions, safeguards and limitations in addition to those specifically or generally imposed by the zoning bylaws:

- a. The green must be relocated away from the residential property at 80 Edson Street by a minimum of 75 yards.
- b. Any golf practice that results in a ball in flight, excluding chipping onto the green from a closely adjacent position, shall be limited by design and regulation away from any adjacent residential properties.

A plan shall be filed with the Board of Appeals in compliance with the requirements for a site plan in the Stow zoning bylaws and shall show and locate all structures and improvements set forth in Sections 1, 3 and 4 of this special permit and in accordance with all terms and conditions set forth in said Sections. No building permit or certificate of use and occupancy of any of the structures or improvements shall be issued without this plan being filed with the Board of Appeals.

The Board has complied with all statutory requirements for the issuance of this special permit. Two copies of this decision, together with two copies of the application for special permit, site plans, other plans and records, have been filed with the Town Clerk. A detailed record of the proceedings, setting forth the reasons for the decision, shall be filed within fourteen (14) days with the Town Clerk and shall be a public record. Copies of this decision have been or will be mailed to all parties, persons and boards as required by Chapter 40A, Sections 11 and 13.

Any appeal from this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and must be filed within twenty (20) days after the decision has been filed with the Town Clerk.

SCC Associates, Inc.
Page Four

April 28, 1989
Received and filed this day
in Volume III, Page 252

Virginia I. Hatch
Virginia I. Hatch, Town Clerk

John C. L. 7
W. J. Hill
Richard H. Hill
William R. Fowles



OFFICE OF THE
TOWN CLERK

STOW, MASSACHUSETTS 01775

~~XXXXXXXXXXXX~~
Ann L. Allison

June 18, 1990

The Honorable James M. Shannon
Attorney General of Massachusetts
One Ashburton Place, Room 2019
Boston, Massachusetts 02108

Dear Attorney General:

The following is a true copy of action taken under Articles 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 54 of the warrant for the annual town meeting held in Stow on May 7, 8, 9 and 29, 1990.

Action on Article 38 was taken on May 8, 1990. Action on Article 40 was taken on May 29, 1990. Action on the remaining articles was taken on May 9, 1990.

ARTICLE 38. Voted by majority to amend the General Bylaws, Article 3, Town Affairs, Section 10, by changing the words "first day of June" to "fifteenth day of April" and by changing "Fifteen Dollars (\$15.00)" to "Twenty-Five Dollars (\$25.00)", so that Section 10, as amended, will read as follows:

"SECTION 10. All owners or keepers of dogs kept in the Town of Stow during the preceding six (6) months and who on the fifteenth day of April of each year have not licensed said dog or dogs, as prescribed by Chapter 140 of the Massachusetts General Laws, shall be required to pay a fine of Twenty-Five Dollars (\$25.00) in addition to the licensing fee."

ARTICLE 47. Voted unanimously to amend the Zoning Bylaws by inserting a new paragraph 3 concerning exterior lighting in Section VI F. "Use Regulations" to read as follows:

3. Use regulations pertaining to the Residential District:

Exterior lighting shall conform with the requirements of Section VI F.l.e., except that the use of exterior lighting by a commercial or business activity or operation during the period from one-half hour after sunset to one-half hour before sunrise shall not be permitted. This provision shall not preclude the use of emergency lighting required by a public agency in the performance of its duties, lighting of signs in conformance with the general regulations included in Section VII E., customary holiday lighting or low level illumination of entranceways, exits and driveways.

8.4 Golf Course Uses in the Residential District subject to a Special Permit by the Planning Board:

- 8.4.1 Commercial 18-hole golf courses of at least fifty-five hundred (5,500) linear yards and at least seventy-five (75) acres with common and incidental ACCESSORY USES including parking; clubhouse (inclusive of pro shop for sale of golf related items only, administrative office, and snack bar, but not a restaurant), with a total GROSS FLOOR AREA not to exceed twenty-five hundred (2,500) square feet unless entirely within a STRUCTURE in existence at the time of adoption of this Bylaw (11/6/89) but in no case shall the total GROSS FLOOR AREA devoted to golf related uses exceed three thousand (3,000) square feet; and a single family caretaker's residence, provided that:
- 8.4.1.1 no fairway, new BUILDING including improvements to existing BUILDINGS for golf related activities, and new parking area is within fifty (50) feet of any property line;
 - 8.4.1.2 new BUILDINGS and improvements on existing BUILDINGS for golf related activities and new parking areas shall be screened year round from adjacent property by evergreens and other vegetative growth of mixed variety;
 - 8.4.1.3 the operation of the course, including ACCESSORY USES, shall be limited to the hours between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset;
 - 8.4.1.4 at least forty percent (40%) of the residential zoned area of the parcel(s) devoted to the golf course and ACCESSORY USES shall be placed under a conservation restriction to the Stow Conservation Commission and approved by the Stow Select Board. Such restriction shall be for a period of time not less than thirty (30) years in duration and be evidenced by a deed in proper form and duly recorded with the Middlesex County Registry of Deeds or Land Court. Ten percent (10%) of the total residential zoned area shall be placed under a permanent conservation restriction as allowed by the provisions of Mass. General Laws Chapter 184, Sections 31 and 32. Neither the 30% area placed under conservation restriction nor the 10% area placed under a permanent conservation restriction shall contain a greater percentage of wetlands, as defined in Mass. General Laws Chapter 131, Section 40 and the Town of Stow Wetlands Protection Bylaw, than the percentage of wetlands found in the overall tract of land on which the golf course is to be located.
 - 8.4.1.5 The Planning Board may require as a condition a public access pedestrian right of way of at least ten (10) feet in width provided to and along any natural watercourse or wetland in or running through the parcel or to any other portion of the parcel as deemed acceptable by the Planning Board.
 - 8.4.1.6 A state licensed person shall be responsible for applying pesticides/herbicides on the golf course site. Results from an approved laboratory of surface and GROUND WATER samples shall be periodically provided to the Conservation Commission and the Board of Health, the location and frequency of testing to be determined by the Planning Board.