



Town of Stow  
**PLANNING BOARD**

**380 Great Road**  
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March 30, 2005

**Legal Notice**

The Stow Planning Board will hold a public hearing on April 26, 2004, at 7:30 PM, in the Stow Town Building, on proposed amendments to the Stow Zoning Bylaw by:

- Amending Sections 8.5.1, 8.5.4 and 8.5.10 (Planned Conservation Development)
- Amending Section 9.3.11.2 (Site Plan Approval – Developable Site Area)
- Amending Section 8.6.4.4 (Phasing of Growth)
- Amending Section 8.9.2.1 and 8.9.6 (Inclusion of Affordable Housing)
- Amending Section 8.1.2.3 (Accessory Apartments)
- Amending Section 6.6.3 (Swimming Pools Fencing)
- Amending Section 8.8 (Active Adult Neighborhood)
- Amending Section 4.1.2 (Dimensional Regulations)
- Amending Section 1.3.39 (Definitions)

A copy of the proposed amendments may be inspected at the Office of the Town Clerk or the Office of the Planning Board.

Stow Planning Board  
Bruce E. Fletcher, Chairman

2X Beacon Villager 04/07/05 and 04/14/05

03-30-05 - Faxed to Beacon Villager

03-30-05 - Posted in the Office of the Town Clerk and Town Bulletin Board

03-30-05 - Mailed to Department of Housing and Community Development, Metropolitan Area Planning Council, Planning Boards of Abutting Towns

## **PROPOSED ZONING BYLAW AMENDMENTS 03/23/05**

### **ARTICLE PB-1 (A) (B) and (C) (PLANNED CONSERVATION DEVELOPMENT)**

**Article PB-1: To see if the Town will vote to amend the Zoning Bylaw by amending Sections 8.5.1, 8.5.4 and 8.5.10 to read in their entirety, as stated below in subsections (A) (B) and (C) of this article; or to take any other action relative thereto:  
(Planning Board)**

### **ARTICLE PB-1(A)**

**PB-1 (A) - Amend Section 8.5.1, by changing the bullets to letters, to read in its entirety as stated below:**

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

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

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

## **ARTICLE PB-1(B)**

**PB-1 (B) - Amend Section 8.5.4, by changing the words “Growth Management Plan” in the last bullet to “Master Plan” and changing the format from bullets to letters, to read in its entirety as stated below:**

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

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

### ***Annotated Version***

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

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

## **ARTICLE PB-1(C)**

**PB-1(C) - Amend Section 8.5.10, by changing the format from bullets to letters, to read in its entirety as stated below:**

- 8.5.10 Ownership of the Open Land - The Open Land shall be owned in common by the owners of all DWELLING UNITs in the PCD or shall be conveyed in whole or in part to:
- a) the Town of Stow and accepted by it; or to
  - b) a non-profit organization, the principal purpose of which is the conservation of open space and/or any of the purposes and uses to which the Open Land may be dedicated; or to
  - c) a corporation or trust owned, or to be owned, by the owners of lots or residential units within the PCD. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units.

**ARTICLE PB-2 (SITE PLAN APPROVAL- DEVELOPABLE SITE AREA)**

**Article PB-2: To see if the Town will vote to amend the Zoning Bylaw by amending Section 9.3.11.2 to read in its entirety as stated below; or to take any other action relative thereto:  
(Planning Board)**

9.3.11.2 The DEVELOPABLE SITE AREA shall be clearly identified on the plan and shall meet the requirements of Section 1.3.17 (definition);

***Annotated Version***

9.3.11.2 *The DEVELOPABLE SITE AREA shall be clearly identified on the plan and shall meet the requirements of Section ~~1.3.1.2~~ 1.3.17 (definition);*

## **ARTICLE PB-3 (PHASING OF GROWTH)**

**Article PB-3 : To see if the Town will vote to amend the Zoning Bylaw by amending Section 8.6.4.4, to read in its entirety as stated below; or to take any other action relative thereto:  
(Planning Board)**

- 8.6.4.4 Planned Conservation Development - Any proposed approval under Section 8.5 will be subject to the following schedule provided that the OPEN SPACE is deeded to the Town:

# Units in Development	Maximum DWELLING UNITS per Year*
1 - 11	8
12 - 33	9
34 - 66	30%
67 - 99	19 units or 26%
100 +	25 units or 22%

- \* Number of units in the development for which building permits may be authorized each year beginning on the anniversary date of the issuance date of the first building permit for the development. In instances where the calculated numbers are less than whole numbers, they will be rounded down to the nearest whole number.

### ***Annotated Version***

- 8.6.4.4 ~~Open Space Residential Development~~ Planned Conservation Development - Any proposed approval under Section 8.5 will be subject to the following schedule provided that the OPEN SPACE is deeded to the Town:

# Units in Development	Maximum DWELLING UNITS per Year*
1 - 11	8
12 - 33	9
34 - 66	30%
67 - 99	19 units or 26%
100 +	25 units or 22%

- \* *Number of units in the development for which building permits may be authorized each year beginning on the anniversary date of the issuance date of the first building permit for the development. In instances where the calculated numbers are less than whole numbers, they will be rounded down to the nearest whole number.*

## **ARTICLE PB-4 (INCLUSION OF AFFORDABLE HOUSING)**

**Article PB-4: To see if the Town will vote to amend the Zoning Bylaw by amending Sections 8.9.2.1 and 8.9.6 to read in their entirety, as stated below in subsections (A) and (B) of this article; or to take any other action relative thereto:**

**(Planning Board)**

### **ARTICLE PB-4 (A)**

**PB-4 (A) - Amend Section 8.9.2.1, to read in its entirety as stated below:**

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

#### ***Annotated Version***

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

### **ARTICLE PB-4(B)**

**PB-4 (B) - Amend Section 8.9.6, to read in its entirety as stated below:**

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

#### ***Annotated Version***

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

## **ARTICLE PB-5 (ACCESSORY APARTMENTS)**

**Article PB-5: To see if the Town will vote to amend the Zoning Bylaw by amending Section 8.1.2.3 by deleting subsection 6, to read in its entirety as stated below; or to take any other action relative thereto:**

**(Planning Board)**

8.1.2.3 provided that all of the following requirements are met:

1. The ACCESSORY APARTMENT shall be a use incidental to the single-family DWELLING and shall contain no more than 700 square feet of GROSS FLOOR AREA.
2. No more than one ACCESSORY APARTMENT shall exist on the LOT.
3. Either the single-family DWELLING or the ACCESSORY APARTMENT shall be occupied by the owner of the LOT. For the purposes of this section, the "owner" shall be one or more individuals who holds legal or beneficial title to said LOT and for whom the DWELLING is the primary residence for voting and tax purposes.
4. Both the single-family DWELLING and the ACCESSORY APARTMENT shall satisfy the requirements of 310 CMR 15.00 (Sanitary Code - Title V) and Stow Board of Health regulations.
5. The LOT on which the single family DWELLING or ACCESSORY BUILDING is located shall contain no less than 1.5 acres.
6. Any entrance required by the inclusion of an ACCESSORY APARTMENT shall be clearly secondary to the main entrance of the primary DWELLING UNIT.
7. Any modification to the existing entrances on the front facade of the single-family DWELLING shall result in the appearance of a single main entrance.
8. A minimum of two (2) off-street parking spaces shall be provided for each DWELLING UNIT. There shall be adequate provision for ingress and egress from all parking spaces.
9. There shall be no more than one (1) driveway per LOT.

### ***Annotated Version***

8.1.2.3 *provided that all of the following requirements are met:*

1. *The ACCESSORY APARTMENT shall be a use incidental to the single-family DWELLING and shall contain no more than 700 square feet of GROSS FLOOR AREA.*
2. *No more than one ACCESSORY APARTMENT shall exist on the LOT.*
3. *Either the single-family DWELLING or the ACCESSORY APARTMENT shall be occupied by the owner of the LOT. For the purposes of this section, the "owner" shall be one or more individuals who holds legal or beneficial title to said LOT and for whom the DWELLING is the primary residence for voting and tax purposes.*
4. *Both the single-family DWELLING and the ACCESSORY APARTMENT shall satisfy the requirements of 310 CMR 15.00 (Sanitary Code - Title V) and Stow Board of Health regulations.*
5. *The LOT on which the single family DWELLING or ACCESSORY BUILDING is located shall contain no less than 1.5 acres.*



- ~~6. All stairways to the ACCESSORY APARTMENT shall be enclosed.~~
6. Any entrance required by the inclusion of an ACCESSORY APARTMENT shall be clearly secondary to the main entrance of the primary DWELLING UNIT.
7. Any modification to the existing entrances on the front facade of the single-family DWELLING shall result in the appearance of a single main entrance.
8. A minimum of two (2) off-street parking spaces shall be provided for each DWELLING UNIT. There shall be adequate provision for ingress and egress from all parking spaces.
9. There shall be no more than one (1) driveway per LOT.

## **ARTICLE PB-6 (SWIMMING POOLS FENCING)**

**Article PB-6: To see if the Town will vote to amend the Zoning Bylaw by amending Section 6.6.3, to read in its entirety as stated below; or to take any other action relative thereto:**

**(Planning Board)**

### **6.6.3 Swimming Pools Fencing:**

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

### ***Annotated Version***

### **6.6.3 Swimming Pools Fencing:**

- 6.6.3.1 ~~Every outdoor swimming pool having a capacity of 4,000 gallons or more, whether or not filled with water, shall be completely surrounded at all times by a FENCE or WALL in compliance with The Massachusetts State Building Code, 780 CMR, Section 421. not less than 48" in height above grade, which may be the pool WALL itself.~~
- 6.6.3.2 ~~Every such FENCE or wall shall be so constructed as to not have openings, holes or gaps larger than 4" in any dimension except for doors, gates and picket FENCES; in the latter case, however, the gaps between the pickets shall not exceed 4".~~
- 6.6.3.3 ~~All gates or doors opening through such enclosures shall be of not less than 48" in height and shall be equipped with a self-closing and self-latching device located at least 48" above the underlying ground and inaccessible from the outside to small children. Every such gate or door shall be kept latched at all times when the swimming pool is not in use, and any ladders shall be removed.~~

## **ARTICLE PB-7 (ACTIVE ADULT NEIGHBORHOOD)**

**Article PB-7: To see if the Town will vote to amend the Zoning Bylaw by amending Section 8.8, by adding a new section 8.8.12, to read in its entirety as stated below; or to take any other action relative thereto:**

**(Planning Board)**

8.8.12 ACTIVE ADULT NEIGHBORHOOD UNITS constructed under a Special Permit issued in accordance with this section are exempt from Section 8.6, Phasing of Growth.

## **ARTICLE PB-8 (DIMENSIONAL REGULATIONS)**

**Article PB-8: To see if the Town will vote to amend the Zoning Bylaw by amending Section 4.1.2, to read in its entirety as stated below; or to take any other action relative thereto:**

**(Planning Board)**

- 4.1.2 Only one main BUILDING may be built or placed on any LOT within the Town except within a business, commercial or industrial district. Any main BUILDING hereafter ERECTED shall be on a LOT which has frontage upon a STREET as defined in this Bylaw.

### ***Annotated Version***

- 4.1.2 *Only one main BUILDING may be built or placed on any LOT within the Town except within a business, commercial or industrial district. Any main BUILDING hereafter ERECTED shall be on a LOT which has frontage upon a STREET as defined in this Bylaw.*

## **ARTICLE PB-9 (DEFINITIONS)**

**Article PB-9:** To see if the Town will vote to amend the Zoning Bylaw by amending Section 1.3.39, to read in its entirety as stated below; or to take any other action relative thereto:

**(Planning Board)**

- 1.3.39 MULTI-FAMILY DWELLING - A BUILDING for residential USE, other than a DWELLING conversion or ACCESSORY APARTMENT, containing more than one DWELLING UNIT but not more than 4 DWELLING UNITS.

### ***Annotated Version***

- 1.3.39 *MULTI-FAMILY DWELLING - A BUILDING for residential USE, other than a DWELLING conversion, or ACCESSORY APARTMENT, containing more than ~~two~~ one DWELLING UNITS but not more than 4 DWELLING UNITS.*