

DEFINITIONS

For the purpose of this Bylaw certain terms and words shall have the following meanings. Words use in the present tense include the future; the singular number includes the plural, the plural in the singular; the words "used" or "occupied" include the words "designed", "arranged", "intended", or "offered", to be used or occupied; the words "building", or "structure", "lot", "land" or "premises" shall be construed as though followed by the words "or any portion thereof" and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the State Building Code or Subdivision Regulations shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, Third Edition. Uses listed in the Table of Use Regulations under the classes Retail and Service Trades and Wholesale Trade and Manufacturing shall be further defined by the Standard Industrial Classification Manual published by the U. S. Bureau of Census.

Abandonment: The discontinuance or non-use by an owner of a nonconforming use of a building or premises; or the removal of the characteristic equipment or furnishing used in the nonconforming use, without its replacement by similar equipment or furnishings; or the replacement of the nonconforming use or building by a conforming use or building.

Administrative Officer: The Inspector of Buildings, (city or town) of _____, Massachusetts.

Alteration: Any construction, reconstruction or other action resulting in a change in the structural parts, height, number of stories or exits, size, use or location of a building or other structure.

Alteration of Topography: All filling, excavation, or other changes in the landform (except after a storm or other natural disaster for the limited purpose of restoring the topography to its pre-existing condition).

Animal Feedlot: A plot of land on which 10 livestock or more per acre are fed on a regular basis.

Area of Special Flood Hazard: The land within the floodplain within the (city or town) of _____ subject to a one percent or greater chance of flooding in any given year. This area may be designated as an A or V zone.

Aquifer: Geologic formation composed of rock or sand and gravel that contain significant amounts of potentially recoverable potable water.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: A portion of a building, partly below grade, which has more than one-half of its height, measure from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is six feet or more above the average finished grade.

Board: The Board of Appeals of the (city or town) of _____, Massachusetts unless where specifically another Board is so empowered.

Boarding House: A lodging house where meals are served to lodgers on a regular basis, on the premises, by, or with the permission of, the operator of such lodging house.

Building: A combination of any materials, whether portable or fixed, having a roof, and enclosed within exterior walls or firewalls; built to form a structure for the shelter of persons, animals or property. For the purposes of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building, Accessory: A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building Area: The aggregate of the maximum horizontal place area of all buildings on a lot measure to their outer walls, but exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies, and terraces.

Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.

Building Coverage: The building area expressed as a percentage of the total lot area.

Building Detached: A building having open space on all sides.

Building Line: The line, parallel to the street line, which passes through the point of the principal building nearest to the front lot line.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Cellar: A portion of a building, partly or entirely below grade, which has more than one-half of its height measured from finished floor to finished ceiling, below the average established finished grade of the ground adjoining the building. A cellar is not deemed a story.

District: A zoning district as established by (Article or Section) _____ of this Bylaw.

Drive-In Establishment: A business wherein patrons are usually served while seated in parked vehicles in the same lot. The term "drive-in" includes drive-in eating establishments where the food is purchased from a building on the lot, but is consumed in the vehicle; drive-in service establishments such as banks, cleaners, and the like; and automotive service stations, gasoline stations, or the like. Drive-in movies are excluded from this definition.

Driveway: A space, located on a lot, which is not more than 24 feet in width built for access to a garage, or off-street parking or loading space.

Dwelling: A privately or publicly owned, permanently fixed structure containing a dwelling unit or dwelling units. The term "one family", "two family", or "multifamily dwelling shall not include hotel, lodging house, hospital, membership club, trailer or dormitory.

Dwelling Unit: One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

Dwelling, Multifamily: A building containing three or more dwelling units.

Dwelling, Two-Family: A building containing two dwelling units constructed on a single lot.

Elderly Housing: A building or buildings arranged, or used exclusively for the residence of persons age fifty-five (55) or older, or for handicapped persons, as defined in Chapter 121B of the M.G.L., with some shared facilities and services.

Essential Services: Services provided by public utility or governmental agencies through erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission and distribution systems; and collection, communication, supply or disposal systems. Facilities necessary for the provision of essential services include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings

necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety or general welfare

Family: An individual or two or more persons related by blood or marriage living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three lodgers or roomers taken for hire. A group of individuals not related by blood or marriage, but living together as a single housekeeping unit may constitute a family. For purposes of controlling residential density, each such group of ten individuals shall constitute a single family. Residents of rooming, boarding or lodging houses shall not be considered a family as defined in this paragraph.

Filling of Land of Water Area: The filling of natural or man-made depressions in the earth with soil, loam, sand, gravel or other similar earthen materials, The construction, operation, or maintenance of a sanitary landfill or other refuse facility shall not be deemed to be the filling of land or water area for purposes of this Bylaw.

Flood Line: The limits of flooding from a particular body of water caused by lunar tides, a storm, or other natural phenomena whose frequency of occurrence is one in twenty years as determined and certified by a registered professional engineer qualified in drainage.

Flood Area, Gross: The sum of the areas of the several floors of a building, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment.

Floor Area, Ratio: The ratio of the gross floor area to the total lot area.

Groundwater: All the water found beneath the surface of the ground. In this Bylaw the term refers to the slowly moving subsurface water present in aquifers and recharge areas.

Height: The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip, pitch or sloped roof.

Home Occupation: An accessory use which customarily is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use and which shall not occupy more than 25 percent or 400 square feet, whichever is less at the dwelling units used. (See Article or Section _____)

Hospital: A building providing medical service including 24-hour in-patient services for the diagnosis, treatment or other care of human ailments and may include a sanitarium, sanatorium, clinic, rest home, nursing home, and convalescent home.

Hotel: A building or any part of a building for transient occupancy containing rooming units which may have cooking facilities only in connection with central dining facilities, which may have either a common entrance or individual entrances and which include an inn, motel, motor inn, and tourist court, but not including an apartment house, a boarding house, lodging house, or rooming house.

Impervious Surface: Material covering the ground, including but not limited to macadam, cement, concrete, pavement and buildings, that does not allow surface water to penetrate into the soil.

Junk: Any worn out castoff or discarded articles or materials which are ready for destruction or disposal or have been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged or without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk.

Kennel: Every pack or collection of more than three dogs over six months old owned or kept by a person on a single premise irrespective of the purpose for which they are maintained.

Leachable Wastes: Waste materials including solid wastes, sewage, sludge, and agricultural wastes that are capable of releasing water-borne contaminants to the surrounding environment.

Livestock: Domestic animal such as cattle, horses, sheep, hogs, or goats raised for home use or for profit.

Loading Space: An off-street space used for loading or unloading, not less than 14 feet in width, 50 feet in length, and 14 feet in height, and containing not less than 1,300 square feet including both access and maneuvering space.

Lodging House: A building or any part thereof containing two or more living or sleeping rooms which do not contain cooking facilities, and which rooms are separately leased to more than four individuals unrelated by blood or marriage.

Lodging Unit: One or more rooms for the use by one or more individuals not living as single housekeeping unit and not having cooking facilities. A "Lodging Unit" shall include rooms in boarding houses, tourist houses, or rooming houses.

Lot: An area or parcel of land in common ownership, designated by its owner or owners as a separate lot on a plan filed with the administrator of this Bylaw and recording the _____ County registry of Deeds.

Lot Corner: A lot at the point of intersection of, and abutting on, two or more intersecting streets, or a continuous street, a lot having an interior angle of not more than 100 degrees at the point of intersection of extended street line tangents.

Lot depth: The shortest distance between the front lot line and the rear lot line within a width at least equal to the required lot width.

Lot Frontage: The total distance along a street line from one front lot corner to the other. On a corner lot the frontage on either street is the distance along the street line from a lot corner to the point of intersection of the two street lines, or that of their extensions in the case of their being connected by a rounded corner. It is required therefore that such frontage be a continuous uninterrupted line over an area of upland of least 60% of the minimum required number of feet, and be contiguous to the minimum lot area (upland portion of the lot) as provided under Section 6.10 so as to provide opportunity for physical access to every lot.

Lot Line, Front: The property line between a lot and a street or the line defining the limit of a right of way set aside for road purposes. On a corner lot the owner shall designate one street line as the front lot line for the purpose of determining what line will be designated as the rear line.

Lot Line, Rear: The lot line most nearly parallel to, opposite, and farthest from the front lot line.

Lot Line, Side: Any lot line not a front or rear lot line or street line.

Lot, Nonconforming: A lot lawfully existing at the effective date of this Bylaw or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw.

Lot, Through: An interior lot, the front and rear lot lines of which abut streets, or a corner lot, two opposite lines of which abut streets.

Lot Width: The distance between the side lot lines as measured parallel to the front lot line, at the rear building line and at all points between. No dwelling may be erected or placed unless within a circle of diameter equal to the required frontage under Section 6.10 which can be inscribed within the lot lines at some point between the front and rear lot lines.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

Maximum Groundwater Elevation: The seasonal high level of the groundwater table. This level shall be the same as the maximum groundwater elevation defined and determined in 310 CMR 15.00 (Title 5, State Environmental Code).

Membership Club: A social, sports or fraternal association or organization that is used exclusively by members and their guests and is not conducted as a gainful business.

Mining of Land: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic orders, or bedrock.

Noncommercial Kennel: A collection of more than three dogs more than six months old kept at, in, or adjoining a private residence for the hobby of the householder in connection with hunting, tracking, exhibition in dogs shows, or field or obedience trials, provided the householder does not regularly engage in the purchase and sale of dogs for profit.

Open Space: The space on a lot unoccupied by buildings, unobstructed to the sky by man-made objects other than walks, swimming pools, and terraced areas, not devoted to streets, driveways, or off-street parking or loading spaces and expressed as a percentage or total lot area.

Owner: The duly authorized agent, attorney, purchasee, devisee, trustee, lessee or any person having legal or equitable interest in the use, structure or lot in question.

Parking Space: An off-street space at least 10 feet in width and 20 feet in length, having an area of not less than 200 square feet, plus 100 square feet of access and maneuvering space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle.

Planned Development: A development involving the construction of two or more principal buildings on the same lot for any permitted use

Potable Water: Suitable for drinking.

Recharge Area: Any area of porous, permeable geologic deposits, especially but not exclusively, deposits of stratified sand and gravel, through which water from any source drains into an aquifer, and includes any wetland or body of surface water surrounded by or adjacent to such area, together with the watershed of any wetland or body of surface water adjacent to such area.

Residential Business: A structure in the RB Zone consisting of business uses on the ground floor with a single accessory residential unit within the structure, with sufficient on-site parking for both uses.

Residential Accessory Apartments: An accessory apartment in an owner occupied dwelling is a second dwelling unit located within a single family home. Such accessory apartment shall be subordinate in size to the principal dwelling unit in a manner that maintains the appearance of the structure as a detached single-family home.

Roof Line: The surface of a horizontal roof; the highest horizontal line of a sloped roof. An ornamental roof structure not enclosing occupied space within a building shall not be used in the determination of the roof line of a building. A roof covering less than 25 percent of the building area shall not be used in the determination of the roofline of a building.

Rooming House: See lodging house, above.

Sanitary Landfill: Facility, place or site for disposal of solid waste on land in accordance with all Federal, State, and Local regulations and requirements including but not limited to rubbish, garbage, refuse, demolition waste, stumps, special waste such as pathogenic or infectious wastes, explosive materials, high and low level radioactive waste, chemical waste, asbestos, and other materials of a toxic or hazardous nature or materials requiring special handling procedures for disposal.

Sewerage Treatment Facility: Facilities which dispose of wastewater effluent into the ground or waters of the town. This shall include the construction of facilities serving commercial, industrial, multi-family residential and multiple lot residential developments. This shall exclude individual residential septic systems and the replacement of existing systems.

Sign: Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction or is designed to attract the eye by any means including intermittent or repeated motion or illumination.

Sign, Business: A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

Sign, General Advertising: Any sign advertising products or services other than products or services available on the lot on which the sign is located, or any sign which is not located within 200 feet of the building or other structure at which the products or services advertised thereon are available.

Sign, Identification: A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located.

Sign, Roof: A sign erected on or affixed to the roof of a building.

Sign, Standing: A sign erected on or affixed to the land including any exterior sign not attached to a building.

Sign, Surface Area of: For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. For a sign consisting of individual letters, designs, and symbols attached to or painted on a surface, building, wall or window the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs, and symbol.

Sign, Wall: A sign affixed to the exterior wall of a building and extending not more than 15 inches therefrom. A sign attached to a roof (or ornamental roof) with a roof slope (vertical dimension divided by horizontal dimension) or not less than 3:1 shall be considered to be a wall sign.

Single Housekeeping Unit: One or more persons living together and sharing in common all of one or more rooms which contain sleeping, sanitary and cooking facilities.

Solid Waste: Discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse.

Story: That part of a building comprised between a floor and floor or roof next above. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be classified as a story when its ceiling is six or more feet above the average finished grade.

Story, Half: A story under a gable, hipped, or gambrel roof, the floor area of which does not exceed two-thirds of the floor immediately below when measured where the vertical distance between the floor and ceiling is four feet or more.

Street: A way, over 24 feet in right-of-way width, which:

1. Is a public way laid out by a governmental entity or public authority pursuant to Mass. General Laws or is shown as a public way on an official map adopted by the Town pursuant to General Laws Chpt. 41, S. 81E or has been accepted by the Town as a public way; or

2. is shown on a plan approved and endorsed in accordance with the "Subdivision rules and Regulations of _____", and General Laws Chpt. 41, S. 81K to 81GG; or

3. Has, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and buildings erected or to be erected thereon.

Street Line: The line between a street and an adjoining piece of property defines the limits of the street.

Structure: A combination of materials assembled at a fixed location to give support or shelter, including, but not limited to, a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, windmill, solar devices or the like.

Structure (Article or Section only): A walled and roofed building or mobile home that is principally above ground; and includes gas or liquid storage tanks.

Structure, Nonconforming: A structure lawfully existing at the effective date of the Bylaw, or any subsequent amendment thereto, which does not conform to one or more provisions of this Bylaw.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred

Substantial Improvement: Any reconstruction, rehabilitation, repair, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before that damage occurred.

Toxic or Hazardous Materials: Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies and to human health, if such substance or mixture were discharged to land or waters of this town. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive materials, virulent infectious wastes, pesticides, herbicides, solvents, thinners and other materials which are listed as U. S. EPA Priority Pollutants.

Upland: Any land area not defined under the terms of Chpt. 131 Mass. General Laws or Article 37 of the Town of _____ Bylaws or regulations issued thereunder as "wetland".

Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot or in the same structure as the principal use. An accessory use by area shall not exceed 40 percent of the total area of the structure (s) and/or lot in which such use is located.

Use, Nonconforming: A use lawfully existing at the time of adoption by this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw.

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this Bylaw. Any other uses within the main structure or the use of any other structure or land on the same lot and incidental or supplementary considered an accessory use. Only one principal use shall be allowed for each structure or lot. If more than one use is made of a structure or the lot and where it is not clear which use is the principal use, the Building Inspector shall designate one such use as the principal use.

Use, Substantially Different: A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

Variance: Such departure from the terms of this Bylaw and the Board, upon appeal in specific cases, is empowered to authorize under the terms of Article X.

Yard: A portion of a lot, upon which the principal building is situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein, and having at least two sides open to lot lines.

Yard, Front: A yard extending for the full width of the lot from a street line to the nearest point of a building.

Yard, Rear: A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

Yard, Side: Yard extended for full length of a building between the nearest building wall and the side lot line.