

SECTION 3A -- DEFINITIONS AND ACCESSORY USES

3A.100 DEFINITIONS

Certain words in this Bylaw are defined for the purposes thereof as follows:

Accessory Use or an Accessory Building is a use or a building incident to and located upon the lot occupied by the main use or building.

Animal Feedlot is a plot of land on which 25 livestock or more per acre are kept for the purposes of feeding.

Aquifer is a geologic formation composed of rock or sand and gravel that contains significant amounts of potentially producible potable water.

Area of a Building is the exterior horizontal projected area of a building including enclosed porches, cornices, steps, terraces and open porches.

Area of Influence is the area which experiences drawdown by a pumping well as plotted on a 2 dimensional (map) surface, usually ellipsoidal in shape.

Area of Special Flood Hazards is land subject to a one percent or greater chance of flooding in any given year.

Automobile Repair Shop is a repair shop for automobiles where power driven machinery is used, or electric or acetylene gas welding or cleaning by explosive spray and/or similar activities of an objectionable and hazardous nature.

Base Flood Level is the elevation of floodwaters having a one-percent or greater chance of being equaled or exceeded in any given year.

Building includes "structure".

Commercial Kennel is a kennel maintained as a business for boarding and caring for dogs, or for breeding four or more litters for sale per year.

Compact Car is an automobile with a width no greater than 68 inches and a length no greater than 186 inches.

Cone-of-depression is a three dimensional conical concavity produced in a water table by a pumping well.

Depth of a Lot is the mean distance from a street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot. The "width" of a lot is its mean width measured at right angles to its depth.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Exempt Accessory Use is a use accessory to an exempt institution provided further that:

- (1) it is on the same parcel as the principal use to which it is accessory or, if not on the same parcel, it is a use which, considered by itself, meets the definition given in Section 3: "exempt institution";

(2) it is a use not customarily conducted as a gainful service or business unless it is so designed and operated as to limit patronage to persons currently enrolled in or employed by the exempt institution to which it is accessory and unless it is on the same parcel as said institution;

(3) it is a use not customarily employing more than 4 persons not enrolled in or employed by the exempt institution.

Exempt Institution is any religious or non-profit educational use regulated by M.G.L. Chapter 40A, Section 3.

Flood Insurance Rate Map is an official map prepared by the Federal Flood Insurance Administration delineating both special flood hazard areas and risk premium zones.

Flood-Prone Land means any land area susceptible to being inundated by water from any source.

Floodproofing means any combination of structural and non-structural alterations to property which minimize or eliminate flood damage.

Frontage for the purposes of these Zoning By-Laws, is defined as the continuous boundary between a lot and an abutting street, such boundary being located between lot lines or, in the case of a corner lot, between a lot line and the intersection of street lines extended. In the case of a lot abutting on more than one street, such lot shall be required to have the applicable minimum frontage on only one such street.

Game Court is any specially prepared play area whose surface, topography, size, shape and configuration is associated with recreational games, such as basketball, volleyball, badminton, tennis, horseshoes and archery. Such term shall not include golf courses or walking and jogging trails.

Groundwater is all the water found beneath the surface of the ground. In this by-law the term refers to the slowly moving subsurface water present in aquifers and recharge areas.

Habitable Floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking, recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

Height of Buildings is the vertical distance from the average grade of the ground adjoining the foundation, excluding appurtenances which pertain to the building, such as, air conditioners, solar paraphernalia, and the like.

Impervious Surface is material on the ground that does not allow surface water to penetrate into the soil.

Leachable Wastes with reference to Section 20, are waste materials including solid wastes, sludge and agricultural wastes that are capable of releasing water borne contaminants to the surrounding environment.

Lot is any lot or plot occupied by one building and its accessory buildings and uses and including such open spaces as are required by these By-Laws. Lot includes "plot" or "tract".

Mean Sea Level means the average height of the sea for all stages of the tide.

Minimum Distance and Average Distance from a building to a lot line or street line is measured at right angles to such line.

Mining of Land with reference to Section 20, is the removal of geologic materials such as topsoil, mud and gravel, metallic ores, or bedrock to be crushed or used as building stone.

Mobile Home is a vehicle or vehicular attachment, commonly known as a trailer which is designed for sleeping or living quarters for one or more persons, with or without utilities, flush toilets, or bath facilities and is utilized as a residence.

Mobile Home Park is any lot, tract or parcel of land used or intended to be occupied by two or more mobile homes for a period of over three weeks in any calendar year.

Occupied includes "designed or intended to be occupied".

Overburden are those unconsolidated geologic deposits lying above the bedrock surface.

Parking Facility or Parking Area as referred to in Section 16 and used interchangeably, shall mean all area devoted to or available for use by motor vehicles. This shall include but is not limited to: parking stalls, access aisles, loading areas, vehicle storage areas, or any paved areas accessible to motor vehicles.

Parking Space or Stall is an open or enclosed space at least 171 square feet (19 feet by 9 feet), exclusive of drives and maneuvering space, located on the lot it serves and with direct access either to a street or to a driveway leading to a street.

Recharge Areas are areas composed of permeable, porous materials that collect precipitation or surface water and transmit it to aquifers.

Recreational Vehicle is a vehicle or vehicular attachment which is designed for sleeping or living quarters for one or more persons, with or without utilities, flush toilets, or bath facilities, is used for recreational purposes, is not a residence and includes among other terms, a travel trailer, a pick-up camper, a tent trailer, a beach buggy and a motor home.

Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Retail Group is a complex of three or more commercial establishments, primarily retail in nature, located on one lot or contiguous lots and arranged and designed as a unit.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sanitary Waste with reference to Section 20, are waste waters arising from ordinary domestic water use as from toilets, sinks and bathing facilities, etc. and containing such concentrations and types of pollutants as to be considered normal wastes.

Saturated Thickness is the depth of permeable soil actually saturated with water to the capacity of the soil to contain water under normal conditions of temperature and pressure.

Sign is any device designed with letters, numerals, and/or graphic symbols to inform or attract the attention of persons not on the premises on which the sign is located. This definition exempts signs not exceeding one square foot in area, governmental directional signs and governmental legal notices. This definition also exempts flags and insignias of government used for non-commercial display.

Sludge with reference to Section 20, is residual material produced by water and sewage treatment processes and domestic septic tanks.

Solid Wastes with reference to Section 20, are any discarded solid material, putrescible or nonputrescible, consisting of all combustible and non-combustible solid material including, but not limited to, garbage and rubbish.

Special Permit is that defined by MGL Chapter 40A, Section 9. Unless otherwise noted, the following shall apply: all special permits shall lapse unless substantial use or construction has commenced within two years. The Special Permit Granting Authority shall make related rules and regulations.

Story is that part of a building between the top of a finished floor or roof next above.

Street Line is the dividing line between a street and a lot.

Structure means, for Flood Plain Management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

Structure with reference to Section 20, are anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground. For the purposes of this ordinance, buildings are structures.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,

1. before the improvement or repair is started, or
2. if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition a "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either

1. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or
2. any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Trailer is a vehicle without motive power, designed to be towed by a passenger automobile or other powered vehicle of similar size but not designed and intended for human occupancy, such as: utility trailers, boat trailers and horse trailers.

Used includes "designed or intended to be used".

Veterinary Hospital is a hospital used solely for the medical and surgical treatment of animals under the care of a veterinarian.

For the above definitions the singular number includes the plural and the plural, the singular.

3A.200 ACCESSORY USES

3A.201 Accessory uses shall be on the same lot with the building of the owner or lessee, and shall be such as to not alter the character of the premises on which they are located or impair the neighborhood.