

ARTICLE A

To see if the Town will vote to delete Article 5 of the Zoning Bylaw in its entirety and replace it with the following:

**Article 5
Use Table and Definitions**

§ 375-5.1 Use Table

	RESIDENTIAL USES													
USE	SRA	SRB	SRC	GR	LI	GI	GB	LB	NB	VB	OP	OI	MI	BCMU
Single Family Dwelling	P	P	P	P	NP	NP	NP	NP	P	P	NP	NP	NP	P
Two Family Dwelling	NP	NP	NP	P	NP	NP	NP	NP	P	P	NP	NP	NP	P
Three Family Dwelling	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	SPP
Multi Family	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	SPP
Lodging House	SPP	SPP	NP	SPP	NP	NP	SPP	SPP	SPP	SPP	NP	NP	NP	SPP
Non-Owner Occupied Lodging House	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ
Group Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Assisted Elderly Housing	SPP	SPP	NP	SPP	SPP	NP	SPP	NP	NP	NP	NP	SPP	NP	SPP
By-Right Lodging House	P	P	P	P	NP	NP	NP	NP	P	P	NP	NP	NP	P
	ACCESSORY USES													
	SRA	SRB	SRC	GR	LI	GI	GB	LB	NB	VB	OP	OI	MI	BCMU
Detached Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Building with Utilities	SPZ	SPZ	NP	SPZ	P	P	P	SPZ	SPZ	SPZ	P	P	P	SPZ
Accessory Apartment	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Business Apartment	NP	NP	NP	NP	NP	NP	P	P	P	P	NP	NP	NP	P
Home Occupation	P	P	NP	P	P	P	P	P	P	P	P	P	P	P
Home Educational Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Residential Wind Turbine	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS
	ANIMAL RELATED USES													
	SRA	SRB	SRC	GR	LI	GI	GB	LB	NB	VB	OP	OI	MI	BCMU
Personal Dog Kennel	P	P	P	P	NP	NP	P	P	P	P	NP	NP	NP	P
Commercial Dog Kennel	NP	NP	NP	NP	SPP	SPP	SPP	NP	NP	NP	SPP	SPP	SPP	NP
Pet Day Care	SPZ	SPZ	SPZ	SPZ	P	SPZ	P	P	SPZ	SPZ	NP	SPZ	NP	SPZ

Stable Riding/Boarding , over 5 ac	P	P	NP	P	P	P	P	P	P	P	P	P	P	P
Stable Riding/Boarding , less 5 ac	SPZ	SPZ	SPZ	P	NP	P	SPZ	SPZ	SPZ	NP	NP	NP	NP	SPZ
Veterinary Hospital	NP	NP	NP	SPZ	P	P	P	NP	P	P	NP	P	NP	P
	MARINE RELATED USES													
	SRA	SRB	SRC	GR	LI	GI	GB	LB	NB	VB	OP	OI	MI	BCMU
Outdoor Boat Storage	NP	NP	NP	P	SPP	SPP	NP	NP	NP	P	NP	NP	P	SPP
Indoor Boat Storage	NP	NP	NP	P	P	P	NP	NP	NP	P	NP	NP	P	P
Boat Repair	NP	NP	NP	P	P	P	NP	P	NP	P	NP	NP	P	P
Boat Construction	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP	P	NP
Incidental Office/Sales	NP	NP	NP	P	P	P	P	P	NP	P	NP	P	P	P
Marine Processing	NP	NP	NP	P	P	P	NP	NP	NP	P	NP	P	P	NP
Sailmaking/Canvas Work	NP	NP	NP	P	P	P	P	NP	NP	P	NP	NP	P	P
Marina	NP	NP	NP	NP	NP	NP	NP	NP	NP	SPP	NP	NP	NP	NP
Marine Research Lab	NP	NP	NP	P	P	P	P	P	P	P	NP	P	P	P
	MEDICAL USES													
	SRA	SRB	SRC	GR	LI	GI	GB	LB	NB	VB	OP	OI	MI	BCMU
Hospital	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP	P	NP	NP
Walk in Health Clinic	NP	NP	NP	P	P	P	P	NP	P	P	NP	P	NP	P
Medical Laboratory	NP	NP	NP	NP	P	P	P	NP	P	P	P	P	NP	P
Medical Manufacturing	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP	P	NP	NP
	COMMERICAL USES													
	SRA	SRB	SRC	GR	LI	GI	GB	LB	NB	VB	OP	OI	MI	BCMU
Cemetery	SPP	SPP	NP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP
Funeral Home	SPZ	SPZ	NP	SPZ	P	NP	P	NP	NP	P	NP	P	NP	P
Commercial Laundry	NP	NP	NP	NP	NP	NP	P	P	P	P	NP	NP	NP	P
Self Service Laundry	NP	NP	NP	NP	NP	NP	P	P	P	P	NP	NP	NP	P
Conference Center	NP	NP	NP	NP	P	NP	P	P	SPP	SPP	P	P	NP	SPP
Professional Office	NP	NP	NP	NP	P	P	P	P	SPZ	P	P	P	P	P
Banking Branch	NP	NP	NP	NP	NP	NP	P	NP	P	P	NP	NP	NP	P
Service Establishments	NP	NP	NP	P	NP	NP	P	P	P	P	P	NP	NP	P
Retail Sales	SPP	SPP	NP	P	NP	NP	P	P	P	P	NP	NP	NP	P
Retail Group	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP	NP
Package Store	NP	NP	NP	SPZ	NP	NP	P	SPZ	SPZ	SPZ	NP	NP	NP	SPZ
Bakery/Café	SPP	SPP	NP	P	SPP	NP	P	P	P	P	NP	SPP	NP	P
Drive Thru	NP	NP	NP	NP	SPP	NP	SPP	NP	NP	NP	NP	NP	NP	SPP

Restaurant	NP	NP	NP	NP	SPP	P	P	NP	P	NP	NP	SPP	NP	P
Neighborhood Restaurant	P	P	P	P	NP	NP	P	P	P	P	NP	NP	NP	P
Motor Vehicle Sales	NP	NP	NP	SPZ	NP	NP	SPP	SPZ	SPZ	SPZ	NP	NP	NP	SPZ
Motor Vehicle Service	NP	NP	NP	SPZ	NP	NP	SPP	SPZ	SPZ	SPZ	NP	NP	NP	SPZ
Car Wash/Detailing	NP	NP	NP	NP	NP	NP	SPP	NP	SPP	SPP	NP	NP	NP	SPP
Gas Station	NP	NP	NP	SPZ	SPZ	NP	SPZ	NP	SPZ	SPZ	NP	SPZ	NP	SPZ
Parking Facility/Area	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP
MGL 40 A,S3 Protected Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal Uses	P	P	NP	P	P	P	P	P	P	P	P	P	P	P
Fire District Uses	P	P	NP	P	P	P	P	P	P	P	P	P	P	P
Municipal Contract Uses	SPZ	SPZ	NP	SPZ	P	P	P	NP	NP	SPZ	NP	SPZ	NP	SPZ
Wholesale Sales Outlet	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	P	P	P
General Educational (for profit)	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP
Outdoor Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Outdoor Active Recreation	SPP	SPP	SPP	SPP	P	NP	P	P	P	P	NP	NP	NP	P
Indoor Recreation/Health Club	SPZ	SPZ	SPZ	SPZ	P	NP	P	NP	P	P	NP	P	NP	P
Yacht and Beach Club	SPZ	SPZ	SPZ	SPZ	NP	NP	SPP	NP	SPP	SPP	NP	NP	NP	SPZ
Night Club	NP	NP	NP	NP	NP	NP	SPZ	NP	NP	NP	NP	NP	NP	NP
Bar/Lounge	NP	NP	NP	SPZ	NP	NP	SPP	NP	SPP	SPP	NP	NP	NP	SPZ
Social Club	SPZ	SPZ	SPZ	SPZ	NP	NP	SPP	NP	SPP	SPP	NP	NP	NP	SPZ
Adult Use	NP	NP	NP	NP	NP	NP	SPZ	NP	NP	NP	NP	NP	NP	NP
Motion Picture Theatre	NP	NP	NP	SPZ	NP	NP	P	NP	NP	NP	NP	NP	NP	SPZ
	INDUSTRIAL USES													
	SRA	SRB	SRC	GR	LI	GI	GB	LB	NB	VB	OP	OI	MI	BCMU
Contractor Storage Bays	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP	NP	NP	SPZ
Contractor Dispatch Yards	NP	NP	NP	NP	SPZ	SPZ	NP	NP	NP	NP	NP	NP	NP	NP
Contractor Workshop	NP	NP	NP	NP	P	P	SPP	SPP	NP	SPP	NP	SPZ	NP	SPZ
Warehousing & Distribution	NP	NP	NP	NP	P	P	NP	NP	NP	NP	NP	NP	NP	NP
Incidental Warehousing	NP	NP	NP	NP	P	P	P	P	P	P	NP	P	P	P
Corporate Headquarters	NP	NP	NP	NP	P	P	P	NP	NP	NP	P	P	NP	NP
Manufacturing	NP	NP	NP	NP	P	P	NP	NP	NP	NP	NP	SPP	NP	NP

Limited Production of Goods	NP	NP	NP	NP	P	P	P	P	P	P	NP	P	P	P
Steam Production	NP	NP	NP	NP	SPS	SPS	NP	NP	NP	NP	NP	NP	NP	NP
Electricity Production	NP	NP	NP	NP	SPS	SPS	NP	NP	NP	NP	NP	NP	NP	NP
Commercial Wind Turbine	NP	NP	NP	NP	SPS	SPS	NP	NP	NP	NP	NP	NP	NP	NP
Municipal Wind Turbine	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Large Scale Solar	NP	NP	NP	NP	P	P	P	P	P	P	P	P	P	P
Transfer Station	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Sanitary Landfill	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Resource Recovery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Telecomm Facility ↑ 50'	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ
Wireless Communication ↓ 100'	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal Solar	P	P	P	P	P	P	P	P	P	P	P	P	P	P
MISCELLANEOUS USES														
	SRA	SRB	SRC	GR	LI	GI	GB	LB	NB	VB	OP	OI	MI	BCMU
Places of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Conservation Areas	P	P	NP	P	P	P	P	P	P	P	P	P	P	P
Gardens	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mixed Use	NP	NP	P	P	NP	NP	P	NP	P	P	NP	NP	NP	P
Key	P-Permitted	NP-Not Permitted			SPP-Special Permit Planning Board			SPZ- Special Permit Zoning Board			SPS- Special Permit Select Board			

§ 375-5.2 **Definitions.**

A. Certain words in this Bylaw are defined for the purposes thereof as follows by Use:

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.

ADULT USE

Any use which, has 20% or more of its sales area devoted to the sale of printed, recorded, or electronic media, or any of its floor area including preparation area, stage and seating areas devoted to the presentation of media or live performance which has emphasis on matter depicting, describing, or relating, to sexual conduct or sexual excitement as defined in MGL Chapter 272, Section 31. Adult uses shall also include any use which has 20% or more of its floor or sales area devoted to the sale or use of devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL Chapter 272, Section 31.

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 two-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.

ASSISTED ELDERLY HOUSING

A residential facility occupied primarily by persons 55 years of age and older including their spouses or surviving spouses, and including rooms occupied by resident staff personnel.

BAKERY/CAFÉ

A retail bakery that includes a dining area for customers to sit and enjoy their food.

BANKING BRANCH

A physical location where banking transactions are performed.

BAR/LOUNGE

A pub with relaxed sitting arrangements.

BASE FLOOD LEVEL

Means the floodwaters having a one-percent chance of being equaled or exceeded in any given year.

BOAT CONSTRUCTION

Construction of new marine vessels and/ or major repairs and alterations of existing or damaged watercraft.

BOAT REPAIR

Correction of minor dents, scratches, and penetrations as well as sanding, sealing, painting, and polishing of hull materials and interior finished parts. Cutting, gluing, and major fiberglass reconstruction are not included.

BOAT STORAGE

The keeping or storing of boats, vessels, and personal watercraft for commercial purposes,

within an enclosed facility or a storage yard that has been fenced in a secured from unauthorized entry.

BUILDING

Includes "structure".

BY-RIGHT LODGING HOUSE

A dwelling where a resident owner provides nightly accommodations to at least three but no more than six lodgers.

CAR WASH/DETAILING

A building containing equipment for washing cars or other vehicles automatically or manually by employees.

COMMERICAL LAUNDRY

A full service laundry service where articles are dropped off for cleaning and picked up at a later time or date.

COMMERCIAL-SIZE WECF

A wind energy conversion facility (WECF) having a rated electrical power output greater than 10 kilowatts, other than a Municipal WECF as defined below.

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.

CONFERENCE CENTER

A venue designed to hold meetings and business conferences ranging from one to multiple rooms.

CONTRACTOR DISPATCH YARDS

Properties where companies are run and where large, heavy duty construction equipment is stored and maintained, and where heavy equipment is loaded onto construction trailers and delivered to a construction site for an undetermined period of time.

CONTRACTOR STORAGE BAYS

Garage and storage bays used primarily for storage of light duty construction materials and equipment to be picked up and dropped off during normal business hours and not to be used as an operational shop or facility for day to day operations.

CONTRACTOR WORKSHOP

A building or portion of a building where parts are assembled for installation at another location. Items include cabinets, counters, furniture, Millwork, etc.

CORPORATE HEADQUARTERS

A place where a company's executive management and key managerial and support staff are located.

CURBSIDE PICKUP SERVICE

When retailers allow customers to make orders for pick up at a business or establishment while remaining in their vehicles.

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 manmade change to, or alteration of the existing vegetation or underlying soil of, improved or unimproved real property, including, but not limited to: the construction, expansion, reconstruction or razing of buildings or other structures, mining, dredging, filling, clearing, compacting, grading, paving, excavation, drilling or stockpiling or storage of materials or equipment, and installation of permanent or temporary water-crossings.

DRIVE THRU

A business or establishment where consumers are served food, financial services, or pharmaceutical products while sitting in their vehicles.

EXEMPT INSTITUTION

Is any religious or non-profit educational use regulated by MGL 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.

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.

FUNERAL HOME

An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

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.

GARDEN

A small piece of ground used to grow vegetables, fruit, herbs, or flowers.

GAS STATION

Any premises where gasoline or other petroleum products are dispensed into the fuel tank of motorized vehicles or boats.

GENERAL EDUCATION (FOR PROFIT)

Uses which provide a curriculum of academic instruction and include full-time teaching staff in facilities such as, but not limited to preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, colleges and universities or museums and libraries.

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.

GROUP HOME

A facility for social rehabilitation, substance abuse or mental health problems that contains a group housing arrangement that provides custodial care but does not provide medical care.

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.

HOSPITAL

An institution providing medical and surgical treatment and nursing care for sick or injured people.

HOTEL

An establishment providing accommodations, meals, and other services for travelers and tourists.

IMPERVIOUS SURFACE

Is material on the ground that does not allow surface water to penetrate into the soil.

INCIDENTAL OFFICE/ SALES

A use that is accessory too, and subordinate to a primary business use. Incidental Uses shall to exceed 10% of the gross floor area of the story of the building in which it occupies.

INCIDENTAL WAREHOUSING

Warehousing incidental to the primary manufacturing use which may not exceed 50% of the facilities gross floor area.

INDOOR RECREATION/HEALTH CLUB

A recreation facility designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreation activities, which is operated within a building as a business and open to the general public for a fee.

LARGE SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION

A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted, and has a nameplate capacity of 250 kW or larger direct current.

LEACHABLE WASTES

With reference to Article 28, are waste materials including solid wastes, sludge and agricultural wastes that are capable of releasing water borne contaminants to the surrounding environment.

LIMITED PRODUCTION OF GOODS

The manufacture of goods such as, but not limited to, furniture, pottery, cabinets or other specialty items which are then sold from the premises. Mail order sales and shipments are also allowed in addition to on-site sales.

LODGING HOUSE

A dwelling where a resident owner rents to three or more persons by providing nightly accommodations and meals for lodgers.

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".

MANUFACTURING

The making of goods or wares by manual labor or by machinery.

MARINA

A specially designed harbor with moorings for pleasure craft and small boats.

MARINE PROCESSING

Processing and packaging of marine related products such as fish, shellfish, seaweed, and other aquatic species.

MARINE RESEARCH LAB

A laboratory where biological research is conducted.

MEAN SEA LEVEL

Means the average height of the sea for all stages of the tide.

MEDICAL LABORATORY

A laboratory where tests are done on clinical specimens in order to get information about the health of a patient as pertaining to the diagnosis, treatment, and prevention of disease.

MEDICAL MANUFACTURING

Manufacturing of medical devices such as implants, instruments and equipment intended for therapeutics, monitoring and diagnostics. These include reconstructive devices such as hip and knee replacements as well as implantable monitors for cardiac and diabetic care.

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 Article 28, is the removal of geologic materials such as topsoil, mud and gravel, metallic ores, or bedrock to be crushed or used as building stone.

MIXED USE

Structure in which multifamily use is permitted as of right with allowed commercial uses.

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.

MOTEL

An establishment providing accommodations and other services for travelers and tourists.

MOTION PICTURE THEATRE

A building that contains auditoria for viewing films (also called movies) for entertainment. Most, but not all, theaters are commercial operations catering to the general public, who attend by purchasing a ticket.

MOTOR VEHICLE SALES

A retail establishment engaging in the sale of new and/ or used motor vehicles.

MOTOR VEHICLE SERVICE

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.

MULTI-FAMILY USE

Dwelling containing four or more dwelling units.

MUNICIPAL CONTRACT USE

Uses operated by private parties which have a contract with the Town of Dartmouth to provide a service which benefits the public.

MUNICIPAL SOLAR

Any solar project or purchasing program, within a geographic area, in which the benefits of a solar project flow to multiple customers such as individuals, businesses, nonprofits, and other groups.

MUNICIPAL USES

All municipal buildings, structures, facilities, or uses owned and operated by the Town of the Dartmouth.

MUNICIPAL WIND TURBINE (WECF)

A wind energy conversion facility (WECF) located on Town-owned property designed to provide at least 50% of its electrical output, or of the value thereof, for the use or benefit of the Town of Dartmouth and without regard to the ownership of the structure or equipment.

NEIGHBORHOOD RESTAURANT

A smaller restaurant designed to be located within residential neighborhoods and consisting of ten or fewer seats.

NIGHT CLUB

An establishment for nighttime entertainment, typically serving drinks and offering music, dancing, etc.

NON-OWNER OCCUPIED LODGING HOUSE

A non-owner occupied, single-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms.

OCCUPIED

Includes "designed or intended to be occupied".

OUTDOOR ACTIVE RECREATION

Are uses that primarily require infrastructure such as sports fields, ball fields, tennis courts, etc. Active recreation shall include but not be limited to baseball, volleyball, basketball, soccer, lacrosse, skateboarding, tennis, etc. Yard play of private homes and residential buildings shall be exempt.

OUTDOOR PASSIVE RECREATION

A use that provides recreational facilities such as but not limited to the following uses:

walking, jogging, hiking, wildlife viewing, painting, photography, cross country skiing, picnic areas, fishing, canoeing, kite flying, horseback riding, bicycling, etc.

OVERBURDEN

Are those unconsolidated geologic deposits lying above the bedrock surface.

PACKAGE STORE

A store that sells alcoholic beverages in sealed containers for consumption elsewhere.

PARKING FACILITY/PARKING AREAS

As referred to in Article 24 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 10 feet x20 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.

PET DAY CARE

An establishment, or part thereof, or premises maintained for the purpose of providing socialization, training, or housing, in the absence of the owner, for less than 24 hours for which a fee is charged.

PLACES OF WORSHIP

A building for religious services, such as a church, temple, etc.

PROFESSIONAL OFFICE

A business office space, primary or ancillary, used for general businesses such as Attorneys, Real Estate, Medical Office, Dental Office, Payroll services, Accounting, Etc. Not to include business uses, retail or wholesale in nature where products are distributed from the premises.

PROTECTED LAND

Are lands subject to deed protections for conservation, resource or agricultural purposes. The term "conservation" as used herein shall not tie "Protected Lands" directly to the Conservation Commission unless so stipulated in a Deed or by jurisdictional wetland inclusion.

RECHARGE AREAS

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

RECREATIONAL VEHICLE

(1.) With regard to FEMA regulations, means a vehicle which is built on a single chassis,

400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use;

- (2.) 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, creek, 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.

RESOURCE RECOVERY

Process of reclaiming the materials or energy values from solid wastes.

RESTAURANT

A commercial establishment where food and drink are prepared, served, and consumed, either on the premises, or for takeout to be consumed elsewhere.

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.

RETAIL SALES

The sale of goods and products to public consumers rather than to business, stores, etc. Products include items such as textiles, general merchandise, food and food products, auto parts, pet supplies, etc.

RIVERINE

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

SAIL MAKING AND CANVAS WORK

Cutting, assembly, and sewing of sails and canvas parts for boats.

SANITARY WASTE

With reference to Article 28, 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.

SELF SERVICE LAUNDRY

A walk in laundry service where articles of clothing are washed and dried by the consumer while they wait.

SERVICE ESTABLISHMENTS

Shops that primarily perform services such as hairdressing, manicure, pedicure, massage, tattoos, dog grooming, etc.

SIGN

Is any display of lettering, logos, pictorial matter, objects, colors, lights or illuminated tubes, or the application or attachment of the same to any device, surface, structure, boundary wall or fence, that is visible to the public and either conveys a message to the public or is intended to advertise, announce, provide an invitation regarding, or direct or draw attention to, whether directly or indirectly, a use that is conducted on the premises. A sign shall be measured so as to include the entire surface area of the sign as defined above including the area contained within any border or frame that draws attention to the sign. This definition exempts governmental directional and traffic control signs, governmental legal notices and any displays of merchandise on the interior of windows. This definition also exempts private directional and traffic control signs that are not used to advertise, announce, provide an invitation regarding, or direct or draw attention to, whether directly or indirectly, a commercial use that is conducted on the premises. This definition also exempts flags and insignias that are not used to advertise, announce, provide an invitation regarding, or direct or draw attention to, whether directly or indirectly, a commercial use that is conducted on the premises.

SINGLE FAMILY DWELLING

A single building or portion thereof that provides living quarters for one family.

SLUDGE

With reference to Article 28, is residual material produced by water and sewage treatment processes and domestic septic tanks.

SOCIAL CLUB

Buildings or facilities owned or operated by an association, corporation, or persons for a social, educational or recreational purpose; but not operated primarily for profit.

SOLID WASTES

With reference to Article 28, are any discarded solid material, putrescible or non-putrescible, 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.

STABLE/RIDING/BOARDING-

A building and its surrounding grounds where horses or draft animals are kept or brought in for training, boarding, breeding, hire, riding, sale, show, competition, or any other equine activity or discipline.

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

- (1) 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.
- (2) With reference to Article 28, 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% of the market value of the structure either before the improvement or repair is started, or 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.

TELECOMMUNICATIONS FACILITY

A communications facility that transmits and receives signals to and from a local, State, national, or international network used primarily for two-way communications.

THREE FAMILY DWELLING

A single building or portion thereof that provides living quarters for three families.

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.

TRANSFER STATION

A site where recyclables and refuse are collected and sorted in preparation for processing or landfill.

TWO FAMILY DWELLING

A single building or portion thereof that provides living quarters for two families.

USED

Includes "designed or intended to be used".

VETERINARY HOSPITAL

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

WALK IN HEALTH CLINIC

A smaller medical institution which accepts patients on a walk in basis with no appointments required.

WAREHOUSING & DISTRIBUTION

A use engaged in storage and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. This definition does not include self-storage facilities.

WHOLESALE SALES OUTLET

A wholesale sales section that is ancillary to the retail Use and which does not exceed 20% of the gross retail use area.

YACHT AND BEACH CLUB

Land and support facilities set aside for the enjoyment of water based recreation and operated either for profit or non-profit. Clubhouses, swimming pools, tennis courts, parking facilities, a restaurant and conference/function rooms are allowed when operated as secondary services.

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

§ 375-5.3 Accessory uses.

- A. 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.
- B. Certain words in this Bylaw are defined for the purposes thereof as follows by Accessory Use:

ACCESSORY APARTMENT

Is a separate attached living area, which is clearly subordinate to the principal residential unit. An accessory structure may, in certain circumstances be permitted in a detached building.

ACCESSORY BUILDING WITH UTILITIES

Accessory buildings or structures within which a kitchen, wet bar, bathroom, or any plumbing is installed; such as, but not limited to, cabanas, garages, or studios.

BUSINESS APARTMENT

A residential unit available for use by one family, which is located in a building being used for business purposes such as, but not limited to, retail, office, recreational, restaurant or limited production uses.

DETACHED ACCESSORY STRUCTURE

Structures such as garages, sheds, and storage buildings, used primarily for the purpose of storage, sheltering motorized vehicles and boats, or as a workshop provided that such building or structure shall not be used for business, service or industry except as allowed in these by-laws for such uses as home occupations, home educational uses, etc.

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 this section: "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 four persons not enrolled in or employed by the exempt institution.

HOME OCCUPATION

An occupation, trade, profession, activity or use which is conducted for financial gain and such use is clearly incidental and subordinate to the use of the residential dwelling.

HOME EDUCATIONAL USE

Educational uses operated from a residential property and which are taught without the benefit of full-time faculty and offer instruction for profit to individuals or groups in subjects such as but not limited to dance, art, martial arts, ceramics, etc.

RESIDENTIAL-SIZE WECF

A wind energy conversion facility (WECF) having a rated electrical power output equal to or less than 10 kilowatts.

Or take any other action relative thereto.

Sponsor: Planning Board