SECTION II

Definitions

For the purpose of this bylaw certain terms and words are herein defined as follows:

Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; and word "shall" is mandatory and not directory; the word "building" includes the word "structure", the word "lot" includes the word "plot", and the word "land" includes the words "marsh" and "water".

Accessory Building or Use:

A use or detached building, which is subordinate to the main use or building, and located on the same lot with the main building or use, the use of which is customarily incidental to that of the main building or to the use of the land. Where a substantial part of a wall of an accessory building is a part of the wall of a main building or where an accessory building is attached to the main building, such accessory building shall be counted as a part of the main building in determining site locations.

Adequate Access: (05/2002) See definition of: Street

Adult Retirement Village (ARV) (10/2001)

An area of land, designed and developed as an integrated community, which departs from the zoning regulations conventionally required in the Agricultural-Recreation, Residence A, Residence AA, Residence B and/or Flexible Zoning Districts, and is restricted to households in which at least one permanent occupant is fifty-five (55) years of age or older. Such a use may be allowed only upon issuance of a special permit in accordance with all of the requirements of this Zoning By-law

Assisted Living Facility (ALF) (10/2001)

According to Massachusetts General Laws, Chapter 19D, assisted living facilities are for elders who do not require twenty-four (24) hour skilled nursing care, but need assistance with dressing, bathing, eating, housekeeping, medicine monitoring and other activities of daily living. This definition shall not include group homes, rooming or lodging houses, nursing facilities or other types of elderly housing. Such a use may be allowed only upon issuance of a special permit in accordance with all of the requirements of this Zoning By-law.

Boarding or Rooming House:

A building or premises other than a hotel, inn, motel, tourist court or lodging house, where rooms are let and where meals may be regularly served by pre-arrangement for compensation; not open to transient guests; in contradistinction to hotels, restaurants and tourist homes, open to transients.

Body Art: (05/2001)

The practice of physical body adornment by permitted establishments and practitioners using, but not limited to the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine in the Commonwealth, such as implants under the skin, which shall not be performed in a body art establishment

Body Art Establishments: (05/2001)

A specific place or premise that has been granted a permit by the Board of Health, whether public or private, where the practices of body art are performed, whether or not for profit.

Body Piercing: (05/2001)

The puncturing or penetration of the skin of a person with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. This definition includes piercing of the outer perimeter of the ear, but does not include piercing of the earlobe with pre-sterilized single-use stud-and-clasp ear-piercing systems.

Branding: (05/2001)

The act of inducing a pattern of scar tissue by use of a heat material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.

Building:

A structure having a roof or cover supported by columns of walls for the shelter, support or enclosure of persons, animals or property.

Building Height:

The vertical distance from the mean finish grade of the ground adjoining the building to the highest point of the roof or parapet for flat or shed roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs. Not included are spires, cupolas, TV antennae, or other parts of structures which do not enclose potentially habitable floor space.

Building Inspector:

Building Inspector shall mean the Inspector of Buildings or other designated authority, or his duly authorized representative serving under the building code, and charged with the enforcement of this bylaw.

Building Lot Area:

The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least 90% of the lot area required for zoning compliance shall be land other than that classified as wetlands under G.L. c. 131, as shall be determined by the Conservation Commission.

Building, principal:
The building on the lot in which the principal use is conducted within the structure.

Camper/Camping Trailer: (05/2001)
A folding structure, mounted on wheels and designed for travel, recreation and vacation use.

Coop: See Kennel.

Dwelling:
Any building, or part thereof, used in whole or in part for continuous or permanent habitation for one (1) or more persons, but not including trailers or mobile homes, however mounted, or commercial accommodations for transient occupancy.

Dwelling, Multi-family:
A dwelling containing three (3) to eight (8) families or groups of associated persons, not sharing a common kitchen area.

Dwelling, Single-family:
A dwelling other than a mobile home, singly and apart from any other building, used exclusively for residential purposes for one family or group of associated persons, sharing a common kitchen area.

Dwelling, Two-family:
A dwelling containing two (2) families or groups of associated persons, not sharing a common kitchen area.

Dwelling Unit:
One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the continuous or permanent use of one (1) or more individuals living together as a single housekeeping unit as contrasted to a group living together such as a fraternity.

Farm: (10/2002)
A tract of land devoted to the pursuit of all branches of agriculture, viticulture, aquaculture, and horticulture including the gathering of crops and the rearing of livestock, poultry and other domesticated animals used for food or recreation.

Floor Area:
The interior floor area of a dwelling unit exclusive of basements, stairwells, halls, bathrooms, corridors, attics, walls, partitions and attached accessory buildings. Gross floor is all the interior floor area of a building.

Frontage:

The boundary of a lot coinciding with a street line if there are both rights of access and potential vehicular access across that boundary to a potential building site, and the street has been determined by the Planning Board to provide adequate access to the premises under the functional standards of the Subdivision Control Act and the Subdivision Rules and Regulations of the Planning Board. Lot frontage shall be measured continuously along one street line between side lot lines, or, in the case of corner lots, between one side lot line and the mid-point of the corner radius. Lots with interrupted or discontinuous frontage must demonstrate that the required length along the street may be obtained from one (1) continuous frontage section, without any totaling of discontinuous frontage sections. Lots having frontage on more than one street, whether a corner lot or not, shall meet the frontage requirements on each street on which frontage is located.

Garage, Private:

Covered space for the housing of motor vehicles, but not for rental of more than two (2) stalls or for commercial repair or commercial storage.

Home Occupation:

Occupations such as dressmaking, home cooking, repair of portable equipment or appliances, real estate agent, arts and crafts, selling antiques, and computer based businesses, but not including convalescent or nursing home, tourist home, motor vehicle sales or similar establishments offering services to the general public. (10/2002)

Hotel, Inn, Motel, Tourist Court or Lodging House:

A building, or portion thereof, or a group of buildings, on a single lot, intended to be used for the more or less temporary occupancy of five (5) or more individuals who are lodged, with or without meals, and in which major provision for cooking may be made in a central kitchen but may not be in the individual rooms or suites.

In-Law Apartment: (10/2006)

An in-law apartment is a housekeeping unit, complete with a common means of egress and separate sleeping, cooking, and sanitary facilities that is contained within the structure of a single-family dwelling.

Impervious Surface:

Any surface which reduces or prevents the absorption of storm water into previously undeveloped land. Examples are buildings, parking lots, driveways, streets, sidewalks, and any areas surfaced with concrete or asphalt.

Kennel:

One pack or collection of more than three (3) dogs, three months old or older, on a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes, and including any shop where dogs are on sale. No

kennel shall be kept or maintained less than fifty (50) feet from any property line where residences are directly adjacent.

Loading Space, Off-Street:
An off-street space or berth, on the same lot with a building, for the temporary parking of vehicles while loading or unloading merchandise or material, which has access to a street, alley or other appropriate means of ingress and egress.

Lot: See Building Lot.

Lot, Corner:
A lot with frontage on two (2) or more streeets at the intersection of such streets.

Membership Club:
A private organization, building or grounds, to include specifically country clubs and fraternities and other organizations to which membership is limited or controlled.

Mobile Home:
A moveable or portable dwelling unit on a chassis, designed for connection to utilities when in use, and designed without necessity of a permanent foundation for year-round living.

Motor Home or Mobile Home: (05/2001)
A Class A, B, or C (as defined by the Massachusetts Registry of Motor Vehicles) portable, temporary dwelling to be used for travel, recreation or vacation constructed as an integral part of a self-propelled vehicle.

Non-Conforming Use:
A non-conforming use of land or building is an existing use of land or building to the extent to which it is used at the time of adoption of this bylaw which does not conform to the regulations for the district in which such use of land or building exists and which existed at the time of adoption of this bylaw.

Open Space: (10/2001)
For purposes of this bylaw and except as noted herein, open space shall be defined as that portion of any lot which is not occupied or otherwise located beneath buildings, structures or areas used for parking, loading, access, storage or solid waste disposal activities. Fences, walls, signs, and drainage facilities permissible under subdivision regulations may be allowed within and may comprise a portion of the open space provided said land remains largely landscaped with natural or planted vegetation. Wetlands, as defined by Section 40 of Chapter 131, Massachusetts General Laws, may also comprise a portion of the open space, but not exceeding in percentage the proportion of wetlands within the entire lot.

Pick-up Coach: (05/2001)

A structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation

Professional Occupation:

Any recognized profession, including the office of a doctor, lawyer, or dentist.

Scarification: (05/2001)

The alteration of skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

Sign:

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public street or right-of-way and used to attract attention.

Street:

Either (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the Town, having in the opinion of the Planning Board sufficient width, suitable grades, and adequate construction in relation to the proposed use of land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Street Line:

The dividing line between a street and a lot and, in the case of a public way, the street line established by the public authority laying out the way upon which the lot abuts.

Structure:

Any construction, erection, assemblage or other combination of materials upon the land necessitating pilings, footings or a foundation for attachment to the land, including swimming pools.

Tattooing: (05/2001)

Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

Temporary Sign: (10/2006)

Any sign not intended to be displayed or maintained permanently.

Tent: (05/2001)

A portable folding structure designed for travel, recreation and vacation use.

Tourist Camps or Campsites:

Premises used for travel trailers, campers, tenting, or for any temporary overnight facilities of any kind where a fee is charged.

Tourist Home:

A building, other than a boarding or rooming house, hotel, inn, motel, tourist court or lodging house, where rooms for lodging for transients are available for compensation.

Trailer or Travel Trailer: (05/2001)

A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, or vacation.

Yard:

An open space, other than an enclosed court, on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and a lot line, and is not occupied or obstructed from the ground upward by a building or structure.

Yard, Front:

An open, unoccupied space extending across the full width of the lot and lying between the front lot line of the lot and the nearest line of the building. The depth of a front yard shall be the minimum distance between the building and front lot line.

Yard, Rear:

An open, unoccupied space extending the full width of the lot and lying between the rear lot line of the lot and the nearest line of the building. The depth of a rear yard shall be the minimum distance between the building and rear lot line.

Yard, Side:

An open, unoccupied space between the side lot line of the lot and the nearest line of the building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The width of a side yard shall be the minimum distance between the building and the side lot line.