

ARTICLE 5 DEFINITIONS

In this Bylaw, the following terms shall have the following meanings, unless a contrary meaning is required by the context or is specifically prescribed:

Accessory Building or Use shall mean a building not attached to any principal building, or a use, customarily incidental to and located on the same lot with the principal building or use, except that if more than 25% of the floor area or 50% of the lot area is occupied by such use, it shall no longer be considered accessory.

Agricultural shall mean the science, art and business of cultivating the soil, producing crops, and raising of livestock, useful to man. (ATM 1977)

Airport shall mean any area on a lot used for the landing and take off of aircraft or similar fixed-wing craft on a regular or intermittent basis. (ATM 1986)

Animal Kennel or Hospital shall mean harboring and/or care of more than three (3) dogs three (3) months old or over, or of other domestic animals, irrespective of the purpose for which they are maintained.

Apartment, Garden shall mean premises not over three (3) stories high, accommodating three (3) or more dwelling units, irrespective of ownership or tenure. Includes town houses.

Apartment, High Rise shall mean premises over three (3) stories high, accommodating three (3) or more dwelling units, irrespective of ownership or tenure.

Aquifer shall mean a geologic formation composed of sand and gravel that contains significant amounts of potentially recoverable potable water. (ATM1994, ATM 1986)

Bedroom shall mean any inhabitable room in a dwelling, other than a living room, dining room, kitchen, utility room, or bath if such room exceeds sixty (60) square feet.

Boardinghouse shall mean a building used for lodging seven (7) or more persons, with or without meals, for compensation with owner resident on premises.

Buffer Strip shall mean lot area not used for any commercial, business or industrial purposes nor covered by any structure or pavement. The buffer strip shall be kept stabilized with natural vegetative cover adequate to prevent soil erosion. (ATM 1980)

Building Height shall mean the vertical distance from the mean finished 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.

Camping, Supervised shall mean facilities operated on a seasonal basis for a continuing supervised recreational, health, educational, religious and/or athletic program, with persons enrolled for periods of not less than one (1) week, and with group dining if overnight accommodations are included.

Clearing: The removal and/or cutting of trees, shrubs, bushes, or brush. Clearing shall also include grubbing. Grubbing shall mean the removal of stumps and/or roots from the soil. (ATM 2002)

Common Driveway shall mean the primary means of access and egress, which is not considered a local Town road or way of public access, serving more than two (2) but not more than five (5) detached single family dwellings. (ATM 1994)

Congregate Housing shall mean a structure providing living accommodations and communal facilities for elderly persons (over age sixty), including those requiring limited medical attention, which is located on the same parcel or on a parcel of land contiguous to a parcel on which a nursing home is located and to which it is attached. Such a structure may contain retail stores, offices and service outlets provided that such places of business exclusively service on-site residents, and there is no entrance (other than emergency) to any such place of business except from inside a building. (ATM 1984)

Continuing Care Retirement Community (CCRC) shall mean a senior housing development that is planned, designed and operated to provide a full range of accommodations for older persons, including independent living, congregate care and assisted living facilities, and which shall also include a nursing home or skilled-care facility. Residents of a CCRC have the ability to move from one level of housing/care to another as their needs change.

Convalescent, Nursing or Rest Home shall mean any institution licensed as a nursing, convalescent or rest home or charitable home for the aged by the Department of Public Health pursuant to Section 71, Chapter III General Laws.

Corner Lot shall mean a continuous parcel of land with legal definable boundaries, and having frontage on at least two streets or recorded ways open to public use. (ATM 1984)

Density shall mean the number of dwelling units, households or housing structures per unit of land (minimum lot area as defined herein);

Discharge shall mean the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of toxic or hazardous material upon or into any land or waters in the Town of Westborough. Discharge includes, without limitations, leakage of such materials from failed or discarded containers or storage systems, and disposal of such materials into any on-site sewage disposal system, drywell, catch basin or unapproved landfill. (ATM1994, ATM1986)

The term, **discharge**, as used and applied in this Bylaw does not include the following:

1. Proper disposal of any material in a sanitary or industrial landfill that has received and maintained all necessary legal approvals for that purpose;
2. Application of road salts in conformance with Section 4700 and the Snow and Ice Control Program of the Massachusetts Department of Public Works; and
3. Disposal of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by Title 5 of the Massachusetts Environmental Code, unless restricted by Section 4700.

Dwelling shall mean building or part of a building used exclusively as the living quarters for one (1) or more families.

Dwelling, Single Family shall mean premises accommodating a single dwelling unit.

Dwelling Unit shall mean building or portion of a building providing living quarters for a single family and up to six (6) boarders.

Earth Moving: The moving within, removal from and/or addition to any lot or parcel of topsoil, borrow, rock, sod, loam, peat, humus, clay, sand, or gravel. (ATM 2002)

Family shall mean any number of individuals living and cooking together on the premises as a single non-profit housekeeping unit.

Floor Area, Habitable shall mean the total interior floor area of a dwelling, excluding areas where ceiling height is less than five (5) feet, areas with more than half of floor to ceiling height below average grade of the adjoining ground, and excluding community laundries or foyers, utility rooms, communicating corridors, porches or terraces.

Floricultural shall mean the cultivation of flowering plants for sale or otherwise. (ATM 1977)

Groundwater shall mean all the water found beneath the surface of the ground. (ATM 1994, ATM 1986) (ATM 1994, ATM 1986)

Heliport shall mean a landing and take-off place for a helicopter on a regular or intermittent basis. (ATM 1986)

Home Occupation shall mean a business or profession engaged in within a dwelling or its accessory building by a resident thereof as a use accessory thereto.

Horticultural shall mean the science or art of cultivating plants, gardens.

Impervious Surface shall mean a material or structure on, above or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

Independent Senior Housing shall mean a building or series of buildings containing independent dwelling units intended to provide housing for persons not requiring health or other services, and designed and occupied by individuals or families in which at least one household member is 60 years of age or older.

Lot shall mean a continuous parcel of land with legally definable boundaries.

Lot Area shall mean 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 under water nine (9) months or more in a normal year, other than any marsh, swamp or flat bordering on inland waters, and other than land within utility transmission easements.

Lot Coverage shall mean percentage of total lot area covered by structures or roofed.

Lot Frontage shall mean that portion of a lot fronting upon and having access to a street. Lot frontage shall be measured continuously along one (1) street line between side lot lines. In the case of a corner lot, lot frontage shall be measured between one (1) side lot line and the midpoint of the arc made by the corner radius. (ATM 1980, ATM 1973)

Major Residential Development shall mean a development which results in the creation of more than six (6) residential house lots, such development taking place on a parcel of land or a contiguous set of properties in common ownership as of March 15, 1990. (ATM 1990)

Mining shall mean the removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores or bedrock. (ATM 1994)

Minor Residential Development shall mean the division of a parcel or parcels of land in a residential zone into build able lots whether a subdivision or not, at a rate of lot creation lower than the threshold rate for a major residential development. (ATM 1990)

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

Motor Vehicle Service Station shall mean premises devoted primarily to retail sale of fuels and lubricants and/or washing of motor vehicles, with any repair services or other sales or services of secondary importance.

Nursery or Greenhouse shall mean premises used for the propagation of trees, shrubs, vines, flowers, or other plants for transplanting, stock for grafting, or for cut flower, pine

needles, bark, or other organic materials.

Open Space shall mean that portion of the lot area not covered by any structure and not used for drives, parking or storage. Man-made retention areas shall not be considered open space. All open space shall be kept stabilized with natural vegetative cover. (ATM 1986, ATM 1981)

Parking Garage shall mean a structure constructed for the intended purpose of parking and/or the storing of vehicles. (ATM 1988)

Parking Space shall mean space adequate to park an automobile, not less than nine (9) by twenty (20) feet, plus means of access. Where spaces are not marked, each space shall be assumed to require three hundred fifty (350) square feet.

Recharge Areas shall mean areas composed of permeable porous materials that allow infiltration and collection of precipitation or surface water and thereby transmit this water to aquifers. (ATM 1994, ATM 1986)

Senior Living Facility shall mean an assisted living residence as defined by the Massachusetts Executive Office of Elder Affairs pursuant to M.G.L. c. 19D and which provides assistance with activities of daily living, such as assistance with bathing, dressing, eating, toileting and medication reminders and which provides room and board for three or more adult residents. Senior living facilities shall also include senior congregate housing that includes room and board, but without necessity for assistance with activities of daily living.

Septic Wastes shall mean wastewaters 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. (ATM 1986)

Sign shall mean any device designed to inform or attract the attention of persons not on the premises on which the device is located, including any building surfaces other than windows which are internally illuminated or decorated with gaseous tube or other lights. The following, however, shall not be considered signs within the context of this Bylaw:

- a. Flags and insignia of any government except when displayed in connection with commercial promotion;
- b. Legal notices or informational signs erected or required by government bodies;
- c. Temporary signs erected for a charitable, non-profit or religious cause, provided that the sign area does not exceed six (6) square feet in a Residential District or twelve (12) square feet in any other zoning district.
- d. Temporary signs inside display windows, covering not more than 30% of window area,

illuminated by building illumination only;

- e. Standard gasoline pumps bearing thereon in usual size and form the name, type and price of gasoline;
- f. Integral decorative or architectural features of building, except letters, trademarks, moving parts, or parts internally illuminated or decorated with gaseous tube or other lights;
- g. Signs guiding and directing traffic and parking, not exceeding two (2) square feet in area, and bearing no advertising matter.
- h. Lettering on approved U.S. Mail Boxes provided: said lettered area shall not exceed two (2) square feet.
- i. Signs posting "No Hunting" or "No Fishing" provided: said sign area shall not exceed two (2) square feet. (ATM 1977)

Sign, Area of shall mean the surface area within a single continuous perimeter enclosing all the display area of the sign, but not including structural members not bearing advertising matter unless internally or decoratively lighted. One side only of flat, back-to-back signs shall be counted. For a sign consisting of individual letters, designs, and/or 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 symbols.

(ATM 1977)

Solid Wastes shall mean useless, unwanted or 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. (ATM 1986)

Story shall mean that portion of a building between the top of any floor and the top of the floor or roof next above, counting as a half story such portion if more than half its exterior wall area is below grade or if directly under a sloping roof in which more than half the exterior wall perimeter has less than three (3) feet floor-rafter interior dimension, and excluding cellar or attic spaces used solely for utilities and storage.

Street shall mean a way providing legally sufficient frontage for subdivision of land under the requirements of Chapter 41, Section 81L General Laws.

Structure shall mean anything constructed or erected, the use of which requires fixed location on the ground, or attachment to something located on the ground, including swimming pools having capacity of 4,000 gallons or more and mobile homes, but not including walls, pavement or fences. (ATM 1981)

Town House shall be synonymous with "Garden Apartment".

Toxic or Hazardous Materials shall mean any substance or mixture of physical, chemical or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water; and, shall include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under MGL Chapter 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

(ATM 1994, ATM 1986)

Yard shall mean a required open space, unoccupied and unobstructed by any structure or portion of a structure, except the following:

- a. fences, walls, poles, posts and other customary yard accessories, ornaments and furniture;
- b. in front yards only, eaves, steps, non-covered porches and signs.

Yard, Front shall mean a yard extending between lot side lines across the front of a lot adjacent to each street the lot adjoins, measured from the street line, assumed to be twenty-five (25) feet from the center of the traveled roadway where no such right-of-way line has been established or can be readily determined.

Yard or Garage Sale shall be considered any offering for sale to the general public any and all items new or used, said sale taking place on premises by the resident thereof.

(ATM 1976)

Yard, Rear shall mean an open space on the same lot as the main building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot.

Yard, Side shall mean the portion of the yard situated between the building and the side line of the lot and extending from the front yard to the rear yard.