

## **§ 174-2. Definitions.**

A. Unless the context clearly indicates otherwise, the word "shall" is intended to be mandatory, the word "may" is merely permissive, the singular includes the plural, and the present tense includes the future, and other words and phrases have the following meanings.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

**ABUTTER** - One who abuts

**ABUTTING**- Having a common property line with, contiguous to, fronting upon or within three hundred (300) feet of any property line thereof.

**ACCESSORY APARTMENT** - A subsidiary dwelling unit created within or as an extension to a single-family dwelling or a structure accessory thereto, with separate cooking, sleeping and bathroom facilities.

**ACCESSORY BUILDING OR USE** - A building, structure or use customarily incidental and subordinate to the principal permitted use of the building or land, located on the same lot as the principal permitted building or use, and not prohibited by this chapter. No detached accessory structure shall be closer than six (6) feet to a primary structure.

For the purpose of this chapter, any area on a lot used for the landing and takeoff of aircraft, as defined by M.G.L. Chapter 90, Section 35, or helicopters (except as allowed in the Industrial Park District by Special Permit re:174-8.6 C) on a regular or intermittent basis shall NOT be considered an accessory to use and therefore not allowed as an accessory or principal use in any zoning district.

**ALTERATIONS, MINIMUM EXTERIOR** - External alterations limited to those necessary to comply with applicable building, fire or health codes and not enlarging the usable area of a building or changing its character.

**BASEMENT** - That part of a building which is partly below and partly above grade, and having at least one - half (1/2) its height above grade.

**BUILDING** - A structure having a roof and intended or used as a shelter for humans, animals or goods, to be construed as if followed by the words "or any part thereof." Buildings which are touching, structurally connected or attached shall be considered as one (1) "building."

**CELLAR** - That part of a building which is partly or completely below grade, and having at least one-half (1/2) its height below grade.

**CUSTOMARY HOME OCCUPATION** - The use of a portion, not exceeding twenty-five percent (25%), of a one-family home, including the accessory buildings, by persons resident therein for a gainful occupation that is clearly incidental and secondary to the use as a residence; that does not generate a significant increase in traffic, noise, smoke, vibration, dust, odors, glare, unsightliness or other effects not normally produced by a residence; that involves no exterior display or storage of goods, tools, materials or equipment or the parking of more than one (1) commercial vehicle; that gives no exterior indication of such occupation, other than one (1) sign not over four (4) square feet; that involves only motive power normally found in a home; that does not employ more than two (2) persons not resident therein; that involves the exercise of artistic, domestic, personal or professional skills; and that requires the approval of the

Board of Health for disposal of any waste generated by such occupation that differs in quantity or composition from domestic solid or liquid waste.

DOG KENNEL - The keeping for sale or boarding purposes, including convalescence or treatment, of more than three (3) dogs that are more than six (6) months old.

DWELLING, MULTIFAMILY - A dwelling containing two (2) or more dwelling units.

DWELLING UNIT - Living quarters for a single family.

FAMILY - Any number of individuals related by blood, marriage or adoption, and not more than six (6) individuals not so related, living together as a single housekeeping unit. [The limit on the number of unrelated individuals shall not apply to foster children under sixteen (16) years of age.]

FARM - Land or premises used to raise agricultural, silvicultural or horticultural products, livestock, poultry and dairy products, other than piggeries, dog kennels, riding stables and the raising of carnivorous fur-bearing animals.

FLOOR AREA, GROSS - The aggregate horizontal area, in square feet, of all floors of a building or several buildings on the same lot, measured from the interior faces of walls enclosing each building, exclusive of stair and elevator wells, garages, basement and other areas used only for storage or for services incidental to the operation and maintenance of such a building or buildings. In the absence of information as to what portion of the building will be used for such storage and services, eighty percent (80%) of the aggregate floor area shall be deemed to be the floor area for the purposes of computing the required off-street parking and loading spaces.

FLOOR AREA RATIO - The ratio of the aggregate gross floor area of all floors of a building or buildings on a lot to the total lot area. The gross floor area shall not include unenclosed porches, cellars, attics or garages not used for human occupancy.

FRONTAGE - The distance along a continuous portion of a street line between intersections with lot side lines, provided that for lots abutting more than one (1) street, frontage shall be required and measured along one (1) street only, but the yard required by Article III hereof shall be provided along each street the lot abuts, and that for corner lots, frontage shall be measured to the intersection of street lines or to the middle of the corner rounding curve connecting such street lines, and further provided that a lot shall only be deemed to have "frontage" along any street to which it has both legal and physical access.

FUR FARM - The keeping or raising of carnivorous fur-bearing animals for commercial purposes.

GARAGE - A garage in the Residence A & Residence B Districts shall be considered an accessory use to a home or building.

HEIGHT - The vertical difference between the average of the mean finished ground elevations of all sides of the building or structure and the elevation of the highest point of the roof for flat roofs, to the deckline of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. This definition shall not include signs and the structural features exempt by § 174-15 hereof and extending not more than twenty (20) feet above the permitted height.

For buildings subject to site plan approval under § 174-10 hereof, the average finished ground elevation shall not be raised above the original natural ground through fill or regrading to more than two (2) feet above the center-line grade of the frontage street opposite the proposed building, unless the approved site plan provides for such buildup.

HOUSING FOR THE ELDERLY - Housing with occupancy of each dwelling unit reserved to no more than two (2) persons, one (1) of whom must either be fiftyfive

(55) years of age or older or handicapped.

IMPERVIOUS - Impenetrable by surface water.

INDIVIDUAL - A human being.

JUNKYARD - Premises used for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded materials or for collecting, dismantling, storage, salvage and sale of used machinery, vehicles or parts thereof.

LOT - A single tract of land in identical ownership throughout with definite boundaries ascertainable through a recorded plan or deed.

MAJOR RESIDENTIAL DEVELOPMENT - Refer to §174-13.2A.

MOBILE HOME - A structure, transportable in one (1) or more units, built on a permanent chassis, equipped with wheels for towing to its destination, provided with internal heating, plumbing and electrical systems and designed to be used as a dwelling when connected to the required utilities, with or without a foundation.

NONCONFORMING BUILDING, LOT OR USE - A legally existing building, lot, location of building on a lot or use of buildings or land which does not conform to the zoning regulations for the district in which it is located.

NONPROFIT COMMUNITY HOUSING ORGANIZATION - A Massachusetts corporation or foundation, no part of the net earnings of which inures to the benefit of any private shareholder or individual, established by Southborough residents for the sole purpose of providing housing facilities and services.

ONE-FAMILY HOUSE - A detached dwelling intended and designed to be occupied by a single family.

OPEN SPACE – Open Space shall mean that portion of the lot area that is not covered by any structure and not used for drives, parking, storage or display. Wetlands, ponds and man-made retention areas shall not be considered open space for the purpose of calculating the requirements of this bylaw. Subsurface sewage disposal systems shall not be allowed within designated open space except that areas designated for reserve or expansion of an individual or shared system shall be allowed only if in the opinion of the Board of Health no other options are available or if in the opinion of the Planning Board it would be beneficial to the overall layout of the development. All open space shall be stabilized with natural vegetative cover. Open Space shall be permanently protected by recorded deed.

PERSON - One (1) or several individuals, a family, firm, partnership, association, corporation, company or institutional organization of any kind.

PIGGERY - The keeping of five (5) or more pigs over one (1) year old.

PREMISES - A lot, with all buildings, structures, improvements and uses thereon.

**RESTAURANT** - An establishment primarily for serving by a waiter or waitress, and consumption of meals at tables or at a counter, on the premises.

**ROADSIDE STAND** - A structure erected and used exclusively for the sale of flowers or farm and garden products, the majority of which, by value, have been grown on the premises or within the Town of Southborough. The structure may be located within the minimum required front yard, but at least twelve (12) feet from the nearest street line, if built of wood and other readily movable materials, without a foundation, integral heating or permanent utility connections, and not over three hundred fifty (350) square feet gross floor area.

**STORY** - The part of a building between the top of any floor and the top of the floor or roof next above, including a basement, but excluding a cellar or attic.

**STORY, HALF** - That part of a building under a gable or sloping roof in which the intersection of the bottom of the rafters with the interior faces of the outside walls is four (4) feet or less above the floor level or that part of a building if more than half of its exterior wall is below the mean finished ground elevation, and excluding a cellar or attic used solely for utilities, services or storage and not for sustained human occupancy.

**STREET** - A public way laid out for vehicular traffic; a private way laid out and approved under the authority of the Subdivision Control Law, Chapter 41 of the General Laws; a way which the Town Clerk certifies has been used and maintained as a public way; or a way in existence when the Subdivision Control Law went into effect in the Town of Southborough and having, in the opinion of the Planning Board, adequate width, construction and grades for the needs of the existing and future buildings and uses abutting thereon or to be served thereby.

**STRUCTURE** - A man-made combination of materials assembled in a fixed location to give support or shelter or for any other purpose, including buildings, frameworks, platforms, sheds and the like, provided that signs, utility poles and small decorative or accessory structures not over three (3) feet in height or six (6) feet in any dimension, such as sculptures, mailboxes, birdbaths, benches and the like shall not be subject to the yard requirements of this chapter if located at least five (5) feet from side or rear lot lines. Fences that are not over six (6) feet in height shall not be considered structures.

**TOXIC OR HAZARDOUS MATERIALS** - Substances listed on the Massachusetts Substance List contained in 105 CMR 670, Appendix A, substances regulated as hazardous under M.G.L.A. C. 21C, as amended, and regulated substances defined under Subtitle 1, §9001, of the Resource Conservation and Recovery Act, as amended.

**TRAILER** - A wheeled vehicle designed to be towed and having no own motive power, including, without limitations, camping or travel trailers equipped to be used for business, for transportation of goods or for living or sleeping purposes, but not as a dwelling in a permanent location.

**VEHICULAR USE AREA** - Includes all areas used for the circulation, parking and/or display of any and all types of vehicles, boats or heavy construction equipment, whether self-propelled or not, and all land upon which vehicles traverse as a function of the primary uses. Driveways and parking spaces serving single-family residential uses shall be an exception to this definition.

**WIDTH** - The straight-line distance between lot lines parallel to a line connecting lot corners at frontage street and applicable for the entire front yard or setback depth.

**WIRELESS COMMUNICATIONS TOWER** - A structure (with antennas, if any) designated to facilitate the following types of services: cellular telephone service, personal communications service, and enhanced specialized mobile radio service.

**YARD** - A strip of land, unoccupied by buildings or structures, between a street or a lot line and a line parallel thereto at a depth equal to the minimum distance to the nearest part of any building or structure, measured at right angles to such street or lot line. If a lot is triangular or wedge-shaped, it shall have no rear yard, while on an irregular-shaped lot, the rear yard shall be adjacent to the lot line most nearly opposite the frontage street. The minimum required yard may also be referred to as the required setback.