

## ARTICLE V. DEFINITIONS

In this Bylaw the following terms unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings. Words used in the present tense include the future, and the plural includes the singular; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied." The word "person" includes a corporation as well as an individual.

**Accessory Building** A building detached from, incidental to, located on the same premises as, and functionally dependent on the principal use of the premises.

**Accessory Use** An activity incidental to and located on the same premises as a principal use conducted by the same person or his agent. No use shall be considered "accessory" unless functionally dependent on and occupying less land area than the principal use to which it is related and occupying less than one quarter as much habitable floor area as that principal use.

**Addition** An extension or increase in floor area or height of a building or structure that shares at least one wall in common with the existing building or structure.

**Adult Uses:** The uses defined in Section 5100 of these By-Laws.

**Animal Kennel or Hospital** Premises used for the harboring and/or care of more than three dogs or other domestic non-farm animals three months old or over. Use shall be so classified regardless of the purpose for which the animals are maintained or whether fees are charged or not.

**Arterial Street** Any state-numbered highway, any street having a right-of-way width of 60 feet or more, plus the following named streets:

Blackstone Street	Center Street	Cross Street	Depot Street
Elm Street	Hartford Avenue	High Street	Lake Street
Maple Street	Paine Street	Pulaski Blvd.	S Maple Street
Wrentham Road			

**Assisted Elderly Housing** One or more dwellings, regardless of structural type (single-family, two-family, multifamily) which are structurally configured to serve the elderly, meeting then-current physical standards for publicly-assisted elderly housing and having no units containing more than two bedrooms; and for which there is publicly-enforceable assurance that each resident household will consist entirely of members at least 55 years old; and for which there is contract assurance of support services, such as meals, housekeeping, social services, health services or transportation.

**Bedroom** In a dwelling, any habitable room having more than 70 square feet floor area, if not a living room, dining room, kitchen, or

**Bathroom** Any dwelling unit in which no such room exists shall be construed to contain one bedroom.

**Boarding or Rooming**

A building, other than a hotel or motel, where rooms (without kitchens) are rented to three or more persons by the week or longer, and meals may (or may not) be regularly served to roomers by pre-arrangement for compensation.

**Building** A structure enclosing useful space.

**Building Height** The vertical distance from the mean finished grade of the ground adjoining the building to the highest point of the roof 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.

**Bulk Storage** Exposed outside storage of sand, lumber, coal, or other bulk materials, and bulk storage of liquids in tanks except under ground as an accessory use.

**Camper** A vehicle used as a temporary dwelling for travel, recreational and vacation uses.

**Camping, Commercial** Premises used for campers, tenting, or temporary overnight facilities of any kind, operated seasonally, where a fee is charged.

**Camping, Supervised** 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 week.

**Club or Lodge** Premises or buildings of a non-profit organization exclusively servicing members and their guests for recreational, athletic, or civic purposes, but not including any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such club. Does not include golf clubs or sportsmen's clubs as elsewhere defined, or clubs or organizations whose chief activity is a service customarily carried on as a business.

**Conference, training, or meeting facilities** A structure or series of structures providing conference, seminar or meeting facilities and dining but not overnight accommodation.

**Continuing Care Retirement Community.** A managed development that provides housing, services and nursing care to persons over 55 years of age; and which includes independent living units, assisted living units, nursing home accommodations, and accessory medical, support services, food services, and recreational uses; and for which there is a legal agreement that assures life care to residents and support services appropriated to each type of housing.

**Contractor's Yard** Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of sub- assemblies, and parking of wheeled equipment.

**Designated Natural or Cultural Resources.** Locations or structures of outstanding natural or cultural importance as documented in inventory materials approved and amended from time to time by either the Bellingham Conservation Commission (such as wetlands, vernal pools, or habitat of endangered species) or the Bellingham Historical Commission (such as historic sites, archeological

resources, or other resources listed in the MA Register of Historic Places) following a public hearing thereon with notice as required by Section 11 of Chapter 40A for a zoning amendment, as certified and filed with the Town Clerk.

**Detached Structure** A free-standing structure with no common or party walls, common foundation walls or otherwise physically connected.

**Dwelling Unit** Living quarters for a single family with cooking, living, sanitary and sleeping facilities independent of any other unit.

**Dwelling, Multifamily** A structure containing three or more dwelling units, whether for rental, condominium ownership or other form of tenure, but not including public housing. Porches, walkways, patios or other structures of a like nature between two detached structures do not constitute a Multi-Family Dwelling.

**Dwelling, Single-Family** A detached residential building containing a single dwelling unit, or a single dwelling unit plus a family apartment as authorized by Section 4130.

**Dwelling, Townhouse** A multifamily dwelling containing at least three but not more than eight dwelling units, separated by party walls, each unit having a separate exterior entrance and being held in separate and distinct ownership (such as in a condominium) or being owned by a Massachusetts cooperative and held by separate and distinct shares.

**Dwelling, Two-Family** A detached residential building intended and designed to be occupied exclusively by two families.

**Erected** The word "erected" shall include the words "built", "constructed", "reconstructed", "altered", "enlarged" and "moved".

**Family** Any number of individuals living and cooking together in a single housekeeping unit.

**Family Apartment** A self-contained housing unit consisting of one or more rooms with separate kitchen and bathroom facilities to be incorporated within an existing single family dwelling, or as an addition to same, to be utilized by grandparents, parents, children, grandchildren, brothers or sisters or their spouses and children or the property owner or spouse. Family Apartments shall not be considered Two-Family Dwellings.

**Farm** Premises containing at least five acres used for gain in raising of agricultural products, livestock, poultry, and/or dairy products. 'Farm' includes necessary farm structures and the storage of equipment used, but excludes public stables, and animal kennels or hospitals.

**Floor Area, Leasable** The sum of the area on the several floors of a building which is or could be leased, including leasable basements.

**Foundation** The portion of a structure that serves to transfer the weight of the building into the

ground itself. Most foundations extend underground.

**Golf course**

Premises having not fewer than nine holes improved with tees, greens, fairways, and hazards for playing the game of golf, not including driving ranges or miniature golf. A 'standard' course averages not less than 240 yards from tee to green. A 'par three' course averages less than 240 yards but more than 80 yards tee to green.

**Hazardous materials**

potential  
land or water in  
General Laws Ch.  
this bylaw.

Any substance or combination of substances which, because of quantity, concentration, or physical, chemical, or infectious characteristics, pose a significant present or hazard to water supplies or to human health if disposed into or on any this town. Any substance deemed a "hazardous waste" under Mass. 21C shall also be deemed a hazardous material for purposes of

**Home Occupation**

A business or profession engaged in within a dwelling by a resident thereof as a use accessory thereto.

**Hotel or Motel**

A structure providing sleeping rooms for resident or transient guests, and where public eating facilities are provided; but not including buildings or charitable, educational or philanthropic institutions.

**Impervious**

Impenetrable by surface water.

**Junk Yard**

except

The use of any premises, whether licensed or not, where waste or scrap articles or materials are abandoned, stored, sorted, parked, bought, or sold, as a principal use, where such activities are carried out entirely within an enclosed building and except where more specifically categorized in this Bylaw, such as "second-hand auto parts.

**Landscaped Open Space**

Space not covered by any structure, and not used for drives, parking, utilities or storage; comprising landscaped areas and outdoor recreational facilities, including those on balconies or over structures if so developed.

**Leadership in Energy and Environmental Design (LEED) Project Certification.**

A rating and certification by the U.S. Green Building Council that a building project meets industry standards for high-performance, sustainable design.

**Livestock Raising**

The raising or harboring of ten or more poultry or of more than two cattle, horses, sheep, hogs, goats, minks, rabbits, or similar farm animals six months old or older.

**Lot**

An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose.

**Lot Area**

The horizontal area of the lot exclusive of any area in a street or way open to public use. At least 90% of the lot area necessary for compliance with minimum lot area requirements shall also be exclusive of areas subject to protection under the Wetlands Protection Act, Section 40, Chapter 131, G.L. for reasons other than being subject to flooding. If the distance between any two points on lot lines is less than 50 feet, as measured in a straight line, the smaller portion of the lot as divided by that line shall not be included in lot area unless the two points are separated by less than 150 feet measured along lot lines.

**Lot, Corner**

A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at the point of intersection of the side lot lines intersect with an interior angle of less than 135 degrees.

**Lot Coverage**

Percentage of total lot area covered by structures or roofed.

**Lot Frontage**

The boundary of a lot on land coinciding with a street line if there are both rights of access and potential vehicular access across that boundary to a potential building site. Measured continuously along one street line between side lot lines. In the case of corner lots, measured between the side lot line and the mid-point of the corner radius on the street designated as the frontage street by the owner or, failing that, by the Building Inspector.

**Major Business Complex**

Development of any one or more of the following in aggregate on the same premises:

- More than 50,000 square feet of gross floor area devoted to one or more of the uses listed under “Commercial Uses” in Section 2400 Use Regulations Schedule, or
- More than 250,000 square feet of gross floor area devoted to one or more of the uses listed under “Industrial Uses” in Section 2400 Use Regulations Schedule, or

- Any one or more of the uses listed under “Commercial Uses” or “Industrial Uses” in Section 2400 Use Regulations Schedule if they would be required under Zoning Section 3320 to among them provide 250 or more parking spaces, or
- Average daily water demand, regardless of source, exceeding 100,000 gallons per day.

**Major Residential Development**

Either of the following:

- Development of ten or more dwelling units on a single lot, or
- One or more divisions of land (whether or not a ‘subdivision’ requiring Planning Board approval) that would cumulatively result in an increase by ten or more lots (excluding any restricted from residential use) above the number existing twenty-four months earlier on a parcel or a set of contiguous parcels which were in common ownership as of October 10, 2001, except that if each resulting lot has both lot area and frontage at least 50% greater than that required under Section 2600 Intensity of Use Schedule the land division shall not be considered to be a Major Residential Development.

**Manufacturing**

Fabrication, processing, assembly, finishing, or packaging.

**Medical Clinic**

An institution or place providing medical, surgical, dental, restorative or mental hygiene services to persons not residing therein, under license as a clinic under Section 51, Ch.111, G.L.

**Mobile Home**

A dwelling built on a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation, or otherwise permanently located.

**Motor Vehicle Service Station**

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.

**Municipal Use**

Premises used for any operation by the Town Government except as elsewhere more specifically defined.

**Nonconforming Use or Building**

A lawfully existing use or building which does not conform to the regulations for the district in which such use or building exists.

**Nursing, Convalescent, or Rest Home**

Premises for the care of three or more persons, as licensed by the Massachusetts Department of Public Health.

**Parking Space**

Space adequate to park an automobile, plus means of access. Where spaces are not marked, each space shall be assumed to require 350 sq.ft.

**Party Wall** A wall shared by buildings constructed on either side of it. Such a wall contains no openings, passage or access and extends from its footing below finished grade to the underside of the roof sheathing. Also called Common Wall.

**Patio** A courtyard open to the sky or a paved area adjoining a house, for outdoor lounging, dining etc.

**Philanthropic Institution** An endowed or charitably supported non- profit religious or non-sectarian activity maintained for a public or semi-public use.

**Porch** A covered entrance to a building and forming a sort of vestibule within the main wall, or an open or enclosed gallery or room on the outside of the building projecting without or with a separate roof.

**Public Housing** Housing operated by a public body created pursuant to Section 26K of Ch. 121, or corresponding provisions of earlier laws.

**Public Stable** Premises where two or more horses are kept for remuneration, hire or sale.

**Roadside Stand** Premises for the sale of agricultural products, the major portion of which were raised on the premises.

**Sign** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

- (a) Signs not exceeding one square foot in area and bearing only property numbers, names of occupants of premises, or other Identification of premises not having commercial connotations;
- (b) Flags and insignia of any government except when displayed in connection with commercial promotion;
- (c) Legal notices, identification, informational, or directional signs erected or required by governmental bodies;
- (d) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
- (e) Temporary signs erected for any charitable or religious cause.

**Sign, Area of** The entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. One side only of signs with faces at 180° to each other shall be counted. Frames and structural members not bearing advertising matter shall not be included in computation of sign area.

**Sign, Accessory** A sign whose subject matter relates to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

**Signs, Political** A sign whose subject matter relates to a candidate or candidates for elective office or to a question to appear on an election ballot.

**Sign, Temporary** Any sign which, by its inherent nature, can be expected to remain in place and be altered for less than six months, such as those made of nondurable materials (e.g. cardboard), those with content of transient usefulness (e.g. announcements) or portable signs.

**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 approved in accordance with the subdivision control law, or
- (c) a way in existence when the subdivision control became effective in Bellingham, having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the building erected or to be erected thereon.

**Street Line** The property line defining the outside of the street right-of-way.

**Structure** Anything constructed or erected, the use of which requires location on the ground, including buildings, mobile homes, bill boards, swimming pools, tanks, or the like, or part thereof.

**Swimming Pool** Any constructed pool, located above or below the ground, whether portable or fixed, used or capable of being used for swimming, wading, or bathing purposes. Pools having a depth of two feet or more and having a capacity of 200 cubic feet or more in volume shall be considered structures.

**Temporary Structure** Tent, construction shanty, or similarly portable or demountable structure intended for continuous use for not longer than one year.

**Trailer** A towed vehicle for transportation of goods or animals, but not intended for human occupancy.

**Transportation Terminal** Premises principally used for the parking, storage, and servicing of trucks or busses, and/or loading or unloading of cargo or passengers into vehicles or storage, but not including such activities if accessory to a principal use.

**Vehicle, Heavy Commercial** A bus or truck having capacity in excess of the limits for a light commercial vehicle, or motorized construction equipment other than trucks.

**Vehicle, Light Commercial**

A taxi; a bus with capacity not exceeding 10 passengers; or a truck with GVW rating not exceeding 14,000 lbs. and enclosed cargo area not exceeding 400 cubic feet.

**Walkway**

A path set aside for walking.

**Waste Processing or disposal, hazardous or radioactive.**

The collection, treatment, storage, burial, incineration or disposal of hazardous waste as defined by the Division of Hazardous Waste under Ch.21(c), G.L., or of radioactive waste including low-level radioactive waste as defined in Section 11e(2) of the Atomic Energy Act of 1954.

**Yard**

An area open to the sky and free of any storage of materials or manufactured products, located between a street or other property line and any structure or element thereof other than:

- (a) a fence, wall, other customary yard accessory, or steps or other projections allowed to encroach on building lines by the State Building Code, or
- (b) in side an rear yards only, a tool shed or similar accessory structure having not more than eighty (80) square feet ground coverage.

**Yard, Front**

A yard extending between side lot lines across the front of a lot on each street it adjoins, measured perpendicular to a line connecting the foremost points of the side lot lines.

**Yard, Rear**

A yard abutting a rear property line, that is, typically a line or set of lines approximately parallel to the frontage street, and separating lots whose frontage is established on different streets. Yards on irregularly shaped lots where "side" versus "rear" is indeterminate shall be construed as rear yards.

**Yard, Side**

A yard abutting a side property line, typically a line or set of lines which intersect a street line, separating lots whose frontage is established on the same street, extending between side and rear yards. Corner lots commonly have two side yards and no rear yard.

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