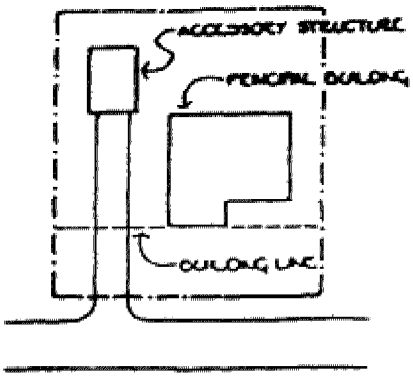
SECTION 2 - DEFINITIONS

2.1 Uses and Structures

Accessory Apartment: An accessory apartment is a separate housekeeping unit, complete with its own sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single-family dwelling, but functions as a separate unit.

Accessory Building or Use: An accessory building or use is one which is subordinate or incidental to the main use of a building on a lot. The term "accessory building" when used in connection with a farm shall include all structures customarily used for farm purposes and they shall not be limited in size.



(for illustration purposes only)

Adult Entertainment Enterprises: Includes all include adult retailers, adult dance clubs and adult theaters as defined below.

Adult Retailers: An establishment having as a substantial or significant portion of its stock in trade devoted to books, magazines, videotapes, cd-roms, implements, or other matter or paraphernalia which are characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in General Laws, Chapter 272, Section 31, and which excludes minors by virtue of age.

Adult Dance Club: an establishment which, as a form of entertainment, permits a person or persons to perform in a state of nudity as defined in General Laws, Chapter 272, Section 31, and which excludes minors by virtue of age.

Adult Theater: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or excitement as defined in General Laws, Chapter 272, Section 31, and which excludes minors by virtue of age.

Alternative Energy: Energy derived from combined heat and power; and electric and hydrogen powered vehicles and associated technologies, including advanced batteries and re-energizing stations.

Amusement Enterprises: A commercial facility providing for the entertainment of patrons, including installations or businesses known as "Drive-In" or "Open-Air" theaters, miniature golf courses, golf driving ranges, carnival machinery providing rides to patrons, and ice or roller skating rinks, any use of which requires payment of a fee.

Animal Hospital or Veterinary Facility: Commercial facilities for keeping animals to be treated, undergoing treatment or recovering from treatment in accordance with normal veterinary practice as established by the Massachusetts Board of Registration Veterinary Medicine. This definition shall not apply to educational institutions of veterinary science.

Backyard Chickens: Raising and keeping of common, domestic female chicks and hens (no roosters) for personal consumption and enjoyment. Limited to six (6) per lot, and must be physically contained within a dedicated space of…at minimum rate…four (4) square feet per hen.

Bed and Breakfast Homestay: A private owner-occupied residence with one to three guestrooms. A bed and breakfast homestay having more than three and less than six guest bedrooms may be approved if the home is designated on the National Register of Historic Places or located within a Town of Grafton historic district. The bed and breakfast homestay is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than thirty (30) days in any one-year period. (T.M.- 5/13/91)

Biotechnology: The term biotechnology refers to any technology that uses living organisms or parts of organisms to make or modify products, to improve plants or animals, or to develop micro-organisms for specific uses. (Source - Office of Technology Assessment, U.S. Government)

Boarding House: A building with not more than five (5) guest rooms where lodging and meals are provided by the proprietor for compensation.

Buffer Area: A strip of land, identified on a site plan or by a zoning by-law, established to protect one type of land use from another incompatible land use. Under normal circumstances, the area is landscaped and kept as open space.

Building: Any structure enclosed within exterior walls or firewalls built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or personal property.

Building Area: Building area is the aggregate or the maximum horizontal cross section area of the main building on the lot, excluding cornices, eaves, gutters or chimneys projecting not more than thirty (30) inches. Also excluded are steps, single story porches, balconies and terraces.

Common Driveway – A driveway which provides access to more than one lot, each of which has at least the minimum frontage on a Town street as required by the Zoning Bylaw. A common driveway does not qualify as a street for determining frontage under General Laws**,** Chapters 40A and 41.

Conventional Development Plan: A Conventional Development Plan conforming to the requirements of a preliminary subdivision plan under the Subdivision Rules and Regulations of the

Planning Board ("Subdivision Rules") depicting a conventional lot layout. Such plan shall also indicate wetlands, proposed topography, and, except where Town sewers will be utilized, the results of deep soil test pits and percolation tests (the location of which may be designated by the Board of Health or its agent) at a rate of one per every five acres (or more as may be required by the Board of Health), but in no case fewer than five per Major Residential Development.

Day Care Center: Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child playschool, progressive school, child development center, or preschool, or known under any other name, which receive children under seven (7) years of age or under sixteen (16) years of age if such children have special needs for nonresidential custody and care during part or all of the day separate from their parents or legal guardians. Daycare center shall not include: any part of a public school system unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home, as defined by Section Nine (9) of Chapter 28A of the Massachusetts General Laws as amended; an informal cooperative arrangement among neighbors or relations; or the occasional care of children with or without compensation.

Disposal Area: The use of any area of land, whether inside or outside of a building, for the storage, keeping or abandonment of junk, scrap or discarded materials made or used by man, or the demolition or abandonment of automobiles or other vehicles, boats, or machinery or parts thereof.

Dormitory: A building or group of buildings designed or altered for the purpose of accommodating students or members of religious orders with sleeping quarters, with or without communal kitchen facilities, and administered by bonafide educational or religious institutions. Dormitories include fraternity and sorority houses, convents, priories or monasteries, but do not include clubs or lodges.

Dwelling: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multi-family dwellings, but not including hotels or boarding houses.

Dwelling Unit: One (1) or more rooms, whether or not containing an interior door in common with another dwelling unit, and containing cooking, sanitary, eating and sleeping facilities arranged for the use of one (1) or more persons; as distinguished from and not including boarding houses, communes, dormitories, hotels, lodging houses and similar transient living accommodations; or trailer homes, mobile homes or trailer coaches.

Dwelling, One Family: A detached building designed for and occupied exclusively as a home or residence and containing no more than one (1) dwelling unit.

Dwelling, Two Family: A detached building designed for and occupied exclusively as a home or residence and containing two (2) dwelling units.

Dwelling, Multi-Family: A building designed for and occupied exclusively as a home or residence and containing three (3) or more dwelling units.

Exposure: An exterior wall which faces a yard or courtyard whose minimum dimension shall be no less than fifty (50) feet.

Family: An individual, two or more persons related by blood or marriage, or a group of not more than five persons who need not be so related, living as a single housekeeping unit.

Family Day Care Home: A facility engaged in the regular daily care for remuneration of six (6) or fewer children who do not reside at the facility, and who are less than seven (7) years of age, or less than sixteen years of age with special educational needs.

Flexible Development: A Flexible Development shall mean a Major Residential Development in which the single family dwelling units are clustered together into one or more groups on the lot and the clusters are separated from each other and adjacent properties by permanently protected open space (T.M. 5/13/91)

Floor Area: The total area of the several floors of a building measured from the exterior building faces.

Frontage: The continuous linear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot; the frontage on a corner lot shall be measured to the middle of the curve connecting the sidelines of the intersecting rights-of-way. (T.M. 10-20-03)

Garage, Community: A structure or series of structures for the storage or parking of automobiles and not used for making repairs for compensation.

Garage, Private: A detached or attached accessory building used for the purpose of parking or storage of personal vehicles belonging to the occupants of the premises that is used for residential purposes.

Garage, Public: A building other than a private or community garage used for maintenance, repair or storage of automobiles for compensation.

Toxic or Hazardous Materials: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual and potential hazard to human life or water supplies if such substance or mixture were to be discharged into the air, land, or water. This includes, without limitation, synthetic organic chemicals, heavy metals, radioactive or infectious waste, acids and alkalis, and all substances listed as toxic or hazardous in G.L. c. 21C, G.L. c. 21E, 310 CMR 30.00 et seq., and section 307(a) of the federal Clean Water Act, as amended.

Heavy Industrial Uses: Uses of land whose primary products or activities are:

- Weapons, ordnance and accessories
- Meat packing
- Paper or pulp mills
- Petroleum refining
- Ready-Mix concrete
- Sand or gravel pits
- Stone quarry
- Textile dying and finishing
- Fertilizer plant
- Metal fabrication requiring use of drop hammers
- Paving materials
- Processing of reclaimed rubber
- Refractory concrete block and brick
- Sawmills
- Tannery
- Wool scouring or other similar products or activities

Height of Building: The vertical distance from grade, which is the average finished ground level, to the top of the highest roof beams of a flat roof or to the mean level of the highest gables or highest point of a hip, pitch, or sloped roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

Home Occupation: An accessory use which is carried on by the permanent residents of a dwelling unit, with not more than two (2) nonresident employees, and only inside the dwelling or accessory residential garage with only customary home equipment used therein; further subject to the provisions that all materials and products of the occupation be stored only within the dwelling; no external alterations or structural changes not customary to a residential building are required; and the occupation does not result in the production of offensive noise, vibration, heat, dust or other objectionable conditions. A home occupation shall not include repairs to motor vehicles as defined in Massachusetts General Laws, Chapter 90, Section 1, as amended.

Hotel: A building designed as a temporary abode for more than twelve (12) persons or providing six (6) or more sleeping rooms in which lodging is provided with or without meals.

Institutional and Philanthropic Uses: Institutional and philanthropic uses are nonprofit social and educational activities, facilities and organizations which include the following:

- parish halls and other religious or semi-religious meeting places
- museums
- agricultural and horticultural societies
- historical societies
- literary societies including libraries
- scientific societies
- fraternal societies
- charitable societies
- civic societies

Unless otherwise provided by law, institutional and philanthropic uses shall not include:

- Profit making businesses and government or nonprofit institutions engaged in the treatment of physical and mental illnesses, diseases and disabilities.

- Profit making businesses and government or nonprofit institutions engaged in psychological or social counseling or therapy.

- Residential quarters for groups or individuals in which psychological or social counseling or therapy is administered.

Lodging House: A dwelling in which living space without cooking facilities is let for compensation to twelve (12) or fewer persons and provides not more than five (5) guestrooms for persons who are not within the second degree of kinship to the owner or operator as defined by civil law.

Long Term Care Facility: Any institution whether conducted for charity or profit which is advertised, announced or maintained for the express or implied purpose of providing three (3) or more individuals admitted thereto with long-term resident, nursing, convalescent or rehabilitative care; supervision and care incident to old age for ambulatory persons; or retirement home care for elderly persons. Long-term care facility shall include convalescent or nursing homes, rest homes, infirmaries maintained in towns and charitable homes for the aged. (Mass. Dept. Public Health Regulations 105 CMR 151.000 effective February 6, 1980).

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 Line: The property line bounding the lot.

Lot Width: The linear distance from side lot line to side lot line measured along the building front yard setback line.

Major Residential Development: The creation in a residential district (R-20, R-40, Agri., RMF) of more than five (5) buildable lots, by subdivision or otherwise, or the construction of more than five (5) single family dwelling units within a (two-year) period on a lot or set of contiguous lots in common ownership on or after 1/1/91. (T.M. 5/13/91)

Major Business, Office or Industrial Complex: Refer to Section 4.3.1.

Minimum Lot Area: The horizontal area of the lot, exclusive of any area in any street, required for the construction of buildings or structures. 75% of land under any waterbody, swamp, wet meadow or marsh, as defined in General Laws Chapter 131, Section 40, and the regulations promulgated thereunder, shall not be included in the minimum lot area required for Zoning Compliance.
(T.M. 5-10-89)

Minor Residential Development: Any single family development in a Residential District (R-20, R-40, Agricultural, RMF) which does not constitute a Major Residential Development. (T.M. 5/13/91)

Mixed Use Development: A development of two or more compatible land uses, such as residential, office, retail, recreational, and light industrial.

Non-Conforming Use of Structure: A lawfully existing use of structure which conformed to the provisions of the zoning bylaw, if any, at the time it was established or constructed, but does not conform to the presently applicable requirements for the district in which it is located.

Nursing and/or Convalescent Homes: Any institution however named whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of caring for three or more persons admitted thereto for the purpose of nursing or convalescent care.

Parking Area: An area other than a street used for temporary parking of more than four (4) automobiles.

Parking Space: A space designed to be occupied by, and adequate to park a motor vehicle plus access thereto. Within a parking area each parking space shall not be less than eight and one-half (8 1/2) by eighteen (18) feet.

Principal Structure: Any structure which houses, shelters or supports a principal use as defined by Section 3.2.3.1 of these By-Laws. (T.M. 10-17-94)

Professional Office: An office of recognized professions such as doctors, lawyers, licensed massage/muscular therapists licensed by the appropriate boards/commissions of the Commonwealth of Massachusetts, engineers, artists, musicians, designers, and others, who through training are qualified to perform services of a professional nature. (T.M. 10-21-91) (TM 10-19-09)

Renewable Energy: Energy derived from natural resources which are regenerated over time through natural processes. Such energy resources include the sun (solar); wind; moving water (hydro and wave); organic plant and waste material (biomass); and the earth's heat (geothermal). Renewable energy resources may be used directly or indirectly to create other more convenient forms of energy. Renewable energy sources also include landfill gases, fuel cells that use renewable energy, and advanced biofuels.

Restaurant: An establishment for the sale of prepared food, more than half the dollar sales of which are for consumption on the premises and within a building.

Riding Stable: A facility for the boarding and/or riding of horses and ponies. These facilities are also sometimes referred to as boarding stables, riding academies, or riding trails.

Roadside Stand: A stand or shelter for the sale of produce. Roadside stands will be allowed in residential districts for the sale of products principally produced on the premises on which the stand is situated.

Signs: See Section 2.3.

Single Ownership: An individual person, two (2) or more individuals, a group or association of individuals or a partnership or corporation, including an organization of unit owners under G.L. c. 183A, having common individual interests in a tract of land and improvements thereon.

Special Permit: A permission granted in writing by the special permit granting authority for a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special permits, if specific provision for such special permits is made in this Zoning By-Law.

Street: Any public way laid out for vehicular traffic or any private way laid out for or used as a public way for such traffic.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, recreational tramway, mast for radio antenna or the like. The word "structure" shall be construed, where the context requires, as though followed by the words, "or part of parts thereof." (T.M. 10-17-89)

Structural Alterations: Any change in or additions to, the structural or supporting members of a building such as bearing walls, columns, beams or girders.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. before the improvement or repair is started, or

2. if the structure has been damaged and is being restored, before the damage occurred.

The term does not, however, include 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.

Temporary Construction Office: A structure, building or trailer built on, or towed to, a site for the purpose of providing, an on-site office in which to manage the construction of one or more permanent structures or buildings, during said construction.

Tool Shed: A detached or attached structure for the storage of tools associated with and used for residential purposes. (T.M. 5-10-89)

Trailer: A vehicle, without motor power, designed to be drawn by motor vehicle and to be used for habitation or business use.

Variance: A grant of relief from the requirements of this By-Law which permits construction in a manner that would otherwise be prohibited by the By-Law. Grants of relief are for construction only and do not include relief from the requirements of this By-Law governing the use of land and premises.

Water District: A portion of the Town designated by appropriate authority as a single district for purposes of furnishing public water supply therein. There are at the enactment of the provision two (2) water districts within the Town of Grafton:

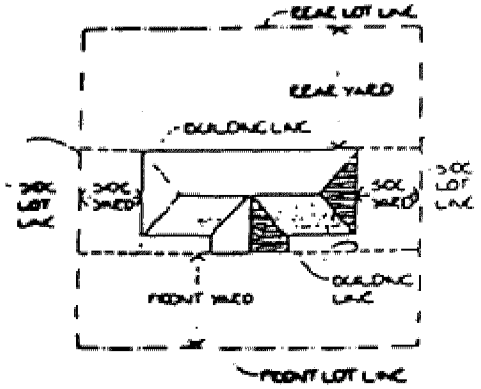
A. The South Grafton Water District, so called, as designated and bounded by the Legislative Act which created it.

B. The Grafton Water District, so called, as designated and bounded by the Legislative Act which created it.

Yard, Front: An open, unoccupied space extending across the full width of the lot between the front wall of the principal building and the front lot line. The depth of the required minimum lot shall be measured perpendicularly from the front lot line toward the interior of the lot.

Yard, Side: An open, unoccupied space between the main building and sideline of the lot, extending from the front yard to the rear yard. The width of the required minimum yard shall be measured perpendicularly from the side lot line toward the interior of the lot.

Yard, Rear: An open, unoccupied space extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required minimum rear yard shall be measured perpendicularly from the rear lot line toward the interior of the lot.



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2.2 Flood Plains

Area of Special Flood Hazard: The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Development: Any man-made change to improve or unimprove real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land area from:

1. The overflow of inland water and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town of Grafton.

Flood Insurance Study: The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floodway: The channel or a river 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 one foot.

New Construction: Structures for which the start of construction commenced on or after the effective date of the establishment of the Flood Plain District provisions contained in Section of this By-Law.

2.3 Signs

Automated Variable Message Sign: A variable message sign that changes its message by programmable electronic or mechanical processes, automatically or by remote control.

Billboard: A permanent sign, over four (4) square feet in size, not located on the property or premises it intends to advertise, call attention to, or identify.

Business Center Identifier Sign: A sign which contains the place name of a business center. Said sign may contain no other advertising.

Changeable Electronic Variable Message Sign: An automated variable message sign that displays a message by means of an electronic image or video (including, but not limited to, a television screen, plasma screen, digital screen, LED screen, video board, or holographic display).

Curb Sign: The delineation between the area intended for pedestrian traffic and the area intended for vehicular traffic.

Directional or Informational Sign: Any sign erected near a street or driveway or parking area which is necessary for the safety and direction of vehicular or pedestrian traffic. Directional or informational signs may not advertise, identify or promote any product, person, premises or activity.

Directory Sign: Any sign listing the name and location of the occupants of a site or building.

Display Surface: The total exposed area of a sign. Where signs are placed back to back in opposite directions the display surface is defined as the area of one face of the sign. The display surface of an individual letter sign or other irregularly shaped sign shall be the smallest rectangle into which the sign will fit.

Electric Sign: Any sign which is internally illuminated by incandescent or fluorescent lamps, **light-emitting diodes (LEDs), electroluminescent material,** luminous tubes, **or other means of converting electricity into light.**

Erected: Attached, constructed, reconstructed, altered, enlarged or moved. Erected shall not mean repainted, cleaned, repaired or maintained, except where a structural change is made. Altered includes changes in the lettering or symbols on the sign**, but excludes changes to the message of a variable message sign.**

Form Sign: Any sign constructed in three dimensions to represent an object.

Freestanding Sign: Any sign that is not attached to, erected on, or supported by a building.

Holiday Decoration: Any embellishment or ornament normally associated with the celebration of a national or state holiday.

Individual Letter Sign: Any sign made up of separate self-contained letters.

Industrial Use: Any use permitted in an industrial district.

Institutional Directory Sign: A freestanding outdoor sign erected and maintained by the Town that directs the public to civic, educational, cultural and/or religious facilities for reasons of public safety, convenience and improved traffic flow.

Outdoor Sign: Any sign placed out of doors in view of the general public.

Portable Sign: A sign structure of A-frame or similar design, which shall stand no more than 3' 6" high and which shall have no more than two (2) opposite-facing sides, each a maximum of 2' x 3'. Such signs shall be freestanding, not affixed to any structure nor to the ground. Such signs shall be located and permitted only as described in Section 4.4. (T.M. 5-9-94)

Projecting Sign: Any sign other than a wall sign suspended from or supported by a building and projecting out therefrom.

Projections: The distance a sign extends beyond the building.

Roof Sign: Any sign attached to or erected on the roof of a building. Also, any sign protruding above the lowest part of a building roof.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks whether stationary or portable, illuminated or not, by which any thing, advertisement, identification or message, is made known, such as are used to designate or locate an individual, firm, association, corporation, profession, business, commodity, product or process, which are visible from a public or private way, or right-of-way and used to attract attention.

Sign Structure: The supports, uprights, braces and framework of a sign.

Store: Any use permitted in a business district.

Temporary Sign: Any sign intended to be displayed for a limited period of time for the sole purpose of advertising, announcing or promoting a charitable, religious or civic event such as, but not limited to, fundraisers and public elections. Temporary signs shall also include any sign erected by a federal, state, or local government entity to protect public safety and warn against hazardous or dangerous conditions such as, but not limited to, contagious diseases or condemned property. (T.M. 5-10-04)

Variable Message Sign: A sign or portion thereof that is capable of having its message changed, either manually (as, for example, by hanging letters on the face) or automatically (as, for example, changing a pattern of lights), without otherwise altering the sign.

Wall Sign: Any sign attached to or erected against the wall of a building with the display surface of the sign in a plane parallel to the plane of the wall, which does not project more than one foot from the face of the wall.

Window Sign: Any sign designed to be visible from the exterior by being placed in, on, or behind a window or outside glass door. (T.M. 5-9-88)

2.4 Water Supply Protection

Aquifer: A geologic formation that contains sufficient saturated permeable material to yield significant quantities of water to wells.

Groundwater: All water found beneath the surface of the ground.

Impervious Surface: Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

Upland: That portion of a lot which does not lie within any area defined as a wetland by the Massachusetts Wetland Protection Act (General Laws Chapter 131, Section 40).