

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by deleting the existing Section 2.0 and inserting a new Section 2.0 for the purpose of providing a Definitions Section for Article XXI, as follows:

ARTICLE XXI, SECTION 2.0 - DEFINITIONS

In this by-law, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the by-law. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word “shall” is mandatory and “may” is permissive or discretionary. The word “and” includes “or” unless the contrary is evident from the text. The word “includes” or “including” shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word “lot” includes “plot”; the word “used” or “occupied” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied”. The words “building,” “structure,” “lot,” or “parcel,” shall be construed as being followed by the words “or any portion thereof.” The word “person” includes firm, association, organization, partnership, company, or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts state building code shall have the meaning given therein unless a contrary intention is clearly evident in the by-law.

Accessory building: A subordinate building located on the same lot as the main or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

Accessory use: A use customarily incidental to that of the main or principal building use of the land.

Accessory apartment: A dwelling unit located within or attached to a structure constructed as a single family dwelling, subordinate in size to the principal dwelling unit and separated from it in a manner that maintains the structural appearance of a single family house.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving of the building or structure from one (1) location or position to another.

Animal clinic or hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use.

Applicant: The party, whether an individual, partnerships, corporation, trust or other legal entity, that applies for a permit or approval under this zoning by-law or other regulations of the Town of Templeton. If the applicant is not the record owner or representative of the owner of the subject property, consent of the legal owner shall be required.:

Assisted Living Residence: See Nursing Home.

Automotive Repair Shop: See Motor Vehicle Body Repairs, Motor Vehicle General Repairs and Motor Vehicle Light Service.

Automatic Teller Machine (ATM), Freestanding: A pedestrian oriented mechanical device, not in proximity to a bank or other financial institution, which is accessed by an individual for the purpose of receiving cash from accounts and / or allows patrons to perform minor financial transactions. ATMs for use by Patrons in vehicles are to be considered drive-up customer service facilities.

Basement: The space in a residence or other building in which all or part of the space is located below the average surface grade of the lot.

Bed and breakfast establishment: A private owner-occupied dwelling of not more than 6 bedrooms for occupation by bed and breakfast guests where individual rooms are let as overnight accommodations and a breakfast is included in the rent as an accessory use. Bed and Breakfast establishments are intended for guests staying on an intermittent visits and shall not be used as long-term rental units or apartments. All parking for residents and guests shall be off-street.

Boarding house: A dwelling or part thereof in which lodging is provided by the owner or operator to individuals without meals shall be considered a boarding house.

Buffer Zone: An area along the boundary line between a residential district in the Town of Templeton and any Commercial, Industrial or Highway Business districts, extending into the aforementioned non-residential districts for a distance of fifty feet (50'), in order to reduce adverse development impacts on neighboring residential districts. NOTE: See Table of Dimensions.

Building: A building in which is conducted the main or principle use of the lot, on which said building is situated.

Building coverage: That percentage of the lot or plot area covered by the roof area of a building or buildings.

Building, detached: A detached building is one separated on all sides from adjacent building by open spaces from the ground up.

Building height: The vertical distance from the grade to the highest point of the roof. When a building faces more than one street, the height shall be measured from the average of the grade at the center line of each street front. Not included are spires, cupolas, antennae, or similar parts of structures that do not enclose potentially habitable floor space.

Building Inspector: The local municipal officials charged with the enforcement of the Templeton Zoning Bylaw.

Business or professional office: A building or part thereof, for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise.

Campground: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, which is primarily used for recreational purposes and retains on open air or natural character.

Cellar: See Basement.

Cemetery: An area set apart for or containing graves, tombs, crypts or funeral urns; a burial ground or grave yard.

Child Care Facility and Child Care Center: See Daycare Center.

Club or lodge, private: Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

Cluster Development: See Open Space Residential Development.

Commercial recreation, indoor: A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, as permitted by federal, state and local law, including all connected rooms or space with a common means of egress and entrance. Indoor commercial recreation centers shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health

clubs, dance studios, or other commercial recreational centers conducted for or not for profit.

Commercial recreation, outdoor: Drive-in theatre, golf course/driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in the by-law.

Contractor's yard: Premises used by a building contractor, general contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking of operative wheeled equipment.

DEPOT: See warehouse.

Drive-Up Customer Service Facility: A fast food restaurant, bank, retail, commercial, or service use which allows customers to access sales or services directly from a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This definition shall not include the selling of fuel at a gas station, or self-service gas station, or the accessory functions of a car wash facility such as vacuum cleaning stations.

Driveway: An open space on a private lot that provides adequate access to a private garage or off-street parking space.

Dwelling: A building designed and occupied as the living quarters of one (1) or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) occupants, respectively. A multifamily dwelling shall be one designed for and occupied by three (3) or more occupants.

Earth removal: Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations.

Easement: A grant of one or more of the property rights by the owner to another for a general or specific purpose, such as access.

Educational use, nonexempt: Educational facilities not exempted from regulation by M.G.L. c. 40A, s. 3.

Elevation: Height relative to mean sea level.

Environmental Impact Report (EIR): A report that must be filed by a developer when MEPA thresholds are expected to be exceeded or encountered.

Environmental Notification Form (ENF): A form that must be filed by a developer when MEPA thresholds are expected to be exceeded or encountered.

Erect: To build, construct, reconstruct, move upon, or conduct any physical development of the premises required for a building; to excavate, fill, drain, and the like preparation for building shall also be considered to erect.

Essential services: Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead, but not including wireless communications facilities (towers). Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

Family: Any number of individuals residing together on the premises as a single housekeeping unit.

Farm stand, nonexempt: Facility for the sale of produce, wine and dairy products on property not exempted by M.G.L. c. 40A, s. 3.

Financial Institution: A state or federally chartered bank, savings association, credit union, or industrial land company located in a building, or portion of a building, which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up customer service facilities on the same premises. This does not include small loan businesses or check cashing facilities.

Flea Market: A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include selling goods at retail by businesses or individuals who are generally engaged in retail trade. Flea markets are conventional, permanent profit seeking businesses that require all local permits and licenses.

FIRM – Flood Insurance Rate Map: A map created and maintained by Federal Emergency Management Agency (FEMA) that depicts areas where flooding can be expected.

Floor area, gross: The total square feet of floor space within the outside dimensions of a building including each floor level, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Floor Area Ratios (FAR): A mathematical expression determined by dividing total floor area of a building by the area of the lot on which it is located. For example, a one acre lot with a FAR of .75 could contain 32,670 square feet of gross floor area ($43,560 \times .75 = 32,670$).

Frontage: Frontage shall be determined as the distance measured along the street right of way at the front of a lot, from one side line of the lot to the other. Frontage shall be an unbroken distance along said street right of way and shall provide both rights of access and safe year-round practical vehicular access. In the case of a lot that fronts on a curve or angle in the street, the distance shall be measured along the lot line in continuous linear feet to include any curve or angle.

Funeral home: Facility for the conducting of funerals and related activities such as embalming.

Garage: A structure for the storage of motor vehicles or the use of which is customarily incidental to that of the principal building.

Garage Auto and Truck Repair, (mechanical): An establishment for the storage, repair, servicing, adjusting and/or equipping of automobiles or other motor vehicles, body work and/or supplying oil and other automotive fluids to motor vehicles, and including repair of heavy motorized equipment.

Gasoline Station: An establishment that provides for the sale of gasoline and accessory items, servicing and the minor repair of motor vehicles.

Golf Course-Country Club: Establishments consisting of golf courses and related facilities, usually known as "country clubs", consisting of restaurants, function rooms, accessory buildings, tennis courts, and other recreational facilities.

Golf Driving Range: A facility used for the instruction and practice of the game of golf by striking golf balls from fixed locations onto an open field together with incidental uses including but not limited to golf putting greens and rental of equipment. Each golf driving range shall be constructed according to nationally recognized safe practice standards for

such amusements to protect patrons, passers-by and the surrounding area. Sufficient off-street parking for patrons shall be furnished and maintained. The premises shall be kept in an orderly manner and grass and weeds will be kept down.

Grade: The rate of change in elevation of the surface of the land as measured in feet of vertical change per one hundred feet horizontal, or percent. One foot (1') vertical change per one hundred feet horizontal is equal to a one percent (1%) grade.

Hazardous material: Any substance that is listed in, but not limited to, the EPA priority pollutants as described in section 307(a) of the Clean Water Act, as amended.

Home Occupation, Minor: any use customarily conducted for profit by the inhabitants of a dwelling, provided such use is clearly incidental and secondary to the use of the building for dwelling purposes and does not change the residential character thereof. Such use shall be deemed incidental and secondary if it does not meet the definition of major home occupation.

Home Occupation, Major: A business where the operation of the business may have a greater impact on the neighborhood than a minor home occupation. A business shall be deemed a major home occupation if it has one or more of the following characteristics:

- More than one non-resident employee, but limited to three on the premises,
- Outdoor storage of materials or equipment,
- Outdoor parking of more than one commercial vehicle or any commercial vehicle exceeding 10,000 pounds gross vehicle weight,
- Occupies more than 25% of the floor area of the dwelling,
- Occupies more than 500 square feet of floor space in accessory buildings, or
- Routinely serves more than three customers or clients on the premises at any one time.

Household - a household shall include

- 1) All family members related by blood, marriage or adoption, regardless of generation;
- 2) Fewer than four unrelated adults living in any one dwelling unit, with or without children;

Impervious: Any surface impenetrable by surface water.

Junk: Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junkyard or Automobile Graveyard: The licensed use, by the Board of Selectmen, of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof.

Kennel, Commercial: A commercial establishment, licensed by the Town Clerk in which more than six (6) dogs or domesticated animals are housed, groomed, boarded or trained located on at least two (2) acres of land.

Lot: A continuous parcel of land with legally definable boundaries.

Lot Area: The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least eighty (80) percent of the lot area required for zoning compliance shall be contiguous land other than that within any water body, bog, swamp, wet meadow, marsh, or other wetland, as defined in section 40, Chapter 131, G.L., as amended.

Lot, Corner: A lot with two (2) adjacent sides abutting upon streets or other public spaces. Corner lots shall meet the front yard requirements (setback) for each way that the parcel fronts.

Lot, Depth of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Frontage of: A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two (2) intersecting streets if their angle of intersection is greater than ninety (90) degrees. Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot.

Lot Line: A line dividing one lot from another or from a street or any public place.

Lot, Width of: The horizontal distance between side lot lines, measured parallel to the lot frontage at the front yard setback line.

Manufacturing, Light: Fabrication, processing, packaging, or assembly operation employing only electric or other generally noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from agents disturbing to the neighborhood, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electro-magnetic radiation, heat, or vibration. Any manufacturing other than above shall be classified as “Heavy Manufacturing.”

Massage Therapy: An establishment created for the purpose of providing the public Massage Therapy by a duly licensed Massage Therapist.

Medical Center or Clinic: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Mobile Home: A dwelling built upon 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.

Motel or Hotel: A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest stay more than six (6) months in any calendar year. No occupant of such hotel or motel may claim residency at such location.

Motor Vehicle Body Repair: An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, but does not include the storage of vehicles for the cannibalization of parts.

Motor Vehicle General Repairs: Premises for the servicing and mechanical repair of autos, but not to include fuel sales.

Motor Vehicle Light Service: Premises for the supplying of fuel, oil lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.

Municipal Facilities: Facilities owned or operated by cities or towns created under the appropriate statute of the Commonwealth of Massachusetts. Examples include the Town of Templeton and the City of Gardner.

Nursing or Convalescent Home: Any building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

Non-Conforming Use – use of a building or land, existing at the time of enactment or subsequent amendment of the zoning bylaw, which does not currently conform to the regulation of the district in which it is situated.

Open Space Residential Development: A residential development in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property by open land, and in which provision has been made by conveyance or restriction that the land be kept in an open and natural state. Lot sizes, frontage, density, dimensional standards or types of buildings may vary from those otherwise permitted or required. The land not included in the building lots is permanently preserved as open space.

Parcel – any area of land as defined on an assessors’ map or other plan, but not necessarily a buildable Lot.

Passenger Transport Terminal: A building or structure intended solely for the shelter and services needed for passengers of mass transportation (example: bus stop).

Personal Service Establishment: A facility providing personal services such as hair salon, barber shop, tanning beds, dry cleaning, print shop, photography studio, and the like.

Recorded: Recorded in the Worcester County Registry of Deeds or for registered land, in the Land Court.

Restaurant: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. The term “restaurant” shall not include “fast food establishments”.

Restaurant, Fast-Food: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building or off premises and usually requires ordering food at a counter.

Senior Housing: Independent living and assisted living facilities located in detached single-family dwelling units, townhouse-style dwelling units

or multi-family dwelling unit buildings restricted to individuals or families in which all residents are aged 55 or older, with the exception of spouses or caregivers, or unless specifically precluded by a public housing program under which the proposal is submitted, included or not, meals, housekeeping and transportation.

Setback: The required minimum horizontal distance between the building line and the related front, side, or rear property line, including terraces or any covered projection thereof, excluding handicapped ramps.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the device is located. Any building surfaces other than windows which are internally illuminated or decorated with gaseous tube or other lights are considered “signs.”

Solid Waste Disposal Facility: Refuse transfer station, composting plant, solid waste recycling operation and any other works or use approved by the Massachusetts Department of Public Health and the Board of Health of the Town of Templeton for processing, handling, treating, and sludge, but not raw sewage and similar waste items.

Special Hospital: A facility or building used primarily for providing to members of the public, or members of designated groups of the public, either as residents of, or as periodic visitors thereto, psychiatric, psychological, mental health or emotional care, counseling and/or treatment; including herein a facility or building which is used for the care, counseling and / or treatment of persons suffering from substance abuse, including drugs and/or alcohol.

Special Permit Granting Authority (SPGA): The SPGA shall include the board of selectmen, board of appeals and planning board as designated by zoning by-law for the issuance of special permits.

Street: An accepted town way, or a way established by or maintained under county, state, or federal authority, or a way established by a subdivision plan approved in accordance with the subdivision control law, or a way determined by the planning board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the building erected or to be erected thereon.

Structure, Permanent: 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, flagpole, recreational tramway, and mast for radio antenna or the like.

Structure, Temporary: A structure without any foundation or footing to be removed within a twelve-month time period. Said structure shall conform to the requirements of the Table of Dimensional Requirements and shall receive a permit from the building inspector.

Townhouse: A multi-family dwelling in which all dwelling units are separated by side or party walls.

Toxic Materials: A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation, and assimilation into any organism can cause death, disease, mutations, deficiencies, or malfunctions in such organisms or their offspring.

Trailer or Camper: A vehicular, portable unit designed for travel, camping or recreational use. This definition excludes mobile homes, but includes every variety of tent and boat trailers.

Transport Terminal: Terminal facilities for handling freight with or without maintenance facilities.

Variance: An exception allowed by the Board of Appeals where strict enforcement of the zoning bylaw would create unusual hardship due to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located. Variances shall only be granted upon satisfaction of the criteria for a variance set forth in M.G.L. c. 40A §10, as amended.

Warehouse: A building used primarily for the storage of goods and materials, for distribution but not for sale on the premises.

Yard: A space open to the sky, located between a building or structure and a lot line, unoccupied except by fences, walls, poles, paving, and other customary yard accessories.

Yard, Front: A yard extending the full width of the lot and situated between the street line and the nearest point of the building. See Table of Dimensions.

Yard, Rear: A yard the full width of the lot and situated between the rear line of the lot and the nearest part of the main building projected to the side line of the lot. See Table of Dimensions.

Yard, Side: A yard situated between the nearest point of the building and the side line of the lot and extending from the front yard to the rear yard.

Any lot line not a rear line or a front line shall be deemed a side line. See Table of Dimensions.

Zoning Administrator: A person designated by the Board of Appeals in accordance with MGL c. 40A §13, to assume certain duties of said board.

Zoning Enforcement Officer: The Building Inspector or other party so designated who shall be charged with the enforcement of the zoning by-law, Article XXI, and with duties consistent with MGL. c. 40A §7.

Passed/December 7th @ 8:18