

**PROPOSED ZONING AMENDMENT**  
**ITEM #1 - SECTION 218-4 DEFINITIONS**  
**Filed with the Town Clerk on August 22, 2014**

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning as follows:

Amend Section 218-4 Definitions, by deleting Section 218-4 Definitions in its entirety and by inserting in its place a new Section 218-4 Definitions, dated August 22, 2014, on file in the office of the Town Clerk:

**§ 218-4. Definitions.**

In this chapter the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the present tense include the future. The abbreviation "sq. ft." shall include square foot or square feet. 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 a firm, association, organization, partnership, company, or corporation, as well as an individual.

Terms and words not defined herein but defined in the Massachusetts State Building Code shall have the meaning given therein unless a contrary intention is clearly evident in this bylaw.

**ACCESSORY APARTMENT** — A separate dwelling unit, complete with its own cooking and sanitary facilities, having not more than one bedroom and functioning as a separate unit. Additions, renovations, and all construction shall meet the requirements of the current edition of the State Building Code. [Added 4-25-2005 ATM, Art. 20, approved 6-1-2005]

**ACCESSORY USE OR BUILDING** — A use or building which is subordinate and customarily incidental to and located on the same lot with the principal use or building to which it is accessory.

**ADULT DAY CARE** -- A day services program designed to provide assistance with activities of daily living and meet the cognitive, social, physical, and medical needs of elderly clients, and provide temporary relief for their caregivers; certified, licensed, or operated under a contract administered by the Executive Office of Elder Affairs or other

state agency authorized under the laws of the Commonwealth.

**AIRFIELD, NONCOMMERCIAL:** A private airstrip restricted to use by the owner of the facility or the owner's invited guests.

**ASSISTED LIVING FACILITY** – A residence certified by the Executive Office of Elder Affairs, or its successor, under M.G.L. c. 19D to provide room and board and assistance with activities of daily living for three or more adult residents not related by consanguinity or affinity to their care provider, and to collect payments or third-party reimbursements to provide such services. An assisted living facility may include a licensed adult day care center as an accessory use.

**AUTOMOTIVE REPAIR SHOP** — A shop or garage for the repair of motor vehicles, other than a private garage or a gasoline service station.

**BOATHOUSE** - Boathouse – A permanent, fixed roofed structure constructed for the purpose of permanent, temporary, or seasonal storage of watercraft and located on, over, or proximate to navigable water. Usually constructed in combination with docks, piers, seawalls, or landings - said structures used for purpose of maneuvering watercraft from and to, into and out of said boathouse.

**BED AND BREAKFAST** -- A building or group of buildings intended to be used or used for transient overnight lodging with not less than two nor more than four rooms for paying guests, with guest meals typically included in the room charge and limited to breakfast prepared in a central kitchen. No cooking facilities shall be located in individual guest rooms or suites.

**BEDROOM** — As defined in Title V of the Massachusetts Environmental Code [310 CMR 15.002].

**BUILDING** — A structure having a roof or cover and forming a shelter for persons, animals or property.

**BUILDING HEIGHT** — Measured at the vertical distance from the average elevation of the finished lot grade at the front of the building to the highest point of the top story in the case of a flat roof and to the ridge in the case of a pitched roof.

**CAMP, DAY OR YOUTH** – A camp providing facilities for groups of young people such as YMCA camps, Boy Scout or Girl Scout camps, or a similar recreation establishment operated by public or private non-profit organization, with indoor or outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service.

**CHILD CARE CENTER** – A facility other than a private residence operated on a regular basis and licensed by the Commonwealth of Massachusetts under G.L. c. 15D to receive children not of common parentage under 7 years of age, or under 16 years of age if those children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. As used in this chapter, child care center includes services known as child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool.

**COMMERCIAL RECREATION, INDOOR:** A facility operated as a business, open to the public for a per-visit or membership fee, for indoor recreation purposes such as tennis, racquetball, swimming, ice skating, roller skating or similar activities, including a health club or athletic club, but not including indoor recreation programs operated by the Town of Groton or its various departments, or the Groton-Dunstable Regional School District.

**COMMERCIAL RECREATION, OUTDOOR:** A facility operated as a business, open to the public for a per-visit or membership fee, for outdoor recreation purposes such as skiing, swimming, ball games, golf, or similar customary and usual sports or recreation activities.

**CONTIGUOUS** — Sharing a common lot line or touching at any point. [Added 5-3-1988 ATM, Art. 34]

**CONTRACTOR'S SHOP** - An enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area.

**CONTRACTOR'S STORAGE YARD** - Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

**CRAFT SHOP** -- A business establishment that produces on the premises articles for sale of artistic quality or effect or handmade workmanship, e.g., candle making, glass blowing, weaving, pottery making, custom woodworking, sculpting, painting, and other associated activities.

**DRIVEWAY** — An improved access, other than a street, connecting between a street and one or more parking or loading spaces.

**DWELLING** — A building or part thereof designed, erected and used for continuous and permanent habitation for one or more families or individuals.

**DWELLING UNIT** — A building or portion of a building intended as living quarters for a single family, having a single set of kitchen facilities (a stove plus either or both a refrigerator and a sink) not shared with any other unit.

**EXISTING STREET** — A way in existence on May 1, 1980, if qualifying to provide frontage for subdivision of land, as provided at the definition of "frontage."

**FAMILY** — Any number of persons living together as a single economic unit and ordinarily using a single cooking facility.

**FLOOR AREA, AGGREGATE** — Total floor area including all floors of all buildings on the premises. [Added 4-30-2012 ATM, Art. 23]

**FLOOR AREA, GROSS** — Total gross floor area including exterior building walls of all floor areas of a building or structure. [Added 4-30-2012 ATM, Art. 23]

**FLOOR AREA, HABITABLE** — The temperature-controlled, finished floor area within a dwelling unit exclusive of unfinished garages, attics and cellars. [Added 4-30-2012 ATM, Art. 23]

**FRONTAGE** — The length of common boundary between a lot and a way legally qualifying to provide frontage for the division of land, pursuant to § 218-22A and MGL C. 41, § 81L, to be measured continuously along the street line between side lot lines and their intersection with the street line, which provides safe and adequate vehicular access from said way to the principal use of the lot. [Added 4-29-1996 ATM, Art. 18]

**GASOLINE SERVICE STATION** — A structure or lot used for the sale of gasoline and oil for servicing motor vehicles, other than a private garage.

**HAMMERHEAD LOT** — A lot having at least forty-foot frontage and five acres' area and meeting the requirements of § 218-23.1. [Added 10-15-1990 STM, Art. 7]

**HELIPORT** -- An area designed to be used for the landing or takeoff of a helicopter. As used in this chapter, heliport is restricted in use to the owner or operator of the facility.

**HOTEL, MOTEL or INN** — A building or part thereof or a group of buildings on a single lot providing public accommodations, where space is used for sleeping and appurtenant services by more than four persons as paying guests. For a hotel or motel with units equipped with independent cooking facilities, such units shall not be occupied by any guest for more than two (2) continuous months, nor may guests reoccupy any unit within thirty (30) days of a continuous two-month stay or stay more than a combined total of four (4) months in any calendar year, unless such requirements are specifically waived by special permit from the Board of Appeals. No occupant of such hotel or motel may claim residency at such location.

**HOME OCCUPATION** — An occupation, business, trade, service or profession which is conducted on the premises used as the residence of the operator of the business and which is not allowed as a principal use, including, in the R-A District, a business office, professional office, craft shop for articles produced on the premises or repair shop for small items.

**LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION** — A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. [Added 4-25-2011 ATM, Art. 22]

**LARGE-SCALE WIND ENERGY CONVERSION DEVICE** — A wind energy conversion device that exceeds 65 feet in height. [Added 4-27-2009 ATM, Art. 8]

**LODGING HOUSE** – A single-family dwelling where more than two but fewer than eight furnished rooms are provided as lodging for paying guests, regular or transient, for definite periods of times, with facilities for common services such as meals and laundry. No meals are provided to outside guests.

**LOT, BUILDING** — A single area of land in one ownership throughout defined by metes

and bounds or boundary lines as shown in a recorded deed or on a recorded plan and having the minimum area and frontage as required by this chapter.

**LOT, CORNER** — A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street having street side lines or tangents to side lines forming an interior angle of less than 135°. A lot which has legal frontage on both a public way and a proposed subdivision way and one which shall be shown on a subdivision shall be considered part of that plan. [Amended 10-6-1994 STM, Art. 14]

**LOT or PARCEL** — A single area of land in one ownership throughout defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan.

**LOT WIDTH** — The distance between the side lot lines measured along the setback line as established by this chapter. The setback line shall be parallel to a straight line connecting the two front lot corners of the lot. (See lot width detail.<sup>1</sup>). [Added 10-15-1990 STM, Art. 5; amended 10-6-1994 STM, Art. 15]

**MAJOR PROJECT** — Development used for business or manufacturing, resulting in either a building whose vertical projection ("footprint") exceeds 5,000 horizontal square feet measured to the outside of its enclosing walls, or 15,000 square feet or more of aggregate floor area which includes all floors of all buildings on the premises. Such development is either construction of a new building or addition to an existing building, where the addition increases the building's floor area by 5,000 square feet or more.<sup>2</sup>

**MANUFACTURING** -- An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. Manufacturing includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials.

**MOBILE HOME** — A structure designed as a dwelling unit for living purposes, capable of being moved on its own wheels by a motor vehicle, whether retained on wheels or fixed to a permanent foundation.

**MOBILE HOME PARK** — Land on which two or more mobile homes are stationed for the purpose of human habitation and land which is used in conjunction with land on which mobile homes are stationed.

**MUSEUM** – An institution devoted to the procurement, care, study, and display of objects of lasting interest, value, or historical significance.

**MULTIFAMILY USE** – A building containing three or more dwelling units.

**NACELLE** — The frame and housing at the top of the wind energy conversion facility tower that encloses the gearbox and generator and protects them from the weather.

---

1. Editor's Note: The Lot Width Detail diagram is located at the end of this chapter.

2. Editor's Note: The definition of "major residential development," which immediately followed this definition, added 10-27-1997 ATM, Art. 19, was repealed 4-28-2003 ATM, Art. 23.

[Added 4-27-2009 ATM, Art. 8]

**ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION** — A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

[Added 4-25-2011 ATM, Art. 22]

**PERSONAL SERVICE ESTABLISHMENT** -- An establishment whose primary business relies on customers coming and going on a regular basis and which provides a nonmedical service directly to the consumer, such as a barber, hairdresser, manicurist, caterer, decorator, dressmaker or tailor, dry cleaner or laundry service, optician, photographer, shoemaker or upholsterer, and similar uses.

**PERSONAL WIRELESS SERVICES** — Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. [Added 4-27-1998 ATM, Art. 27]

**PERSONAL WIRELESS SERVICES FACILITY** — A facility for the provision of personal wireless services as defined under the Federal Telecommunications Act. [Added 4-27-1998 ATM, Art. 27]

**PERSONAL WIRELESS SERVICES TOWER** — Any guyed structure, monopole tower or self-supporting structure that is constructed as a freestanding structure to contain one or more antennas or other equipment intended to transmit or receive television, AM/FM radio, digital, microwave, cellular, telephone or similar or related forms of communications. [Added 4-27-1998 ATM, Art. 27]

**PRIVATE GARAGE** — Covered space for the housing of motor vehicles, no more than two of which belong to other than the occupants of the lot on which such space is located.

**RATED NAMEPLATE CAPACITY** — The maximum rated output of electric power production of the photovoltaic system in direct current (DC). [Added 4-25-2011 ATM, Art. 22]

**ROTOR** — The blades and hub of the wind energy conversion device that rotates during energy conversion device operation. [Added 4-27-2009 ATM, Art. 8]

**SEASONAL RESIDENCE** — A residence that is used for fewer than 180 days per year. Evidence to document whether a residence is seasonal or year-round may include utility bills, United States Post Office records, principal place of garaging, or sworn affidavits by three abutting year-round residents. [Added 5-3-1988 ATM, Art. 33]

**SIGN** — Includes any lettering, word, numeral, pictorial representation, emblem, trademark, device, flag or other figure of similar character located outdoors and being a structure or any part thereof or attached to, painted on or in any other manner represented on a building or other structure and used to announce, direct, attract, advertise or promote, including signs located inside a window only when illuminated or moving, and shall not include the display of merchandise visible through such window. Marquees, canopies, awnings, clocks, thermometers and calendars shall be subject to the provisions of this chapter only when used to display or support signs as defined above.

**SMALL-SCALE WIND ENERGY CONVERSION DEVICE** — A wind energy conversion device that may be freestanding or mounted on a structure not exceeding 65 feet in height. [Added 4-27-2009 ATM, Art. 8]

**SOLAR PHOTOVOLTAIC ARRAY** — An arrangement of solar photovoltaic panels. [Added 4-25-2011 ATM, Art. 22]

**SPECIAL PERMIT GRANTING AUTHORITY (SPGA)** — The Planning Board or the Board of Appeals as designated in this chapter as having the authority to issue special permits. [Added 4-27-2009 ATM, Art. 8]

**STORY** — The portion of a building between the upper surface of any floor and the upper surface of the floor next above, having more than 1/2 of its height above the average elevation of the finished grade adjoining the building. Any part of a building between the topmost floor and the roof shall be deemed a half-story.

**STREET** — A public way or private way shown on a plan approved under the provisions of the Subdivision Control Law or in existence when the provisions of said Subdivision Control Law<sup>3</sup> became effective in the Town of Groton, having, in the opinion of the Planning Board, suitable width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

**STREET LINE** — The side line of a street or way, as determined by deeds and plans recorded at the Registry of Deeds, or a building line laid out under MGL C. 82, § 37; where no line is thus legally established, then a line parallel with and 20 feet distant from the center line of a traveled way.

**STRUCTURE** — Any construction, erection, assemblage, or other combination of materials upon the land made in such a manner as to indicate a purpose that it remains in position indefinitely.

**SUBSIDIZED ELDERLY HOUSING** — Housing in which 50% of the dwelling units are subsidized under any program or plan that will result in the development of low- or moderate-income housing, such housing which the Groton Housing Authority certifies carries restrictions to limit the eligibility of the occupants and sale price, if applicable to within guidelines as defined in applicable federal or state statute, whether built or operated by any public agency or any nonprofit or limited dividend organization with occupancy reserved to persons 55 years of age or older. [Amended 1-13-1988 STM, Art. 29]

**TRANSFER LOT** — A parcel of land with not less than 80,000 square feet used to establish a density bonus in a Flexible Development, as set forth in § 218-26. Such transfer lot shall be: [Added 4-28-2003 ATM, Art. 22]

- A. Determined by the Planning Board to be of special importance because of its visual prominence or potential vista blockage, ecological significance or fragility, value as

---

3. Editor's Note: See MGL C. 41, §§ 81K through 81GG.

agricultural or recreational land, critical relation or proximity to the Town's drinking water supply, or because it is identified in the Town's open space plan;

- B. Not wetlands, as defined in MGL C. 131, § 40, or not land used to satisfy dimensional requirements in any other development of land;
- C. Subject to a permanent conservation restriction pursuant to MGL C. 184, §§ 31 through 33, or conveyed to the Town, or conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or other appropriate purpose consistent with the open space uses designated in § 218-26.

**WIND ENERGY CONVERSION DEVICE** — A device that converts kinetic energy of the wind into electrical power. A wind energy conversion device typically consists of a rotor, nacelle and supporting tower. [Added 4-27-2009 ATM, Art. 8]

**WIND ENERGY CONVERSION DEVICE HEIGHT** — The distance measured from the natural grade to the highest point on the device during operation. [Added 4-27-2009 ATM, Art. 8]

**WIND ENERGY CONVERSION FACILITY** — All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind energy conversion devices. [Added 4-27-2009 ATM, Art. 8]

**WINDMILL** — A device, usually associated with agriculture, that converts kinetic energy of the wind into mechanical power, not electrical power. A windmill is not a wind energy conversion device per these definitions. [Added 4-27-2009 ATM, Art. 8]

**WIND MONITORING OR METEOROLOGICAL ("TEST" OR "MET") TOWER** — A tower, whose period in existence shall not be greater than 18 months, used for supporting anemometer, wind vane, and other equipment to assess the wind resource at a predetermined height above the ground, erected as part of a wind-energy conversion feasibility process. [Added 4-27-2009 ATM, Art. 8]

Filed with the Town Clerk:

---

Town Clerk

---

Date