

ARTICLE I
Purpose and Definitions
[Amended 10-1992 STM by Art. 11]

§ 135-101. Purpose.

This chapter is hereby established for the following purposes: to promote the health, safety, convenience and welfare of the Town's inhabitants; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, sewerage system, schools, parks, open space and other public requirements; to conserve the value of lands and buildings; to encourage the most appropriate use of land throughout the Town; to conserve natural resources; to prevent blight and pollution of the environment; and to preserve and increase its amenities.

§ 135-102. Definitions. [Amended 5-10-1994 ATM by Art. 50; 10-29-1996 STM by Art. 18; 5-27-1998 ATM by Art. 48; 5-16-2001 ATM by Art. 56; 10-8-2002 STM by Art. 22; 5-7-2003 ATM by Art. 36]

As used in this chapter, certain terms shall have specific meanings as defined below. Terms and words not defined herein but defined in the Subdivision Control Law¹ shall have the meanings given therein. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, latest edition.

ACCESSORY BUILDING OR STRUCTURE — A detached building or structure which is incidental to and customarily associated with a principal use or building on the same site.

ACCESSORY USE — A use which is incidental to and customarily associated with a principal use on the same site.

ACCESS STREET — A street designated on a plan for transporting grading equipment or hauling material.

ACRE — Forty-three thousand five hundred sixty square feet.

ADDITION — Any construction which increases the size of a building or structure in terms of site coverage, height, length, width or gross floor area.

ADDRESS — The official street number assigned by the Town Engineer for a specific lot, building or portion thereof.

ADJOINING LOT — A lot or parcel of land that shares all or part of a common lot line with another parcel of land.

AGENT OF OWNER — Any person providing written verification that he/she is acting for, and with the knowledge and consent of, a property owner. (See "developer.")

AGRICULTURE, HORTICULTURE AND FLORICULTURE — Land primarily and directly used in raising animals, growing food for human consumption, feed for animals, tobacco, flowers, sod, trees, nursery or greenhouse products, forest products or ornamental plants and shrubs to sell.

AISLE — The traveled way by which cars enter and depart parking spaces.

ALTERATION — Any change or rearrangement in the structural members of an existing building, such as bearing walls, columns, beams or girders or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another location on site.

AMUSEMENT OR ASSEMBLY, PLACE OF — An establishment including but not limited to video game arcades, bowling alleys, movie theaters, miniature golf facilities and similar activities.

ANIMAL CLINIC OR HOSPITAL — An establishment for the dispensing of medical services to domesticated animals. Said establishment shall not be used as a kennel for the boarding of five or more healthy animals.

¹ Editor's Note: See MGL c. 41, § 81K et seq.

APARTMENT HOUSE — A multiunit dwelling consisting of three or more families living independently of each other.

ASTM — American Society of Testing Materials.

AUTOBODY SHOP — An establishment primarily engaged in the repair, painting or refinishing of body, fender or frame of motor vehicles.

AUTOMOTIVE REPAIR SERVICE — An establishment primarily engaged in the repair of automobiles, noncommercial vehicles, motorcycles, recreational vehicles or boats, including the sale, installation and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, lubrication shops and similar repair and service activities. Said uses shall not include vehicle dismantling or salvage, autobody services or the sale/dispensing of motor fuels.

AVIATION FIELD — A facility for the housing, maintenance and operation of small aircraft. In no instance shall this definition be construed to allow aircraft with more than two propellers, helicopters or aircraft powered by jet engines.

BACKFILLING — Returning a site to its existing or approved grades after land disturbance activities.

BANK — An establishment where money is stored for savings or commercial purposes or is invested, supplied for loans or exchanged.

BASEMENT — That portion of a building or structure which is partly below and partly above grade, and having at least 1/2 its height above grade.

BEDROCK — Solid undisturbed rock in place either at the ground or beneath surficial deposits of loose rock, soil, sand or gravel.

BEGINNING OF CONSTRUCTION — The start of permanent construction of a structure on a site; the pouring of slabs, footings or foundations, installation of piles, construction of columns, or any work beyond the stage of excavation. Construction does not include site preparation, such as clearing, grading, filling; excavation for a basement, footings, piers, or foundations; or the erection of temporary forms.

BENCH — A relatively level step excavated into earth material on which fill is to be placed.

BERM — A raised area used to screen a site or control runoff.

BOATHOUSE/MARINA — A facility located on the waterfront for storing, servicing, fueling, launching, berthing and securing pleasure boats. Said facility may include accessory retail and eating facilities for owners, crews, and guests.

BODY ART — The practice of physical body adornment using, but not limited to, the following techniques: body piercing, tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine in the Commonwealth, such as implants under the skin, which shall not be performed in a body art establishment.

BODY ART ESTABLISHMENT — A place or premises where the practices of body art are performed. A body art establishment shall not be located within 1,000 feet of any

school. Any body art establishment located within any shopping center shall require a special permit independent of any special permit issued for a shopping center use.

BODY PIERCING — The puncturing or penetration of the skin of a person with single-use needles and the insertion of jewelry or other adornment thereto in the opening. This definition does not include the piercing of ears.

BORROW — Earth material acquired from an off-site location for use in grading activities on a site.

BRANDING — Inducing a pattern of scar tissue by use of a heated material to the skin.

BUFFER STRIP — An area between two adjacent land uses or properties intended to separate and partially obstruct the view from one to the other. Said areas shall be maintained open, unpaved, not built upon and not used for parking or for storage of any kind.

BUILDABLE AREA — The area of a lot remaining after the minimum yard, buffer strip and open space requirements of this chapter have been met.

BUILDING — A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, including tents, lunch wagons, dining cars, camp cars, trailers and other roofed structures on wheels or other supports used for residential, business, mercantile storage, commercial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or similar covering whether temporary or permanent in nature.

BUILDING COVERAGE — The horizontal area measured within the outside face of the exterior walls of all principal and accessory structures and buildings on a lot.

BUILDING LINE — The line generally parallel to the street or lot line at a distance equal to the minimum setback requirement. No building or structure, or portion thereof, may be constructed outside the building line.

BUILDING PERMIT — Written permission issued by the proper town authority for the construction, repair, alteration or addition to a structure.

BUSINESS/COMMERCIAL BUILDING — Any building or structure which is not used for a residential dwelling or essential service.

BUSINESS/PROFESSIONAL OFFICE(S) — A building or portion thereof where services, clerical work, professional duties and related activities are carried out. Services offered are on an individual basis as opposed to services performed on objects or personal property. Business/professional offices include, but are not limited to, brokerage offices, insurance offices, professional offices (i.e., accountants, engineers, lawyers, etc.), real estate offices, ticket offices and travel agencies. Business/professional offices do not include banks or "medical centers or clinics."

CATERING SERVICE — Preparation from a commercial kitchen of foodstuffs for service elsewhere.

CELLAR — That portion of a building which is partly or completely below grade and having at least 1/2 its height below grade.

CEMETERY — An area for the interment of deceased human beings.

CERTIFICATE OF OCCUPANCY — The certificate issued by the Inspector of Buildings which permits the use of a building in accordance with approved plans and in compliance with the Zoning Bylaw.

CHANGE OF USE — Any use which differs from the existing use of a building or land.

CHURCH, SYNAGOGUE AND SIMILAR USE — A building used for the purpose of religious assembly.

CLEARING — Removing the vegetative ground cover and/or trees, including, but not limited to, root or topsoil removal.

CLUB or LODGE — A building, structure 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. For the purposes of this chapter, a yacht club shall be considered a club or lodge.

CLUSTER DEVELOPMENT — A residential development in which buildings and accessory uses are clustered together in one or more groups, separated from adjacent property by open space, or open space landscaped, as authorized by the Special Permit Granting Authority.

COMMERCIAL DISTRICT — An area included within a district zoned commercial where activities concerned with the fabrication, assembling, finishing or packaging of products are allowed. The processing or alteration of raw materials is not allowed in a commercial district.

COMMERCIAL OPEN STORAGE OF BOATS AND RECREATIONAL VEHICLES — The storage of boats and recreational vehicles in designated areas. Said areas shall be surrounded by a fence at least six feet in height.

COMMERCIAL RECREATION — Any establishment providing recreation facilities for admission or by subscription, such as health clubs, racket clubs, skating rinks, etc., whether such facilities are enclosed or not.

COMMERCIAL VEHICLE — Any motor vehicle, designed for medium or heavy use, that is 10,000 pounds' gross vehicle weight or greater.

COMMON RESIDENTIAL DRIVEWAY — An improved area providing access and egress for vehicles to parking spaces, garages, dwellings or other structures.

COMMUNITY CENTER — Recreation-oriented center or facility such as drop-in center or senior center, open to a broad public, excluding private membership clubs.

COMPACTION — The densification of soil or rock fill by mechanical means.

COMPENSATORY STORAGE — A volume of space created to replace losses in flood storage.

COMPREHENSIVE DEVELOPMENT — A housing development meeting all the requirements necessary to make said development eligible for application for a comprehensive permit under MGL c. 40B.

CONGREGATE LIVING FACILITY — A noninstitutional, shared living environment which integrates shelter and service needs for functionally impaired and older persons who can maintain a semi-independent lifestyle and who do not require constant supervision or intensive health care as provided by an institution. Each congregate unit has its own bedroom and may have a separate or shared living room, kitchen, dining area or bathroom.

CONTRACTOR YARD — Premises used by a construction contractor for storage of equipment and supplies, fabrication of subassemblies, and parking of wheeled or tracked equipment. Said yards shall be fenced and secured.

CONVALESCENT HOME or NURSING HOME — An extended- or intermediate-care facility licensed and approved to provide full-time convalescent or chronic care to individuals who are unable to care for themselves.

CONVERSION OF CONVALESCENT HOME OR NURSING HOME — The change in use of an existing convalescent home or nursing home to an apartment house/two-family use. [Added 5-10-2006 ATM by Art. 39]

CRITICAL FACILITY — Those facilities for which even a slight chance of flooding could endanger public safety. Critical facilities include the following three categories:

- (1) Facilities such as liquefied natural gas terminals and facilities which produce and/or store highly volatile, toxic or water-reactive materials.
- (2) Hospitals, schools, nursing homes and other similar facilities where the safety of the occupants may be threatened by floodwaters.
- (3) Those facilities which if flooded would cause the loss of irreplaceable public records or cause the loss of, or disruption to, utilities or emergency services.

CUT — The changing of a grade by excavation.

DATA CENTER, COMMUNICATIONS FACILITY — The housing of equipment used in connection with a data center, data storage, telephone exchange, switching, relay or transmission purpose. Accessory office space may be included. A communication tower, if any, shall be regulated under Article XVI of the Braintree Zoning Bylaw.

DAY CARE, ACCESSORY — The daytime custodial care, for a fee, of no more than six children. Said center shall be accessory to a residential use.

DAY CARE, COMMERCIAL — The daytime custodial care, for a fee, of more than six children in a facility licensed by the commonwealth.

DEPTH OF CUT — The vertical distance of the exposed cut surface.

DEPTH OF FILL — The vertical distance of the exposed fill surface.

DETACHED — Separate from any other building or structure.

DEVELOPER — The legal or beneficial owner of a lot or parcel of land proposed for inclusion in a development, including the holder of an option or contract to purchase. (See also "agent of owner.")

DEVELOPMENT — Any man-made change to a site, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTURBED AREA — An area where the ground cover is destroyed or removed or where grading occurs.

DRAINAGE — The removal of surface water or groundwater from land by drains, grading, or other means. "Drainage" includes the control of runoff to minimize erosion, sedimentation and flooding during or after development.

DRAINAGE AREA — The area contributing runoff water to a watercourse, drainage system or detention basin.

DRAINAGE SYSTEM — The system of inlets, conduits, channels, ditches and other man-made improvements which serve to collect and convey stormwater through and from a given drainage area.

DRIVE-UP SERVICE — Use which involves the sale of products or provision of services to occupants in vehicles.

DRIVEWAY — An improved area providing access and egress for vehicles to a parking space, garage, dwelling or other structure.

DWELLING, MULTIFAMILY — A building designed and used for the living quarters for more than two families.

DWELLING, ONE-FAMILY — A building designed or used as the living quarters for one family.

DWELLING, TWO-FAMILY — A building designed and used for the living quarters for two families.

DWELLING UNIT — Living quarters with separate access and egress, cooking facilities, sleeping accommodations and bathroom.

EAR PIERCING — The puncturing of the ear lobe with a presterilized single-use stud-and-clasp ear piercing system following manufacturer's instructions.

EARTH MATERIAL — Any soil, sand, gravel, rock, organic material, mulch cover or other natural material or fill.

EASEMENT — A right of use granted on, above, under, or across a particular tract of land by one owner to another.

ELEVATION — A vertical distance above or below a fixed reference level.

EROSION — Detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EROSION PREVENTION — Measures to prevent or minimize erosion, sedimentation and other impacts associated with construction activities.

ESSENTIAL SERVICE — The erection, construction, alteration or maintenance of systems, underground or overhead, for distribution of gas, steam, water or communication systems or transmission of electricity by public utilities or municipal departments or commissions. Said systems may include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other

(Cont'd on page 13511)

similar installations. Buildings necessary for the furnishing of services by such services shall not be included. For the purposes of this bylaw, all wireless communication facilities as defined in § 135-1602 of this bylaw shall not be included in this definition as an Essential Service.

EXCAVATION — The mechanical removal of earth material.

FACTORY OUTLET STORE — Retail sale activity at a warehouse or manufacturing establishment, offering for sale only those goods manufactured or wholesaled from that establishment. Said activity shall not be more than 25% of the total floor area of the parent establishment.

FAMILY — One or more individuals living together and sharing sleeping, cooking and eating facilities within an individual housing unit, as distinguished from a group occupying a lodging, fraternity or sorority house, club, hotel or motel.

FAST-FOOD ESTABLISHMENT — An establishment in which 40% or more of its annual sales (projected or actual) are derived from the sale of food and beverages in a ready-to-consume state directly to a customer from a servicing counter for consumption off premises or for consumption on premises if said food or beverage is served in single service/disposal containers.

FENCE — A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material, used as a boundary, as a means of protection or confinement or as a means of screening. A hedge or other vegetation shall not be considered a fence.

FILL — The stockpiling or depositing of earth materials on land, whether submerged or not.

FILL MATERIAL — Soil free from refuse, concrete, asphalt, construction materials, wood, wood products or by-products, wood waste, organic matter, petroleum products or by-products or substance that causes contamination; clean sand; grout or sand/grout mixtures.

FIRE LANE — An open space designated for emergency vehicles in which no building or structure may be erected and in which no other automotive vehicles may be parked.

FLOODPLAIN, FIVE-HUNDRED-YEAR — That area subject to 0.2% chance of flooding in any given year as referenced on the most recently produced Flood Insurance Study and Flood Insurance Rate Map (FIRM).

FLOODPLAIN, ONE-HUNDRED-YEAR — Any areas subject to periodic water inundation during a one hundred year storm level. See § 135-608.

FLOODPROOF — Watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

FLOODWAY — That portion of the 100-year floodplain, as referenced on the most recently produced Flood Insurance Rate Map (FIRM), which must be kept free of encroachment so that the 100-year flood can be carried with an increase in flood height of less than 1.00 foot, provided that hazardous velocities are not produced.

FLOOR AREA, GROSS — The sum of the gross horizontal areas of the several floors of a building, excluding areas used for accessory garage purposes, and such basement and cellar areas that are devoted exclusively to activities accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures or enclosed porches.

FRONTAGE OF A LOT — A contiguous line separating a lot from a street or way to which physical access to the principal building on the lot can be provided. (If a lot is bounded by more than one way, the frontage shall extend to the intersection of the side lines of such ways or to the middle of the curve connecting such side lines.) (See definition sketches, Appendix B.²)

FRONTAGE REQUIREMENT — The minimum frontage required under § 135-701 of this chapter. No lot shall be allowed to have frontage on more than one way for the purposes of meeting the frontage requirements for building lots.

FUNERAL HOME — An establishment for the conducting of funerals and wakes and related activities such as embalming.

GARAGE, NONRESIDENTIAL — A building/structure or part thereof, other than a residential garage, for the storage of motor vehicles and in which vehicle maintenance activities may be carried on.

GARAGE, RESIDENTIAL — A building/structure or part thereof accessory to the main building, providing for the storage of motor vehicles and in which no occupation or business for profit is carried on. Said garage shall not exceed three parking spaces.

GARDEN CENTER — An establishment where retail and wholesale products and produce are sold. The items sold may include nursery products and stock, soil and fertilizers, light power equipment and machines, garden and farm tools and utensils. This definition shall include nurseries and greenhouses.

GOLF COURSE — A facility for the game of golf. In no instance shall this definition include miniature courses or golf driving or practice ranges.

GRADE — The elevation of the ground surface.

GRADE, EXISTING — The elevation of the ground surface at a given point prior to grading activities.

GRADE, FINISH — The elevation of ground surface at a given point after grading activities.

GRADE, NATURAL — The elevation of the ground surface in its natural state prior to any site work.

GRADING — Any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) or the existing topography. Grading includes but not is limited to excavating; stockpiling of fill; clearing of trees and vegetation for the purpose of

² Editor's Note: The sketches are included at the end of this chapter.

constructing roads, site improvements or structures, installing utility lines or using the land in other than its natural state.

GRUBBING — The clearing of roots, stumps or other underground vegetative matter at a depth of less than 3 feet.

HAZARDOUS WASTE FACILITY — The site or works for the storage, treatment, dewatering, refining, incinerating, reclamation, stabilization, solidification, disposal or other processes where hazardous wastes can be stored, treated or disposed of; however, not including a municipal or industrial wastewater treatment facility if permitted under MGL c. 21, § 43.

HAZARDOUS WASTE TRANSFER STATION — The intermediate point in the transport of hazardous wastes where such wastes are brought, stored and transferred to vehicles for movement to other intermediate points or to the point of ultimate storage, treatment or disposal.

HEIGHT OF BUILDING OR STRUCTURE — For buildings, the vertical distance above the mean finished grade ten feet out from each face of the building to the highest point of the roof beams or trusses of a flat roof or to the top of the rafters at the ridge of a sloping roof; for other structures, the vertical distance above the mean finished grade 10 feet out from each face of the structure to the topmost part of the structure.

HELIPORT — A facility for the operation and/or maintenance of not more than three helicopters.

HIGHLY ERODIBLE SOILS — Soil map units classified as such by the Natural Resources Conservation Service.

HOSPITAL — A medical service facility where at least 50% of the total floor area is devoted to overnight medical accommodations and is licensed by the Commonwealth of Massachusetts to operate as a hospital.

HOTEL or MOTEL — A building containing rooms which are rented to be occupied on a temporary basis operating under an innkeeper license per the Massachusetts General Laws.

IMPERVIOUS SURFACE — Any man-made area that does not readily absorb or retain water.

INSTITUTION OF HISTORIC, PHILANTHROPIC OR CHARITABLE CHARACTER — A building use certified by local, state or federal agencies as to its historic importance. Also, those buildings whose use is essentially private in character but whose purpose is to benefit the general public on a nonprofit basis.

JUNK — Any old, secondhand, previously used, discarded or scrapped metals, bottles, glassware, tinware, paper bags, rubber goods, plumbing, heating and electrical equipment, fixtures and appliances, building materials, whole motor vehicles which are unregistered or, if registered, no longer fit for reconditioning for use in highway transportation, or motor or other vehicles which are wholly or partly dismantled or used parts or scraps therefrom or any other old, secondhand, used, discarded scrapped material commonly called “junk salvage material.” [Amended 5-10-2004 ATM by Art. 41]

JUNKYARD — The use of more than four hundred square feet of the area of any lot, whether inside or outside of a building, or the use of any portion of that half of any lot which adjoins any street, for the storage, keeping of junk.

KIOSK, FREESTANDING EXTERIOR — Freestanding exterior building or structure of less than 500 square feet for drive-up or walk-up window services or retail sales.

LAND DISTURBANCE — Activities that change the physical conditions of landform, vegetation or hydrology including but not limited to clearing, grading, grubbing, excavation, filling and storing of materials.

LANDSCAPING — The use of walks, terraces, trees, shrubs, ground covers, grass and other landscape elements such as natural features. (See “open space, landscaped.”)

LIBRARY — A facility for the storage of books, films, manuscripts, videos, records and similar materials whose purpose is to allow free public use of said materials.

LIGHT MANUFACTURING — The fabrication, assembling, and finishing or packaging of products and not the processing or alteration of raw materials. Such use may include office space up to 25% of the gross floor area of a facility as long as such office use is directly in support of the manufacturing activity and is located on the same site.

LOADING SPACE/BAY — An off-street space or berth on the same lot with a building or a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LODGING HOUSE — Any dwelling or part thereof in which rooms or suites of rooms are rented for human habitation to more than three individuals. Lodging house shall not include congregate living facility, hotel or motel, hospital or convalescent home or nursing home.

LOT — A designated parcel, tract or area of land established by plan, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit.

LOT AREA — The total area within the perimeter of a lot, excluding any street or way.

LOT, CORNER — A lot or parcel of land abutting two or more streets at their intersection or abutting two parts of the same street forming an interior angle of less than 135°.

LOT COVERAGE — That portion of a lot covered by structures or impervious surfaces.

LOT DEPTH — The distance between front and rear lot lines as measured along a perpendicular bisector of the smallest possible rectangle enclosing that lot. One side of the rectangle shall be located along the street line from which frontage is derived. In the case of an irregularly shaped lot and for the purposes of this definition, the “rear lot line” shall be a line which is at least as long as the minimum frontage requirement for the district in which the lot is located, which is entirely within the lot, and which is perpendicular to the bisector. When the bisector does not touch the front lot line, the measurement shall be made from the point on the front lot line closest to the bisector. The line from that point to the “rear” lot line shall be parallel to the bisector. (See Appendix Sketch E.¹)

¹ Editor's Note: The sketches are included at the end of this chapter.

LOT LINE — The division line between adjoining properties or streets or ways.

LOT LINE, FRONT — The dividing line between a public or private way and an adjacent lot.

LOT LINE, REAR — The lot line(s) opposite and most distant from the front lot line. In the case of a corner lot, the rear lot line shall be the lot line opposite the street line of the street on which the principal building faces. For a triangularly-shaped lot, the rear lot line is a line 10 feet in length within the lot, parallel to the front lot line or parallel to the cord of a curved front lot line and located the maximum distance from the front lot line. For other irregularly shaped lots, the rear lot line is composed of all lot lines that are parallel to, or closely parallel to, the front lot line. [Amended 5-3-2005 STM by Art. 26]

LOT LINE, SIDE — Lot lines connecting front and rear lot lines.

LOT WIDTH — The distance measured between side lot lines at a right angle to lot depth. (See Appendix Sketch E.¹)

MARINE-DEPENDENT USE — Dry docks and other facilities related to the construction, servicing, maintenance, repair or storage of vessels or other marine structures.

MEDICAL CENTER OR CLINIC — A facility for the office(s) of doctors, nurses, dentists or psychiatrists, whose primary functions are outpatient in nature.

MODULAR STORAGE — A commercial facility containing individual units which may be rented or leased by the general public for the storage of personal belongings. Said facility shall be completely enclosed with direct access to the individual units.

MOTOR VEHICLE LEASE AND SALES — Premises for the sale and/or lease of new and/or used motor vehicles. Said use may include the servicing and auto body repair of said vehicles. Said use shall not include the sale of fuel to the general public.

MUNICIPAL BUILDING — Town of Braintree public buildings, excluding garages, storage areas, repair shops and gasoline dispensing facilities.

MUSEUM — A use which entails the display of educational, scientific, or historic and similar materials (including the structure itself) open to the public, and nonprofit in its operation.

NONCONFORMING STRUCTURE — A building, structure or improvement which does not comply with the regulations for its zoning district but which complied with the zoning regulations at the time of its construction.

NONCONFORMING USE — The use of any building, structure or land, other than a sign, that does not conform to the regulations for its zoning district, provided that such use was in existence and lawful at the time the applicable provisions of this or prior zoning bylaws became effective.

OFFICE PARK — Business/professional office(s) having 50,000 square feet or greater of gross floor area, the site of which is under common management. The business/professional office(s) may be located in single or multiple structures and may be

¹ Editor's Note: The sketches are included at the end of this chapter.

located on single or multiple contiguous lots. An area equal to no more than 5% of the gross floor areas may be used for accessory activities such as retail, cafeterias and fitness centers to service on-site uses.

OPEN SPACE — Undeveloped land maintained in a natural state.

OPEN SPACE LANDSCAPED — The parts of a lot designed and developed for pleasant appearance with landscaped elements and walks and terraces designed for nonvehicular use. Such space may not include lot area used for parking, access drives, other hard-surface areas and walks and terraces that are in excess of 50% of the total required open space.

ORGANIC MATERIAL — The top matted and partially decomposed soil surface layer, which contains a high percentage of organic matter.

OVERLAY DISTRICT — A district established by this chapter which prescribes additional regulations to be applied in conjunction with the regulations for the base zoning district.

PARKING FACILITY — An area on a lot which includes five or more parking spaces along with provisions for access, circulation, maneuvering and landscaping.

PARKING FACILITY, COMMERCIAL — A building or lot or any part thereof for the storage of licensed motor vehicles for a fee. No service station activities may be carried on in said facility. Off-site parking authorized under § 135-805B shall not be defined as a commercial parking facility.

PARKING SPACE — An area, exclusive of ramps or columns, used exclusively for temporary storage of one motor vehicle. Truck loading/unloading space shall not be considered a parking space.

PARKING STRUCTURE — A building or structure or part thereof providing for four or more parking spaces, along with provision for access, circulation and maneuvering.

PERIMETER — The boundaries or borders of a lot, tract, or parcel of land.

PERMIT GRANTING AUTHORITY — The Zoning Board of Appeal.

PERMITTED USE — A use of land allowed as a matter of right in a zoning district, subject only to special requirements of this chapter.

PLANNED UNIT DEVELOPMENT — A mixed-use development that contains at least two of the following: residential use, business use, commercial use and open space as authorized by the Special Permit Granting Authority.

PREEXISTING USE — The use of land legally existing at the enactment of this chapter and subsequent amendments.

PRINTING FACILITY — A commercial facility of 10,000 square feet or more for designing and reproducing written, typed or graphic materials.

PUBLIC HEARING — An open meeting, advertised and held in accordance with the provisions of the Massachusetts General Laws.

PUBLIC UTILITY or PUBLIC WORKS STORAGE YARD or REPAIR SHOP — A town, state or federal facility for the storage and maintenance of vehicles and/or equipment.

QUARRY OPERATION — Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, excavated, blasted, uncovered, removed, displaced, relocated, bulldozed or dredged for commercial purposes for removal from the site.

RECREATIONAL VEHICLE — A unit which may be driven, towed or mounted on a motor vehicle and which functions as temporary living quarters for people while camping or traveling. For the purpose of this definition, snowmobiles, boats, and off-the-road vehicles shall be considered recreational vehicles.

REGISTERED PROFESSIONAL ENGINEER (RPE) — An individual registered as a civil engineer with the Board of Registration of Professional Engineers and of Land Surveyors as described in MGL c. 112, § 81-D.

RESEARCH FACILITY — Premises used for scientific research and/or development of technical processes and/or products.

RESTAURANT — A building or portion thereof containing a kitchen and tables and/or booths which is used for the sale and consumption of food on the premises. The term “restaurant” shall not include “fast-food establishment.”

RETAIL STORE(S) AND SERVICE(S) — Commercial enterprise that provides goods and/or services directly to the consumer where such goods and services are available for immediate purchase and immediate use on or removal from the premises by the purchaser. Such uses may include barbershops, beauty and hairdressing shops, drugstores, florist shops, food stores, furniture stores, home appliance stores for retail sales, laundromats, copy centers, newsstands, photographic studios, shoe repair shops, tailor shops, upholstery shops, variety stores, gift shops and antique shops.

RETAINING WALL — A wall, two feet or greater in height, designed to withstand lateral and hydrostatic pressures and built to keep earth from sliding.

RIDING STABLE/ACADEMY — An establishment for the housing and maintenance of horses and ponies. Said establishment may also include riding trails, courses or tracks.

ROD AND GUN CLUB — A facility for the controlled use of firearms, including bows and arrows, which provides target ranges and associated buildings.

SCARIFICATION — Altering skin texture by cutting the skin and controlling the body’s healing process in order to produce wounds, which result in permanently raised wheals or bumps known as “keloids.”

SCHOOL — A facility for general education which meets all local, state, and federal licensing and certification requirements.

SCREENING — The method by which the view of one site is shielded, concealed from another site. Screening techniques include fences, walls, hedges, berms or landscape features.

SERVICE STATION — An establishment used for the sale of motor fuel directly to the public which may include facilities for the repair and maintenance of motor vehicles and engines.

SETBACK — The distance from a lot line to a structure.

SHED — A small accessory building used for the storage of tools and materials related to on-site maintenance.

SHOPPING CENTER — A group of retail, service and/or consumer-oriented establishments having 80,000 square feet or greater, the site of which is under common management. The establishments may be in single or multiple structures and may be on single or multiple contiguous lots.

SHOPPING CENTER, REGIONAL — A shopping center having in excess of 500,000 square feet of gross floor area.

SIGN — Any permanent or temporary structure, billboard, devices, letter, word, illuminated fixture, electric bulb, tube or similar contrivance, medal, banner, pennant, insignia, flag or any other representation used as or which is in the nature of an advertisement, announcement, attraction or direction which is on a public way or on private property within public view of a public way, public park or reservation.

SITE — A lot or street right-of-way or contiguous combination thereof under the same ownership.

SITE PLAN — A plan prepared in accordance with the requirements of § 135-711 of this chapter.

SLOPE — Incline of ground surface expressed as a ratio of horizontal to vertical distance.

SOIL — Earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock that can be excavated readily by mechanical equipment.

SOLID WASTE DISPOSAL FACILITY — A facility for the disposal of solid waste materials, excluding toxic or hazardous materials.

SPECIAL PERMIT GRANTING AUTHORITY — The Braintree Planning Board.

STOCKPILE — The storage of uncompacted earth material.

STORMWATER RUNOFF — The direct runoff of water resulting from precipitation in any form.

STORY — That portion of a building or structure included between the surface of any floor and the upper surface of the floor or roof next above.

STORY ABOVE GRADE — Any story having its finished floor surface entirely above grade. A basement shall be considered a story above grade when the distance from the exterior grade to the finished surface of the floor above is more than six feet for more than 50% of the total perimeter.

STREET or WAY —

- (1) Any way accepted by Town Meeting;
- (2) Any way shown on a plan approved under the provisions of the Subdivision Control Law² and which has been constructed in accordance with the Subdivision Plan; [Amended 5-3-2005 STM by Art. 25]
- (3) Any private way in existence when the provisions of the Subdivision Control Law became effective and, in the opinion of the Planning Board, having suitable grades and being adequate for the uses of land which it serves, including the installation of municipal services for such land. For the purpose of Article IX, Signs, the word “street” shall mean any way to which the public has a right of access.

STRUCTURE — Anything constructed or erected on the ground, including signs, billboards and swimming pools, but not including masonry walls under six feet in height used as fences.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, or alteration of a structure, the cost of which equals or exceeds 50% of the replacement value of the structure either before the alteration or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The calculation of “substantial improvement” shall include the value of all work performed on the structure within the past five years.

TATTOOING — Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

TERRACE — A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

TOPSOIL — The weathered surface soil, usually including the organic layer, in which plants have most of their roots.

TOXIC OR HAZARDOUS MATERIALS — Toxic and hazardous materials are those substances identified as being toxic or hazardous under the provisions of MGL. c. 21.

TRAINING SCHOOL — A school for instruction in a particular skill or craft.

TRANSPORTATION TERMINAL — Any facility such as a bus or rail terminal or any facility such as, but not limited to, railroad yards and truck terminals which are used primarily for the distribution or transshipment of goods.

TWO-FAMILY CONVERSION — The change in use from single-family to two-family of any dwelling existing on June 18, 1940, which contains more than six rooms, exclusive of halls and bathrooms, provided that the living space of such building has not been enlarged during the ten-year period prior to application and will not be enlarged for a ten-year period subsequent to permitting a two-family use. [Amended 5-10-2004 ATM by Art. 43]

² Editor's Note: See MGL c. 41, § 81K et seq.

USE — The purpose for which land, building or structure is arranged, designed or intended, or for which a lot of land, a building or a structure is or may be occupied or maintained.

WAREHOUSE — A fully enclosed building used for the storage of materials and/or equipment.

WATER BODY — Permanent or intermittent bodies of water including creeks, streams, ponds, rivers, lakes, drainage channels and wetlands.

WETLANDS — As defined in MGL c. 131, § 40, and/or Chapter 132 of the Braintree Bylaws.

YARD — The space between a lot line and building line.

YARD, FRONT — An open, unoccupied space on the same lot with a building, extending the full width of the lot and situated between the street line and the front line of the building projected to the sidelines of the lot.

YARD, REAR — An open, unoccupied space on the same lot with a building between the rear of the building and the rear line of the lot projected to the sidelines of the lot.

YARD, SIDE — An open, unoccupied space on the same lot with a building, situated between the building and the sideline of the lot and extending from the front yard to the rear yard.

ZONING DISTRICT — A designated specified land use classification, within which all sites are subject to a unified group of use and site development regulations as set forth in this chapter.