

SECTION 10.0 DEFINITIONS

In this Zoning 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 a 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 this By-Law.

Accessory building or structure: Any building or structure whose use is subordinate or incidental to the use of another building or structure on the same lot.

Adult day care facility: A social day care or adult day health facility as those terms are defined by the Commonwealth's Department of Elder Affairs.

Agricultural use, exempt: Use of land for the primary purpose of agriculture, horticulture, floriculture or viticulture, on a parcel of more than five acres in area as set forth in G.L. c. 40A, §3, and subject to Board of Health regulations.

Agricultural use, nonexempt: Agricultural use of property not exempted by G.L. c. 40A, §3. Such nonexempt use shall include an orchard, market garden, nursery, forestry operation, commercial greenhouse, commercial poultry or livestock farm, or the raising of animals for gainful purposes on less than five acres.

Artisan shop, retail: Gift shop, craft shop, antique shop, art gallery or similar retail establishment for the sale of artisan products or of artists' creations.

Artisan workshop: Workshop of a potter, ceramist, sculptor, silversmith, jeweler, lapidary, weaver, clock maker, musical instrument maker, wood carver, graphic artist, leather worker (not including tanning or processing), candle maker or similar crafts person. All work and storage shall be conducted within a building and no more than five full time workers, or equivalent thereof, shall be employed on the premises. For the purpose of this Zoning By-Law, artisan workshop does not include gift shop, craft or artisan shop, antique shop, art gallery or similar retail establishment.

Bed and breakfast (also commonly referred to as lodging or tourist house): A dwelling unit arranged or used for lodging, with or without meals, by more than three lodgers or boarders, however there shall be no separate cooking facilities.

Boarder: People, primarily transient in nature (such as those on vacation, short-term work assignment, or lodgers), who rent one or more rooms for one or more nights.

Boarding house - A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single dwelling unit, serving six or more boarders and as regulated by the State

Building Code.

Building: A structure with exterior walls and a roof designed for the shelter of persons, animals or property.

Building height: The vertical distance from the average post-construction 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 post-construction grade at the center line of each street front. Not included are spires, cupolas, antennae for other than wireless communications, or similar parts of structures which do not enclose potentially habitable floor space.

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.

Child care facility: A day care center or school age child care program, as those terms are defined in G.L. c. 28A, §9.

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, provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

Continuing care facility: Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

Contractor's Yard: Land that is used for the storage of contractor's construction equipment, equipment parts, materials and supplies, fabrication of subassemblies and parking of wheeled construction equipment. Storage trailers, PODS and the like are not permitted. Storage within an enclosed building shall not be considered a contractor's yard. Contractor is defined as a person or entity that agrees and becomes obligated to furnish materials or professional services for a price. Contractors are those subject to the Home Improvement Contractor's Law, G. L. c. 142A or those that maintain a business certificate filed with the Town Clerk.

Conventional development plan: A division of land into lots each of which meets the minimum dimensional requirements as set forth in Section 4, Dimensional Requirements and other applicable requirements of the Becket Zoning By-Law and Subdivision and Board of Health regulations.

Converted dwelling: An existing dwelling structure in which one or two dwelling units lawfully exist and for which an increase in the number of units is proposed.

Dedicated open land: Land under the terms of a Flexible Development Special Permit, which is restricted from building or further division by conveyance to the Town of Becket for conservation/passive recreational use or to a non-profit land conservation organization, approved by the Planning Board, or permanent conservation restriction which conforms to the standards of the Division of Conservation Services of the Commonwealth of Massachusetts and is enforceable by the Town or a non-profit organization as described above.

Driveway: A portion of a lot which is prepared for vehicular traffic and which provides access from a

road to a lot or towards a structure on a lot.

Driveway, common: A driveway which, in providing access onto a lot, occupies a portion of another lot and is used by not more than two lot owners.

Dwelling, one-family: A detached residential building containing one dwelling unit and occupied by one family only, but not including mobile homes whether placed on a foundation or not.

Dwelling, two-family: A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, multi-family: A detached residential building containing not more than four dwelling units designed for occupancy by not more than four families.

Dwelling unit: One or more rooms constituting a separate independent housekeeping establishment with cooking, living, sleeping and sanitary facilities for the use of one family.

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

Extractive operations: The removal of sod, loam, clay, sand, gravel, stone or other earth materials, except when incidental to and in connection with the construction of a structure or incidental to the grading and developing of contiguous property.

Family: One or more individuals living in a single dwelling unit. Exceptions from the provisions of this Section are homes licensed by the state, including but not limited to disabled veterans and foster children.

Family day care, large and small. Any private residence operating a facility as defined in G.L. c. 28A, §9.

Farm stand, exempt: Facilities for the sale of produce and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located.

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

Flexible residential development: A Major or Minor Residential Development in which buildable lots are permitted by Special Permit from the Planning Board, with reduced dimensions as provided for in Section 7 of this Zoning By-Law.

Flood Plain: See Subsection 8.1.3 for additional definitions related to the Flood Plain Overlay District.

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

General service establishment: Shop for lawn mower or small appliance repair, upholstery or furniture repair, bicycle repair, printer, blacksmith, builder, carpenter, caterer, electrician, lawn mower service, mason, painter, plumber, roofer or electronic technician.

Heavy-Duty Commercial Vehicle: Any motor vehicle, truck tractor, trailer or semi-trailer designed or used to carry freight or merchandise in the furtherance of any commercial enterprise and having a gross vehicle weight of more than 26,000 pounds. Gross vehicle weight (as stated on the vehicle registration form) consists of the net weight of the vehicle plus its load.

Home occupation: A business engaged in within a dwelling by a resident thereof as a use accessory thereto, involving no undue traffic or noise, with no external evidence of the business activity except for permitted signs as provided in Subsection 5.1 and employing no more than two (2) persons outside of the household. For the purposes of this Zoning By-Law, home occupation does not include gift shop, antique shop, art gallery or similar retail establishment.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other physical or mental conditions and including, as an integral part of the institution, related facilities, including laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Hotel: Building arranged for shelter and sleeping accommodations in which the occupants are primarily transient in nature occupying the facilities for a period of less than 30 days.

Junk yard: Storage in the open of used items offered for sale. Also any lot with more than three unregistered and ungaraged automotive vehicles or parts thereof, except that open storage for sale of unregistered automotive vehicles by a licensed dealership is not a junk yard.

Kennel: The raising or keeping of more than three dogs on a lot for commercial purposes.

Lot: An area of land in one ownership with definite boundaries, used or available for use as the site of one or more buildings.

Lot, buildable: Any lot meeting the minimum lot area and lot frontage requirements and which meets the requirements of State and Federal Wetland and Health requirements (Title V).

Lot frontage: The uninterrupted distance between lot sides along the road line (for corner lots to be measured along one road only), which provides direct access to the lot. A private road approved by the Planning Board under the Subdivision Control Law may provide frontage only for the lots which are contained within the approved subdivision.

Lot front line: The portion or portions of a lot line which lie on the road line.

Lot line: A line dividing one lot from another, or from a road or public place.

Lot sideline: That portion of a lot line or lines which is not a lot front line. Includes lot rear line.

Lot width: See Subsection 4.2.3.

Major residential development: The creation of 6 or more buildable lots in a subdivision (as defined in the Subdivision Control Laws) within a 3 year period on a property or contiguous set of properties in

common ownership as of March 11, 1992.

Manufacture: The production for sale of articles by standardized methods or by means of stationary or self activated power driven machinery.

Manufacture, large scale: Manufacture in which total production and assembly space is more than six thousand (6,000) square feet.

Manufacture, small scale: Manufacture in which total production and assembly space is no more than six thousand (6,000) square feet.

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

Minor residential development: Subdivision of a parcel or parcels of land into buildable lots at a rate of creation lower than the threshold for a major residential development.

Mobile home: A dwelling unit built on a steel chassis and usually framed with steel, having provision for transportability on its wheels or detachable wheels or a flatbed trailer. For the purpose of this Zoning By-Law, the term "mobile home" shall include also trailers, camper conversions, motorized homes and bus or van conversions which are designed to provide human habitation.

Motel: Building arranged for shelter and sleeping accommodations and in which the occupants are primarily transient in nature occupying the facilities for a period of less than 30 days.

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.

Principal structure: The main or primary structure on a lot.

Qualifying land area: The area of a tract of land which is to be used in calculating the basic development density under a flexible development plan. Said area shall be determined by a registered land surveyor and shall equal the total area of the tract of land minus wetlands as defined by the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00, minus land otherwise prohibited from development by local or state bylaw regulation or statute, minus land previously prohibited from development under a conservation easement or restriction recorded in the Berkshire Middle District Registry of Deeds, minus the area of any lot designated on the development plan for use other than residential or dedicated open land.

Residence: see Dwelling.

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.

Retail: A facility selling goods but not specifically listed in the Table of Use Regulations.

Road: A public way or a way which the Town Clerk certifies is maintained and used as a public way, or a way shown on a plan which has been approved and endorsed in accordance with the Subdivision Control Law, or a way in existence when the Subdivision Control Law became effective in the Town of Becket having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting the way.

Road line: The dividing line between a road right of way and a lot, established by boundary survey or deed, or shown on an approved subdivision plan. The road line is generally the same as the front lot line.

Sign: See Subsection 5.1

Site Plan Approval Board: The members of the Zoning Board of Appeals shall constitute the Site Plan Approval Board.

Special Permit Granting Authority: the Zoning Board of Appeals, the Planning Board and the Board of Selectmen are designated as the Special Permit Granting Authorities. See SECTION 3 USE REGULATIONS for specific designations.

Stable: Raising or keeping more than three horses on a lot for other than agricultural use or non-commercial use.

Street: see Road.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like.

Upland acreage: Lot area, not including water courses, water bodies, banks, or vegetated wetland as defined by the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00.

Use, accessory: A significant use which is subordinate or incidental to another use on the same lot.

Use, municipal: Any use of land in accordance with the general laws governing municipal powers and functions including participation in regional use.

Use, occasional: A use on a lot which is carried on no more than fourteen consecutive days and no more than thirty days in any one year.

Use, principal: A use on a lot which is not accessory and is more than occasional. Where not otherwise indicated, the term "use" in this Zoning By-Law shall mean "principal use and uses accessory thereto."

Use, variety: Two or more business uses combined in an integrated operation, e.g., grocery plus package store plus gasoline service. Includes residential use by owners or proprietors.

Uses, compatible: Two or more uses on a lot such that no use interferes with, distracts from or is inappropriate to any other use.

Uses, complementary: Two or more uses on a lot which enhance each other or which fit together harmoniously and in such a way as to make it natural and appropriate that they be carried out on the same lot.

Veterinary establishment: 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.

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

Wireless Communications: See subsection 6.4.2 for additional definitions related to wireless communication.