
ARTICLE 2: DEFINITIONS

SECTION 2.00 GENERAL REQUIREMENTS

- A. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- B. Where terms are not defined, they shall have their ordinarily accepted meanings or such as these By-Laws may imply.
- C. The determination of definitions in question shall lie with the Board of Appeals.
- D. For any terms not defined herein, the definition as found in Webster's Unabridged Dictionary, most recent edition, or as found in the State Building Code of Massachusetts shall be used.

SECTION 2.01 LIST OF DEFINED TERMS

- A. Unless otherwise expressly stated, the terms listed herein shall, for the purpose of these By-Laws, have the meaning indicated. Please see Section 8.02 and 9.09 for definitions specific to Signs and the Water Resource Protection District respectively.
 - 1. **Accessory Structure:** A structure, customarily, incidental and subordinate to the principal structure, which is located on the same lot as the principal structure except any structure(s) for any agricultural use.
 - 2. **Accessory Use:** Accessory uses as permitted by these By-Laws are set forth in Article 4. An accessory use is one which:
 - a. is clearly subordinate to, customarily found in association with, and incidental to a principal use; and
 - b. is located on the same lot as the principal use, except any accessory use for any agricultural purpose.
 - 3. **Adult Uses:** The uses as defined and regulated in Section 9.12C of these By-Laws.
(Art 25 5/11/98 ATM)
 - 4. **Age-Restricted Housing**—A housing development in which at least one resident of each dwelling unit is 55 years or older, and other residents must be over 21, but are permitted to be younger than 55.
(Art 4 12/2/02)
 - 5. **Agriculture:** The use of a tract of land, not less than five (5) acres in area for agriculture, horticulture, floriculture, viticulture, nurseries, orchards or greenhouses. Furthermore, the definition of agriculture shall include the keeping of livestock on parcels of two (2) acres or more.
 - 6. **Apartment:** A dwelling unit in either a two-family or multi-family dwelling.
 - 7. **Arcade:** An indoor recreation facility containing amusement or recreational games such as video or electronic games that contains more than three (3) Arcade machines. *(Art 3, 6/18/01 STM)*
 - 8. **Area (Gross):** Total floor area within a building.

9. **Area (Net):** The usable area (normally accessible to the public) of each story within a building or portion thereof.
10. **Assisted Living Facilities**—A structure or structures containing dwelling units for persons in need of assistance with activities of daily living, as defined and regulated by Chapter 19D of the Massachusetts General Laws. *(Art. 4, 12/2/02STM)*
11. **Attached Single Family Housing** — The construction of houses that share a common side wall. The wall may or may not be the property line of the unit. These “attached single family houses” may be allowed to be constructed on their own parcel of land with a front and rear yard or may be developed with the land around the unit being owned and maintained by a homeowners or condominium association. These units are commonly referred to as Townhouses. *(Art. 4, 12/2/02 STM)*
12. **Basement:** A portion of the building partially underground, but having less than half its clear height below the mean grade of perimeter walls of the building. For the purposes of these By-Laws, a basement shall be considered the first story of a structure (also see the term cellar).
13. **Basic Code:** The State Building Code of the Commonwealth of Massachusetts as amended.
14. **Bodies Politic:** Those institutions of government, appointed or elected in the Town of Foxborough.
15. **Buildable Area:** That area of a lot within which a building can be erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition, “roof” shall include an awning or any similar covering, whether or not permanent in nature. The word “building” shall be construed where the context required as though followed by the words “or part or parts thereof” (also see the term structure).
16. **Building Commissioner:** The officer or other designated authority charged with the administration and enforcement of the Basic Code.
17. **Commercial Campground:** A facility located on a lot, not less than 75 acres in area, intended for use by transient campers in tents or travel trailers, but not mobile homes. The facility may include accessory uses such as recreation fields and halls, swimming and shower facilities and convenience stores, all of which are intended for the use and convenience of users of the campground, and which are customarily accessory to the operation of a commercial campground.
18. **Cellar:** The portion of the building partially underground, having half or more than half of its clear height below the mean grade of the perimeter walls of the building (also see the term basement).
19. **Day Care Center:** A facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool or known under any other name, which receives children under sixteen (16) years of age for non-residential custody and care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system; any part of a

private, organized educational system unless the services of such system are primarily limited to kindergarten, nursery or related preschool religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home, as defined by Section 9, Chapter 28A, MGL as amended; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore.

20. **Dormitory:** A building, or portion thereof, where group sleeping accommodations are provided, with or without meals, for persons not members of the same family group, in one room, or in a series of closely related rooms under joint occupancy and single management, as in school or farm dormitories.
21. **Dwellings:**
 - Two-Family* - A Building containing two (2) dwelling units with not more than three (3) lodgers or boarders per unit.
 - Multi-Family* - A building, or portion thereof, containing three (3) or more dwelling units.
22. **Dwelling Unit:** One or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
23. **Frontage:** That distance along a lot line which abuts a street or streets. Access shall only be through or across this legal frontage. The frontage distance does not have to be contiguous, provided that the total distance complies with these By-Laws. The required frontage for a corner lot shall be provided on only one street. Frontage shall be calculated from the intersection of the side-yard to the center of the curve radius along a straight line.

(Art. 9, 11/5/01 STM)
24. **Gasoline Service Station:** Any structure whose primary purpose is the storage and sale of petroleum products for motor vehicles and/or where minor repairs to motor vehicles are made within a structure.
25. **Height, Building:** The vertical distance from either the sill elevation of a structure without a basement or cellar, or from the finished basement or cellar floor level of a structure with a basement or cellar to, the highest point of the top story in the case of a flat roof, or to the mean height between the top plate and the highest peak in the case of a building with a pitched roof, such highest point of the top story or mean height between the top plate and the highest peak hereinafter being referred to as the "High Point" of the structure.

(Art. 3, 12/6/99 STM)
26. **Home Occupation:** Any gainful employment or occupation of one or more members of the resident family which is clearly secondary or accessory to the primary residential use of the principal dwelling. Such occupation may be pursued in the principal dwelling or in an accessory building. The following criteria must be met: (1) It must not produce noise or other objectionable characteristics beyond the limits of the lot, (2) the area devoted to the home occupation shall not exceed forty (40) percent of the habitable floor area of the principal dwelling, (3) necessary off street parking must be provided, (4) not more than (2) persons may be employed, other than the family members, (5) not storage of material or products outside of a principal building is prohibited and (6) the making of external structural alterations which are not customary in residential buildings is prohibited.

27. **Kennel - Commercial:** A pack or collection of dogs, cats, or other domestic animals on a single premise maintained for sale, commercial breeding, boarding, grooming, training, hunting, or for any other commercial purposes, and including any shop where dogs are for sale.
28. **Lodging/Boarding House:** Any structure used for the lodging of more than three (3) individuals and where cooking or sanitary facilities may be provided.
29. **Lot:** An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more structures or for any other definitive purpose.
30. **Lot Area:** The horizontal area of a lot, not including any area in a public or private street open for public use.
31. **Lot Coverage:** That percentage equal to the area of a lot covered by man-made materials such as structures, asphalt and concrete divided by the total lot area.
32. **Lot Line:** A line dividing one lot from another, or from a street.
33. **Mobile Home:** A dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or permanent foundation for permanent living quarters.
34. **Motor Vehicle Repair Shop:** A structure in which the general business of repairing motor vehicles is conducted. No vehicles incapable of operation may be stored in the open.
35. **Municipal Recreation Facility:** Land, including accessory structures. Owned or operated by the Town of Foxborough which is used for one or more of the following uses: a golf course, riding stable, playgrounds, playing fields, fitness trails, a swimming pool, volleyball, bocce, tennis or basketball court(s), or other similar recreation facilities. No indoor or outdoor active recreation area or parking for same shall be located any nearer the lot line than the minimum building setback. *(Art. 16, 11/5/01 STM)*
36. **Parking lot:** A paved area, designed and constructed to the standards found in Article 7 of these By-Laws, the purpose of which is to provide off-street, vehicular parking. Parking lots may be a primary or accessory use of a parcel pursuant to Section 4.00 Table of Use.
37. **Parties in Interest:** As used in these By-Laws shall have the meaning as provided in Section 11, Chapter 40A, MGL as amended.
38. **Person:** Every natural person or other legal entity.
39. **Reconstruction:** The demolition of a structure and the rebuilding of a new structure on the same lot. *(Art. 24, 05/14/01 ATM)*
40. **Residential Garage:** a detached accessory structure to a single or two-family dwelling of which the primary purpose is to store motor vehicles. No commercial activities shall occur within these structures unless authorized by these By-Laws.

41. **Residential Storage Structure:** a detached structure accessory to a single or two-family dwelling which does not exceed 200 square feet in gross area.
42. **Story:** The portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above, including basements.
43. **Street or Way:** A public way or way which the Town Clerk certifies is maintained and used as public way, or a way shown on a definitive plan, 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 Foxborough, which in the opinion of the Planning Board, has 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 thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.
44. **Structure:** A combination of materials assembled at a fixed location to give support or shelter, and as further defined in the Basic Code. The work “structure” shall be construed, where the context requires, as though followed by the words “or part or parts thereof”.
45. **Temporary Parking Lot:** An area, whether paved or unpaved, which in the opinion of the SPGA, is suitable for providing off-street, vehicular parking. Temporary parking lots may be a primary or accessory use of a parcel pursuant to Section 4.00 Table of Use.
46. **Travel Trailer:** A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use. It shall not be designed to be installed on a permanent or temporary foundation.
47. **Truck Terminal/General Commodity/Public Warehouse:** A facility/use whose primary function is to provide for the distribution of a wide variety of merchandise, goods and/or other products via trucks. This shall include those facilities designed to store products in preparation for shipping and where those products are generally not made available for retail sale. The storage or parking of tractor-trailers, trucks or trailers as a primary use.
48. **Wellness and Recreation Center:** A facility located on a lot containing not less than 18 acres offered for use by the public for general wellness and recreation which may include a pool facility and any other indoor and outdoor sports, recreation and athletic use, day camps, and arts and humanities and uses incidental thereto, but excluding those uses which fall under Article 4.00 USE REGULATIONS, Section 4.00 TABLE OF USE, Use Group F1.
(Art. 11, 11/20/00 STM)
49. **Yard:** An open space on a lot with a building, extending along the entire length of a front, rear, or side lot line.