

ARTICLE 2: DEFINITIONS

SECTION 2.00 GENERAL REQUIREMENTS

- A. Words used in the present tense include the future tense; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- B. The determination of definitions in question shall lie with the Planning Board.
- C. For any terms not defined herein, the definition as found in Webster's Unabridged Dictionary, most recent edition, or as found in MGL, Chapter 41, as amended 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 regulations have the meaning indicated.
 - 1. Access: When a lot or lots has the minimum required frontage pursuant to the Foxborough Zoning By-Laws (or relief from such) on a street (as defined below) and there are no physical impediments for a vehicle to physical pass over the legal frontage and onto the lot, the Planning Board may determine that there is adequate access. A valid Order of Conditions pursuant to MGL, Chapter 131 from the Foxborough Conservation Commission allowing the crossing of a wetland to access to a lot is sufficient for the Planning Board to make this finding.
 - 2. Approval: Three affirmative votes of the Planning Board are necessary for any plan or action of the Board to be approved. In the case of abstentions, conflicts of interest, failure to be present at a public hearing or other situations influencing the eligibility of a member to vote, a majority of a minimum of three eligible voters is required for a plan or action of the Board to be approved.
 - 3. Definitive Plan: A plan of a subdivision of land which requires the approval of the Board pursuant to MGL, Chapter 41, Section 81-L. It shall meet the requirements noted in Articles 3 and 5 herein.
 - 4. Grading Box: A defined area on a building lot which is illustrated on a plan approved by the Planning Board. All surface grading, tree removal and associated changes to the surface of the land as the result of construction activities on the lot shall only occur within this area. Other than approved driveways, access ways and/or septic systems, no activities which will result in changes to the land shall occur beyond the limits of the grading box without approval of the Planning Board. The Board and subdivider shall agree on the type and extent of restrictions, their applicable time frame and a vehicle to enforce them. This definition is not intended to modify or amend the Foxborough Zoning By-Laws (which shall take precedence) concerning dimensional requirements for lots or structures. *(adopted 10/30/97)*
 - 5. Plan Thought Not to Require Approval (ANR): A plan illustrating the subdivision of land into two or more lots where every lot within the tract so divided has the minimum frontage as required by the Foxborough Zoning By-Laws, such frontage is located within the Town of Foxborough and is located on:
 - a. A public way or way which the Town Clerk certifies is maintained and used as a public way, or

- b. A way shown on a plan previously approved in accordance with these regulations, and, if five (5) years or more have elapsed since the date of approval, the way must be fully constructed in accordance with the plan, or
- c. A way in existence prior to January 14, 1950 which, in the opinion of the Board, has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic, and for the installation of municipal services to serve such land or buildings erected or to be erected thereon.

If a lot or lots do not have the minimum frontage, a statement indicating such and that the lot(s) is not suitable for building purposes shall be placed on the plan prior to the Board's endorsement.

- 6. Preliminary Plan: A plan of a proposed subdivision of land. The plan shall be submitted on a print showing all of requirements as noted in Section 3.01 Preliminary Plans. Such a plan is mandatory for any proposed non-residential subdivision of land and strongly recommended by the Board for residential subdivisions.
- 7. Recorded: Recording in the Registry of Deeds of Norfolk County or for registered land, it shall mean with the Recorder of the Land Court.
- 8. Registry of Deeds: The Registry of Deeds of Norfolk County and, when appropriate, shall include the Land Court.
- 9. Street: A public way or way which the Town Clerk certifies is maintained and used as a public way, or a way shown on a plan previously approved in accordance with these regulations, which, in the opinion of the Board has been sufficiently constructed to provide for the needs of vehicular for buildings erected or to be erected thereon.
- 10. Subdivision: The division of a tract of land into two or more lots including re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the required frontage, or the division of a tract of land on which two or more buildings were standing prior to January 14, 1950 into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.