

ARTICLE 300 – DEFINITIONS

301 GENERAL

In this Bylaw, 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.

302 DEFINITIONS

Accessory Building

A building devoted exclusively to an accessory use as herein defined.

Accessory Structure

A structure, such as a detached garage, shed, swimming pool, tennis court, pier, or greenhouse, located on the same lot with and accommodating a use accessory to the principal structure or use of the lot, except a pier may be located on a lot adjacent to the principal structure.

Accessory Use

An activity customarily incidental to and located on the same lot as a principal use conducted by the same person or his agent. No use (other than parking) shall be considered "accessory" unless functionally dependent on and occupying less land area than the principal use to which it is related. (1987)

Applicant

The person submitting any application under the provisions of this Bylaw including a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Board of Appeals

The Board of Appeals of the Town of Duxbury.

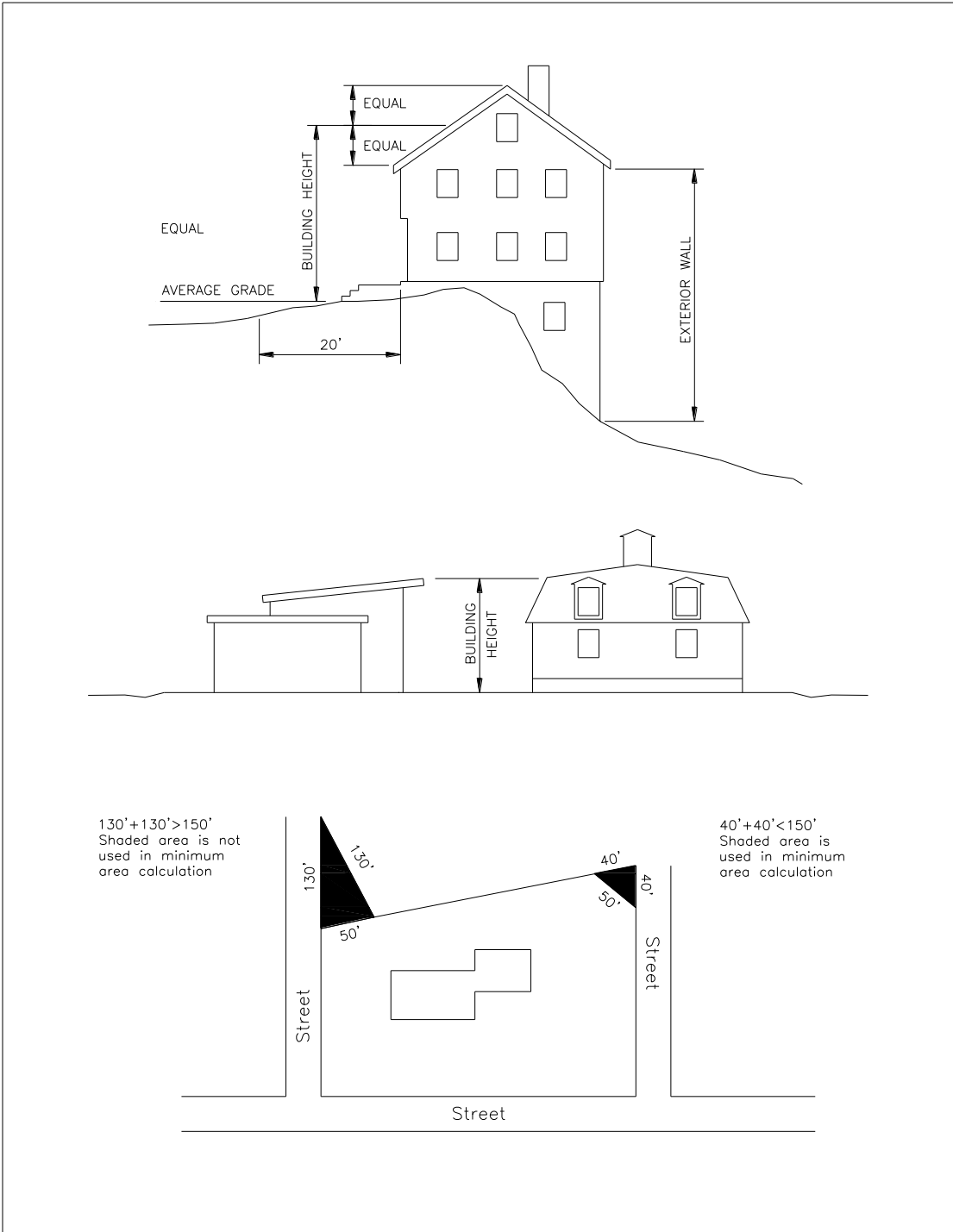
Building

A structure having a roof covering one hundred (100) square feet or more.

Building Height

The vertical distance from the average finished grade within twenty (20) feet of the structure on the street (frontage) side of a building to:

1. the highest point of the roof or parapet for flat or shed roofs, or
2. the midpoint between the lowest and highest points of the roof for gable, hip and gambrel roofs, or
3. the deck line for mansard roofs (with upper slope under four [4] inches per foot), and provided that at no point shall an exterior wall exceed the permitted heights by more than twelve (12) feet. **See Drawing in Section 300.**



Coverage

1. Building: The maximum percentage of a lot in any district which is covered by buildings which constitute principal and accessory uses thereof. Garages, barns, storage sheds or additions and alterations to the principal residential building occupying the lot shall not be exempt from the definition of building coverage.

2. Site: The percentage of a lot in any district which is covered by impervious structures, including the principal building and accessory structures on the lot. For the purposes of this section, such impervious structures shall include, and not be limited to, paved driveways and parking areas, sidewalks constructed of impervious materials, principal and accessory structures and other on-site amenities that render any portion of a lot impervious.

Developer

The person, persons, corporation, trust, firm, or partnership or other legal entity who shall be responsible for the development of land and/or structures or is charged with the execution of a planned development.

Dwelling

A building, or portion thereof, designed exclusively for residential occupancy, including single-family, two-family, and multiple family dwellings, but not including hotels, motels, boarding houses, trailers, or structures solely for the use of transient or overnight occupants.

Dwelling Unit

A building or a portion of a building providing living quarters for a single-family having a single set of kitchen facilities (a stove plus either or both a refrigerator and sink) not shared with any other unit; or quarters for up to six persons in a lodging house, dormitory, congregate housing, or similar group dwelling. (1987)

Family

1. One (1) or more persons related by blood or marriage and including not more than four (4) additional unrelated persons, or
2. Not more than five (5) unrelated persons, occupying a dwelling unit and living as a single housekeeping unit.

Farm

Any tract of land used for the production of crops or the rearing of animals or livestock.

Findings

A written report of a decision reached by a reviewing agency as required by this Bylaw.

Float

A temporary floating structure attached to mooring gear or piles.

Frontage

The boundary of a lot coinciding with a street line if there are both rights of access and potential vehicular access across that boundary to a potential building site and the street has been determined by the Planning Board to provide adequate access to the premises under the provisions of the Subdivision Control Law and Duxbury Subdivision Regulations measured continuously along one street line between side lot lines or in the case of corner lots, between one side lot line and the midpoint of the corner.

Gangway

A structure attached at one end to a pier or other permanent object and the other end resting on a float.

Guest House

A structure originally built as a dwelling, in which the operator resides, and not more than four guest units are offered for overnight lodging with or without meals. (1987)

Guest Unit

A room or suite of rooms suitable for separate rental or occupancy in a hotel, motel, or similar establishment. Any room or suite of rooms containing a stove plus either or both a refrigerator and a kitchen sink shall be considered a dwelling unit (1987).

Home Occupation

The use of portion of a dwelling as a principal location for the practice of their occupation by a person (such as an architect, counselor, consultant, dentist, doctor, engineer, insurance broker, investment counselor, lawyer or real estate broker) who is a resident therein.

Home Owners' or Residents' Association

A legal organization approved by this Bylaw composed of all resident owners in a Residential Conservation Cluster responsible for owning or maintaining common property, providing for compulsory membership for each resident, equitable voting rights and effective participation opportunities.

Impervious Coverage

Referring to the condition in which portions of a lot are rendered impervious by structures which cover previously natural or undeveloped land area, therefore, potentially altering natural drainage and ground water recharge characteristics.

Improvement Schedule

A program extending over the period of a proposed development during which certain improvements agreed upon by the developer or required by the Board of Appeals or any other special permit granting authority are to be installed by the developer.

Informal Hearing

Any scheduled meeting not advertised as a public hearing of the reviewing body at which time the applicant may submit material.

Interested Party

Any person who holds an interest in property within three hundred feet of a lot with respect to which a special permit or variance is sought, or who is entitled to receive notice of hearings under G.L. c. 40A.

Land Improvements

An improvement involving the allocation of certain lands and/or buildings for utilization by the public.

Lot

A parcel of land used or set aside and available for use as the site of one or more buildings and structures accessory thereto or for any other definite purpose, in one ownership and not divided by a street, not including any land within the limits of a public or private way upon which such lot abuts, even if the fee to such way is in the owner of the lot.

Lot Area

The horizontal and contiguous area of the lot exclusive of any area in a public or private way open to public uses. Land under any waterbody, bog, swamp, wet meadow or marsh, as defined in G. L. c. 131 sec. 40, and as determined by the

Conservation Commission, and/or land within the Wetlands Protection Overlay District, and/or land within any overhead easement, the purpose for which is the transmission of high voltage electricity, shall not be included in the horizontal and contiguous portion of the lot area required for zoning compliance. If the distance between any two (2) points on lot lines is less than fifty (50) feet, measured in a straight line, the smaller portion of the lot, as divided by that line, shall not be included in lot area nor shall any portion of its perimeter be counted toward meeting the frontage requirements unless the two points are separated by less than one hundred fifty (150) feet measured along the line. **See drawing Section 300.**

New Pier

A pier constructed on a lot where no pier currently exists or where a pre-existing pier is being replaced or reconstructed.

Pier

An elevated structure built over a wetland resource area to provide access from an upland land area to Duxbury Bay and its tributaries.

Planning Board

The Planning Board of the Town of Duxbury.

Pre-Existing Pier

An existing pier that at the time of application is structurally sound and functional to provide access to the water or was structurally sound and provided access to the water within two (2) years prior to the date of application to the Conservation Commission for reconstruction.

Projections

Cornices, eaves, gutters, outside chimneys, belted courses, steps, stoops, bay windows, terraces, and bulkheads.

Public Donation

A technique of preserving common open space by its donation either by a perpetual conservation or preservation restriction or in fee to the Town for conservation purposes or to a public agency or private charitable organization whose purposes include the acquisition and holding of land for open space purposes.

Research and Development

Administrative research, development, and testing facilities that do not involve the manufacture, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, or similar pollution standards.

Setback

The distance from a property line to a building or other structure.

Shared Pier

A pier which is owned by two or more individuals or organizations that own contiguous waterfront property.

Sign

Any word, letter, symbol, drawing, picture, design, device, article or object which advertises, calls attention to or indicates the location of any premises, person or activity whatever its manner of composition or construction and however displayed.

Story

That part of a building above the basement or cellar and between the top of any tier of floor beams and the top of the tier of floor or roof beams next above.

Street**1. Feeder**

A way which, in addition to providing access to abutting properties, intercepts local streets to provide a route serving fifty or more dwelling units, to give access to community facilities and/or other collectors and major streets.

2. Local

A way designated to be used primarily to provide access to abutting properties.

Structure

A combination of material assembled at a fixed location to give support or shelter, such as a building, tower framework, platform, or the like.

1. Accessory Structure

A structure, such as a detached garage, shed, swimming pool, tennis court, pier, or greenhouse, located on the same lot with and accommodating a use accessory to the principal structure or use of the lot, or a pier located on an adjacent lot to the principal structure.

2. Principal Structure

A structure in which the primary use of the lot is conducted; including porches, decks, utility building, and any other attached projections of the structure.

Town

The Town of Duxbury.

Town Landings

Designated areas to which the town has a right, which have been surveyed and recorded with the Plymouth County Registry of Deeds to the low water mark and including, in north to south orientation along the shoreline, Old Cove Landing, Drew Salt Works Landing, Simeon Soule's Landing, Peterson's Landing, Powder Point Bridge (at the west end on both north and south sides), Anchorage Lane Landing, Bluefish River Landing, Mattakeeset Town Pier, Winsor Street Landing, Water Street Landing, Josselyn Landing, Harden Hill Road Landing, Howland's Landing, Landing Road Landing, and Hicks Point Road Landing.

Use Restriction

A qualification placed upon any or all parts of a site which shall define the uses permitted on the land.

Waterfront Scenic Area Overlay District (WSA):

A WSA is the abutting waterfront land viewed from a public road, along which there is an open, unobstructed view of the ocean, harbor, bay or estuary. The WSA boundaries are as illustrated on a plan approved by a town meeting vote and are delineated by a line extending from a public road ROW centerline 300 feet seaward, starting at the first affected parcel and continuing to the final parcel. A WSA is defined for the purposes of new pier construction and repairs.

Way

Any public way or private way shown in a plan approved under the provisions of the Subdivision Control Law or any way in existence when the provisions of said

Subdivision Control Law became effective in the Town, 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.

Ways to the Water

Designated areas to which the Town has rights as public ways to the water, by gift or otherwise, which may or not be restricted as to their usage and which have not been specifically laid out and surveyed to the low water mark and recorded as Town Landings and including, in north to south orientation along the shoreline, Shipyard Lane Beach, Elder Brewster Road, Samoset Road, Sagamore Road, Massasoit Road, Miles Standish Home Site, Longview Road, Elderberry Lane, and Bay Farm.