

Appendix 1

ARTICLE XX Terminology (§ 195-108)

§ 195-108 Word usage and definitions.

In this chapter, 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 chapter.

A. 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 word "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. The words "business" and "establishment" are used interchangeably.

B. 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 chapter.

ACCESSORY BUILDING

A subordinate building located on the same lot as the main or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

ACCESSORY USE

A use customarily incidental to that of the main or principal building or use of the land.

ADULT DAY-CARE FACILITY

A building or structure where care, protection and supervision are provided, on a regular schedule, to adults over the age of 18.

ADULT ENTERTAINMENT ESTABLISHMENT

(1) ADULT BOOKSTORE

An establishment having as a substantial or significant portion of its stock-in-trade printed matter, books, magazines, picture periodicals, motion picture films, video cassettes, computer compact disks, computer disks or diskettes or coin-operated motion picture machines for sale, barter or rental which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual conduct, as that term is defined in MGL c. 272, § 31, or an establishment having for sale sexual devices, which shall mean any artificial human penis, vagina or anus or other device primarily designed, promoted or marketed to physically stimulate or manipulate the human genitals, pubic area or anal area, including dildos, penisators, vibrators, penis rings, erection enlargement or prolonging creams or other preparations, or an establishment with a segment or section devoted to the sale or display of such materials.

(2) ADULT LIVE ENTERTAINMENT ESTABLISHMENT

An establishment which features live entertainment which consists of entertainers engaging in sexual conduct or nudity as defined in MGL c. 272, § 31.

(3) ADULT MINI MOTION PICTURE THEATER

An enclosed building with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct as defined in MGL c. 272, § 31, for observation by patrons therein.

(4) ADULT MOTION PICTURE THEATER

An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct as defined in MGL c. 272, § 31, for observation by patrons therein.

(5) SUBSTANTIAL OR SIGNIFICANT PORTION

At least that portion of:

- (a) Retail sales accounting for at least 25% of gross sales;
- (b) Merchandise accounting for at least 25% of total merchandise available for sales; or
- (c) Shelf space and display space which when combined is in excess of 80 square feet.

AGRICULTURAL USE, NONEXEMPT

Agricultural use of property not exempted by MGL c. 40A, § 3.

ALTERATION

As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALZHEIMER'S FACILITY – see “Facilitated Senior Living Facility”

ANIMAL CLINIC OR HOSPITAL

A facility, under the control of a licensed veterinarian where sick or injured 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. This use may also include a kennel.

ASSISTED LIVING FACILITY – see “Facilitated Senior Living Facility”

BANK, FINANCIAL AGENCY

A building or part thereof, open to the public and engaged in the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. Typically characterized by walk in and drive thru services. The use / inclusion of a drive-thru requires a special permit.

BARN SALE, GARAGE SALE, YARD SALE OR FLEA MARKET

Temporary use of residential, institutional or industrial premises for sale of personal property in accordance with section 195-6.D

BOARDINGHOUSE

A building or part thereof in which lodging is provided by the owner or operator to more than four boarders. Where more than four unrelated individuals rent a dwelling unit, it shall be considered a boardinghouse. A boarding house shall not be deemed a multi-family dwelling.

BODY ART

The practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which are prohibited.

[Added 5-3-2001 ATM by Art. 17]

BODY ART ESTABLISHMENT

Any establishment which provides body art services as a part of its business.

[Added 5-3-2001 ATM by Art. 17]

BUILDING

A structure fully enclosed within exterior walls or fire walls built, 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 purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

BUILDING COVERAGE

That percentage of the lot or plot area covered by the roof area of a building or buildings.

BUILDING HEIGHT

The vertical distance measured from the mean finished grade of all sides of the building or structures to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Not included are spires, cupolas, antennas or similar parts of structures that do not enclose potentially habitable floor space [Amended 10-21-1999 ATM by Art. 29]

BUILDING, PRINCIPAL

A building in which is conducted the main or principal use of the lot on which said building is situated.

CEMETERY

A property used for interring the dead, for both humans and animals, including accessory uses such as mausoleums, sales and maintenance facilities and chapels but excluding crematoriums.

CHILD-CARE FACILITY

A day-care center or school age child-care program, as those terms are defined in MGL c. 28A, § 9.

CLUB or LODGE

Buildings, structures and premises used principally by a nonprofit social or civic organization or by an organization catering primarily to members and their guests for social, civic, recreational or athletic purposes which may be conducted for gain and provided that there are no vending stands, merchandising or

commercial activities except as may be required generally for the membership and purposes of such organization.

COMMERCIAL ENTERTAINMENT / RECREATION, INDOOR

A building or part thereof for entertainment, recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Examples include arcades, court games, theaters, concert halls, dance halls, skating rinks, bowling alleys, dance studios or other commercial recreational centers conducted for profit or not for profit.

[Amended 10-18-2004 ATM by Art. 17]

COMMERCIAL RECREATION, OUTDOOR

An open air facility devoted to activities such as a drive-in theater, golf course/driving range, miniature golf, bathing beach, sports club, , boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this chapter.

CONGREGATE LIVING FACILITY – see “Facilitated Senior Living Facility”

CONTRACTOR'S SHOP / YARD, INDOOR

A building or part thereof used by a landscaping, construction or building professional for the enclosed storage of heavy equipment, materials, supplies and fabrication of subassemblies. Accessory office, retail merchandizing and sales are permitted. Outdoor displays, storage and sales are prohibited.

CONTRACTOR'S YARD, OUTDOOR

Any portion of a premises, used by a building, landscaping or construction professional for the outdoor storage of heavy equipment, materials, supplies, fabrication and subassemblies. An accessory office is permitted.

DRIVE-THROUGH WINDOW

An establishment utilizing, principally or accessory, an opening in a wall, including windows, designed and intended to be used to provide for sales to and / or services to patrons who remain in their motor vehicle. This term includes automated sales and services.

DWELLING

A building designed and occupied as the living quarters of one or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one or two families, respectively. A multifamily dwelling shall be one designed for and occupied by three or more families.

DWELLING UNIT

One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking and sanitation.

[Added 10-21-1999 ATM by Art. 29]

EARTH REMOVAL

Extraction of sand, gravel, topsoil or other earth for sale or for use at a site removed from the place of extraction, exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued or the grading of streets in accordance with an approved definitive plan and exclusive of granite operations.

EDUCATIONAL USE, NONEXEMPT

Educational facilities not exempted from regulation by MGL c. 40A, § 3.

ERECT

To build, construct, reconstruct, move upon or conduct any physical development of the premises required for a building. To excavate, fill, drain and the like preparation for building shall also be considered to erect.

ESSENTIAL SERVICES

Services provided by a public service corporation or by governmental agencies through erection, construction, alteration or maintenance of gas, electrical, steam or water or sewer transmission or distribution systems and collection, communication, supply or disposal systems, whether underground or overhead, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

EXEMPT USES

Uses defined and permitted per Chapter 40A, Section 3

FACILITATED SENIOR LIVING FACILITY

Includes assisted, Alzheimer's and congregate living facilities.

ALZHEIMER'S FACILITY

A facility providing treatment, including rehabilitation services, and communal lodging for more than four unrelated persons who have been diagnosed by a medical doctor as having Alzheimer's disease or other forms of dementia but who do not require the skilled nursing care typically provided by a nursing home.

ASSISTED LIVING FACILITY

A facility providing private multifamily dwellings or communal lodging for more than four unrelated persons requiring assistance with the activities of daily living, such as aid or assistance with bathing, dressing/grooming, ambulation, eating, toileting or other similar tasks, as defined by MGL c. 19D, § 1 . May also include rehabilitation services.

CONGREGATE LIVING FACILITY –

A facility providing communal lodging for more than four unrelated elders in a noninstitutional, residential, shared living environment which integrates shelter and services needed by the functionally impaired or socially isolated elder who does not require the constant supervision or intensive health care services as provided in a nursing home. The shared living environment shall include at least the following: shared kitchen facilities and shared dining facilities. Each bedroom shall be considered one unit.

FAIRGROUNGS, CARNIVALS and SIMILAR OUTDOOR EVENTS

An open air facility, operated for a limited period of time, for purposes of entertainment and amusement. Examples include amusement rides, carnivals, fair and festival grounds and circuses.

FAMILY

Any number of individuals related by blood, marriage, adoption, foster or legal guardianship living together in one (1) dwelling unit as a single housekeeping unit, but not including more than four (4) persons living together unrelated by blood or marriage.

FAMILY DAY-CARE HOME

Any private residence which on a regular basis receives for temporary custody and care during part or all of the day children under seven years of age or children under 16 years of age if such children have special needs; provided, however, in either case, that the total number of children shall not exceed more than six, excluding participating children living in the residence.

FARM STAND, NONEXEMPT

Facility for the sale of produce, wine and dairy products on property not exempted by MGL c. 40A, § 3.

FLOOR AREA, GROSS

The sum of the horizontal areas of the floors of a building or several buildings on the same lot measured from the exterior face of exterior walls or from the center line of the wall separating two buildings, not including any space where the floor-to-ceiling height is less than seven feet, or as otherwise defined in the most recent edition of the Mass. State Building Code.

FLOOR AREA, NET

The aggregate horizontal area in square feet of all floors of a building or several buildings on the same lot, measured from the exterior faces of the walls enclosing each building and exclusive of cellars and attic areas used only for storage, bathrooms, stairwells, elevators, mechanical rooms or areas for service incidental to the operation or maintenance of the building, or as otherwise defined in the most recent edition of the Mass. State Building Code.

FLOOR AREA RATIO

The ratio of the gross floor area of the building or buildings on one lot to the total area of the lot.

FUNERAL HOME

A facility for the conducting of funerals and related activities, such as embalming.

GRANITE OPERATIONS

The removal and processing of granite for construction use, not including stone crushing.

HAZARDOUS MATERIAL

Any substance which is listed in, but not limited to, the Environmental Protection Agency priority pollutants as described in Section 307(a) of the Clean Water Act, as amended.

HEALTH CLUB

A profit or nonprofit facility/structure promoting maintenance of and/or improvement to physical and mental health of individual users, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Parking requirements shall be the same as those for stores, retail businesses and services.

[Added 10-18-2004 ATM by Art. 17]

HELIPAD

An accessory use, that is permanent and dedicated for a helicopter loading area, for a hospital and EMS operations

HOME OCCUPATION

An occupation, business, trade, service or profession which is incidental to and conducted in a dwelling unit or in a building or other structure accessory thereto by a resident thereof. See section 195-7 for additional definitions.

HOSPITAL

A facility, operating 24 hours, seven days a week, with state licensed beds and / or an emergency room providing primary health services and medical or surgical care to persons, inpatients and outpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the facility, accessory uses such as laboratories, outpatient facilities or training facilities.

IMPERVIOUS – *see 195-70 for definition*

INDEPENDENT SENIOR LIVING FACILITY

A facility providing an independent, age-restricted dwelling for a retired or senior individual or couple. In addition to bed space, such facilities would ordinarily include a private toilet, bath, food preparation facilities and a private dining area.

CONGREGATE LIVING FACILITY – *see “Facilitated Senior Living Facility”*

JUNK

Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

JUNKYARD or AUTOMOBILE GRAVEYARD

The use of any area or any lot, whether inside or outside of a building, for the storage, keeping or abandonment of junk, scrap or discarded materials or the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof.

KENNEL, COMMERCIAL

An establishment in which more than three (three months or older) healthy (not sick) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold.

KITCHEN

A place for the preparation of meals, having a stove and either or both a sink and a refrigerator.

[Added 10-15-2001 ATM by Art. 19]

LOT

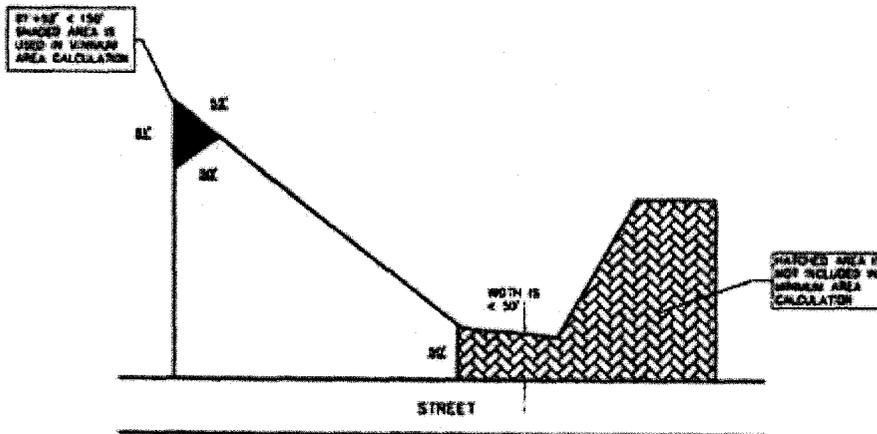
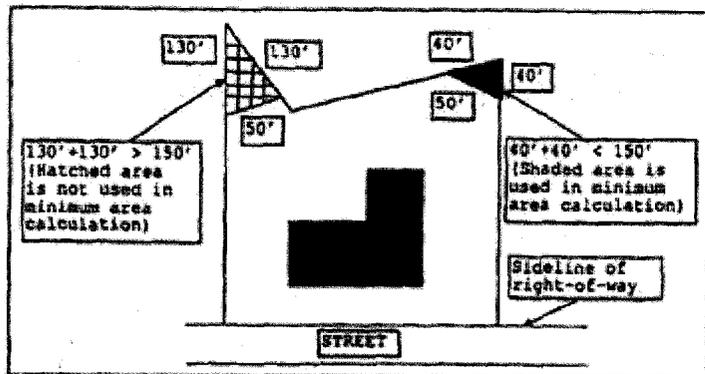
A continuous parcel of land with legally definable boundaries.

LOT AREA

The horizontal area of the lot, exclusive of any area in a street or recorded way open to public use. At least 80% of the lot area required for zoning compliance shall be contiguous land other than that under any water body, bog, swamp, wet meadow, marsh or other wetland, as defined in MGL c. 131, § 40, as amended. When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two points is less than 150 feet. See accompanying diagram below.

[Amended 5-3-2007 ATM by Art. 18]

Figure 1: Minimum Lot Area



LOT, CORNER

A lot with two adjacent sides abutting upon streets or other public spaces.

LOT, DEPTH OF

The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

LOT, FRONTAGE OF

The contiguous portion of a lot line coinciding with the side line of a street which provides accessible and usable legal rights of vehicular access and physical vehicular access to the buildable area of the lot via the required frontage, said line to be measured continuously along a single street or along two intersecting streets if their angle of intersection is greater than 120°.

[Amended 4-25-2005 ATM by Art. 26]

LOT LINE

A line dividing one lot from another or from a street or any public place.

LOT, WIDTH OF

The horizontal distance between side lot lines, measured parallel to the lot frontage at the front yard setback line.

MAJOR RECREATIONAL EQUIPMENT

Campers, trailers or other recreational vehicles. See section 195-6.B for additional definition.

MANUFACTURING, LIGHT

The indoor manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging and distribution. Typically characterized by noise, odor, smoke, heat, glare, and vibration being contained within a building with no external effects detectable across property lines. Examples include food, textile, leather, wood, paper, chemical, plastic, metal products and renewable or alternative energy. Excludes basic industrial processing of raw materials and any outdoor storage of materials.

MANUFACTURING, HEAVY

The indoor manufacturing, predominately of raw materials or unprocessed materials, including processing, fabrication, assembly, treatment, packaging and distribution. Typically characterized by the storage of large volumes of materials needed for the manufacturing process is prohibited and by noise, odor, smoke, heat, glare, or vibrations that are not contained within a building and that result in external effects across property lines. The storage and manufacturing of large volumes of highly flammable, toxic matter or explosive materials is prohibited.

MASSAGE SERVICE ESTABLISHMENT

(1) "Massage" is any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of external parts of the human body with the hands or with the aide of any mechanical or electric apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniment antiseptics, oils, powders, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefor.

(2) The practice of massage shall not include the following individuals while engaged in the personal performance of duties of their respective professions:

- (a) Physicians, surgeons, chiropractors, osteopaths or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.

- (b) Nurses who are registered under the laws of the Commonwealth of Massachusetts.
- (c) Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.
- (d) Massage therapists who are duly permitted to practice under the rules and regulations of the Chelmsford Board of Health.

Editor's Note: See Ch. 201, Board of Health, Art. XIII, Massage/Muscular Therapy.

MEDICAL OFFICE or CENTER

A building designed and used for the diagnosis and treatment of human patients on an out patient basis that does not include overnight care facilities. Practitioners may include physicians, nurses, dentists, chiropractors, psychologists, mental health counselors and other similar health care professionals.

MEDICAL CLINIC

A facility licensed by the Massachusetts Department of Public Health pursuant to 105 CMR 140.000 under M.G.L. c. 111, §§ 51 through 56.

MOBILE HOME

A dwelling built upon a chassis, containing complete electrical, plumbing and sanitary facilities and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation or otherwise permanently located.

MOTEL or HOTEL

A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building, with or without accessory shops and services catering to the general public such as a dining or recreational facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four continuous months, nor may the guest reoccupy any unit within 30 days of a continuous four-month stay, nor may the guest stay more than six months in any calendar year. No occupant of such hotel or motel may claim residency at such location. This term does not include a boarding or rooming house.

MOTOR VEHICLE

Any vehicle self propelled by a battery powered, electric or internal combustion engine, which is permitted and requires a valid registration legally issued by a government authority in order to be operated on a public way. A motor vehicle shall include, but not limited to automobiles, trucks, buses, motor homes, motorcycles, watercraft, motor scooters and tractors.

MOTOR VEHICLE SALES and RENTAL

The use of any building, land area or other premises for the display and sale of new or used motor vehicles, including any warranty repair work and other repair service conducted as an accessory use including motor vehicle towing.

MOTOR VEHICLE, BODY REPAIR

An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers and similar components of motor vehicle bodies,

but does not include the storage of vehicles for the cannibalization of parts. Motor vehicle towing is permitted as an accessory use.

MOTOR VEHICLE, GENERAL REPAIRS

Premises for the servicing, maintenance and repair of motor vehicles. Related accessory retail sales, such as motor oils, lubricants, travel aides and accessories are permitted. Fuel sales are prohibited. Motor vehicle towing is permitted as an accessory use.

MOTOR VEHICLE TOWING and STORAGE

Establishment that provides for the towing, carrying, hauling and temporary storage of motor vehicles, but does not include disposal, salvage or storage of inoperable vehicles.

MOTOR VEHICLE FUELING STATION (gas station) An establishment principally used for the retail sales and dispensing of motor vehicle fuels. Accessory uses may include general repairs, related accessory retail sales and accessory retail sales of convenience items such as pre-packaged foods / beverages, but not including food items that are prepared or individually proportioned to order is prohibited.

MOTOR VEHICLE WASHING FACILITY (car wash)

An establishment providing washing, waxing, polishing and detailing of vehicles, including self service, automated and manned facilities.

MUNICIPAL FACILITIES

Facilities owned or operated by the Town of Chelmsford.

NONFAMILY ACCOMMODATIONS

Boardinghouses, lodging houses, guest houses, tourist homes, dormitories, halfway houses or similar accommodations. Accommodations shall be considered hotels or motels if they have a sign in excess of two square feet or other departure from residential character or if they have specified a term of residence less than one week. Accommodations individually having a stove and either or both a refrigerator and a sink shall be considered dwelling units.

- RELOCATED NURSING / CONVALESCENT / REHABILITATION HOME

A state licensed facility for the infirm, chronically ill or convalescent whether conducted for charity or profit, which is established to render domiciliary care, custody, treatment or lodging for three (3) or more unrelated persons who require or receive assistance in ordinary daily activities of life or who are confined to bed or chair. (This term does not include hospitals and similar facility devoted primarily to the diagnosis and treatment of disease, injury, maternity cases or mental illness. May also include rehabilitation services.

OFFICE

A building or part thereof, in which work of a predominantly administrative, professional, or clerical nature is performed for purposes of providing direct transactions of business or services to consumers, exclusive of the receipt, sale, storage or processing of merchandise, other than limited incidental merchandise. Examples include accounting, attorney, insurance, real estate or architectural. Typically characterized by no walk in retail consumer sales or production / manufacturing of any physical products for sale. May also include accessory uses for the employees such as cafeterias, coffee shops and other convenience related services.

OPEN LOT STORAGE

Outdoor storage of bulk goods and products for distribution but not for sale on the premises.

OPEN SPACE, LANDSCAPED

That part or parts of a lot designed and developed with trees, plants, shrubs, flowers, grass, ground cover and other landscape features, including natural features of the site, walks, terraces and open areas otherwise free of any structures or pavement. Such landscaped open space as is provided shall be maintained by the owner throughout the duration of his or her tenure.

PARKING GARAGE / STRUCTURE

A structure of any combination of materials assembled, constructed, erected or maintained at a fixed location and placed permanently or temporarily in, on or above the ground serving as an accessory use to a commercial or industrial establishment and is primarily for the parking and storage of vehicles operated by the customers, visitors and employees of such an establishment. This term does not include municipal structures.

PARKING LOT/AREA

An off-street area, including parking spaces, loading areas and all associated maneuvering areas such as aisles, serving as an accessory use for the parking of vehicles and available to the public as an accommodation for clients, customers or employees.

[Added 4-28-2008 ATM by Art. 20]

RECHARGE AREA

An area of geologic deposits through which water from the surface can infiltrate through the soil to the groundwater. These geologic deposits generally consist of stratified sand and gravels.

REFUSE INCINERATOR

An engineered apparatus with grate area in excess of 10 square feet used to burn waste and in which all combustion factors, temperature, retention time, turbulence and combustion can be controlled and which is approved by the Massachusetts Department of Public Health and the Chelmsford Board of Health.

RESTAURANT

A building or portion thereof containing tables and/or booths which is designed, intended and used for the indoor sale and consumption of food prepared on the premises and typically characterized by table service with waiters and reusable dinnerware, 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 intended for large volume with consumption either within the restaurant building or off premises which, because of the nature of the operation, causes a large volume or frequent turnover of customers. Typically characterized by ordering food at a counter, self service or semi self service, a menu board rather than individual menus, payment prior to consumption of food, no table service with waiters and disposable containers and utensils are provided rather than reusable dinnerware.

Research and Development Facilities are those used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses. Research and development related principally to computer software is not included in this definition.

RETAIL

A business that provides goods and / or services directly to the consumer where such goods are available for immediate purchase from the premises by the customer. This term includes electronic sales of all kinds.

RIDING ACADEMY

An establishment where horses are kept for sale, riding, driving or stabling for compensation or incidental to the operation of a club, association or similar establishment.

SALVAGE YARD

Property where motor vehicles are junked, dismantled or stored for later dismantling.

SANITARY LANDFILL

A site for solid waste disposal approved by the Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, and the Chelmsford Board of Health. Disposal of raw sewage and similar waste items is not permitted.

[Amended 4-25-2005 ATM by Art. 26]

SELF STORAGE MINI WAREHOUSE

A building consisting of individual self contained units that are leased or owned for the storage of business and household goods. Business goods are limited to those not associated with any office, retail or other business or commercial use within the self-storage warehouse facility.

SENIOR or ELDER

An individual who is 60 years of age or over.

SIGN

Any device designed to inform or attract the attention of persons not on the premises on which the device is located. Any building surfaces other than windows that are internally illuminated or decorated with gaseous tube or other lights are considered signs. The following, however, shall not be considered signs within the context of this chapter:

- (1) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (2) Legal notices or informational devices erected or required by public agencies.
- (3) Temporary devices erected for a charitable or religious cause, provided that they are removed within seven days of erection.
- (4) Temporary displays inside windows, covering not more than 30% of the window area, illuminated by building illumination only.
- (5) Standard gasoline pumps bearing thereon in usual size and form the name, type and price of gasoline.

- (6) Integral decorative or architectural features of a building, except letters, trademarks, moving parts or parts internally illuminated or decorated with gaseous tube or other lights.
- (7) Devices identifying a building as distinct from one or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, without color contrasting with sign background and not exceeding four square feet in area.
- (8) Address identification through numerals or letters not exceeding three inches in height.

SIGN AREA

The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face, without deduction for open space or other irregularities. Structural members not bearing advertising matter shall not be included unless internally or decoratively lighted. Only one side of flat, back-to-back signs need be included in calculating sign area.

SOLID WASTE DISPOSAL FACILITY

A refuse transfer station, composting plant, solid waste recycling operation and any other works or use approved by the Massachusetts Department of Environmental Protection, Division of Solid Waste, and the Board of Health of the Town of Chelmsford for processing, handling, treating and disposing of solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items and sludges but not raw sewage and similar waste items.

[Amended 4-25-2005 ATM by Art. 26]

STREET

An accepted Town way or a way established by or maintained under county, state or federal authority or a way established by a subdivision plan approved in accordance with the Subdivision Control Law
Editor's Note: See MGL c. 41, § 81K et seq.

or a way determined by the Planning Board to have sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STRUCTURE

A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall (over four ft in height), tent, deck, porch, sign, swimming pools, flagpole, mast for radio antenna or the like. Excludes paved surfaces such as parking areas, driveways, walkways and patios.

TEMPORARY STRUCTURE

A structure without any foundation or footings to be removed within a twelve-month time period. Said structure shall conform to the requirements of the Table of Dimensional Requirements

Editor's Note: The Table of Dimensional Requirements is included at the end of this chapter and shall receive a permit from the Inspector of Buildings.

[Amended 4-25-2005 ATM by Art. 26]

TOXIC MATERIAL

A combination of pollutants, including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation and assimilation into any organism can cause death, disease, mutations, deficiencies or malfunctions in such organisms or their offspring.

TRANSPORT TERMINAL

Terminal facilities for handling freight, with or without maintenance facilities.

WAREHOUSE

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

WIRELESS COMMUNICATION SERVICE

The provision of cellular telephone service, personal communication service and enhanced mobile radio service.

WIRELESS COMMUNICATIONS FACILITY

Monopoles, satellite dishes over three feet in diameter, antennas and accessory structures which facilitate the provision of wireless communication service.

WOOD OPERATION

Forests, wood lots, portable woodworking mills and machinery located on the property for use in connection with the forest and wood lot operations of the owner only, with products stored not within 100 feet of the street line.

YARD

A space open to the sky, located between a building or structure and a lot line, unoccupied except by fences, walls, poles, paving and other customary yard accessories.

YARD, FRONT

A yard extending the full width of the lot and situated between the street line and the nearest point of the building.

YARD, REAR

A yard extending the full width of the lot and situated between the rear line of the lot and the nearest part of the main building projected to the side line of the lot.

YARD, SIDE

A yard situated between the nearest point of the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.