

REDLINE DRAFT EXCERPTS FOR TOWN MEETING
OCTOBER 4, 2022

**ZONING BY-LAWS
OF THE
TOWN OF BILLERICA**

THESE BY-LAWS WERE REWRITTEN BY COMMITTEE APPOINTED UNDER SECTION 7-9-B OF THE 1979 CHARTER AS REVISED IN 2017.

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- a. An operation and maintenance plan (OMP) for the structure(s);
- b. Documentation of the SECS manufacturer, outlining specifications of the system(s);
- c. All requirements of Section 6 of the Zoning By-law that are applicable to this section must be addressed in the permit application. If certain requirements of Section 6 are not appropriate or applicable, this must be indicated in the permit application and the reason for the inapplicability explained; and
- d. If deemed appropriate, the Planning Board may require the filing of a surety instrument for a SECS sufficient to secure performance of the conditions and observance of the safeguards and limitations of the special permit approval. However, in no case shall the Planning Board place such conditions on the approval so as to make the installation of a SECS impractical or unusable. This requirement may not apply to the DPU or DTC per the provisions of Mass. General Law Chapter 81R.

(Amended: 10/05/2010, Art. 41)

~~SECTION 5.1- TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS~~

~~Whereas, by vote at the State Election on November 6, 2012, the voters of the Commonwealth approved Ballot Question 2 authorizing legislation regulating the cultivation, distribution, possession and use of marijuana for medical purposes; and~~

~~Whereas, said legislation became effective on January 1, 2013; and,~~

~~Whereas, the State Department of Public Health is required to issue regulations regarding implementation of the new law within 120 days of the law's effective date; and,~~

~~Whereas, currently under the Town of Billerica Zoning Bylaw (and other local bylaws and regulations), a medical marijuana treatment facility is not a permitted use in the Town; and,~~

~~Whereas any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including medical marijuana treatment centers; and,~~

~~Whereas, the regulation of medical marijuana raises novel and complex legal and land use planning issues; and,~~

~~Whereas the Town needs time to study and consider the regulation of medical marijuana treatment centers and address such novel and complex issues; and,~~

~~Whereas the Town needs time to address the potential impact of the state regulations on local zoning; and,~~

~~Whereas the Town needs time to undertake a planning process to consider substantive amendments to the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to medical marijuana; and,~~

Whereas the Town deems it to be in the public interest and consistent with the underlying goals and objectives of the Zoning Bylaw to adopt a temporary moratorium on the use of land and structures located in the Town for medical marijuana treatment centers and related purposes so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws and regulations in a manner consistent with sound land use planning goals and objectives;

Wherefore, the Town of Billerica hereby adopts the following temporary moratorium on the use of land and structures for medical marijuana treatment centers in the Town:

For the reasons set forth above and notwithstanding any other provision in the Town of Billerica Zoning Bylaw to the contrary, the Town of Billerica hereby adopts a temporary moratorium on the use of land or structures for purposes of cultivation, distribution, possession and use of marijuana for medical purposes and/or the operation of a medical marijuana treatment center. The moratorium shall remain in effect until June 30, 2014 (unless repealed earlier by action of Town Meeting). During the moratorium period, the Town will undertake a planning process to address the potential impacts of the medical marijuana legislation in Billerica, consider the Department of Public Health regulations regarding medical marijuana treatment facilities and related uses, and adopt appropriate zoning regulations to address the impact and operation of medical marijuana treatment centers and related uses in Billerica.

(Art. 37 — ASTM 5-07/2013)

5.J. TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

A. Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

B. Definition

“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Amended: Art. 31 – AFTM 10/03/2017

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SECTION 2 DEFINITIONS

A. PURPOSE OF DEFINITIONS

The words and phrases that follow shall have the meanings as provided when used throughout this Zoning By-law.

B. RULES OF INTERPRETATION

1. The word “shall” is mandatory; the word “may” is permissive.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. Any ambiguities shall be resolved by giving words and phrases their plain meaning in the context in which the words or phrases are used.

C. DEFINITIONS

The words and phrases used in this Zoning By-law shall have the following meanings:

- **ABOVE-GROUND UTILITY:** Structures for communications or other public ~~utility~~~~uses~~~~utilities~~ that are not underground.
- **ACCESSORY BUILDING, STRUCTURE, OR USE:** A building, structure, or use that is subordinate to a principal building, structure, or use. An accessory building, structure, or use shall be customarily incidental to, serve the purposes of, and be located on the same lot as the primary building, structure, or use.
- **ACCESSORY RESIDENTIAL BUILDING, STRUCTURE OR USE:** Any building, structure or use customarily incidental to the principal residential use, such as a private garage; carport; playhouse; private greenhouse; tool shed; tennis court; storage of one recreational trailer, home utility trailer, boat, and snowmobile; or swimming pool.
- **ACCESSORY NON-RESIDENTIAL BUILDING, STRUCTURE OR USE:** Any building, structure or use customarily incidental to the principal non-residential use, such as a shed or mechanical storage building.
- **ADULT DAY CARE:** Daytime services, such as skilled care and supervision, group activities, provision of meals, transportation, trips, and light exercise, provided to elderly adults and the physically challenged who require assistance with daily needs of living.
- **ADULT ENTERTAINMENT ESTABLISHMENTS:**
Adult entertainment establishments shall include:
 - **Adult Bookstore:** An establishment having a substantial or significant portion (more than 20%) of its business activity, stock in trade, printed matter, books, magazines, picture periodicals, motion picture films, video cassettes or any other media, or coin operated motion picture machines for sale, barter, or rental which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “Sexual Conduct” as that term is defined in M.G.L., ch. 272, § 31, as amended; or an establishment having for sale sexual devices which shall mean any device primarily designed, promoted, or marketed to physically stimulate or manipulate the human genitals, pubic area, or anal area, or an establishment with a segment or section devoted to the sale or display of such materials.
 - **Adult Live Entertainment Establishments:** Establishments which feature live entertainment which consists of entertainers engaging in “Sexual Conduct” or “Nudity” as defined in M.G.L., ch. 272, § 31, as amended.
 - **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 M.G.L., ch. 272, § 31, as amended, for observation by patrons therein.

Adult Mini Motion Picture Theater:

An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing, or relating to “Sexual Conduct” as defined in M.G.L., ch. 272, § 31, as amended, for observation by patrons therein.

- AFFORDABLE HOUSING UNIT: A dwelling unit available at a cost of no more than 30% of gross household income of households at or below 80% of the Lowell SMSA median income as reported by the U.S. Department of Housing and Urban Development and for which the town obtains credit with the Commonwealth as affordable housing as required under M.G.L., ch. 40B, §§ 20-23 inclusive (“The Comprehensive Permit Law”).
- AFFORDABLE HOUSING UNIT PURCHASER OR TENANT: An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as reported by the United States Department of Housing and Urban Development (HUD) and consistent with M.G.L., ch. 40B, §§ 20-23 inclusive (“The Comprehensive Permit Law”).
- ALCOHOL AND DRUG REHABILITATION HOSPITAL: Any free-standing building or structure used to house patients for treatment of alcoholism, drug addiction, or both, that shall be staffed full time by doctor(s), nurse(s), and security personnel.
- ALTERATION: A change or modification of a building or structure, or the service equipment thereof, that affects safety or health and that is not classified as an ordinary repair under the Building Code.
- AREA, LOT: Square footage within a lot.
- ASSISTED LIVING RESIDENCE: A residential development subject to certification by the Executive Office of Elder Affairs under M.G.L., ch. 19D, as amended, and defined as an entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:
 - Provides room and board;
 - Provides assistance with activities of daily living and personal care services for three or more non-related residents; and
 - Collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance.
- AUTOMOBILE: A two-axle motor vehicle with a maximum ten thousand (10,000) pound gross vehicle weight ~~maximum~~ and a maximum one hundred thirty-five (135) inch wheel base.
- AUTOMOBILE REPAIR: The repair of motor vehicles, including auto body work and paint spraying.
- AUTOMOBILE SERVICE: The sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances including any sale of motor vehicle accessories, and which may or may not include lubricating, washing, or otherwise servicing motor vehicles, but not including auto body work or paint spraying.
- BAKERY: An establishment that primarily bakes food products such as cakes, breads, cookies, pies, pastries, and similar goods, but not limited to traditional bakery products, exclusively intended for off-site consumption. A bakery may not offer drive-through window service.
- BILLBOARD: Any sign not an accessory sign, regardless of size. Refer to Section 9: Signs & Lighting.
- BUFFER ZONE: A portion of land to be retained in a natural state, excluding those areas where access is necessary and must cross through the buffer zone.

- **BUILDABLE LOT:** A vacant lot on which a building can be erected under this Zoning By-law, including an undersized lot that is buildable in accordance with M.G.L., ch. 40A, § 6.
- **BUILDING:** A structure enclosed within exterior walls or firewalls, built, erected, and framed of a combination of any materials, whether portable or fixed having a roof, which may include an awning or similar covering, to form a structure for the shelter of persons, animals, or property.
- **BUILDING PERIMETER:** A continuous line on the ground around a building that is perpendicular to the furthest roof extension.
- **CAMPING VEHICLE:** A registered self-propelled motor home or recreational vehicle that must be towed by another vehicle used as a mobile camping facility.
- **CANOPY:** A free standing roof structure or a building extension roof structure with one or more side walls omitted.
- **CERTIFICATE OF USE AND OCCUPANCY:** The certificate issued by the Inspector of Buildings that permits the use of a building in accordance with the approved plans and specifications, which certifies compliance with zoning for the use and occupancy of the building in its several parts together with any conditions or limitations of the use and occupancy of such building.
- **CHANGE OF USE:** An alteration by change of a use in a building heretofore existing to a new use.
- **CHILD DAY CARE CENTER:** Any 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 seven years of age or under 16 years of age if such children have special needs for non-residential custody and care during part or all of the day separated from their parents. Child day care centers shall not include any part of a public school system; any part of a private, organized educational system unless the services of such a system are primarily limited to a kindergarten, nursery, or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a 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 M.G.L., ch. 28A, § 9; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.
- **COMMERCIAL VEHICLE, LIGHT:** Any commercial vehicle under ten thousand (10,000) pound gross vehicle weight, ~~not including equipment for landscaping and/or construction, which is used in construction.~~
- **COMMERCIAL VEHICLE, HEAVY:** Any commercial vehicle over ten thousand (10,000) pound gross vehicle weight, including equipment for landscaping and/or construction, ~~which is used in construction.~~
- **CONSERVATION:** Includes wildlife management, boating, fishing, and hunting.
- **CONTRACTOR'S YARD:** Land that is used for the storage of construction equipment, materials, ~~and~~ supplies, ~~and-or~~ for the parking of commercial vehicles.
- **CURBSIDE PICK-UP:** means a parking place designated by a licensee for pickup of food or alcoholic beverages or an area not greater than 50 feet from an entry to a licensee's business premises
- **DISTRICT:** An area or areas of the Town designated for buildings, structures, and uses of a certain kind that shall have uniform requirements for each class or kind of building, structure, or use within the District. There are three types of Zoning Districts in the Town:
 - **Main:** These Zoning Districts consist of the Residential, Business, and Industrial Districts throughout the Town.

- Special: These Zoning Districts, located throughout Town, provide for specific uses that require review before they are permitted; and
 - Overlay: These Zoning Districts overlay Main Districts and may limit or allow specific uses within those Districts.
- DRIVE-THROUGH AND DRIVE-UP ESTABLISHMENTS: A service establishment designed to permit customers to be served while they remain in their motor vehicles. Excludes curbside pick up.
 - DWELLING UNIT: A dwelling or portion thereof providing complete living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
 - One-family dwelling:
A building designed for and occupied exclusively as a residence for one family and may include an accessory in-law apartment.
 - Two-family dwelling:
A building designed for and occupied exclusively as a residence for two families.
~~A two-family dwelling includes a duplex.~~
 - Multi-family dwelling:
Any building containing more than two dwelling units.
 - EARTH MIGRATION: The movement of sod, loam, soil, clay, sand, peat, humus, gravel, or stone from:
 - Any lot of land in the Town to another lot of land in the Town;
 - Out of the Town to any lot of land in the Town;
 - Any lot of land in the Town to anywhere out of the Town.
 - ELDERLY: A person who is 55 years of age or older.
 - EXTENSION: An enlargement of a building or structure by extending a side or increasing the height. The expansion of a use.
 - FAMILY: An individual or two or more persons, related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit and living as a single housekeeping unit.
 - FAMILY DAY CARE: Any private residence, which on a regular basis receives other people for temporary custody and care during part or all of the day, as defined in M.G.L., ch. 28A, § 9.
 - FAST – ORDER FOOD ESTABLISHMENT: An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; and (d) primarily prepared in advance of a specific order for such food. Establishments that do not provide direct table service to their patrons shall be considered fast-order food establishments. Establishments providing primarily take-out service or delivery service shall be considered fast-order food establishments. Establishments where the patrons order at a counter or window and carry the food order to a table shall be considered fast-order food establishments.
 - FIRE LANE: An open space as designated by the Billerica Fire Department for the purposes of fire protection.
 - FLOOR AREA RATIO (F.A.R.): The ratio of floor area to area of the site.
 - FOOTPRINT: The land area occupied by a building or structure at the surface of the ground.
 - FORESTRY: The cultivating and harvesting of forest products including firewood.

- **FREIGHT:** Goods or merchandise transported by a carrier generally for compensation.
- **FRONTAGE:** An uninterrupted distance measured between side lot lines that runs along the street abutting the lot. In the case of a corner lot, frontage shall be on both of the streets that abut the lot. The frontage on a corner lot shall be the distance between a side lot line and the intersection of street lines or of street lines extended. In the case of a through lot, frontage shall be on both of the streets that abut the lot. The measurement of lot frontage shall not include jogs in street width, back-up strips, and other irregularities in street line.
- **FRONTAGE STREET:** A street, road, or way to which the owner of the lot has a legal right of access and which provides access to the lot.
- **FULLY AUTOMATED BUSINESS ESTABLISHMENT:** A business where an employee is not generally present when the establishment is open for business, such as an automatic bank teller, kiosk, laundromat, or automat.
- **GRADE PLANE:** A reference plane representing the average of finished ground level adjoining the building or structure at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.
- **GOLF COURSES:** A mixed use consisting of the principal uses of golf links, pro shop, and clubhouse, and such accessory uses, structures, and buildings as a driving range, restaurant, and function hall.
- **GREENHOUSE:** A non-agricultural, commercial facility that includes greenhouses for growing plant materials and a salesroom or stand for the sale of nursery, garden, or farm products.
- **GROSS FLOOR AREA:** 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 walls enclosing each building, exclusive of garages, and of cellars and basements used only for storage incidental to the operation or maintenance of such building or buildings.
- **GROUP HOME:** Premises for residential care in any single principal building that provides resident care services for individuals, of whom one or more are unrelated. These individuals must be designated as emotionally, physically, or intellectually handicapped, or in need of adult supervision and should be provided publicly assisted service and supervision in accordance with their individual needs. It shall not include rooming houses, boarding houses, guest houses, hotels, inns, lodging houses, dormitories, hospitals, sanitariums, convalescent or nursing homes, hospices, boarding homes, temporary shelter facilities, or family foster care facilities.
- **HEIGHT:** See the definition in the most recent edition of the State Building Code.
- **HOME OCCUPATION:** The practice or conduct of a profession, trade, service, occupation, or business, other than a retail business, which is customarily incidental to and is conducted in a dwelling unit by the residents thereof as an accessory use, not limited to offices of an accountant, agent, architect, attorney, bookkeeper, broker, consultant, counselor, dentist, physician, registered engineer, sales representative, ~~typist or word processor~~ **barber shop; beauty salon**, dressmaker, photographer, tailor, and teacher or tutor. Home occupation shall not include the operation of a ~~barber shop; beauty salon~~; commercial kennel or stable; or repairing or servicing of motor vehicles, boats, or contractor's equipment.
- **INDOOR AMUSEMENT:** Includes theatres, concert halls, dance halls, skating rinks, swimming pools, bowling alleys, health clubs, dance studios, video arcades, and other indoor recreation provided for or not for profit.

- INDUSTRIAL ROAD: A road within the interior of a subdivision of industrial land created by the Planning Board under the Subdivision Control Law.
- IN-LAW APARTMENT: A dwelling unit accessory to a single-family dwelling designed to provide complete and separate living facilities for occupancy by a maximum of two individuals who are related to the occupants of the principal residence.
- INSPECTOR OF BUILDINGS: The person appointed as Inspector of Buildings pursuant to the State Building Code.
- KIOSK: A small structure or building used as a refreshment booth, newsstand, photo sales and services booth, automated bank booth, and the like.
- KENNEL, COMMERCIAL: A facility in which dogs, cats or domesticated animals are housed, boarded, trained and/or provided daycare services.
- ~~LIGHT MANUFACTURING: Includes uses such as a printing or publishing plant, bottling works, fabrication and packaging, finishing, or processing.~~
- LODGE OR CLUB: Any social, athletic, or fraternal organization that caters to members and their guests and is not conducted primarily for profit.
- 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 buildings or structures or for any other definite use.
 - Corner Lot:
A lot bounded by more than one street which has an interior angle of 135 degrees or less formed by the tangents or straight segments of the street lines where they intersect. Both lot lines on the intersecting streets shall be front lot lines.
 - Interior Lot:
A lot that has no street frontage.
 - Through Lot:
A lot bounded by two streets that are not connected. The frontage on both streets shall be front lot lines.
- LOT COVERAGE: An aggregate sum of all building and structure footprints on the lot.
- LOT LINES: The boundary lines that enclose a lot and divide a lot from another lot or from a street or any public place.
 - Front lot line:
The boundary line located on the frontage.
 - Rear lot line:
The boundary line of a lot that is opposite or approximately opposite the front lot line. Where because of irregular lot shape, no clear determination can be made concerning the designation of a lot line, such line shall be considered a rear lot line. In the case of a corner or through lot, all lot lines other than the front lot lines shall be side lot lines.
 - Side lot line:
The boundary lines of a lot that connect front lot lines with rear lot lines. In the case of a corner or through lot, the side lot lines run from two front lot lines and intersect.
- MANUFACTURING:
 - LIGHT MANUFACTURING: Fabrication, processing, packaging, or assembly operation, employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from agents disturbing to the neighborhood, such as

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odors, gas, fumes, smoke, cinders, flashing or excessively bright lights, electromagnetic radiation, heat or vibration and undertaken entirely within the confines of the building or structure. Quiet shall mean undetectable from the exterior of the building. (Allowed by right within the Industrial Zone).
- HEAVY MANUFACTURING: Manufacturing other than light manufacturing. (Allowed by Site Plan Special Permit in the Industrial Zone).

- MASSAGE/BODYWORK/MOVEMENT EDUCATION: Treatment and education by massage therapists that promote health and well-being, ~~including but not limited to Body-Mind-Centering; Body-Oriented Psychotherapy; the Feldenkrais Method; Massage Therapy; Neuromuscular Therapy; Oriental Bodywork Therapies including Acupressure, Shiatsu and Okazari Restorative Massage; Polarity Therapy; Rolfing, the Tager Approach; and Muscular Therapy.~~
- MIXED USE: Use of a building, structure, or land for any combination of more than one use.
- MULTIPLE TENANT ESTABLISHMENT: A non-residential establishment with more than three occupants or tenants.
- MUNICIPAL: The Town of Billerica including their utility pump stations.
- NEON SIGN: A sign that utilizes neon light in its design. Neon light is produced by applying an electrical current to either neon or argon gas.
- NON-CONFORMING USE, BUILDING, OR STRUCTURE: A use, building, or structure that is lawfully existing by virtue of proper permits or that pre-existed the adoption of zoning in the Town of Billerica, which no longer conforms to the zoning regulations for the District in which such use, building, or structure is located, but which at the time of commencement of the use or construction of the building or structure complied with the zoning then in effect, if any.
- NURSING HOME: An institution or distinct part of an institution which is licensed by the Commonwealth of Massachusetts as a Long-Term Care Facility to provide twenty-four hour care under medical supervision to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.
- OPEN AIR SALES: Includes a lumber yard or other facility where the principal use is the sale at wholesale or retail of products and material that cannot easily be sold inside a building or structure.
- OUTDOOR STORAGE: Storage of inventory, equipment, or the like outside of a building or structure and left outside after business hours that is accessory to a principal use located in a building or structure. Such storage shall not exceed 20% of total inventory, equipment, and the like located in the principal building or structure.
- PARCEL: A distinct area of land in one ownership that may or may not be a buildable lot.
- PARKING SPACE: An area in a building, structure, or on a lot available for parking one motor vehicle, with free and unimpeded access to a street, road, or way over unobstructed passageways, aisles or driveways. The unimpeded access requirement does not apply to a single-family house lot.
- PERMIT: An official document or certificate issued by the authority having jurisdiction that authorizes performance of a specified activity.
- PERMIT GRANTING AUTHORITY: ~~The Zoning Board of Appeals shall be the authority having jurisdiction that authorizes performance of a specified activity.~~
- PERSON: Includes a corporation, firm, partnership, association, LLC, organization, and any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver,

or other representative appointed according to law. Whenever “person” is used in any section of this Zoning By-law to prescribe a penalty or fine, as to partnerships, associations and LLCs, the word shall include the partners or members thereof, and as to corporations, shall include the officer, agent or members thereof who are responsible for any violation of this Zoning By-law.

- **PERSONAL SERVICES:** Any facility that provides services, such as a barber shop, beauty shop, tailor, dressmaker, laundry, dry cleaner, watch repair shop, or shoe repair shop.
- **PHILANTHROPIC:** A non-profit use that promotes social welfare.
- **PRIVATE AND PUBLIC DUMPING GROUND:** Any facility used for a sanitary landfill, a refuse incinerator with a grate area in excess of 10 square feet, an incinerator used for disposing of human or animal parts irrespective of grate area, a refuse composting plant, a residual waste storage or treatment plant, a dumping ground for refuse, or any other works for treating or disposing of refuse, including solid or liquid waste materials, radioactive materials, garbage and rubbish, and sludge and residual waste, but not including sewage.
- **PRIVATE WAY:** A way which is not:
 1. —Public as defined by Chapter 82 of the Massachusetts General Laws,
 2. —dedicated for public use prior to 1846 or
 3. —public by prescriptive use.
- **PROFESSIONAL OFFICE:** The office of one engaged in such generally recognized professions as physicians, dentists, veterinarians, lawyers, engineers, architects, accountants, or interior designers.
- **PUBLIC:** The Town, Middlesex County, Commonwealth of Massachusetts, United States Government, or an agency thereof.
- **RECONSTRUCTION:** The rebuilding of a building or structure in accordance with this Zoning By-law.
- **RECORDED:** The due recording in the Middlesex North Registry of Deeds, or, as to registered land, the due filing in the Middlesex County Land Registration Office.
- **RECYCLABLE MATERIALS TRANSFER CENTER:** A facility wherein used materials, namely paper, plastic, aluminum and tin cans, cardboard and electronics, which are commonly and purposely separated from trash, garbage and refuse, are received, sorted and transported off-site, but not including processing such materials into new products for reuse or use by consumers. Such facility shall be located at least 500 feet from any residential district boundary and within 1500 feet of a limited access highway. (Amended: Art. 33; AFTM 10/07/14)
- **REFUSE TRANSFER STATION:** A facility for the transfer of solid or liquid waste materials, including garbage and rubbish, sludge and residual waste, but not including radioactive materials or sewage.
- **REPAIR SHOP:** A shop for the repair of appliances, office equipment, bicycles, lawnmowers or similar equipment.
- **RESEARCH FACILITY:** Facility for scientific or medical research.
- **RESTAURANT:** An establishment serving food and drink to patrons seated in a dining area with service being provided to the patrons by wait staff. Take-out orders may be permitted as an incidental and subordinate percentage of the business. A restaurant may not offer drive-through or drive-up window service. A bakery is not a restaurant.
- **RETAIL STORE:** Establishments that offers retail goods and services, not specifically listed in the Table of Uses, to the general public. – Amended: (Art. 38, 10/03/17)

- SANITARY SEWER: A public sanitary sewer of the Town.
- SELF-SERVICE STORAGE FACILITY: An establishment consisting of a structure or group of structures containing individual storage spaces of varying sizes leased or rented for dead storage, as defined in M.G.L., ch. 105A. Truck terminals are specifically excluded from this definition.
- SIGN: Any device designed to inform, direct or attract attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations of this by-law:
 1. Flags and insignia of any government, except when displayed in connection with a commercial promotion.
 2. Legal notices, identification, informational or directional signs erected or required by governmental bodies.
 3. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts of moving lights.
- SIGN, ACCESSORY: Any sign or other advertising device which advertises, calls attention to, or indicates the person or activity occupying the premises on which the sign is erected or that advertises the property or some part of it for sale or lease and which contains no other advertising matter.
- SIGN, LANDSCAPED: A sign characteristically constructed of a mixture or display surface, evergreen shrubbery, flowers and a structure of brick, masonry, stone and the like building materials which are located on a lawn, garden or un-constructed locus of the lot.
- SIGN, NON-ACCESSORY: Any billboard or sign not an accessory sign.
- SIGN, PROJECTING: Any sign which is attached to a building and is not parallel to any wall to which it is attached. A sign in contact with the ground is not a projecting sign.
- SIGN, SIZE: The size of a sign shall include any intermediary removable surface to which it is affixed. The area of a flat two-faced projecting or standing sign is the area of one face. The width of a sign is its horizontal dimensions even when this is the smaller dimension.
- SIGN, STANDING: The term "standing sign" shall include any and every sign that is erected on the land. If a sign support holds more than one sign, each such sign is considered a separate standing sign.
- SIGN, TRAFFIC FLOW: A sign directing and guiding traffic and parking on private property, by bearing no advertising matter, symbols or other characteristics of a sign as defined in this Section.
- SIGN, WALL: A sign securely affixed parallel to the face of a building wall.
- SIGN, WINDOW: A sign affixed to or placed so as to be viewed through a window or transparent door. Signs on the interior of an establishment which are intended to be viewed from inside the establishment are not considered to be window signs even if they can be seen through a window or door. Displays of merchandise inside of a window are not considered to be window signs. (Neon signs are prohibited.)
- SITE: One or more lots or parcels, or combination thereof, which are contiguous or coterminous and under the lawful control and possession of one owner.
- SPECIAL PERMIT: A use permitted in this Zoning By-law after hearing and required findings by the Special Permit Granting Authority that may be subject to limitations and conditions.

- **SPECIAL PERMIT GRANTING AUTHORITY:** The Special Permit Granting Authority shall be the board designated to issue special permits under this Zoning By-law.
- **STORY:** See the definition in the most recent edition of the State Building Code.
- **STORY, HALF:** A story directly under a sloping roof in which the points of intersection of the bottom of the rafters and the interior faces of the walls are less than three feet above the floor level on at least two exterior walls.
- **STREET, ROAD, OR WAY:** A public way duly laid out by the Town, the Middlesex County Commissioners, or the Commonwealth of Massachusetts; or a way which the Town Clerk certifies is maintained by public authority and is used as a public way; or a way that is shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law; or a way in existence 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 thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Street, road, and way are synonymous terms.
- **STREET LINE:** The boundary of a street right-of-way or layout.
- **STRUCTURAL CHANGE:** Any change in the supporting members of a building or structure such as a change in bearing walls columns, beams, or girders.
- **STRUCTURE:** A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall over four (4) feet, tent, reviewing stand, or platform bin. Fences over six feet height, sign, flagpole, recreational tramway, mast for radio antenna, or the like, including in-ground swimming pools, are structures. The word “structure” shall be construed, where the context requires, as though followed by the words, “or part or parts thereof.”
- **SUBSTANTIAL EXTENSION:** Extension of a use beyond the circumscribed area used prior to such extension or an increase in the time of use, or making the same use in a different and more intense manner.
- **SUPERMARKET:** A retail establishment primarily in the business of selling food stuffs to the individual consumer and general public.
- **SWIMMING POOL:** A private, artificial, or semi-artificial receptacle capable of containing a body of water, whether in or above the ground, and all appurtenances, equipment, appliances, and other facilities for its operation, maintenance, or use, having a depth of 24 inches or greater and a surface area of 250 square feet or greater.
- **TEMPORARY STRUCTURE:** A tent, construction trailer, or similarly portable structure intended for continuous use for not longer than three months. A temporary structure shall also include a manufactured home that is placed on the site of a residence, which has been destroyed by fire or other natural disaster, and which is being rebuilt. The manufactured home shall be removed from the site within twelve months of its placement and shall comply with the provisions of the state sanitary code.
- **TEMPORARY USE:** Use, operation, or occupancy of a parcel of land, building, or structure for a period not to exceed three calendar months.
- **TOWN:** Town of Billerica.
- **TOWNHOUSE:** A dwelling unit with finished living space on more than one story in a complex of three or more attached units as provided under the Mass. State Building Code.

- TRACTOR TRAILER: An articulated truck consisting of a towing engine and a trailer that carries freight.
- TRADESMAN'S SHOP: Shop of a builder, electrician, mason, plumber, of similar occupation.
- TRAILER: A closed vehicle furnished for ~~housekeeping-living~~ and designed to be hauled behind another vehicle.
- TRUCK: A motor vehicle other than an automobile as defined in this Zoning By-law.
- TRUCK TERMINAL: A freight facility for the exchange of cargo among trucks; exchange of trailers among trucks; exchange of truck drivers among trucks; and temporary parking of trucks with or without cargo and trailers.
- USE: The specific purpose for which land, a building, or a structure is designed, arranged, intended, or for which it may be occupied and maintained.
- VARIANCE: Relief from the non-use requirements of this Zoning By-law as provided for under M.G.L., ch. 40A, ss 10, as amended.
- WAREHOUSE: A building used primarily for the storage of goods and material, for distribution, but not for sale on the premises.
- WHOLESALE USE: The sale of goods in larger quantities as to retailers, tradesmen or jobbers rather than directly to the general public or individual consumer.
- YARD: An open space on a lot unoccupied by a building or structure or such parts thereof, such as covered or uncovered porches, cornices, and other projections. Fences, gates, or security stations; ornaments and furniture; and customary summer awnings are permitted in any yard but shall be subject to height limitations. Yards include:
 - Front Yard:
A yard extending between side lot lines across the front lot line. In the case of a corner lot there will be two front yards that extend between a side lot line and a front lot line across the remaining front lot line.
 - Rear Yard:
A yard extending between the side lot lines across the rear lot line. In the case of a corner or through lot there is no rear yard.
 - Side Yard:
A yard extending along each side lot line generally between the front and rear lot lines. In the case of a corner or through lot the side yard extends between the front lot line and another side lot line. In some cases, depending on the lot configuration, a side yard may extend along the side lot line between any combination of other lot lines.