

## **SECTION 2: DEFINITIONS**

For purposes of these regulations, the terms and words defined in the Subdivision Control Law shall have meaning given therein, unless a contrary intention clearly appears in these definitions. The following other terms are defined as follows:

**ABUTTER**: an owner of land sharing a common property line with the Applicant's property, or an owner of land across a way from the frontage of the Applicant's land.

**AGENT**: the person or persons authorized and designated by the Planning Board to carry out specific functions on behalf of the Board with respect to the review of plans, investigations of conditions and inspection or verification of improvements.

**APPLICANT**: the person or persons applying for approval of plan hereunder, including owner, agent or assigns of the owner. An agent or assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of the officers and designated authority to sign legal documents may be required for a corporation.

**BASE FLOOD ELEVATION**: the level of flooding during the one hundred (100) year flood as designated on Flood Insurance Rate Maps (FIRM), or, in the absence of such designation, to be determined by the Planning Board based upon the best available information regarding flood hazards, including any available United States Geological Survey, Soil Conservation Service, and Army Corps of Engineers studies.

**BENCH MARK**: mark made in durable object of known position and elevation, as a reference point.

**BIKEWAY**: way designed to be used principally or exclusively by a bicycle, wheelchair or pedestrian.

**BOARD**: The Planning Board of the Town of Millbury.

**CUL-DE-SAC**: a street or way open at only one end with special provisions for turning around at the other end.

**DWELLING UNIT**: a building or portion of a building providing living quarters for a household.

**ENDORSEMENT BY THE PLANNING BOARD**: as applied to an instrument, or plan required or authorized by the Subdivision Control Law to be recorded, shall mean endorsement signed by a majority of the members of the Board, or an individual authorized by the majority of the members of the Board to act on behalf of the Board.

**EASEMENT**: a right in land acquired by public authority or other person to use or control property for a utility or other purpose.

**ENGINEER**: person registered by the Commonwealth of Massachusetts to perform professional civil engineering services.

**FRONTAGE**: a lot boundary line, which abuts a public or private way and across which line there is legal and physical access.

LOT: area of land in one ownership with definite boundaries used, or available for use, as the site of one or more buildings. Areas endorsed by the Board upon a plan as "not available for building purposes" shall not be considered lots.

LOW IMPACT DEVELOPMENT (LID): the use of innovative stormwater management systems that are modelled after natural hydrologic features. Rainfall is managed at the source using small, cost-effective landscape features located at the lot level.

MASSGIS: the Commonwealth of Massachusetts' Office of Geographic Environmental Information and is part of the Commonwealth's Executive Office of Environmental Affairs. Their website is [www.mass.gov/mgis](http://www.mass.gov/mgis).

MASSACHUSETTS STORMWATER HANDBOOK: the guidebook last revised by the Department of Environmental Protection in February 2008, and as amended, that coordinates the requirements prescribed by revisions to the Wetlands regulations, 310 CMR 10.00, and the Water Quality Regulations, 314 CMR 9.00, relating to stormwater.

MASSACHUSETTS STORMWATER STANDARDS: the standards outlined in Chapter 1, Volume 1 of the Massachusetts Stormwater Handbook.

MONUMENT: a permanent, semi-permanent or temporary marker to indicate a boundary. Permanent monuments shall be concrete or granite markers or drill holes, semi-permanent monuments shall be iron rods or iron pipes, and temporary monuments shall be stakes or bean poles.

NEW DEVELOPMENT: any construction activities or land alteration resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover.

OWNER: the owner of record as shown by the records in the Worcester Registry of Deeds.

RECORDED: recording in the Worcester Registry of Deeds and, where registered land is affected, filing with the recorder of the Land Court (Ch. 41, S. 81L).

REDEVELOPMENT: any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development.

RIGHT-OF-WAY: portion of land occupied or intended to be occupied by infrastructure. Land to be either public or private on which an irrevocable right of passage has been recorded for the use of vehicles, pedestrians or both.

RULES AND REGULATIONS: the Rules and Regulations Governing the Subdivision of Land in the Town of Millbury, Massachusetts, as most recently adopted by the Millbury Planning Board pursuant to M.G.L. Chapter 41, Section 81O.

SIDEWALK: a way within the right of way of a street normally parallel to the street designed primarily for pedestrian use running continuously through existing and proposed driveways.

**STREET**: that portion of the way, right-of-way or street layout which has been prepared and constructed for vehicular traffic.

**ACCESS STREET**: sometimes called a place, lane, drive, court or cul-de-sac, the access street is designed to conduct traffic between dwelling units and higher order streets. As the lowest order street in the hierarchy, the access street usually carries no through traffic.

**ARTERIAL**: a high volume street with a high average daily traffic (ADT) that is not intended to be a residential street. Its major function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways.

**COLLECTOR**: as the principal traffic artery within residential or commercial areas, the collector carries relatively high traffic volumes and conveys traffic from arterial streets to lower-order streets. Its function is to promote the free flow of traffic. The collector street's secondary function is to serve abutting land uses.

**DEAD END**: any street, way or network of streets or ways that connects to a through street at only one point or connects to only one through street. The dead-end street shall begin at the intersection of the right-of-way of the proposed street with the right-of-way of the through street and end at the terminus of the cul-de-sac right-of-way or, in the instance of a loop street, at the second intersection of the right-of-way of the proposed street with the right-of-way of the through street.

**PUBLIC WAY**: pursuant to M.G.L. Chapter 82, any street or way which has become public in one of three ways: (1) a laying out by public authority in the manner prescribed by statute; (2) prescription; (3) prior to 1846, a dedication by the owner to public use, permanent and unequivocal, coupled with an express or implied acceptance by the Town. Generally, the official records of the Town Clerk shall determine public ways in the Town of Millbury.

**SUBCOLLECTOR**: providing passage to access streets that conveys traffic to collectors, the subcollector provides frontage and access to residential lots but also carries some through traffic to lower-order (access) streets. The subcollector is a relatively low-volume street.

**THROUGH STREET**: any street that connects at each end with another street. If a street connects with another through street at a point other than the end of the street, then the remainder of the street beyond the point of connection is deemed to be a dead-end street.

**WAYS IN EXISTENCE WHEN SUBDIVISION CONTROL LAW BECAME EFFECTIVE IN THE TOWN**: for purposes of determining whether a proposed division of lots is a subdivision, a way in existence as of the date when the subdivision control law was locally adopted shall not be deemed adequate by the Board except if it meets standards set forth in Section 4.2.

**STRUCTURE**: anything constructed or erected, the use of which requires fixed location on the ground, or attachment to something located on the ground, including swimming pools having capacity of four thousand (4,000) gallons or more and mobile homes, but not including walls or fences.

**SUBDIVISION**: Pursuant to M.G.L. Chapter 41, Sections 81K-81GG, the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context,

shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, 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. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

SUBDIVISION CONTROL LAW: Sections 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws of the Commonwealth of Massachusetts.

SURVEYOR: any person who has been registered by the Commonwealth of Massachusetts to perform land-surveying services.

UTILITIES: private or municipal services to be furnished within the subdivision, including telephone, cable television, electric light and power, gas lines, sanitary sewers, storm water facilities, water pipes and appurtenances.

WETLANDS: Any lands or waters subject to M.G.L. Chapter 131, Section 40 and any local wetland controls.