

Glossary of Common Massachusetts Planning Acronyms and Terms

A

Abutter: An owner of land adjacent to or touching upon another property. Sometimes broadened to include a landowner across a road or water body or within a certain distance of the land in question.

Accessory Use: A building or a usage of land that is additional, incidental and secondary to the site's primary use. An in-law apartment above a garage, or a small accounting business in a single-family home is an example of an accessory use.

ACEC: Area of Critical Environmental Concern *See*

ADA: Americans with Disabilities Act *See*

Agricultural Preservation Restriction: A voluntary program which is intended to offer a non-development alternative to farmers and other owners who are faced with a decision regarding future use and disposition of their farms. Towards this end, the program offers to pay farmers the difference between the "fair market value" and the "agricultural value" of their farmland in exchange for a permanent deed restriction which precludes any use of the property that will have a negative impact on its agricultural viability.

All-terrain vehicle: Single-operator vehicle designed for off-road use. Also known as quads or 4-wheelers.

Americans with Disabilities Act: Federal legislation prohibiting discrimination on the basis of disability, requiring accessible transportation services.

Ancient Way: A way in existence before the subdivision control act was approved in a municipality.

ANR: Approval Not Required *See*

Approval Not Required: Chapter 41 Section 81-P of the Massachusetts statutes permits unlimited subdivision of individual parcels along existing public ways without local subdivision approval as long as the parcel has the at least the minimum amount of frontage required by the Town's subdivision regulations. ANR's must be endorsed as such by the planning board.

APR: Agricultural Preservation Restriction *See*

Aquifer: A water-bearing geologic formation, sometimes confined between clay layers and sometimes on the surface. The source of ground water for drinking and irrigation.

Area of Critical Environmental Concern: places in Massachusetts that receive special recognition because of the quality, uniqueness and significance of their natural and cultural resources. These areas are identified and nominated at the community level and are reviewed and designated by the state's Secretary of Environmental Affairs

ATV: All-Terrain Vehicle *See*

B

Best Management Practice: devices, practices, or methods used to manage stormwater runoff, with the goal of mitigating the negative effects of nonpoint sources on receiving waters.

BMP: Best Management Practice: *See*

Board of Health (BoH): A municipal elected or appointed authority responsible for administering bylaws addressing health, safety, and welfare issues covered in the State Environmental Code, including granting of permits for food establishments and Title 5.

Brownfields: Sites that are underutilized or not in active use, on land that is either contaminated or perceived as contaminated.

Bylaw: A local law enacted by a town.

C

Catch Basin: A conventional structure for the capture of stormwater utilized in streets and parking areas. It includes an inlet, retention area, and outlet and provides minimal removal of small particles, such as sand, suspended in water. In most cases a hood also is included to separate oil and grease from stormwater. Catch basins are differentiated from drainage "inlets", which do not contain sumps or hoods.

CDP: Community Development Plan *See*

CFR: Code of Federal Regulations *See*

Cluster Development: A pattern of development in which homes, and less frequently, industrial and commercial facilities, are grouped together on parcels of land in order to leave parts of the land undeveloped. Cluster development is often used in areas that require large lot sizes, and typically involves density transfer. Zoning ordinances permit cluster development by allowing smaller lot sizes when part of the land is left as open space.

CMR: Code of Massachusetts Regulations *See*

Code of Federal Regulations: A compilation of federal administrative regulations.

Code of Massachusetts Regulations: A compilation of the administrative regulations of all state agencies. Citations indicate chapter and section: 310 CMR 10.00 means chapter 310 of the CMR, section 10.

Common Driveway: A driveway serving more than one parcel.

Commonwealth: The official title of four US States: Massachusetts, Pennsylvania, Virginia and Kentucky. As used in this handbook, synonymous with 'Massachusetts.'

Community Development Plan: A plan prepared by many Massachusetts communities in 2004 with state funding that addressed housing, environmental resources, transportation, and economic development.

Community Preservation Act: Chapter 267 of the Acts of 2000; allows communities to create a local Community Preservation Fund to raise money through a surcharge of up to 3% of the real estate tax levy on real property for open space protection, historic preservation and the provision of affordable housing. Communities that pass the CPA also receive state matching funds.

Comprehensive Plan: Regional, state, or local documents that describe commonly held community visions for future growth. Comprehensive plans describe general plans and policies for how communities will grow and the tools that are used to guide land use decisions, and give general, long-range recommendations for community growth. Typical elements include, land use, housing, transportation, environment, economic development, and community facilities.

Conservation Commission: An appointed municipal commission responsible for administering the Wetlands Protection Act at the local level. Established under the enabling act GL Ch. 40 §8C.

Conservation Restriction: A restriction designed to protect the natural or environmental characteristics of private land by limiting development.

Covenant: A contract as to the manner in which land may be used, which constitutes a restriction on the use of private property.

CPA: Community Preservation Act *See*

D

Deed Restriction: A legally binding restriction on the use, activity, and/or limitation of property rights, that is recorded at the registry of deeds.

Definitive Subdivision Plan: A plan submitted by an applicant to the planning board for their approval, showing proposed lots, means of access to lots, and other requirements outlined in the Town's Subdivision Rules and Regulations.

Detention Ponds: (Extended Detention Basins) An area surrounded by an embankment, or an excavated pit, designed to temporarily hold stormwater long enough to allow settling of solids and reduce local and downstream flooding.

Discontinued Road: A road that has been made no longer public by a municipality, ending the town's responsibility for maintenance, and ending the right to public access.

E

Easement – A legal right granted by a property owner which allows another to use the owner’s land for a specific purpose, such as access or placement and maintenance of utilities.

Eminent Domain: The legal right of government to take private property for public use, provided the owner is offered just compensation for the taking of property.

Executive Order: An edict issued by a President or Governor that is legally binding and within that official’s statutory powers.

F

Fine: A money sanction ordered by a government agency or court, sometimes used to include civil penalties but more often applied only to criminal fines.

FIRM: Flood Insurance Rate Map *See*

Flood Insurance Rate Map: A map of a community made by FEMA that shows flood hazard areas and risk zones.

Flood Plain: The land adjacent to a stream, river, lake, pond, swamp, or other water body that experiences occasional flooding.

Flood Zone—100 year: The land adjacent to a stream, river, lake, pond, swamp, or other water body that has a one percent of flooding each year.

Frontage: The continuous linear distance along any approved way, such as a road or street, measured on the street line, between a parcel’s side lot lines.

G

Geographic Information System: a computer system capable of assembling, storing, manipulating, and displaying geographically referenced information

GIS: Geographic Information Systems *See*

Grandfather: To exempt certain activities, property uses or construction that occurred before a certain date, such as the date a law was passed.

Groundwater: All water below the surface of the land. It is water found in the pore spaces of bedrock or soil, and it reaches the land surface through springs or it can be pumped using wells.

H

Habitat: The specific area or environment in which a particular type of plant or animal lives. An organism's habitat must provide all the basic requirements for survival.

Homeowners Association: A group organized within a development in which property owners share common interests and responsibility for open space, landscaping, maintenance, or facilities.

Home Rule: Doctrine found in some state constitutions, including Massachusetts, which grants cities, towns, counties or other forms of local government the right to enact legislation on any matter that does not directly interfere with state law.

Hydrology: The study of the movement of water, below ground, on the earth's surface, and in the atmosphere.

I

Impervious Surface: A surface that cannot be easily penetrated. For instance, rain does not readily penetrate asphalt or concrete pavement.

Infiltration: The movement of water downward into the soil. Infiltration is important to replenishing groundwater.

Infrastructure: A generic term that refers to items such as water and sewer lines, roads, rail lines, schools and other public facilities needed to support developed areas.

J

Jurisdiction: The extent of authority over a subject matter or geographical area.

L

Land Court: Shares jurisdiction with the Superior Court over claims having to do with title to land, such as trespass or encroachment, and zoning and subdivision appeal.

Land Trusts: Nonprofit organizations interested in the protection of natural resources and historic areas. Activities include public education, purchase and coordination of conservation easements, and planning services.

Lot: An area of land held in common ownership, with definite boundaries. See also *parcel*.

Lot Area: area is the total square footage of horizontal area included within the property lines. Zoning ordinances typically set a minimum required lot area for building in a particular zoning district.

Low Impact Development (LID): An approach to environmentally friendly land use planning. It includes a suite of landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than being lost as surface runoff. An important LID principle includes the idea that stormwater is not merely a waste product to be disposed of, but rather that rainwater is a resource.

M

Master Plan: See “Comprehensive Plan”

Meeting, public: A meeting of a quorum of a government body for purposes of deliberating on or taking action. All public meetings must be posted 48 hours in advance. A site visit or social occasion does not count as such a meeting.

Mixed use: Multiple land uses in the same structure or same general area of a community.

Mixed Use Development: Development that is created in response to patterns of separate uses that are typical in suburban areas. Mixed use developments include residential, commercial, and business accommodations in one area.

Municipality: A city or town in Massachusetts. Financial procedures and special powers granted in city charters and under certain chapters of the General Laws to some cities vary considerably.

N

Notice of Intent: An application for a permit under the Massachusetts Wetlands Protection Act, called an Order of Conditions, to remove, dredge, fill, or alter a resource area.

NOI: Notice of Intent *See*

Non-point source: Pollution that is generated from a variety of sources spread over a wide area, such as runoff from a parking lot containing oil.

Nuisance: Engaging in an unreasonable use of land so as to interfere materially and substantially with the use and enjoyment of the land of another. A **public nuisance** poses a threat to public health or safety.

O

Official Map: A map approved by town meeting vote that shows public ways, private ways, and parks. (MGL Ch. 41, § 81E)

OOC: Order of Conditions *See*

Open Space: Used to describe undeveloped land or land that is used for recreation. Farmland as well as all natural habitats (forests, fields, wetlands etc.) is lumped in this category.

Open Space, protected: Undeveloped land with restrictions or easements placed on it for temporary or permanent protection.

Open Space Residential Design (OSRD): A form of residential subdivision that maximizes resource protection and conservation of natural areas through the use of design strategies that result in permanent open space preservation.

Order of Conditions: The document, issued by a local conservation commission, containing conditions that regulate or prohibit an activity proposed in a resource area.

Ordinance: A local law enacted by a city.

Outfall: A pipe that discharges water.

Overlay District: A zoning district, applied over one or more other districts that contains provisions for special features or conditions, such as historic buildings, affordable housing, or wetlands, in addition to the requirements of the underlying zoning.

P

Parcel: An area of land held in common ownership, with definite boundaries. See also *Lot*.

Point Source: Pollution that is discharged from a specific point or location, such as outflows, gutters, and drainage pipes.

Police Power: The legal authority to enact legislation and implement programs to protect the public health, safety and welfare.

Preliminary Plan: Under the Subdivision Control Law, a plan of a proposed subdivision that may be submitted to the planning board prior to the submission of a definitive subdivision plan.

Private Way – Since 1846, a road never accepted by any government body as a public way.

Public Way – A state, county, city, or town road.

Q

Quorum: The number of members of a committee or board that must be present in order to legally conduct business. A simple majority of a government body

R

Registry of Deeds: A repository where deeds, mortgages, conservation restrictions, plans, and other documents affecting individual parcels of land are recorded. Berkshire County has three Registries, Berkshire North, Berkshire Middle, and Berkshire South.

Restriction: A voluntary agreement in which private landowners agree not to do certain things, and grant to another entity the right to enforce that agreement through legal action.

Right-of-way: 1) Easement for travel acquired by the public when a public way is created.

2) the legal boundaries of a railroad, transit, or other public utility line

Runoff: Water from precipitation that runs broadly across the ground, as opposed to a channel.

S

Setback: The distance between a building or structure and any lot line. Zoning bylaws in rural areas often set minimum setback distances in which no development may occur.

Septic Tank: A watertight receptacle that receives the discharge of sewage from a building sewer and is designed and constructed so as to permit the retention of scum and sludge, digestion of the organic matter, and discharge of the liquid portion to a leaching facility.

Site Plan: A scaled plan showing proposed uses and structures for a parcel of land. A site plan could also show the location of lot lines, the layout of buildings, open space, parking areas, landscape features, and utility lines.

SJC: Supreme Judicial Court *See*

Special Permit: A permit issued by a special permit granting authority for a use which is specified in the Town zoning bylaws only to be allowed within a certain district by the granting of such permit. Special permits may be issued only for uses that are in harmony with the general intent and purpose of the zoning bylaw, and are subject to the provisions identified in the bylaw, as well as any additional conditions and limitations imposed by the special permit granting authority.

Special Permit Granting Authority (SPGA): The Board or Commission provided with the authority in the town zoning bylaws to issue special permits. Can include the board of selectmen, zoning board of appeals, planning board, or zoning administrator.

SPGA: Special Permit Granting Authority *See*

Sprawl: Development patterns where rural land is converted to urban/suburban uses more quickly than needed to house new residents and support new businesses, and people become more dependent on automobiles. Sprawl defines patterns of urban growth that includes large acreage of low-density residential development, rigid separation between residential and commercial uses, residential and commercial development in rural areas away from urban centers, minimal support for non-motorized transportation methods, and a lack of integrated transportation and land use planning.

Statute: A law passed by the legislature; a section of the General Laws of the Commonwealth of Massachusetts.

Statute of Limitations: Strict time periods for bringing civil or criminal legal action under a law.

Standing: A concept that a party must have sufficient stake in the outcome of a controversy to be a plaintiff in a suit or an appellant in an appeal. The common law standard is that the party must potentially suffer more injury than is suffered by the general public.

Storm Drain: A system of gutters, pipes, or ditches used to carry stormwater from surrounding lands to streams, ponds, or rivers. In practice, storm drains carry a variety of substances such as oil and antifreeze which enter the system through runoff, deliberate dumping, or spills. This term also refers to the end of the pipe where the stormwater is discharged.

Stormwater: Precipitation that is routed into drainage systems.

Subpoena: A type of written command to appear in a legal proceeding.

Subdivision: A subdivision occurs as the result of dividing land into more than one lot for sale or development, administered under MGL Chapter 41.

Subdivision Rules and Regulations: Procedures, requirements, and provisions governing the subdivision of land that is specified in formal Rules and Regulations by a city or town under the authority vested in the Planning Board by section 81-Q of Chapter 41 of the General Laws of Massachusetts.

Superior Court (Massachusetts): The Massachusetts Superior Court has jurisdiction to hear all civil claims except claims for money damages under a certain amount, including appeals of bylaws, and actions to enforce bylaws.

Supreme Judicial Court: The highest court in Massachusetts, and the one with the last word when it comes to matters of state law. The SJC may hear appeals from decisions of the appeals court.

Swales: Vegetated areas used in place of curbs or paved gutters to transport stormwater runoff. They also can temporarily hold small quantities of runoff and allow it to infiltrate into the soil.

T

Taking: Process whereby a government uses eminent domain to obtain private land for a public purpose.

TDR: Transfer of Development Rights *See*

Title: A term for ownership of land, as evidenced by a written deed or will.

Title 5: The Massachusetts regulations (CMR 15) that provide for minimum standards for the protection of public health and the environment when circumstances require the use of individual septic systems for the disposal of sanitary sewage. The local board of health is responsible for enforcement of these regulations and may upgrade them.

Total Suspended Solids: A measure of the small sediments; organic or inorganic particles that are suspended in and carried by a unit volume of water. The term includes sand, mud, and clay particles as well as organic solids in wastewater.

Town Meeting: The legislative body of a town.

Transfer of Development Rights: A system that assigns development rights to parcels of land and gives landowners the option of using those rights to develop or to sell their land. TDRs are used to promote conservation and protection of land by giving landowners the right to transfer the development rights of one parcel to another parcel. By selling development rights, a landowner gives up the right to develop his/her property, but the buyer could use the rights to develop another piece of land at a greater intensity than would otherwise be permitted.

TSS: Total Suspended Solids *See*

V

Variance: A grant of relief from the literal enforcement of the provisions of the zoning bylaw owing to circumstances relating to soil conditions, shape, or topography of land or structures, but not affecting generally the zoning district in which it is located. May be granted if literal enforcement would involve substantial hardship, and the relief does not involve nullify or substantially derogate from the intent or purpose of the bylaw

W

Warrant: A document issued by a court with jurisdiction to approve search and seizure of evidence of crimes according to criminal procedure. A civil warrant would authorize an administrative inspection that could lead to civil consequences such as an enforcement order or permit revocation. Also refers to the document containing the agenda for a town meeting.

Watershed: The geographic area which drains into a specific body of water. A watershed may contain several sub-watersheds.

Wetlands: Area having specific soil and water table characteristics supporting or capable of supporting wetlands vegetation.

Wetlands Protection Act: A Massachusetts statute that requires permits for the removal, alteration, dredging or filling of wetlands areas. The local agency responsible for enforcing this act and its accompanying regulations is the town's or city's Conservation Commission. The Massachusetts Department of Environmental Protection (DEP) has this responsibility at the state level.

WPA: Wetlands Protection Act *See*

Z

ZBA: Zoning Board of Appeals *See*

ZEO: Zoning Enforcement Officer *See*

Zoning: Legislative process in which each community can regulate the usage of land, buildings and structures to protect the health, safety and general welfare of their present and future inhabitants.

Zoning Administrator: A person designated by the zoning board of appeals to assume some of the board's duties.

Zoning Board of Appeals (ZBA): An appointed municipal agency responsible for administering the provisions of Massachusetts General Laws Chapter 40A Section 15. The ZBA hears and decides on appeals filed by persons aggrieved of the decisions of other municipal permit granting authorities, may act as a special permit granting authority as outlined in the municipal zoning by-laws, and grants variances.

Zoning Bylaws: Local laws that designate areas of land for different uses at established densities. These bylaws require a two-thirds majority vote of town meeting or city council.

Zoning Districts: Classification of land in a community into different areas with different permissible uses in each area. Requires the community to adopt a zoning map showing the boundaries of the areas.

Zoning Enforcement Officer: The person responsible for the enforcement of the zoning by-law. The inspector of buildings, building commissioner or local inspector, or if there are none, in a town, the board of selectmen. Another person or board may be designated by local by-law as the Zoning Enforcement Officer.