

1. Calculation of fees-in-lieu of units. The applicant for development subject to this by-law may pay fees in lieu of the construction or provision of affordable units is determined to be \$200,000 per unit. For example, if the applicant is required to construct two affordable income units, he/she may opt to pay \$400,000 in lieu of constructing or providing the units.
2. Schedule of fees-in-lieu of payments. Fees in lieu of payments shall be paid according to the schedule set forth in Section 2.5.9.6(3) above.
3. An applicant may offer, and the SPGA, in concert with the Board of Selectmen, may accept, donations of land in fee simple, on or off-site, that the SPGA determines are suitable for the construction of affordable housing units concurrently or in the future. The value of donated land shall be equal to or greater than 115% of the construction or set-aside of affordable units.

The SPGA shall require, prior to accepting land as satisfaction of the requirements of this by-law, that the applicant submit two (2) appraisals of the land in question (future values may be taken into account in this appraisal), as well as other data relevant to the determination of equivalent value. The applicant must also supply certified information that the land to be donated will support the required number of dwelling units per current Bolton Zoning Bylaws, Bolton Board of Health regulations and Bolton Conservation Commission requirements as of the date of transfer (i.e.; the land is buildable).

## 2.6 DEFINITIONS:

In this Bylaw the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

**Accessory Building or Use** - A building or use customarily incidental to and located on the same lot with the principal building or use, except that if more than 50% of the lot area is occupied by such use, it shall no longer be considered accessory.

**Assisted Living Housing** - Housing units and associated facilities for the elderly, 55 and older, who require daily assistance but who do not require nursing home care. Associated or shared facilities may include common dining facilities, housekeeping services and common space for indoor and outdoor social, educational and recreational activities. Associated facilities may provide additional services beyond Congregate Housing, including daily meals and personal services, medical monitoring and supervision.

**Backland Lot** - In the Residential Zoning District a lot as permitted by 2.3.5.5 Backland Zoning

**Base Map** – The Base Town Map and Zoning District Map shall be known as and referred to in the Town of Bolton Zoning Bylaws as the “Base Map”. The Base Map is the map prepared by Ducharme & Dillis Civil Design Group, Inc., revised July, 2008 and on file with the Town Clerk.

**Building** - A structure having walls and a roof, including porches covered or uncovered, capable of being used to shelter persons, animals, materials or equipment.

**Bulk Storage** - Outdoor storage of sand, lumber, coal or other large volume materials, and storage of liquids in tanks except underground as an accessory use, except customary storage in connection with residential use.

**Common Driveway** - In the Residential Zoning District a driveway serving no more than five single family dwellings or lots as permitted by 2.4.1.2 Common Driveways Serving 3 to 5 Houses.

**Congregate Living Housing** - Housing units and associated facilities for the elderly, 55 and older, who do not require constant supervision. A Congregate Living Housing unit consists of a room or group of rooms for one or more persons with provisions for living and sleeping for the exclusive use of the individual or household unit. The Congregate Living Housing unit may provide exclusive cooking and sanitary facilities. Associated or shared facilities may include common dining facilities, housekeeping services and

common space for indoor and outdoor social, educational and recreational activities.

Dwelling - A building containing one (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit.

Extensive Outdoor Recreation - Premises comprising 10 acres or more used principally for standard golf course, skiing, snowmobiling, horseback riding, camping, or similar extensive recreation, with structures occupying not more than 2% of lot area.

Home Occupation - An occupation or profession engaged in within a dwelling, or accessory building, by a resident thereof as a use accessory thereto.

Lot - a portion of subdivided land, shown on a plan submitted by a Registered Land Surveyor, which conforms to the bylaws of the Town of Bolton.

Lot Area - the horizontal area of the lot exclusive of any area in a street or recorded way open to public use within the Town of Bolton. The minimum lot area for permitted uses within the Town of Bolton must be met by contiguous horizontal area within the Town of Bolton. However, see exception in Note B of Section 2.3.5.2.

Lot Coverage - Percentage of total lot area, within the zone of proposed use, that is covered by structures or roofed.

Lot Frontage - That portion of a lot fronting upon and providing rights of access to a street shown on the Base Map, and listed on the Schedule of Town Roads on file with the Town Clerk, or to an approved or accepted new right-of-way laid out in accordance with the Rules and Regulations Governing the Subdivision of Land in the Town of Bolton, to be measured continuously along a single street line. Owners of lots fronting upon two streets may select that which shall be considered "frontage". On a corner lot frontage shall be measured to the point of intersection of the extension of the side lines of the streets. The minimum frontage for permitted uses within the Town of Bolton must be met by contiguous frontage within the Town of Bolton on an approved or accepted right-of-way in the Town of Bolton.

Mobile Home - A moveable or portable dwelling unit built on a chassis, designed for connection to utilities when in use, and designed without necessity of a permanent foundation for year round living.

Mobile Home Park - Premises which have been planned and improved for the placement of two or more mobile homes for non-transient use.

Municipality - The Town of Bolton.

Nursing Care Facilities - Intermediate and skilled care nursing facilities to provide an intensive level of nurse and medical care for patients.

Parcel - A portion of subdivided land, shown on a plan submitted by a Registered Land Surveyor, which does not conform to the bylaws of the Town of Bolton. The parcel shall be noted as a non-buildable parcel on said plan.

Principal Building or Use - A building or use which is not an accessory use.

Right-of-Way - A public way, or a way which the Town Clerk certifies is maintained and used as a public way, or a way approved and endorsed by the Planning Board in accordance with the Subdivision Control Law, or a way in existence when the Subdivision Control Law became effective in the Town of Bolton.

Shared Driveway - In Residential Zoning District a driveway serving no more than two single-family dwellings or lots as permitted by 2.4.1 Driveways

Sign - Any device displaying, or any display of, any letter, word, picture, symbol, or object designed to inform or attract the attention of persons not on the premises on which such device or display is located, including bill-boards and any such internally or decoratively illuminated building surface other than an unobstructed window.

Structure - A combination of materials assembled by man, the use of which requires fixed location on the ground, or attachment to something on the ground. Structures include buildings, dwellings, towers, masts, sheds, roofed storage areas, mechanical equipment, swimming pools, permanent sporting facilities and signs. Structures do not include fences, walls, driveways, walkways, or other paved areas.

Yard - An area open to the sky, located between a street or other property line and any structure or element thereof other than a fence, wall, other customary yard accessory, or projection allowed to encroach on building lines by the Commonwealth of Massachusetts State Building Code. Depth is to be measured perpendicularly to the street or property line.

Yard, Front - A yard extending between lot side lines across the front of a lot adjacent to each street the lot adjoins.