

## SECTION III

### DEFINITIONS

For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural include the singular; the word herein means “in these regulations”, and the word regulations means “these regulations.” A “person” includes a corporation, a partnership and an incorporated association of persons such as a club; “shall” is always defined as mandatory; a “building” or “structure” includes any part thereof, “used” or “occupied” as applied to any land or building shall be construed to include the words: intended, arranged or designed to be used or occupied. In addition, the following terms and words shall have the following meanings:

**Alley:** A public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on another street.

**Applicant:** May be either the owner of the land stated in the application for subdivision or all the owners where title is held jointly, in common, or in tenancy by the entirety, including corporations. An agent, representative, or his assigns may act for an owner provided written evidence of such fact is submitted. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporation.

**Building:** Any structure, of permanent construction, having a roof and intended to be used for sheltering people, animals, property, or business activity.

**Building and Zoning Inspector:** The person designated by the local government to enforce the Zoning Ordinance.

**Caliper:** American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken *six inches above the ground* for and up to and including two-inch caliper size, and 12 inches above the ground for larger sizes.

**Certified:** “Certified by (or endorsed by) a Planning Board”, as applied to a plan or other instrument required or authorized by the subdivisions control law to be recorded, shall mean bearing a certification endorsement signed by a majority of the members of a Planning Board or by its chairman or clerk of any other person authorized by it to certify or endorse its approval or other action and named in a written statement to Register of Deeds and Recorder of Land Court, signed by a majority of the board.

**Collector Roads:** A road intended to move traffic from local roads to a secondary arterial. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

**Cul-de-sac:** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Definitive Plan:** The maps or drawings accompanying a subdivision plan and showing the specific location and design of improvements to be installed in the subdivision accordance with the requirements of the Planning Board as a condition of the approval of the plan.

**Detention Basin:** Manmade water body where storm water is collected and held temporarily (detained) prior to timed release into the storm water drainage system.

**Developer:** The owner of land proposed to be subdivided or an authorized representative. Written consent shall be required from the legal owner of the premises.

**Drainage:** The control of surface water within the tract of land to be subdivided.

**Easement:** Authorization by a property owner for the use by another and, for a specified purpose, of any designated part of his property. A right to use or control real property owned by another for a specified or private purpose.

**Engineer, Registered:** An engineer properly licensed and registered in the Commonwealth of Massachusetts.

**Frontage:** That side of a lot abutting on a street or way through which primary access is obtained. Corner lots must provide frontage and setback conformity of both streets.

**Grade:** The slope of a road, street or other public way, specified in percentage (%) terms.

**Health Department/Health Officer:** The agency or person designated to administer the health regulations.

**Individual Sewage Disposal System:** A septic tank or any other approved sewage treatment device.

**Joint Ownership:** Joint ownership among persons shall be construed as the same owner (constructive ownership) for the purpose of imposing subdivision regulations.

**Lot:** The area of land in one ownership with definite boundaries, used or available for use as the site of one or more buildings as defined in the Westfield Zoning Ordinance.

**Major Road:** a street having the primary purpose of carrying through traffic and the secondary purpose of providing access to abutting property. (04-16-2002)

**Master Plan:** A comprehensive plan for development prepared and adopted by the Planning Board pursuant to state law.

**Open Space:** Property within a subdivision, designated to be deeded to a conservation group, the City, a Home Owner's Association, or maintained by the developer, to be used for passive or active recreation or for the preservation of natural features.  
*[include realty trusts]*

**Performance Guarantee:** A guarantee, in the form of a Surety bond, Cash, Savings passbook, Negotiable Securities or Lender's Agreement, by the developer, to be used to complete subdivision improvements if the developer does not complete the improvements as promised, as required by G.L., Ch. 41, Sec. 81U.

**Owner:** The owner of record as shown by the records in the Hampden County Registry of Deeds or Land Court.

**Planning Board:** "Planning Board" shall mean a Planning Board established under M.G.L., Ch. 41 section 81-A.

**Preliminary Plan:** "Preliminary Plan" shall mean a plan of a proposed subdivision or resubdivision of land drawn on mylar or print, showing: (a) the subdivision name, boundaries, north point, date scale, legend and title "Preliminary Plan", (b) the names of the record owner and the applicant and the names of the designer, engineer or surveyor; (c) the names of all abutters, as determined from the most recent local tax list; (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner; (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate locations and widths of adjacent streets; (h) and the topography of the land in a general manner.

**Public Improvement:** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, bike path, or other facility for which the local government may affect way improvement for which local government responsibility is established. All such improvements shall be properly bonded.

**Recorded:** "Recorded" shall mean recorded in the Hampden County registry of Deeds, except that, as affecting registered land, it shall mean filed with the recorder of the Land Court.

**Register of Deeds:** "Register of Deeds" shall mean the register of deeds of the county in which the land in question, or the City in question, is situated, and when appropriate, shall include the recorder of the land court.

**Registry of Deeds:** "Registry of Deeds" shall mean the Registry of Deeds of the county in which the land in question is situated and, when appropriate, shall include the recorder of the land court.

**Retention Basin:** Man made water body where stormwater is collected and held (retained) instead of being released into the stormwater drainage system.

**Right-of-Way:** The portion of land which is, or is intended to be made available for the construction of streets, crosswalks, ditches, drainage structures, railroads, electric transmission lines, oil or gas pipelines, water mains, sanitary or storm sewer mains, shade or street trees, or for other special uses, the usage of the term “right-of-way” for land platting purposes shall mean final plat is to be separated and distinct from the lots or parcels adjoining such right-of-ways and not included within the dimensions or areas of such lots or parcels. Right-of-ways intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. The form and content of the instrument of conveyance shall be subject the approval of the City Attorney at the option to the Planning Board.

**Road, Dead-End:** A road or a portion of a street with only one (1) vehicular outlet.

**Roadway:** That portion of a way which is designed and constructed or intended to be constructed for vehicular travel, also known as the traveled portion of the way.

**Sale:** Any immediate or future transfer of ownership or any possessory interest in land including contract of sale, lease, devise, interstate succession or transfer of an interest in a subdivision part thereof, whether by metes and bounds, deed contract, plat, map, lease, devise, interstate succession or other written instrument.

**Same Ownership:** Ownership by the person, corporation, firm, entity, partnership or incorporated association; ownership by different corporations, forms, partnerships, entities or incorporated (from unincorporated) associations in which a stock holder, partner, associate or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

**Shade Tree:** Also known as a street tree. A tree in a public place, special easement, or right-of-way adjoining a street as provided in these regulations.

**Subdivision, Type I:** a subdivision for residential uses (04-16-2002)

**Subdivision, Type II:** a subdivision for business uses (04-16-2002)

**Subdivision, Type III:** a subdivision for industrial uses (04-16-2002)

**Subdivision Control:** “Subdivision Control” shall mean the power of regulating the subdivision of land granted by the subdivision control law.

**Surveyor, Registered Land:** Any person who is registered by the Commonwealth of Massachusetts to perform land surveying services.