Article 2 – Definitions

2.1 Word Usage

In the interpretation of provisions in this Zoning Bylaw, the rules of this section (§) shall be observed and applied, except when the context clearly indicates or requires otherwise:

- Words used or defined in one tense or form shall include other tenses and derivative forms.
- Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- The word "shall" is mandatory.
- The word "may" is permissive.
- The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities or groupings of such entities.
- The word "building" shall be construed as though followed by "or structure or part or parts thereof."
- The words "built" and "erected" shall each contain the other and shall include the words "constructed," "reconstructed," "altered," "enlarged," "moved," and any others of like significance.
- The words "occupied" or "used" shall be considered as though followed by "or intended, arranged, or designed to be (used or occupied)."
- The symbol "§" means "section."
- In the case of any difference of meaning or implication between the text of this Zoning Bylaw and any caption, number, illustration or table, the text shall control, unless otherwise specifically noted herein.

2.2 Definitions

In this Bylaw, the following terms, unless a contrary meaning is specifically given, shall have the following meanings.

100 Year Flood: A flood at a level that, on average, is likely to occur once every 100 years, or more accurately, has a one percent chance of occurring in any given year.

Accessory: A use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the site.

Accessory Apartment: A separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is contained within the structure of a single family dwelling, which functions as a separate unit.

Adult Cabaret: A cabaret, stage show, club, restaurant, bar, nightclub, juice bar or other establishment which features persons who appear nude or semi-nude including persons, dancers or performers who show the female breast below a horizontal line across the top of the areola or show the male or female buttocks or genitals and including such establishments which display live entertainment including but not limited to persons, dancers or entertainers appearing in a state of nudity or other live performance distinguished by an emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, §31.

Adult Daycare: A facility providing care for elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day, generally during daytime hours.

Adult Entertainment Establishment: An Adult Cabaret, Adult Live Entertainment Establishment, Adult Motion Picture Theater, or Adult Store.

Adult Live Entertainment Establishment: An establishment, including but not limited to a nightclub, bar, restaurant, tavern, dance hall, cabaret, stage or other performance venue, which displays live entertainment, including but not limited to persons or entertainers appearing in a state of nudity or other live performance distinguished by an emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, §31.

Adult Motion Picture Theater: An enclosure or building, or any portion thereof, used for presenting visual media material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, §31.

Adult Store: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, videos, movies, devises, objects, tools, toys or other materials which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c.272 §31.

Agricultural Sign: A Sign which may have wording that may be changed periodically to advertise products raised or grown principally on the premises.

Agrivoltaics: Also known as Agricultural Solar Tariff Generation Unit, is co-developing the same area of land for both solar photovoltaic power as well as for agriculture. A Solar Tariff Generation Unit located on Land in Agricultural Use or Prime Agricultural Farmland that allows the continued use of land for agriculture meeting the requirements of 225 CMR 20.00.

Ancillary Use: A use which is customarily incidental, subordinate to, and supporting of the principal use of a lot or structure and is located on the same parcel or contiguous parcels as the principal structure or use. In conjunction with *Large-scale Photovoltaic Installations in conjunction with 4.8.3 of this bylaw, this may be rooftop installations or solar parking canopy installations over parking lots or other hardscaped areas.*

Aquifer: Geologic formation composed of rock, sand or gravel that is permeable enough to yield economic quantities of water to wells.

> High Yield: An aquifer consisting of sand and gravel deposits which yield greater than 300 gallons per minute of water.
>
> Medium Yield: An aquifer consisting of sand and gravel deposits which yield between 100 and 300 gallons per minute of water.

Auto Body Shop: An establishment providing repair services to vehicle bodies and frames, including repair or replacement of damaged parts, painting, and undercoating.

Auto Fuel Station: An establishment providing fuel products for sale to the general public, including but not limited to gasoline, diesel fuel, electricity, biofuel, and other such fuels necessary to operate a vehicle.

Automotive Sign: A sign placed on an individual vehicle indicating that vehicle's sale price or features.

Auto Salvage: A lot and/or structure where the principal purpose is to acquire, store, resell, disassemble, or otherwise be involved with motor vehicles that are in some way inoperative. This includes but is not limited to businesses requiring a Class 3 license pursuant to MGL c. 140 §58.

Auto Service: An establishment where passenger vehicles are serviced and repaired, including repair or rebuilding of engines, routine maintenance services such as oil changes, repairs to exhaust systems, and other general repair but not including auto body work. Such establishments may include auto fueling.

Awning Sign: A permanent sign which is affixed to or consists of a permanent or retractable awning or marquee permanently mounted to the exterior surface of a building.

Banner Sign: A sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be considered "banners" for the purpose of this section.

Bed & Breakfast: See "Inn".

Billboard: A structure for the permanent display of off-premises advertising.

Boarding House: See "Non-family Accommodations".

Bulletin Board: A board displaying a message, accessory to public and semi-public uses, schools, hospitals and places of worship and assembly.

Caliper: The diameter of the trunk of a tree measured 6 inches above the ground for trees up to and including 4 inches, or measured 12 inches above the ground for larger trees.

Campground: An area or tract of land on which accommodations for temporary occupancy (not to exceed 90 days) for transient recreation or vacation purposes are located or may be placed including cabins, tents, major recreational equipment or other types of movable or temporary shelter, which is primarily used for commercial recreational purposes and retains an open air or natural character.

Cannabis Cultivation Site: see "Marijuana Cultivation Site". See §4.8.8 F for additional information.

Cannabis Dispensaries: see "Registered Marijuana Dispensary (RMD)". See §4.8.8 F for additional information.

Cargo Container: A metal storage container, typically 20', 40', or 53' nominal length, designed to be utilized in intermodal transport, and quickly connected with an interchangeable, wheeled, separately-registered and titled chassis for over-the-road movement. A Cargo Container shall be considered a permanent storage structure and must meet all zoning bylaw and building code requirements if it is in place for more than ninety (90) days unless it is being utilized on a site with an active building permit, or a site that is being reconstructed after a fire. In all such cases, the container must be removed or brought into compliance with zoning regulations within ninety (90) days of issuance of a Certificate of Occupancy following building construction or fire recovery completion. If no active reconstruction after a fire is substantially begun within ninety (90) days of an insurance settlement, then the Cargo Container must be removed or brought into compliance with zoning and building regulations.

Civic Organizational Sign: Directory sign erected by a civic or business promotional organization (e.g. Rotary or Chamber of Commerce) that lists local businesses and civic organizations.

Commencing Building Activity: The state of building activity at which, in the opinion of the permitting authority, substantial manmade construction materials critical to a building's or site's functioning, have been permanently installed, or in cases where commencing such activity has been hindered due to circumstances beyond the control of the owner, a stage of building activity where, in the opinion of the permitting authority, proof can be shown that construction will unconditionally occur within six months.

Commercial Greenhouse: A greenhouse business producing nursery stock, flowers, vegetables or other plant materials and related supplies for wholesale and/or retail sale.

Common Driveway: A driveway that is shared through ownership and/or use by more than one property owner.

Composting Facility: A commercial or public facility for the processing of yard and garden waste using biological decomposition to transform the wastes into soil or soil additives. This shall not include a facility as defined in MGL c. 111 section 150A.

Construction Sign: A sign identifying the proposed building, the owner or intended occupant and the contractor, architect and engineers. A construction sign for more than a single lot will be considered to be a "subdivision sign."

Construction Trades: A trade or profession devoted to construction, such as but not limited to plumber, electrician, gas fitter, carpenter, cabinet maker, mason, landscaper, and heavy equipment operators (e.g. backhoe, excavator). A general contractor would be categorized as an office use unless there is storage of materials or equipment on site, in which case it would be categorized as a construction trade.

Craft Distillery: A plant or premise where distilled spirits are produced, manufactured, or distilled for human consumption, limited to a maximum annual production of 10,000 proof gallons (12,500 gallons) of distilled spirits per year. Such establishments may also offer on-site tastings, sell their product on-site and sell wholesale to other parties mentioned in M.G.L. Ch. 138 §19E. Registered craft distilleries must be licensed as "farm distilleries" under M.G.L. Ch. 138 §19E.

Decorative Sign (Non-Business): A sign displaying a commercial product name, logo or likeness utilized on a private non-business property for which its only purpose is decoration to expressed nostalgic or historical context.

Density: The number of dwelling units per acre of land. See §5.2, Interpretation Notes for Area Requirements, for additional information on calculating density.

Directional or Informational Sign: A sign which is necessary for the safety and direction of vehicular or pedestrian traffic.

Directory Sign: A sign listing the name and location of the occupants of a site or building.

Dwelling: A building or part of a building providing complete, independent, living facilities (dwelling units) for one or more families.

Dwelling, Multifamily: A building containing three or more dwelling units intended to be occupied exclusively by families living independently of each other.

Dwelling, Single Family: A building designed and intended for occupancy by a single family.

Dwelling, Single Family Attached: A dwelling unit in a townhouse configuration.

Dwelling, Single Family Detached: A dwelling unit which is not attached to any other dwelling unit by any means.

Dwelling, Two Family (aka Duplex): A building containing two dwelling units.

Dwelling Unit: A single space within a building designed and intended for occupancy by a single family, which contains areas for living, sleeping, cooking, and sanitary facilities.

Eating Establishment: Any establishment that sells food for on or off-premise consumption; may include the sale of alcoholic beverages. Examples include restaurants, drive-ins, fast food establishments, yogurt or ice cream shops and coffee shops. Note: establishments preparing food that is not for immediate consumption and that do not have accommodations for on-premises consumption, such as catering businesses, are classified as retail businesses.

Eating Establishment, High Turn-Over: A sit-down eating establishment with turnover rates normally of less than one hour, with or without take-out facilities. Generally, these restaurants serve breakfast, lunch and dinner. This type of restaurant is often moderately priced, and frequently belongs to a restaurant chain.

Eating Establishment, Low Turn-Over: A sit-down eating establishment with turnover rates generally of more than one hour. Typically, these restaurants do not serve breakfast, and many serve only dinner.

Eating Establishment, Drive-In or Drive-Through: A high turn-over establishment that includes either drive-in or drive-through facilities; it may include seating indoors and/or outdoors.

Electronic Message Sign: A sign which utilizes electricity to form images, letters, messages or shapes in order to display information or attract attention to a product, service, person or place.

Equestrian Stable: An establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered. Includes the sale or hiring out of horses to the general public, and may include breeding of horses. Note: a private stable on a residential parcel which does not involve boarding, training, sale, or hiring out of horses to the public is considered an accessory use to the residence (see §4.4.1 D).

Erecting: Any installing, constructing, reconstructing, replacing, relocating, re-lettering, except as specifically provided, extending, altering or otherwise changing of a sign. "Erecting" shall not include repairing or maintaining an existing sign.

Estate Lot: A lot created with less than the required frontage in exchange for increased square footage for the purpose of construction of a single-family dwelling and/or preservation of open space as described in Section 5.2.10.

Facility Operator: The person or firm responsible for the day-to-day monitoring, operation, and maintenance of a solar or wind energy facility.

Family: Any number of individuals related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit, provided that a group of not more than four persons living and cooking together, but not necessarily related by blood or marriage each to the other, may be considered a family.

Family Daycare Home: A childcare service provided within a private home which serves no more than six children. Refer to MGL c. 28A §9 for full definition, which is hereby adopted by reference.

Family Daycare Home, Large: A childcare service provided within a private home which serves more than six but fewer than ten children. Refer to MGL c. 28A §9 for full definition, which is hereby adopted by reference.

Farm: A property used for commercial agriculture (raising crops, hemp, and/or livestock), horticulture (raising fruits, flowers, ornamental plants [to include trees farms], or vegetables), silviculture (forestry), aquaculture (raising fish or shellfish), or viticulture (raising grapes). This includes facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 percent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located.

Farmstand: A structure located in a district in which agricultural uses are allowed, from which raw produce, not less than half of which is grown on the premises, is offered for sale to the public.

Flag: Flags and insignia of any government or organization.

Flexible Residential Open Space Development (FROSD): A form of residential development where the density is no greater than would be permitted in the district in which the FROSD is located, but where the lot size and other dimensional standards may be reduced in exchange for the preservation of permanently protected open space, recreational land, forests, or farmland.

Flicker: The glare or shadow(s) cast by rotating blades of a wind turbine that can cause a flickering effect.

Freestanding Sign: A non-movable sign not affixed to any building but constructed in a permanently fixed location of the ground with its own support structure and displaying a sign face on not more than two (2) sides. Examples include monument signs, pole signs, and pylon signs.

Freight & Trucking Terminal: A building or area in which product, material, or freight is brought by any means of conveyance for the short-term storage not to exceed thirty (30) days and shipping of finished goods used in commerce or industry, whether such storage and processing be in an enclosed facility or not (this does not include Auto Salvage or raw earthen material).

Frontage: The continuous line of a parcel boundary along the edge of a street right-of-way between the points of intersection of the side parcel boundaries with the street right-of-way.

Fundraising Sign: A sign associated with a fundraising event being conducted or in association with a local organization.

Gasoline Pump Sign: The standard type of gasoline pump bearing thereon in the usual size and form the name or type of gasoline and the price thereof.

Gross Floor Area: The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude basements and attics, unless they are designed for immediate or future use as habitable space.

Ground Mounted Solar Energy Facility: A solar energy facility that is mounted on the ground, either directly or on supports which do not constitute a building under the Building Code. As a point of clarification, solar energy facilities that are mounted on buildings (e.g. roof mounted systems) are not subject to the zoning regulations in §4.8.3.

Groundwater: Water beneath the surface of the ground whether or not flowing through known and definite channels.

Habitable Space: Any space within a building that meets the requirements of the Massachusetts State Building Code (780 CMR) for sleeping, living, cooking, or dining purposes.

Half-Story: A story under a sloping roof with a habitable area less than three quarters of the area of the story immediately below it.

Health and Human Service: This use includes the residential, administrative and health care facilities associated with an organization whose purpose is the provision of mental, social and health services.

Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol (THC) concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol (THC) and tetrahydrocannabinol (THC) acid in any part of the plant of the genus Cannabis regardless of moisture content. Production of Hemp is separate from marijuana cultivation, and is considered an acceptable agricultural crop within this bylaw.

Height: The vertical distance measured from the average finished grade of the ground adjoining a structure to the highest point of the structure, as specified in §5.3.

Home Occupation: An occupation carried on in a dwelling unit by a resident thereof. See §4.4.1 F for additional information.

Homeowners Association: A private non-profit organization (corporation, association, or other legal entity) established by a developer to manage, maintain, support, and finance the common facilities and common open space of an FROSD or a subdivision, and to enforce certain covenants and restrictions.

Hotel: An establishment that provides temporary lodging for transient guests which has access to sleeping rooms from a corridor internal to the building. Hotels may or may not have public dining rooms, recreational or entertainment amenities, conference facilities, or personal service facilities for the guests.

Hybrid Marijuana Establishment: a business where the combined sale of both medical and recreational marijuana and products containing and/or associated to legalized marijuana use is authorized. See §4.8.8 F for additional information.

Impervious Surface: A surface that has been compacted or covered with a layer of material such that it prevents or impedes the infiltration of water into the soil. Examples include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, and compacted gravel or clay surfaces.

Individual Letter Sign: A wall sign consisting of individual letters mounted to a building surface without any background or frame.

Industry, Heavy: Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other processes.

Industry, Light: A use that involves the manufacturing, production, processing, fabrication, assembly, packaging, treatment, or repair of finished products, predominantly from previously prepared or refined materials or raw materials that do not need refining.

Inn: A building that contains a dwelling unit occupied by an owner or resident manager in which up to ten guest rooms are offered on a day to day basis to the general public for compensation, either with or without meals.

Interim Wellhead Protection Area (IWPA): The primary protected recharge area for public water supply groundwater sources in the absence of an approved Zone II, as determined by MA DEP.

Junk: Old or scrap copper, brass, rubber debris, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous material.

Junkyard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This term shall not include garbage dumps and sanitary fills.

Kennel: A structure used for the boarding, breeding, raising, or training of dogs, cats, or other household pets.

Large Solar Energy Facility: A commercial solar facility whose primary purpose is electrical generation for the wholesale electricity markets. It includes service and access roads, equipment, machinery and structures utilized in connection with the conversion of solar energy into electrical power with a rated nameplate capacity of greater than 100kW (0.1MW).

Leachable Wastes: Waste materials capable of releasing water-borne contaminants into the environment, including but not limited to solid wastes, sludge, sewage, pesticides, and fertilizer waste.

Livestock: All cattle or animals of the bovine species; all horses, mules, burros, and asses or animals of the equine species; all goats or animals of the caprine species; all swine or animals of the porcine species; and all sheep or animals of the ovine species.

Local Event Sign: A sign, which is to be portable, to announce a church bazaar, fair, circus, carnival, festival, business or shop opening, special sale by a store or business or similar event. Such sign shall identify the event and the date of the event, and it may display the event's sponsor, organizer or main feature.

Lodging House: See "Non-family Accommodations".

Lot (aka Parcel): A contiguous piece of land in identical ownership throughout, bounded by other lots or streets and not divided by a street, river or railroad, and used or set aside and available for use as a site for one or more buildings or other definite purpose. For the purpose of this bylaw, a lot may or may not coincide with a lot of record.

Lot of Record: A lot recorded in the Hampshire District Registry of Deeds or in the Land Court of the Commonwealth of Massachusetts either as an individual lot or as a lot within a subdivision.

Marijuana Cultivation Site: a business where the cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), warehousing, distribution, transferring and transporting of marijuana and products containing marijuana is authorized. See §4.8.8 F for additional information.

Marijuana Cultivation Structure: a structure that is equipped with climate control systems, such as heating and ventilation capabilities, and that uses a combination of natural and supplemental artificial lighting for marijuana cultivation.

Marijuana Facility/Dispensary: see "Registered Marijuana Dispensary" (RMD).

Marijuana Delivery Operator:
An entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, and Microbusiness, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license.

Medical Marijuana Establishment: a business where the possession, sale, distribution, dispensing and administration of medical marijuana and products containing medical marijuana is authorized. See §4.8.8 F for additional information.

Menu Sign: A sign associated with a walk up or drive-thru window for ordering food or merchandise designed to be readable from within twenty (20) feet and not readily readable by incidental passersby.

Microbrewery: An establishment that specializes in the production and manufacturing of beer/malt beverages and sells at least 25 percent or more of its beer/malt beverages for on-site consumption. Such establishments can sell their beer/malt beverages at wholesale under the regulations set forth in M.G.L. Ch. 138. This definition includes brewpubs, taprooms, and craft breweries. Microbreweries located in the Rural Residential District must have a Farmer Brewery license under M.G.L. Ch.138 §19C and shall produce no more than 1,000 barrels (31,00 gallons) of beer/malt beverages annually. Microbreweries located in all other zoning districts may have either a farmer brewery license (M.G.L. Ch.138 §19C) or a pub brewery license (M.G.L. Ch.138 §19D) and shall produce no more than 15,000 barrels (472,000 gallons) of beer/malt beverages annually.

Mining: The removal or relocation of geologic materials such as but not limited to topsoil, sand, gravel, metallic ores, and bedrock.

Marijuana Microbusiness:
A co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Marijuana Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Mobile Home (aka Manufactured Home): A structure, built in conformance to the National Manufactured Home Construction and Safety Standards which is transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

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

Mobile Storage Unit: A storage unit less than 20', without a wheeled chassis that is designed to be hauled from one location to another on a truck, used for the storage of goods and materials; often marked for temporary (i.e. ninety (90) days or fewer) storage at residential dwellings: also marketed as "pods" by storage and moving companies. Mobile Storage Units shall be considered a permanent storage structure and must meet all zoning bylaw and building code requirements if it is in place for than ninety (90) days.

Motel: An establishment which provides temporary lodging for transient guests and in which the rooms are directly accessible from an outdoor parking area.

Motor Vehicle Sales: A lot and/or structure where motor vehicles are on display for sale and service. May include recreational vehicles including motor homes, boats, and off-road vehicles, or vehicles and equipment for agricultural or construction use (e.g. tractors, back-hoes).

Net Useable Area: The total area of a parcel minus the area of wetlands as defined in the Massachusetts Wetlands Protection Act (MGL c. 131 §40).

Nonconforming Lot: A lot which does not conform to the dimensional regulations of the district in which it is situated (e.g. lot size or frontage).

Nonconforming Structure: A structure which does not conform to the dimensional and bulk regulations of the district in which it is situated (e.g. setbacks, height, building coverage).

Nonconforming Use: A use which does not conform to the use regulations of the district in which it is situated.

Non-Family Accommodations: Establishments that provide lodging for five or more persons not within the second degree of kindred to the person conducting the establishment, in facilities such as boarding houses, lodging houses, dormitories, or similar accommodations. For the purposes of this Zoning Bylaw, this definition does not include hotels.

Office: A place (room, suite of rooms, or building) for the transaction of business where the functions of conducting the business or profession are performed, records are kept or services rendered, but where little or no retail sales are offered and where no manufacturing, assembling or fabricating takes place. Examples include but are not limited to professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses or real estate agents; corporate headquarters; data processing; sales offices; government offices and public utility offices; TV and radio studios; and healthcare facilities. Office uses may be either the primary use or a secondary (accessory) use.

Office Building: A building used primarily for offices.

Off-premises Sign: A sign which advertises a business, service, product, commodity, entertainment or similar object or activity which is conducted, sold, or offered on a lot other than the lot on which the sign is erected.

Open Space: Undeveloped land set aside in common or individual ownership, with conservation easements or other deed restrictions to ensure that the land will remain permanently open and undeveloped.

Overspeed Control: The action of a control system, or part of such system, that prevents excessive rotor speed in a wind turbine.

Park: A municipally, state, or privately owned area that is used principally for active or passive recreation, which may include equipment and facilities for active recreation and play such as playfields, play structures, swings, slides, dog parks, pools, splash parks, public assembly and accessory uses such as restrooms. A park may also serve as an area for formalized sanctioned events, accommodate related municipal uses such as educational facilities, and facilities for storage and maintenance of equipment used in the park.

Pennant Sign: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

Permanent Sign: A sign that is permanently attached to a building or having in-ground supporting structure(s) or braces.

Permitting Authority: The Building Inspector for projects that require only a building permit, the Planning Board for projects requiring site plan review and/or certain special permits, or the Zoning Board of Appeals for certain special permits, variances, or certain appeals.

Photovoltaic System: (also referred to as Photovoltaic Installation) – An active solar energy system that converts solar energy directly into electricity.

Political Sign: A sign designated to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, county or local election.

Potential Drinking Water Sources: Areas which could provide significant potable water in the future.

Poultry: Any domesticated fowl, including but not limited to chickens, ducks, geese, turkeys, and pheasants (including peafowl).

Pre-Existing Legal Nonconformity: A lot, structure, or use that was in compliance with the zoning bylaw in effect at the time of creation of the lot, construction of the structure, or establishment of the use, but which due to amendments to the zoning bylaw, is no longer in compliance. Includes lots, structures, and uses in existence prior to the enactment of zoning which are not in compliance with the current bylaw.

Prime Agricultural Soils: Agricultural land with soils designated as prime or of statewide significance by the U.S. Natural Resources Conservation Service.

Private Membership Club or Lodge: An organization or facility which is open to people upon invitation, nomination, or payment of fees or dues, for social, recreational, and/or entertainment activities.

Product Sign: An affixed sign attached to a structure defining a product being offered for sale at an establishment.

Projecting Sign: A sign which is permanently affixed to the exterior of a building such that the face of the sign is perpendicular to the building surface to which it is attached.

Public Garage: A structure owned by a public or public-subsidized entity that provides space for automobile parking for the general public.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. The manufacturer typically specifies this output with a "nameplate" on the equipment.

Recreational Marijuana Establishment: a business where the possession, sale, distribution, dispensing and administration of recreational marijuana and products containing and/or associated to recreational marijuana (e.g., aerosols, art, clothing, food, jewelry, literature, oils or ointments, tinctures, etc.) is authorized.

Registered Marijuana Dispensary (RMD): A use operated by an entity registered and approved by the MA Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning.

Real Estate Sign: A sign which is used to offer for sale, lease, rent or auction the property upon which the sign is placed.

Recharge Areas: The portion of a drainage basin where water enters a saturated zone and the net flow of groundwater is directed from the saturated zone to an aquifer or waterbody. Recharge areas may include areas designated as Zone I, Zone II, or Zone III by MA DEP.

Recycling Center: A facility where recyclable material is collected from the public and sorted, processed, and/or baled in preparation for shipment to others for remanufacture into new materials. This shall not include auto salvage or a facility as defined in MGL c. 111 §150A.

Retail Sales and Service: Businesses involved in the sale, lease or rent of new or used products or the provision of services or consumer product repair to the general public. These uses are further categorized as small scale or large scale, which is determined based on the character of the surrounding uses and area: small scale is generally in more densely developed areas such as the downtown, while large scale is generally in outlying areas where large parcels and open spaces afford the opportunity for large buildings and parking areas.

Roof-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted to the roof of a building.

Rotor: The blades and hub of a wind turbine that rotate during turbine operation.

Sandwich Board Sign: Single or double sided, "A" frame type signs, that are moveable and taken down during non-business hours.

Self-service Storage Facility: A building or group of buildings divided into separate compartments leased to and designed to meet the storage needs of individuals, organizations, and businesses.

Setback: The distance from the lot line to the nearest point of a structure, measured at right angles to the property line. For the purpose of this definition, "structure" does not include signs, retaining walls, fences, tents, poles, swing sets, and other similar items.

- Front: The setback from the front property line (along the frontage).
- Side: The setback from the side property lines.
- Rear: The setback from the rear property line.

Setback Line: A line that is parallel to a property line (front, side, or rear) that lies at the distance required in this Zoning Bylaw for the district in which the property lies.

Shed or Permanent Storage Structure: A storage unit that is either a site-built structure constructed of wood, metal, masonry, or other materials; or a similar prefabricated building that is brought to a site from a place of construction.

Sign: Any words, lettering, parts or letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, whether stationary or portable, by which anything is made known, such as are used to designate or locate an individual, a firm, an association, a corporation, a profession, a business or a commodity or product, which are visible from a public or private street or right-of-way and used to attract attention.

Sign Area: The total surface area of a sign, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the sign. The sign area of an individual letter sign, awning sign or irregular shaped sign shall be the area of the smallest rectangle into which the letters, designs or symbols will fit. Where sign faces are placed back-to-back and face in opposite directions, the sign area shall be defined as the area of one face of the sign. Sign area is determined by calculating the rectangular area based on taking the most extreme points of the sign face in the horizontal and vertical directions to obtain the square footage.

Site Analysis Map: A map which identifies, locates, and describes noteworthy features to be taken into consideration in a site or subdivision design, such as vegetation, wetlands, steep slopes, farmland soils, historic or cultural features, threatened or endangered species, unusual geological formations, and scenic views or viewsheds.

Small Solar Energy Facility: All equipment, machinery and structures utilized in connection with the conversion of solar energy into electrical power. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers that have a total rated nameplate capacity of not more than 100kW (0.1MW). As a point of clarification, small solar energy facilities are not subject to the zoning regulations in §4.8.3, whether ground or building mounted.

Solar Access: The access of a solar energy system to direct sunlight

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Photovoltaic (PV) Array: An arrangement of solar photovoltaic panels

Solar Parking Canopy: An elevated structure that hosts solar panels installed over parking lots or other hardscape areas. Also may be called solar carport installation.

Special Permit Granting Authority (SPGA): The Board responsible for granting a Special Permit under these Zoning Bylaws; can be either the Planning Board or the Zoning Board of Appeals, as stipulated in the various sections of this Bylaw.

Sponsor Sign: A sign containing the name of a commercial venture when advertising a noncommercial event; provided the commercial venture portion of the sign does not comprise more than twenty-five percent (25%) of the total sign area.

Sports Field Sign: A sign mounted within an indoor or outdoor sports venue that is placed so as primarily be noticed by attendees of the event with only incidental viewing by those passing by outside the venue.

Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street: Any public or private way laid out for vehicular traffic.

Street, Private: A street which has not been dedicated and publicly accepted by any governmental entity.

Street, Public: A street which has been dedicated and publicly accepted by a governmental entity, and which has not been discontinued or abandoned by any official government action.

Structure: Any construction or assemblage of materials with a fixed location, including a building, platform, tower, pole, sign, fence, wall, dam, swimming pool, or any part of the above and requiring piling, footings, or a foundation for support.

Tag Sale Sign: A sign indicating a private sale of used goods.

Tank Farm: A facility containing any number of above ground tanks for the storage of petroleum products, chemicals, or other materials where the aggregate capacity of all storage tanks is more than 10,000 gallons.

Taxicab Business: A service that offers transportation in passenger automobiles, vans, and limousines to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing and repairing the vehicles.

Temporary Sign: A sign that is used for a limited period of time.

Tourist House: See "Inn".

Tow Service: An establishment that provides for the removal and temporary storage of vehicles but does not include disassembly, disposal, salvage, or storage of inoperable vehicles for greater than 12 months.

Town Line: The Town of Ware boundary line shall be considered a property line. In the event the town line dissects a tract of land all setbacks appropriate to the side, rear, or front setback of the Dimensional Requirements of the Dimensional Regulations of The Zoning ByLaw shall apply.

Toxic or Hazardous Material: Any substance or combination of substances or material or combination of materials or chemical or mixture of chemicals which because of its quantity, concentration or physical, chemical or infectious characteristics poses or may pose a present or potential threat to human health, safety or welfare or to the environment if such substance or mixture were discharged to land or waters of the Town, including but not limited to organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids, and alkalis, and all substances defined as Toxic or Hazardous under M.G.L. Chapter 21C and 21E, and 310 CMR 30.00, and those chemicals on the list in Committee Print Number 99-169 of the Senate Committee on Environment and Public Works, titled "Toxic Chemicals Subject to Section 313 of the Emergency Planning Community Right-to-Know Act of 1986: (including any revised version of the list as may be made pursuant to subsection (d) or (e), and those hazardous substances and/or materials or chemicals set forth in 40 CFR 261 et. seq.

Transient Vendor Sign: Sign associated with a vendor that temporarily sells merchandise in an open air setting or out of a truck, tent or other temporary structure at a location not associated with a locally sponsored event, bazaar, fair, carnival, festival, store promotion, or in association with any other locally based civic or non-profit or charitable function or organization.

Utility-Scale Solar Facility: a solar photovoltaic installation over 15MW in size that connects direction into h voltage transmission line.

Utility, Major: Infrastructure services providing Town-wide service, such as but not limited to public water supply wells, water towers, waste treatment plants, communication towers, electrical substations, and renewable energy sources (such as wind, solar, and hydro).

Utility, Minor: Infrastructure services that need to be located in or near the area where the service is provided, such as but not limited to water or sewage pump stations, stormwater retention or detention facilities, and telephone exchanges.

Wall Sign: A sign which is painted or otherwise permanently affixed to a vertical exterior surface of a building or structure with the face of the sign positioned parallel with the wall to which the sign is mounted, and including such a sign affixed to a parapet or to the lower slope of a gambrel or mansard roof.

Warehouse: A facility for storage and/or distribution of manufactured products, supplies, and equipment; does not include self-service storage facilities.

Wetlands: Areas of land that are inundated or saturated by water at a frequency and duration sufficient to support vegetation typically adapted for life in saturated conditions, more specifically as described in MGL c. 131 §40.

Wheeled Trailer: A storage unit that is purpose-built with permanent wheels and "landing gear" on a non-detachable chassis; typically, with a wooden floor and metal sides, roof, and doors. When originally constructed, this kind of unit is issued a vehicle identification number (VIN). The unit utilizes a "king pin/fifth wheel" or "tongue hitch" connection for a motive power unit. An unregistered Wheeled Trailer is considered a vehicle and must comply with general Town of Ware Bylaw requirements related to unregistered vehicles. A Wheeled Trailer, originally manufactured with a VIN issued, which has had its wheels and/or landing gear removed such that the cargo doors are at or substantially near ground level shall be considered the same as a Cargo Container.

Wholesale: An establishment engaged in the sale and/or distribution of merchandise to other businesses – commercial, industrial, institutional, etc. – and not directly to the general public.

Wind Energy Facility (WEF): All equipment, machinery, and structures utilized in connection with the conversion of wind to electricity. This includes but is not limited to all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads, and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines.

Wind Monitoring Tower: A facility consisting of a tower and related wind-measuring devices that is solely used to measure the speed and characteristics of winds.

Window Sign: A sign, picture, symbol or message that is placed inside a window, drawn, painted or etched on the window pane or otherwise attached in or on a window and visible from the exterior of the window, not including any part of a customary window display of merchandise or other product.

Wind Turbine: A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft. A wind turbine typically consists of a rotor, gearbox and generator, and is installed at the top of a supporting tower.

Yard: An area of land that lies between the property line (front, side, or rear) and the setback line. Front and rear yards extend from one side property line to the other, while side yards extend from the front setback line to the rear setback line.

Zone II Groundwater Protection District: The DEP approved area defined as that area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone IIs shall extend up gradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary). (Source: 310 CMR 22.02).