

## **SECTION 11.0        DEFINITIONS**

**11.1 General.** The intent of this section is to provide definitions for certain terms, words and/or series of words which are to be utilized in the interpretation of this Bylaw, whether or not the definition stated herein is contrary to common usage or contrary as quoted in a dictionary.

For the purpose of this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "used" or "occupied" includes the words "designed," "arranged," "intended," or "offered" to be used or occupied; the word "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is mandatory and directory, and "may" is the permissive. Any word indicating sex, such as "he" or "she," shall be construed to mean both sexes.

Terms and words not defined herein but defined in the Commonwealth of Massachusetts Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either this Bylaw or the Building Code shall have the meanings given in the most recent edition of Webster's Unabridged Dictionary. Uses listed in the Table of Use Regulations under the classes retail and service trades and wholesale trade and manufacturing shall be defined by the Standard Industrial Classification Manual published by the United States Bureau of the Census.

**11.2 Definitions.** The defined words and phrases are as follows:

**ABANDONMENT:** The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot or in removal of the characteristic equipment or furnishing used in the performance of the use without its replacement by similar equipment or furnishings or the replacement of a nonconforming use or structure by a conforming use or structure.

**ACCESSORY USE:** A use customarily incidental to, and on the same lot as, a use permitted in a district, provided that the accessory use is not injurious, noxious or offensive to nor inconsistent with the character of said district.

**ACCESSORY BUILDING OR STRUCTURE:** A building or structure devoted exclusively to an accessory use and on the same lot as the use to which it is accessory.

**ADULT DAY CARE FACILITY:** A "Social Day Care (SDC) Program" or "Adult Day Health" Program as those terms are defined by the Commonwealth's Executive Office of Elder Affairs (EOEA), serving not more than 15 persons.

**ADULT USE:** For the purposes of Section 7.1, an adult bookstore, adult club, adult paraphernalia store, adult video store, or adult theater as defined below, each constitute, or constitute in combination an adult use:

**ADULT BOOKSTORE:** An establishment having as a substantial or significant portion (greater than 20%) of its stock-in-trade books, magazines and other matter which are

distinguished as characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, § 31.

**ADULT CLUB:** An establishment having as a substantial or significant portion (greater than 20%) of its entertainment a person or persons performing in a state of nudity or distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, § 31.

**ADULT PARAPHERNALIA STORE:** An establishment having as a substantial or significant portion (greater than 20%) of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. c. 272, § 31.

**ADULT THEATER:** An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, § 31.

**ADULT VIDEO STORE:** An establishment having as a substantial or significant portion (greater than 20%) of its stock in videos and other matters which are distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, § 31.

**AFFORDABLE DWELLING UNITS:** Dwelling units eligible to be counted toward the Town of Wakefield's total number of "subsidized units" in EOHLC's Massachusetts General Laws, Chapter 40B, Subsidized Housing Inventory, as the same may be revised from time to time.

**AGRICULTURE:** Land used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. All such activities may be limited to parcels of 5 acres or more or to parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture.

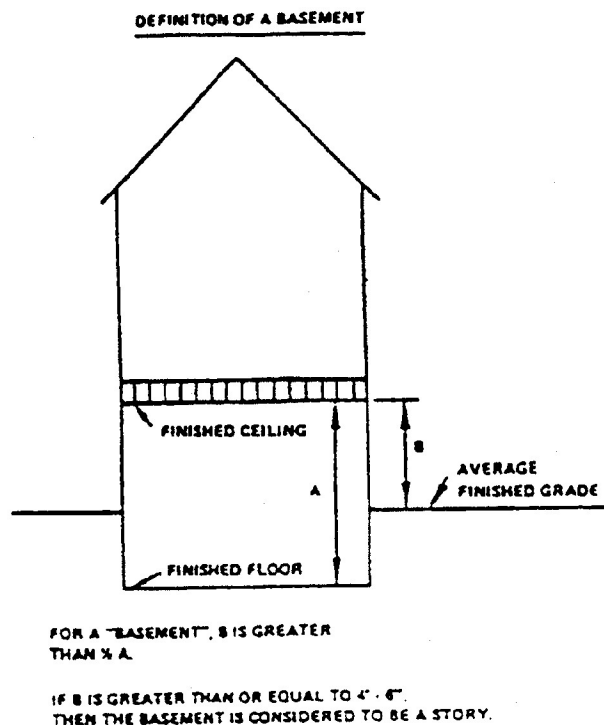
**ART/CRAFT STUDIO:** A room or group of rooms used by artists and craftspeople for the creation of any visual art or craft, including but not limited to: painting, drawing, graphic design, photography, sculpture, ceramics, jewelry, leatherwork and other related arts and crafts; of written works of fiction and nonfiction; or of any performing art.

~~ASSISTED LIVING FACILITY—A residential development subject to certification under MGL Chapter 19D, as the same may be amended or recodified, which provides room and board, and which provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider and collects payment or third-party reimbursement from or on behalf of residents to pay for the provision of room and board and the provision of assistance with the activities of daily living. An assisted living facility may also include independent living units as defined by the Wakefield Zoning Bylaw; however, the number of independent living units shall not exceed 50% of the total number of units in the facility.~~[Added 5-14-2012 ATM by Art. 29; amended 2-6-2014 STM by Art. 6]

**BANK:** A financial institution, authorized, licensed or chartered by the state or federal government that maintains depository accounts for customers, accepts deposits, pays withdrawals, clears or cashes checks, pays interest, makes loans and in addition may provide other financial related services to its customers.

**BANK BUILDING:** A building solely occupied or used as a bank, staffed by personnel, where customers may visit and conduct business in person and interact with personnel, including areas within the building such as lobby areas, teller areas, automatic teller machine areas, conference rooms, and customer lounge areas along with areas that are exclusive to personnel, such as safe or storage areas, personnel offices, personnel work areas, personnel conference rooms and other personnel-related facilities such as a cafeteria.

**BASEMENT (SEE ACCOMPANYING DIAGRAM):** A portion of a building partly below grade which has more than  $\frac{1}{2}$  of its height, measured from finished floor to finished ceiling, above the finished grade of the ground immediately adjoining the building, as computed after construction of the building. A "basement" is not considered a story unless its ceiling is four feet six inches or more above the average finished grade.



**BOARDINGHOUSE:** See "lodging or rooming house."

**BODY ART:** The practice of physical body adornment using, but not limited to, the following techniques body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin.

**BODY ART ESTABLISHMENT:** A location, place or business where the practices of body art are performed, whether or not for profit.

**BUFFER STRIP:** A strip of land intended to buffer uses on one lot from uses on an adjoining lot. Such strip shall include natural or planted vegetation sufficient to provide a visual and noise buffer satisfactory to the reviewing authority.

**BUILDING:** A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

**BUILDING AREA:** The aggregate of the maximum horizontal footprint area of all buildings on a lot, exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, balconies and terraces. Such cornices, eaves, gutters, chimneys, steps, unenclosed and uncovered porches, balconies and terraces may extend beyond the minimum yard requirements as established in Article VI, but in no case shall such extension be in excess of five feet beyond the minimum yard requirements.

**BUILDING COVERAGE:** The building area expressed as a percent of the total lot area.

**BUILDING, DETACHED:** A building having open space on all sides.

**BUILDING, FLOOR SPACE AREA:** The cumulative gross floor space of all floors of all buildings on a lot.

**BUILDING, HEIGHT:** The vertical distance of the highest point of the roof above the average finished grade of the ground immediately adjoining the building, as computed before the building is actually erected. This definition excludes chimneys, ventilators, skylights, water tanks, bulkheads, elevator penthouses and other accessory structures which are required or are customarily carried above the roofs of buildings and towers, spires, domes, cupolas and similar parts of buildings if such areas are not used for living or storage purposes and if such structures are not equal to more than 20% of the space occupied by the ground floor of the building. Such accessory structures shall not exceed required height limits by more than 20 feet. Any berm or earth structure changing the grade of the ground shall be added to the elevation of the building to determine its height under this Bylaw.

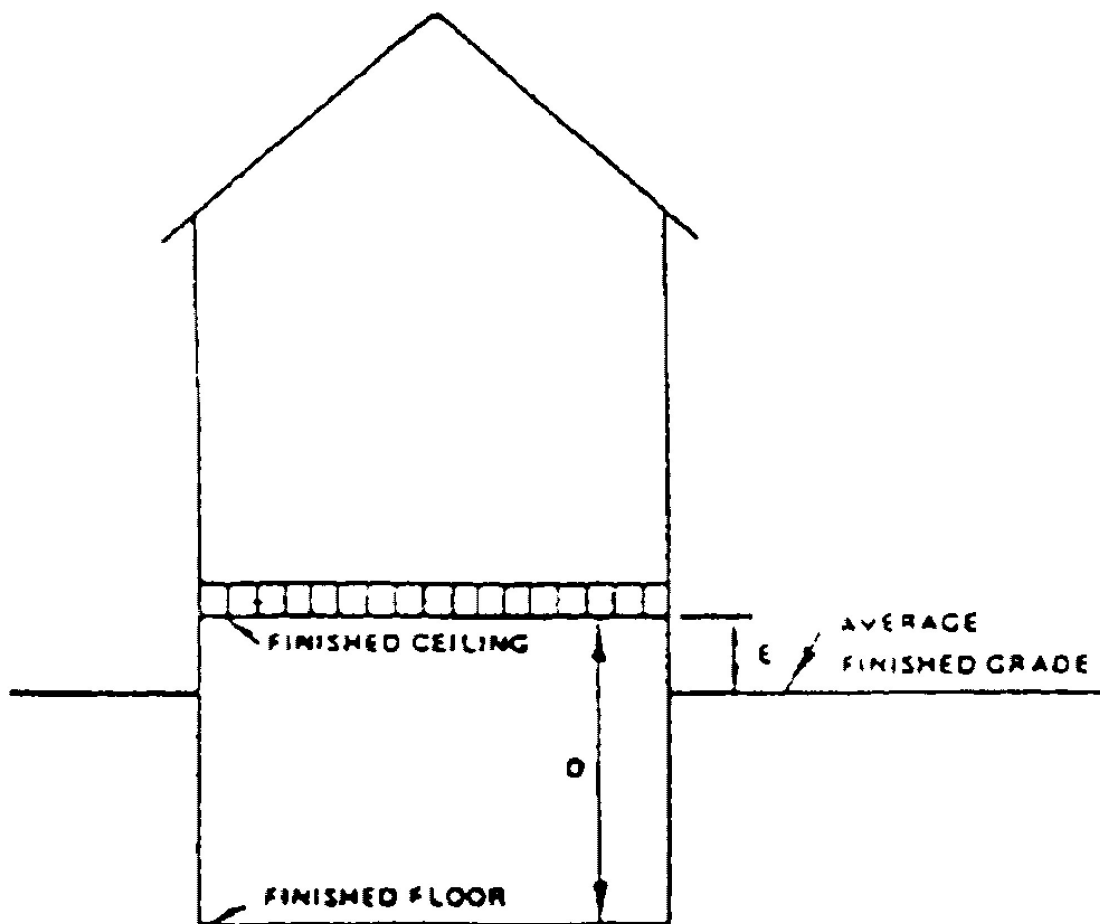
**BUILDING, NONCONFORMING:** A building, lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto, which does not conform to one or more of the applicable use, dimensional or density regulations for the district in which the building is located.

**BUILDING, PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is located.

**BUILDING INSPECTOR:** The officially established Zoning and Building Enforcement Officer for the Town of Wakefield. The "Building Inspector" may be appointed Zoning Administrator by the Board of Appeals in accordance with M.G.L. c. 40A, § 13.

**CELLAR (SEE ACCOMPANYING DIAGRAM):** A portion of a building, partly or entirely below grade, which has more than one-half ( $1/2$ ) of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground immediately adjoining the building, as computed after construction of the building. A "cellar" is not deemed a story.

**DEFINITION OF A CELLAR**



**FOR A "CELLAR", E IS LESS THAN  $1/2$  O.**

**A CELLAR IS NOT DEEMED TO BE A STORY.**

**CERTIFICATE OF OCCUPANCY:** A statement signed by the Building Inspector setting forth either that a building or structure complies with this Bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

**CHILD CARE CENTER:** A day care center or school age child care program, as those terms are defined in M.G.L. c. 15D, s. 1A.

**CLUSTER DEVELOPMENT** — See § 190-33 hereof.

**COMMERCIAL RECREATION, INDOORS:** Theater, motion picture house, bowling alley, dance hall, pool room, and the like.

**COMMERCIAL RECREATION, OUTDOORS:** boat livery, outdoor ice skating rink, recreation camp, ski ground, riding academy or stable, golf driving range, miniature golf course, and the like.

**COMMERCIAL VEHICLE:** Any vehicle which has a vehicle weight, or curb weight, of more than 6,000 pounds as per the manufacturer's description of said vehicle, unless such vehicle is a sport utility vehicle or pickup, provided that such sport utility vehicle or pickup does not contain on the bed tools, supplies, material or equipment transported to or from a job site. Any vehicle if on the roof or sides of the vehicle tools, supplies, materials or equipment is transported to or from a job site. Any vehicle which has business advertisements or business markings thereon, excepting markings limited to the name, address, telephone number and logo of any corporation or other entity. Any vehicle used to plow or for hire to transport or store goods, wares or merchandise. Any vehicle used to store or transport goods, wares or merchandise intended for sale in the ordinary course of the vehicle operator's or owner's business. Any vehicle with five or more wheels on the ground.

**COMMON DRIVEWAY:** Driveway serving required parking on more than one lot.

**CONTRACTOR'S YARD:** Facility serving entities engaged in building, HVAC, electrical, or plumbing services.

~~DAY CARE CENTER — Any facility operated on a regular basis, whether known as a "day nursery," "nursery school," "kindergarten," "child play school," "progressive school," "child development center" or "preschool" or known under any other name, which receives children not of common parentage under seven years of age, or under 16 years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. "Day care center" shall not include any part of a public school system; any part of a private organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home (defined below); an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor. (See also "family day care home.")~~

**DOG KENNEL/DOG DAYCARE:** means the business or regular activity, whether for profit or not, of boarding, holding, daycare, overnight stays or training of dogs that are not the property of the owner of the establishment, at which services are rendered in exchange for consideration and in the absence of the owner of any such dog, provided that the kennel or dog daycare is not an animal shelter or pet shop and is licensed by the Board of Health.

**DRIVE-IN RETAIL OR SERVICE ESTABLISHMENT:** A business or commercial establishment, including general or personal service establishments, which dispenses any food, beverages, goods or services from inside a building to persons standing outside or seated in their automobiles.

**DWELLING:** A building designed exclusively for residential occupancy, including one-family, two-family and multiple residences, but not including hotels or boardinghouses.

**DWELLING, ATTACHED:** A building designed exclusively for residential occupancy, including one-family, two-family and multiple residences, but not including hotels or boardinghouses.

**DWELLING, DETACHED:** A building which is designed or occupied as a one-family residence on its own lot and is separated by side yards from any other structure or structures, except accessory buildings.

**DWELLING, MULTIFAMILY:** A building (other than an "attached dwelling," as defined herein) designed or intended or used as the home of four or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways. This definition is intended to include building types commonly known as "garden apartments," "mid-rise apartments" and "high-rise apartments," which are defined below:

**GARDEN APARTMENT:** A multifamily dwelling of not more than three stories in height, containing not fewer than three dwelling units and usually arranged with grounds planted and maintained with grass, shrubs and trees. (See also the definition for "attached dwelling complex.")

**MID-RISE APARTMENT:** A multifamily dwelling of more than three stories but not more than six stories in height.

**HIGH-RISE APARTMENT:** A multifamily dwelling of seven or more stories in height.

**DWELLING, SEMIDETACHED:** A building which is designed or occupied as a one-family residence but may be attached on one side to a similar one-family residence (sometimes called a "duplex").

**DWELLING, SINGLE-FAMILY:** A structure on a single lot containing one dwelling unit.

**DWELLING, TWO-FAMILY:** A structure on a single lot containing two dwelling units.

**DWELLING UNIT:** One or more rooms designed and equipped for one family to occupy as a housekeeping residence with permanent provisions for living, sleeping, eating, cooking and sanitation.

~~ESTABLISHMENT WHICH DISPLAYS LIVE NUDITY FOR ITS PATRONS~~—Any establishment which provides live entertainment for its patrons which includes the display of nudity, as that term is defined in MGL c. 272, § 31.[Added 5-5-1997 ATM by Art. 39]

**EDUCATIONAL USE, FOR PROFIT:** A facility providing educational services, such as a dance studio or a martial arts classroom, but not protected by M.G.L. c. 40A, § 3.

**ESSENTIAL SERVICES:** Services provided by a private utility or public utility through erection, construction or alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection, communication, supply or disposal systems. Facilities necessary for the provision of "essential services" include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, street name signs, hydrants and other similar equipment and accessories in connection herewith.

**FAMILY:** Any number of persons related to one another by blood, marriage, adoption or foster care placement, including spouses, children, parents and grandparents, or **no more than four unrelated individuals**, all residing together in a single housekeeping unit.

**FABRICATION AND ASSEMBLY:** Heavy or light industry, manufacture or assembly of a product, including processing, fabrication, assembly, treatment, packaging, and allowed accessory uses.

**FAMILY DAY CARE HOME, LARGE:** Any private residence operating a facility as defined in M.G.L. c. 15D s. 1A.

**FAMILY DAY CARE HOME, SMALL:** Any private residence operating a facility as defined in M.G.L. c. 15D, s. 1A.

~~FAMILY DAY CARE HOME~~—Any private residence which on a regular basis receives for temporary custody and care during part or all of the day children under seven years of age or children under 16 years of age if such children have special needs; provided, however, in either case, that the total number of children under 16 in a "family day care home" shall not exceed six, including participating children living in the residence. "Family day care home" shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives or the occasional care of children with or without compensation therefor. An occupancy permit from the office of the Building Inspector shall be required. See the definition of "day care center" if over six children are served.

**FAST-FOOD ESTABLISHMENT:** An establishment whose primary business is the sale of food for consumption on or off the premises which is primarily intended for immediate consumption rather than for use as an ingredient or component of meals, available upon a short waiting time (five to eight minutes) and packaged or presented in such a manner that it can be readily eaten either inside or outside the premises where it is sold.

~~FLOODLINE~~—The limits of flooding from a particular body of water caused by a storm whose frequency of occurrence is once in a given number of years.



**FLOOR AREA RATIO:** The ratio of the gross floor area to the total area of the lot. (See definition of "gross floor area" below.)

**FUNERAL ESTABLISHMENT:** A building or part thereof used for human funeral services. Such building may contain space and facilities for a) embalming and the performance of other services necessary for the preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; d) the storage of funeral vehicles; e) facilities for cremation; and f) the living quarters of an individual whose bona fide occupation is in the funeral establishment.

**GARAGE, MOTOR VEHICLE REPAIR:** Any building used for the keeping of motor vehicles and in which a business or industry dealing with the repair or servicing of such vehicles is maintained.

**GARAGE, PRIVATE:** Any building or portion of a building accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located which is used for keeping of a motor vehicle or motor vehicles.

**GARAGE, PUBLIC:** Any building used for the keeping of motor vehicles in which a business dealing with the storage of such vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.

~~**GASOLINE STATION**—A building or part thereof with no more than two service bays whose chief activity is the selling of gasoline, oil and related products for motor vehicles or the provision of lubricating service, car washing or auto repair, limited to tire servicing and repair, but not recapping or regrooving, replacement of miscellaneous parts and minor repairs and adjustments.~~

**GROSS FLOOR AREA:** The sum of the floor areas of all parts of the building(s) on a lot, measured from the outer faces of the walls, excluding basement areas whose interior height is more than 50% below finished grade and excluding enclosed parking garages.

**HISTORICAL SITE OR ARCHEOLOGICALLY SIGNIFICANT SITE:** Those historical sites or archaeologically significant sites (a) which are listed on the National Register of Historic Places or (b) which are on an inventory provided to the Building Inspector by the Wakefield Historical Commission and on file with the Massachusetts Historical Commission and have been designated as significant buildings or sites after a finding by the Wakefield Historical Commission that buildings or structures are either: Importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town of the Commonwealth; or Historically or architecturally significant (in terms of period, style, method of building construction, or association with a famous architect or building); or of archaeological importance as designated by the Massachusetts Historical Commission.

**HOME OCCUPATION:** See § 3.4.

**HOSPITAL:** A building housing a facility or institution licensed to provide short-term acute in-patient and/or outpatient medical and/or surgical care; not to include a doctor's office.

**HOTEL:** A building or group of buildings, part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances or individual exterior entrances; and including an inn, motel, motor hotel, inn and tourist court, but not including a boardinghouse, lodging house or rooming house.

~~INDEPENDENT LIVING UNITS—Units that provide occupants of said units with access to supportive services such as meals, transportation, laundry, recreation, entertainment, and exercise, but not necessarily on a daily basis and said units need not require certification under MGL Chapter 19D, as the same may be amended or recodified. [Added 2-6-2014 STM by Art. 6]~~

**LODGING OR ROOMING HOUSE:** A building where lodging units are rented to four or more persons. A "lodging house" shall not include convalescent, nursing or rest homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels.

**LODGING UNIT:** One or more rooms for the semipermanent dwelling use of not more than three individuals not living as a single housekeeping unit and not having cooking facilities.

**LOT:** An area or parcel of land or any part thereof in individual, joint or common ownership, or in ownership by the entirety, which is designated on a plan as a separate lot and which has boundaries identical with those on a plan recorded in the South Middlesex Registry of Deeds.

**LOT FRONTAGE:** The continuous length of a lot line which is coterminous with the street line of a street to which the lot has legal access.

**LOT WIDTH:** The shortest distance between opposite side lines of a lot. Between the frontage and the points where the front setback intersects the lot side lines, the lot width shall be at least 90% of the required minimum lot width. At no point between, but not including the front setback and the principal structure, shall the lot be narrower than 75% of the required minimum lot width. Measured at all points through the principal structure on said lot, the lot width shall be at least 100% of the required minimum lot width.

**MANUFACTURING, LIGHT:** Light industry or light manufacturing: Includes the following (with related offices), provided that such uses shall not include the sale or transfer of flammable liquids, gas, explosives or other potentially hazardous materials, except for the uses operating under a license granted under the authority of Chapter 148 of the Massachusetts General Laws as of the date of this Bylaw:

- a. Assembly of previously prepared or manufactured parts;
- b. Machine shops or other metal working;
- c. Printing and graphic arts establishments;

d. Manufacture, compounding, processing, packaging, stamping or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical and biotechnical, toiletries and food products, and wood, but not including the rendering of fats or oils.

**MARIJUANA ESTABLISHMENT, ADULT USE:** A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business related to adult or recreational use of cannabis products.

**MEDICAL CENTER OR COMPLEX:** Any facility in which a variety of medical and/or dental services will be practiced by Massachusetts licensed medical and dental professionals, on an outpatient basis. Services may include and are not limited to: Cardiology; geriatric medicine, mental health, hematology, neurology, obstetrics/gynecology; occupational health; oncology; rehabilitation medicine; emergency dental services; dental exams and preventative dental care; dental restorative services; and dental rehabilitative services. The term "medical center or complex" does not include hospitals, medical marijuana dispensaries, urgent care facilities, clinics and substance abuse treatment centers.

**MEMBERSHIP CLUB:** A noncommercial social, sports or fraternal association or organization which rtion (greater than 20%) of its entertainment a person or persons performing in a state of nudity or distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

**MOTOR VEHICLE LIGHT SERVICE STATION:** A building or premises used for the dispensing, sales or offering for sale of motor fuels directly to users of motor vehicles. Other sales activities and any repairs shall be activities minor in scope and clearly subordinate to the sale of motor fuels, oils and lubricants. No drive-through facilities are permitted without further zoning relief.

**OFFICE:** A place in which functions such as directing, consulting, recordkeeping, clerical work and sales (without the presence of merchandise of a firm) are carried on. Also, a place in which a professional person conducts his professional business.

**OPEN AREA:** A yard area which is unbuilt upon but which may include sidewalks, swimming pools, terraced areas, patios, tennis courts, play courts, playground facilities or similar facilities and is not devoted to streets, driveways or off-street parking or loading areas.

**OPEN SPACE LAND:** Land set aside solely for the conservation purposes which is unbuilt upon and shall be maintained in a natural state and used for the following purposes only: Protection of areas with unique or environmentally sensitive features; Protection of the quality and quantity of underground and surface waters; Conservation of soils, wetlands or marshes; Protection of natural drainage systems for assurance of safety from flooding; Preservation of sites, or areas of scenic beauty or historic interest; Conservation of forest, wildlife, agricultural and other natural resources; and Pedestrian pathways.

**OPEN SPACE, LANDSCAPED:** Open space designed and developed for pleasant appearance in trees, shrubs, ground cover and grass, including other landscaped elements, such as natural features of the site, walks and terraces, and may also include open areas

accessible to and developed for the use of the occupants of the property located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

**OPEN SPACE, USABLE:** Open space land which is free of automobile traffic and parking and readily accessible to those for whom it is intended. It must be sufficiently well drained to permit its use for informal recreation for most seasons of the year. Such space may include open areas intended for the exclusive use of site occupants as well as those accessible to the public.

**PARKING, COMMERCIAL:** For-profit parking facility open to the public for a fee.

**PARKING LOT:** Three or more parking spaces together with internal islands, dividers, walks, and landscaping, plus vehicular drives which abut those elements, but not including other portions of entrance or exit drives.

**RECREATIONAL TRAILER OR VEHICLE:** A vehicular, portable unit designed for travel, camping or recreational use, including but not limited to the following:

**TRAVEL TRAILER:** A vehicular, portable dwelling unit built on a chassis, being of any length, provided that its gross weight does not exceed 4,500 pounds, or being of any weight, provided that its overall length does not exceed 28 feet.

**PICKUP CAMPER:** A portable dwelling unit designed to be mounted on a pickup truck or chassis, whether or not so mounted.

**MOTORIZED CAMPER:** A portable dwelling designed and constructed as an integral part of a selfpropelled vehicle.

**TENT TRAILER:** A folding structure, constructed of canvas, plastic or similar water-repellent material, designed to be mounted on wheels to be used as a temporary dwelling.

**BOAT OR UTILITY TRAILER:** A vehicle without motive power designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other materials.

**REGISTERED MARIJUANA DISPENSARIES:** Where not expressly defined in this Bylaw, terms used in this article shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, M.G.L. c. 94C, App. § 1-1 et seq., and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001 et seq., and otherwise by their plain language.

**CULTIVATION:** This definition encompasses marijuana cultivation related to registered marijuana dispensaries; the process of propagation, including germination, using soil, hydroponics, or other media to generate growth and maturity; and the intended process of bringing a plant or other grown product to maturity for harvesting, sale, refining or use as an ingredient in further manufacturing or processing.

**MARIJUANA:** In addition to the Commonwealth's definition under M.G.L. Chapter 94C, "marijuana" shall mean and include: marijuana, marihuana, cannabis, hashish, cannabis seeds, THC (tetrahydrocannabinol) and its derivatives and extracts, as well as any substances containing THC, whether in plant, including its flowers, oil, resin, solid, liquid or aerosol form.

**REGISTERED MARIJUANA DISPENSARY(IES):** Also known as a "medical marijuana treatment center(s)," a not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, 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. Unless otherwise specified, registered marijuana dispensary refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

**REPAIR:** With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use or location of a structure.

**RESEARCH AND DEVELOPMENT; LABORATORY:** Laboratory or research establishments including biotechnology companies, but excluding laboratories categorized as Level 3 and Level 4 by the National Institutes for Health.

**RESTAURANT:** An establishment where the principal activity is the service or sale of food or drink for on-premises consumption.

**ROW HOUSE:** See "attached dwelling."

**SELF-STORAGE FACILITY:** A facility where individual portions of the space are rented to consumers for the temporary storage of business or personal items.

**SENIOR HOUSING FACILITY:** For the purposes of Section 8.4, the following definitions shall apply:

**ASSISTED LIVING FACILITY:** A residential development subject to certification by the Executive Office of Elder Affairs under M.G.L. c. 19D and 651 CMR 12.00.

**CONTINUING CARE FACILITY:** A facility regulated by M.G.L. c. 93, § 76.

**INDEPENDENT LIVING FACILITY:** A facility providing apartments for rent, with optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the facility.

**LONG TERM CARE FACILITY:** A facility, including a convalescent home or Senior Housing Facility, rest home, infirmary maintained in towns, and charitable homes for the aged, as defined and regulated in 105 CMR 150.001.

**SENIOR HOUSING:** Housing for persons over the age of 55 subject to the Senior Housing Laws, as defined herein.

**SENIOR HOUSING FACILITY:** An Assisted Living Facility, Continuing Care Facility, Independent Living Facility, or Long Term Care Facility, whether operated as a free-standing facility or in combination with another type of facility on the same lot or adjacent lot in common control.

**SENIOR HOUSING LAWS:** Collectively and separately, the Fair Housing Act, 42 USC Section 3607(b), 24 CFR Subtitle B, Ch. 1, Section 100.300 et seq. and M.G.L. c. 151B, § 4.

**SERVICE ESTABLISHMENT, GENERAL:** Establishments for trades and crafts which require manual dexterity, including but not limited to shops such as the following: plumbers, electricians, painters, paperhangers, upholsterers, sign painters, printers and monument works.

**SERVICE ESTABLISHMENT, PERSONAL:** Personal services provided by a barbershop or beauty shop, repair and maintenance of clothing and household articles by a cleaning or laundry agency or automatic equipment; cobbler, tailor, valet service; radio, television and appliance repairs; and the like.

**SETBACK:** The horizontal distance measured perpendicularly from the property line to the building line.

**SIDEWALK CAFÉ:** A portion of the street or public place in which tables and chairs are placed for the use of patrons consuming food or beverages, including alcoholic beverages, that is operated by a food service business located on abutting property.

**SIGN:** For the purposes of Section 6.2, the following words and terms used herein are hereby defined or the meanings thereof are explained or limited as follows:

**ACCESSORY SIGN:** Any billboard, sign or other advertising device that advertises, calls attention to or indicates the person or persons occupying the premises, as defined herein, on which the sign is erected or the business transacted thereon or advertises the property itself or any part thereof as "for sale" or "to let," even though it contains no other advertising matter.

**AWNING:** Any structure made of cloth or other flexible material with a frame attached to a building and projecting over a sidewalk, or a sidewalk portion of a way, without supports on the ground.

**BOARD OF APPEALS** — ~~The Board of Appeals established or operating in the Town of Wakefield under MGL c. 40A, as amended.~~

**BUILDING INSPECTOR** — ~~The Building Inspector appointed under the provisions of the Building Bylaw of the Town of Wakefield as now or hereafter in force and effect.~~

**BUILDING SIGN:** A sign attached to a building in a business district which identifies the building as a whole or its predominant use.

**BUSINESS DISTRICT:** The area within the Town zoned for business, limited business, neighborhood business, limited industrial and industrial uses under this Bylaw.

**CANOPY or MARQUEE:** Any structure, other than an awning, on frames attached to a building, projecting over a sidewalk, or a sidewalk portion of the way, and carried by a frame, whether or not supported by the ground or sidewalk.

**ERECTED:** Shall include the words "attached," "built," "constructed," "altered," "enlarged" and "moved."

**FREESTANDING SIGN:** Shall include any exterior sign erected on or affixed to the land and not attached to a building.

**NONACCESSORY SIGN:** Any billboard, sign or other advertising device that does not come within the foregoing definition of an "accessory sign."

**OCCUPANCY SIGN:** A sign attached to a building identifying the occupancy within a specific portion of the building.

~~**PARKING AREA**—A public parking area or a private parking area that is open to parking of motor vehicles for business activities.~~

**PEDESTRIAN SIGN:** An occupancy sign at pedestrian eye level.

~~**PERSON**—Includes an individual, two or more individuals having a joint common interest, partnership, association, corporation, governmental agency, business trust, estate or any other legal entity.~~

~~**PREMISES**—A lot with separate frontage as shown on the Assessors' map or on a subdivision plan.~~

**RESIDENTIAL DISTRICT:** Any area situated within a district zoned for residential purposes under this Bylaw. It includes Special Single Residence Districts, Single Residence Districts, General Residence Districts and Multiple Residence Districts.

**SIGN:** Includes any letter, word, symbol, drawing, picture, design, device, article and/or object that advertises, calls attention to or indicates any premises, person or activity, whatever the nature of the material and manner of composition or construction.

**SIGN, AREA OF:** The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any cutouts or extensions, but shall not include any supporting structure or bracing.

The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window shall be considered to be that of the smallest quadrangle or a triangle which encompasses all of the letters and symbols.

The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross section of that object.

In computing the area of signs, only one side of back-to-back signs shall be included.

**STORE:** Includes any establishment, office or place of business.

**STREET:** A public way or a private way.

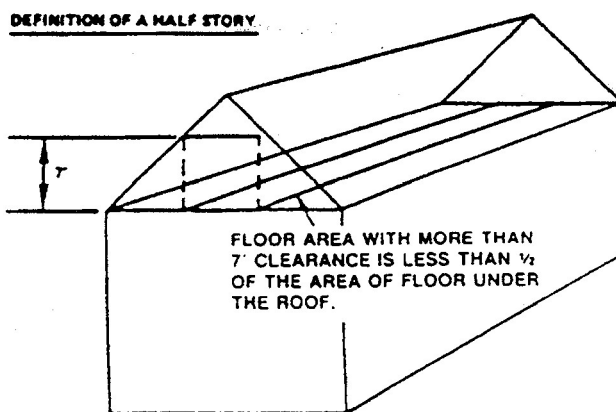
~~ZONING BYLAW — The Zoning Bylaw of the Town of Wakefield as from time to time in force and effect.~~

**SIGNAGE OVERLAY DISTRICT:** The following definitions apply exclusively to signs regulated within the Signage Overlay District, Section 9.4 of this Bylaw:

**SPECIAL PERMIT:** A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the appropriate board and in accordance with provisions of Section 10.6 of this Bylaw and M.G.L. c. 40A, § 9.

**STORY:** The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third ( $1/3$ ) of the area of the floor immediately below, it shall be deemed to be a "story." A basement shall be deemed to be a "story" when its ceiling is four feet six inches or more above the finished grade. A cellar shall not be deemed to be a "story." An attic shall not be deemed to be a "story" if unfinished and not used for human occupancy.

**STORY, HALF (see accompanying diagram):** A story which is under a gable, hipped or gambrel roof, where less than one-half ( $1/2$ ) the floor area has a clear height of seven feet or

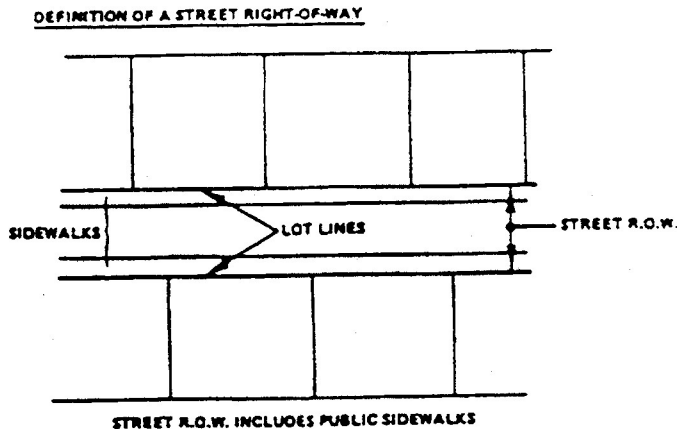


more.

**STREET (see accompanying diagram):** A public thoroughfare which has been accepted for public use; an existing private thoroughfare in use which has not been accepted for public use; or



a Planning Board approved subdivision street. It shall be synonymous with the words "road," "avenue," "highway" and "parkway" and other similar designations. Prior to issuance of a building permit, the Building Inspector shall determine that the street will be passable for automobiles and emergency vehicles during all seasons



**STREET LINE:** The outside limit of a street or way, either existing or contemplated, to which the public and/or abutters have rights, dividing the street and the lots which abut the street.

**STRUCTURE:** A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelter, pier, wharf, bin, fence, sign or the like.

**TOWNHOUSE:** See "attached dwelling."

**TRUCKING TERMINAL:** A terminal for the temporary or permanent storage, repair or refueling of interstate trucks described as "semitrailers" or "trailer trucks."

**UPLAND AREA:** That contiguous portion of the lot area that is not part of detention basins, retention basins, land under water (LUW), land subject to flooding (LSF), bordering vegetated wetlands (BVW) or floodplains. The principal structure must be located in the upland area, and the required minimum upland area, as defined in § 190-31J, must be directly accessible from the principal structure without crossing detention basins, retention basins, LUW, LSF, BVW or floodplains. For the purpose of this section, "LUW," "LSF," "BVW" and "floodplains" shall be as defined in the current edition of Massachusetts Code of Regulations 310 CMR 10.00, as amended from time to time.

**USE:** The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained.

**USE, NONCONFORMING:** A use lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw.

**USE, PRINCIPAL:** The main or primary purpose for which a structure or lot is designed, arranged or intended or for which it may be used, occupied or maintained under this Bylaw.

**VARIANCE:** A departure from the terms of this Bylaw authorized by the Board of Appeals under M.G.L. c. 40A, s. 10.

**WIRELESS COMMUNICATIONS SERVICES:** The provision of the following types of wireless services: telephone, personal communications, Internet and enhanced mobile radio service and paging. Such services, it is anticipated, will require installation of facilities, including, but not limited to, antennas, transmitters/receivers, supporting structures, principal and accessory equipment and, in some instances, towers, masts or other structures.

**YARD:** An open space unobstructed from the ground up, on the same lot with a principal building and extending along a lot line or front lot line and inward to the principal building. The size of a required "yard" shall be measured as the shortest distance between the outer face of the building and a lot line or front lot line. Structures which are below the finished lot grade shall not be deemed to occupy required "yards."

**YARD, FRONT:** A yard extending for the full width of the lot between the front line of the nearest building wall or building part and the front lot line.

**YARD, REAR:** A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

**YARD, SIDE:** A yard, unoccupied except by an accessory structure or use as herein permitted, between a building and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a "side yard."

**ZONING ADMINISTRATOR:** The Board of Appeals, in accordance with M.G.L. c. 40A, § 13, may appoint, subject to confirmation by the Town Council, a Zoning Administrator. The Board of Appeals may delegate to said Zoning Administrator some of its powers and duties. Any person aggrieved by a decision or order of the Zoning Administrator may appeal to the Board of Appeals in accordance with MGL c. 40A, § 14. The Building Inspector may also serve as Zoning Administrator if so appointed.