

SECTION 1.3 DEFINITIONS

As used in the Zoning Bylaws, the following words and terms shall have and include the following respective meanings:

Abandoned Sign – has the meaning provided in Section 5.18.

Accessory Dwelling Unit or ADU - a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) complies with the requirements of Section 5.13, and (iii) complies with the definition of “Accessory Dwelling Unit” in Section 1A of chapter 40A of the General Laws.

Accessory Use – A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Address Sign - has the meaning provided in Section 5.18.

Administering Agency - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

ADU Property Owner - shall mean a person who holds record title to a property containing an Accessory Dwelling Unit directly or indirectly and for whom the property is their principal residence. Indirect ownership includes but is not limited to a beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.

Adult Bookstore - An establishment having as a substantial or significant portion of its stock in trade, books, magazines and/or other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in G.L. Chapter 272, Section 31.

Adult Dance Club - An establishment which, as its principal form of entertainment, permits a person or persons to perform in a state of nudity as defined in G.L. Chapter 272, Section 31.

Adult Motion Picture 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 G.L. Chapter 272, Section 31.

Adult Paraphernalia Store - An establishment having as a substantial or significant portion 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 G.L. Chapter 272, Section 31.

Adult Use - Adult Bookstore, Adult Dance Club, Adult Motion Picture Theater, Adult Paraphernalia Store, and/or Adult Video Store as herein defined.

Adult Video Store - An establishment having as substantial or significant portion of its stock in trade, videos, movies or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in G.L. Chapter 272, Section 31.

Affordable Housing - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Affordable Housing Restriction - has the meaning provided in Section 3.6 for use in Sections 3.6 and Section 3.6.1.

Affordable Rental Unit - has the meaning provided in Section 3.6.

Affordable Homeownership Unit - has the meaning provided in Section 3.6.

Animated Sign - has the meaning provided in Section 5.18.

Annual Average Daily Traffic (AADT) – has the meaning provided in Section 5.6.B.

Approving Authority – has the meaning provided in Section 3.6. for use in Sections 3.6 and 3.6.1.

Assisted Elderly Housing - A building or group of buildings that have on site medical, convalescent and nursing facilities for the residents but in all other manners is consistent with the definition and uses permitted for independent elderly housing projects.

Assisted Units - Except as used in Sections 3.6 and Section 3.6.1 means Dwelling Units which qualify for enumeration under Chapter 40B, Sections 20-23 M.G.L. (Chapter 774 of the Acts of 1969). In the case of units to be sold there shall be deed restrictions to enforce the funding agencies' requirements for the long term eligibility of the unit for enumeration, and which require that the seller give a 90-day right of first refusal to the Wellesley Housing Authority. The deed restrictions shall be reviewed and approved by the Wellesley Housing Authority and Town Counsel prior to sale.

Assisted Units - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Audible Sign - has the meaning provided in Section 5.18.

Average Daily Traffic (ADT) - has the meaning provided in Section 5.6.B.

Awning - has the meaning provided in Section 5.18.

Awning Sign - has the meaning provided in Section 5.18.

Banner - has the meaning provided in Section 5.18.

Beacon - has the meaning provided in Section 5.18.

Best Management Practices (BMP's) – has the meaning provided in Section 5.8 for use in Section 5.8.

Build Factor - A ratio of lot perimeter to lot area which limits the degree to which a lot may have an irregular shape according to the following formula:

$$\frac{\text{Lot Perimeter Squared}}{\text{Actual Lot Area}} = \frac{\text{Actual Lot Area}}{\text{Required Lot Area}}$$

Building Inspector or Inspector of Buildings - The Inspector of Buildings of the Town of Wellesley, or his or her designee for a particular purpose.

Building Sign - has the meaning provided in Section 5.18.

Business Establishment - has the meaning provided in Section 5.18 for use in Section 5.18.

Caliper - Diameter of a Tree trunk (in inches). For Trees up to and including four (4) inches in diameter, the caliper is measured six (6) inches above the existing grade at the base of the Tree. For Trees larger than four (4) inches in diameter, the caliper is measured twelve (12) inches above the existing grade at the base of the Tree.

Certified Arborist – A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).

Changeable Copy - has the meaning provided in Section 5.18.

Child Care Facility means a “child care center” or a “school aged child care program” as those terms are defined in G.L. c.15D Section 1A.

Commercial Districts – has the meaning provided in Section 5.18 for use in Section 5.18.

Commercial Gun Shop – Any commercial establishment engaging in whole or in part in the business of a Gunsmith, or the manufacture, sale, or lease to the public of any Weapon, Machine Gun, Ammunition, Bump Stock, Large Capacity Feeding Device, Stun Gun, or Trigger Crank, as such terms are defined in G.L.c.140, § 121.

Commercial Message - has the meaning provided in Section 5.18.

Commercial Trailer - A vehicular, portable unit without independent motive power designed and/or used for any commercial purpose whether used with or without a permanent foundation, including but not necessarily limited to the following:

1. hauling and storing of products or materials, or

2. retail sales, or
3. business or office use

whether or not there is affixed thereto any advertisement or indication of a business or professional use or affiliation.

Community Group Residence - A boarding house, halfway house, home for adjustment or rehabilitation center for persons with physical or social disabilities which make functioning in society difficult and who require the protection of a group setting.

Conservation Use - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Construction Mitigation Plan – has the meaning provided in Section 5.8 for use in Section 5.8.

Construction Project – shall have the meaning provided in Section 5.6.

Conventional Units - Dwelling Units available to the general public on the open market without price restrictions or consumer income limitations.

Critical Root Zone (CRZ) - The minimum area beneath the canopy of a Tree which must be left undisturbed in order to preserve a sufficient root mass to give a Tree a reasonable chance of survival. The CRZ is represented by a concentric circle centering on the Tree's trunk and extending outward towards the Tree's Drip-Line. The minimum area of the CRZ shall be dependent on the required minimum radius of the CRZ; the required minimum radius of the CRZ shall be determined by multiplying a Tree's DBH (in inches) by eighteen (18) inches, with the resulting product constituting the minimum radius of the CRZ. *Example: A Tree with a DBH of twenty (20) inches shall have a CRZ with a minimum radius of 360 inches or 30 feet (20" x 18" = 360" or 30').*

Cutoff Angle – has the meaning provided in Section 5.12.C.

Days - This term shall refer to calendar days unless otherwise noted.

Design Hourly Volume (DHV) – has the meaning provided in Section 5.6.B.

Detached Dwelling - A building containing only dwelling units and private garage having open space on all sides.

Development – has the meaning provided in Section 3.7 for use in Section 3.7.

Development Area - A parcel or contiguous parcels which are under one ownership.

Development Lot - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Development Project - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Device – has the meaning provided in Section 5.20 for use in Section 5.20.

Diameter at Breast Height (DBH) - The standard measure of Tree size for those Trees existing on a site that are at least four (4) inches in diameter at a height of four and one-half (4.5) feet above the existing grade at the base of the Tree. If a Tree splits into multiple trunks below four and one-half (4.5) feet above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.

Direct Light - has the meaning provided in Section 5.12.C.

Directional Signs - has the meaning provided in Section 5.18.

Directory Sign - has the meaning provided in Section 5.18.

District – has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Drainage and Storm Water Drainage – surface water runoff and the removal of surface water runoff by a system which may include catch basins, leaching basins, manholes, pipes, retention and/or detention basins, swales, drainage ditches, headwalls and other components which meet Best Management Practices and are consistent with the Clean Water Act, Massachusetts Water Quality Standards, the Phase II Regulations of National Pollutant Discharge Elimination System of U.S. EPA, the Massachusetts Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw (Article 44 of the Town Bylaws); the Erosion and Sedimentation Control Regulations and the Municipal Stormwater Drainage System Rules and Regulations adopted by the Board of Public Works.

Drainage Review Rules and Regulations – means the rules and regulations adopted pursuant to Section 5.8.D.

Drip-Line - The area surrounding the Tree from the trunk to the outermost branches. This area is distinguished from, and not to be confused with Critical Root Zone.

Duplex – A building containing two Dwelling Units joined side by side [or front to back] sharing a common wall for all or substantially all of its height and depth; that is in which no part of one Dwelling Unit is over any other part of the other Dwelling Unit. A Duplex shall be considered as one building occupying one lot for the purposes of determining yard requirements.

Dwelling - A building which is designed for or redesigned and/or used for human habitation.

Dwelling Unit or “Unit” - A room, group of rooms, or dwelling forming a habitable unit for one housekeeping unit with facilities for living, sleeping, food storage and/or preparation and eating, and which is directly accessible from the outside or through a common hall without passing through any other dwelling unit.

Earth Disturbance – has the meaning provided in Section 5.8 for use in Section 5.8.

Eligible Household - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Entrance - has the meaning provided in Section 5.18 for use in Section 5.18.

Externally Illuminated Sign - has the meaning provided in Section 5.18.

Facade of the Business Establishment - has the meaning provided in Section 5.18.

Family or Housekeeping Unit - (A) One (1) or more persons related by blood, adoption or marriage and not more than two (2) additional persons all residing together as a single housekeeping unit; (B) A number of persons but not exceeding three (3) residing together as a single housekeeping unit where such persons are not related to one another by blood, adoption or marriage.

Federal Emergency Management Agency (FEMA) – An agency of the United States Federal Government that administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

Fixture - has the meaning provided in Section 5.12.C for use in Section 5.12.

Flag - has the meaning provided in Section 5.18.

Flashing Sign - has the meaning provided in Section 5.18.

Flood – A temporary rise in river, stream or brook flow that results in its water overtopping its banks and inundating Floodway areas adjacent to the channel.

Flood Insurance Rate Map (FIRM) – An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study Report (FIS Report) – A report which examines, evaluates, and determines flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Flood Plain District – An area subject to danger of periodic flooding, the limits of which are determined by the Special Flood Hazard Area.

Flood Plain Management – the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

Floodwater Storage Capacity – The quantity of water which can be held within the flood plain of a wetland.

Floodway – The channel of a river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area Ratio - The floor area of building divided by the commercially zoned lot area. Floor area shall be the sum of the horizontal areas of the several floors of a building as measured from the exterior surface of the exterior walls. Parking garages, interior portions of building devoted to off-street parking, and deck or rooftop parking shall not be considered as floor area. The floor area devoted to a Child Care Facility as an accessory use to an allowed use, shall not be considered as floor area for the purposes of the calculation of Floor Area Ratio except that the building floor area shall not exceed 110% of the building floor area otherwise allowed without a Child Care Facility. The floor area devoted to dwelling units developed in accordance with and under the provisions of Section 5.7 shall not be considered as floor area for the purposes of the calculation of Floor Area Ratio provided that Assisted Units sufficient to satisfy Section 5.7 are provided on the same Development Area.

Foot-candle - has the meaning provided in Section 5.12.C.

Free Standing Device - has the meaning provided in Section 5.20 for use in Section 5.20.

Front Yard - An area, on the same lot with the building, measured from the street line to the building extending across the entire front of the lot, and unoccupied above ground level except by uncovered steps, eaves projecting not more than 2 feet from the wall of the building, bay windows that do not have a foundation and do not extend more than two feet from the wall of the building and a covered or uncovered, enclosed or unenclosed, entrance porch on the first floor which neither exceeds a total area of 50 square feet nor projects more than five feet from the face of the building nor extends nearer than 25 feet to the street line.

Fully Shielded Luminaire - has the meaning provided in Section 5.12.C.

Functionally Dependent Use – A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Gasoline Filling Station - A business engaged, as a primary purpose, in the retail dispensing of motor vehicle fuels to the public.

Glare - has the meaning provided in Section 5.12.C.

Governing Laws - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Grading and Drainage Plan – has the meaning provided in Section 5.8 for use in Section 5.8.

Ground Sign - has the meaning provided in Section 5.18.

Gross Floor Area - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Gross Leasable Floor Area - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Hazardous Waste - Materials as defined and regulated by 310 CMR 30.00 (Massachusetts Hazardous Waste Management regulations).

Heat Pump – Means a Cold Climate Air-Source Heat Pump which is listed by the Northeast Energy Efficiency Partnerships at https://ashp.neep.org/#!/product_list/ or, if such listing is discontinued, a successor or comparable listing as confirmed by the Planning Department.

Height - has the meaning provided in Section 5.20 for use in Section 5.20.

Height of Luminaire - has the meaning provided in Section 5.12.C.

Highest Adjacent Grade – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Home Occupation – A non-residential use of a dwelling unit, by the resident or residents, for gainful employment, that is subordinate but compatible to residential use. The term Home Occupation shall include a "family child care home" as defined in G.L. c.15D Section 1A., for not more than six children, including participating children living in the residence, where the provider is licensed by the Department of Early Education and Care under G.L. c. 15D.

Illuminance - has the meaning provided in Section 5.12.C.

Impervious Cover - has the meaning provided in Section 5.8 for use in Section 5.8.

Impervious Surface - Material covering the ground, including but not limited to macadam, cement, concrete, pavement, and buildings, that does not allow surface water to penetrate into the soil.

Independent Elderly Housing - A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 62 years of age or older or couples where either partner is 62 years of age or older. Independent elderly housing may include support services such as central dining, cleaning, linen, laundry and other personal support services. Further they may provide convenience retail services if said facilities do not have any exterior signs and comprise not more than 2% of the total floor area of the development. Independent Elderly Housing may include a medical service station for a house physician but not on site convalescent or nursing facilities. However, this definition shall not prevent independent elderly housing units from being developed as a distinct element in a larger development that includes assisted elderly housing units are on separate floors or separate buildings.

Institutional Use – has the meaning provided in Section 5.18 for use in Section 5.18.

Internally Illuminated Sign - has the meaning provided in Section 5.18.

K-Factor (K) – has the meaning provided in Section 5.6.B.

Lamp - has the meaning provided in Section 5.12.C.

Large-Scale Ground-Mounted Solar Photovoltaic Installation - A solar photovoltaic system that is structurally mounted on the ground (i.e. not roof-mounted) and has a minimum output of electric power production in Direct Current (i.e. Rated Nameplate Capacity) of 250 kW DC.

Level of Service – has the meaning provided in Section 5.6.B.

Light Trespass - has the meaning provided in Section 5.12.C.

Lot - has the meaning provided in Section 5.18 for use in Section 5.18.

Lumen - has the meaning provided in Section 5.12.C.

Luminance - has the meaning provided in Section 5.12.C.

Luminaire - has the meaning provided in Section 5.12.C.

Lux - has the meaning provided in Section 5.12.C.

Major Construction Project – shall mean any Construction Project which involves a change in the outside appearance of a building or buildings or premises, and includes one or more of the following:

1. construction of twenty-five hundred (2,500) or more square feet gross floor area;
2. an increase in gross floor area by fifty (50) percent or more which results in a gross floor area of at least twenty-five hundred (2,500) square feet;
3. grading or regrading of land to planned elevations, and/or removal or disturbance of the existing vegetative cover, over an area of five thousand (5,000) or more square feet;
4. any activities regulated or restricted under Section 3.7; or
5. any activities regulated under Section 3.8.

Maneuvering Aisle - A maneuvering space which serves two or more parking spaces, such as the area between two rows of parking spaces.

Maneuvering Space - An area in a parking area which (1) is immediately adjacent to a parking space, (2) is used for and/or is necessary for turning, backing, or driving forward a motor vehicle into such parking space but (3) is not used for the parking or storage of motor vehicles.

Marijuana Establishment - A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, craft marijuana cultivator cooperative, or any other type of marijuana-related business, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a Registered Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.

Maximum Groundwater Elevation - The seasonal high level of the groundwater table. This level shall be the same as the maximum groundwater elevation defined and determined in 310 CMR 15.00 (Title 5, State Environmental Code).

Mining of Land - The removal of geologic materials such as topsoil, sand and gravel, metallic ores or bedrock.

Minor Construction Project shall mean any Construction Project, not included within the definition of a Major Construction Project, which involves either or both of the following:

1. a change in the outside appearance of a building or premises visible from a public or private street or way, requiring a building permit;
2. construction, enlargement or alteration of a parking or storage area requiring a parking plan permit. Alteration, as used in the preceding phrase, includes installation, removal or relocation of any curbing, landscaping or traffic channelization island, driveway, storm drainage, lighting or similar facilities but does not include resurfacing, striping or restriping pavement markings on existing parking or storage areas.

Mobile Home or House Trailer - A dwelling designated as year-round living quarters, and built on a chassis to be moved from site to site, whether used with or without a permanent foundation.

Motor Vehicle – has the meaning provided in Section 5.17 for use in Section 5.17.

Moving Sign - has the meaning provided in Section 5.18.

Multi-Faced Sign - has the meaning provided in Section 5.18.

Multi-Family Dwelling – has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Natural River Channel – A water course with a definite bed and banks to confine and conduct the average flow.

Non-Conforming Sign - has the meaning provided in Section 5.18.

Normal Grade - has the meaning provided in Section 5.18 for use in Section 5.18.

Nursing Homes and Skilled Nursing Facility - A building housing a facility licensed to provide full time long term accommodation and a combination of personal and health care services in a supervised environment. Said facilities shall provide long term intensive, skilled and supportive nursing care, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. The facilities may contain common areas for therapy, recreation and dining; further the facilities may also include on-premise medical offices and treatment facilities related to the care of the tenants. For the purposes of this Bylaw, it includes: extended care facility, intermediate care facility, convalescent home and rest home.

Obscene Matter - has the meaning provided in Section 5.18 for use in Section 5.18.

Office and Professional Districts – has the meaning provided in Section 5.18 for use in Section 5.18.

Office or Office Use - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Office High-Tech or Office High-Tech Use - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

On-Site Stormwater System – has the meaning provided in Section 5.8 for use in Section 5.8.

One-Unit Dwelling – a detached Dwelling containing not more than one Dwelling Unit, provided that the existence of an Accessory Dwelling Unit on a lot shall not cause the Dwelling to have more than one Dwelling Unit for purposes of this Zoning Bylaw.

Open Face - has the meaning provided in Section 5.18.

Open Space - The portion of a lot not covered by buildings, garages or other accessory buildings or structures, canopies, off-street parking areas, maneuvering aisles, loading areas or driveways. The portions of a lot devoted to lawn; landscaping; swimming pools constructed at or below grade; at grade terraces, patios, walks, tennis or other play courts; and woodland or wetland shall be considered as open space. Open space shall be free of automotive traffic, or parking.

Operation and Maintenance Plan – has the meaning provided in Section 5.8 for use in Section 5.8.

Out-of-Store Marketing Device – has the meaning provided in Section 5.18.

Original Grade - The grade of the lot before development begins. If an existing structure is to be demolished, the original grade shall be the grade determined prior to demolition of the structure. If there is no existing structure on the property, the natural grade of the property, prior to any modification, shall be considered the original grade; except in new subdivisions where the original grade shall mean the approved and recorded grade.

Overstory Tree - A Tree that will generally reach a mature height of greater than forty (40) feet.

Owner Unit –with respect to lots containing an Accessory Dwelling Unit, means either the Principal Dwelling or the Accessory Dwelling Unit, whichever is occupied by the ADU Property Owner.

Parking Area – has the meaning provided in Section 5.17 for use in Section 5.17.

Parking Space - An area exclusive of maneuvering area and driveway for the parking of one motor vehicle.

Peak-Hour Traffic (PH) – has the meaning provided in Section 5.6.B.

Peak-Hour Factor (PHF) – has the meaning provided in Section 5.6.B.

Pennant - has the meaning provided in Section 5.18.

Permanent Sign - has the meaning provided in Section 5.18.

Permit Granting Authority - The Zoning Board of Appeals.

Person - A natural or legal person, including a partnership, trust, corporation or similar entity.

Personal Wireless Service Facilities – has the meaning provided in Section 5.20.

Personal Wireless Services - has the meaning provided in Section 5.20.

Planning Director - The Planning Director of the Town, or his or her designee for a particular purpose.

Portable Sign - has the meaning provided in Section 5.18.

Primary Conservation Areas – Areas of a potential development site that are protected or where development is limited by federal, state or local law or private land use restrictions including, without limitation:

1. Easements (including, without limitation, easements or restrictions for conservation, preservations, agricultural use, aquifer protection or similar easements and restrictions) and similar covenants land use restrictions;
2. Wetlands, Isolated Wetlands, Bordering Vegetated Wetlands, and the 25-foot No-Disturbance Zone as defined in the Wellesley Wetlands Bylaw;
3. Vernal Pools as defined in the Wellesley Wetlands Bylaw;
4. 100 Year Flood Plain;

5. Wildlife habitat;
6. Steep slopes having a grade over 10% or as defined by federal or state law or regulation, whichever is the lesser grade; and
7. Lakes, ponds, rivers, streams, and brooks.

Principal Building – has the meaning provided in Section 5.18 for use in Section 5.18.

Principal Dwelling– for any lot with an Accessory Dwelling Unit, the “Principal Dwelling” means the portions of the Dwelling other than the Accessory Dwelling Unit.

Principal Use - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Private Swimming Pool – has the meaning provided in Section 5.15.

Project of Significant Impact (PSI) means any Construction Project having an aggregate total of:

1. newly constructed floor area of 10,000 or more square feet; or
2. renovated, altered and/or replacement floor area of 15,000 or more square feet in a building having 15,000 or more square feet of ground coverage to provide for a use which is different from the existing use as determined by the Commonwealth of Massachusetts Property Type Classification Codes (April 1991 edition).

Protected Tree - Any existing Tree located in the Tree Yard or Tree that was removed from the Tree Yard within twelve (12) months prior to application for an applicable demolition or building permit, which has a DBH of six (6) inches or greater, located in a Tree Yard of a property zoned Single Residence District or General Residence District, or located anywhere on property zoned other than Single Residence District or General Residence District. Any Tree that has a DBH of six (6) inches or greater with portions of the stem of the Tree actively growing into a Tree Yard between a height of six (6) inches and four and one-half (4.5) feet above grade shall be considered a Protected Tree.

Rear Yard - An area, on the same lot with the building, measured from the rear line of the lot to the building, extending the full width of the lot, and unoccupied above ground level except by covered basement entrances not over four feet in height and not over 35 square feet in area, bay windows that do not have a foundation and do not extend more than two feet from the wall of the building, uncovered steps, eaves projecting not more than 2 feet from the wall of the building, covered or uncovered, enclosed or unenclosed, entrance porches on the first floor which do not exceed a total area of 50 square feet, attached chimneys projecting not more than 2 feet from the wall of the building, stair landings not over 25 square feet in area, and Accessory Dwelling Units built in accordance with Section 5.13.

Recreational Accessory Use - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Recreational Trailer or Vehicle - A vehicular, portable unit designed for travel, camping or recreational use, including but not limited to the following:

1. Travel Trailer - A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed forty-five hundred (4500) pounds, or being of any weight provided its overall length does not exceed twenty eight (28) feet.
2. Pick-Up Camper - A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
3. Motorized Camper - A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
4. 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.
5. Boat 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 recreational vehicle.

Recreational Vehicle – For use in Section 3.7 means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Use – has the meaning provided in Section 3.6 for use in Section 3.6 and Section 3.6.1.

Redevelopment – has the meaning provided in Section 5.8 for use in Section 5.8.

Registered Marijuana Dispensary (“RMD” or “RMDs”) – An entity licensed under 935 CMR 501.000 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana or marijuana products, marijuana infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transports, sells, distributes, delivers, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their

personal caregivers for medical use, and also referred to as Medical Marijuana Treatment Center under 935 CMR 501.000.

Regulatory Floodway – See Floodway.

Residential Districts – has the meaning provided in Section 5.18 for use in Section 5.18.

Restaurant - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Retaining Wall - A wall or terraced combination of walls used at a grade change to hold soil and other earth material at a higher position. Retaining walls may be attached to or independent from other structures. The exposed side of a retaining wall shall be known as a “face”. The area between a lower wall and a successive higher wall shall be known as a “terrace”.

Reverse Lit – has the meaning provided in Section 5.18.

Roadway Impacted by Development Traffic – has the meaning provided in Section 5.6.B.

Roof Sign – has the meaning provided in Section 5.18.

Secondary Conservation Areas – Areas of a potential development site that contain valuable natural or cultural resources including, but are not limited to:

1. Specimen trees;
2. Stone walls;
3. Significant geological features, including, without limitation, eskers, exposed ledge and significant boulders;
4. Mature woodlands;
5. Scenic and wet meadows;
6. Historical or archaeological sites; and
7. Portions of a site within a Scenic Road or Scenic Road Layout.

Select Board: The Select Board shall have all of the powers and duties granted to Boards of Selectmen by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be provided by any Special Act of the Legislature applicable to the Town of Wellesley, by this Bylaw, by the General Bylaws or by Town Meeting vote.

Service Area – has the meaning provided in Section 5.17 for use in Section 5.17.

Side Yard - An area, on the same lot with the building, measured from the side line of the lot to the building, extending from the Front Yard to the Rear Yard, and unoccupied

above ground level except by covered basement entrances not over four feet in height and not over 35 square feet in area, bay windows that do not have a foundation and do not extend more than two feet from the wall of the building, uncovered steps, eaves projecting not more than 2 feet from the wall of the building, attached chimneys projecting not more than 2 feet from the wall of the building, and unenclosed, covered or uncovered stair landings not over 25 square feet in area, and Accessory Dwelling Units built in accordance with Section 5.13.

Sign - has the meaning provided in Section 5.18 for use in Section 5.18.

Sign Face - has the meaning provided in Section 5.18.

Sign Permit - has the meaning provided in Section 5.18.

Site Plan – has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Site Plan Approval - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Site Plan Review - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Sky Glow - has the meaning provided in Section 5.12.C.

Small-Scale Retail Establishment - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Solid Waste – has the meaning provided in Section 3.8 for use in Section 3.8.

Special Flood Hazard Area – The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

Special Permit Granting Authority - Zoning Board of Appeals except as otherwise designated by this Zoning Bylaw for the granting of special permits. For the review and issuance of special permits for Registered Marijuana Dispensaries, as allowed by this Bylaw and established in Section 6.3.B.5.b., the Select Board shall act as the Special Permit Granting Authority. For the purposes of Section 3.7, Section 3.8, and Section 5.6, the Planning Board shall act as the Special Permit Granting Authority for subdivision applications processed under the provisions of the Subdivision Control Law (Chapter 41, Sections 81K - GG M.G.L.) and for approval of projects of significant impact. When the Planning Board is acting as Special Permit Granting Authority, the chairman may call upon the associate member to sit on the Board for the purposes of acting on an application, in the case of absence, inability to act, or conflict of interest on the part of any member, or in the event of a vacancy on the Board. The provisions for filling the position of associate member shall be governed by Article 45 of the Town Bylaws.

Standard Informational Sign - has the meaning provided in Section 5.18.

Standing Sign - has the meaning provided in Section 5.18.

Storage Area – has the meaning provided in Section 5.17 for use in Section 5.17.

Temporary Sign - has the meaning provided in Section 5.18.

Total Living Area plus Garage Space or TLAG – has the meaning provided in Section 5.9.

Town - The Town of Wellesley, Massachusetts.

Town House – A One-Unit Dwelling constructed in a group of three or more attached Dwelling Units in which each Dwelling Unit extends from foundation to roof and with a yard or public way on not less than two sides.

Townhouse Structure – a row of at least three One-Unit Dwellings whose sidewalls are separated from each other Dwelling Units by a fire separation wall or walls, and where each Dwelling Unit has its own at-grade access.

Toxic or Hazardous Materials – has the meaning provided in Section 3.8 for use in Section 3.8.

Tree - Any self-supporting, woody perennial plant usually having a single trunk with a diameter of three (3) inches or more which normally attains a mature height of six (6) feet or greater.

Tree Bank Fund – The revolving fund established pursuant to Section 55.1.d of the Town Bylaws.

Tree Protection & Mitigation Plan - A plan submitted to the Building Department for review prior to the commencement of demolition and/or construction on a property on which a Protected Tree is located. This plan may be either part of a landscape plan and/or a separate plan.

Tree Removal - Any act that causes a Tree to die or will cause a Tree to die within a three (3) year period as determined by the Department of Public Works - Park & Tree Division based on arboricultural practices recommended by the International Society of Arboriculture (I.S.A.).

Tree Save Area - The area surrounding a Tree which includes at a minimum the Critical Root Zone (“CRZ”) and Drip-Line of all Protected Trees, unless otherwise authorized herein. The Tree Save Area must be enclosed within a fence and remain undisturbed so as to prevent damage to the Tree.

Tree Yard - The area of a parcel zoned Single Residence District or General Residence District located adjacent to all front, side, and rear lines of a lot up to the distances set forth in the following table:

Location of Protected Trees on Property Zoned Single Residence District or General Residence District			
Zoning District	Minimum Tree Yard (feet)		
	Front	Side	Rear
SRD 10	20	10	10
SRD 15	20	20	20
SRD 20	20	20	20
SRD 30	40	30	30
SRD 40	40	40	40
General Residence District	20	10	10

Two Unit Dwelling – A building, other than a Duplex, containing two, and no more than two, Dwelling Units.

Underlying Zoning - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Unrestricted Unit - has the meaning provided in Section 3.6 for use in Sections 3.6 and 3.6.1.

Wall Sign – has the meaning provided in Section 5.18.

Watershed Protection District – An area bordering a brook, stream or other water body, the limits of which are determined by a horizontal distance.

Window Sign – has the meaning provided in Section 5.18.

Yield Plan – A conceptual subdivision plan containing all of the elements required by the Subdivision Rules and Regulations that depicts the number of lots for One-Unit Dwellings that could reasonably be developed according to local, state and federal law.

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