

Article XX: To see if the Town will vote to amend the Town’s Protective Zoning Bylaws by revising certain provisions to consolidate and relocate all definitions into Section 9 – Definitions, with revised text indicated in **bold underline** and deleted text indicated in ~~strikethrough~~, said revisions intended to bring the Protective Zoning Bylaws into consistency by centralizing definitions within Section 9; or take any other action relative thereto.

Section 9 Definitions:

Purpose

This article propose amendment to the Town’s Protective Zoning Bylaws to consolidate all definitions into Section 9 – Definitions. The revisions are organizational in nature and are intended to improve clarity, consistency, and ease of reference within the bylaw.

Accessory Dwelling Unit (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) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental. (per M.G.L. c.40A 1A)

Area of Special Flood Hazard- is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, VO or V1-30, VE or V.

As-of-Right Siting- As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to Site Plan Review to determine conformance with the local zoning bylaws. Projects cannot be prohibited but can be reasonably regulated by the Building Inspector.

Base Flood- means the flood having a one percent chance of being equaled or exceeded in any given year.

Battery or Batteries- A single cell or group of cells connected electrically in series, in parallel, or combination of both, which can charge, discharge and store energy electrochemically. For the purposes of this bylaw, batteries utilized in consumer products are excluded from these requirements.

Battery Energy Storage System (BESS)- A system consisting of one or more battery modules for storing electrical energy, any equipment needed to support the safe and proper function or usage of the battery modules, and one or more physical containers providing secondary

containment to any of the above. It may be primary use or an Accessory Use to a solar generating facility, power generation facility, electrical substation, or other similar uses. BESS are classified as Tier 1, Tier 2, and Tier 3, as follows:

Camouflaged -A personal wireless service facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure is considered "camouflaged."

Camping Trailers, Travel Trailers, and Motor Homes- A self-contained mobile unit supported on own wheels or those of another vehicle designed to be used for travel, recreational and vacation uses, but not for permanent residence. Herein referred to as Camper/Trailers. Camper/Trailers shall not be considered permanent structures. This definition does not include Mobile Homes defined herein.

Camper/Trailer Occupancy Permit- Permit issued by the Town of Heath through the Board of Health pursuant to Heath Board of Health Regulations.

Co-location- The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

Craft Marijuana Cultivator Cooperative- A marijuana cultivator comprised of residents of the Commonwealth organized as a limited liability company or limited liability partnership under the laws of the Commonwealth, or an appropriate business structure as determined by the Cannabis Control Commission, that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products for delivery to Licensed Marijuana Establishments but not to consumers. Host Community Agreement: An agreement between a Licensed Marijuana Establishment and the Town pursuant to G.L. c.94G, §3(d). Independent Testing Laboratory: A laboratory that is licensed by the State Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or Licensed Marijuana Establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Cannabis Control

Data Center -A building or series of buildings that houses and supports the high-performance servers, storage systems, networking equipment, and related computing infrastructure and equipment necessary for storing, processing, and distributing data and applications.

Development- means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

District -means floodplain district.

Existing Structure - is defined as a residential or commercial building, barn, silo, steeple, water tower, public utility transmission pole or tower, or other similar structures where fixed wireless broadband technology is to be deployed.

Federal Emergency Management Agency (FEMA)- 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.

Fixed Wireless Transceiver Antenna Array (FWTAA) - is defined as any series of antenna or array of antennas that receives and transmits fixed wireless signals to provide subscribers with high-speed (broadband) internet capabilities.

Fixed Wireless Transceiver Tower Structure (FWTTS) - is defined as a structure that supports an antenna that receives and transmits fixed wireless signals to provide customers with high-speed broadband internet access capability.

Flood Hazard Boundary Map (FHBM)- means an official map of a community issued by FEMA where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Study- means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

Floodway- see "Regulatory Floodway".

Functionally Independent Use- means a use which cannot perform its intended purpose unless it is located or carried out near water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Ground-mounted- Mounted on the ground

Guved Tower- A type of mount that is tied to the ground or other surface by diagonal cables.

Host Community Agreement- An agreement between a Licensed Marijuana Establishment and the Town pursuant to G.L. c.94G, §3(d).

Independent Testing Laboratory -A laboratory licensed and accredited pursuant to Cannabis Control Commission standards and independent of any Licensed Marijuana Establishment it tests for.

Industrial Semi-Trailers- A trailer without motive power designed for carrying property and used in combination with a truck tractor of a Class 8 or more, and where some part of the

weight of such trailer and that of its load rests upon and is carried by, the truck tractor. This definition does not include livestock, farming, utility or recreational trailers pulled by a vehicle below a Class 8 classification.

Industrial-Scale Wind Turbine Installation - A wind turbine. Installation consisting of one or more wind turbines, any one of which has a maximum height greater than 100 feet, or any wind turbine installation which functions or is intended to function primarily to convey the electricity which it generates to the electric grid, or any Wind Turbine Installation not primarily for use by the residential or non-residential structures (if any) on the lot of the installation, as evidenced by documents confirming the historical or projected electric usage of those structures.

Large-Scale Ground-Mounted Solar Electric Generating Installation - A solar electric system that is structurally mounted on the ground and is not roof-mounted and has a minimum nameplate capacity greater than 25 kW.

Lattice Tower- A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

Licensee- A person or entity licensed by the State Cannabis Control Commission to operate a Licensed

Licensed Marijuana Establishment- A marijuana cultivator, testing facility, manufacturer, retailer, or related licensed business operating at a single location.

Lowest Floor -means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED, that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements.

Manufactured Home- means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision -means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Marijuana- All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of

the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination. The term also includes marijuana infused product except where the context clearly indicates otherwise.

Marijuana Cultivator- An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Licensed Marijuana Establishments, but not to consumers.

Marijuana Products- Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Product Manufacturer- An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to transfer marijuana and marijuana products to other Licensed Marijuana Establishments, but not to consumers.

Marijuana Retailer- An entity licensed to purchase and transport marijuana and marijuana products from Licensed Marijuana Establishments and sell or otherwise transfer marijuana and marijuana products to Licensed Marijuana Establishments and to consumers.

Marijuana Testing Facility- An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

Marijuana Transportation or Distribution Facility- An entity with a fixed location or service that delivers marijuana and marijuana products to Licensed Marijuana Establishments and transfers marijuana and marijuana products to other Licensed Marijuana Establishments, but not to consumers. This shall include the temporary storage of marijuana products on premises associated with their transportation and distribution.

Maximum Height - The distance between the natural grade of land measured vertically up to the tip of the wind turbine blade at its highest point.

Mobile Homes - Also known as Manufactured Housing – A dwelling unit intended for full-time occupancy built on a chassis that contains complete electrical, plumbing and sanitary facilities and issued a HUD (U.S. Department of Housing and Urban Development) certification. This definition does not include dwellings known as Modular Homes, Panelized Homes or Pre-Cut Homes which must meet state and local building codes.

Mohawk Estates Building Lot -A building lot as indicated on the original development plan creating Mohawk Estates. Any subsequent subdivision of an original lot does not constitute a Mohawk Estates

Mohawk Estates Lots- Lots within the known development as “Mohawk Estates” which have been assigned Unit, Block and Lot numbers.

Monopole- The type of mount that is self-supporting with a single shaft of wood, steel or concrete with one or more platforms (or racks) for panel antennas.

Mount- The structure or surface upon which antennas are mounted, including the following four types of mounts:

New Construction- means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community.

Personal Wireless Service Facility- Facility for the provision of personal wireless services, as defined by the Federal Telecommunications Act of 1996.

Property Owner- The owner(s) of record with the Registry of Deeds of any lot or parcel of land. For the purposes of this bylaw, multiple owners are considered one property owner.

Protective Structure - A freestanding, non-enclosed weather-protective structure not used as living space.

Rated Nameplate Capacity- The maximum rated output of electric power production of the Electric system in Alternating Current (AC) or Direct Current (DC).

Regulatory Floodway- Means the channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation.

Residential Wind Energy System –A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics, intended as an accessory use and shall not be for the generation of power for commercial purposes. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a WECS designed to meet the energy needs of the principal user.

Roof-mounted- Mounted on the roof of a building.

Security Barrier- A locked wall, fence, or berm that completely surrounds an area from unauthorized entry or trespass.

Side-mounted- Mounted on the side of a building.

Solar Overlay District- The Solar Electric Overlay District(s) as designated by the Town of Heath are shown on the Official Zoning Map dated September 7, 2012, in accordance with

Massachusetts General Laws Chapter 40A. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Heath Town Clerk.

Solar Photovoltaic Array- An arrangement of solar photovoltaic panels.

Special Hazard Area- means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, E.

Structure- means for floodplain management purposes, a walled and roofed building, including gas or liquid storage tank, that is principally above ground, as well as a manufactured domestic.

Structure- for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while during construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial improvement- means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether that alteration affects the external dimensions of the structure.

Temporary Occupancy- Occupancy of a temporary structure, such as a camper/trailer, not intended as a permanent residence.

Total Height – The height of the tower plus the farthest vertical extension of the WECS.

Visiting Camper/Trailer- A state-registered camper/trailer not owned by the property owner, but which is located on the lot or parcel of a Heath property owner.

Wind Energy Conversion System (WECS) – All equipment, machinery and structures utilized in the connection of the conversion of wind to other forms of energy.

Wind Turbine - A device which converts the kinetic energy of the wind into rotational energy which drives an electrical generator.

Wind Turbine Installation - All the equipment, machinery and structures utilized in the conversion of wind to electricity. This includes but is not limited to transmission, storage, collection and supply equipment, substations, transformers, towers, wind turbines,

foundations, storm-water control measures, service roads and other appurtenant structures, facilities and equipment.

Wireless antenna- A device that is attached to a support structure for transmitting and receiving electromagnetic waves. This includes panel antennas, whip antennas, and microwave dishes.

4.4.3 Definitions-

"~~AREA OF SPECIAL FLOOD HAZARD~~" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, VO or V1-30, VE or V.

"~~BASE FLOOD~~" means the flood having a one percent chance of being equaled or exceeded in any given year.

"~~DEVELOPMENT~~" means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"~~DISTRICT~~" means floodplain district.

"~~FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)~~" 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.

"~~FLOOD HAZARD BOUNDARY MAP (FHBM)~~" means an official map of a community issued by FEMA where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

"~~FLOOD INSURANCE STUDY~~" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

"~~FLOODWAY~~"— see "Regulatory Floodway".

"~~FUNCTIONALLY INDEPENDENT USE~~" means 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 shipbuilding and ship repair facilities, but does not include long term storage or related manufacturing facilities.

"~~LOWEST FLOOR~~" means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

"~~MANUFACTURED HOME~~" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"~~MANUFACTURED HOME PARK OR SUBDIVISION~~" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

~~"NEW CONSTRUCTION" means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community.~~

~~"100-YEAR FLOODPLAIN" see "Base Flood".~~

~~"REGULATORY FLOODWAY" means the channel of a river 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.~~

~~"SPECIAL HAZARD AREA" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, E.~~

~~"STRUCTURE" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "STRUCTURE" for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.~~

~~"SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

4.10.2 Definitions:

~~CAMPING TRAILERS, TRAVEL TRAILERS, AND MOTOR HOMES: A self-contained mobile unit supported on its own wheels or those of another vehicle designed to be used for travel, recreational and vacation uses, but not for permanent residence. Herein referred to as Camper/Trailers. Camper/Trailers shall not be considered permanent structures. This definition does not include Mobile Homes defined herein.~~

~~Camper/Trailer Occupancy Permit: Permit issued by the Town of Heath through the Board of Health pursuant to Heath Board of Health Regulations.~~

~~Industrial Semi Trailers: A trailer without motive power designed for carrying property and used in combination with a truck tractor of a Class 8 or more, and where some part of the weight of such trailer and that of its load rests upon and is carried by, the truck tractor. This definition does not include livestock, farming, utility or recreational trailers pulled by a vehicle below a Class 8 classification.~~

~~Mobile Homes: Also known as Manufactured Housing. A dwelling unit intended for full-time occupancy built on a chassis that contains complete electrical, plumbing and sanitary facilities, and~~

~~designed for year-round living and issued a (HUD) certification. This definition shall not include those vehicles as known camping or travel trailers, or motor homes.~~

~~Mohawk Estates Lots: Lots within the development known as "Mohawk Estates" which have been assigned Unit, Block and Lot numbers.~~

~~Property Owner: The owner(s) of record with the Registry of Deeds of any lot or parcel of land. For the purposes of this bylaw, multiple owners are considered one property owner.~~

~~Protective Structures: Freestanding, non-enclosed structures, which are constructed to provide protection from the weather elements and not for additional living space. For the purposes of this bylaw, camper/trailers stored under protective structures are considered stored outside.~~

~~Temporary Occupancy: Occupancy of a temporary structure, such as a camper/trailer, not intended as a permanent residence.~~

~~Visiting Camper/Trailer: A state-registered camper/trailer not owned by the property owner, but which is located on the lot or parcel of a Heath property owner.~~

6.3.2 Definitions

~~6.3.2.1 Camouflaged. A personal wireless service facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure is considered "camouflaged."~~

~~6.3.2.2 Co-location. The use of a single mount on the ground by more than one carrier (vertical colocation) and/or several mounts on an existing building or structure by more than one carrier.~~

~~6.3.2.3 Guyed Tower. A type of mount that is tied to the ground or other surface by diagonal cables.~~

~~6.3.2.4 Lattice Tower. A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.~~

~~6.3.2.5 Monopole. The type of mount that is self-supporting with a single shaft of wood, steel or concrete with one or more platforms (or racks) for panel antennas.~~

~~6.3.2.6 Mount. The structure or surface upon which antennas are mounted, including the following four types of mounts:~~

~~A. Roof-mounted—Mounted on the roof of a building.~~

~~B. Side-mounted—Mounted on the side of a building.~~

~~C. Ground-mounted—Mounted on the ground.~~

~~D. Structure-mounted—Mounted on a structure other than a building.~~

~~6.3.2.7 Personal Wireless Service Facility—Facility for the provision of personal wireless services, as defined by the Federal Telecommunications Act of 1996.~~

~~6.3.2.8 Security Barrier—A locked wall, fence, or berm that completely surrounds an area from unauthorized entry or trespass.~~

~~6.3.2.9 Wireless antenna—A device that is attached to a support structure for transmitting and receiving electromagnetic waves. This includes panel antennas, whip antennas, and microwave dishes.~~

6.4.2 Definitions

~~WIND ENERGY CONVERSION SYSTEM (WECS)—All equipment, machinery and structures utilized in the connection of the conversion of wind to other forms of energy.~~

~~RESIDENTIAL WIND ENERGY SYSTEM—A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics, intended as an accessory use and shall not be for the generation of power for commercial purposes. This provision shall not be interpreted~~

to prohibit the sale of excess power generated from time to time from a WECS designed to meet the energy needs of the principal user.

~~TOTAL HEIGHT~~— The height of the tower plus the farthest vertical extension of the WECS.

6.5.2 Definitions

~~MOBILE HOMES~~— Also known as Manufactured Housing— A dwelling unit intended for full-time occupancy built on a chassis that contains complete electrical, plumbing and sanitary facilities and issued a HUD (U.S. Department of Housing and Urban Development) certification. This definition does not include dwellings known as Modular Homes, Panelized Homes or Pre-Cut Homes which must meet state and local building codes.

~~MOHAWK ESTATES BUILDING LOT~~— A building lot as indicated on the original development plan creating Mohawk Estates. Any subsequent subdivision of an original lot does not constitute a Mohawk Estates Building Lot.

6.8 LARGE-SCALE GROUND-MOUNTED SOLAR ELECTRIC GENERATING INSTALLATIONS

6.8.1. Purpose. The purpose of this bylaw is to facilitate the creation of new Large-Scale Ground-Mounted Solar Electric Generating Installations (see Section ~~6.8.3~~9. Definitions) by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

6.8.3. Definitions

~~AS OF RIGHT SITING~~: As of Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As of right development may be subject to Site Plan Review to determine conformance with the local zoning bylaws. Projects cannot be prohibited but can be reasonably regulated by the Building Inspector.

~~LARGE SCALE GROUND MOUNTED SOLAR ELECTRIC GENERATING~~

~~INSTALLATION~~: A solar electric system that is structurally mounted on the ground and is not roof mounted and has a minimum nameplate capacity greater than 25 kW.

~~Rated Nameplate Capacity~~: The maximum rated output of electric power production of the Electric system in Alternating Current (AC) or Direct Current (DC).

~~SOLAR OVERLAY DISTRICT~~: The Solar Electric Overlay District(s) as designated by the Town of Heath are shown on the Official Zoning Map dated September 7, 2012, in accordance with Massachusetts General Laws Chapter 40A. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Heath Town Clerk.

~~SOLAR PHOTOVOLTAIC ARRAY~~: An arrangement of solar photovoltaic panels.

6.9.2 DEFINITIONS

~~WIND TURBINE~~— A device which converts the kinetic energy of the wind into rotational energy which drives an electrical generator.

~~WIND TURBINE INSTALLATION~~— All the equipment, machinery and structures utilized in the conversion of wind to electricity. This includes but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, towers, wind turbines, foundations,

~~storm water control measures, service roads and other appurtenant structures, facilities and equipment.~~

~~MAXIMUM HEIGHT—The distance between the natural grade of the land measured vertically up to the tip of the wind turbine blade at its highest point.~~

~~INDUSTRIAL SCALE WIND TURBINE INSTALLATION—A wind turbine installation consisting of one or more wind turbines, any one of which has a maximum height greater than 100 feet, or any wind turbine installation which functions or is intended to function primarily to convey the electricity which it generates to the electric grid, or any Wind Turbine Installation not primarily for use by the residential or non-residential structures (if any) on the lot of the installation, as evidenced by documents confirming the historical or projected electric usage of those structures.~~

~~6.10.2 Definitions.~~

~~A. FIXED WIRELESS TRANSCEIVER ANTENNA ARRAY (FWTAA)—is defined as any series of antenna or array of antennas that receives and transmits fixed wireless signals to provide subscribers with high speed (broadband) internet capabilities.~~

~~B. EXISTING STRUCTURE—is defined as a residential or commercial building, barn, silo, steeple, water tower, public utility transmission pole or tower, or other similar structures where fixed wireless broadband technology is to be deployed.~~

~~C. FIXED WIRELESS TRANSCEIVER TOWER STRUCTURE (FWTTS)—is defined as a structure that supports an antenna that receives and transmits fixed wireless signals to provide customers with high speed broadband internet access capability.~~

~~7.9 DEFINITIONS~~

~~CRAFT MARIJUANA CULTIVATOR COOPERATIVE: A marijuana cultivator comprised of residents of the Commonwealth organized as a limited liability company or limited liability partnership under the laws of the Commonwealth, or an appropriate business structure as determined by the Cannabis Control Commission, that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products for delivery to Licensed Marijuana Establishments but not to consumers.~~

~~HOST COMMUNITY AGREEMENT: An agreement between a Licensed Marijuana Establishment and the Town pursuant to G.L. c.94G, §3(d).~~

~~INDEPENDENT TESTING LABORATORY: A laboratory that is licensed by the State Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or Licensed Marijuana Establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Cannabis Control Commission.~~

~~LICENSEE: A person or entity licensed by the State Cannabis Control Commission to operate a Licensed Marijuana Establishment.~~

~~MARIJUANA: All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks,~~

~~except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination. The term also includes marijuana infused product except where the context clearly indicates otherwise.~~

~~MARIJUANA CULTIVATOR: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Licensed Marijuana Establishments, but not to consumers.~~

~~LICENSED MARIJUANA ESTABLISHMENT: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, any other type of licensed marijuana-related business or businesses at a single location, or any combination thereof at a single location.~~

~~MARIJUANA PRODUCTS: Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.~~

~~MARIJUANA PRODUCT MANUFACTURER: An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to transfer marijuana and marijuana products to other Licensed Marijuana Establishments, but not to consumers.~~

~~MARIJUANA RETAILER: An entity licensed to purchase and transport marijuana and marijuana products from Licensed Marijuana Establishments and sell or otherwise transfer marijuana and marijuana products to Licensed Marijuana Establishments and to consumers.~~

~~MARIJUANA TESTING FACILITY: An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.~~

~~MARIJUANA TRANSPORTATION OR DISTRIBUTION FACILITY: An entity with a fixed location or service that delivers marijuana and marijuana products to Licensed Marijuana Establishments and transfers marijuana and marijuana products to other Licensed Marijuana Establishments, but not to consumers. This shall include the temporary storage of marijuana products on premises associated with their transportation and distribution.~~

SECTION 8 - OPTIMAL DEVELOPMENT METHODS 8.1 BACK LOT DEVELOPMENT.

8.1.1 Purpose/~~Definition~~ – Back Lot Development allows a parcel with no contiguous land in common ownership to be divided into two lots, one of which does not meet the frontage requirements of Section 5, Intensity Regulations, provided that one of the lots meets all dimensional requirements, and the other meets all of the following requirements:

8.3 Conservation Development.

8.3.1 Purpose/~~Definition~~. The purpose of a Conservation Development is to encourage the preservation of common land for conservation, agriculture, open space, forestry and recreational use; to preserve historical or archaeological resources; to protect existing or potential public or private water supplies; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to promote better utilization of land in harmony with its natural features and with the general intent of the zoning bylaw through a greater flexibility in design; and to allow more efficient provision of municipal services. Conservation development shall mean a single and/or two-family residential development in which the houses are arranged together into one or more groups within the development and separated from adjacent properties and other groups by undeveloped land. This type of development may occur as either a subdivision or as lots being created in an existing public way. The Planning Board may *approve a Site Plan* [grant a Special Permit] *in accordance with Section 6.2 Site Plan Review* for a Conservation Development subject to the following: