



Meeting Minutes

Planning Commission

Wednesday, February 16, 2022

7:00 PM

Davies Memorial Library

Members Present: Jason Miller, Roberta Gillott, Kim Willey, Michael Barrett

Non-Members Present: Chris Brimmer

1. Call meeting to order at 7:07pm
2. Kim made motion, Jay seconded, minutes from January 19th approved.
3. No public in attendance – no public comment
4. ZA Report – Chris reported a few subdivisions ahead of the DRB for their next meeting. Not a tremendous amount beyond that at this time.
5. Addressed Accessory dwellings to comply with the state. Discussed, Jay made motion to approve, Roberta seconded, all in favor. New language in document attached to the minutes.
6. Private helipads to be added as strictly prohibited. Roberta made motion, Kim seconded, all approved. Verbiage located on same attached document (to the minutes), as the Accessory dwellings.
7. Reviewed proposed White Village District. Caught Jay up to speed on how we came to this thought and mapping. Roberta made motion to approve, J seconded, all in favor. Approved map and district wording attached to these minutes
8. Reviewed Higgins Hill District. To add wording for Objective, as indicated on attached document. Kim made motion, Jay seconded – all in favor.
9. Signs (321) discussed, with modifications. Will revisit with proposed modifications at our next meeting
10. Definitions approved with modification (adding sign painted on building wording). Jay motioned, Kim approved, all in favor. Definitions attached to this document.
11. Meeting adjourned at 8:30, Roberta motioned, Jay seconded, all approved.

Current language

§333 Accessory Dwellings

In accordance with Ch. 117, Section 4412(E), one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling shall be considered a permitted use. An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- (1) The property has sufficient wastewater capacity.
- (2) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
- (3) Applicable setback, coverage, and parking requirements specified in the bylaws are met.
- (4) Conditional use review shall be required for one or more of the following that is involved in creation of an accessory dwelling unit:
 - (a) a new accessory structure;
 - (b) an increase in the height or floor area of the existing dwelling; or
 - (c) an increase in the dimensions of the parking areas.

Proposed language

§333 Accessory Dwellings *updates required per S.237*

An accessory dwelling unit that is located within or appurtenant to *(drop phrase, insert)* on the same parcel as an owner-occupied single-family dwelling in any land use area or one and two family dwellings in the village use area shall be a permitted use so long as the unit is in compliance with the following:

- (1) the property has sufficient wastewater capacity;
- (2) the unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater; *(added language in black)*
- (3) applicable setback, coverage and parking requirement as stipulated in the Regulations are met.
- (4) Conditional use review shall be required for one or more of the following that is involved in creation of an accessory dwelling unit:
 - (a) a new accessory structure;
 - (b) an increase in the height or floor area of the existing dwelling; or
 - (c) an increase in the dimensions of the parking areas.
- (5) Owner of the parcel shall occupy either the original dwelling or the accessory dwelling unit.

§338 Private Helipads

Private helipads which are designed to facilitate the landing of general aviation helicopters operated by private pilots and not regulated by the FAA as commercial or public facilities are strictly prohibited.

Table 204.2: "WVD" White Village District

Objective: To conserve the integrity of the existing village, while preserving the historical character, and providing for medium density residential development, public uses, and limited central services and sales.

Permitted Uses:

- | | |
|--------------------------------|---|
| 1. Accessory use/structure (1) | 5. Accessory Dwelling - correction of what is currently there. |
| 2. Agriculture (2) | 6. Forestry (2) |
| 3. Dwelling, single family | 7. Home Occupation |
| 4. Dwelling, two family | |

Conditional Uses:

- | | |
|---|--|
| 1. Essential service - need definition added | 6. Residential Business/Cottage Industry |
| 2. Lodging house - propose removal from district | 7. Retail Sales - propose adding cap of 1750sf in definition |
| 3. Office | 8. School* |
| 4. Public assembly use | 9. Wholesale Sales replace with Church |
| 5. Public facility* | |

Minimum Lot Area & Dimensional Requirements

Lot area (acres) (3):	2.0	Front yard setback (ft.): 65 from center of road
Area / dwelling unit (acres) (3):	2.0	Side yard setback (ft.): 25
Lot frontage (ft.) (4):	200	Rear yard setback (ft.): 25

Footnotes

- (1) Accessory uses and structures for conditional uses shall require conditional use approval.
(2) Agricultural and forestry uses are exempted from the permit process by 24 VSA, § 4413(d).
(3) An acre equals 43,560 square feet.
(4) Lots located on the turnaround of a cul-de-sac shall have at least 100 feet of frontage.
*See section 209 (a) (2)

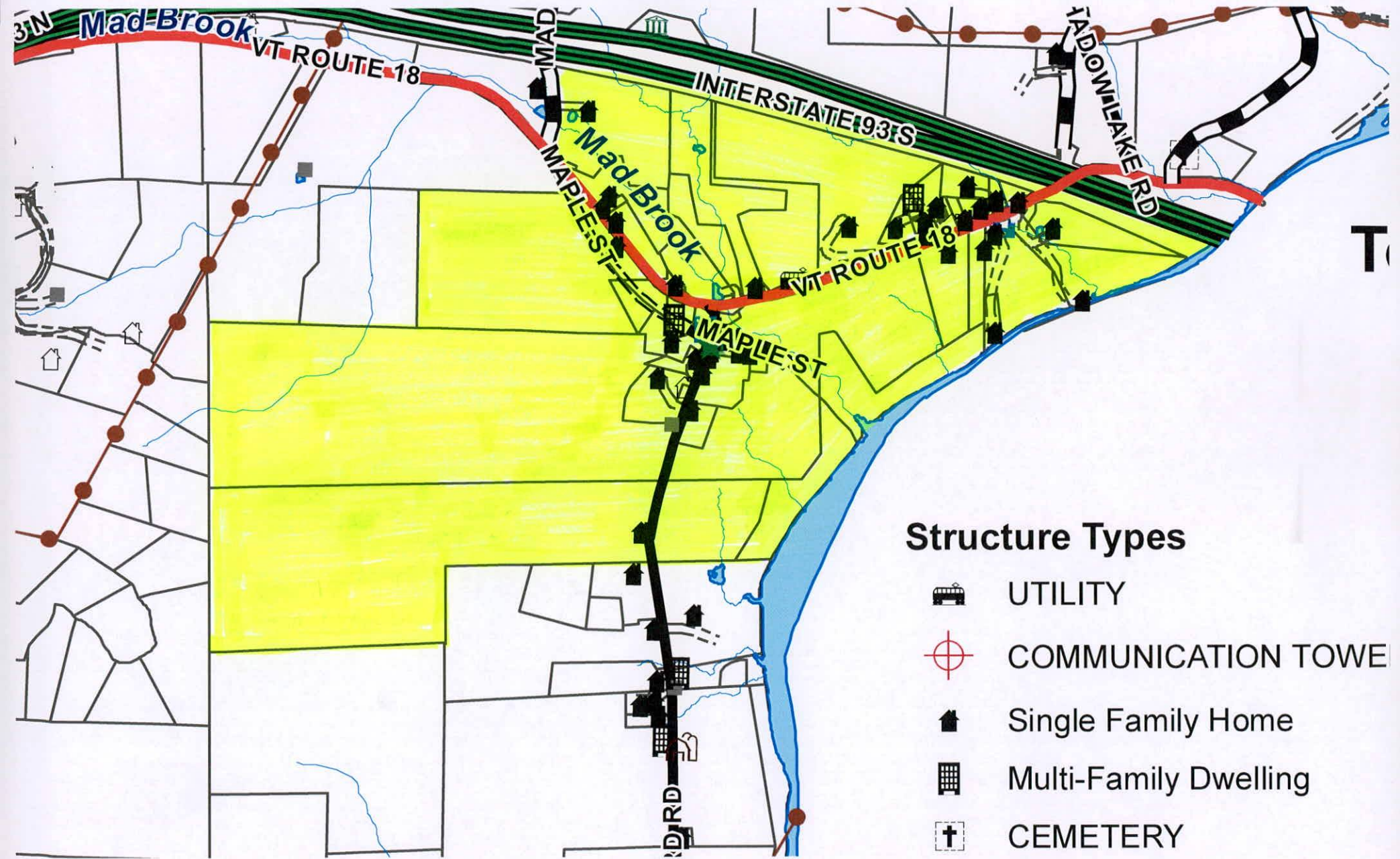


Table 204.4: "HHD" Higgins Hill District

Objective: - To enable multi-family housing, close to transportation and employment with potential for water and sewer services. This separate district can continue to provide compatibility with zoning from the abutting town.

Permitted Uses:

- | | |
|--------------------------------|------------------------|
| 1. Accessory use/structure (1) | 5. Dwelling, accessory |
| 2. Agriculture (2) | 6. Forestry (2) |
| 3. Dwelling, single family | 7. Home Occupation |
| 4. Dwelling, two family | |

Conditional Uses:

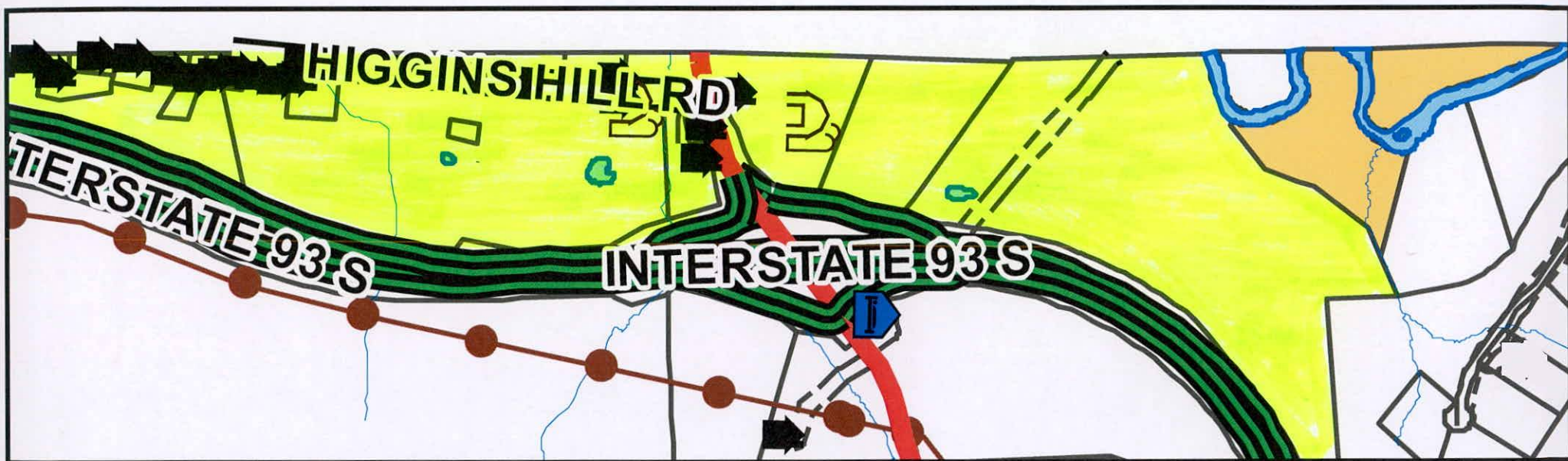
- | | |
|------------------------|--|
| 1. Essential service | 6. Residential Business/Cottage Industry |
| 2. Lodging house | 7. Retail Sales |
| 3. Office | 8. School* |
| 4. Public assembly use | 9. Wholesale Sales |
| 5. Public facility* | |

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Footnotes

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(3) An acre equals 43,560 square feet.
(4) Lots located on the turnaround of a cul-de-sac shall have at least 100 feet of frontage.
*See section 209 (a) (2)



Article VII DEFINITIONS

For the purpose of these Regulations, definitions of the following words and terms are to be interpreted as defined below and all other words shall be presumed to be as defined in Webster's Unabridged Dictionary, unless such definition runs counter to the purposes and objectives of these Regulations. The definition of terms defined in §4303 of the Act is hereby incorporated and made part thereof.

Accessory Dwelling - An accessory dwelling is defined as located within or appurtenant to an owner-occupied single-family dwelling, which is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation (Section 4.19) and does not exceed 30% of the livable floor area of the primary dwelling.

Accessory Use or Structure(s) - A use or building(s) ~~customarily~~ incidental and subordinate to the principal use or building and located on the same lot. When applied to agriculture, this shall be deemed to include farm stands. An accessory building(s) shall not be used for human habitation.

Acre – 43,560 square feet.

Act - The Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117.

Administrator – The Federal Insurance Administrator.

Administrative Officer (AO) – The Zoning Administrator for the Town of Waterford.

Adverse Impact – Inadequate, unsafe or unhealthy conditions that result from a land development.

Affordable Housing – 1. Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income as defined by the US Department of Housing and Urban Development and the total annual cost of the housing, including principal, interest, taxes, insurance and association fees is not more than 30 percent of the household's gross annual income; 2. Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income as defined by the US Department of Housing and Urban Development and the total annual cost of the housing including rent, utilities, and association fees is not more than 30 percent of the household's gross annual income.

Agriculture: The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding or management of livestock, poultry, equines, fish or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or waste produced on the farm.

Agricultural Purpose - Agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, silviculture, and animal and poultry husbandry. The terms shall not include the slaughtering of animals or poultry for commercial purposes.

Agricultural Use - The use of land containing at least ~~two acres that is~~ 4 contiguous acres, used for agricultural purposes.

Alluvial Fan Flooding – flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows, active processes of erosion, sediment transport and deposition with unpredictable flow paths.

AMP – Appropriate Municipal Panel, global term for a municipal board with the jurisdiction over one matter or another. AMPs include Selectboards, DRBs, Planning Commissions and BCAs.

Antenna - A device attached to a tower or other structure for transmitting or receiving electromagnetic waves.

Annexation – The merger of previously subdivided lots into a unified parcel, lots subject to an annexation must be in common ownership and may not be bisected by a public ROW or road.

Apartment Building - A multi-family dwelling containing five or more dwelling units.

Apartment House – A multi-family dwelling containing three to four dwelling units.

Apex – a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Applicant - The owner of land proposed to be subdivided or his/her representative. Any party with a legal interest in the property may apply in cooperation with the owner of the property.

Approval - The form of approval shall be a written resolution prepared by the Development Review Board and attached to the subdivision application, or in the event that the Development Review Board should fail to act within the 45 day time limit specified in Article II, Section 3 of these Regulations, certification of such failure to act by the Town Clerk, and recording of the approved application and subdivision plan with the Town Clerk, in accordance with the conditions set forth in Article II, Section 3 of these Regulations.

Aquifer – A geological formation, group of formations or part of a formation either composed of unconsolidated rock, sand, gravel, or other unconsolidated soils, or composed of bedrock with an interconnected series of crevasses, fractures, joints, faults, cleavages, bedding planes, porosity, or other geologic features which allow groundwater to move in the subsurface environment and are capable of storing and yielding groundwater to wells and springs.

Area of Shallow Flooding – a designated AO or AH zone on a town's Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity of flow may be evident. Such flooding is characterized by ponding or sheet flow.

Auto Sales and Service – The use of any building, land area or other premises for the display, sale, servicing, or repair of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles.

Auto Service Station – Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or deigned to be used for polishing, greasing, washing, spraying, cleaning or servicing such motor vehicles. A service station is not a sales or major repair agency for autos, trucks, or trailers.

Base Flood – The flood having a 1% chance of being equaled or exceeded in any given year.

Bank - An establishment that provides savings and checking accounts, loans, and other financial assistance to the general public.

Basement – any area of a building having its floor sub-graded (below ground level) on all sides.

Buffer -- Any space between adjoining uses intended and designed to reduce the impact of one use upon the other including open space, woodland, landscaped areas and other types of visual and sound barriers.

Building -- A structure having a roof supported by columns or walls, to include gas or liquid storage tanks and intended for the shelter or enclosure of persons, animals or chattel.

Buildings Accessory - A building customarily incidental and subordinate to the principal building and located on the same lot.

Building Setback - The distance measured from the centerline of a permanent right-of-way or public road to the front portion of a building closest to said centerline. Such a distance shall include porches, whether enclosed or unenclosed but does not include steps.

Buildout Analysis – A form of analysis predicting the total amount of development that could possibly occur in a given area under existing or proposed legal constraints (e.g., zoning ordinance) and environmental constraints (e.g., wetlands, floodplains, steep slopes, etc.).

Bylaws – Municipal regulations applicable to land development adopted under the authority of Chapter 117 (including Zoning and Subdivision Regulations, Flood Hazard Bylaws, Source Protection Regulations, Official Map). See 24 VSA §4403(4).

Campground - Land upon which two (2) or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

Capacity Study – an inventory of available natural and manmade resources, based on detailed data collection, which identifies the capacities and limits of those resources to absorb land development.

Carrying Capacity – The capability of a resource to sustain a level of use without having its qualitative features degraded in any significant way.

Cemetery – Property used for the interning of the dead.

Certificate of Compliance – A permit, typically issued at the completion of construction documenting compliance with all of a community’s land use regulations and building codes and authorizing the owner to use the property for the purposes specified in the permit.

Character of the Neighborhood – Qualities that make a neighborhood distinct relative to factors such as architectural styles, structures, appearance, physical components street design, etc.

Child Care - A home or facility where the owner or operator is to be licensed or registered by the state for childcare.

Church - A building which is erected or converted for use as a church or similar house of worship, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs, use or other architectural features.

Cluster Development – Land development that concentrates land uses on lots that sometimes have been reduced in size below the minimum size required by the zoning bylaw to allow the remaining land on a site to be used for recreation, common open space, community infrastructure and services, or the preservation of environmentally sensitive areas.

Commercial Use - Use of a building or land for the manufacture, purchase, sale, or exchange of goods and commodities, services, and amenities.

Commercial Camp Sites and Campgrounds – Commercial use for the accommodation of transient guests sleeping in tents or recreational vehicles.

Commercial Nursery, Landscape Yard – Commercial use entailing the growing of plants for sale, the storage and sale of landscaping materials and equipment.

Commercial Summer Camps – Commercial use entailing the housing, feeding, entertainment and education of both children and adults in an outdoor setting for seasonal lengths of time.

Community Sewage Disposal System - Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person, which disposes of sewage created by two or more domestic, commercial, industrial, or institutional sources.

Community Water System - Any water system that supplies water for domestic, commercial, industrial, or institutional uses to two or more customers or users.

Compatibility – The characteristic when multiple land uses may be located next to or near one another without causing significant adverse impacts on one another.

Contractor’s Yard - A lot or portion of a lot, with or without buildings, used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

Construction - The undertaking of the first improvement on a tract of land, including work preparatory to construction such as clearing, the staking out or use of a right-of-way or in any way incidental to the altering of land according to a plan or intention to improve or to divide land by sale, lease, partition or otherwise transfer an interest in the land. Activities which are principally for the preparation of plans and specifications that may be required and necessary for making application for a permit such as test wells and pits, percolation tests and line of sight clearing for surveys are not commencement of construction.

Contamination - An impairment of water quality by chemicals, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water.

Correctional Facility - A building that is used for the incarceration, punishment, and/or rehabilitation of persons convicted of crimes.

Cul-de-sac - A road intersecting another road at one end and terminated at the other end by some form of vehicular turnaround.

Cottage Industry - Home businesses that involve the manufacture of goods or the provision of services using chemical processes; high heat; equipment or technique that produces high levels of sound or vibration; or produces emission of dust, smoke or odors. Examples of a cottage industry include but are not limited to commercial auto repair, black smithy, silk screen printing, firing of ceramics or pottery, welding, and commercial scale woodworking.

Dedication - The formal acceptance by the Town of Waterford of title to streets, easements, or land to be used for public purpose.

Deeryard – A place where deer congregate in the winter, winter deer habitat or winter-feeding grounds.

Density – The number of dwelling units or units of non-residential use that are authorized or planned for a unit of land area.

Design Standard – A minimum or maximum standard prescribed by a bylaw that governs a physical characteristic of a Land Development, Building or Structure (such as its size or shape).

Development – The division of a parcel into two or more lots, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation of landfill and any change in the use of any building or other structure, or land or extension of use of land.

Development Review Board - The Development Review Board of the Town of Waterford, Vermont, as created under 24 V.S.A. Chapter 117, the AMP intended to interpret and uphold the land use bylaws of the Town of Waterford.

Disapproval - The form of disapproval is by a written Notice of Decision by the **Development Review Board** and attached an application and a recording of the disapproved application and plan with the Town Clerk, in accordance with the provisions of this bylaw.

Dwelling, Accessory - An efficiency or one bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, which is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

Dwelling Unit - One room or rooms connected together, constituting, a separate housekeeping unit with independent cooking, sanitary and sleeping facilities, and physically separated from any other rooms or dwelling units which may be in the same structure. Not included are motels, hotels, tourist homes, lodges, clubs, hospitals, or similar structures.

Dwelling, One Family - A detached residential building including mobile and manufactured homes, designed for and occupied by one family only.

Dwelling, Two Family - A residential building designed for or occupied by two (2). families living independently of each other in individual attached dwelling units.

Dwelling, Multi-Family - A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided, for purposes of this Bylaw multi-family dwellings are broken into the categories of apartment house and apartment building.

Dwellings Year-Round - Building used as living quarters for a family designed and used for year-round residence, containing properly functioning sewer and water systems for the proposed or existing intensity of use.

Earth Resources Extraction - Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land, on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Economic Development – The sustained, concerted actions of the policy makers and communities that promote the standard of living and economic health of a specific area.

Essential Service - The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, and including buildings, reasonably necessary for the furnishing of adequate service by such public utilities municipal or other governmental agencies or for the public health, safety, or general welfare.

FAA - Federal Aviation Administration.

Facility - Something that is built, installed, or established for a particular purpose.

Family - One or more persons occupying a single dwelling unit(s), provided that, unless all members are legally related, no such family shall contain over five persons, but further provided

that domestic servants and farm workers employed on the premises may be housed on the premises without being counted as a family or families.

FCC- Federal Communications Commission.

FEMA – Federal Emergency Management Agency.

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

FIRM – The Flood Insurance Rate Map, an official map of a community on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Hazard Area - Those lands subject to flooding from the 100-year flood, as defined in the existing or subsequently revised "Flood Insurance Study for the Town of Waterford Vermont", and the "Flood Insurance Rate Map" (FIRM), published by the Federal Emergency Management Agency (FEMA), and available at the Town Clerk's office.

Flood Insurance Study – an examination, evaluation and determination of flood hazards and if appropriate corresponding surface elevations.

Floodplain - Land adjoining rivers and streams identified by the Army Corps of Engineers and FHBM Flood Hazard Boundary Map as being subject to occasional flooding.

Floodproofing – Any combination of structural and nonstructural additions, changes, or adjustments to structures which eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents.

Floodway – 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 more than a designated height.

Forestry - The harvesting of timber and the erection of temporary structures and the construction of logging roads for the purpose of harvesting timber.

Fragmentation – Dividing areas used by wildlife for habitat with land uses or development into areas that are too small or lack all of the needed features to serve as habitat for specific species.

Fringe Area – As defined by the floodway schematic.

Frontage - That portion of a lot which is adjacent and parallel to a street, road or right-of-way.

Gray Water - All domestic wastewater except toilet discharge water.

Groundwater - Water below the land surface in a zone of saturation.

Growth Center – Land Use term defined by Vermont statute as an area of land that incorporates a mix of uses that typically or potentially include uses such as retail, office commercial, civic, recreational, industrial and residential within a densely developed, compact area that promotes social interaction. Growth Centers are located in or adjacent to a designated downtown, village center or new town center with clearly defined boundaries that have been approved by one or more municipalities in their municipal plans to accommodate a majority of growth anticipated over a 20-year period.

Halfway House, Halfway Housing – Community release institution.

Hazard Area – Land subject to landslides, soil erosion, earthquakes, water supply contamination, or other natural or man-made hazards as identified within a local mitigation plan in conformance with and approved pursuant to the provisions of 44 C.F.R. §201.6. See 24 VSA §4303(8)(C).

Hazardous Material - means all petroleum and toxic, corrosive or other chemicals and related sludge included in any of the following: 1) any substance defined in section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; 2) petroleum, including crude oil or any fraction thereof; 3) hazardous wastes, as defined in this Article; 4) "Hazardous material" does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, state and local laws and regulations and according to manufacturer's instructions; 5) "Hazardous material" does not include livestock wastes.

Hazardous Waste - Any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including, but not limited to those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition. The storage and handling of livestock wastes, and by-products are specifically excluded from this definition.

Heavy Equipment Yard – Commercial use of a lot for the storage and sale of heavy equipment.

Historic Preservation – The research, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archaeology or culture of the state of Vermont, its communities or the nation (22 VSA §701(5)).

Historical Structure – Any structure that is either: a) listed individually in the National Register of Historic Places (a listing maintained by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or b) certified or preliminarily determined by the

Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined to by the secretary to qualify as a historic district; or c) individually listed on a state inventory of historic places in states with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

Home - A dwelling occupied as a primary residence by one or more individuals.

Home Occupation - Any occupation customarily carried on by a resident occupying a minor portion of a dwelling or accessory structure which is clearly secondary to the principal use and does not materially change the character thereof, including but not limited to the operation of a beauty parlor, insurance office or professional office as defined and regulated in the Waterford Zoning Regulations §303.

Hospital - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Hotel - A building and use providing lodging and usually meals and alcoholic beverages for the public, especially transients.

Impact – A consequence of an effect generated by a Land Use. An impact is most often considered to be significant when it is experienced off of the lot or parcel of the Land Use that generated the effect.

Industrial is a principal commercial use as defined by the following categories:

Light Industrial: Mechanical transformation of materials or substances that does not entail the handling of molten metals, the use of chemicals or materials that are hazardous in the quantities or concentrations that would be present at the manufacturing location, does not produce liquid or gaseous waste products requiring special treatment or control processes, or produces solid waste requiring special handling or long term storage at the site of the industrial use. Light industrial shall not produce dust, smoke, noise, vibration, heat, odors or electrical or magnetic disturbances detectable outside of the manufacturing structure or equipment. The assembly of component parts into finished products is considered light manufacturing where the activity does not entail the use of substances, or the production of byproducts excluded from this definition.

Medium Industrial: Mechanical or chemical transformation of materials or substances into new products that does not entail the handling of molten metals, does not produce liquid or gaseous waste products that cannot be rendered non-hazardous by onsite treatment and control processes, or produces solid waste requiring special handling. Manufacturing activities shall not use chemicals that would be hazardous in the quantities present at the site, produce dust, vibration, heat, odors or electrical or magnetic disturbances detectable beyond the property line, and noise levels at the property line shall not exceed 50dbL.

Heavy Industrial: Mechanical or chemical transformation of materials or substances into new products that entails the handling of molten metals, the production of liquid or gaseous waste products that cannot be rendered non-hazardous by onsite treatment and control processes, production of solid waste requiring special handling and/or long term on site storage, Where such industrial activity entails the use of chemicals or substances that are hazardous in the quantities or concentrations that would be present at the manufacturing location, open storage of these materials is prohibited, and plans for the control of these materials must be approved by the Development Review Board., manufacturing activities shall not produce dust, vibration, heat, odors, electrical or magnetic disturbances, or noise levels in excess of 50dbI detectable beyond the property line.

Infrastructure – Facilities and installations (such as streets and utilities) that are necessary for the use and development of land. The term’s usual usage is in reference to public facilities but may also be applied to planned improvements for subdivisions or PUDs, especially those that will be dedicated to the town.

Land Development - The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure, or any mining, excavation, or landfill, and any change in the use of any building or structure, or land or extension of use of land, excepting agricultural forestry, outdoor recreation, and wildlife refuge uses within the floodplain district.

Land Use – The purpose for which land or the structures thereon are being utilized (e.g., commercial, residential or retail). Also used as a description of activities found throughout a specified area.

Level of Service - The operating conditions that a driver will experience while traveling on a particular street or highway, including frequency of stops, operating speed, travel time, traffic density.

Liquor Store – a state franchised retail shop that sells prepackaged alcoholic beverages to consumers, typically in bottles, intended to be consumed off the store's premises; liquor store is not a permitted or conditional use in the Town of Waterford.

Loading Space - Off-street space for the temporary parking of a vehicle for the purpose of loading and/or unloading.

Lodging House - A building in which the rooms are rented with or without meals to three (3) or more persons. A boarding house, rooming house or a furnished room shall be deemed a lodging house.

Lot - A plot of land, which complies with all of the dimensional requirements for the district in which such land is located.

Lot Area - The total area within the property lines of the lot, excluding public streets, roads, and rights-of-way and meeting the district requirements of these Regulations. For purposes of subdivision proceedings, the total surveyed land area within the boundaries of a proposed lot, exclusive of any land area designated for a public road as measured to the boundary of such right of way or easement.

Lot Frontage - The minimum length of the front lot line as required by Tables 204.01 to 204.03 found herein.

Lot Frontage Minimum - That portion of a lot that is adjacent and parallel to a public road or street.

Lot Line, Front - That lot line separating a lot from a public right-of-way. In the event of a land locked parcel, that lot line that transects the private right-of-way providing access to the land locked parcel. Where the width of a public right-of-way has not been established, the front lot line shall be considered to be twenty-five feet from the center of the traveled portion of the right-of-way.

Lot Line, Rear - That lot line most nearly parallel to and most distant from the front lot line.

Lot Line, Side - Any lot line that is not a front or rear lot line.

Lowest Floor – The lowest floor if the lowest enclosed area (including basement), 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 of §404.

Lot Line Adjustment – A mutually agreed to shift in a boundary line between two parcels.

Major Subdivision - Any residential subdivision containing four or more lots or requiring any new road in excess of 800 feet in length, or any commercial, industrial or commercial recreational project, multifamily housing project, planned residential development or planned unit development, or a series of minor subdivisions of a tract of land occurring over a period of five years creating four or more lots, which meets the definition of a subdivision.

Manufacturing - Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

Manufactured Home – A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connect to the required utilities. It does not include recreational vehicles or travel trailers.

Manufactured Home Park or Manufactured Home Subdivision – A parcel of land divided into two or more manufactured home lots for rent or sale.

Marijuana Establishment - a cultivator, product manufacturer, testing laboratory, retailer, dispensary or marijuana lounge involved with the commercial production, manufacture, distribution or commercial sale of marijuana; marijuana establishment is not a permitted or conditional use in the Town of Waterford.

Marijuana Lounge - an entity registered to sell marijuana or marijuana-infused products to

consumers for on-site or off-site consumption; marijuana lounge is not a permitted or conditional use in the Town of Waterford.

Marijuana Product Manufacturer - an entity registered to manufacture, prepare, and package marijuana-infused products and hashish, and to sell marijuana, including hashish, and marijuana-infused products to a retailer, marijuana lounge, or another product manufacturer; marijuana product manufacture is not a permitted or conditional use in the Town of Waterford.

Master Plan – An officially adopted plan that describes, analyses and makes Policies about a wide range of topics (such as community facilities, economy, housing, land use, population and transportation) to guide the development of an entire area (municipality, region or state). See 24 VSA §4382 and §4348a.

Mean Sea Level – For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other successor datum, to which base flood elevations shown on a Town's Flood Insurance Rate Map are referenced.

Medical Outpatient Clinic – A non-profit or for-profit medical facility that offers outpatient and emergent care services to the exclusion of inpatient housing.

Membership Club - An organization operating on a membership basis with pre-established formal membership requirements and with the intent to promote the interests of its members. Such an organization includes trade associations, professional organizations, unions, and similar political and religious organizations.

Methadone Clinic – A medical facility whose primary function is the distribution of methadone or other treatments to patients for the outpatient treatment of opioid addiction. Methadone clinic is not a permitted or condition use in the Town of Waterford.

Minor Subdivision - Minor subdivisions are characterized by lot counts below the trigger for Act 250 permitting, they lack complicated site conditions and involve relatively simple access and easement arrangements.

Mobile Home - A structure, transportable in one or more section, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. This term does not include recreational vehicles.

Mobile Home Park - Any parcel of land under single or common ownership or control which contains at least 10, nor more than 25 mobile home units, or is designed, laid out, or adapted to accommodate homes, nothing herein shall be construed to apply to premises used solely for display or storage of mobile homes.

Motel - Building containing rooms which are rented as a series of sleeping units for transients, each sleeping unit consisting of at least a bedroom and a bathroom.

Motor Vehicle Sales – Commercial use entailing the buying and selling of motor vehicles.

Municipal Services – Street lighting, policing, snow clearance, library, transfer station, Town Clerk and Town recreational operations.

Municipality – A town, city, an incorporated village or an unincorporated town or gore.

Natural Area – An area of land or water that is not dominated by manmade features containing significant flora, fauna and geological features.

Neighborhood – An area that shares a common function and/or character. It may refer specifically to an area whose residents regard it to be a separate community, or a collection of residential, commercial and institutional land uses that form a basic unit of community planning.

New Construction – For the purposes of determining insurance rates, structures for which the “start of construction” is commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later and includes any subsequent improvements to such structures. 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 and includes any subsequent improvements to such structures.

Noncompliance, also Noncompliant – Nonconformity in violation of the existing ordinances and as such actionable under violation procedures.

Nonconforming Lots or Parcels – lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances and regulations prior to the enactment of the present bylaws, including a lot or a parcel improperly authorized as a result of error by the administrative officer.

Nonconforming Use - A use of land, building, or premises which is not a use permitted by the provisions of this ordinance for the district in which such land, building or premises are situated but which was legally existing at the effective date hereof.

Nonconforming Structure - A structure not complying with the zoning regulations for the district in which it is located, where such structure complied with all applicable laws, ordinances and regulations prior to the enactment of this ordinance.

Nonconformity – a nonconforming use, structure, lot or parcel; the quality of a use, structure, lot or parcel that is nonconforming to the current bylaw.

Normal Waterfront Facilities - Any docks, wharves, floats, and boat houses without toilet facilities.

Office - A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

Open Space - Land not occupied by structures, buildings, roads, rights of way, recreational facilities and parking lots.

Outdoor Recreation - Uses including public or privately owned golf courses, parks, tennis courts,

playing fields, and similar places for outdoor recreation.

Overlay District (Overlay Zone) – A Zoning District (with boundaries that may or may not coincide with those of regular zoning districts) used to define special areas or uses. Overlay Districts may be used to impose regulations that supplement those of the underlying zoning districts.

Parcel – An area of land containing one or more lots under common ownership or control. As applies to subdivision proceedings, a parcel is the original area of land subject to subdivision into lots.

Parking Space - Off-street space used for temporary location of one licensed motor vehicle, which is at least 10 feet wide and 20 feet long, not including access driveway, and having direct access to a street or approved right-of-way.

Permitted Use (Permitted by Right Use) – A **residential** Land Use that does not require action by an AMP before a Zoning Permit is issued or a commercial Land Use only subject to site plan review.

Person - Any individual, partnership, corporation, association, unincorporated organization, trust or other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls the tract or tracts of land to be developed. The word "person" also means any municipality or State agency.

Personal Services – a commercial use featuring services provided on site, i.e., barber, hair or nail salon. Retail of goods may only be secondary and directly related to the service offered.

Phased Development – Required timing or other limitations on a particular development under the authority of a Bylaw to avoid or mitigate any undue adverse impact on existing or planned community facilities or services. See 24 VSA §4422.

Planned Residential Development (PRD) – A type of Planned Unit Development that provides for a mixture of housing types or densities and typically involves Cluster Development.

Planned Unit Development (PUD) – One or more lots, tracts or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. The plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space or other standards. See 24 VSA §4303(19) and §4417.

Planning Commission – The Planning Commission of the Town of Waterford Vermont as created under 24 VSA Chapter 117.

Plat - A map or representation on paper or mylar of a piece of land subdivided into lots and roads, drawn to scale. A plat in this context is submitted by a subdivider or developer to determine if the proposed Land Development will comply with the requirements of the Bylaw. Plats are required to meet standards concerning format and information.

Policy – Any goal, objective, strategy or action that is recommended in a Comprehensive Plan or a special plan as a guide for subsequent decision making.

Premises - A lot as defined in this section, including any buildings thereon.

Primary Retail – A commercial use designed to sell goods directly to the public on a walk-in basis.

Primary Containment Facility - A tank, pit, container, pipe or vessel of first containment of a liquid or chemical, excluding the storage and handling of livestock wastes and by-products

Principal Building - A building in which is conducted the main or principal use of the lot on which such building is located. Attached garages, porches, or carports open at the side but roofed are part of the principal building. Any building providing sleeping quarters is a principal building.

Principal Use - The primary or predominant use of any lot.

Private Club - A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

Professional Offices - Offices of an architect, accountant, dentist, Doctor of Medicine, land surveyor lawyer, real estate or insurance agent and other similar type uses.

Public Assembly Use - Usage by agencies and departments of local, county, state and federal government. Includes auditorium, theater, public hall, meeting hall, church or temple.

Public Facility - Any area of land, including structures thereon, used or intended to be used by agencies of local, county, state, and/or the federal government.

Public Improvement - Any improvement which shall be owned or maintained by the Town of Waterford.

Public Notice – The form of notice prescribed by 24 VSA §4444, §4449 or §4464 as context requires but broadly meant to refer to the required posting in public places, publication in newspaper of record and web listing of the time and place of a public hearing or other proceeding warning of that public hearing or proceeding the required number of days before taking place.

Public Road – a state highway as defined in 19 VSA §1 or a class 1, 2 or 3 town highway as defined in 19 VSA §302(a), or a class 4 town highway if the Town has so selected. For purposes of setting front setbacks all road frontages require front setback distances.

Public Water Supply - Any system(s) or combination of systems owned or controlled by a person, which provides drinking water through pipes or other constructed conveyances to the public and that has at least 15 service connections or serves an average of at least 25 individuals daily for at

least 60 days out of the year. Such term includes all collection, treatment, storage and distribution facilities under the control of the water supplier and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. In addition, this includes any water supply system with ten or more residential connections.

Rear Setback - Setback between the principal building or accessory use building and a rear lot line and extending through from the front yard to the rear yard.

Recreation - A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. This shall not include automobile or other motorized vehicle racing tracks.

Recreational Vehicle - A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Redevelopment – The conversion, reuse and/or reconstruction of buildings, structures, neighborhoods and communities.

Release - Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material and/or hazardous waste, excluding the storage and handling of livestock wastes and by-products.

Residential Business or Service – a home business larger in scale than a home occupation to be conducted from a portion of a dwelling not to exceed 50% of the livable floor space, or from an accessory structure; in no circumstance shall more than 25% of a residential lot be devoted to a residential business or service including; the footprints of the portions of all structures used for the residential business or service, any permitted open storage areas, and any required parking areas. Exterior alteration of the accessory structure or dwelling to indicate its use as a business or service is prohibited. Upon determination of the DRB bed and breakfast operations may be exempt from this criterion and outdoor storage of materials may be permitted.

Residential Development – One or more homes or structures intended to be used as a residence or residences along with accompanying accessory structures such as garages, sheds, storage buildings, etc.

Resort - A multi-faceted recreational facility to which persons go for relaxation, customarily offering lodging and food.

Resort Accommodations – Commercial accessory uses, and buildings associated with the housing, feeding and entertainment of resort guests.

Restaurant – Commercial use that features sale of food ready to eat to the public for consumption on site or for take away.

Retail Sales – Establishments, not to exceed 1750sf, engaged in selling goods or merchandise to

the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Road - A highway, street or other way which exists for vehicular travel, exclusive of a driveway serving not more than two single family residential uses or lots. The word "road" shall mean the entire right of way. See also Public Road.

Sawmill – Commercial processing of timber into lumber and other wood related products on an industrial scale.

Scale – The size and proportion of a Building, Structure or Land Development in comparison with nearby development.

School - Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

Secondary Containment Facility - A second tank, catchment pit, pipe, or vessel that limits and contains a hazardous material or hazardous waste leaking or leaching from a primary containment area; monitoring and recovery are required excluding the storage and handling of livestock wastes and by-products.

Service Areas - Any outdoor area of land that is used for the erection or placement of accessory uses including but not limited to dumpsters, fuel tanks, electrical utilities and/or heating and ventilation systems.

Setback - Space on a lot not occupied with a building. Porches, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into the required setback.

Shoreland – Land between the normal mean water mark of a lake, pond or impoundment exceeding 20 acres and a line not less than 500 feet or more than 1,000 feet from such mean high-water mark. See 10 VSA §1422(8) and §4424.

Side Setback- Setback between the principal building or accessory use building and a side lot line and extending through from the front yard to rear yard.

Sign, Signage – As regulated per §320 of this regulation, any assemblage of materials for the purpose of attracting public notice, whether for a commercial purpose or not, either freestanding or attached to, or displayed upon, a building.

Site Plan – A Plat that depicts the general layout of a proposed Land Development.

Site Plan Review – The process by which an AMP reviews the Site Plan for a proposed development to ensure that the development will conform to applicable regulations. See VSA §4416.

Smart Growth – The pattern of land development that uses land efficiently, reinforces community vitality and protects natural resources. Smart Growth strategies include efforts to maintain

Vermont's historic settlement pattern, encourage concentrated development in and around downtowns and villages while supporting Vermont's rural working land.

Source Protection Overlay District – Mapped area designed to protect the quality of public drinking water supplies through enhanced regulations and Development Review Board oversight.

Special Hazard Flood Area (SHFA): SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30.

Spill Response Plans - Detailed plans for control, re-containment, recovery and cleanup of hazardous material and/or hazardous waste releases, such as during fires or equipment failures.

Sprawl – A scattered untimely and poorly planned development. It is an inefficient planning practice, which is usually motor vehicle dependent and consumes land necessary for agricultural or natural resource protection. Sprawl typically manifests in the form of; leapfrog development, strip mall or ribbon development and large lot single family units, strip commercial land development so each individual establishment has direct access to road and parking areas.

Stormwater Runoff - Precipitation that does not infiltrate the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain or wastes from combined sewer overflows.

Stormwater Treatment Practice (STP) - A stormwater treatment practice that is a specific device or technique designed to provide stormwater quality treatment and or quality control.

Start of Construction – Technically defined in §1909.1 of FEMA current National Flood Insurance Program rules and regulations.

Street - Any street, avenue, boulevard, road, and other right-of-way excluding private driveways.

Streetscape – The appearance or view of a street.

Structure - An assembly of materials for occupancy or use, including but not limited to a building, mobile home, vehicles used as structures, swimming pools, signs and free-standing renewable energy devices. For the purpose of these regulations, the term does not include driveways, fences, stone walls, mailboxes, flagpoles, dog houses, tents, and other minor structures and installations.

Subdivider - Any person who shall lay out for the purpose of transfer of ownership or right to use any subdivision or part thereof. The term shall include an applicant for subdivision approval.

Subdivision- The division of a parcel of land into two or more lots, plots, or parcels. For the purposes of this regulation, see definitions of major and minor subdivisions.

Subdivision Regulation – A municipal bylaw that may regulate the procedures and requirements for the submission and processing of plats; and establish standards for the design and layout of

streets, curbs, gutters, streetlights, fire hydrants, shade trees, water, sewage, drainage facilities, public utilities and other necessary public improvements. See 24 VSA §4418 and §4463.

Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvements- Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by a code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Time-Of-Travel Distance - The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.

Tower- A structure more than 20 feet in height above the ground elevation, built for the purpose of supporting, elevating, or placement of antennas for broadcast services or wireless services.

Trip-end- Traffic count term referring to a vehicle arriving or leaving a location via the public roads.

Trucking Terminal – An area and building where cargo is stored and where trucks load and unload on a regular basis.

Variance - An exception to the Zoning Regulations resulting from the physical circumstance, or characteristics of the particular property in question that causes a hardship not created by the property owner (i.e., purchasing a non-conformity is a self-created hardship).

Vehicle Fuel Sales – Retail or fleet sale of motor vehicle fuels, this commercial use is conditional in any zone in which it is allowed.

Waiver - An exception to the setback requirements granted by the AO to improve ADA compliant access.

Waterfront Setback - The distance measured from the mean water level to the nearest building excluding normal waterfront facilities.

Watershed – An area of land that drains water, sediment and dissolved material to a common outlet at some point along a stream channel.

Wetland – An area of the state that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil

conditions for growth and reproduction. See 24 VSA §4303(32).

Warehouse/Storage Units - A building used primarily for the storage of goods and materials. This shall include structures containing separate storage spaces of varying sizes leased or rented on an individual basis.

Wholesale Sales - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wildlife Corridor – An area of habitat connecting wildlife populations separated by human activity or structures such as roads, development or logging.

Wireless Communications Facility- A tower, pole, antenna, guy wire, or related fixtures or equipment intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum based transmission reception and for which a license is sought or has been granted by the FCC; the construction or improvement of a road, trail, building, or structure incidental to a communications facility.

Vantage Point- A point located on a public highway or public body of water from which a proposed wireless communication facility will be visible.

Yard Sale, also Garage Sale, Lawn Sale, Tag Sale – The sale of pre-owned household goods by the owner of those goods from a residence on an incidental basis. Yard sales may be held no more than six (6) times a year from any single residence and may not feature the sale of goods specifically purchased for re-sale. Items for sale and display paraphernalia shall be removed upon the conclusion of each event.

Zoning – A type of land use regulation governing the location, type and density of development within a community through the delineation of one or more zones or zoning districts, as depicted on a zoning map. Local zoning regulations must conform to the municipal plan, including the plan's land use goals and recommendations and proposed land use map.

Zoning Administrator (ZA) – Local administrator in charge of enforcing the municipal zoning regulations. The ZA is responsible for providing information to the public, reviewing plans and documentation for compliance and assisting applicants with their requests for permits, site plan reviews, conditional use permits, waivers and variances.

Zoning Map (Official Zoning Map) – The map officially adopted as part of a Zoning Bylaw that identifies Zoning District boundaries (Land Use Map).