

ARTICLE X. DEFINITIONS

Section 10.1 Terms & Usage

(A) Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in these regulations shall have their usual, customary meanings.

(B) In the interpretation of words and terms used, defined, or further described herein, the following shall apply:

- (1) the particular controls the general,
- (2) the present tense includes the future tense,
- (3) the word "shall" is mandatory; the word "may" is permissive; the term "generally shall" indicates that it is mandatory unless the Development Review Board or other applicable body deems otherwise in accordance with these regulations,
- (4) the word "structure" includes "building,"
- (5) the word "road" includes "street," and
- (6) the word "lot" includes "parcel."

(C) For the purposes of flood hazard area regulation under Section 5.5, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided herein.

(D) Any interpretation of words, phrases or terms by the Zoning Administrator may be appealed to the Development Review Board under Section 9.5. In such cases, the Board shall base its decision upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations. The Board shall publish and update from time to time such written interpretations, to ensure consistent and uniform application of the provisions of these regulations.

Section 10.2 Definitions

Accepted Agricultural Practices (AAPs): Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Secretary of the Vermont Agency of Agriculture, Food and Markets (see exemptions under Section 9.2). See also Agriculture, Farm Structure.

Accepted Management Practices (AMPs): Accepted practices for silviculture (forestry) as currently defined by the Commissioner of the Vermont Department of Forests, Parks and Recreation (see exemptions under Section 9.2). See also Forestry.

Access: A defined area of ingress and/or egress between a property and an abutting road right-of-way (e.g., a curb cut) or surface water. See also Driveway, Road.

Accessory Dwelling: See Dwelling/Accessory.

Accessory Structure: A structure which is clearly incidental and subordinate to the principal use of or structure on a lot, located on the same lot as the primary structure or use, and clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, playhouses, and wading or swimming pools which are incidental to the residential use of the premises and not operated for gain. See also Accessory Dwelling, Accessory Use.

Accessory Use: A use which is customarily incidental and subordinate to the principal use of a lot, is located on the same lot as the principal use, and is clearly and customarily related to the principal use. See also Accessory Structure.

Act: 24 V.S.A., Chapter 117, the Vermont Municipal and Regional Planning and Development Act as most recently amended.

Adaptive Reuse: The rehabilitation or renovation of an existing historic structure, as listed on the *Vermont Historic Sites and Structures Survey for the Town of Bolton*, the National Register of Historic Places, or another list prepared and maintained by the town for this purpose, for another use as specified in these regulations (see Section 4.3).

Adequate Coverage: Coverage is adequate within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment like Bolton, this would be a signal strength of at least -90 dBm. It is acceptable for there to be holes within the area of adequate coverage, as long as the signal regains its strength farther away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

Administrative Officer: the Bolton Zoning Administrator.

Administrator: the Federal Insurance Administrator, under the National Flood Insurance Program.

Affiliate: For the purposes of regulating telecommunications facilities, (1) when used in relation to an operator, an affiliate is another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owners of some other ownership interest; or (2) when used in relation to the municipality, an affiliate is any agency, board, authority or political subdivision associated with the municipality or other person in which the municipality has legal or financial interest.

Affordable Housing: Housing that is either: (1) owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the median income for Chittenden County, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30 percent of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 60 percent of the median income for Chittenden County, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income. **"Perpetually affordable"** shall mean housing that meets the affordability requirements of these regulations for a minimum period of 99 years from the date of first sale or lease.

Affordable Housing Development: A housing development in which at least 20% of the units, or a minimum of five (5) units, whichever is greater, are affordable housing units.

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

produced on the farm. The term shall include commercial riding stables, but specifically excludes the slaughtering of animals or poultry for commercial purposes. See also Accepted Agricultural Practices, Farm Structure.

Agricultural Products: Products produced, prepared and/or processed from an agricultural operation including but not limited to milk, vegetables, fruits, flowers, potting or bedding plants, soil or compost, trees, shrubs, greens, maple syrup or other sap products, meat, poultry, eggs, fish, honey, and other bee products. This also includes products manufactured from these products, including cheese and other dairy products. See also Agriculture.

Agricultural Structure: See Farm Structure.

Alpine Ski Facility: An area and facility developed for downhill skiing, with trails and lifts, which may also include associated ticketing, parking, ski equipment sales and rentals, ski instruction, safety, patrol, snowmaking and maintenance facilities, and warming hut facilities to be accessed primarily by ski trails or service roads. Other facilities, such as commercial lodging, indoor recreation, cultural and restaurant facilities, which may support year-round use, may be allowed in association with an alpine ski facility subject to review as a mixed use (see Section 4.14) or a planned unit development (Article VIII).

Alteration: Any relocation, structural change, rearrangement, or addition to a building or structure, excluding normal maintenance and repair activities. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure, including its height, length, width, footprint, or gross floor area. It shall also include any increase in the number of bedrooms or bathrooms. See also Conversion, Improvement, Substantial Improvement.

Antenna: A device for transmitting and/or receiving electromagnetic signals.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades at the base of the structure shall be used in calculating the antenna height.

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic signals.

Applicant: The owner of land or property proposed to be subdivided and/or developed in accordance with these regulations and/or his or her duly authorized representative. Any party with a legal interest in land subdivision and/or development may apply for a permit in cooperation with the owner of the property. See also Interested Party.

Approval: A written decision issued by the Bolton Development Review Board within the statutory time limit, or in the event of the Board's failure to act within the specified time limit, a certification of such failure to act issued by the Municipal Clerk, as attached to the permit application and recorded in the land records of the municipality.

Area of Shallow Flooding: A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) having a one percent greater annual 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 the velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: Land in the floodplain which is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard

Boundary Map (FHBM). After detailed rate making is completed in preparation for the Flood Insurance Rate Map, Zone A is refined into Zones A, AO, AH, A1-30, AE, or A99.

Authorized Agent: A person or group of persons who have been duly authorized in writing by an applicant or subdivider to act on his/her behalf.

Available Space: For purposes of regulating telecommunications facilities, the space on a telecommunications tower or structure to which antennas of a telecommunications provider are both structurally able and electromagnetically able to be attached.

Bar: See Restaurant.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Station: The primary sending and receiving site in a telecommunications facility network. More than one base station and/or more than one variety of telecommunications provider can be located on a single tower or structure.

Basement: Any area of a building having its floor at subgrade (below ground level) on all sides.

Bed & Breakfast (B&B): A single family dwelling occupied by the owner or operator, in which not more than four (4) guest rooms accommodating up to eight (8) guests within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; breakfast shall be the only meal served and shall be limited to overnight guests. The bed and breakfast shall function as a private home with house guests. Parking requirements also apply (see Section 3.11).

Board: The Bolton Development Review Board, as established under the Act, unless otherwise specified.

Boundary (Lot Line) Adjustment: A division of land for the purpose of adjusting boundaries between adjacent lots or parcels where no new lot is created. A boundary adjustment shall not create a nonconforming lot or use (see Section 6.1). See also Subdivision.

Buffer: Any space between adjoining land uses or between a land use and a natural feature, which is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

Building: (1) A structure having a roof supported by columns or walls and intended for the shelter or accommodation of persons, animals, goods, chattel or equipment; (2) for flood hazard area regulation only, this definition also includes a gas or liquid storage tank that is principally above ground.

Building Coverage: As specified by zoning district to mean either 1) that portion (percentage) of a lot area which is covered by buildings and other structures, to be calculated as the sum of all building or structure footprints divided by the lot area: $(\text{total building footprint}/\text{lot area}) \times 100 = \% \text{ building coverage}$, or 2) the maximum total building footprint allowed per lot, to be calculated based on the sum of all building and structure footprints on that lot.

Building Envelope: A specific area of a lot, delineated on a subdivision plat, within which structures, parking and loading areas, shall be located, and outside of which no structures, parking or loading areas shall be located. A building envelope shall be defined by required minimum setback and height

distances, unless otherwise specified in these regulations. This also may be referred to as the “buildable area” of a lot.

Building Height: See Height.

Building Orientation: The location on a lot of a building or other structure in relation to road rights-of-way and, where present, adjoining and facing structures and/or designated open space areas, such as a common park or green.

Camp: A type of detached, seasonal dwelling unit which is not the primary residence of the owner or occupant, is occupied only on a part-time or seasonal basis, and which is structurally not suited for year-round occupancy. This definition shall include 1) a dwelling which is occupied no more than six (6) consecutive months during any one (1) year period, including the summer months, and which lacks one or more of the basic amenities, services or utilities required for year-round or all weather occupancy, including but not limited to a winterized water system, insulated walls and roof, heating source, adequate water or wastewater disposal systems, or utility line connection, or 2) a dwelling that has been specifically permitted as a camp. For purposes of these regulations, a dwelling listed on the Bolton grand list as a single family vacation residence (V1 or V2) as of the effective date of these regulations shall be deemed a seasonally occupied dwelling; and may be deemed a camp under this definition, unless it has been permitted as a single family dwelling, or it has been documented by the applicant and determined by the Zoning Administrator to be an existing single family dwelling. See also Dwelling, Single Family.

Camper: Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on wheels, a truck or a camper body, or towed by a motor vehicle, and includes a holding tank for the storage of sewage if bathroom facilities are present. This definition includes recreation vehicles such as motor homes and travel trailers, but specifically excludes mobile homes (see Section 4.4). See also Mobile Home.

Campground: A parcel of land upon which three (3) or more campsites are located for occupancy by a tent, yurt or lean-to as temporary living quarters for recreation, education, or vacation purposes (see Section 4.5). See also Camper.

Cellular Telecommunications: A commercial Low Power Mobile Radio Service bandwidth licensed by the FCC to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

Cemetery: Land used or dedicated to the burial of the dead, including cremains. A cemetery may include as accessory structures mausoleums, columbariums, or maintenance facilities; crematoriums are specifically prohibited. An individual burial site on private land, registered with the Bolton Town Clerk in accordance with state law, is exempted from this definition. See also Funeral Home.

Change of Use: See Conversion.

Channel: For purposes of regulating telecommunications facilities, the segment of the radiation spectrum to or from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

Clearing: The removal of existing vegetation, e.g., as part of site preparation for the installation of driveways, septic systems, building sites and construction or yard areas.

Co-location: Locating wireless telecommunications equipment from more than one provider at a single

site or structure.

Commercial Lodging Facility: For the purposes of these regulations, a Bed & Breakfast, an Inn or a Hotel (see Section 4.6).

Commercial Use: An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Commission: The Bolton Planning Commission, as created under the Act.

Common Carrier: An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated rates.

Common Land: Land within a development or subdivision that is not individually owned, but which is designed to be held in common for the use, enjoyment, management and maintenance by the residents of a development or subdivision. Such land may include but not be limited to open space areas, parking lots, community water and wastewater systems, pedestrian walkways, utility and road rights-of way.

Community Center: A building used for recreational, social, and cultural activities which is not operated for profit and is intended primarily to serve the residents of the town or the development in which it is located.

Community System (Water, Wastewater): Any water or wastewater disposal system other than a municipally-owned system which provides potable water to or disposes of wastewater from two or more domestic, commercial, industrial, or institutional uses. Such systems shall include associated collection, distribution and treatment facilities.

Condominium: Individual ownership of a dwelling unit in a multi-unit structure, such as an apartment building. See also Hotel, Dwelling, Multi-family.

Construction Drawings: Drawings showing the location, profile grades, size and types of drains, sewers, water mains, underground fire alarm ducts, underground power and telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

Contiguous Land: (1) A parcel of land contained within a single, unbroken parcel boundary; or (2) two or more parcels which share a common parcel boundary or point. Where one or more existing road rights-of-way bisect an existing parcel, the right(s)-of-way may be considered a boundary dividing the parcel into two or more lots only if all portions of the parcel divided by the right(s)-of-way meet the minimum lot size requirement for the district within which they are located.

Contractor's Yard: A parcel of land with or without buildings thereon to be used for the storage of equipment, materials, and/or vehicles used in the operation of construction and related trades (see Section 4.7). See also Home Industry.

Convention Center: An indoor facility used by business, professional and service organizations for the hosting of conventions, conferences, seminars, exhibits, product displays and entertainment functions. Such a facility also may include accessory supporting functions, such as food preparation, sanitation and waste management, but specifically excludes overnight accommodations and restaurant or bar facilities that are open to the general public. See also Events Facility, Inn, Hotel, Mixed Use, Restaurant.

Conversion: Changing the original purpose of a building to a different use, with or without structural

alteration. This includes, but may not be limited to, the conversion of camps or accessory dwellings to single family dwellings, or the conversion of a single family dwelling to a two-family or multi-family dwelling (see Section 3.3). See also Adaptive Reuse.

Coverage: See Building Coverage, Lot Coverage.

Cul-de-Sac: A road intersecting another road at one end, and terminated at the other end by a vehicular turnaround.

Cultural Facility: A museum, theater, concert hall, library or other establishment offering programs, performances or exhibits of cultural, educational, historical, or scientific interest, excluding movie theaters as a principal use. See also Recreation/Indoor.

Curb Cut: See Access.

Day Care Facility: Any establishment, except those supported in whole by tax funds, operated as a business or service on a regular or continual basis, whether for compensation or not, which provides care, protection, supervision and/or education for children or adults for periods of less than 24 hours. This definition shall include all facilities that are required to be licensed by the State of Vermont as a private kindergarten, nursery school, and/or day care facility except for home child care facilities (see Section 4.8). See also Group Home, Home Child Care, Residential Care Facility.

dBm: Unit of measure of the power level of an electromagnetic signal at the input of a receiver, given its antenna system gain at a particular frequency, expressed as decibels (dB) above one milliwatt. Signal predictions with this measure are applicable at a particular frequency, and may be ambiguous unless all receivers and antenna combinations utilize an identical frequency.

dBu: Unit of measure of the field intensity of an electromagnetic signal, expressed as decibels (dB) above one microvolt per meter, an absolute measure for describing and comparing service areas, independent of the many variables (see dBm) introduced by different receiver configurations. This unit shall be used for coverage prediction plots

Degree of Noncompliance: The degree to which a structure, or portion thereof, does not meet required dimensional standards, including setback distances, as specified in these regulations. For purposes of these regulations, any enlargement or other structural alteration which extends the footprint, height or volume of a structure within a required setback distance, or above the maximum allowed height (i.e., the amount of encroachment), shall be considered to increase the degree of noncompliance. See also Nonconforming Structure.

Demolition: The razing of more than 50% of a structure.

Density: The maximum number of dwelling units per acre of lot area, excluding the land area within existing and proposed road rights-of-way, unless otherwise specified in these regulations.

Development: See Land Development.

Development Right: The right to build or develop on a specific parcel of land in accordance with the zoning regulations for the district in which the parcel is located.

Drive-through: An establishment which, by design, physical facilities, and/or service encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A private travel way, easement or right-of-way serving up to three (3) parcels, which provides vehicular access to a parking area(s) associated with the principal structure or use (see Section 3.2). See also Access, Road.

Dwelling/Accessory: A secondary dwelling unit established in conjunction with and clearly subordinate to a single family dwelling, which is retained in common ownership, is located within, attached to or on the same lot as the primary dwelling, and which otherwise meets applicable requirements of these regulations (see Section 4.2). See also Dwelling/Two-Family.

Dwelling/Seasonal: see Camp.

Dwelling/Multi-Family: A building or portion thereof containing three (3) or more dwelling units. See also Dwelling Unit, Dwelling/Two Family.

Dwelling/Single Family: (1) A detached building containing one (1) principal dwelling unit, and up to one (1) accessory dwelling as allowed under Section 4.2. See also Dwelling/Accessory, Group Home.

Dwelling/Two Family: A detached building, such as a duplex, that contains two principal dwelling units.

Dwelling Unit: A building, or portion thereof, designed, constructed, or used as separate living quarters for one (1) family, including any domestic employees employed on the premises, which includes food preparation, sleeping and sanitary facilities. This definition specifically excludes boarding or rooming houses, residential care facilities, inns and hotels. See also Family.

Dwelling Unit, Affordable: See Affordable Housing.

Dwelling Unit, Elderly: See Elderly Housing.

Easement: The authorization of a property owner for the use by another of any designated part of the property for a specified purpose.

Elderly Housing: Multi-family dwelling(s) in one (1) or more buildings, each unit of which is specifically designed and intended for occupancy by at least one person who is retired and 55 years of age or older.

Such housing may include, as accessories, congregate dining and recreational facilities, and assisted living services. See also Residential Care Facility.

Enlargement: Any increase in the height or the footprint of a structure, e.g., through extensions or additions to any side.

Events Facility: A designated outdoor site or facility used for the hosting of special events, including fairs, festivals, exhibits, and concerts, and associated temporary or permanent access, parking, food, sanitation and waste management facilities. An events facility may include accessory structures for sanitary facilities, exhibit, and storage space.

Extraction: A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, and stone. Typical uses include sand and gravel pits and related operations such as the crushing, screening, and temporary storage of materials on-site (see Section 4.9). See also Quarrying.

Family: One or more persons related by blood, marriage, civil union, adoption other form of legal

guardianship as recognized by the State of Vermont, or a group of not more than six (6) unrelated persons, exclusive of domestic servants, living together as a household. See also Group Home.

Farm Structure: As defined by the Vermont Secretary of Agriculture to include a structure or structures used for agricultural production, which meets one or more of the following: 1) is used in connection with the sale of \$1000 or more of agricultural products in a normal year; 2) is used in connection with the raising, feeding and management of the minimum specified number of adult animals: four (4) equines, five (5) cattle or bison, 15 swine, 15 goats, 15 sheep, 15 fallow or red deer, 50 turkeys or geese, 100 laying hens or ducks, 250 broilers, pheasant, Chukar partridge or Coturnix quail, three (3) camelids, four (4) ratites, 30 rabbits, or 1000 pounds of cultured trout; 3) is used by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; 4) is on a farm with a business and farm management plan approved by the Secretary. In accordance with the Act [§ 4413(d)], this definition includes farm buildings, silos, enclosures and fences, but specifically excludes dwellings for human habitation. See also Agriculture, Accepted Agricultural Practices.

FCC: Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

Fence: An assemblage of materials, which may include metal, stone, wood, or any combination, erected and placed on the ground for purposes of limiting visual or physical access, and/or to mark a property boundary. Agricultural fences and other fences or walls less than six (6) feet in height which do not obstruct public rights-of-way are specifically exempted from these regulations (see Section 9.2).

Financial Institution: A bank, savings and loan, finance, mortgage or investment company.

FIA: The Federal Flood Insurance Administration.

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 Bolton, Vermont" and the Flood Hazard Boundary Map (FHBM) or subsequent Flood Insurance Rate Map (FIRM), published by the Flood Insurance Administration, and available at the Bolton Town Clerk's Office.

Flood Hazard Boundary Map (FHMB): An official map of Bolton, issued by the Flood Insurance Administration, where the boundaries of flood and mudslide (i.e., mudflow) related erosion areas having special hazards are designated as Zone A, M, and/or E.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodproofing: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improve real property, water and sanitary facilities, structures, and 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 one (1) foot.

Floor Area/ Gross: The total area of all floors of a building as measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, attached garages, enclosed porches and

balconies, but excluding interior vehicular parking and loading spaces, or any space where the floor to ceiling height is less than six (6) feet.

Forestry: The use and management of timber land for purposes of conservation and/or wood production and timber harvesting. This definition specifically excludes sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products, with the exception of portable sawmills and other equipment used on site in association with timber harvesting activities. See also Accepted Management Practices. Light Industry.

Frequency: The number of cycles completed each second by an electromagnetic wave measured in hertz (Hz).

Frontage: See Lot Frontage.

Funeral Home: A building or part thereof used for human funeral services. Such building may also contain space and facilities for preparation of the dead for internment or cremation; the performance of autopsies and associated surgical procedures; the storage and sale of caskets, funeral urns and related funeral supplies; and the storage of funeral vehicles.

Garage Sale: The casual sale or offering at any one time of new, used, or second hand items of tangible personal property to the general public, which is generally advertised by such terms "garage sale," "yard sale," "rummage sale," "attic sale," "lawn sale," "porch sale" "barn sale" or similar phrase (see Exemptions under Section 9.2). See also Outdoor Market.

Garden Center: The use of land, buildings and/or structures for the purpose of selling lawn and garden equipment, furnishings and supplies. This definition specifically does not include nurseries and greenhouses that are defined as "Agriculture" or "Accepted Agricultural Practices" and are therefore exempted from these regulations. See also Agriculture, Accepted Agricultural Practices.

Gas Station: Any lot or area of land including the building or buildings thereon, which is used for the sale of motor vehicle fuels, lubricants, and related motor vehicles products, and/or which has facilities for fueling, washing or servicing motor vehicles (see Section 4.10). This definition includes gas stations and car washes; but specifically excludes automobile and motor vehicle repair services and sales, and the sale of food and unrelated convenience or grocery items. See also Motor Vehicle Sales & Service, Mixed Use.

Grade, Finished: Completed surface of grounds, lawns, walks, paved areas and roads which have been brought to grades as shown in associated plans.

Grade, Natural: The initial, original surface of ground within a proposed building or structure footprint, as measured from contour elevations prior to any site clearing, filling or excavation.

Greenhouse: A commercial agricultural business or farm structure for growing flowering and other plants for wholesale or retail sale on the premises. See also Accepted Agriculture Practices, Agriculture, Farm Structure, Garden Center.

Group Home: In accordance with the Act [§4412(1)], a residential care home operating under state licensing or registration, which serves not more than eight (8) persons who have a handicap or disability as defined in state statutes (9 V.S.A. 4501), and meets the requirements of Section 4.12. See also Residential Care Facility.

Health Clinic: A building or part thereof operated by physicians, surgeons, dentists, chiropractors,

therapists, or other licensed health care professionals for the examination and treatment of patients on an out-patient basis. This definition does not include a public or private hospital, or the professional office of a licensed health care provider located in his or her residence. See also Home Occupation, Health Care Facility.

Height: The distance above ground of a structure as measured vertically from the average finished grade at the base of the structure to the highest point of the structure or roof surface, excluding the chimney (see Section 3.5). See also Grade, Finished.

Hertz: (Hz) One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

Home Child Care: A home-based child day care business, the owner and operator of which is licensed or registered by the state, which is considered to constitute a permitted single family residential use of property in accordance with the Act [§4412(5)] (see Section 4.8). See also Day Care Facility.

Home Occupation: A use conducted entirely within a minor portion of a single family dwelling or accessory structure to the dwelling, by one or more residents of the dwelling and up to two (2) nonresident employees, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which does not change the character thereof (see Section 4.13). See also Bed & Breakfast, Home Child Care, Home Industry.

Home Industry: An expanded home-based business conducted by one or more residents of a single family dwelling and up to five (5) nonresident employees, which is carried on within the principal dwelling and/or an accessory structure, and meets all applicable requirements of these regulations (see Section 4.13). See also Home Occupation.

Hotel: A type of commercial lodging facility that includes a building or group of buildings with more than 24 guest rooms which provide sleeping accommodations for transient guests on a short-term basis (less than one month on average), and which may include common dining, recreation, and service facilities for the use of guests (see Section 4.6). A hotel may also include, as accessory to the principal use, dining, convention, meeting and recreation facilities that are open to the general public. This definition also includes “**condo hotels**” in which individual units are separately owned and may be equipped with kitchen and dining facilities, but are intended only for short-term occupancy and/or rental to transient guests, and are not to be used as the owners’ or guests’ primary residences. For purposes of these regulations, a hotel consisting of separate dwelling units (apartments) that provides primary or year-round housing shall be considered a multi-family dwelling, subject to review as a multi-family dwelling. See also Condominium, Conference Facility, Dwelling/Multi-Family, Inn.

Improvement: Any physical addition to real property, or any part of such addition, including but not limited to any building, structure, parking facility, wall, fencing, or landscaping (see also Substantial Improvement). See also Public Improvement, Substantial Improvement.

Inn: A type of commercial lodging facility consisting of a building or group of buildings containing a maximum of 24 guest rooms for occupancy and use by transients on a short-term basis (less than one month on average), and may include common dining, meeting, event, recreation and service facilities for the use of guests (see Section 4.6). Dining, meeting, event, and recreation facilities open to the general public may be allowed as a mixed use, subject to review as a mixed use, in zoning districts in which all such uses are allowed. See also Bed & Breakfast, Mixed Use, Hotel.

Interference: An undesirable effect caused by electromagnetic signals. FCC “Type 1” interference refers to interference regulated by the FCC and affecting other FCC licensees or other entities over which the FCC has jurisdiction. FCC “Type 2” interference refers to electromagnetic disturbances to business, institutional, medical, and home electronic equipment.

Junk: Any scrap or waste material which is collected, stored, kept, or handled for salvage, resale or conversion to another use.

Junk Yard: See Salvage Yard.

Kennel: Any premises in which the care, boarding, breeding, grooming, or training of four (4) or more dogs, cats, or other domestic animals is done for primarily commercial or monetary purposes. See also Veterinary Clinic.

Land Development: The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining operation, excavation or landfill, and any change in the use of any building or other structure, land or extension of use of land. See also Subdivision.

Light Industry: A facility not exceeding 20,000 square feet in total gross floor area, used for the manufacture, processing, fabrication, testing and/or assembly of products. This may also include associated research and development, warehousing and shipping activities. A light industry shall meet all applicable requirements of these regulations, including performance standards. The processing of agricultural products produced on the premises where produced shall not be deemed to be manufacturing. See also Home Industry.

Loading Area: One or more spaces logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used. Required off-street loading areas are not to be included as off-street parking spaces in the computation of required off-street parking space (see Section 3.11).

Location: For purposes of regulating telecommunications facilities, references to site location shall be the exact longitude and latitude, to the nearest tenth of a second. Bearing or orientation should be referenced to true north.

Lot: (1) Any parcel of land which is occupied or which is to be occupied by a principal structure or use, or a mixed use as defined herein and allowed under Section 4.14, and associated accessory structures and/or uses and open space, which has sufficient area to meet the dimensional requirements of these regulations; (2) a portion of land in a subdivision or plat that is separated from other portions by a property line. See also Contiguous Land; Lot, Existing; Lot of Record.

Lot Area (Lot Size): The total land area within the boundaries (lot lines) of a lot, exclusive of the area designated for any existing or proposed road rights-of-way as measured within the boundaries of the right-of-way.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting roads where the interior angle of the intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve are the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Lot Coverage: That portion (percentage) of a lot area which is covered by buildings, structures and other man-made improvements, including parking and loading areas, access roads, service areas, and

other impermeable surfaces which prevent the infiltration of storm water.

Lot Depth: The minimum horizontal distance from the street line of the lot to the rear lot line of such a lot, as measured at right angles.

Lot/Existing: An identifiable and separate parcel of land legally in existence as of the effective date of these regulations. The merger of any lot prior or subsequent to the effective date of these regulations shall terminate its separate existence for the purpose of these regulations (see also Section 3.7 regarding Nonconforming Lots). See also Nonconforming Lot.

Lot Frontage: The distance that a lot fronts a road, measure along the road right-of-way from the intersection of one lot line to the intersection of the other lot line. See also Lot Width.

Lot Line: The boundary line of a lot; a property line.

Lot of Record: Any lot which individually, or as part of a subdivision, has been recorded in the Bolton Town Office.

Lot Size: See Lot Area.

Lot Width: For lots without road frontage, the horizontal distance between side lot lines as measured along a straight line paralleling the front lot line at the minimum required setback distance. See also Lot Frontage.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the 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 44 CFR Section 60.3.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is connected to required utilities. For flood hazard area regulation only, the term "manufactured home" also includes recreation vehicles, park trailers, travel trailers, and other similar vehicles placed on the site for greater than 180 consecutive days.

Mean Sea Level: The standard datum to which base flood elevations shown on the Flood Insurance Rate Map and typical contour elevations are referenced.

Mixed Use: A building or parcel containing two (2) or more principal uses which are otherwise allowed as permitted or conditional uses in the district in which the building or parcel is located (see Section 4.14). Also see Planned Unit Development.

Mobile Home: A prefabricated single family dwelling unit which: (1) is designed for continuous residential occupancy; (2) is designed to be moved on wheels, as a whole or in sections, (3) on arrival at the site, is complete and ready for occupancy except for incidental unpacking, assembly, and placing on supports or a permanent foundation, or installation as a unit in a previously prepared structure; and (4) contains the same water supply and wastewater disposal systems as immovable housing (see Section 3.4). See also Camper; Dwelling, Single Family; Mobile Home Park.

Mobile Home Park: A parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, three (3) or more mobile homes to be occupied for living purposes (see Sections 3.4 and 4.15). See also Mobile Home.

Mobile Home Sales: An establishment, including land and/or a building, for which the principal use is the sale of mobile homes. This may include customary accessory structures or uses, such as an office, an enclosed sales room, and a parking area.

Modification of an Existing Telecommunications Facility: Any change, or proposed change, in power input or output, number of antennas, change in antenna type(s) or model(s), repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing permit.

Modification of an Existing Telecommunications Tower or Structure: Any change, or proposed change, in dimensions of an existing and permitted tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment.

Monitoring: For purposes of regulating telecommunications facilities, the measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a site as a whole, or from telecommunications facilities, towers, antennas or repeaters.

Monitoring Protocol: For purposes of regulating and monitoring telecommunications facilities, the testing protocol, such as the Cobbs Protocol, or the FCC Regulations (Title 47, Part 1, Section 1.1307 referenced as IEEE C95.3 1991), or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, (Reports 86 and 119) which is to be used to monitor the emissions and determine exposure risk from existing and new telecommunications facilities.

Monopole: A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole with below-grade foundations.

Motor Vehicles Sales & Service: An establishment, including land and buildings, for which the principal use is the sale and repair of automobiles or other motor vehicles, to include the sale and/or leasing of motor vehicles and accessory products, general vehicle and engine repair shops, rebuilding and/or reconditioning shops, and body shops. This does not including gasoline stations except as may be allowed a mixed use, or home based repair businesses (see Section 4.13). See also Gas Station, Home Industry, Mixed Use.

Municipal Land Use Permit: As defined in the Act [§4303] to include, as issued by the municipality: (1) final zoning, subdivision, site plan or building permits or approvals relating to subdivision and land development; (2) septic or sewage system permits; (3) final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals; (4) certificates of occupancy, compliance or similar certificates; and (5) any amendments to the previously listed, permits, approvals and/or certificates.

Municipal Plan: The municipal plan for the Town of Bolton as most recently adopted in accordance with the Act.

Nature Center: A scientific or educational facility open to the public that provides facilities, services, research, materials, educational programs, exhibits and/or displays promoting understanding, sound

management and protection of the natural environment.

Nonconforming Lot: A lot lawfully in existence as of the effective date of these regulations, which does not conform within these regulations, including zoning district dimensional, density or coverage requirements, or other applicable dimensional requirements of these regulations (see Section 3.7). See also Nonconforming Structure, Nonconforming Use.

Nonconforming Structure: A type of nonconformity, defined for purposes of these regulations as a structure or part thereof lawfully in existence as of the effective date of these regulations, which is not in compliance with the provisions of these regulations, including but not limited to building bulk, dimensions, height, setbacks, area, yards, density or off-street parking or loading requirements, where such structure conformed to all applicable laws, ordinances, and regulations prior to the enactment of these regulations (see Section 3.8). See also Nonconforming Use.

Nonconforming Use: A type of nonconformity, defined for purposes of these regulations as the use of a land or structure lawfully in existence as of the effective date of these regulations, which does not conform with these regulations, including but not limited to allowed uses within the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of these regulations (see Section 3.8). See also Nonconforming Structure.

Nordic Ski Facility: An area and facility developed for cross-country and backcountry skiing and snowshoeing on a maintained trail network, which may also include associated ticketing, parking, ski equipment sales and rentals, ski instruction, safety, patrol, snowmaking and trail maintenance facilities, and warming hut facilities to be accessed primarily by ski trails or service roads. Other facilities, such as camping, commercial lodging, indoor recreation, cultural and restaurant facilities, which may support year-round use, may be allowed in association with a Nordic ski facility subject to review as a mixed use (see Section 4.14) or a planned unit development (Article VIII).

Nursery: See Greenhouse.

Office: A room, suite of rooms or building principally used for conducting the affairs of a business, profession, or service industry. This definition specifically excludes office space which is associated with home occupations or which is clearly accessory to another allowed principal use. It also specifically excludes the on-premise retail sale of goods. See also Home Occupation.

Open Space: Land not occupied by structures, buildings, roads, rights-of-way, and parking lots. Open space may or may not be held in common. "Usable open space" is further characterized as open space which is available and accessible to all occupants of the building or buildings on the lot for purposes of active or passive recreation.

Out Building: See Accessory Structure.

Outdoor Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public, including "farmers" and "flea" markets. See also Garage Sale.

Parking Facility: A separate off-street parking area, garage or similar structure that is the principal use of a lot. See also Transit Facility.

Parking Space: An off-street area which is not less than nine (9) feet in width and 18 feet in depth, exclusive of adequate access or maneuvering area, ramps, columns, etc., which is to be used exclusively

as a temporary storage space for a single motor vehicle (see Section 3.11).

Person: Any individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or affiliated ownership, which owns or controls land or other property to be subdivided and/or developed under the provisions of these regulations. The word "person" shall also include any municipality or other government agency.

Personal Service: A business which provides services of a personal nature, including but not limited to laundry and dry cleaning, beauty and barber shops, tailoring and shoe repair, photographic studios, and similar businesses. Sales of products must be clearly related and incidental to services provided. See also Funeral Parlor.

Place of Worship: A building used solely for purposes of assembly and worship by a legally established and recognized religious institution. This definition also includes such customary accessory structures such as parish houses (see Section 4.17). See also Public Facility.

Planned Residential Development (PRD): An allowed method of land development for residential use in which an area of land, consisting of one or more parcels, is planned to be developed as a single entity, to include residential dwelling units allowed within a zoning district(s) and associated accessory structures and facilities. In a PRD, zoning district dimensional standards under these regulations (Article II), including lot size, density, coverage, frontage and setback requirements, may be modified or waived to provide flexibility in subdivision and site design in order to promote desired types and patterns of development (see Article VIII). See also Planned Unit Development.

Planned Unit Development (PUD): An allowed method of land development for mixed use development in which an area of land, consisting of one or more parcels, is planned to be developed as a single entity for one or more uses allowed within a zoning district(s), and associated accessory structures and facilities. In a PUD, zoning district dimensional standards under these regulations (Article II), including lot size, density, coverage, frontage and setback requirements, may be modified or waived to provide flexibility in subdivision and site design in order to promote desired types and patterns of mixed use development (see Article VIII). See also Mixed Use, Planned Residential Development.

Plat: A map or representation on paper, Mylar or other accepted material, of a piece of land subdivided into lots and roads, drawn to scale.

Post Office: A facility operated by the United States Postal Service for the collection and distribution of mail, and associated mailing and delivery services.

Principal Structure: A structure or building in which the main, primary or principal use of the property is conducted. Attached accessory dwellings, garages, porches or carports, or other structures which share a common wall and/or roof, or are connected by an enclosed breezeway, are considered to part of the principal structure.

Private Club: An establishment operated for social, recreational, educational or cultural purposes that is open only to members and their invited guests, and not the general public, and is not operated primarily for profit.

Public Improvement: Any improvement which shall be owned or maintained by the Town of Bolton or other government entity.

Public Facility: A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by a municipality, state or federal government, regulated utility or railroad. Such facilities include, but may not be limited to municipal buildings and garages, water and wastewater facilities, power generation and transmission facilities, and educational facilities (see Section 4.17).

Quarrying: The removal of rock or minerals by means of open excavation to supply material for construction, industrial or manufacturing purposes (see Section 4.9). See also Extraction.

Radial Plots: Radial plots are the result of drawing equally spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial. A threshold plot uses a mark to indicate whether that point would be strong enough to provide adequate coverage i.e., the points meeting the threshold of adequate coverage. The draw back is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials.

Reasonable Use: A use of real property which is allowed within the district in which the property is located, which provides some (but not necessarily all) potential benefit to the owner, and which does not lead to unreasonable interference with another's use of property, or with the natural flow of water. Reasonable use does not mean highest and best use; nor does it include accessory uses, structures, or additions which may be customary, but are not necessary, to the existing or intended principal use (e.g., garages, swimming pools).

Reconstruct: To replace or rebuild a building or structure which has been substantially destroyed or demolished without regard to cause.

Recreation/Indoor: A building or structure designed, equipped and used for sports, leisure time, and other recreational activities, except for such facilities which are accessory to an approved educational facility or a residential use. This includes, but may not be limited to bowling alleys, movie theaters, pool halls, skating rinks, gymnasiums, fitness centers, and swimming pools.

Recreation/Outdoor: A facility for outdoor recreation, including but not limited to a stadium, tennis courts, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing; except for such facilities which are accessory to an approved educational facility or a residential use, or are otherwise exempted from these regulations under Section 9.2. Golf courses as separately defined and regulated are specifically excluded from this definition. See also Golf Course.

Redemption Center: A store or other facility certified by the state [10 V.S.A. §1524] where a person may, during normal business hours, redeem the amount of the deposit for an empty beverage container.

Repeater: A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station.

Residential Care Facility: A facility licensed by the state which provides residential care, including rooming, boarding, recreation and personal care services, to elderly or infirmed individuals, on a 24-hour a day basis (see Section 4.12). See also Group Home.

Restaurant: An establishment of which the primary function is to serve food and beverages to the public for consumption only at tables or counters on the premises. This definition includes cafes, bakeries with

table or counter service, taverns and bars, but specifically excludes night clubs.

Restaurant/Fast Food: An establishment of which the sole or exclusive function is the sale of prepared foods or beverages either on or off the premises, and whose operation is characterized by (1) the service of food or beverage in containers or in paper, plastic or other disposable containers, (2) availability of food or beverages for immediate consumption upon a short waiting time, and (3) insufficient seating facilities within the building for the volume of food being sold. See also Drive-through.

Resubdivision: A change of a recorded subdivision plat, including but not limited to changes that affect any lot lines, street or road layouts, areas reserved for public use, or any map or plan that has been legally recorded.

Retail Store: Premises where goods or merchandise are offered for retail sale to the general public for personal, business, or household consumption, and where services incidental to the sale of such goods are provided. This definition excludes the retail sale of gasoline and automobiles and other goods and services that are otherwise more specifically identified under these regulations. See also Gasoline Station, Mobile Home Sales, Motor Vehicle Sales & Service, Personal Service, and Restaurant.

Ridgeline: The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope. A “**prominent**” ridgeline is a ridgeline characterized by an elevation, slope, orientation, and/or relationship to nearby property so as to be highly visible from distant vantage points.

Road: Any public or private right-of-way serving four (4) or more lots, which is designed and intended for use by motor vehicles. The word “road” shall mean the entire right-of-way. See also Driveway.

Road Classifications: All town highways are classified into one or another of the following classes, in accordance with state statutes [19 V.S.A §302]: (1) Class 1 town highways are town highways, designated by the state, which form the extension of a state highway route and which carry a state highway route number. (2) Class 2 town highways are town highways, designated by the Selectboard with the approval of the state, as the most important highways in town, including improved highways connecting neighboring towns and places which, by their nature, carry more than normal traffic. (3) Class 3 town highways, as designated by the Selectboard in consultation with the state, are all traveled town highways other than class 1 or 2 highways which, at minimum are negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This would include but not be limited to sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance. (4) Class 4 town highways, designated by the Selectboard, are all other town highways. (5) Trails shall not be considered highways and the town shall not be responsible for any maintenance including culverts and bridges.

Road/Private: Any road or street which is not publicly owned and maintained, excluding private driveways serving up to three lots. See also Road, Driveway.

Road/Public: A road which is constructed within the boundaries of an officially deeded and accepted public right-of-way, including municipal, state and federal highways.

Roof and/or Building Mount Telecommunications Facility: A telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or a building face.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes, but is not limited to “junkyards” as defined by the state (see Section 4.18). See also Motor Vehicle Sales & Service.

School: A public, private or parochial institution licensed by the State of Vermont to provide educational instruction to students. Such facilities may also include accessory recreational and dining facilities, and may be used as officially designated temporary emergency shelters (see Section 4.17). See also Public Facility.

Setback: The horizontal distance from a road, lot line, boundary or other delineated feature (e.g., a stream bank or channel, shoreline, or wetland area), to the nearest part of a building, structure on the premises. In the case of a public highway, the distance shall be measured from the nearest limit of the highway right-of-way (street line) or 25 feet from the centerline of the highway, whichever is greater. In the case of a private road, other than a driveway, the distance shall be measured from the edge of the road right-of-way.

Sign: Any structure, display, device, material, object or representation which is designed or used to advertise, direct or call attention to any property, establishment, business, enterprise, profession, product, or service or other matter from any public right-of-way (see Section 3.14). This definition includes logos and other outdoor advertising displayed on walls, canopies, and exterior windows.

Silviculture: See Forestry.

Snack Bar. A seasonal roadside stand or enclosed structure, operated for a maximum of six (6) months in any calendar year to include the summer months, for the preparation and sale of food and beverages to the general public for consumption on- or off- the premises. A snack bar shall include adequate off-street parking, and may include outdoor seating, as accessory to the use. Indoor restaurant seating, and/or year-round use shall be allowed only as a permitted restaurant. See also Restaurant.

Storage Facility: A building for storing goods as an accessory to a retail store, or for the temporary storage of goods (e.g., household goods) by the general public. Self-storage facilities are prohibited in the Town of Bolton, except as an Adaptive Reuse under Section 4.3. See also Adaptive Reuse, Warehouse.

Story: That part of any building, excluding cellars and basements, between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between a floor and the ceiling above it. See also Story, Half.

Story/Half: Any space partially within the roof framing, where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is 7½ feet or more.

Stream: Any surface water course in the Town of Bolton as depicted by the U.S. Geological Survey on topographic maps, the zoning map, Vermont Base Map orthophotos, or as identified through site investigation; excluding artificially created irrigation and drainage channels. See also Stream Channel, Stream Banks.

Stream Channel: A defined area that demonstrates clear evidence of the permanent or intermittent passage of water and includes, but may not be limited to bedrock channels, gravel beds, sand and silt beds, and swales. A stream bank may define the usual boundaries, but not the flood boundaries, of a stream channel. Artificially created water courses such as agricultural irrigation and drainage ditches are specifically excluded from this definition. See also Stream, Stream Banks.

Stream Banks: Physiographic features that normally contain streams within a channel. The banks are

distinct from the streambed, which is normally wetted and provides a substrate that supports aquatic organisms. For purposes of these regulations (see Section 3.16) “**Top of Bank**” is defined as the point along a stream bank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain only during flows at or exceeding the average annual high water stage. “**Top of Slope**” is defined as a break in the slope adjacent to steep-banked streams that have little or no floodplain.

Street: See Road.

Street Line: The dividing line between a lot and a public or private road or street, typically defined by the edge of the road right-of-way.

Structurally Able: For purposes of regulating telecommunications facilities, the determination that a tower or structure is capable of safely carrying the load imposed by the proposed new antenna(s) under all reasonably predictable conditions as determined by professional structural engineering analysis including the wind load or any other structural requirements.

Structure: Any construction, assemblage or other combination of materials on the land for occupancy or use, including but not limited to buildings, additions to buildings, mobile homes, tennis courts, swimming pools, airstrips, satellite dishes, relay or radio antennae, walls and fences, gas station canopies, and tanks for the outdoor storage of gas or oil. Sidewalks, driveways, roads, parking areas, signs, service lines, and the subsurface components of potable water and sewage disposal systems are specifically excluded from this definition. Other structures shall be exempted from these regulations only in accordance with the Act [§4446] and these regulations (see Section 9.2). See also Accessory Structure, Building.

Subdivider: Any person(s) 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. See also Applicant.

Subdivision: The division of any parcel of land into two or more parcels, lots or other legal division of land for the purposes of offer, transfer, sale, lease, conveyance or development (see Section 6.1). The term includes the resubdivision of a previously subdivided parcel, amended subdivisions, and the division of land held in common among several owners; and shall also include the development of a parcel as a planned residential or planned unit development. See Boundary (Lot Line) Adjustment.

Subdivision/Major: A subdivision of land resulting in the creation of four (4) or more lots, and all Planned Residential and Planned Unit Developments (see Section 6.1).

Subdivision/Minor: A boundary (lot line) adjustment, amendments to an approved subdivision plan that will not substantially change the nature of the previously approved plan or conditions of approval, or a subdivision which results in the creation of three (3) or fewer lots (see Section 6.1).

Substantial Improvement: 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: (1) before the improvement or repair is started, or (2) if the structure has been damaged and restored, before the damage occurred. For the purpose of administering flood hazard area regulations, this definition excludes the improvement of a structure to comply with existing municipal or state health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the state or National Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

Substantially Commenced: For purposes of these regulations, to include initial site preparation, the installation of an access, and the installation of a foundation, water and/or wastewater system on-site, in accordance with these regulations and all permits and approvals.

Substantially Complete: The completion of a permitted building or structure to the extent that it may be safely occupied for its intended use.

Substantially Destroyed: Fifty percent (50%) or more of the structure has been damaged and/or the damaged structure is no longer structurally sound, habitable or safe for its intended use.

Telecommunications Equipment Shelter: A structure located at a base station designed principally to enclose equipment used in connection with telecommunications transmissions including any foundation that may be required.

Telecommunications Facility: All equipment (including repeaters) with which a telecommunications provider broadcasts and receives radio frequency signals which carry their services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or its agent of record or another owner or entity (see Section 4.19).

Telecommunications Facility Site: A property, or any part thereof, which is owned or leased by one or more telecommunications providers and upon which one or more telecommunications facilities and any required landscaping are located.

Telecommunications Provider: An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

Telecommunications Tower: A guyed, monopole, or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

Temporary Wireless Telecommunications Facilities: Any tower, pole, antenna, or other facility designed for use while a permanent wireless telecommunications facility is under construction, rehabilitation or restoration.

Tiled Coverage Plots: Tiled plots result from calculating the signal at uniformly spaced locations on a rectangular grid, or tile, of the area of concern. Tiled plots (in comparison to radial plots) (1) provide a uniform distribution of points over the area of interest, (2) usually allow the same grid to be used as different sites are examined, and (3) do not necessitate the transmitter site be within the grid or area of interest. As with radial plots, the graphic display or plot can be either signal strength or adequate threshold.

Tile plotting requires more topographic data and longer (computer) execution time than radial plotting, but is preferable for comparative analysis.

Transfer Station/Recycling Center: A facility certified by the state that functions as a collection point for solid waste and recyclable material that will subsequently be transported to a state-approved landfill or disposal facility. The facility will include, at minimum, a receiving hopper and compacting equipment (see Section 4.17). See also Public Facility.

Transit Facility: A building, structure, or area designed and intended for use by persons changing transportation modes, including but not limited to bus and train stations. For purposes of these regulations, this shall also include park and ride facilities which may also provide access to other forms of public transportation. See also Parking Facility.

Use: The specific purpose for which a parcel of land or structure is designated, designed or intended, or for which it may be used and maintained. See also Accessory Use, Structure.

Veterinary Clinic: A building or part thereof used for the care, diagnosis, treatment and temporary boarding of animals. See also Kennel.

Warehouse Facility: A building used primarily for the storage, wholesale and distribution of manufactured goods and materials, and not as a primary location or outlet for business or retail uses.

Warming Hut: A heated trail-side accessory structure to an alpine or nordic ski facility which may be used by skiers as a temporary resting and warming area, or for emergency shelter. This shall not include overnight use, except in emergency situations. The limited sale of light snacks and beverages also may be allowed, subject to Board approval.

Waste Management Facility: A public facility licensed or certified by the state of Vermont for the collection, storage, transfer, shipment or disposal of solid or hazardous waste materials (see Section 4.17), to include transfer stations, landfills, and other types of waste management facilities. See also Public Facility, Salvage Yard.

Wetland: As defined by Vermont Wetland Rules, as most recently amended, to include “those areas of the State which are inundated by surface or ground water with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction.” Such areas include, but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but exclude such areas where food and crops are grown in connection with farming activities. The location of wetlands on a particular parcel, as indicated on State Wetland Inventory Maps, shall be confirmed through site investigation.

Wildlife Refuge: A designated area owned and/or managed by a public or nonprofit entity principally for the purpose of sustaining wildlife habitat and/or wildlife populations, which may also be open to the public for hunting and outdoor recreation. Designated trails and parking areas, and storage and maintenance structures may be allowed as accessory to the principal use.

Yard: An unoccupied area of ground, as defined by required setback distances, in which no structure, building or portion thereof, may be located. See also Setback.

Yard Sale: See garage sale.