

ARTICLE V. DEFINITIONS

Section 5.1 Interpretation

(A) Unless otherwise defined herein, the definitions contained in the Act and the Waitsfield Zoning Bylaw shall apply to these regulations.

(B) Words, phrases and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.

(C) Any interpretation or clarification of words, phrases or terms contained herein by the Waitsfield Development Review Board or other jurisdiction shall be based on the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

Section 5.2 Definitions

For the purposes of these regulations, the following words shall be defined as follows:

Act: The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

Adjoining Land Owner: The owner of record of a parcel of land which adjoins the property subject to subdivision, without regard to public rights-of-way.

Authorized Agent: A person or group of persons who have been duly authorized in writing filed with the Development Review Board by the owner of record to act on his or her behalf.

Buffer: A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen visual or physical impacts of development on surface waters, wetlands and other natural and scenic areas.

Community Wastewater System: Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons that disposes of sewage for domestic commercial, industrial or institutional uses to two or more users or customers.

Community Water System: Any water system owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

Development Envelope: A specific area delineated on a lot within which all or specified structures are to be located, and outside of which no structures, or only specified structures, are to be located. The Development Review Board may, as a condition(s) of plat approval, limit other site development activities, such as cutting, outside of the building envelope.

Driveway: A minor, private travel way serving up to three adjoining parcels, which provides access for vehicles to a parking space, garage, dwelling or other structure.

Final Plat: The final drawings on which the subdivision is presented to the Development Review Board for approval and which, if approved, shall be filed for record with the Town Clerk.

Floodplain (Flood Hazard Area). Land subject to flood hazard area review under the Waitsfield Zoning Bylaws.

Forest Fragmentation. The division or conversion of large areas of contiguous forest or formerly contiguous forest into smaller pieces leaving remnant patches of forest that vary in size and isolation separated by non-forested lands or other vegetation and land-use types. The reduction in size of forest patches as a result of forest fragmentation can disrupt wildlife corridors and render the forest and other habitats unsuitable for certain species of plants and animals.

Lot: A plot, piece, parcel of land or assemblage of recorded contiguous parcels of land, the latter all in common ownership and designated as a single parcel, established and recorded by plat, subdivision, or otherwise permitted by law to be used or intended to be used by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by these Regulations. Lot boundaries are (A) established by deed or deeds recorded in the land records of the Town of Waitsfield, and the records of any public road right-of-way; or (B) shown on a plat approved by the Town of Waitsfield Development Review Board pursuant to subdivision regulations, provided such approval has not expired.

Lot, non-standard: When a lot owner owns a lot which fails to meet minimum lot size requirements and such lot is contiguous to another lot owned by the same lot owner, such contiguous lots shall constitute a single lot, except that: (A) contiguous lots which as of March 2, 1971, were devoted to separate and independent uses shall constitute separate lots so long as such lots continue to be devoted to separate and independent uses; or (B) contiguous lots which are devoted to uses approved as separate uses under the Town of Waitsfield Zoning Bylaws shall constitute separate lots provided such uses are conducted in compliance with the terms and conditions of the approvals granted; or (C) contiguous lots which are shown on a plat approved by the Town of Waitsfield Development Review Board pursuant to Town regulations shall constitute separate lots provided such approval has not expired.

Major Subdivision: Any residential subdivision resulting in the creation of five (5) or more lots; any subdivision requiring any new public or private road or driveway greater than 800 feet in length or any combination of public and private roads and private driveways with a cumulative length greater than 2,000 feet; any subdivision in which access will be provided by a Class 4 Road.

Minor Subdivision: Any residential subdivision resulting in the creation of fewer than five (5) lots, including all lots created from a single parcel within the past five (5) years, and which does not require installation of new public roads. Minor subdivisions also include lot line or boundary adjustments; amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval.

Municipal Land Use Permit. A zoning, subdivision, site plan or building permit or approval, any of which relate to land development as defined in statute, including final subdivision approval, which has received final approval from the applicable board, commission, or officer of the municipality [24 VSA § 4303(11)].

Open Space: The undeveloped portion of any parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or for the protection of natural areas.

Pedestrian Scale: Development designed to accommodate pedestrian use and comfort, resulting in environments that are scaled to the human form, with closely-spaced buildings and visual details perceived at a walking pace.

Preliminary Plan: The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration.

Primary Agricultural Soils: Soil types designated as “prime” or “statewide” by the United States Natural Resource Conservation Service.

Resubdivision: Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line; or if the change affects any map, plan or conditions recorded in association with the subdivision plat.

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.

Riparian Area: An area of streamside vegetation including the stream bank and adjoining floodplain, which is distinguishable from upland areas in terms of vegetation, soils, and topography.

Road: Any highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic and serving four or more lots.

Significant Wildlife Habitat: Significant wildlife habitats are those natural features that are essential for the survival and/or reproduction of the native wildlife of Waitsfield. This shall include, but is not limited to, (1) deer winter habitat (i.e. deeryards); (2) habitat for rare, threatened and endangered species (state or federally listed); (3) concentrated black bear feeding habitat (bear-scarred beech and oak stands); (4) wetlands that provide critical functions for sensitive or unusual wetland-dependent wildlife such as breeding/nesting habitat for wading birds (e.g. bitterns, herons), waterfowl (e.g. ducks, geese) and otter and vernal pools; (4) wildlife travel corridors, characterized by undeveloped forested corridors, including forest cover reaching to road rights-of-way, which serve to link large tracts of unfragmented forest habitat; (5) large areas (e.g., 500+ acres) of contiguous, unfragmented forest; and (6) habitat identified by the Vermont Department of Fish and Wildlife as either significant wildlife habitat or necessary wildlife habitat in accordance with 10 V.S.A. Sec. 6086(a)(8)(A).

Sketch Plan: An informal sketch of the proposed subdivision, the purpose of which is to enable the sub-divider to reach general agreement with the Development Review Board as the form of the subdivision and objective and requirements of these regulations.

Steep Slope: Slopes defined as “severe” and “extreme” in the Waitsfield Town Plan, having a gradient of between 15% and 25% and a gradient in excess of 25%, respectively.

Subdivider: Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others. The term shall include an applicant for subdivision approval.

Subdivision: The division of a lot, tract or parcel of land into two or more lots, tracts, sites, or other divisions of land for the purpose, whether immediate or future, of sale or land development. It includes resubdivision and the division of a lot or parcel held in common ownership and subsequently divided into parts among the owners.

Subdivision Approval: A decision by the Development Review Board, certified by written endorsement on the Plat, that the final plan meets the requirements of these regulations. Such approval may include conditions to be met by the applicant, which shall run with the land and be applicable to future owners, and which shall be forwarded to the applicant in writing.

Town Plan: The Waitsfield Town Plan as most recently adopted.

Wetland: 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, ponds seeps and vernal pools, but exclude such areas where food and crops are grown in connection with farming activities. The location of wetlands on a particular parcel, as may be indicated on State Wetland Inventory Maps, shall be confirmed through site investigation.