

Article VIII. 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, that 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, Building 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 Fairlee.

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.

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 used for agricultural purpose.

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.

Area of Special Flood Hazard – The land in the floodplain within a town subject to a one percent or greater chance of flooding in a given year.

Arts and Cultural Facilities – A space indoors or outdoors either in conjunction with public or business use or as a standalone principle use for the purpose as a gathering place for the display of art, performances, or for community or social events.

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

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.

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).

Cannabis Establishment - A cultivator, product manufacturer, testing laboratory, retailer, dispensary or cannabis lounge involved with the commercial production, manufacture, distribution or commercial sale of cannabis and related psychoactive products; upon town wide vote to permit sales per state statute, cannabis establishment is a conditional use in the Town of Fairlee.

Cannabis Lounge - An entity registered to sell cannabis or THC-infused products to consumers for on-site or off-site consumption; upon town wide vote to permit sales per state statute, cannabis lounge is a conditional use in the Town of Fairlee.

Cannabis Product Manufacturer - An entity registered to manufacture, prepare, and package cannabis-infused products and hashish, and to sell cannabis, including hashish, and THC-infused products to a retailer, cannabis lounge, or another product manufacturer; upon town wide vote to permit sales per state statute, cannabis product manufacture is a conditional use in the Town of Fairlee.

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.

Certificate of Compliance – A permit, typically issued at the completion of construction that required a DRB approval but preceding the use or change in use of a property, 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 child care.

Class A Lot – A parcel with a potable water supply sourced by a public water system (*see definition “Public Water System”*). Class A lots have a minimum area of 20,000 square feet.

Class B Lot – A parcel with a potable water supply sourced on the parcel. Class B lots have a minimum area of 40,000 square feet.

Clearing of vegetation – cutting of trees, branches and shrubs and mowing (except for the maintenance of existing lawns), regulated in the Lake Area. See the Zoning Administrator for details.

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.

Community Sewage Disposal System - Any sewage disposal system, other than a municipal sewage disposal system that 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.

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

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

Dedication - The formal acceptance by the Town of Fairlee 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 Fairlee, 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 Fairlee.

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.

Drive In Movie Theater – Commercial accommodation for the viewing of motion pictures from parked motor vehicles.

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.

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

Dwellings, 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.

Dwelling, Seasonal – Housing designed for occasional or seasonal use that does not meet the conditional use requirement per section 5.3 of the UDB. Conversion of a seasonal dwelling into a year-round home requires a conditional use permit issued by the DRB per criteria established under section 5.3. Home Occupations are specifically not permitted in Seasonal Dwellings.

Dwelling, Single Family Semi-Detached – dwelling units that share not more than two common walls with neighboring dwelling units, i.e. townhouses and row houses.

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.

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.

FAA - Federal Aviation Administration.

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

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 Fairlee, 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.

Footprint – The perimeter of a building as defined by its foundation or footings.

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.

Golf Course – Groomed outdoor area for playing the sport of golf, may be either a commercial or public use.

Gray Water - All domestic wastewater except toilet discharge water.

Ground Disturbance – Except as incidental to an agricultural use, the removal of native cover or grass, grubbing of roots, stump removal, or establishment of lawn.

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 be 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 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 Fairlee Zoning Regulations §4.5.

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, heavy industrial uses are not a permitted or conditional use in the Town of Fairlee.

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 a conditional use in the Town of Fairlee.

Lot - Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated and having frontage on a street, or other means of access as may be determined by the Development Review Board to be adequate as a condition of the issuance of a zoning permit. A portion of land in a subdivision or plat that is separated from other portions of land by a proposed property line.

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 depth – The closest distance to any rear lot line from the front lot line. For triangular lots with no side lot lines, the average depth of the lot as measured perpendicular to the front lot line.

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

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

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 §2.63.

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, that meets the definition of a subdivision.

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.

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.

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.

Mixed-Use – Development of a parcel, building or structure in the Mixed-Use Area with a variety of complementary and related uses, e.g. warehousing and other storage would be complementary to industrial and commercial uses. Primary retail is specifically excluded from this definition.

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 – Fairlee municipal water, 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 of 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.

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

Outdoor Rural Recreation – Activities, such as, hiking, climbing, biking, conservation, leisure, skiing and other sports provided they are non-motorized.

Outdoor Rural Recreation Facilities – Infrastructure including buildings, trails, outdoor courses and structures to support outdoor recreation activities. Institutional shooting ranges are specifically excluded from this definition and are not permitted in the Town of Fairlee. Incidental residential occupancy/meals is allowed for staff and guests, but total overnight occupancy shall not exceed 20 persons. Outdoor activities may only take place in daylight hours. Total impervious cover shall not exceed 1 acre.

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.

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 Fairlee, 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.

Primitive Camp - Camps with no interior plumbing consisting of more than a sink with water, that are used no more than three consecutive weeks per year and no more than a total of 60 days per year, shall be exempt from septic permitting requirements per 10 V.S.A. § 1974. This exemption does not apply to seasonal camps.

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

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, that 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.

Recreational Vehicle - Is a vehicle used for camping or temporary living quarters; it does not include snow machines, travel bikes or boats.

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 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.

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.

Seasonal Dwelling – Housing designed for occasional or seasonal use, often of substandard construction, insulation and/or wastewater disposal systems as compared to buildings designed for year round use. Conversion of a seasonal dwelling into a year round home requires a conditional use permit issued by the DRB. Home Occupations are specifically not permitted in Seasonal Dwellings.

Second Floor Occupancy – As required under §3.2.1 Village Area district regulations, new construction in this zone must make provision for a second floor that, if not used in conjunction with the first floor use,

must be occupied by other uses permitted or conditional in this zone. Residential and commercial uses may be mixed in these circumstances.

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.

Setback – Space on a lot, measured perpendicular to lot lines, that is not occupied by above, at, or below grade development, including buildings, structures (except fences), wells, septic tanks and leach fields, driveways, porches, patios and decks. Distances shall be measured from the closest part of the development, except for roofed development, which shall be from the drip line.

Setback, Front - The distance measured from the center of the travelled way along the front lot line, being the lot line adjacent and fronting a public or private road. In the case of corner lots with frontage on two sides, the front lot line shall be along both frontage lines. For lots accessed solely by a right of way, the front setback shall be to the front lot line which shall be the lot line where the access enters the lot. Such a distance shall include porches, whether enclosed or unenclosed but does not include steps.

Setback, Rear - Setback along the rear lot line(s), which are all lot lines that are not front or side lot lines. In the case of corner lots and lots with only 3 sides, rear setbacks will be from all lot lines that are not front lot lines.

Setback, Side – Setback between the principal building or accessory use building and a side lot line, and extending through the front and rear property lines.

Setback, Waterfront - The distance measured from the mean water level to the nearest permanent building.

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 – Either a freestanding accessory structure or a fixture on a build as regulated by these provisions per §4.16.

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

Site Plan Review – The process by which an DRB 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.

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, alley 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, stonewalls, mailboxes, flagpoles, dog houses, tents, and other minor structures and installations, **but does include retaining walls.**

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, street lights, fire hydrants, shade trees, water, sewage, drainage facilities, public utilities and other necessary public improvements. See 24 VSA §4418 and §4463.

Substance Abuse Clinic – A medical facility whose primary function is the distribution of controlled substances for the outpatient treatment of addiction. A substance abuse clinic is not a principle permitted or conditional use but is allowed as an accessory use in the Town of Fairlee.

Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's 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”.

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

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.

Townhouse – Single family semi-detached, dwellings arranged in rows such that they share no more than two party walls.

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

Use – Activity taking place on a parcel or in a structure; the predominate activity is a “principle use”, subordinate activities are “accessory uses”.

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.

Village Center – A Village Center is a traditional center of the community, typically comprised of a cohesive core of residential, civic, religious and commercial buildings arranged along a main street and intersecting streets. See 24 VSA §2791(10).

Waiver - An exception to the setback requirements granted by the AO to improve ADA compliant access or by the DRB to relieve a hardship.

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).

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 water body in Fairlee 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).

Interim Bylaw to Effect a Lake Morey Building Moratorium

I. Intent

Lake Morey is a densely settled shoreline in the Town of Fairlee Vermont, with a well-defined and mapped Lake Area Zone, and a unified development bylaw in place. The water quality of Lake Morey has become degraded by repeated blooms of cyanobacteria (blue-green algae) which are understood to be triggered by the changing climate and fed by the nutrient phosphorous the sources of which are poorly understood. The result is a danger to the public health, safety, and welfare.

II. Purpose

With the delicate ecosystems, the deficits in our understanding of the causes of the cyanobacteria blooms, the growing stress placed on the Lake Morey system by increased occupancy and use, and the lack of programable remediation to address the issue the Fairlee Selectboard considers it necessary to temporarily cease increasing those stresses until the issues are properly defined and a remediation program is formulated to accomplish the following tasks:

- Undertake watershed analysis to identify the source of cyanobacteria nutrient loads.
- Quantify the impacts of possible manifold sources of those nutrient loads.
- Identify possible infrastructure needs to structurally implement remediation solutions.
- Make policy and regulatory recommendations to implement remediation solutions.

III. Lands to Which the Interim Bylaw Apply

All lands adjacent to the waters of Lake Morey zoned by the Fairlee Unified Development Bylaw as Lake Area and Lake Shore Resort Area.

IV. Limitations on Land Development

Within the areas to which this Interim Bylaw apply, the following shall not be allowed:

- A. New Subdivisions.
- B. New Principal Buildings.
- C. Any Development which would require a Conditional Use Permit.

V. Enactment; Effect; Separability

A. Enactment and Duration. These Interim Bylaws are enacted pursuant to the provisions of 24 V.S.A. section 4415, are to be administered in the manner provided for in 24 V.S.A. section 4415, as amended from time to time, and shall be effective upon passage. These Interim Bylaws shall be limited in duration to twelve months from the date they become effective. The Selectboard may extend these Interim Bylaws in accordance with 24 V.S.A. section 4415 for subsequent twelve-month period, but not beyond the initial two-year period authorized by 24 V.S.A. section 4415(a).

B. Effect on Existing Law. These Interim Bylaws shall not repeal or alter any existing ordinances, regulations, or bylaws of the Town of Fairlee. These Interim Bylaws establish restrictions that are in addition to those contained in any other City ordinance, regulation, or bylaw.

C. Separability. Should any section, sub-section, paragraph, sentence, clause, provision, or phrase of these Interim Bylaws be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of any other portion of these Interim Bylaws, except the section in question.

New language in green