

SECTION 6.2 - 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.

Building Envelope: A specific area delineated on a lot within which all structures are to be located, and outside of which no structures are to be located.

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 the visual or physical impact of development on surface waters, wetlands and other natural and scenic areas.

Conformance with Town: Means a proposed implementation tool, including a bylaw or bylaw amendment that is in accord with the municipal plan in effect at the time of adoption, when the bylaw or bylaw amendment includes all the following:

- (A) Makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.
- (B) Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan.
- (C) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.

Common Land: An archaic designation of property set aside and regulated by the local, state, or federal government for the benefit of the public for recreational purposes. Common lands established by the Federal government are known as public lands.

Community Sewage Disposal 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.

Emergency Services: The Town of Ludlow's Police Department, Fire Department and the Ludlow Ambulance Service.

Farm Land: A parcel of arable land that is worked by plowing and sowing and raising crops. Also a tract of land devoted to pasturage, stock raising, and some allied industries and small wood lots and areas used for small farm roads and buildings.

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.

Forest Service: The USDA Forest Service is an agency of the United States Department of Agriculture that administers the nation's 155 national forests and 20 national grasslands. Major divisions of the agency include the National Forest System, State and Private Forestry, and the Research and Development branch.

Interested Person: An interested person, defined in §4465 as having the right to appeal a decision of the Development review Board to the Vermont Environmental Court, includes the following:

- a) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- b) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
- c) A person owning or occupying property in the immediate neighborhood of a property that is the Article VI. Definitions January 12, 2005 subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
- d) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. And
- e) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state. Also see "Person."

Land Development: The division of a parcel into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure; or of any mining, excavation or landfill; or any change in the use of any building or other structure, or land, or extension of use of land.

Lot: A parcel of land occupied or intended to be occupied by only one principal use, and accessory structures or uses customarily incidental to the principal use (unless otherwise approved as part of mixed use or Planned Unit Development). A lot shall have sufficient size to meet the zoning requirements for use, area, setbacks, density, and coverage, and to provide such yards, and other open areas as herein required. Such lot shall have frontage on a maintained public road or other legal access as approved by the Development Review Board. For the purposes of these

regulations, Town Road right-of-ways shall not be considered lot boundaries unless approved as such by the Development Review Board.

Mylar: Plastic, transparent copies of a blueprint.

Open Space: The undeveloped portion of any development 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.

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.

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

Private Road: is a road owned and maintained by a private individual, organization, or company rather than by a government.

Re-subdivision: 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.

Roads: Any vehicular way that is (1) an existing state, municipal or private roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the Town Clerk's office prior to the appointment of a Development Review Board and; (5) shown on the official map or adopted plan. It includes the land between the street lines, whether improved or unimproved.

Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; or Generally the right of one to pass over the property of another.

Significant Wildlife Habitat: Significant wildlife habitats are those natural features that are essential for the survival and/or reproduction of the native wildlife of Ludlow. This shall include, but is not limited to, (1) deer winter habitat; (2) habitat for rare, threatened and endangered; (3) concentrated black bear feeding habitat (bear-scarred beech and oak stands); and (4) wetlands that provide critical functions for sensitive or unusual wetland-dependent wildlife such as breeding/nesting habitat for wading birds (bitterns, herons), waterfowl (ducks, geese) and otter and vernal pools.

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

Stream: A watercourse having a source and terminus, banks and channel, through which waters flow at least periodically and it usually empties into other streams, lakes, or the ocean, but it does not lose its character as a watercourse, even though it may break up and disappear.

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

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: Division of any lot or parcel of land, after the effective date of these regulations, into two or more lots of any size, for the purpose of conveyance, transfer of ownership, improvement, building, development, or sale.

Wetlands: To include all wetlands identified in Vermont Wetland Inventory (VWI) maps, wetland areas identified as "Ecologically Significant Wetland" by the Vermont Nongame and Natural Heritage Program, and/or wetland areas identified through site analysis to be 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 pursuant to the Vermont Wetland Rules.

Town Plan: The Town of Ludlow Municipal Development Plan as most recently adopted.
Wetlands: To include all wetlands identified on Vermont Wetland Inventory (VWI) maps, wetland areas identified as "Ecologically Significant Wetlands" by the Vermont Nongame and Natural Heritage Program, and/ or wetland areas identified through site analysis to be 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 pursuant to the Vermont Wetland Rules.