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## **PART 5. DEFINITIONS**

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### **Chapter 500. Use of Terms**

#### **Section 501. Interpretation**

- 501.A The words defined in the Vermont Planning and Development Act have their statutorily defined meaning unless they are specifically defined in Chapter 510 or elsewhere within these regulations.
- 501.B The words used in these regulations have their normal dictionary meaning unless they are specifically defined in Chapter 510 or elsewhere within these regulations.
- 501.C The words defined in Chapter 510 have the specific meaning stated unless the context clearly indicates that they have another meaning.
- 501.D These regulations use “must” and “will” to express that something is required. They use “must not” and “will not” to express that something is prohibited. They use “may” and “may not” for discretionary actions. They use “should” and “should not” when something is encouraged or discouraged.

## Chapter 510. Defined Terms

### 511.A

- (1) **ACCESS POINT** means a curb cut onto a State or Town road for a driveway or a private road.
- (2) **ACCESSORY STRUCTURE** means a structure that is incidental, and subordinate in size and overall appearance to the principal structure on the same lot. Prefabricated structures are regulated as accessory structures. Examples: swimming pools, storage sheds, garages, renewable energy structures.
- (3) **ADAPTIVE REUSE** means the rehabilitation or renovation of an existing historic barn for another allowed use in accordance with Section 303. Also see definition of **BARN, HISTORIC** (Paragraph 511.B(2)).
- (4) **AFFORDABLE HOUSING** means housing that is either:
  - (a) Owned by its inhabitants, whose gross annual household income does not exceed 80% of the median income for the Burlington MSA (Metropolitan Statistical Area), as defined by the United States Department of Housing and Urban Development; and the total annual cost of housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30% of the household's gross annual income; or
  - (b) Rented by its inhabitants whose gross annual household income does not exceed 120% of the median income for Burlington MSA, 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 % of the household's gross annual income.
- (5) **AGRICULTURAL ENTERPRISE** means a small business that is a natural extension of a farm and is integrated with an active agricultural use including, but not limited to, on-farm cafes, corn mazes, pick-your-own operations, wine-tasting rooms, on-farm retail store or event venue, and farming demonstrations or education.
- (6) **AGRICULTURE** (or farming as defined by the State of Vermont) means
  - (a) The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops;
  - (b) The raising, feeding, or management of livestock, poultry, equines, fish, or bees;
  - (c) The operation of greenhouses;
  - (d) The production of maple syrup;
  - (e) The on-site storage, preparation, and sale of agricultural products principally produced on the farm;
  - (f) The on-site production, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or
  - (g) The raising, feeding, or management of 4 or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

- (7) **ALTERATIONS** mean structural changes, rearrangement, change of location, or addition to a building, other than repairs and modifications to building equipment.
- (8) **ART GALLERY/STUDIO** means an establishment, structure, or portion thereof used to produce and/or sell artwork.
- (9) **ATTIC** means the space immediately below the roof of a structure. For the purposes of determining height, an attic will be considered a full story if more than 50% of the floor area has a height of 7 feet or more between the top of the joists and the bottom of the rafters.
- (10) **AVERAGE GRADE** means the final elevation of the average ground level adjoining a structure at all exterior walls after development.

511.B

- (1) **BANKS & OTHER FINANCIAL INSTITUTIONS** mean establishments such as banks, savings and loans, credit unions, credit agencies, investment companies, brokers and dealers of securities and commodities, and security and commodities exchanges.
- (2) **BARN, HISTORIC** (for adaptive reuse purposes) means any barn within the Town of Westford that has been certified in writing by the Vermont Division for Historic Preservation, or the Westford Historical Society to meet the following conditions:
  - (a) The barn must have been built more than 60 years prior to the current date;
  - (b) The barn must be listed or eligible for listing on the State register of historic sites and structures; and
  - (c) The barn is deemed a significant structure as a part of the Town's historic fabric and a reflection of the Town's rural and agricultural heritage.

Also see **ADAPTIVE REUSE** (Paragraph 511.A(2)).

- (3) **BASEMENT** means a part of a structure that is entirely or partly below ground. For the purposes of determining height, a basement will be considered a full story if its ceiling height will be at least 7 feet above the average grade along one of the building walls.
- (4) **BED AND BREAKFAST** means a building designed to room and board persons on a nightly, weekly, or seasonal basis, accommodating not more than 10 people and employing not more than 2 non-family full-time equivalent employees.
- (5) **BEDROOM** means any room in a residential structure that serves primarily as sleeping quarters; or any room in a residential structure capable of present or future use as a private sleeping area that is at least 80 square feet and has at least:
  - (a) One window;
  - (b) One closet; and
  - (c) One interior method of entry and exit, excluding closets and bathrooms, allowing the room to be closed off from the remainder of the residence for privacy.

- (6) **BOARDING HOUSE** means a single-family dwelling where rooms are rented for compensation to lodgers for a contract period of not less than 30 days and where the rented rooms do not include individual cooking or eating facilities. Lodgers may be provided or be able to make meals in a common kitchen and eating area, but no meals may be provided to outside guests. The owner or manager of the boarding house must live in the single-family dwelling.
- (7) **BOARDWALK** means a walkway constructed over wet ground that is no greater than 4 feet in width.
- (8) **BUILDING** means a portable, temporary, fixed, or permanent structure having a roof supported by columns or walls, for the shelter, support, or enclosure of people, animals, or property; including, but not limited to, dwellings, barns, garages, sheds, tents, storage units, or trailers or vehicles used for shelter or storage.
- (9) **BUILDING ENVELOPE** means a specific area of a lot, delineated on a subdivision plat, within which land development must be located and outside of which no land development may be located, except walkways, driveways, roads, utilities, water-dependent structures, and exempt accessory structures (See Section 111).
- (10) **BULK STORAGE OF FUELS** means the storage of 500 gallons or more of liquid or gaseous fuels in large quantities for distribution. Such fuels include fuel oil and pressurized gasses such as propane and compressed natural gas.

511.C

- (1) **CAMPGROUND** means a parcel of land that is occupied or intended or designed or improved for occupancy by transients using tents, tent platforms, or single axel towed campers that do not have access to utility hookups for use as temporary living quarters for recreation, education or vacation purposes and is advertised as such to the public for use in a temporary, seasonal manner. Campgrounds consist of one or more camping sites for commercial use. Campgrounds with four or more camp sites may include facilities and/or structures associated with campground operations, such as bathrooms, showers and concessions. See also Camping Site.
- (2) **CAMP SITE** means any tent, tent platform, or single axel towed camper that does not have access to utility hook ups that is used in a campground as temporary living quarters for recreation, education, or vacation purposes.
- (3) **CEMETERY** means property used for the interring of the dead.
- (4) **CHARACTER OF THE AREA** means the image and perception of an area as defined by factors such as its built environment, land uses, transportation network, landscaping, natural features and open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services. Standards that require uses to be compatible with the character of the area must consider the generation of light, noise, dust, and traffic, and the location, size, and design of structures, as compared to what is typical in or planned for the area as described in the purpose statement of the zoning district and the land use goals and policies of the Westford Town Plan.

- (5) **CLUB, PRIVATE** means a private organization, building, or grounds operated for social, recreational, or charitable purposes; open only to members and their guests; specifically including, but not limited to, country clubs, fraternities and sororities, and other organizations and entities to which membership is limited or controlled. Excluded in this definition are all types of gun clubs and shooting ranges.
- (6) **COMMUNITY FACILITY** means a meeting place used by the general public for cultural, educational, or social activities, and which may possess incidental or subordinate indoor recreational and/or outdoor recreational facilities.
- (7) **COMMUNITY SEWAGE DISPOSAL SYSTEM** means any sewage disposal system, other than a municipal sewage disposal system, owned by the same person, firm, corporation, partnership, or association that disposes of sewage for domestic, commercial, industrial, or institutional uses to 3 or more customers.
- (8) **COMMUNITY WATER SYSTEM** means any water system owned by the same person, firm, corporation, partnership, or association that supplies water for domestic, commercial, industrial, or institutional uses to 3 or more customers.
- (9) **CONGREGATE HOUSING** means a facility for long-term residence by individuals with a handicap or disability and which shall include, without limitation, common dining and social and recreational features; special safety and convenience features designed to the needs of the residents, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs; and the provision of social services for residents which include at least two of the following: meal services, transportation, housekeeping, linen, and organized social activities.
- (10) **CONTEXT-SENSITIVE DESIGN** means a design approach that is location-specific and that begins with a developing a thorough understanding of a site's unique physical, ecological, cultural, and historic setting in order to make sound choices about where and where not to build, how to best fit development into the wider landscape and community, and preservation of significant scenic, aesthetic, historic and natural resources.
- (11) **CONTRACTOR'S YARD** means an establishment with an outdoor area for the staging or preparation of landscaping, excavation, construction, and similar services where exterior storage is customary.
- (12) **CREMATORIUM** means an establishment where bodily remains are incinerated in a furnace. All crematoriums shall follow State of Vermont protocol, licensing, and all other applicable regulations.

511.D

- (1) **DENSITY** means the number of acres or square feet of land area that are required for a given number of dwelling units, uses, or structures. Where a parcel is located in two or more zoning districts, the density for the entire parcel shall be the aggregate of the allowable density of each portion that is in a separate district.
- (2) **DEVELOPMENT**. See **LAND DEVELOPMENT** (Paragraph 511.L(1)).

- (3) **DISRUPTION** (as it relates to the Water Resource Overlay District) means the alteration of the physical, chemical, or biological properties of a waterway, such as, but not limited to erosion, sedimentation, point and non-point source pollution, increase in water temperature, waterway blockages, decrease in floodwater storage capabilities, or disturbance of sensitive habitat and/or rare, threatened, and/or endangered species.
- (4) **DOMESTIC ANIMAL KENNEL** means a commercial establishment in which domestic animals are housed, groomed, bred, boarded, trained, or sold.
- (5) **DRIVEWAY** means a private vehicular access from a road to a parking space, garage, dwelling, or other structure and generally subordinate in nature to a road. A driveway may be shared among 3 or fewer lots, dwelling units or nonresidential uses.
- (6) **DWELLING UNIT** means a structure or part of a structure intended for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (7) **DWELLING UNIT, ACCESSORY** means a secondary dwelling unit established in conjunction with and clearly subordinate to a single-family dwelling, whether a part of the same structure as the single-family dwelling or within an accessory structure on the same lot (see Section 302).
- (8) **DWELLING, TWO-FAMILY** means a building, or portion thereof, designed exclusively for occupancy by two families or households living independently of each other in individual dwelling units. This definition specifically excludes an accessory dwelling unit.
- (9) **DWELLING, MULTI-FAMILY** means a building, or portion thereof, designed exclusively for occupancy by three or more families or households living independently of each other in individual dwelling units. This definition specifically excludes an accessory dwelling unit.
- (10) **DWELLING, SINGLE-FAMILY** means a detached building designed exclusively for occupancy by one household or family.

511.E

- (1) **ENLARGEMENT/EXPANSION** means a physical modification of a structure that results in an increase in its footprint, floor area, or height.
- (2) **EQUIPMENT RENTAL & SALES** means an establishment which rents and/or sells equipment, machinery, and tools; including, but not limited to, garden tools, wood splitters, mowers, tillers, construction tools, cherry pickers, skid steers, and tractors. This use excludes rental or sale of recreational vehicles, motor vehicles, and/or mobile homes.
- (3) **ESSENTIAL SERVICES** means underground or overhead gas, communication, electrical, steam, water or sewer collection, distribution, or transmission systems maintained by public utilities or municipal or other governmental agencies, including equipment and accessory structures customarily associated with such systems, as well as public rights-of-way and associated roads, bridges, and culverts.

- (4) **EXTERIOR STORAGE AND DISPLAY** means the keeping of any merchandise, goods, materials, vehicles, equipment, junk, or waste related to a non-residential use in an unenclosed area and in the same place for more than 24 hours (see Section 325).

511.F

- (1) **FAÇADE** means the dominant structural feature of any side of a building. For example, the building façade of a two-story structure with a one-story porch is the two-story elevation of the building.
- (2) **FARM STAND** means a building or structure located on a farm and used for the sale of agricultural products produced primarily on that farm.
- (3) **FLOOR AREA** (for purposes of calculating the size of a structure) includes the square footage of all enclosed floor levels, including storage areas, utility areas, stairways, basements, and attics.
- (4) **FRANCHISE OR CORPORATE ARCHITECTURE** means a standardized design that is trademarked or identified with a particular chain or corporation and that is replicated in multiple locations with minimal variation.
- (5) **FUEL SALES** means an establishment, lot, or building that is used for the sale of motor vehicle fuels, lubricants, and related motor vehicle products. The sale of food and other unrelated convenience items may be allowed as an accessory use to the fuel sales, subject to general retail conditional use approval. This use excludes rental or sale of recreational vehicles, motor vehicles, and/or mobile homes.
- (6) **FULL-TIME EQUIVALENT OR FTE** (as defined in 21 V.S.A. § 2002(3)) means the number of employees expressed as the total number of employee hours worked during a week divided by 40.
- (7) **FUNERAL HOME** means an establishment for the preparation and repose of a deceased person, including religious and cultural rituals connected therewith, and where people may gather to mourn the deceased.

511.G

- (1) **GARAGE SALE** means any casual sale of tangible personal property which is advertised to the public at large by any means. Such events are commonly called “garage sale”, lawn sale”, “moving sale”, or “rummage sale”.
- (2) **GARDEN NURSERY** means a commercial establishment where land or greenhouses are used to raise and/or sell flowers, shrubs, plants, and similar materials.
- (3) **GROUP HOME** means a dwelling unit used to house and care for people with a handicap or disability in accordance with Section 115.

511.H

- (1) **HANDICAP OR DISABILITY** (as defined in 9 V.S.A. § 4501) means a physical or mental impairment that limits one or more major life activities. This definition specifically excludes a person who is an alcoholic or drug abuser and who constitutes a direct threat to property or the safety of others due to current alcohol or drug use.



- (2) **HAZARDOUS MATERIAL** means any substance or material that by reason of its form, quantity, toxic, caustic, corrosive, abrasive, or otherwise injurious properties may pose a risk to health, safety, or property including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, compressed gasses, or any substance defined in Section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- (3) **HAZARDOUS WASTE** (as defined in 10 V.S.A. § 6602(4)) means 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.
- (4) **HEALTH & PERFORMING ARTS STUDIO** means an establishment with no permanent fixed seating used for exercise instruction and classes including, but not limited to, the following: dance, acting, music, performing arts, rehearsal, yoga, or pilates.
- (5) **HEIGHT** means the vertical distance of a structure measured from the average grade surrounding the structure to the highest point of the structure,
- (6) **HOME OCCUPATION** means an activity carried out for gain by a resident from his/her residential property in accordance with Section 301. These regulations classify home occupations as either **TYPE 1** or **TYPE 2**.
- (7) **HORSE STABLE/INDOOR RIDING FACILITY** means a commercial establishment where the boarding of horses occurs; where riding, jumping, and showing is offered; and/or where horses may be hired for riding.
- (8) **HOTEL/MOTEL** means a facility offering transient lodging accommodations to the general public that may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

511.1

- (1) **IMPERVIOUS SURFACE** means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, roads, driveways, sidewalks, walkways, patios, and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel, or compacted earth; unless they are specifically designed, constructed, and maintained to be pervious.
- (2) **INTERESTED PERSON** (as defined in 24 V.S.A. § 4465(b)) means
  - (a) The applicant;

- (b) The Town of Westford or any adjoining municipality;
- (c) A person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on his or her property, and who alleges that a decision made under these regulations is not or will not be in accord with the *Westford Town Plan* or these regulations;
- (d) Any 10 people, who may be any combination of Westford voters or landowners, who allege that a decision or act made under these regulations is not or will not be in accord with the *Westford Town Plan* or these regulations by a signed petition. The petition must designate one person to serve as the group's representative;
- (e) Any department and administrative subdivision of the State owning property or any interest in property in Westford; or
- (f) The Vermont Agency of Commerce and Community Development

511.J

**JUNK** means old or scrap copper, brass, iron, steel, and other old or scrap non ferrous material including rope, rags, batteries, glass, rubber, debris, waste, trash, or any discarded, dismantled, or wrecked motor vehicle and/or recreational vehicle, or any parts thereof.

511.K

511.L

- (1) **LAND DEVELOPMENT** (as defined in 24 V.S.A. § 4303(10)) means:
  - (a) The division of a parcel into two or more parcels;
  - (b) The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure;
  - (c) Mining, excavating or filling; or
  - (d) Any change in, or extension of, the use of land or a structure.
- (2) **LEDGE OUTCROPPING** means a portion of bedrock protruding through the soil.
- (3) **LIBRARY** means a room or building containing books and other materials for public use and purpose of reading, study, recreation, or reference.
- (4) **LIVING AREA** means the area within the exterior walls of a dwelling unit that is designed for human habitation, that has a floor-to-ceiling height of at least 7 feet, and that excludes garages and unheated space.
- (5) **LOCALLY PRODUCED** means agricultural or silvicultural products that are raised, grown or harvested within Vermont.
- (6) **LOT** means a parcel of land that is not divided by any State or Town road, State or Town boundary or navigable water course and that is:
  - (a) Described as a single parcel of land in a deed recorded in the Town of Westford land records prior to February 4, 1972. If a single deed describes 2 or more parcels of land, each described parcel shall constitute a lot;
  - (b) Described as a single parcel of land in a deed recorded in the Town of Westford land records after February 4, 1972, provided the conveyance creating such parcel did not violate any Town of Westford regulations or ordinances in effect at the

time of the conveyance. If a single deed describes 2 or more parcels of land, each described parcel shall constitute a lot;

- (c) Described as a development lot in a zoning permit issued by the Town of Westford, provided the development activity authorized by the zoning permit was completed in conformance with the zoning permit and prior to the expiration of the zoning permit; or
  - (d) Depicted as a separate lot on a subdivision plat approved by the Westford Planning Commission or Development Review Board pursuant to regulations in effect, provided the plat was signed and recorded in accordance with the requirements of law.
- (7) **LOT DEPTH** means the average distance measured from the lot frontage to the rear lot line along a straight line perpendicular to the lot frontage.
  - (8) **LOT FRONTAGE** means the boundary of a lot along a public or private road or an approved right-of-way providing access to the principal structure, as measured from the intersection of one property boundary with the road or right-of-way to the intersection of another property boundary with the road or right-of-way.
  - (9) **LOT WIDTH** means the average distance measured between the side boundaries of a lot along a straight line parallel to the lot frontage.

Figure 5-1. Lot Lines and Measurements



511.M

- (1) **MASSING** means the general size and shape of a building and the relationship between its various parts. Massing affects the perception of the size and scale of a building, its visual interest, and how it blends with its surroundings. Simple massing consists of a single roof type over a single volume. Complex massing is composed of a main or dominant roof and one or more secondary roofs over their respective volumes. Secondary volumes and roofs should be proportionate to and smaller than the main volume and roof form. With the exception of porch roofs, the pitch of secondary roofs should match that of the main roof. Complex massing gives the appearance of a smaller scale and growth over time, which allows new, large buildings to fit more compatibly into their surroundings.

- (2) **MIXED USE** means a lot or building developed with more than one principal use in accordance with regulations including, but not limited to, residential, office, and/or retail.
- (3) **MOTOR VEHICLE** means any self-propelled device designed to transport people or cargo including, but not limited to, an aircraft, car, truck, tank, motorcycle, snowmobile, boat, trailer (excluding mobile home), or all-terrain vehicle, regardless of whether or not the device is currently functional.
- (4) **MOTOR VEHICLE DEALER, INDOOR** means an establishment engaged in the sale of more than 12 motor vehicles per year from an enclosed structure containing all motor vehicles to be sold.
- (5) **MOTOR VEHICLE REPAIR** means an establishment engaged in the servicing and repair of motor vehicles, including auto body repair and/or auto detailing, which may also include the sale and installation of motor vehicle parts and accessories (see Section 305). This definition specifically excludes motor vehicle sales.
- (6) **MOTOR VEHICLE SALES** means an establishment engaged in the repair and sale of less than 12 motor vehicles per year, specifically excluding mobile homes and recreational vehicles. The sale of more than 12 vehicles per year requires a State of Vermont dealer license and applicable State and local permits.
- (7) **MUSEUM** means a building or place where works of art or other objects of permanent value are kept and displayed.
- (8) **MUST** means shall.

511.N

**NURSERY SCHOOL/DAYCARE CENTER** means an establishment operated as a business or service on a regular or continual basis, whether for compensation or not, to provide care, protection, supervision, and/or education for children under the age of 16 outside of their homes for periods of fewer than 24 hours a day by a person other than a child's own parent, guardian, or relative. This definition specifically excludes a family childcare home.

511.O

**OPEN SPACE LAND** means land designated in a master plan, planned unit development, or subdivision that is protected from future development in accordance with these regulations.

511.P

- (1) **PAVEMENT** means asphalt, concrete, stones, gravel, brick, tile, wood, compacted earth, or other impervious materials used to cover the ground in order to make a firm, level surface.
- (2) **PERSONAL SERVICE/PROFESSIONAL OFFICE** means an establishment primarily engaged in providing personal and/or specialized services to the public. Personal services include, but are not limited to, salons, spas, barbershops, hairdressers, tailors, photographic studios, shoe repair, and furniture repair. Professional services include, but are not limited to, real estate agencies, insurance companies, consultants, architectural and engineering firms, attorneys, medical, and dental practices.

- (3) **PLACE OF WORSHIP** means a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting, on a regular basis, formal religious services by a religious congregation.
- (4) **PLAN** means the *Westford Town Plan* adopted pursuant to the Vermont Planning and Development Act.
- (5) **PLANNED UNIT DEVELOPMENT** means an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units and/or a mix of residential and non-residential uses, the plan for which does not correspond in lot size or bulk, density, lot coverage, or yard sizes to the standards set forth in these regulations.
- (6) **POST OFFICE** means a federal facility authorized by a postal system for posting, receipt, sortation, handling, transmission, or delivery of mail. Post offices offer mail-related services such as post office boxes, postage, and packaging supplies.
- (7) **PRIMARY AGRICULTURAL SOILS** means soils (Class I through VII) classified by the U. S. Natural Resource Conservation Service as having high or good potential for agriculture. The location of such soils is illustrated on a map of Primary Agricultural Soils in the *Westford Town Plan*.
- (8) **PRIMARY FORESTRY SOILS** means soils (Groups 1-3) classified by the U.S. Natural Resource Conservation Service as having high potential value for commercial forest (wood) production. The location of such soils is illustrated on a map of Primary Forest Soils in the *Westford Town Plan*.
- (9) **PRIMITIVE CAMP** means a structure located on its own lot with no interior plumbing other than a sink with water that is used for no more than 3 consecutive weeks per year and no more than a total of 60 days per year.
- (10) **PRIVATE BRIDGE** means a structure for crossing over a water resource that is not owned and maintained by the Town.
- (11) **PRIVATE ROAD** means a road providing vehicular access to more than 3 lots, dwelling units or nonresidential uses which is not a Town road and which has a permanent easement or right of way.
- (12) **PRIVATE SCHOOL** means any building or group of buildings used for elementary, secondary, or higher education and which use does not secure the major part of its funding from any government agency.
- (13) **PRIVATE TRAIL** means a pathway constructed with minimal disturbance to ground cover and does not contain any road surface materials such as gravel or stone, upon which public vehicle traffic is prohibited.
- (14) **PRODUCTIVE AGRICULTURAL LAND** means land that is currently being farmed or that due to factors including, but not limited to, location, size, prior farm use, land form, land cover, and soil conditions could be readily and viably used for agriculture.
- (15) **PUBLIC ART** means a fountain, monument, sculpture, painting, mural, or similar art object that:
  - (a) Is accessible to public view;
  - (b) Is intended for the enjoyment of the general public; and

- (c) Does not identify or draw attention to a business, profession or industry, to the type of products sold, manufactured, or assembled, or to the type of services or entertainment offered or available on the premises.
- (16) **PUBLIC PARK** means open space owned by a public agency and maintained for the use and enjoyment of the general public.

511.Q

511.R

- (1) **RECREATION FACILITY, INDOOR** means a permanent structure containing facilities for recreational activities such as tennis, platform games, swimming, exercise rooms, handball, and similar activities.
- (2) **RECREATION FACILITY, OUTDOOR** means any facility for outdoor recreation, including, but not limited to: tennis courts; golf courses; athletic fields; swimming pools or beach; and trails for hiking, horseback riding, bicycling, snowmobiling, all terrain vehicles, and cross-country skiing, except facilities that are accessory to a single-family dwelling unit. Excluded in this definition are all types of gun clubs and shooting ranges.
- (3) **RECREATIONAL VEHICLE** (for non-floodplain management purposes) means any vehicle used as temporary sleeping, camping, or living quarters for a maximum of 90 days per calendar year, which is mounted on wheels, a truck, or a camper body, and self-propelled or towed by a motor vehicle. This definition includes vehicles such as motor homes and travel trailers, but specifically excludes mobile homes.
- (4) **RECREATIONAL VEHICLE DEALER** means an establishment engaged in the sale of 2 or more recreational vehicles per year.
- (5) **RENEWABLE ENERGY STRUCTURE** means a structure for the collection or conversion into energy of direct sunlight, wind, running water, or organically derived fuels, including wood, agricultural sources, waste materials, waste heat, and geothermal sources.
- (6) **RESTAURANT** means an establishment whose principal business is the sale of foods and beverages cooked and prepared on the premises, which may have facilities for either on-site food consumption or take-out service or both, excluding drive-up and/or drive-through service, and which may or may not serve alcoholic beverages.
- (7) **RESUBDIVISION** means any change in a recorded subdivision plat, if such change affects any road layout on such plat, or area reserved thereon for public use, or any lot line, or if the change affects any map or plan legally recorded prior to the adoption of any subdivision regulation by the Town of Westford.
- (8) **RETAIL, GENERAL** means an establishment that sells or rents/leases a number of lines of merchandise, including, but not limited to, dry goods; apparel and accessories; furniture and home furnishings; small wares; hardware; pharmaceutical products; and food. Such an establishment will engage in one of the following non-residential activities:
  - (a) Attracting the general public to buy;
  - (b) Buying, receiving, and selling merchandise;
  - (c) Processing or manufacturing some of the products for sale, such as jeweler or

baker, but such production or manufacturing is incidental and subordinate to the selling activities; and

- (d) Selling product to customers for their own personal, household, or business use. Such an establishment may have a retail food establishment as an accessory use located entirely within the principal structure and with no dedicated exterior entrance of its own.
- (e) Establishments included under this definition are known as department stores, variety stores, general stores, and pharmacies. Excluded in this definition are recreational vehicle, automobile, and mobile home sales and service, fuel sales, equipment rental, bulk storage of fuels, and salvage yards.
- (9) **RETAIL, E-COMMERCE** means an establishment that sells and/or distributes merchandise to individuals and companies through Internet sales and goods shipped from premises.
- (10) **RETAIL, RURAL** means an establishment selling goods made from products raised or made on the premises including agricultural products, silvicultural products, and crafts; antique stores; farm stands; food processing; nurseries and garden centers; art galleries; or shops associated with outdoor recreation facilities on the premises and/or on-line.
- (11) **RETAIL, WHOLESALE** means an establishment which sells and/or distributes merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers; or acting as agents or brokers and buying merchandises for, or selling merchandise to, such individuals or companies.
- (12) **ROAD** means any private road, highway, avenue, street, lane, or other way between right-of-way lines commonly used for vehicular traffic.
- (13) **ROAD, PRIVATE** means a road providing vehicular access to more than 3 lots, dwelling units or nonresidential uses which is not a Town road and which has a permanent easement or right of way.
- (14) **ROAD LINE** means the boundary line that separates a road right-of-way from an abutting property.

511.S

- (1) **SALVAGE YARD** means an outdoor area used for the collection, keeping, processing, dismantling, storing, salvaging, buying, or selling of used building materials, furniture, household goods, appliances, machinery parts, junk, or any motor vehicles either unregistered or remaining inoperable for a period of more than 90 days. This definition does not include Motor Vehicle and/or Recreational Vehicle Dealers.
- (2) **SCENIC** means an area, view, or vista visible from a public vantage point that is characterized by natural and/or built features with significant visual, aesthetic, natural, historic, and/or cultural value.
- (3) **SEASONAL USE** means a use occurring not more than 90 days per year.
- (4) **SELF-STORAGE FACILITY** means a site or structure intended to provide individual storage spaces for lease to the general public for storage of personal property.

- (5) **SENIOR HOUSING** means one or more structures intended to provide housing primarily for older adults (commonly limited to those age 55 or older and younger residents with disabilities). This may include, but is not limited to, any combination of units designed for independent living and/or congregate housing with or without services such as meals, transportation, laundry, housekeeping, or recreation.
- (6) **SETBACK** means the distance between the nearest portion of a structure on a lot and a road line, a property line, or road right-of-way, within which no structures or parking areas are permitted.
- (7) **SHORELINE** means where the land and water meet.
- (8) **SHRUB** means a woody plant with several perennial stems that may be erect or may lie close to the ground. It will usually have a height less than 13 feet and stems no more than about 3 inches in diameter.
- (9) **SIGN** means any device including, but not limited to, letters, words, numerals, figures, emblems, symbols, pictures, flags, streamers, balloons, lights, or any part or combination used for visual communication intended to attract the attention of the public and visible from public rights-of-way or other properties. This definition specifically excludes merchandise normally displayed in a storefront window, merchandise displayed or stored outside as approved under these regulations, and public art.
- (10) **SIGN, ABANDONED** means:
- (a) A commercial sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for at least 90 days;
  - (b) A non-commercial sign whose message pertains to a time, event or purpose that has elapsed or expired in the preceding 30 days; or
  - (c) A sign that has not been maintained.
- (11) \_\_\_\_\_SIGN, INTERNALLY ILLUMINATED means a sign that is illuminated by a light source that is contained within the sign to create a defined luminous color message.
- ~~(11)~~(12) **SIGNIFICANT NATURAL RESOURCES** means any of the following:
- (a) Prime Forest Soil and Prime or Statewide Agricultural Soils depicted on Town Plan Map 2;
  - (b) Uncommon Species & Features as depicted on Town Plan Map 3;
  - (c) Significant Natural Communities, as depicted on Town Plan Map 3;
  - (d) Rare, Threatened & Endangered Species as depicted on Town Plan Map 3;
  - (e) Deer Wintering Area as depicted on Town Plan Map 3;
  - (f) Contiguous Forest Blocks as depicted on Map 10;
  - (g) Flood Hazard Overlay & Water Resource Overlay Districts as depicted on Town Plan Map 5; or
  - (h) Natural resources deemed worthy of conservation by the Development Review



Board based on the findings of an independent study by a qualified professional.

~~(12)~~~~(13)~~ **SILVICULTURE** means the growing, cutting, or harvesting of commercial timber or other forest products; the growing, maintenance or preservation of forest cover for watershed protection or wildlife habitat; and/or access to timberlands.

~~(13)~~~~(14)~~ **SMALL SCALE INDUSTRY** means an establishment used as a warehouse, research center, food processing facility, and/or light manufacturing facility.

~~(14)~~~~(15)~~ **STEEP SLOPES** means a slope having a grade of 25% or greater, encompassing an area 1,000 square feet or more prior to cut and fill cumulatively calculated from the date this standard was adopted. Slope is calculated by dividing the vertical change in elevation by the horizontal distance (rise over run) measure over a distance of 25 feet or greater. For areas less than 25 lineal feet the elevation gain cannot be more than 6 feet. There will be no distinction between natural and man-made slopes.

~~(15)~~~~(16)~~ **STORY** means the portion of the structure between the surface of any floor and the ceiling above it. Attics and basements are not considered stories for the purposes of measuring building height.

~~(16)~~~~(17)~~ **STRIP DEVELOPMENT** means linear development along a public road that includes 3 or more of the following characteristics:

- (a) Broad road frontage;
- (b) Predominance of single-story buildings;
- (c) Limited reliance on shared highway access;
- (d) Lack of connection to any existing settlement except by public road;
- (e) Lack of connection to surrounding land uses except by public road;
- (f) Lack of coordination with surrounding land uses; and
- (g) Limited accessibility for pedestrians.

~~(17)~~~~(18)~~ **STRUCTURE** means assembly of materials for occupancy or use that is a minimum of 100 square feet in size or is on a permanent foundation, including, but not limited to, a building, sign, road, wall; or fence, except a wall or fence on an operating farm, a wall or fence 6 feet or less in height, residential entry stairs (excluding decks and porches), handicap access ramps, or walkways, all of which do not extend into or obstruct rights of way or interfere with corner visibility or site distances for vehicular traffic.

~~(18)~~~~(19)~~ **STRUCTURE, ACCESSORY** means a structure that is incidental and subordinate in size and overall appearance to the principal structure on the same lot. Prefabricated structures are regulated as accessory structures. Examples: swimming pools, storage sheds, garages, renewable energy structures.

~~(19)~~~~(20)~~ **STRUCTURE, FARM** refer to the State of Vermont *Required Agricultural Practices Regulations*.

~~(20)~~(21) **STRUCTURE OR SITE, HISTORIC** (as defined in 10 V.S.A. § 6601(9)) means a site or structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Properties, or a site or structure determined to be historically significant and eligible for such listing by the State Historic Preservation Officer or the Vermont Advisory Council on Historic Preservation.

~~(21)~~(22) **STRUCTURE, PRINCIPAL** means the structure in which is conducted the principal use of the lot on which it is located.

~~(22)~~(23) **STRUCTURE, TEMPORARY** means a structure without any foundation or footing, which is erected for a one-time temporary use, not to exceed three years.

~~(23)~~(24) **SUBDIVISION** means any land, vacant or improved, that is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development. The term includes amended subdivisions and resubdivisions. The term shall also include the development of a parcel of land as a planned unit development.

511.T

- (1) **TANK FARM** means a site developed with one or more tanks that typically store fuels, oils, and similar products and includes sale and distribution of such products.
- (2) **TAVERN** means an establishment where the principal activities include serving alcoholic or non-alcoholic beverages for on-site consumption, social interaction, and/or stage entertainment. A tavern may also include the on-site production and/or brewing of beverages.
- (3) **THEATER, INDOOR** means a building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.
- (4) **THEATER, OUTDOOR** means an exterior space devoted to or used for dramatic, dance, musical, or other live performances.
- (5) **TOP-OF-BANK** means that vertical point along a stream bank where an abrupt change in slope is evident and the point at which riparian buffers are measured from. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.
- (6) **TOTAL LOT COVERAGE** means that part or percent of a lot occupied by buildings; structures, including accessory structures; private roads; shared driveways; individual driveways; parking areas; sidewalks; patios; alternative transportation paths; vehicle travel lanes; any impervious surface; overhead canopies above unpaved areas; utility facilities; storage tanks for commercial use; and designated storage areas including storage areas for boats, trailers, or other vehicles. For the purposes of these regulations, lot coverage does not include private septic systems or wells. Additionally, lot coverage does not include aboveground public infrastructure located within easements across private property.

- (7) **TRADITIONAL VERMONT BUILDING TYPES** means building types common in 18th and 19th century Vermont, as described in “The Historic Architecture of Vermont; Guide to Vermont Architecture” (1996) published by the Vermont Division for Historic Preservation. This definition refers to the external appearance and style of a building only, as viewed six (6) feet above ground elevation from adjacent properties and/or adjacent public rights-of-way. This definition shall not require use of specific building materials, construction techniques, or color palettes. Examples include, but are not necessarily limited to:
- (a) **BARN, BANK.** A barn whose basement is built into the side of a hill or bank and whose first floor is at grade level.
  - (b) **BARN, GROUND LEVEL STABLE.** A barn that has its main floor at ground level with a hayloft above, usually with a gambrel roof (a roof with two double-pitched slopes meeting at a ridge)
  - (c) **BARN, MONITOR.** A barn with a gable roof with a section along the ridge that is raised to accommodate a row of windows on each side.
  - (d) **ADIRONDAK.** Rustic, late 19th century log camps. These buildings were designed to blend into forests and tree shaded areas with log or log veneer, wood-shingled roofs, rough fieldstone foundations or chimneys, and “rustic” ornamentation made of tree branches applied to porches, window surrounds, gable peaks, and other surfaces.
  - (e) **BUNGALOW.** The word bungalow comes from India where, in the late 19th century, the British used it to describe low, single-family houses with large verandas well-suited to tropical environments. American bungalow, “homey” early 20th century 1 or 1 ½ story residences, have broad gable, hip, or jerkinhead roofs, often with dormer windows and deep overhanging eaves, and deep, wide front porches.
  - (f) **COLONIAL REVIVAL.** The Colonial Revival style, popular from the late 1800s through the 1930s (and still used today), was derived from American architectural styles of the 18th century. Houses (traditional Georgian, side hall, or other plans with gable, gambrel, or hip roofs), commercial blocks, and public buildings are decorated with features derived from the earlier styles but distinguishable by their larger scale and often unusual placement on the building. Among the most typical details are Palladian windows, porches with classical columns, doorways topped by fanlights or pediments, and full entablatures under the eaves.
  - (g) **FEDERAL.** The Federal style, with its light and delicate detailing inspired by the classical architecture of ancient Rome, was the first major style in Vermont. It was widely used from the late 1700s through the 1830s to trim churches and the symmetrical gable, hip, or gambrel roof Georgian plans, I-house, or Cape Cod houses of the period. The main stylistic focus is on the entryway: a paneled door often flanked by sidelights and thin columns or pilasters, and crowned by a semi-elliptical fan or fanlight, transom, or delicate entablature. Other features include Palladian windows and molded cornices or entablatures that are sometimes enriched with dentils or fretwork.
  - (h) **FRENCH SECOND EMPIRE.** Popular in Vermont during the 1870s and 1880s, the elegant French Second Empire style, used for residences, public buildings, and commercial blocks, is characterized by use of the Mansard roof. Other features, shared with the Italianate style, include eaves line brackets paired windows, and

sweeping verandas with chamfered posts and matching brackets.

- (i) **GOTHIC REVIVAL.** The Gothic Revival style was first used in Vermont from the 1820s to 1840s for churches, which were built in the common New England meetinghouse form but with pinnacles and cresting atop belfry towers and pointed arch windows with diamond panes. Churches from the 1850s to 1870s have the same features but often were built of stone. Houses in the style, irregular in form or symmetrical Classic Cottages built in the 1850s and 1860s, have steeply pitched roofs and wall dormers edged with barge-boards, molded label lintels over windows and doors, and porches with octagonal posts.
  - (j) **GREEK REVIVAL.** Inspired by the ancient architecture of Greece, the Greek Revival style was the most popular 19th century style in Vermont, in widespread use from the 1830s through the 1870s, and later in remote rural areas. Residences (often side halls, Georgian plans, or Classic Cottages), churches, courthouses, stores, and other buildings are detailed with pilasters, full entablatures, and pediments. Most of the stylistic emphasis is often on the main entry -- a paneled door flanked by sidelights and robust columns or pilasters and topped by a transom and three part entablature.
  - (k) **ITALIANATE.** The Italianate style, influenced by the architecture of Italian countryside villas, became popular in Vermont after the Civil War and was used mainly for houses, commercial blocks, and outbuildings. Houses are either cube-shaped, with shallow hip roofs and sometimes projecting pavilions or towers, or gable-roofed Georgian or side hall plans. Features include hanging eaves, rooftop cupolas or belvederes, cornice brackets under over windows that are often paired with arched tops, and porches with chamfered posts and scrolled brackets.
- QUEEN ANNE.** Gaudy, colorful, and irregular describe the Queen Anne style, popular in Vermont from about 1885 to 1905 for churches, public buildings, commercial blocks, and particularly for houses. It is identified by its asymmetrical building forms, richly textured wall surfaces, multi-colored paint schemes, unpredictable window spacing, towers, bay windows, gable screens, and porches with turned columns and balusters.

- (8) **TREE, LARGE** means a tree with a mature height of at least 50 feet.
- (9) **TREE, MEDIUM** means a tree with a mature height of at least 30 and less than 50 feet.
- (10) **TREE, SMALL** means a tree with a mature height of less than 30 feet.

511.U

- (1) **USE** means the specific purpose for which land or a building is designated, arranged, or intended; or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
- (2) **USE, ACCESSORY** means a use that is incidental and subordinate in intensity to the principal use on the same lot.
- (3) **USE, PRINCIPAL** means the primary or predominant standalone use of any lot or parcel. A standalone use is one which can exist without the support of any other uses on the lot.

511.V

- (1) **VETERINARIAN** means an establishment that provides veterinary care of animals, including, but not limited to, surgery, examination, treatment, and medication. Such an establishment may also include facilities for caring, housing, or keeping animals in conjunction with the provision of veterinary care.

511.W

- (1) **WAREHOUSE** means a structure used for enclosed storage and distribution uses. Self-storage facilities and tank farms are specifically excluded from this definition.
- (2) **WETLANDS** (as defined in 24 V.S.A. § 4303(32)) mean those areas that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends 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, mudflats, bogs, and ponds.

511.X

511.Y

- (1) **YARD** means an open space on a lot, unoccupied and unobstructed by structures and parking areas, and in side and rear yards, unoccupied by driveways, or private roads, from the ground upward, except as otherwise provided in these regulations.
- (2) **YARD, FRONT** means a yard on the same lot with a principal building, extending the full width of the lot and situated between the road right-of-way line and the front line of the building extended to the side lines of the lot. A lot located on two roads shall be considered to have two front yards.
- (3) **YARD, REAR** means a yard on the same lot with a principal building between the rear line of the building and the rear line of the lot extending the full width of the lot.
- (4) **YARD, SIDE** means a yard situated between the principal building and a side line and extending from the front yard to the rear yard. The distance between the principal building and the side line shall be measured from the building to the nearest point on the side line along a line parallel to the front lot line.

511.Z

