

1 **Village of North Bennington**
2 **Planning Commission Meeting**
3 **Wednesday, September 21, 2022**
4 **North Bennington Train Station**
5

6
7 **Planning Commission Members Present:** Mary Rogers, (Co-Chair), Kim Hall, (Co-
8 Chair), Chris Damon and Bob Howe.
9

10 **Absent:** Matthew Patterson
11

12 **Others Present:** Jim Sullivan (Bennington County Regional Commission-BCRC), Cat
13 Bryars, (BCRC), Steve Lenox, (Resident and Prospective Member of Planning
14 Commission), and Jenifer Hoffman, (Hoffman Real Estate).
15

16 Recorder: Heather N. Bullock
17
18

19 **7PM. Ms. Rogers called the meeting to order.**
20

21 **1) Query for public comments; revise agenda if needed.**
22

23 Introductions of the public in attendance were made. No further public comments.
24

25 **2) Review Open Meeting Law requirements.**
26

27 Ms. Rogers provided a handout of the “VLCT Open Meeting Law FAQs.” She further
28 stated that the North Bennington Planning Commission will always comply with open
29 meeting laws and that no discussion of pertinent planning commission issues would
30 take place between three or more board members outside of the public meetings.
31

32 Ms. Rogers also stated that information regarding the Planning Commission including
33 all agendas and meeting minutes will be posted at the Village of North Bennington
34 website:
35
36

37 www.villagenorthbennington.org
38
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1 **3) Review and Approve Previous Meeting Notes.**

2
3 Ms. Rogers mentioned that a draft of the last Planning Commission meeting could be
4 found on that website and asked if board members had a chance to review those
5 minutes for accuracy. She also asked if anyone would like to entertain a motion to
6 approve the minutes.

7
8 ***Mr. Hall made a motion to approve the September 21, 20022 Planning***
9 ***Commission Meeting Minutes. (KH/CD/Unanimous) No further discussion.***

10
11
12 **4) Review Recruitment Efforts.**

13
14 Mr. Hall acknowledged that Steve Lenox was in attendance and is currently being
15 considered for appointment on the Planning Commission Board. He further stated that
16 Mr. Lenox would be in attendance at the NB Village Trustees meeting scheduled for
17 October 11th.

18
19 ***Mary Rogers made a motion that Steve Lenox be considered for the position of***
20 ***Planning Commission Board Member pending approval by the NB Village***
21 ***Trustees. (MR/KH/Unanimous)***

22
23
24 **5) Initial Discussion Pertinent to Sections 1-4 of the North Bennington Village**
25 ***Bylaws.***

26
27 **a) Determine how we structure our permit fees.**

28
29 Mr. Hall stated that he had looked at the Bylaws and permit fee structure used in many
30 towns across the state of Vermont. He stated that while most towns seem to have a fee
31 structure based on the type of project and square footage, North Bennington uses an
32 unrealistic permit fee structure of “estimated” construction costs.

33
34 Mr. Hall queried as to whether another PC Board member might be willing to take a
35 closer look into how other Vermont towns structure their permit fees. Ms. Rogers stated
36 that she would enlist the assistance of Matt Patterson to assist her with that task.
37 Mr. Hall added that both the towns of Bennington and Shaftsbury use a different fee
38 structure than North Bennington.

1 Mr. Sullivan stated that as a North Bennington resident who had built both a house and
2 pool, he believes that there should be some relationship between the permit and the
3 amount of work being conducted.

4
5 Mr. Damon stated that it would be helpful to have a zoning administrator with
6 experience in construction and construction costs. He further queried as to whether the
7 Village is wanting to use their permit structure to make money or to merely cover costs.

8
9 Mr. Hall stated that Bennington currently charges by square footage and inspection
10 fees. Mr. Damon responded that the Village did not have the staff or funding to have
11 inspectors.

12
13 Ms. Bryars added that the intent of the Village regarding these fees should be
14 considered. She stated that from statute, fees can be charged for costs
15 administratively. Mr. Sullivan stated that fairness should be a consideration when
16 administering fees.

17
18 Mr. Damon stated that some towns pay their zoning administrator based on the fees
19 that they are able to collect annually. He stated the fee amounts on our fee schedule
20 have wide parameters such that projects of widely varying estimated cost have the
21 same fee charged.

22
23 Ms. Rogers added that the intent for the Village of North Bennington was to cover more
24 of the costs associated with issuing permits and the salary of the zoning administrator.
25 She stated that the current fees collected do not cover the cost of zoning expenditures
26 for the village. She stated that the current application system appears to have a wide
27 range of what applicants will admit to and that there are no checks and balances to
28 determine whether or not persons are being truthful and/or accurate in their estimates.

29
30 Mr. Damon agreed that revisions should be made to the current process. However he
31 did not think our revisions should be as complicated as what is currently in the Town of
32 Bennington. Mr. Hall agreed that an estimate of construction costs should be
33 considered. Mr. Damon added that enforcement also needs to take place.

34
35 Mr. Lenox asked how many permits are issued per year within the Village of North
36 Bennington to which Mr. Damon replied between 8 and 15 permits.

37 Ms. Rogers added that approximately \$2,000 is generated annually for revenue through
38 permits.

39

1 Mr. Lenox stated that as a designer he had worked in square footage and that the type
2 of square footage being proposed was considered (ie. difference between houses,
3 garages, etc.. in regards to permit square footage costs.) He further queried if there
4 was a relationship with town assessments for real estate tax. Mr. Damon stated that the
5 information goes to the Lister's Office in Bennington. He further added that it does not
6 necessarily mean that the tax assessment on the property would go up, but that
7 decision was up to the Lister.

8
9 Mr. Sullivan added that they would make their own assessment based on the State of
10 Vermont and Act 250.

11
12
13 **b) Sample Process Chart for Securing a Permit.**

14
15 Mr. Hall provided an overhead chart for review of the "Sample Process Chart" and
16 proposed a step by step process that would walk applicants through all aspects of the
17 permitting process. He further added that this proposal would apply primarily to "typical"
18 permit applications only and that a disclaimer was included on the chart. Continuing his
19 presentation with "Process Chart 2", Mr. Hall explained the step by step process of what
20 would happen after a permit is prepared by the applicant.

21
22 Mr. Hall introduced "Process Chart 3" that would assist applicants with information
23 needed particularly if a DRB meeting was needed. Mr. Hall further added that this chart
24 would hopefully help to clarify the process when a DRB hearing was needed.

25
26 Mr. Damon asked if a "referral" should be placed on the chart as well. Mr. Sullivan
27 stated that a referral should be added as the action may have a time limit, ie. 30 days.

28
29 Ms. Bryars stated that different Bylaws have different language and that sometimes an
30 agreement can be made with the applicant to change the time-frame. Mr. Sullivan
31 added that the Bylaws could be made more restrictive. A discussion took place
32 regarding various ways in which a Bylaw could be altered to address time-lines. Mr.
33 Damon reminded that administrative permits do not need to go through the DRB.

34
35 Mr. Hall referred back to Process Chart #1 to clarify how the type of permit needed is
36 determined. He added that the new structure would hopefully take major projects out of
37 administrative review and refer them to the DRB.

38
39 Ms. Hoffman queried as to what constituted a "big" project.

1 Ms. Hoffman stated that it would cause unnecessary hoops for single family residences
2 to go through.

3

4 Ms. Bryars and Mr. Sullivan explained that homeowners have a lot of rights via the
5 statutes and Mr. Hall added that the intention is to get the DRB more involved with
6 proposed building within the village.

7

8 Mr. Damon asked if a particular type of store closed and a different type of store
9 reopened at the same location, would that be considered a “change of use”. Mr.
10 Sullivan answered that retail use is retail use and the scenario would probably fall under
11 a pre-existing statute.

12

13 Mr. Hall referred to 6.2.2 of the NB Bylaws within a district, with a site review and with
14 conditional uses and felt that it is very possible to be clear regarding what categories
15 proposed projects would fall into.

16

17 Ms Bryars offered that to capture efficiency for the regulatory process, that they might
18 have certain categories that fall under certain category uses.

19

20 Mr. Hall felt that categorizing in groupings was a great idea moving forward.

21

22 Ms. Hoffman asked why would the PC want to make it more difficult for single family
23 homeowners. Mr. Hall stated that the procedure is to preserve the town’s charm and
24 character and that the DRB puts a great deal of thought into how to preserve and
25 maintain the village’s charm.

26

27 Ms. Hoffman stated that she understood but queried why the PC would make it more
28 challenging for families from a regulatory perspective. Ms. Rogers stated that she did
29 not see an onerous process taking a long time but instead to allow a second set of
30 eyes, in this case the DRB, to consider all aspects of the project. Ms. Hoffman
31 expressed concerns about making the process longer for families and that she is just
32 trying to advocate for local families. She stated that if an applicant meets all of the
33 conditions of the Bylaws, then they should not be subjected to the added requirement.
34 She also stated that with housing shortages, the regulation would make it more difficult
35 to add residences, etc.. to their existing properties.

36

37 Mr. Hall stated that in regards to districts and addressing housing, those issues were to
38 be addressed at a future meeting.

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c) Consider Extending the Duration of Permits

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Mr. Hall stated that in his opinion, one year was not always realistic for certain projects and offered that 18 months may be a more appropriate time frame.

Mr. Damon stated that in his experience, most projects in North Bennington take under a year and that the current setup does allow for an applicant to make it into an 18 month permit. Mr. Hall stated that the Bylaws would need to reflect that but don't.

Mr. Sullivan stated that a challenging issue currently is that applicants cannot find builders for their proposed projects. Mr. Damon stated that the zoning administrator should be contacting the applicant within three to six months of the permit expiration to ensure that the project is on track or work with the applicant regarding a possible extension.

Mr. Hall asked if no progress had been made during the course of the original permit, does the zoning administrator extend that permit to which Mr. Damon replied "no".

Mr. Hall also asked if a permit is extended is it required to meet any new regulations that have gone into effect and if so, should we include that in the Bylaw revisions.

Ms. Bryars referred to "good practices" and stated that two years is a standard timetable and that granting an extension should not be used as a way to have applicants comply with new standards.

Mr. Hall asked if a new standard would be applied if no work has been done and an extension has been filed. Ms. Bryars stated that the new standard should only apply to new permits.

Mr. Damon stated that it is the role of the zoning administrator to be proactive and make sure projects are progressing. Mr. Sullivan added that a one year permit with a one year extension should be the maximum and that anything beyond that time frame, the applicant would need to apply for a new permit.

Mr. Damon stated that our current Bylaws do not allow for the zoning administrator to extend permits.

Ms. Hoffman stated that waste-water permits run with the land permits so one year is nothing in terms of completing a project. She again stated that she feels it would make things more difficult for homeowners to have to go to the DRB for an extension.

1 Mr. Sullivan stated that not including that requirement could lead to open permits that
2 are not checked on. He added that the Bylaws are going to change and need to be
3 consistent with new regulations.

4
5 A discussion regarding waste-water standards ensued.
6 Ms. Rogers offered that they should look further into best practices.

7
8 **d) Consider Marking the Beginning of Probation Periods.**

9
10 Mr. Hall stated that the Bylaws need to be reflective of any probationary periods being
11 considered.

12
13 **e) Consider Whether Each Dwelling Needs an Individual Lot.**

14
15 Mr. Hall stated that he would like to hold off on the above discussion until “districts”
16 were being discussed as the Bylaws are currently in conflict.

17
18 **f) Consider Adding Decision Factors For All DRB-Involved Reviews**

19
20 Mr. Hall stated that he studied the Town of Westford which is north of Burlington, VT.
21 He stated they had a similar population demographic of approximately 2,000 residents.
22 He added that he was quite impressed by their Bylaws. He stated that they identify for
23 all conditional and site plan use. He further added that the developer knows specifics of
24 what will need to be addressed. Mr. Hall stated that he would continue to research
25 examples that could be added to the text.

26
27 **g) Determine When Development Impact Fees Are Triggered, When
28 They Are Paid And The Fee Schedule On Which They Are Based.**

29
30 Ms. Rogers stated that this needs to be looked at more closely. She stated that
31 currently the Highway Department's form is not very comprehensive. Mr. Sullivan
32 added that there is an entire section of State Statute that needs to tie in the fee and
33 improvement to the capital project. Mr. Sullivan stated that he was unsure if that had
34 been done and that the fees need to be placed into a dedicated fund. Ms. Rogers
35 stated that we currently cannot do that.

36
37 **h) Consider Adding Certificate Of Occupancy Issuance Criteria.**

1 Mr. Hall stated that there was a need to discuss the above. Ms. Hoffman stated that the
2 rules are different for rental use from single family dwellings and used walkthroughs by
3 fire marshalls, etc.. as examples.

4
5 Mr. Sullivan added that the Town of Bennington uses building codes to which Mr.
6 Damon stated that their function in doing so was to record only. Mr. Sullivan agreed but
7 added that towns who do offer a certificate of occupancy should have checks and
8 balances and check measurements, etc..

9
10 Mr. Damon stated that most of the projects in North Bennington were small and that it
11 was easy to determine whether or not a permit was being followed correctly.

12
13 Ms. Bryars stated that “self certified energy” should be in the checklist and added to the
14 Bylaws. Ms. Hoffman queried as to whether it could be made part of the permit itself as
15 most contractors are not always aware of all of the requirements. Mr. Sullivan added
16 that it would be beneficial to protect both homeowners and builders.

17
18 Ms. Rogers stated that the PC Board should investigate best practices in regards to the
19 criteria. A discussion of requirements within other districts ensued.

20
21
22 **5) Review Commission Member Comments to Sections 1-4 of the August**
23 **26, 2022 Draft Zoning Bylaw.**

24
25
26 Mr. Hall initiated a discussion regarding comments pertaining to the various sections for
27 review. Ms. Bryars initiated a discussion recommending the importance of defining
28 clearly what determines a subordinate structure. Mr. Lenox and Mr. Hall both offered
29 examples of the term “use.” Mr. Damon recommended that the DRB do site reviews.

30
31 Mr. Hall referred to Section 3/Definitions. He further stated that best practices would
32 define effective dates and a discussion ensued regarding dwelling unit definitions.

33
34 Mr. Sullivan pointed out that what was previously known as a “non-compliant structure”
35 is now referred to as a “non-conforming structure” and that there had been previously,
36 too many regulations involving non-compliant structures.

37
38 Mr. Hall stated that currently there is no indication if a permit is needed for a non-
39 conforming building to become a conforming building.

1 Ms. Rogers indicated that the meeting is now running over the proposed time and
2 suggested that we continue until the comments on Section 3 have been discussed.

3
4 Mr. Hall stated that in regards to parking spaces, that there was no definition as to the
5 size a parking space should be. Mr. Sullivan stated that usually that information can be
6 found in the parking section of the Bylaws.

7
8 Mr. Damon discussed the need to address not only the size of parking spaces but also
9 the number of spots that should be allotted for multi-dwelling buildings. Mr. Sullivan
10 suggested that they take a look at the special regulations on parking.

11
12 Mr. Hall addressed if there is a need regarding regulations for a design review board
13 proposal of toilets. Ms. Bryars explained that a lot of permitting for toilets would fall
14 under wastewater permits and that toilets do not usually come up in the Bylaws. Mr.
15 Hall queried how to address the issue if there is no wastewater involved, ie.. incineration
16 or composting toilets.

17
18 Ms. Bryars described the process to obtain a wastewater permit in that circumstance.
19 Mr. Hall stated that a wastewater permit would only be required if the toilet was not
20 traditional.

21
22 Mr. Hall stated that Section 3 comment discussion was complete.

23
24 Ms. Bryars provided a handout of a UVM/GIS "Bylaw non-conformance analysis" which
25 studied how a town could be built back exactly as it's current state if there were to be a
26 catastrophic event that destroyed most of the town's buildings. She stated that in
27 regards to the Village of North Bennington, the village has a non-conformance rate of
28 85.7% meaning that most of the village would not be able to be returned to its current
29 state.

30 Mr. Hall stated that the big caveat would be fire. He further stated that they could
31 always reduce the construction setbacks but that he would want a real review of fire
32 issues. Ms. Bryars stated that it would be good to be able to replicate historic patterns
33 when possible.

34
35 Prior to adjournment, Mr. Sullivan wanted to take a moment to acknowledge the
36 tremendous amount of work performed by Mr. Hall regarding the research and revision
37 analysis of the North Bennington Bylaws.

38
39 ***Ms. Rogers made a motion to adjourn the meeting at 8:46PM.***
40 ***(MR/CD/Unanimous).***

SECTION 3: DEFINITIONS

Accessory Use: A use customarily incidental and subordinate, and reasonably necessary, to a principal use on the same lot.

Abandon: The cessation of use or activity, or the cessation of construction, use, occupation, or maintenance of a building or structure, without intent to resume.

Assisted Living Residence: A program facility that combines housing, health, and other services to support resident independence and aging in place. At a minimum, assisted living residences shall offer, within a homelike setting, a private bedroom, private bath, living space, kitchen capacity, and a lockable door.

Building: Any structure having a roof and intended for the shelter, housing, or enclosure of persons, animals, or materials. Any other structure more than eight feet high shall be considered a building, including a solid fence, wall, or device to access renewable energy resources, or sound or television waves, but excluding public utility poles, highway or railroad bridges, or flagpoles.

Building, Accessory: Any building which is [clearly](#) subordinate to and whose use is incidental and accessory to the use of the principal building on the same lot, or on an adjoining lot, under the same ownership. A detached accessory building shall be one which is not attached to the principal building by any covered porch, breezeway, or other roofed structure.

Building, Mixed-Use: A building containing more than one principal use.

Building, Principal: The building containing the principal use of the lot or parcel, as opposed to a building containing a use customarily incidental to the principal use.

Building Area: the ground area enclosed by the walls of a building, together with the area of all covered porches and other roofed portions.

Building Coverage: The percentage which the aggregate area of all buildings on the lot bears to the area of the lot.

Building Height: The vertical distance from the average finished grade within 10 feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to the mean level between the eaves and ridges for gable, hip, or gambrel roofs.

Building Line: A line parallel to a street at a distance equal to the required front yard, or at a greater distance when otherwise legally established by the Village or by a private covenant.

SECTION 3: DEFINITIONS

Care Home, Adult or Child: A home or facility where the owner or operator is to be licensed or registered by the state for adult or child care. A care home provides day care services only; there is to be no residential or overnight care provided.

Community Care Facility: A residential care facility licensed by the state which provides up to 24-hour supervision, personal care services, and limited medical services to individuals who are in need of care, protection, and/or assistance to sustain the activities of daily living.

Dates: Enacted – the initial date the Bylaw was first in force; **Draft** – the date of a version of the Bylaw containing revisions that are not in force; **Adopted** – the date that the Village Trustees approved an update of the Bylaw; **Effective** – the date a revised version of the Bylaw is in force.

Discontinued: Cessation of a use or occupancy and failure to seek occupancy or use through advertisement or sales agent or other evidential process.

District: A district established under the provisions of these regulations and the Vermont Planning and Development Act.

Dwelling, Multi-Family: A building containing separate dwelling units for three or more families, having separate or joint entrances, services, or facilities.

Dwelling, One-Family: A detached building designated for or occupied solely as a dwelling by one family.

Dwelling, Two-Family: A detached building designated for or occupied solely as a dwelling by two families living independently of each other.

Dwelling Unit: A dwelling or part of a dwelling occupied or intended to be occupied by one family for residential purposes, containing full housekeeping facilities for the exclusive use of the occupants.

Dwelling Unit, Accessory: An efficiency or one bedroom dwelling unit located within or appurtenant to an owner-occupied one-family dwelling that is clearly subordinate to the one-family dwelling, which has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided that the property has sufficient wastewater capacity and that the unit does not exceed 30 percent of the total habitable floor area of the one-family dwelling, ~~but is at least 400 square feet in floor area.~~

Family: Any number of individuals related by blood, marriage, or adoption, living together as a single housekeeping unit, provided that a group of not more than five persons keeping house together, but not necessarily related by blood or marriage, may be considered a family.

Hotel: A building providing lodging for persons with or without meals, and intended for the accommodation of transients, and so designed that normal access and egress are controlled from a central point. A hotel is not a dwelling.

SECTION 3: DEFINITIONS

Lot: A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses incidental to it, including such open spaces as are required by this Bylaw. In the case of multiple dwellings and public, institutional, commercial, industrial, or agricultural buildings, a group of buildings on the same or contiguous premises, all under the same ownership, may be considered as occupying the same lot.

Lot, Corner: A lot at the intersection of and abutting on two or more streets where the angle of intersection is not more than 135 degrees or where the intersection is rounded by a curve having a radius of less than one hundred feet.

Lot, Interior: A lot other than a corner lot or through lot.

Lot, Line: The established division line between lots or between a lot and a street.

Lot Line, Front: All dividing lines between a street and the lot shall be considered front lines.

Lot Line, Rear: The line or lines bounding a lot at the rear and approximately parallel to, and at the maximum distance from, the front lot line.

Lot Line, Side: The line or lines bounding a lot which extends from the street toward the rear in a direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from streets shall be considered side lot lines.

Lot, Minimum Width Of: The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch but not be in front of the building line. In the case of a corner lot, the minimum width shall be similarly measured and, for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front lot line, and the lot lines adjacent thereto shall be considered as side lot lines.

Lot, Through: A lot other than a corner lot, which abuts two or more streets which do not intersect at the lot.

Manufacturing: Shall include fabricating, assembling, treating, processing, and similar operations performed on any materials permitted to be worked upon by the terms of this Bylaw.

Manufacturing, Light: A custom workshop where the manufacturing and/or assembly of small quantities of materials or goods is performed by tradesmen or craftsmen requiring manual, mechanical, or artistic skills.

Mobile Home: A prefabricated dwelling unit which is (1) designed for continuous residential occupancy with connection to a permanent water supply and sewage disposal system; and (2) is designed to be moved on wheels, as a whole or in sections. In accordance with Title 24 V.S.A., Chapter 117, Section 4412, a mobile home shall be considered a single family dwelling and cannot be excluded from a zoning district except on the same terms and conditions as conventional housing is excluded.

SECTION 3: DEFINITIONS

Mobile Home Park: Any premises used or permitted to be used for parking of more than one occupied mobile home.

Motel: A building or group of buildings providing lodging for persons, intended primarily for the accommodation of transients, having a private outside entrance for each room or suite of rooms, and for each of which rooms or suites of rooms automobile parking is provided on the premises. A motel is not a dwelling.

Noncomplying Structure: A structure or part thereof lawfully in existence on the effective date of these regulations, but not in compliance with the provisions of these regulations, including but not limited to building size, location, height, setback, area, yards, density, or off-street parking or loading requirements, where such structure complied with all applicable laws, ordinances, and regulations prior to the enactment of these regulations.

Nonconforming Use: A use of land, building, or premises which is not a use permitted by the provisions of this Bylaw for the district in which such land, building, or premises are situated, but which was legally existing at the effective date hereof, or of any pertinent amendment hereto.

Open Space: The area of a lot that is not occupied by buildings, other roofed structures, or parking lots.

Parking Space: a clear area measuring nine feet wide by twenty feet long for motor vehicles; slope front to back and side to side not to exceed five percent.

Planned Unit Development: 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. See Title 24 V.S.A., Chapter 117, Section 4417.

Professional Office: A room, suite of rooms or building principally used for conducting the affairs of a business, profession, or service industry. This definition specifically excludes on-premise retail sales.

Public Sewer: A system of sanitary sewers owned and operated by a municipality or other governmental unit.

Public Water Supply: A system of water supply owned and operated by a municipality or other governmental unit, or by a corporation authorized and regulated by the state of Vermont for purposes of public water supply.

Restaurant: An establishment that serves food and beverages to persons seated primarily within the principal building. This definition includes taverns, bars, cafes, tea rooms, and outdoor cafes. It also may include take-out service, but does not include service delivered to customers who are in motor vehicles.

SECTION 3: DEFINITIONS

Stream: Any surface water course in the Village of North Bennington depicted on US Geological Survey topographic maps or identified through site investigation, but excluding mill ponds formed by impoundments along Paran Creek.

Street: A municipal or state highway or other right-of-way approved by the Development Review Board. The word “street” shall mean the entire right-of-way. If a boundary of the right-of-way has not been defined in a legal deed accepted by the Village, or has not been surveyed and so recorded, and is not marked by a fence line or other physical feature, the boundary shall be deemed to be 25 feet from the center line of the traveled way. A new or proposed subdivision street shall adhere to construction requirements (Design Standards for local roads) as defined by the Vermont Agency of Transportation.

Street Line: The line dividing the street and the lot. **Structure:** An assembly of materials on the land for occupancy or use, including but not limited to a building, mobile home or trailer, sign, wall, or fence.

Travel Trailer: A vehicle intended or used primarily for recreational travel purposes which rests on its own wheels, a truck or camper body, or is towed by a motor vehicle. This definition includes recreation vehicles, tent trailers, and any other motor vehicle not exceeding 30 feet in length whose body has been equipped for occupancy for recreational purposes, but specifically excludes mobile homes.

Use: (1) The purpose for which a building, structure, or parcel of land is designed, intended, or occupied or used; (2) any activity carried out upon any premises or within any structure upon a premises.

Wetlands: Those areas of the Village which are inundated by surface or ground water with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands shall include, but may not be limited to, wetlands shown on the most recent Vermont Significant Wetlands Inventory maps or the National Wetlands Inventory maps which are classified as, or contiguous to, Class One or Class Two wetlands.

Yard, Front: An open space between the building and the front lot line, extending the full length of the lot, or in the case of a corner lot, extending along all streets.

Yard, Required: So much of the front, rear, or side yard, as required by the applicable provisions of this Bylaw.

Yard, Rear: An open space between the building and the rear lot line, extending the full length of the lot.

Yard, Side: An open space between the building and a side lot line, extending the full length of the lot.

Yard, Depth or Width: The depth of front and rear yards, and the width of side yards, shall be measured perpendicularly to the respective lot lines.