

ARTICLE III BOUNDARY LINES AND SUBDIVISION

Definitions for terms in this article can be found in Article X, Definitions.

Section 300: Purpose

The purpose of this article is to define the processes and procedures for altering Boundary Lines and creating Subdivisions.

Section 310: Boundary Line Adjustment and Merged Lots

Boundary Line Adjustment is a method of adjusting boundaries of adjacent lots without creating an additional lot and which does not cause any parcel of land involved to become nonconforming.

Boundary Line Adjustments shall be issued a Zoning Permit by the Zoning Administrator provided:

- A. A survey, prepared by a Vermont licensed surveyor is provided identifying the dimensions of all lots to be created or altered and the location of any road, highway, waterway, easement or right-of-way, and
- B. All resulting lots satisfy all requirements of the Districts in which they lie, and
- C. On a nonconforming lot, the Boundary Line Adjustment does not increase the degree of nonconformity.

Development Review Board approval is required in all other circumstances.

Upon completion of a Boundary Line Adjustment landowners are responsible for recording new deeds for affected properties in the land records.

Section 320: Subdivision of Land

- A. Pursuant to 24 V.S.A. § 4418(1)(B), Subdivision of Land creates two (2) or more lots from a single lot. Each lot resulting from a Subdivision of land shall have a legal means of access by way of:
 1. Public road, private road, highway, easement or -of-way conforming to the Wilmington Highway ordinance adopted August 20, 2019 as updated and amended from time to time, or
 2. Public waters
- B. Subdivision of land applications shall be issued a Zoning Permit by the Zoning Administrator provided:
 1. A survey, prepared by a Vermont licensed surveyor is provided identifying the dimensions of all lots to be created or altered and the location of any road, highway, waterway, easement or right-of-way, and
 2. The application creates five (5) or fewer lots, and
 3. Lot size and building setback requirements can be met or every lot (See Article IV § 450 for District site criteria setbacks), and
 4. Frontage requirements
 - i. Can be met for every lot or
 - ii. At least one (1) lot has the requisite road frontage, and a survey, prepared by a Vermont licensed surveyor, shows a right-of-way with a preferred width of fifty (50) feet providing access to the remaining lots. In no case will right-of-way be less than twenty (20) feet in width.
- C. Development Review Board approval shall be required for the Subdivision of land in all other circumstances.
- D. Upon completion of a Subdivision the landowner is responsible for recording new deeds for affected properties in the land records. Subdivision approval shall expire 180 days from that approval or certification unless, within that 180-day period, that plat shall have been duly filed

or recorded in the office of the clerk of the municipality, 24 V.S.A. § 4463. The clerk is not permitted to accept a survey plat that does not include a land surveyor's certification as outlined in 26 V.S.A. § 2596.

E. Subdivision Review

1. Before a plat for a major subdivision is approved, a public hearing on the plat shall be held by the appropriate municipal panel after public notice.
2. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing.
3. No plat showing a new street or highway may be filed or recorded in the office of the clerk of the municipality until it has been approved by the appropriate municipal panel, or administrative officer.

Section 330: Dimensional Calculations

Right-of-ways shall be excluded from all dimensional calculations as non-developable property.

Dimensional conformity all be measured from the property line, or in the case of a right-of-way, from the edge of the right-of-way.