

Chapter 10

Boundary Adjustments

This chapter provides for the administrative approval of boundary adjustments where no new building lots are created and there is no adverse impact on roads, other public facilities, or neighboring uses.

10.1 Definition – Authority - Limitations

10.1.1 What is a boundary adjustment? A boundary adjustment is any revision to property lines, including revisions to a plat that has been legally filed with the Town, which moves property lines, but creates no new separate lots or parcels and has no adverse impact on access, the provision of public services and utilities, or neighboring uses. A boundary adjustment may occur between two or more adjacent parcels. Because a boundary adjustment is not a subdivision, it may be approved by the Administrator.

10.1.2 What gives the Administrator the authority to approve boundary adjustments? This power is delegated to the Administrator, as authorized by 24 V.S.A. § 4464(c).

10.1.3 Are there any limitations on administrative boundary adjustments? If the total acreage that would be transferred from one lot or parcel to another as a result of the boundary adjustment would be large enough to subdivide (based on the average density permitted in its zoning district, which will be taken as a minimum lot size for this purpose) the proposed boundary adjustment will be treated as a subdivision for which a discretionary permit is required. There are two possible exceptions to this rule.

10.1.3.1 DRB Waiver. The Administrator may ask the DRB to authorize administrative approval of a larger boundary adjustment where an absence of public road access, difficult terrain, or other physical characteristics of the land involved allow the DRB to find that there is no significant potential for future subdivision.

10.1.3.2 Land Conservation. Boundary adjustments that expand the holdings of the town or other public agencies for land conservation purposes may be of any size.

10.2 Administrative Boundary Adjustment Procedure. The boundary adjustment procedure begins with the submission of a preliminary sketch for review by the Administrator. If the Administrator finds that the proposed boundary adjustment complies with this bylaw, an application form, checklist, fee, and plat must be filed.

10.2.1. How does the boundary adjustment process begin? The applicant should, having first made an appointment, visit the Administrator's office with a preliminary sketch of the proposed boundary adjustment for the Administrator's review. This sketch need not be professionally drawn.

10.2.2. What will the administrator look for? Before authorizing a proposed boundary adjustment, the Administrator shall determine that:

10.2.2.1 ... no new lot is being created;

10.2.2.2 ... no lot will be made nonconforming or more nonconforming; and

10.2.2.3 ... the proposed boundary adjustment will have no adverse impact on access, the provision of public services and utilities, or neighboring uses.

10.2.3 What happens next if the administrator approves my proposed boundary adjustment? You must prepare a plat of the proposed boundary adjustment and submit it to the Administrator for recording in the town's land records. A plat is a legal drawing made by a registered land surveyor. It must include all information required by the *Boundary Adjustment Application Checklist* and be accompanied by the *Boundary Adjustment Application* form provided by the Administrator. Plats of boundary adjustments must also comply with the surveying standards established by Chapter 12 of this bylaw. The application must also be accompanied by draft deed documents that include language reflecting the proposed boundary line change(s) to the affected properties.

10.2.4 How do I get the plat of my proposed boundary adjustment recorded? The Administrator will act on the plat within 15 working days of its receipt. If it complies with all requirements of the Boundary Adjustment Application Checklist, the Administrator will sign the plat and submit it for recording in the land records. If the plat fails to comply, the Administrator will return it to the applicant with a list of deficiencies that must be corrected before it can be recorded.

10.2.5 Can the administrator's decision on a proposed boundary adjustment be appealed? Yes. An appeal may be made using the procedure provided by WDB 5.4.