A parcel of land straddles the boundary line between our town and the adjoining town. Does the boundary line subdivide the lot?

While there is no dotted line crossing the property, it is effectively subdivided by the boundary line separating the two towns. As an example, let's say that the lot comprises six acres, without regard to the boundary line. Four acres are located in Town A, and two acres are located in Town B. Both towns happen to have a minimum lot size requirement of three acres. The four-acre portion of the parcel in Town A is developable (assuming it meets the other requirements of the district), while the two-acre portion in Town B is not. It doesn't matter that the sum total of the parcel is 6 acres; the minimum lot size in Town B is three acres, and the only portions of land that the Town B zoning administrator can consider are those that lie within the boundaries of the town. The zoning administrator's (and by extension, the town's) jurisdiction begins and ends at the town boundaries, therefore, the zoning administrator can only consider those portions of land that are located within the boundaries of the town.

- *Brian Monaghan, Attorney, VLCT Municipal Assistance Center*

VLCT News, May 2005

Note

In the May *VLCT News*, an Ask the League question appeared about town boundary lines subdividing property. This holds true for municipal zoning and subdivision purposes, but as Roger Thompson, Engineering Manager, Vermont Department of Environmental Conservation, Wastewater Management Division, pointed out, a town boundary line does not constitute a subdivision for purposes of state wastewater permitting. For more information on this, see 10 V.S.A. Ch. 64, or visit the Waste Management Division Web site at *http://www.anr.state.vt.us/dec/ww/wwmd.cfm*. (***VLCT News***, July 2005)