



Natural Resources Board

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Lot Counting Guidance

Effective Date: July 9, 2013

This guidance applies for purposes of determining whether a subdivision has been created pursuant to Act 250.

1. Statutes and Rules

"Subdivision" is defined at 10 V.S.A. § 6001(19).

"Lot" is defined at 10 V.S.A. § 6001(11).

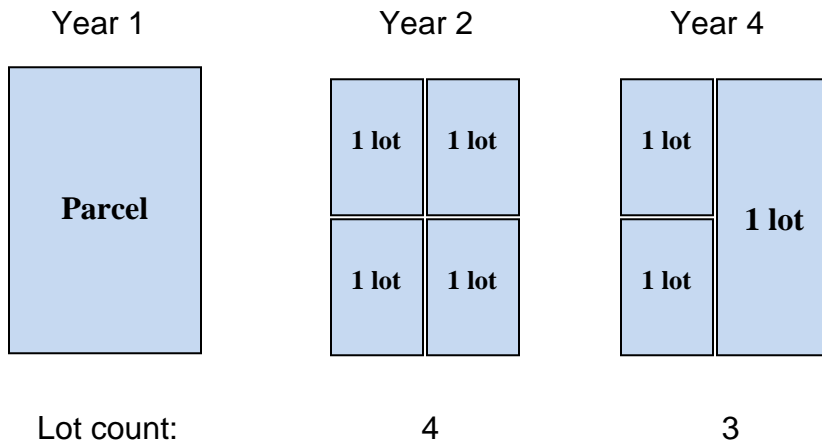
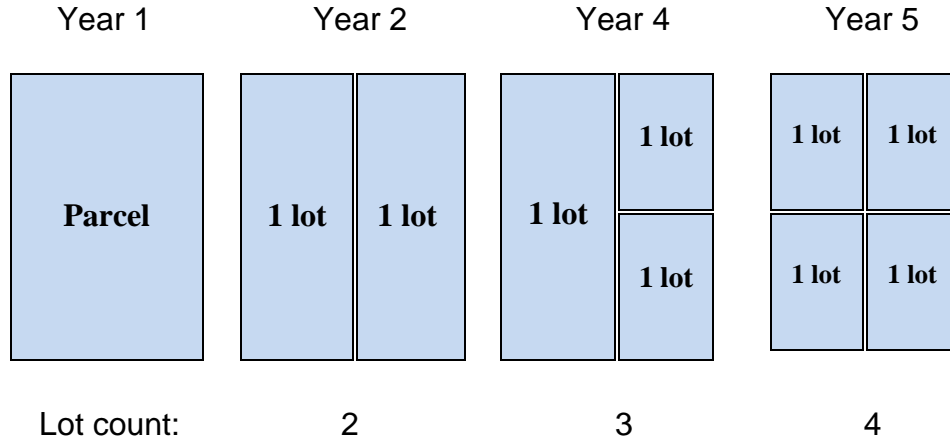
Act 250 Rule 2(B) governs the time lots are created, and the cessation of a subdivision.

2. Number of Lots

- A. For the purpose of determining jurisdiction over a subdivision, all lots which a person proposes to partition or subdivide within a tract or tracts of land, including but not limited to lots to be used for residential or commercial purposes, lots to be used for open space or common land, lots to be used for the disposal of wastewater or stormwater, lots to be retained for future development or other purposes, and lots created for the purpose of conveyance by gift, shall be counted toward the total number of lots which a person has subdivided within a five-year period.
- B. Lots created for the exclusive purpose of constructing, maintaining, or improving a roadway to provide ingress and egress to all or a portion of the subdivision shall not be counted toward the total number of lots which a person has created within a five-year period.
- C. The total number of lots created within a five-year period shall be consistent with the number of lots as shown on a plot plan, excluding any lots not counted in accordance with this guidance and other applicable law. No lot shall be counted more than once toward the total number of lots created within a five-year period.



3. Examples (all examples assume no construction)



Supersedes JP-2-6: Determination of Lots for Jurisdictional Purposes (Vt. Env'tl. Bd. May 18, 2004)

Approved July 9, 2013, Effective July 9, 2013

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