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H.926

Senator Bray moves that the Senate propose to the House that the bill be amended by striking out Sec. 28, 10 V.S.A. § 6001(3)(A) and its reader assistance heading in their entirety and inserting in lieu thereof a new Sec. 28 and reader assistance heading to read as follows:

*** * * Roads and Driveways * * ***

Sec. 28. 10 V.S.A. § 6001(3)(A) is amended to read:

(3)(A) “Development” means each of the following:

* * *

(x) The construction of a road, roads, driveway, or driveways, which in combination is greater than 2,000 feet, to provide access to or within a tract or tracts of land of more than one acre owned or controlled by a person.

(I) For the purposes of determining jurisdiction under this subdivision (x), any tract or tracts of land that will be provided access by the road or driveway is involved land.

(II) As used in this subdivision (x), “road” shall include any new road or upgrade of a Class 4 highway, including a road that will be transferred to or maintained by a municipality after its construction or upgrade.

For the purposes of this subdivision (II), routine maintenance of a Class 4 highway shall not constitute an “upgrade.”

1 (aa) Routine maintenance shall include replacing a culvert
2 or ditch, applying new stone, grading, or making repairs after adverse weather.

3 (bb) Routine maintenance shall not include changing the
4 size of the road, changing the location or layout of the road, or adding
5 pavement.

6 (III) For the purpose of determining the length **under this**
7 **subdivision**, the length of all roads and driveways within the tract **or tracts** of
8 land constructed within any continuous period of 10 years after **October 1,**
9 **2020** shall be included.

10 (IV) This subdivision (x) shall not apply to a road **constructed**
11 **for a municipal, county, or State purpose**; a utility corridor of an electric
12 transmission or distribution company; a road used **exclusively** for farming or
13 forestry purposes; or a road in a designated downtown or neighborhood
14 development area. However, the **use** of a road used for farming or forestry
15 purposes that meets the requirements of this subdivision (x) shall constitute
16 development.

17 * * *

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