

From: carl@faheyland.com
To: [Charles Karno](#)
Cc: carl
Subject: Re: Ledyard-Ap# 517
Date: Monday, January 31, 2011 11:55:23 AM

Charlie

I have reviewed this information and have the following thoughts:

1. I will assume that the lot in question (126R) in its entirety was a lot of record and was not split off of another parcel following the adoption of subdivision regulations in Ledyard.
2. If the owner is entitled to a "free split" the resulting 2 lots must conform to the zoning regulations. You cannot split a parcel into two pieces unless each has its own status as a conforming lot. While it would appear that one of the "lots" created by the "free split" (the one with the house on it I assume) meets the current zoning regs the owner apparently does not. Therefore this other lot HAS NO STATUS and cannot "float" out there on its own. As such the Planning Commission cannot recognize its existence.
3. Therefore the Planning Commission must approach the application as if the "split" has not occurred.
4. It is not clear whether the title to the original parcel and the parcel now being subdivided is in the same party. In any event the owner (or the two owners) can do a lot line reconfiguration whereby the the original parcel is reduced in size with the house lot being retained (assuming it can meet zoning requirements) and the excess land being merged into an adjoining parcel. Since the new parcel has no status it must merge into the adjoining parcel. The CT Supreme Court has stated that such a reconfiguration is not a subdivision of lots.
5. If the adjoining land with the now added parcel is now subdivided the the entire new parcel is subject to the zoning and subdivision regs including all open space requirements.
6. The parcel left behind need not be part of the new subdivision.
7. Some towns have a process for a landowner to reconfigure his lot lines. If Ledyard has such a formal process the owner of 126R must also go through this process.

Please let me know if you have any additional questions or if there are any additional facts which I have missed.

Carl Landolina

Hi:

We have a subdivision application involving multiple existing lots. The status of one of the lots, 126R, is in questions. This is a rear lot and in 1984, a process was followed to erect a house on the lot. In 2009, a deed but not a map was filed on the land records splitting 126R in to two parcels. The applicant cites this as a "free split". However, the split doesn't appear to meet regulations and was not recognized by the Assessor (the property is still taxed as a whole). The applicant indicates that the split was done in anticipation of the current subdivision application and was never intended to create a building lot; only excess land to be added to the subdivision.

I think the Planning Commission would like to work with the applicant to approve the subdivision and

the applicant's response to questions concerning the split is that if there is an issue it will be corrected by subdivision. Here are the issues that I see:

- The application includes Lot 126 R; but only the portion identified by the "free split". The assessor's records indicate the 126 R is a larger parcel.
- This is what we call a conservation subdivision and 40% of the land has to be dedicated as "open space". If the larger 126R is included, more open space would be required.

I am not trying to cause issues, but, I would like to be in a position to say that the filing of the "free split" was either ok or not and would appreciate your thoughts.

Charlie

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