



TOWN WILLINGTON

Planning & Zoning

40 Old Farms Road, Willington CT

Tel.: (860) 487-3123

MEMORANDUM

TO: Willington Planning & Zoning Commission
FROM: Michael D'Amato, AICP, CZEO, Zoning Agent *Michael D'Amato*
DATE: August 2, 2021
SUBJECT: Evaluating a Lot of Record and making a "buildable" determination

A question that is frequently received by this office relates to make the determination that a lot, or piece of land is "buildable". This is not a question that can be answered over the phone and involves research and documentation. The following points should be considered when evaluating a piece of land to determine if it is "buildable".

1. All lots are "lots of record". This does not make them an approved lot or a buildable lot.
2. Lots that were created via a subdivision approved by the PZC are always "legal lots" and "buildable lots". These lots are ALWAYS subject to the regulations they were approved under. The subdivision approval that was recorded in the Land Records should always be reviewed to ensure that those parameters are met.
3. Lots that pre-date the subdivision regulations are considered "legal lots of record" BUT would need to show compliance for setbacks to current zoning regulations, approval for septic and well before we would call them "buildable lots".
4. Lots that people create via their own split are NOT approved building lots. Anyone can file a lot split in the Land Records, but it does not make them a building lot. If someone were to want to build on these lots, they would need to go through the Resubdivision process and get approval. These are often seen with probate issues, divorce, etc.
5. First Cuts or Free Splits need to be proven by the applicant/property owner to the satisfaction of Town Staff. A deed and maps showing the lot has not been split since the inception of subdivision regulations (**March 3, 1969**) is required to do so. These always need to meet the current zoning regulations in place at the time of request.
6. Finally, any request for a Free-split or First Cut or Lot Line adjustment needs to be presented to the Planner or ZEO in the form of proposed plan for review and approval. If the plan is approved, it should be endorsed and recorded in the Land Records.
7. If a lot is ultimately determined to be "buildable" the final decision is made by the ZEO. As every decision a ZEO makes is appealable it is advisable to recommend to the applicant that they publish such notice in the paper (just like a Commission decision). In doing so, in the eyes of the law, the applicant/owner has effectively put everyone on notice that the land in question has been determined to be buildable. This will protect against issues in the future should the applicant wait a period before building on the lot. Without the notice being published a neighbor or other "aggrieved party" may appeal this decision/action upon "constructive notice". With no decision published in the paper, that notice was given when the site activity started. To alleviate a potential issue at that point in the project the applicant/owner should publish this decision in the paper.