



SUBDIVISIONS

What is a “Free-Split” and am I entitled to one?

A “Free-Split” or “First Cut” is a division of a parcel which is exempt from the subdivision review process according to state law. A property is entitled to a free-split if it has never been subdivided or split since the Town’s adoption of subdivision regulations. Research in the Land Records of Town Hall can help determine if this is the case with your property. Please be advised that even if a property is exempt from the Subdivision Regulations the free-split must still conform to all zoning, building, and other applicable regulations. Therefore, new lots created must still meet minimum lot sizes, septic system requirements and other regulations.

What are my options regarding open space when subdividing my property?

The Town’s Subdivision Regulations allow for two options when subdividing property: ① Provide 15% of the entire property as protected open space. Subdivision regulations specify the details of this open space; ② Pay a *Fee-In-Lieu of Open Space* to the Town. This fee is based on 10% of the fair market value of the land to be subdivided, prior to the approval of the subdivision. The fee is paid off as individual lots are sold, and the Town will use these funds to acquire open space throughout the Town.

SUBDIVISION REGULATIONS WERE ADOPTED ON JULY 19, 1960

Subdivision. The division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, for sale or building development expressly excluding development for agricultural purposes, and includes resubdivision.

Source: Stonington Subdivision
Regulations Chapter II

WHAT IS THE DIFFERENCE BETWEEN A “REAR LOT” AND A “FRONT LOT”?

All parcels are required to satisfy the minimum bulk requirements in Zoning Regulation Section (ZR) 5.1.1 and 5.2.1. Each parcel is required to have “frontage” and “frontage” is measured along the street right-of-way edge. Front lots are properties that comply with the minimum frontage required for the district in which the property is located (ZR 5.1.1 or 5.2.1). To create a “rear lot” for most residentially zoned properties, the regulations allow a reduction in frontage, to 20 feet, provided that the minimum lot size is increased to either 60,000 square feet or two (2) times the minimum district lot size, whichever is greater, in accordance with ZR 7.11

Frontage. The property line of a lot measured along the street line at the setback line from the highway right-of-way edge.

Source: Stonington Zoning Regulations (ZR) Section 1.2.2 Definitions

RECOMMENDED PROCEDURE FOR FREE-SPLITS

- Contact a Connecticut Licensed Land Surveyor to research the history of the property and to prepare a Class A-2 Survey map depicting the geometric elements of the property. The Surveyor can also prepare the Free Split Plan. Lot size requirements can be found at ZR 5.1.1 and 5.2.1. Some zoning districts have buffer and non-infringement requirements, these can be found in ZR Articles 3 and 4. In addition, it is important to make sure that the Wetland Proration requirements of ZR 7.5 have been satisfied.
- Review the maps with the Zoning Official. If the free-split involves the creation of a rear lot, the property owner will be required to submit a permit application to the Planning and Zoning Commission.
- Have deeds prepared to verbally describe the two properties, including a legal description. The legal description can be drafted by the surveyor or the attorney, but an attorney should be involved in preparing the deeds.
- File the Free Split Plan (Class A-2 Survey), legal description and deed with the Town Clerk’s Office. There are specific map filing requirements (Mylar) that must be satisfied to record a map in the Town Clerk’s Office. Your surveyor should be aware of these requirements.

RECOMMENDED PROCEDURE FOR SUBDIVISION, RE-SUBDIVISION, OR THE CREATION OF REAR LOTS

- Contact the Department of Planning for application forms and assistance.

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