



# Town of Litchfield

## Planning and Zoning Commission

### Application for Subdivision of Land

<b>Name and mailing address of Applicant</b> <u>David P. Wakefield Jr.</u> <u>145 Naser Rd.</u> <u>Litchfield, CT 06759-3020</u> Phone: (860) 489-8779 Email address: <u>dp.wakefield@optonline.net</u>	<b>Location of property to be divided:</b> <u>Naser Road</u> Map <u>91</u> Block <u>14</u> Lot <u>6</u>
<b>Owner name and address</b> <u>David P. Wakefield Jr.</u> <u>and Bertha Anne Wakefield</u> <u>400 Torrington Rd.</u> <u>Litchfield, CT 06759</u> Phone: (860) 567-9558	<b>Professional Engineer/Surveyor name and address</b> <u>N/A</u> Phone: ( )

#### Description of Lots to be created:

Total Acreage of property	4.71	Subdivision	Zone:
Number of Lots to be created	2	Resubdivision*	Road Frontage: <u>1,150'</u>
Acres each lot: <u>2.755</u>   <u>1.956</u>			Interior lots? Yes / <u>No</u>

#### Information Checklist

Does property to be divided abut property within another municipality?		Yes / <u>No</u>	
Description of new streets to be created (circle): (Town road / common drive / shared drive) (gravel / paved) <u>N/A</u>			
TAHD approval date:	<u>N/A</u>	WPCA approval date:	<u>N/A</u>
Wetlands approval date:	<u>N/A</u>	DOT approval date:	<u>N/A</u>
*If resubdivision – Title and Date of Subdivision map on record: <u>N/A</u>			
Erosion and Sediment Control Plan if cumulative area to be disturbed is greater than 1/2 acre: <u>N/A</u>			
Description of sanitary storm sewer lines to be created: <u>N/A</u>			

<u>D.P. Wakefield</u>	<u>2/4/21</u>		
Signature of Applicant	Date	Signature of Owner	Date

Date submitted	Date Rec'd by Comm.	Public Hearing Date	Fee	Project No.
<u>2/9/21</u>			<u>310.00</u>	

February 8, 2021

To: Litchfield Planning and Zoning Commission

From: David Wakefield, 145 Naser Road

Re: Resubdivision Application for property listed as Map 91, Block 14, Lot 6

Dear Commissioners:

The lot in question – co-owned by my sister, Bertha Anne Wakefield – lies on the southwest side of Naser Road, across from 121 and 145 Naser Road. Formerly used for agriculture, its only use for the past 35 years has been as open space, and the entire lot is protected by conservation easements held by the Litchfield Land Trust. There is a fire pond and small garage (soon to be removed) across from 145 Naser Road, where I reside, and a good-size old barn across from 121 Naser Road, formerly my sister's residence.

My sister recently sold her property at 121 Naser Road, and she would like to liquidate her interest in our common property, hereafter referred to as Lot 6. The new owners of 121 Naser Road are interested in purchasing the portion of Lot 6 that is across the road from their land. Further, they wish to restore and keep the barn, which I had planned to have dismantled. The proposed division would allow my sister to separate her interest from mine, and to subsequently complete a land transaction desired by all parties.

As a former member of the Litchfield Land Trust board of directors, I ensured that my new neighbors were aware of the conservation restrictions on Lot 6 well before they purchased my sister's land. Other than their desire to restore the barn, I am unaware of their plans for Lot 6, but I will assure that any activities are in accordance with the easement terms. I plan no changes on what would be my portion other than removal of invasive plants and occasional mowing.

A brief history of Lot 6: My parents, who owned the land since the 1940s, took advantage of their "free split" to divide it into two lots, subsequently gifting them in separate transactions to my sister and me as owners in common. My sister and I later recombined the two lots back into the present Lot 6. The borders of those lots were the same as those of the lots proposed in the present application.

Since the "free split" was taken by my parents, we cannot avail ourselves of that. To me, this can't technically be called a "resubdivision" because Lot 6 was never subdivided. And state law expressly exempts from subdivision regulations any division of land that is intended for conservation or agricultural purposes; therefore a subdivision application is inappropriate. Nonetheless, whatever you choose to call it, I hope you will look favorably on this request.

Thank you very much.

  
David Wakefield

Roy V. Cheney  
Licensed Land Surveyor  
PO Box 71  
Bethlehem, Connecticut 06751  
Phone/Fax 203-266-7460  
Email-rvc1958@charter.net

January 28, 2021

Litchfield Planning and Zoning Commission

RE: Wakefield-Conservation Division-Naser Road

Commission Members,

I was asked to prepare a map for David P. Wakefield, Jr. and Bertha Anne Wakefield on Naser Road showing a division of a parcel with Conservation Restrictions into 2 parcels for family planning purposes. I was originally asked to create a Resubdivision Map for the purpose of this division.

When I initially looked at this I found that the original Parcels A & B were created on a map by Samuel P. Bertaccini, Jr. prepared for David P. and Susan G. Wakefield dated March 10, 1988 and Revised October 19, 1992. These 2 parcels, not created by a subdivision were later merged into their original single parcel. I do not feel right in preparing a resubdivision as no subdivision was made in the first place. In referring to the Connecticut General Statutes by definition a subdivision means the division of a tract or parcel of land into three or more parts or lots and resubdivision means a change in a map of an approved or recorded subdivision, which this is not.

A further look into the Statute shows an exclusion for conservation purposes from the definition of subdivision and therefore appears to exclude this from requiring Planning approvals. Original Parcels A & B were entered into a Conservation Restriction Agreement with the Litchfield Land Trust, Inc. as found in Vol 215 Pg 225 and Vol 230 Pg 128 of the Litchfield Land Records.

I have prepared a map entitled "Map Showing Division Of Land For Conservation Purposes Prepared For David P. Wakefield, Jr. Bertha Anne Wakefield Naser Road Litchfield, Connecticut" scale 1' = 50' dated January 2021 showing these parcels as they were on the Samuel P. Bertaccini, Jr. map and this matter is being brought to the Commission so that you may have the opportunity to reviewed these parcels to see that they are indeed the same as the originals and have the record reflect this.

Regards,



Roy V. Cheney, LLS

