

**DEPARTMENT OF PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Mark Wujtewicz, Planner

DATE: November 18, 2025

TITLE: Staff Report: PL-25-18
2 Lot Residential Resubdivision
Brown 9 Josan Drive

EXECUTIVE SUMMARY

The project as proposed is for a 2-lot residential resubdivision located at 9 Josan Drive, a cul-de-sac 300 foot in length. The property is located within the R-40 (Low Density Residential) Zone District. The gross area of the parcel is approximately 4.6 acres and contains inland wetlands. This parcel was subject to a previously approved two lot resubdivision (PL-2007-22) on December 17, 2007. The Commission approved the resubdivision with conditions that were required to be implemented prior to recording the plans on the land records. Cross reciprocal easements for the shared driveway access, an estimate of and bonding for public improvements were required. Those conditions were not met and the resubdivision approval had expired.

The parcel is located within the Coastal Area Management (CAM) Boundary. A review pursuant to the Connecticut Coastal Management Act (CCMA) conducted by the Land and Water Resources Division of CT Department of Energy and Environment Protection (DEEP) is required. The Coastal Site Plan Review Comments Checklist was submitted into the hearing record (Exhibit 7). DEEP review found no issues relative to any adverse impacts to the coastal resources either onsite or adjacent to the property

The parcel has approximately 154.85 feet of combined frontage along two separate locations on both sides of a developed single family parcel in separate ownership. Proposed Lot 1 is configured as a flag lot in that it contains less than the minimum required 100 feet of frontage. The configuration of the parcel meets the design standards for flag lots as specified in the Waterford Zoning Regulations Section 3.38.

With Lot 1 configured as a Flag Lot, the applicant is requesting a waiver of the Subdivision Regulations Section 5.3.8 which limits the number of Flag Lots allowed in a subdivision to no more than 20% of the lots proposed. This two lot resubdivision proposes one lot (50%) of the

lots as a flag lot. Therefore, a request is included in the application for a waiver of Subdivision Regulations Section 5.3.8 to allow for more than 20% of the lots as flag lots. The Planning and Zoning Commission may grant waivers to the Subdivision Regulations in accordance with Section 5.7 of the Subdivision Regulations.

Proposed Lot 2 is configured as a standard frontage lot with 100 feet of frontage. Access to the lots will be over a shared driveway. Required access and maintenance easements shall be filed on the land records as part of any approval granted. Both parcels will be serviced by municipal water and sewer. Appropriate utility easements will be required to be recorded on the land records.

The design of the proposed stormwater drainage system will require the installation of a 15" drainage pipe to an existing catch basin located within the Josan Drive right of way. This pipe installation and connection to the existing Town drainage system qualifies as a public improvement and will require bonding.

The application has been reviewed and approved by the Waterford Conservation Commission through the issuance of Inland Wetland Permit #C-24-06. A copy of the Conservation Commission Action has been submitted into the record. (Exhibit 6)

The application was received by the Commission on September 30, 2025.
The Public Hearing was advertised in The Day on November 4, 2025 and November 11, 2025.
The date of Public Hearing was November 18, 2025.

BACKGROUND

Pertinent Regulations

CT General Statutes (CGS):

CGS §8-25 – Subdivision of Land

CGS §8-26 - Approval of subdivision and resubdivision plans. Waiver of certain regulation requirements. Fees. Hearing. Notice. Applications involving an inland wetland or watercourse.

CGS §22a-92 – Legislative Goals and Policies

Zoning Regulations:

Section 3.34 – Lot Design Standards

Section 3.38 – Flag Lot Development

Section 5 – Low Density Residential District (R-40)

Section 25.4 – Coastal Area Management

Subdivision Regulations:

Sections 3, 4 and 5 (relevant parts)

Section 5.3.8 - Flag Lots

DISCUSSION

The applicant proposes to resubdivide the existing vacant parcel into two lots. The existing parcel was originally created through subdivision approval by the Planning and Zoning Commission in March, 1956. Any further subdivision of 9 Josan Drive qualifies as a

resubdivision in accordance with CT General Statute 8-25 and as defined in the Town of Waterford Subdivision Regulations.

The applicant requests that the Commission consider a waiver to the Subdivision regulations Section 5.3.8 of the Subdivision Regulations. This section states, in part: “*No more than twenty percent (20%) of any subdivision lots shall be flag lots.*” In accordance with Section 5.7.1.1 of the Subdivision Regulations, the Commission may grant waivers to the Subdivision Regulations if it finds that the granting of the waiver will not be detrimental to the public safety, health or welfare, or have a significant impact on adjacent property. When approving waivers, the Commission may apply conditions that, in its judgement will substantially secure the objectives of the requirements and standards of the regulations.

The configuration of the Flag Lot (Lot 1) in this subdivision meets the design standards of the Zoning Regulations pertaining to Flag Lots. The area of the flag lot exceeds the minimum area requirement of the R-40 Zone District. The Commission may consider requiring, as a condition to the waiver, that the shared driveway be constructed in such a manner as to provide adequate access for emergency response vehicles. The driveway design can be reviewed by the Town Fire Marshal prior to the issuance of a Zoning Compliance Permit for construction.

The parcel currently contains a single-family dwelling. Both parcels will utilize the existing driveway for access. An access and utility easement location is noted on the plans submitted (Exhibit 2) and a requirement to provide the proposed easement language for review is listed as a condition of approval.

Both lots are consistent with the design standards for lots in the R-40 Zone District and the criteria within the Town of Waterford Subdivision Regulations and Section 3.34 (Lot Design Standards) of the Zoning Regulations.

RECOMMENDED ACTION

Based on the information provided, staff recommends the Planning and Zoning Commission find that:

Findings:

1. The property is located entirely within the R-40 (Low Density Residential) Zone District
2. The division of the property constitutes a resubdivision in accordance with the definition of resubdivision within the Town of Waterford Subdivision Regulations and State Statute.
3. The proposed lots meet the lot design standards of Sections 3.34, 3.38 and 5 of the Town of Waterford Zoning Regulations.
4. The Waterford Conservation Commission issued Inland Wetland Permit# C-24-06 for regulated inland wetland activities.
5. The Waterford Conservation Commission issued a report of its action on application #C-24-0 in accordance with CGS §8.3(g).
6. The resubdivision is consistent with the applicable coastal policies in Section 22a-92 of the Connecticut General Statutes.

7. Based upon a review of the information provided in the record and in accordance with Section 5.7.1.1 of the Waterford Subdivision Regulations, the Commission finds that the granting of the waiver to Section 5.3.8 of the Subdivision Regulations with conditions allowing one flag lot in the two lot resubdivision will not be detrimental to the public safety, health and welfare nor will it have a significant adverse effect on other adjacent property.

and that the Commission approve with conditions application PL-25-18 with the following conditions:

1. Pursuant to section 3.38.4 of the Zoning Regulations, the Commission finds that access to Lot 2 shall be over Lot 1 perpetuity. Cross reciprocal easements shall be required over Lot 1 in favor of Lot 2. These easements shall incorporate the use of the driveway access and utilities and are to be recorded on the land records at the time final plans are recorded.
2. The shared driveway shall be designed and constructed in such a way as to support emergency vehicle apparatus. The driveway and associated drainage improvements within the area of the cross reciprocal easement shall be constructed prior to the issuance of a zoning compliance permit for house construction.
3. The public and shared improvements, including the drainage improvements and shared driveway shall be bonded prior to recording the final plans on the land records.
4. Access and utility easement language shall be submitted to the Planning Department and reviewed prior to filing the final plans on the land records.

Proposed Motion:

To approve with conditions Application PL-25-18, a 2-Lot residential resubdivision located at 9 Josan Drive with conditions 1 through 4 and to adopt the findings 1 through 7 of the staff report.