

REQUEST FOR OPINION, ADVICE OR OTHER LEGAL SERVICE
(Submit to Mayor in Duplicate)

RECEIVED
MAY 25 PM 2:30
CITY OF MIDDLETON
MAYOR'S OFFICE

TO: MAYOR'S OFFICE
FROM: William Warner, Planning Director
SUBJECT: Division of Land (Second Request)

FACTS: (In brief Statement tell WHO, WHAT, WHEN, WHERE, WHY, & HOW.)

Division of land filed on August 14, 1928 Map No. 428A. See attached history of land. Subdivision regulations first adopted November 27, 1941. No records of council approval of street or transfer of deed to City. Majority of subdivision completed.

Applicant would like to complete portion of road upon which 7 lots front. Lots do not conform to zoning requirements, road cannot be built to City standards with regard to cul-de-sac without changing and reducing lots. Thereby eliminating lot of record status and requiring conformance to current zoning.

LAW: (Cite appropriate ORDINANCE, REGULATION, STATUTE, OR CASE LAW that you think applies to this question.)

QUESTION: What, in your own words is the precise question you wish to have answered?)

Is this a subdivision or resubdivision, if not either one, does Planning and Zoning have any jurisdiction? Does CGS 8-26a apply in this case? Does CGS 8-26 apply in this case? In the interest of public health and safety can the City require that a cul-de-sac be installed? By virtue of being filed on the land records is this an accepted City street?

ESTIMATE OF PRIORITY: Check One.

EMERGENCY STANDBY FOR FUTURE ACTION

URGENT APPLICANT SHOULD KNOW FOR FUTURE ACTION

Date:

5-24-94

Signed:

Thomas J. Serra
approved Thomas J. Serra
5/31/94

RECEIVED
MAY 22 AM 8:55
CITY OF MIDDLETON
MAYOR'S OFFICE

Proposed Subdivision of Joseph Mazzotta

- 1.) Original subdivision "Newfield Heights," filed August 14, 1928, which included this proposed subdivision as a section. Map No. 428A
- 2.) Revised map of this proposed subdivision on above map 428A was approved by the Planning and Zoning Commission on September 20, 1960. Map No. 2288

Revisions made to refine measurements of the following:

- a. Frontage on Lot 22
- b. Rear Line on Lot 21
- c. Side Line on Lot 21
- d. Front Line on Lot 18
- e. Rear Line on Lot 18
- f. Side lines of Lots 18 through 22

- 3.) Tax Assessor's Map No. 12 shows that lots numbered 18, 19, and 20 have been combined to form two new lots 18B (Lot 18 plus half of Lot 19) and 20B (Lot 20 plus other half of Lot 19). (See Number 5)
- 4.) Mattebasset Associates sold Lots 18 through 22 to Angelo De'bro. Volume 309/224 - August 30, 1960.
- 5.) Angelo De'bro sold Lots 18 through 20 to Vincent J. Scamporino (Volume 390/ Page 186 - December 20, 1972). Vincent J. Scamporino transferred Lot 20 and part of 19 to Vincent P. Scamporino (Volume 390/Page 188 - December 22, 1972). Mazzotta purchased V.P. Scamporino's property January 27, 1981 (Volume 674/Page 170; and J.A. Scamporino's property on January 27, 1981 (Volume 674/181).
- 6.) De'bro Estate transferred Lots 21 and 22 to Lucille F. Marino. (Volume 622/Page 150 - May 26, 1982, later sold to Mazzotta (Volume 672/Page 119 - December 29, 1983).
- 7.) Mazzotta purchased Lots 21-24 south east side of Nathan Hale Road from Marian Tobin December 29, 1983 (Volume 672/Page 119).
- 8.) Volume 293/Page 87 and Volume 296/Page 77 carry a list of covenants imposed on these properties.
One covenant is that no buildings be erected on Lots 4, 10, and 19 of Section 6 of Lots on Map 428A.
- 9.) At time of approval date in 1960 State Statutes required subdivisions to conform to changed zoning regulations within three years of approval. In 1969 changed to "five years" (Section 8-26A).
- 10.) No minutes of Planning & Zoning meetings which describe who is to improve Nathan Hale Road were found.
- 11.) Is Nathan Hale Road, south of Phedon Parkway, an accepted street?
It appears that this portion of the road is a paper street only and not accepted by the City. It is not an existing street to qualify this as a subdivision under Section 21.07 of the Zoning Regulations.
- 12.) The different changes in lot sizes after 1960 were never approved by the Planning & Zoning Commission or documented as being approved.