

TO: Coventry Citizens

FROM: Land Use Office

DATE: December 17, 2009

SUBJECT: Lot Buildability

The Land Use Office often times receives inquiries from the public as to whether a particular lot is buildable or not. The purpose of this memorandum is to provide some guidance and facilitate a process of information gathering that can assist in determining the development capacity of a lot. Land Use Staff can provide assistance in obtaining certain pieces of information. However, the Land Use Staff cannot individually render a final determination on the ultimate development capacity of a lot since it involves other Town jurisdictions, such as the Eastern Highlands Health District and Department of Public Works.

In this memorandum, a reference is made to 'building files'. These files are available for public inspection in the Land Use/Building Office in the Town Hall. They are filed by the street address of the lot. Files also exist for vacant lots and are filed by street. Copies can be made of the contents of the files with a fee applied per page copied.

There are a number of general physical features that can be considered when a lot is being evaluated for development potential. These features can include: the presence of wetlands/watercourses; the presence of flood plain; the presence of soils that are challenging to development (ledge, poorly drained soils); topography; sewer availability; lot configuration; street access to the lot.

In an effort to decipher the level of effect of these features, there may be a need to produce evidence that demonstrates the presence or lack of such features on the lot being considered. There are a number of different sources of information that can be utilized to gain a better understanding of these features.

Land Use Staff suggests the following sources and methods of collecting information that can be used to evaluate the level of 'buildability' of a lot.

Wetlands/Watercourses – The Land Use Office has two wetlands resource maps that provide general details on areas in Town that are presumed to possess wetlands based upon soils data and satellite imagery. This map does not provide a high level of accuracy due to its Town-wide scale, but can be utilized to provide some sense as to whether larger wetlands complexes may exist. It is suggested that the individual building files in the Land Use/Building Office be examined to determine if more accurate and detailed mapping may exist. It may also be necessary to employ the services of a Licensed Soil Scientist to evaluate the nature of the soils and make an official determination. A listing of available Soil Scientists in the area and beyond can be found at www.nesoil.com/sssssne/index.htm.

The State of Connecticut defines inland wetlands based on soils. The Connecticut Inland Wetlands and Watercourses Act defines wetland soils to include “any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soil Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture.” Web Soil Survey (WSS) provides soil data and information produced by the National Cooperative Soil Survey. It is operated by the USDA Natural Resources Conservation Service (NRCS). NRCS has soil maps and data available online for more than 95 percent of the nation’s counties and anticipates having 100 percent in the near future. This web site is updated and maintained online as the single authoritative source of soil survey information.

Web Soil Survey

<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>

The list of wetland soil types in Connecticut can be found at

http://www.ct.nrcs.usda.gov/Soil_Pages/inland_wetland_soils.html

Flood Plain – The Land Use Office currently possesses flood insurance rate maps (FIRM) prepared by the National Flood Insurance Program. These maps can be examined to determine if a property is in fact in the flood plain. It is occasionally necessary to apply other mapping resources to the flood plain map to decipher the exact location of the lot in question, since boundary lines are not present on the flood maps. The FIRM maps are available in the Land Use Office as well as on

FEMA's website at

<http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1&userType=G>

Soils – The building files in the Land Use/Building Office may have information to determine if there has been any on-site evaluation of soil types in the past. For example, soil testing for septic suitability may have occurred on the property previously and the data may be available in the file. It may also be necessary to employ the services of a Licensed Soil Scientist to evaluate the nature of the soils and make an official determination. A listing of available Soil Scientists in the area and beyond can be found at www.nesoil.com/ssssne/index.htm.

Topography – The building files in the Land Use/Building Office may have information to determine if there has been any topographic field surveys prepared for a lot. A topographic field survey provides information on ground elevations. The United States Geological Survey (USGS) mapping is another possible source. However, the scale and detail of this mapping makes it challenging to apply in some cases. Hard copies of the USGS mapping are available in the Land Use/Building Office. It may be necessary to employ the services of a Licensed Land Surveyor to certify the topography of a lot. A listing of such professionals is available in the local Yellow Pages.

Sewer availability - In accordance with Water Pollution Control Authority (WPCA) Regulations (amended 3/5/2009) “sewers may not be used as a tool for residential development”. Properties that were not developed prior to construction of municipal sewers were not given a sewer assessment nor were they given a ‘sewer lateral’ with which to connect a structure to the sewer system. However, if a property within the sewer district can support a 3 bedroom home with a code compliant septic system the WPCA may consider allowing said property to connect to sewers. For more information please contact the WPCA Technician at 860-742-4064. The complete WPCA regulations can be found at http://www.coventryct.org/index.asp?Type=B_BASIC&SEC={025E2BA0-164B-4119-B595-A048414AA573} .

Lot configuration/street access - The building files in the Land Use/Building Office may have information to determine if there has been a boundary survey

conducted of the property in question. A survey or site plan may exist in the file that provides these details. It may be useful to view the building files of the adjoining properties to see if a survey was conducted on these lots that share a common boundary, since this may provide helpful background details on who may have already completed some relevant boundary information. It may be necessary to employ the services of a Licensed Land Surveyor to certify the boundary of a lot. A listing of such professionals is available in the local Yellow Pages. Additionally, it may be necessary to employ the services of an Attorney or Title Searcher to analyze the land records to make determinations on property ownership, easements and conveyances. A listing of such professionals is available in the local Yellow Pages.

In some instances, there may be a desire to continue to own a particular lot or portion of a lot but not have it considered a buildable lot. The dedication of the lot or portion of the lot for conservation purposes (conservation easement) allows a property owner to continue to own, maintain and enjoy the use of a lot, but the lot is instead preserved as 'open space' and cannot be developed. This can cause for the value of the lot to be reduced, due to its limited development potential. The Land Use Office can assist in this matter and provide guidance on how to pursue this option.

If there are any questions pertaining to this memorandum or how the Land Use Office can be of further assistance, please contact Eric M. Trott, Director of Planning and Development, at 860-742-4062 or etrott@coventryct.org.