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## Guidance for First Cuts

The Land Use Office is frequently asked about whether a property may be split. In order to determine the eligibility and applicable process of a land division it is important to reference the Connecticut General Statutes Section 8-18 definition of subdivision:

“the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision;”

In the case of a subdivision all current Zoning and Subdivision requirements must be met. In the case that someone wishes to split a tract or parcel of land into two, they may be eligible for a first cut. However, this is only applicable to lots that existed and have not been divided since August 21, 1957 and all Zoning and Inland Wetland/Conservation Commission requirements must be met.

The following information has been compiled to provide process guidance for establishing a first cut and is not to be substituted for an analysis of regulations of the Town or State or constitute a legal opinion of the Town of Salisbury.

1. Title Search - A title search should be conducted by a qualified professional. (Title Company, Attorney etc.) to ascertain that a property is eligible for first cut.
2. Affidavit – An affidavit from the person conducting the search shall be provided to the Land Use Administrator for review. The affidavit shall certify that the person conducting the title search has searched the land records (including maps on file) of the Town and the property has not been divided since August 21, 1957, the date of adoption of the Salisbury Subdivision Regulations.
3. Review – The Land Use Administrator will review the affidavit for completeness, relying on the opinion of a person qualified to render an opinion of first cut, i.e. attorney or title company. If there is any question about the affidavit, the Land Use Administrator can bring the question to the Planning and Zoning Commission for input. The Land Use Administrator may also require additional review by the Town’s counsel. In that instance the owner will be asked to post an escrow to cover the Town’s legal costs in reviewing the affidavit and related materials
4. Minimum Standards - Subsequent to the establishment of eligibility, any lot(s) intended for sale or building development created under a first cut must meet local standards including, at a minimum Zoning, Inland Wetland/Conservation and Sanitation requirements.
5. Mylar - A final map of the split must be filed in the Office of the Town Clerk in accordance with Town Ordinance #75. The owner or owners may also be required to submit a separate affidavit to the Town Clerk in accordance with Town Ordinance #75.

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FILING OF MAPS – AFFIDAVIT REQUIREMENT

AN ORDINANCE CONCERNING THE FILING OF MAPS OR PLANS

The Town Clerk shall not accept for filing any map or plan showing a division of land unless such map or plan is accompanied by an affidavit executed by the owner or owners of such land affirming that either (1) the division was made with the approval of the Planning and Zoning Commission under the subdivision laws of the State of Connecticut and the Subdivision Regulations of the Town of Salisbury, or (2) no such approval was necessary under said law and regulations because the division was not the division of a tract or parcel of land into three or more parts or lots, or because the division did not for other reasons specified in the affidavit constitute a “subdivision” or “resubdivision” as defined in Connecticut General Statutes Section 8-18, as the same may be amended from time to time.