

**Sec. 22a-133q-4. Surveys**

**(a) General standards and requirements for surveys**

The survey of a parcel prepared pursuant to this section shall:

- (1) Be performed by a surveyor with a current and effective license issued by the Commissioner of Consumer Protection;
- (2) For survey maps and plans, comply with map drafting standards in section 20-300b-18 of the Regulations of Connecticut State Agencies;
- (3) Include a vicinity map showing the approximate location and configuration of the parcel in reference to nearby highways or major street intersections;
- (4) Depict the latitude and longitude of a point on the parcel, plotted and labeled in decimal degrees and referenced to a known datum, with an accuracy within 5 meters;
- (5) Include a description of the parcel under the heading "Parcel Description" that shall be a metes and bounds description if the property boundaries are required to be surveyed pursuant to this section or, if portions of the boundary are not required to be surveyed, a metes and bounds description if found on the land records in the chain of title for the parcel;
- (6) Depict adjoining properties and annotate with the most recently recorded owners' names (N/F, now or formerly) or by subdivision map and lot numbers;
- (7) Depict the boundaries of each proposed subject area by metes and bounds;
- (8) Fix each proposed subject area to a parcel boundary to the Horizontal Accuracy Class A-2 or the Global Relative Positional Accuracy Class G-2 standards specified in section 20-300b-11(b) of the Regulations of Connecticut State Agencies;
- (9) For each subject area with the characteristics specified in this subdivision, mark or monument such subject area pursuant to sections 20-300b-12 to 20-300b-14, inclusive, of the Regulations of Connecticut State Agencies:
  - (A) A subject area that does not have at least one contiguous boundary with the boundary of the parcel;
  - (B) A subject area that does not share a point in common with a structure or feature located on the parcel; or
  - (C) A subject area that an LEP, surveyor, or the commissioner, deems appropriate to be located pursuant to the method specified in this subdivision;
- (10) Label each subject area as "Proposed ELUR Subject Area" or "Proposed NAUL Subject Area" as applicable, and if there is more than one subject area, identify each subject area alphabetically, e.g., as "Proposed ELUR Subject Area A", "Proposed ELUR Subject Area B", "Proposed ELUR Subject Area C"; or "Proposed NAUL Subject Area A", "Proposed NAUL Subject Area B", "Proposed NAUL Subject Area C" and indicate by note each restriction imposed by the proposed EUR for each subject area;
- (11) For each subject area labeled under subdivision (10) of this subsection, include a metes and bounds description under the heading "Proposed ELUR Subject Area Description" or "Proposed NAUL Subject Area Description;"
- (12) Indicate by note all recorded interests, including, but not limited to, easements. For all such interests, specify the volume and page in the municipal land records of the instrument granting the same, and label each as either plottable or non-plottable;
- (13) Indicate by note all of the current zoning classifications of the parcel, and the revision date of the zoning regulations in effect at the time of the survey;

(14) Indicate by note the standards to which the survey was prepared. If a resurvey is conducted, identify by note each map referenced;

(15) Include in the title block: “Proposed Declaration of Environmental Land Use Restriction and Grant of Easement, Exhibit C” or “Proposed Notice of Activity and Use Limitation, Exhibit C”, the name of the parcel owner, the parcel address, the type of survey, the scale of the survey, and survey date;

(16) Be signed and sealed in accordance with section 20-300b-20 of the Regulations of Connecticut State Agencies; and

(17) Include a simplified survey prepared in accordance with subsection (e) of this section.

**(b) Specific standards and requirements for surveys for certain EURs when the aggregate size of all subject areas is fifty percent to one hundred percent (50% to 100%) of the parcel**

(1) This subsection shall apply to surveys for a proposed EUR:

(A) That imposes restrictions or affirmative obligations other than or in addition to a residential activity restriction; and

(B) Where the proposed subject areas in aggregate comprise fifty percent or more of the parcel on which an EUR is to be placed.

(2) In addition to the requirements of subsection (a) of this section, a survey subject to this subsection, as specified in subdivision (1), shall:

(A) Comply with the requirements for a Property Survey in section 20-300b-2 of the Regulations of Connecticut State Agencies;

(B) Depict the boundaries of the parcel by metes and bounds;

(C) Depict any conflicts with record deed descriptions and maps affecting the parcel, and indicate by note such conflicts;

(D) Depict the location of encroachments and restrictions affecting the parcel, and indicate by note such encroachments and restrictions;

(E) Depict parcel ingress and egress, both of record and apparent;

(F) Depict apparent improvements and features on the parcel, including, but not limited to:

(i) Grass, landscaped areas, fields, wooded and other undeveloped areas, structures, roadways, driveways, parking lots, sidewalks, and other bituminous concrete and concrete areas;

(ii) Monitoring wells and remediation equipment or facilities;

(iii) Fences, walls, hedges, watercourses, as defined in section 22a-38(16) of the Connecticut General Statutes; and

(iv) Any other evidence of repeated use of the parcel;

(G) For subject areas where an engineered control has been implemented pursuant to section 22a-133k-2(f)(2) of the Regulations of Connecticut State Agencies or polluted soil is subject to the conditional exemption for inaccessible soil in accordance with section 22a-133k-2(b)(3) or section 22a-133k-2(b)(4) of the Regulations of Connecticut State Agencies, include spot elevations taken at the major corners of each subject area, tied to a known datum. Where an engineered control has been implemented, the spot elevations depicted on the as-built drawings submitted with the Final Engineered Control Completion

Statement, prepared pursuant to section 22a-133k-2(f)(2)(D)(i) of the Regulations of Connecticut State Agencies, shall be included. Where polluted soil is subject to the conditional exemption for inaccessible soil, all spot elevations measured on the parcel shall be included. All spot elevations specified in this subdivision, shall be supplemented with contour lines for the portions of the parcel within each subject area depicted to the T-D standard of survey accuracy in section 20-300b-11(d) of the Regulations of Connecticut State Agencies. The source of the information used to prepare the contour lines shall be indicated by note. When spot elevations are indicated, a benchmark on the same datum as the spot elevations shall be depicted and appropriately noted and described;

(H) Depict the location and width of each plottable, recorded interest and any observed evidence of use. Indicate by note whether each interest as plotted is located inside a subject area and if so, identify the subject area;

(I) Depict any observed evidence of current earth moving work or building construction on the parcel; and

(J) Depict the location of utilities existing on or serving the parcel. At a minimum, this shall be determined by: observations or information indicated on plans obtained from utility companies, or from the owner, user or occupant of the parcel; markings by utility companies; and any other sources. If the information, observations or sources differ, depict all and indicate by note the source of such information.

**(c) Specific standards and requirements for surveys for certain EURs when the subject area size is less than fifty percent (< 50%) of the parcel**

(1) This subsection shall apply to surveys for a proposed EUR:

(A) That imposes restrictions or affirmative obligations other than or in addition to a residential activity restriction; and

(B) Where the proposed subject areas in aggregate comprise less than fifty percent of the parcel on which an EUR is to be placed.

(2) In addition to the requirements of subsection (a) of this section, a survey subject to this subsection, as specified in subdivision (1), shall:

(A) Comply with the requirements in section 20-300b-2(a) of the Regulations of Connecticut State Agencies for each subject area and for 100 feet beyond such area, or to the boundary of the parcel, whichever is closer;

(B) Depict the limits of the surveyed portion of the parcel, including any parcel boundaries;

(C) Depict any conflicts with record deed descriptions and maps affecting the surveyed portion of the parcel, and indicate by note such conflicts;

(D) Depict the location of encroachments and restrictions affecting the surveyed portion of the parcel, and indicate by note such encroachments and restrictions;

(E) Depict parcel ingress and egress, both of record and apparent. If located on the surveyed portion of the parcel, ingress and egress should be located and depicted to the Horizontal Accuracy Class A-2 standard. If located outside the surveyed portion of the parcel, locate and depict ingress and egress with reasonable accuracy and indicate by note that the location of such ingress and egress has not been located to the Horizontal Accuracy Class A-2 standard;

(F) Depict apparent improvements and features on the surveyed portion of the parcel,

including, but not limited to:

(i) Grass, landscaped areas, fields, wooded and other undeveloped areas, structures, roadways, driveways, parking lots, sidewalks, and other bituminous concrete and concrete areas;

(ii) Monitoring wells and remediation equipment or facilities;

(iii) Fences, walls, hedges, and watercourses, as defined in section 22a-38(16) of the Connecticut General Statutes; and

(iv) Any other evidence of repeated use of the parcel;

(G) For subject areas where an engineered control has been implemented pursuant to section 22a-133k-2(f)(2) of the Regulations of Connecticut State Agencies or polluted soil is subject to the conditional exemption for inaccessible soil in accordance with section 22a-133k-2(b)(3) or section 22a-133k-2(b)(4) of the Regulations of Connecticut State Agencies, include spot elevations taken at the major corners of each subject area, tied to a known datum. Where an engineered control has been implemented, the spot elevations depicted on the as-built drawings submitted with the Final Engineered Control Completion Statement, prepared pursuant to section 22a-133k-2(f)(2)(D)(i) of the Regulations of Connecticut State Agencies, shall be included. Where polluted soil is subject to the conditional exemption for inaccessible soil, all spot elevations measured on the parcel shall be included. All spot elevations specified in this subdivision, shall be supplemented with contour lines for the portions of the parcel within each subject area depicted to the T-D standard of survey accuracy in section 20-300b-11(d) of the Regulations of Connecticut State Agencies. The source of the information used to prepare the contour lines shall be indicated by note. When spot elevations are indicated, a benchmark on the same datum as the spot elevations shall be depicted and appropriately noted and described;

(H) Depict the location and width of each plottable, recorded interest and any observed evidence of use in the surveyed portion of the parcel. Indicate by note whether each interest as plotted is located inside a subject area, and if so, identify the subject area;

(I) Depict any observed evidence of current earth moving work or building construction within the surveyed portion of the parcel;

(J) Depict, for the surveyed portion of the parcel, the location of utilities existing on or serving the parcel. At a minimum, this shall be determined by: observations or information indicated on plans obtained from utility companies, or from the owner, user or occupant of the parcel; markings by utility companies; and any other sources. If the information, observations or sources differ, depict all and indicate by note the source of such information; and

(K) Depict any boundaries of the parcel not surveyed based on deed or other available information in the format of a General Location Survey or Compilation Plan pursuant to sections 20-300b-6 and 20-300b-8, respectively, of the Regulations of Connecticut State Agencies.

**(d) Specific standards and requirements for surveys when residential activity is the sole restriction**

This subsection shall apply to surveys for a proposed EUR that imposes only a residential activity restriction or affirmative obligation. In addition to the requirements of subsection (a) of this section, a survey subject to this subsection shall:

(1) Comply with the requirements in section 20-300b-2(a) of the Regulations of Connecticut State Agencies for each subject area and 100 feet beyond such area, or to the boundary of the parcel, whichever is closer;

(2) Depict the limits of the surveyed portion of the parcel, including any parcel boundaries;

(3) Depict any conflicts with record deed descriptions and maps affecting the surveyed portion of the parcel, and indicate by note such conflicts;

(4) Depict the location of encroachments and restrictions affecting the surveyed portion of the parcel, and indicate by note such encroachments and restrictions;

(5) Depict parcel ingress and egress, both of record and apparent. If located on the surveyed portion of the parcel, ingress and egress should be located and depicted to the Horizontal Accuracy Class A-2 standard. If located outside the surveyed portion of the parcel, locate and depict ingress and egress with reasonable accuracy and indicate by note that the location of such ingress and egress has not been located to the Horizontal Accuracy Class A-2 standard;

(6) Depict prominent improvements and features on the surveyed portion of the parcel for informational and orientation purposes, including buildings, structures, roadways, parking lots, watercourses, as defined in section 22a-38(16) of the Connecticut General Statutes, and any other evidence of residential activity on the surveyed portion of the parcel; and

(7) Depict any boundaries of the parcel not surveyed based on deed or other available information in the format of a General Location Survey or Compilation Plan pursuant to sections 20-300b-6 and 20-300b-8, respectively, of the Regulations of Connecticut State Agencies.

**(e) Simplified Survey**

A simplified survey shall be prepared with each survey required to be prepared by sections 22a-133q-2 and 22a-133q-3 of the EUR regulations. A simplified survey is a summary or overview map. The information compiled and mapped pursuant to subsection (a) of this section and subsections (b), (c), and (d) of this section, as applicable, shall be used to prepare the simplified survey. A simplified survey shall:

(1) Be performed by a surveyor with a current and effective license issued by the Commissioner of Consumer Protection;

(2) For survey maps and plans, comply with the map drafting standards in section 20-300b-18 of the Regulations of Connecticut State Agencies;

(3) For a boundary or feature required to be located or depicted under this subsection:

(A) If such boundary or feature is also required to be located or depicted in accordance with subsection (a) of this section, locate such boundary or feature on the simplified survey to the standard identified therein; and

(B) Determine whether the EUR proposed on the parcel requires a survey subject to the requirements of subsection (b), (c), or (d) of this section. If such boundary or feature is also required to be located or depicted by subsection (b), (c), or (d) of this section, as applicable, locate such boundary or feature on the simplified survey to the standard identified therein;

(4) Depict, by metes and bounds, the portions of the boundary of the parcel required to be surveyed by this section. Depict any boundaries of the parcel not required to be surveyed



by this section based on deed or other available information in the format of a General Location Survey or Compilation Plan, pursuant to sections 20-330b-6 and 20-300b-8, respectively, of the Regulations of Connecticut State Agencies;

(5) If less than the entire parcel was required to be surveyed pursuant to this section, depict the limits of the portion of the parcel that was surveyed;

(6) Depict apparent improvements and features on the parcel or surveyed portion of the parcel required to be surveyed by subsection (b)(2)(F), (c)(2)(F) or (d)(6) of this section;

(7) Depict parcel ingress and egress, both of record and apparent;

(8) Depict the boundaries of each proposed subject area by metes and bounds;

(9) Fix each proposed subject area to a parcel boundary to the Horizontal Accuracy Class A-2 or the Global Relative Positional Accuracy Class G-2 standards specified in section 20-300b-11(b) of the Regulations of Connecticut State Agencies;

(10) For each subject area with the characteristics specified in this subdivision, mark and monument such subject area pursuant to sections 20-300b-12 to 20-300b-14, inclusive, of the Regulations of Connecticut State Agencies:

(A) A subject area that does not have at least one contiguous boundary with the boundary of the parcel;

(B) A subject area that does not share a point in common with a structure or feature located on the parcel; or

(C) A subject area that an LEP, surveyor, or the commissioner deems appropriate to be located pursuant to the method specified in this subdivision;

(11) Label each subject area as “Proposed ELUR Subject Area” or “Proposed NAUL Subject Area” as applicable, and if there is more than one subject area, identify each subject area alphabetically, e.g., as “Proposed ELUR Subject Area A”, “Proposed ELUR Subject Area B”, “Proposed ELUR Subject Area C”; or “Proposed NAUL Subject Area A”, “Proposed NAUL Subject Area B”, “Proposed NAUL Subject Area C” and indicate by note each restriction imposed by the proposed EUR for each subject area;

(12) When restrictions other than a prohibition on residential activity are proposed, include spot elevations taken at the major corners of each subject area; tied to a known datum. Where an engineered control has been implemented pursuant to section 22a-133k-2(f)(2) of the Regulations of Connecticut State Agencies, the spot elevations depicted on the as-built drawings submitted with the Final Engineered Control Completion Statement, prepared pursuant to section 22a-133k-2(f)(2)(D)(i) of the Regulations of Connecticut State Agencies, shall be included. Where polluted soil is subject to the conditional exemption for inaccessible soil, in accordance with section 22a-133k-2(b)(3) or section 22a-133k-2(b)(4) of the Regulations of Connecticut State Agencies, all spot elevations measured on the parcel shall be included. When spot elevations are indicated, a benchmark on the same datum as the spot elevations shall be depicted and appropriately noted and described;

(13) Indicate by note the standards to which the survey was prepared. If a resurvey is conducted, identify by note each map referenced;

(14) Include in the title block: “Simplified Survey - Proposed Declaration of Environmental Land Use Restriction and Grant of Easement, Exhibit C” or “Simplified Survey - Proposed Notice of Activity and Use Limitation, Exhibit C”, the name of the parcel owner, the parcel address, the type of survey, the scale of the survey, and survey date; and

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(15) Be signed and sealed in accordance with section 20-300b-20 of the Regulations of Connecticut State Agencies.

(Effective February 16, 2021)