



STATE OF CONNECTICUT  
CONNECTICUT STATE LIBRARY

231 Capitol Avenue • Hartford, Connecticut 06106



KENDALL F. WIGGIN  
Director  
TEL: (860) 542-5100 FAX: (860) 542-5103

January 6, 2009

Andrew Tupper, P.L.S  
President  
Connecticut Association of Land Surveyors  
Purcell-Associates  
90 National Drive  
Glastonbury, Connecticut 06033

Re: Regulations Concerning Filing Requirements for Maps

Dear Mr. Tupper:

Pursuant to section 4-168(d) of the Connecticut General Statutes, you are hereby notified that the Connecticut State Library has decided to submit for approval by the Regulation Review Committee the proposed amendments to sections 11-8-20 to 11-8-21 of the Regulations of Connecticut State Agencies. Based on recommendations received during the required thirty day period for written public comments, changes were made to the proposed amendments.

The proposed regulation is available for copying and inspection pursuant to the Freedom of Information Act, as defined in section 1-200. Enclosed, for your convenience, is a copy of the final wording to be submitted and an Explanatory Statement for Final Regulations.

Sincerely,

Kendall F. Wiggin

Enclosures: 2

Cc: Robert Dahn, Meehan and Goodwin

CONNECTICUT STATE LIBRARY  
SUMMARY OF PUBLIC COMMENTS  
EXPLANATORY STATEMENT FOR FINAL REGULATIONS

Proposed amendments to sections  
11-8-19 TO 11-8-26 of the regulations of Connecticut State Agencies

FILING REQUIREMENTS FOR MAPS

**INTRODUCTION**

The present regulations process will implement, in final form, amendments to the filing requirements for maps on town land records in order to resolve a conflict between the existing regulation and the statutes concerning the definition of "design professionals." The current regulation mentioned a number of design professionals but the statutory reference only referred to land surveyors and professional engineers. The proposed changes include revising the definition of design professional to refer to the appropriate statute for each profession and the definition of "map" to distinguish between maps and plans.

The Connecticut State Library did not hold a public hearing but invited written public comment for thirty days after the proposed amended regulations were published in the Connecticut Law Journal on November 27, 2007. The following is the wording of the proposal published in the Law Journal, a summary of comments received, and the library's final wording and explanation of any revisions to the originally proposed language.

There was a formatting error in the copy submitted to the Connecticut Law Journal for publication that incorrectly alphabetized the subsections. Staff has corrected the formatting of the subsection lettering. The summary below references the subsections by their correct letter not the lettering as published in the Connecticut Law Journal.

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**Section 1**

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**PROPOSAL**

Section 11-8-20 of the Regulations of Connecticut State Agencies is amended by adding paragraph (e) as follows:

(NEW) (e) "Design Professional" means a landscape architect, architect, professional engineer or land surveyor as defined by sections 20-367 (3); 20-288 (2); 20-299 (1) and 10-299 (2), 20-299 (2), respectively of the General Statutes.

**COMMENTS**

Hearing Comments

N/A

Written Comments

The Office of the Public Records Administrator received only two written comments during the thirty day comment period after publication of the proposed amendments in the Connecticut Law Journal. These comments came from Andrew D. Tupper, PLS, president of the Connecticut Association of Land

Surveyors (CALS) and Matthew Perlstein from the law firm of Perlstein, Sandler and McCracken, L.L.C. representing the Real Property Section of the Connecticut Bar Association.

Mr. Tupper expressed the association's concern that the proposed changes "contain specific language that ensures that the context of the Map or Plan is in fact appropriate for the "Design Professional" whose expertise the Map or Plan represents" to protect the general public which utilize these professional services and the town clerks who must determine whether or not the content of the submitted document was appropriate to the design professional's expertise. The land surveyors' concern is that only surveyors are able to produce maps and all other design professionals produce plans.

Mr. Tupper also recommended changing the definition of "Maps" to distinguish between maps and plans and the definition of "design professional" to associate the specific statute with the respective design professional in question. In his comments, Attorney Perlstein suggested a word change to the definition of "Maps" to include "common interest community" as that term includes condominiums, cooperatives, and planned communities as covered by section 47-228 of the Connecticut General Statutes. He also suggested "that the definition of "MAP(s)" be broken down into several subsections that the regulations indicate which professionals can certify which subdefinitions."

### **FINAL WORDING**

(NEW) (a) "Map(s) OR PLAN(S)" shall [be considered to mean a representation on a plane surface, at an established scale, of the physical features (natural, artificial, or both) of a part or the whole of the earth's surface. This definition includes.] INCLUDE, but shall not be limited to, [drafting of survey results.] SURVEY MAPS OR PLANS, engineering design plans, [and] condominium, COMMON INTEREST COMMUNITY or other architectural plans, AND LANDSCAPE DESIGN PLANS prepared for recording on the land records.

(NEW) (e) "Design Professional" means a landscape architect AS DEFINED BY SECTION 20-367 (3) OF THE GENERAL STATUTES; ARCHITECT AS DEFINED BY SECTION 20-288 (2) OF THE GENERAL STATUTES; PROFESSIONAL ENGINEER AS DEFINED BY SECTION 20-299 (1) OF THE GENERAL STATUTES; OR LAND SURVEYOR AS DEFINED BY SECTION 20-299 (2) OF THE GENERAL STATUTES.

Where appropriate the term "OR PLAN(S)" has been added to the term "map(s)" in all other sections.

Section 11-8-24 (NEW) (e) Condominium OR COMMON INTEREST COMMUNITY building plans filed pursuant to Section 47-71(e) of the General Statutes for recording purposes shall be received and indexed as maps.

### **EXPLANATION**

~~The Connecticut State Library agrees with the suggestions to clarify the definition of "Map(s)" to list exactly which documents are allowed to be filed on the town land records.~~

Each section cited in new section (e) defines the practice of that specific design profession including its products. For example, section 20-367 (3) defines the practice of landscape architecture as "rendering or offering to render the service of site planning, which may involve and encompass the design or management of land, the arrangement of natural and artificial elements, including, but not limited to, grading and incidental drainage, soil and erosion control, and planting plans." The statutory definition sufficiently indicates which professionals can certify maps or each specific type of plan.

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## **Section 2**

### **PROPOSAL**

Section 11-8-21 of the Regulations of Connecticut State Agencies is amended as follows:

(a) (NEW) (h) Each map, plan, drawing, or specification shall contain a live seal or live stamp of the design professional within whose area of expertise or professional discipline the document falls [pursuant to Section 20-304 of the General Statutes].

**COMMENTS**

Hearing Comments

N/A

Written Comments

As mentioned in Section I, CALS president Andrew Tupper recommended changing the definition of "design professional" to associate the specific statute with the respective design professional in question. Attorney Perlstein suggested "that the definition of 'MAP(s)' be broken down into several subsections that the regulations indicate which professionals can certify which subdefinitions."

**FINAL WORDING**

As proposed.

**EXPLANATION**

The Office of the Public Records Administrator believes that the removal of the reference to Section 20-304 of the General Statutes will address the issue of which type of plan or map a specific design professional may file on the land records. The section referred to only applies to professional engineers and land surveyors. The new subsection 11-8-20(e) defining "design professionals" is more inclusive.

**State of Connecticut  
Regulation  
of  
Connecticut State Library  
Concerning Filing Requirements for Maps**

Sections 11-8-19 to 11-8-26 of the Regulations of Connecticut State Agencies are amended to read as follows:

**Sec. 11-8-19. Filing requirements for maps**

Section 11-8-19 to 11-8-25 inclusive apply to the filing requirements for maps that are received and placed on file in the office of the town clerks of the towns pursuant to Connecticut General Statutes, Section 7-31 and Section 7-32.

**Sec. 11-8-20. Definitions**

For purposes of sections 11-8-19 to 11-8-25, inclusive of these regulations

(a) "Map(s) OR PLAN(S)" shall [be considered to mean a representation on a plane surface, at an established scale, of the physical features (natural, artificial, or both) of a part or the whole of the earth's surface. This definition includes.] INCLUDE, but shall not be limited to, [drafting of survey results.] SURVEY MAPS OR PLANS, engineering design plans, [and] condominium, COMMON INTEREST COMMUNITY or other architectural plans, AND LANDSCAPE DESIGN PLANS prepared for recording on the land records.

(b) "Live Seal" means raised seal.

(c) "Live Stamp" means an original stamp.

(d) The "producer" of an original map OR PLAN for filing is the person who draws the map: the "producer" of a copy of a map OR PLAN for filing is the person or company that creates the reproduction.

(E) "DESIGN PROFESSIONAL" MEANS A LANDSCAPE ARCHITECT AS DEFINED BY SECTION 20-367 (3) OF THE GENERAL STATUTES; ARCHITECT AS DEFINED BY SECTION 20-288 (2) OF THE GENERAL STATUTES; PROFESSIONAL ENGINEER AS DEFINED BY SECTION 20-299 (1) OF THE GENERAL STATUTES; OR LAND SURVEYOR AS DEFINED BY SECTION 20-299 (2) OF THE GENERAL STATUTES.

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**Sec. 11-8-21. Map standards**

(a) Maps OR PLANS bearing a date of October 1, 1974 or later, submitted to the town clerk, shall be of a process approved by the public records administrator and the process shall be identified by the producer on the map submitted.

(b) Maps OR PLANS presented to town clerks for filing on or after January 1, 1992 shall be produced by one of the following processes: 1) wash-off photographic polyester film, 2) fixed line photographic polyester film, 3) original ink drawing on polyester film or linen. The Office of the Public Records Administrator shall have the authority to revise these accepted processes periodically, and shall maintain a current list of approved reprographic processes for filing requirements for maps.

(c) Maps OR PLANS presented to town clerks for filing on or after January 1, 1992 shall be identified as to the reproduction process used by the producer, e.g., "wash-off" or "fixed line photographic." This process will be certified by a live stamp applied by the producer. This stamp will be affixed with indelible red ink. The stamp

shall include the name of the producer and the process used. It shall measure 1" x 2". Original ink drawings will be so identified using the same process described above.

(d) The thickness of the material on which maps OR PLANS are drawn or reproduced shall be no less than .003. The polyester shall be either matte on one side or matte on both sides.

(e) The public records administrator shall notify the State Board of Examiners for Professional Engineers and Land Surveyors and other concerned agencies as to which materials and photographic processes are acceptable for maps that are submitted for filing and preservation.

(f) Maps OR PLANS presented for record and preservation shall not be accepted if any part is attached/glued to its surface. The legibility of all data reflected on any map OR PLANS filed for record and preservation shall be beyond question. Maps OR PLANS presented for filing with illegible or questionable images shall be rejected.

(g) The size of maps OR PLANS filed for record in the office of the town clerk shall conform with the requirements set forth in Section 7-31 of the General Statutes.

(h) Each map, plan, drawing, or specification shall contain a live seal or live stamp of the design professional within whose area of expertise or professional discipline the document falls [pursuant to Section 20-304 of the General Statutes].

(i) Security film of maps OR PLANS placed on file in the office of the town clerk shall be required and stored in a manner similar to security film of deeds. Photographic reproduction must be provided pursuant to Section 7-31 of the General Statutes.

#### **Sec. 11-8-22. Map standards-exceptions**

(a) Public service companies are exempt from the requirement that land maps filed by them must be sealed and/or signed by a land surveyor, as set forth in section 20-309. However, maps must conform to size and material requirements. Maps OR PLANS filed for record that are not to scale shall reflect that fact.

(b) Maps OR PLANS placed with the town clerk by municipal, state or federal agencies for temporary exhibit and public reference need not conform to Sections 11-8-19 to 11-8-25, inclusive, of these regulations, which only apply to maps filed for record.

#### **Sec. 11-8-23. Receipt of maps**

(a) All maps OR PLANS delivered to the town clerk for filing must be properly drawn, signed, and sealed. He/she shall immediately endorse upon the face of each map OR PLAN the day, month, year, and time it was received pursuant to Section 7-24 of the General Statutes.

(b) Each map OR PLAN shall be assigned and marked with an identification number, and must be reflected in the map indexes.

#### **Sec. 11-8-24. Index of maps**

(a) Town clerks shall maintain two separate map indexes pursuant to section 7-32 of the General Statutes.

(b) For locating and reference purposes, each indexing shall also show the map identification number assigned by the town clerk.

(c) Condominium OR COMMON INTEREST COMMUNITY building plans filed pursuant to Section 47-71(e) of the General Statutes for recording purposes shall be received and indexed as maps.

**Sec. 11-8-25. Photographic reproduction of maps**

The photographic reproduction of maps OR PLANS is approved. Reproduction methods shall require that the original maps be available for reference pursuant to Section 7-31 of the General Statutes.

**Sec. 11-8-26. Storage of maps**

(a) Maps OR PLANS require the security set forth in Section 7-27 of the General Statutes for public records. Selectmen, chief administrative officers or elected bodies shall be required to provide map cases or bindings in which original maps OR PLANS are to be preserved. Maps OR PLANS shall not be mounted on boards or any other material and shall not be folded.

(b) Valuable old paper maps OR PLANS with cloth backing shall be filed flat (not rolled). All repairs to valuable maps OR PLANS shall be performed by a professional conservator approved by the Office of the Public Records Administrator.

**Statement of purpose**

To amend regulations to clarify which design professional can prepare maps or plans for filing in the land records.