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August 23, 2023

Via email to: Casey@SolliLLC.com

Mr. Casey J. Burch
11 Vanderbilt Avenue, Suite 240
Norwood, MA 02062

**Re: 23 SUB 1 – 958 Route 163 (Parcel ID 046-008-000), Oakdale, CT
Proposed 2-lot subdivision**

Dear Casey,

We have reviewed the chain of title prepared by DGT Associates, a copy of which is attached hereto, as well as the related deeds and maps on file with the Montville Town Clerk. Based upon that review, we have concluded that the application now pending is for a resubdivision, as defined by Connecticut General Statutes §8-18. The basis for that conclusion is as follows:

CGS §8-18 defines “subdivision” and “resubdivision” as:

“subdivision” means 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; “resubdivision” means a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map;

The property in question is the remainder of a parcel of land conveyed to Raymond Mostowy and Mary Jane Mostowy by Aaron Kirsch in 1947, via a warranty deed recorded in Volume 52 at Page 587 of the Montville Land Records.

The Town of Montville Subdivision Regulations state that their original date of adoption was September 15, 1962. Prior to that date, Raymond and Mary Jane Mostowy conveyed out a number

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of parcels from the property in question, which would not have constituted "subdivisions" since the conveyances occurred prior to the enactment of the subdivision regulations.

After the date of adoption of the Montville subdivision regulations, Raymond and Mary Jane Mostowy conveyed a portion of the property to Raymond B. Mostowy and Shirley D. Mostowy on June 29, 1974. That conveyance was recorded in Volume 122 at Page 547 of the Montville Land Records. It also would not have been a "subdivision" as defined in CGS §8-18, since it did not divide the tract into three or more parts or lots. That was the "free split" of one lot after adoption of the subdivision regulations.

On February 11, 1987, Raymond and Mary Jane Mostowy conveyed a lot to Thomas E. Johnson and Helen G. Johnson. That deed is recorded in Volume 184 at Page 22 of the Montville Land Records. The lot conveyed was created via a subdivision map approved by the Town of Montville and recorded with the Montville Town Clerk as Map #44.

On May 10, 1989 Raymond and Mary Jane Mostowy conveyed another lot to Raymond B. Mostowy Sr. and Shirley D. Mostowy. That deed is recorded in Volume 212 at Page 220 of the Montville Land Records. The lot conveyed was created by a subdivision map approved by the Town of Montville and recorded with the Montville Town Clerk as Map #74.

Subsequently, Raymond Mostowy and Mary Jane Mostowy made three additional conveyances which would not have constituted resubdivisions, as they did not diminish the size of any lot shown thereon and create an additional building lot or otherwise fall under the definition of "resubdivision" in CGS §8-18.

The property which is the subject of the current application is what remains of the tract of land originally conveyed to Raymond Mostowy and Mary Jane Mostowy in 1947. Since that tract was subdivided previously, as shown on maps #44 & 74 on file with the Montville Town Clerk, the present application to divide the remaining land into two lots constitutes a "resubdivision" as defined by the statute.

If you have any questions or need anything further, please be in touch.

Very truly yours,



James M. Miele

JMM/

cc: The Nevar Company

Chain

Volume: 674 Pages: 282-285 Type: Warranty
Grantor: Raymond B. Mostowy, SR. & Shirley A. Mostowy
Grantee: The Nevar Company
Date executed: Aug. 26, 2021 Date recorded: Aug. 27, 2021

Volume: 546 Pages: 693-695 Type: Warranty
Grantor: Raymond B. Mostowy, SR.
Grantee: Raymond B. Mostowy, SR. & Shirley D. Mostowy
Date executed: Mar. 9, 2010 Date recorded: Mar. 10, 2010

Volume: 546 Pages: 681-683 Type: Warranty (Boundary line agreement)
Grantor: Raymond B. Mostowy, SR.
Grantee: Joseph F. Matera & Lois M. Matera
Date executed: Mar. 5, 2010 Date recorded: Mar. 10, 2010

Volume: 281 Pages: 647 Type: Quit Claim
Grantor: Raymond Mostowy
Grantee: Susan D. Millovitsch
Date executed: Sept. 20, 1995 Date recorded: Sept. 27, 1995

Volume: 231 Pages: 608-609 Type: Quit Claim (Correcting 184-22)
Grantor: Raymond Mostowy & Mary Jane Mostowy
Grantee: Thomas E. Johnson & Helen G. Johnson
Date executed: May 30, 1991 Date recorded: June 3, 1991

Volume: 212 Pages: 220-222 Type: Warranty
Grantor: Raymond Mostowy & Mary Jane Mostowy
Grantee: Raymond B. Mostowy SR. & Shirley D. Mostowy
Date executed: May 10, 1989 Date recorded: May 19, 1989

Volume: 184 Pages: 22-23 Type: Warranty
Grantor: Raymond Mostowy & Mary Jane Mostowy
Grantee: Thomas E. Johnson & Helen G. Johnson
Date executed: Feb. 11, 1987 Date recorded: Feb. 11, 1987

Volume: 122 Pages: 547-548 Type: Warranty
Grantor: Raymond Mostowy & Mary Jane Mostowy
Grantee: Raymond B. Mostowy & Shirley D. Mostowy
Date executed: June 29, 1974 Date recorded: July 2, 1974

Volume: 64 Pages: 238 Type: Warranty
Grantor: Raymond Mostowy & Mary Jane Mostowy
Grantee: George E. Zurcher & Mildred B. Zurcher
Date executed: Oct. 28, 1958 Date recorded: Nov. 17, 1958

Volume: 60 Pages: 474 Type: Warranty
Grantor: Raymond Mostowy & Jane Mostowy
Grantee: Connie L. St. Rock
Date executed: Feb. 27, 1957 Date recorded: Apr. 27, 1957

Volume: 60 Pages: 442 Type: Warranty
Grantor: Raymond Mostowy & Jane Mostowy
Grantee: Ernest J. Duhaime & Lena G. Duhaime
Date executed: Feb. 27, 1957 Date recorded: Mar. 2, 1957

Volume: 60 Pages: 127 Type: Warranty
Grantor: Raymond Mostowy & Jane Mostowy
Grantee: Ernest J. Duhaime & Lena L. Duhaime
Date executed: Nov. 17, 1955 Date recorded: Nov. 28, 1955

Volume: 58 Pages: 44 Type: Warranty
Grantor: Raymond Mostowy & Mary Jane Mostowy
Grantee: Emil Deshefy & Nellie Deshefy
Date executed: July 21, 1952 Date recorded: July 21, 1952

Volume: 54 Pages: 469 Type: Warranty
Grantor: Raymond Mostowy & Mary Jane Mostowy
Grantee: Sam Yakobowsky & Anna Yakobowsky
Date executed: May 15, 1951 Date recorded: May 15, 1951

Volume: 52 Pages: 587 Type: Warranty
Grantor: Aaron Kirsch
Grantee: Raymond Mostowy & Jane Mostowy
Date executed: Nov. 6, 1947 Date recorded: Nov. 6, 1947