

CLARKE BUSINESS PARK
formerly Francis J. Clarke Industrial Park
RULES & REGULATIONS

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I. GENERAL PROVISIONS

- 1.) The Economic Development Commission hereby declares that the property located within Clarke Business Park, formerly Francis J. Clarke Industrial Park, (“Park”) described herein on Schedule A shall, be held, sold, leased, and/or occupied subject to these regulations which are for the benefit of each parcel of property, and shall bind the heirs, assignees and successors in interest of any owner thereof.
- 2.) The purpose of these regulations is to insure conformity with the Town of Bethel’s regulations and ordinances except as altered herein and the State of Connecticut’s building codes, and orderly development and use of the properties within the Park, to protect the owner of each parcel against such improper development and use of surrounding parcels as will depreciate the value of his parcel, to encourage the erection of attractive improvements at appropriate locations, and to provide for a high quality of improvements of the Park, and to assure the health, safety and welfare of the community.
- 3.) Construction period: Unless otherwise agreed to by the Economic Development Commission and for good cause, the purchaser shall begin construction of a permanent building and improvements upon such lot within three (3) years of the purchase of said lot and shall complete the permanent building and all improvements on said lot within five (5) years of the date of purchase of said lot.
The Economic Development Commission retains the option to rescind such contract, refund the purchase price, and enter into possession of such land, or in the event of the conveyance by the purchaser of said land to a subsequent purchaser demand by appropriate legal action a reconveyance of said land provided, however, said purchaser or subsequent purchaser shall be entitled to a refund of the original purchase price.

II. PERMITTED USES/ACTIVITIES

- 1.) In the Park, no building or land shall be used and no building erected or altered except in conformance with the permitted uses/activities

hereinafter set forth and generally outlined in the IP Zoning Regulations of the Town of Bethel. However, not all uses/activities permitted by zoning are considered to be compatible with the intended development of the Park. Therefore, only those uses and activities as hereinafter set forth shall be permitted within the Park with the Economic Development Commission making the final determination as to whether or not the use and/or activity is in compliance within these Rules & Regulations: (Where reference is made to a Bethel Zoning Regulation, please refer to the regulation directly.)

- A.) Bethel Zoning Regulation 4.2.C. – Drive up activities.
- B.) Bethel Zoning Regulation 4.2.D. – Multiple building activities.
- C.) Bethel Zoning Regulation 4.2.A.5. – Retail sale limited to commodities, manufactured, processed, fabricate or warehoused on the premises within a total area for retail sales that does not exceed 20% of the gross area of the building.
- D.) Bethel Zoning Regulation 4.3.A.7. – Sale at wholesale of any commodity except live animals and commercial explosives.
- E.) Bethel Zoning Regulation 4.3.B.1. – General or business office.
- F.) Bethel Zoning Regulation 4.3.B.2. – Medical or dental office, clinic or laboratory.
- G.) Bethel Zoning Regulation 4.3.C.2. - Service establishment (repair, rental and/or service) of any item which is allowed to be sold in the zone, except automobiles, trucks and trailers.
- H.) Bethel Zoning Regulation 4.3.C.5. - Child day-care center.
- I.) Bethel Zoning Regulation 4.3.C.6. - Adult day-care center.
- J.) Bethel Zoning Regulation 4.3.C.11. - School for training in special occupational skills where:
 - 1. Enrollment may be open to the public or limited.
 - 2. The school may include dormitories for students and instructors.
- K.) Bethel Zoning Regulation 4.3.E.2. - Sit-down restaurant accessory to a hotel, motel, or motor hotel use.
- L.) Bethel Zoning Regulation 4.3.E.3. - Outdoor dining accessory to a sit-down restaurant, including the placement of seating and tables out of doors and food served thereat, subject to all of the following conditions:
 - 1. Such service shall be accessory to an indoor restaurant,
 - 2. The outdoor eating area shall be contiguous to the restaurant to which it is accessory,

3. The outdoor eating area shall be clearly delineated by fences, walls, or plant materials,
 4. Such outdoor eating area must be 50 feet or more from the nearest boundary of any residential zone,
 5. Umbrellas may be used in the outdoor eating area to provide protection from the elements provided they are secured and weighted on the bottom and are closed when not in use. In no circumstances shall a tent or a canvas or plastic canopy be used, and
 6. The area designated for outdoor eating shall be included in calculations for required parking.
- M.) Bethel Zoning Regulation 4.3.E.6. - Hotel, motel or motor hotel, which may include a sit-down restaurant (but not a fast-food restaurant or any drive-through facilities), banquet hall and/or conference center.
- N.) Bethel Zoning Regulation 4.3.E.7. - A catering establishment where food is prepared for delivery and consumption off the premises.
- O.) Bethel Zoning Regulation 4.3.F.1. - Interior recreation uses including but not limited to theater, billiard parlor, bowling alley.
- P.) Bethel Zoning Regulation 4.3.F.2. - Exterior recreational uses, including but not limited to baseball bat-ting facility, miniature golf course, tennis facilities, ice skating facilities and golf driving ranges.
- Q.) Bethel Zoning Regulation 4.3.F.3. - Athletic club provided:
1. All activities shall take place within an enclosed building.
 2. All activities shall be confined to members and guests and not be extended to the general public.
 3. Primary use shall be for participatory rather than spectator sports.
 4. Noise level shall be zero decibels ambient at any property line bordering residential property.
 5. Screening and landscaping shall be as required in Section 6.1. of the Bethel Zoning Regulations.
 6. Parking may be based on data provided by the applicant documenting similar actual use and certified by appropriate public officials in jurisdiction of actual use. If this material is not presented, parking will equal one space per player (at full capacity of the facility), plus one space per employee.
- R.) Bethel Zoning Regulation 4.3.F.4. - Park or playground areas

- operated by a governmental unit.
- S.) Bethel Zoning Regulation 4.3.G.1. – Governmental Facilities.
 - T.) Bethel Zoning Regulation 4.3.G.2. - Public services, including ambulance service, fire station, library, police station, post office and terminal for public vehicles (including repair or storage).
 - U.) Bethel Zoning Regulation 4.3.H.1. – Farming, forestry or horticulture.
 - V.) Bethel Zoning Regulation 4.3.M.2. – Outside storage of material as an accessory use provided that:
 - 1. It shall be fully screened from any street, highway or residential district.
 - 2. No material shall be stored at a height greater than 30% of the height of the main building on the lot or 24 feet, whichever is less.
 - 3. The area covered by such storage shall not exceed 15% of the area of building coverage of primary buildings for the use to which the storage is accessory except if authorized by the Commission at the time of site plan approval.
 - W.) Bethel Zoning Regulation 4.3.M.3. – Warehousing and/or storage of any commodity except live animals and commercial explosives.
 - X.) Bethel Zoning Regulation 4.3.N.1. –Light industrial use such as manufacturing, fabricating, processing, assembling and testing, engineering development and marketing development of products and accessory uses (such as offices, sales rooms and storage for the wholesale distribution of items manufactured and/or assembled on the premises) provided that:
 - 1. The use shall be totally contained within the structure.
 - 2. The uses shall comply with Section 4.6.D. of the Bethel Zoning Regulations.
 - 3. There shall be no outside storage.
 - 4. Storage, warehouse uses and distribution centers are prohibited except as incidental to a permitted use (truck terminals are prohibited).
 - Y.) Bethel Zoning Regulation 4.3.N.2. – Manufacturing provided that:
 - 1. Uses meet the performance standards as set forth in Subsection 4.6.D. of the Bethel Zoning Regulations.
 - 2. The manufacture, processing or fabrication of the commodities listed in Section 4.6.E is specifically not permitted unless such activity is:

- a. Operated as an accessory use where the products are not manufactured as a final product for sale.
 - b. Approved by the Economic Development Commission as a Special Permit/Use taking into consideration the conditions for approval as a Special Permit under the Bethel Zoning Regulations.
 - c. Operated and maintained under the same ownership and on the same lot as the permitted uses.
 - Z.) Bethel Zoning Regulation 4.3.O.1. – Utilities, including gas regulation stations, telephone exchanges, pumping stations, aboveground water storage tank, water reservoirs and satellite and cable television facilities.
 - AA.) Bethel Zoning Regulation 4.3.O.2. – Electric substation provided that exposed transformers shall be shielded by an enclosing fence or wall at least six feet high and adequate to obstruct view, noise and passage of persons or materials.
 - BB.) Bethel Zoning Regulation 4.3.O.3. – Parking and/or commercial storage of vehicles: need not be enclosed, provided that any part of such use conducted outside a completely enclosed structure shall comply with all specifications for maintenance hereinafter required for off-street parking spaces.
 - CC.) Bethel Zoning Regulation 4.3.O.5. – Landing or takeoff area for rotorcraft, not including maintenance, repair, fueling or hangar facilities.
 - DD.) All permitted uses, other than parking and loading, whether principal, incidental or accessory, shall be carried on in buildings or in an area fully enclosed on all sides.
- 2.) Certain areas of the Park are designated as "Other lands of the Town of Bethel". Until such time as they may become a part of the Park proper, underground utilities and roadways to service the Park will be permitted in these areas.
 - 3.) All parking shall be off street and shall comply with the Zoning Regulations currently in effect of the Town of Bethel unless otherwise modified by these Rules & Regulations.

III. PROHIBITED OR RESTRICTED USES/ACTIVITIES

- 1.) Since much of the land within the Park overlies directly or indirectly, secondary or primary aquifers as designated by the Western Connecticut Council of Governments formerly the Housatonic Valley Council of Elected Officials, the following uses are prohibited:” (Unless specifically authorized by the Economic Development Commission.)
 - A.) Storage or on-site disposal of septage, whether temporary or permanent.
 - B.) Storage or on-site disposal of solid waste, whether temporary or permanent.
 - C.) Storage or on-site disposal of hazardous waste, whether temporary or permanent.
 - D.) Storage or on-site disposal of recyclable materials, both solid and liquid whether temporary or permanent.
 - E.) Underground storage tanks of any kind other than for the storage of water or as otherwise set forth in these Rules & Regulations.
 - F.) Storage of road salt whether temporary or permanent, unless enclosed in a permanent structure.
 - G.) Pipelines for liquid petroleum products or other hazardous liquid materials.
 - H.) Dumping of snow from outside the Park.
 - I.) Dry wells directly connected to any drain, wash basin, sink.
 - J.) No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any site.
- 2.) In accordance with the site plan review required by Section IX of these regulations the following uses and actions may be subject to special restrictions:

- A.) All above ground tanks must be designed and constructed in accordance with Fire and Building codes according to the National Fire Protection Agency. Storage tanks should be located within the structure or near the rear of the structure.

IV. DEVELOPMENT CONTROLS

- 1.) In order to maintain and achieve the goals and the well being of the Park; the use of land in the Park will be subject to the regulations and controls specified herein and all applicable Rules & Regulations of the Town of Bethel unless modified herein. The achievement of high quality design in the Park is one of the prime objectives.
 - A.) Development within the Park shall be directed toward the creation of any area suitable for industry, conceived of as essentially a business park with integral natural areas separated with adequate buffers and park lands from the residential areas to the north and northeast.
 - B.) Although not restricted to a specific architectural style, new buildings shall be designed to blend harmoniously with other development in the Park. Exterior treatment of buildings shall use aesthetically acceptable materials that comply with the Zoning Regulations and are submitted and approved by the Economic Development Commission as to color, permanence and conformity with other approved development in the Park.
 - C.) The locations and treatment of parking areas shall be such as to minimize the visual intrusion of parked cars from the street and comply with the Zoning Regulations
 - D.) The design and use of signs shall be in keeping with the overall architectural character of the Park, comply with the Zoning Regulations and are submitted and approved by the Economic Development Commission.
- 2.) Outside storage: In addition to the Zoning Regulations, no materials, supplies or equipment (including trash removal facilities and dumpsters)

shall be stored in any area on a site except inside a closed building or behind a visually solid barrier, constructed of materials submitted and approved by the Economic Development Commission, so that the stored items are not visible to a person standing on any part of immediately adjacent site, or adjacent public streets

3.) Utilities:

A.) All above ground utility structures (except area lighting poles) developed for the Park or by the owner of any site shall be screened by planting to minimize visual intrusion of the structure.

V. ARCHITECTURAL STANDARDS

- 1.) All buildings and structures, including alterations, additions and exterior remodeling, are to be designed and constructed in accord with these standards. The objective is to insure attractive and dignified appearance, practical design, and sound construction throughout the Park to the mutual benefit of all occupants.
- 2.) All signs, directional and advertising, are to be in keeping with the dignified character of the Park in respect to design, lighting, construction and locations.
- 3.) All fences, canopies, awnings, screens, exterior appurtenances are to be consistent with the design and quality of materials used in the main building.
- 4.) Roofscapes must be considered in the design and construction of all buildings.
- 5.) All site planning, site improvement and plantings must be in accord with these standards.
- 6.) In order to maintain and preserve these standards, each of the above is subject to prior review and final approval by the Economic Development Commission.

VI. LANDSCAPING

- 1.) Every site in this Park on which a building is placed shall be landscaped in accordance with these guidelines, and plans and specifications shall be submitted to and approved by the Economic Development Commission. The intent of these Regulations is to provide a park like environment, screening industrial uses from the street and abutting sites, and the requirements of this article shall be interpreted so as to permit flexibility and individuality in design rather than rigid adherence to these specifications.
 - A.) Landscaping shall be installed within 90 days of occupancy or completion of the building, subject to planting seasons.
 - B.) All walks, drives, lawns and landscaping shall be maintained in good order and condition. The entire street frontage (except drives) of any site shall be landscaped from the property line to the building setback line.
 - C.) No planting or other obstruction shall be placed on the corner where driveway and road (or two roads) intersect which will obstruct the vision of vehicle operators on either the driveway of the road(s).
- 2.) Landscaped treatment shall consist of ground cover, shrubs, and/or trees and be in accord with the Planning & Zoning Regulations. Existing trees shall be preserved and integrated into the landscape wherever possible. Planting shall be designed to complement site areas such as pedestrian access, service areas, parking areas, the building perimeter, etc. The use of knolls, berms, etc. to visually break up large flat areas is encouraged.

Trees within 5 feet of the edge of paving shall be protected by the provisions of curbing, wheel stops or other devices. A landscaped border shall be provided around the perimeter of buildings except at paved areas. This border shall provide a combination of ground cover and shrubs or trees.
- 3.) Certain areas of the Park are designated as "*Other lands of the Town of Bethel*" and they shall provide a transition area between adjoining

properties and for storm drainage purposes. They may be left in a natural condition if already wooded, if not, they shall be provided with trees and shrubs in combination with grading so as to create a landscaped screen which will provide reasonable visual and sound separation of adjoining properties.

- 4.) Wherever possible existing grades shall be maintained. Any necessary grading shall be done in such a way that drainage to or from adjacent property is not adversely affected and existing trees are retained where possible.

VII. PARKING, DRIVES AND LOADING AREAS

- 1.) Parking of vehicles shall be permitted only in a designated area off public streets. Sufficient parking and loading spaces shall be provided on each site in accordance with the Zoning Regulations of the Town of Bethel to accommodate all employees, visitors using the premises and company vehicles.

VIII. LIGHTING

- 1.) Lighting should blend with this architectural treatment of each building and with the overall design of the Park. The levels of lighting necessary on any site for the purpose of security, safety and design shall not cause excessive levels of illumination beyond the property boundaries.
- 2.) All lighting fixtures shall be shielded so that the filament or light source is not visible off the site.
- 3.) Lighting of a building shall be directed up against the building at such an angle that the building, trees, shrubs or site surfaces are illuminated and not any surface off the site.
- 4.) Signs may be illuminated if the illumination is confined within, or directed only to, the surface of the sign.

IX. SIGNS

- 1.) No advertising signs shall be permitted other than those identifying the name and business products of the person or firm occupying the site, Park Directory of its occupants as directed by the Economic Development Commission, and signs offering the site for sale or lease when specifically submitted and approved by the Economic Development Commission.
- 2.) The design and use of signs shall be in keeping with the Planning & Zoning regulations and the overall architectural character of the Park. All signs shall be submitted and approved by the Economic Development Commission.

X. APPROVAL AND ENFORCEMENT

- 1.) Site Plan Review: No building, parking area, loading area, fence, wall, sign or other structure shall be erected, or permitted to remain on any land subject to these regulations until plans and specifications have been submitted to and approved in writing by the Economic Development Commission, as well as all applicable Town of Bethel regulatory agencies, including but not limited to Planning and Zoning, Building, Inland Wetlands, Public Utilities Commission, Fire Marshal, etc., if applicable.
- 2.) The Economic Development Commission in reviewing, approving and/or denying any proposed plans, specifications and/or improvements, shall be the sole arbitrator as to whether or not the proposed plans, specifications, improvements and use comply with the Rules & Regulations of the Clarke Business Park. In the event of any approval granted by the Economic Development Commission, prior to construction, the applicant/owner shall submit proof of approval requirements from any and all regulatory agencies of the Town of Bethel, including but not limited to the Planning and Zoning, Building, Inland Wetlands, Public Utilities Commission, Fire Marshal, etc., if applicable.
- 3.) All the provisions herein contained shall run with the land and shall be enforceable at law and in equity.

- 4.) The Economic Development Commission or its agents may from time to time at any reasonable hour or hours, enter and inspect any property subject to these regulations to ascertain compliance therewith unless security prohibits such inspections.
- 5.) Partial invalidity: The invalidation of any one of the restrictions herein set forth or the failure to enforce any such restriction by the time of its violation shall in no event affect any of these restrictions or be deemed a waiver of the right to enforce the same thereafter.

XI. TERM, TERMINATION AND MODIFICATION OF RULES & REGULATIONS

- 1.) These Rules & Regulations shall continue in full force and effect to a period of thirty years, which may be extended for additional periods of ten years by the legislative body of the Town of Bethel.
- 2.) Distribution of Rules & Regulations: The Rules & Regulations will be sent to property and business owners when a modification is made and filed with the Bethel Town Clerk's office and recorded in the Bethel Land Records. Property and business owners can obtain a copy of the Rules & Regulations for new business tenants through the Bethel Town Clerk's office, Bethel Land Records or the Bethel Town website.
- 3.) These Rules & Regulations may be modified by the Economic Development Commission, its successors or assigns after holding a public hearing in the manner prescribed in the Connecticut General Statutes, as amended. In the event that a majority of the individual lots in said Park have been sold, then the Economic Development Commission must give specific notification of the public hearing referred to above and the proposed modifications to said lot owners by registered or certified mail, return receipt requested at the owner's mailing addresses on file with Bethel Assessor. In the event that all lots in the Park have been sold, then a majority of the then lot owners may petition the Economic Development Commission to modify or amend these Rules & Regulations. Upon receipt of said petition, the Economic Development Commission shall hold a public hearing in the manner prescribed by the Connecticut General Statutes as amended.

Any and all Rules & Regulations modifications shall be effective at least thirty (30) days after a synopsis of the Rules & Regulations modifications as approved and its effective date being published in the form of a legal advertisement appearing in a newspaper having a general circulation in the Town of Bethel and a complete copy of the modified Rules & Regulations being filed in the office of the Bethel Town Clerk and recorded in the land records of the Town of Bethel.

- 4.) Prior to the finalizing a contract for the sale of any lot or lots, improved or unimproved, the then owners of the premises to be sold shall first offer by registered or certified mail, return receipt request, the premises to the Economic Development Commission, its successors or assigns (or in the event of no successor or assigns, the municipality of the Town of Bethel) under the same terms and conditions of the proposed purchaser and the proposed sale. The Economic Development Commission, its successors or assigns as indicated above, shall then have the option of purchasing said premises at the same terms as the proposed sale.

The Economic Development Commission or its successors and assigns shall exercise its option or decline the option in writing as soon as reasonably possible but in no event beyond sixty (60) days of receipt of written notification. If no written decision is forthcoming within the sixty (60) days, then the Economic Development Commission or its successors and assigns right to exercise this option shall automatically lapse and the property owner shall be free to proceed with the sale of the property.

It is expressly understood that the terms of this paragraph and the right of repurchase as contained herein shall not be applicable to a transfer to a Bank, Savings and Loan Association, Lending Institution or an Insurance Company for mortgage purposes (and further that this paragraph shall not be applicable to any Bank, Savings and Loan Association, Lending Institution or Insurance Company in the event said Bank, Savings and Loan Association, Lending Institution or Insurance Company acquired title by foreclosure).

XII. MISCELLANEOUS

- 1.) Approval of site plan or modifications. No building, parking area, loading area, trackage, road, fence, lighting pole, sign or other structure

- shall be erected, placed, altered, maintained or permitted to remain on any land subject hereto until a plan for site plan or modification thereto has been submitted and approved by the Economic Development Commission and by the regulatory agencies of the Town of Bethel. Applications for such plans or site plans or modifications shall include plans and specifications showing the previously site plan and the modifications as proposed, including details relating to exterior elevations, materials, colors, signs.
- 2.) Effect of Violations. Violations of any provision contained herein, shall afford the Economic Development Commission and, should the Economic Development Commission cease to exist, every owner of property subject hereto, to have the person or persons who have violated or are attempting to violate these Rules & Regulations and any restrictive covenants enjoined or prevent them from doing so and to cause said violation to be remedied and/or to recover damages for said violation.
 - 3.) Right to Enforcement. So long as there is an Economic Development Commission, its successors and/or assigns shall have the exclusive right to enforce the provisions hereof, without liability for failure to do so, except that each owner of record of land in the Clarke Business Park shall have the right to enforce the provisions contained herein then applicable to any site if the Economic Development Commission shall fail to do so with forty five (45) days after written request is made by such owner to the Economic Development Commission. In any legal or equitable proceedings for the enforcement of any provision of these Rules & Regulations and any restrictive covenants, the prevailing party in such action shall be entitled to reasonable attorney's fees in addition to any damages and costs. All remedies provided herein, at law or in equity, shall be cumulative and not exclusive.
 - 4.) Right to Inspect. The Economic Development Commission or its agents may, from time to time, at any reasonable hour or hours, enter and inspect any property subject hereto to ascertain compliance herewith, pursuant to Article IX-4. The agent of the Economic Development Commission for such purpose shall be the zoning enforcement official of the Town of Bethel, or any other individual so designated by the Economic Development Commission.

- 5.) The development of properties in Clarke Business Park will be subject to the design and land use controls indicated by these Rules & Regulations and any restrictive covenants of record. In addition to these controls, all development proposals must still conform to the regulatory provisions/agencies of the Town of Bethel, including but not limited to the following, if applicable:
 - A.) Town of Bethel Zoning Regulations (as amended)
 - B.) Basic Building Code, State of Connecticut (as amended)
 - C.) Town of Bethel Inland-Wetlands Regulations (as amended)
 - D.) Town of Bethel Roads & Driveway Ordinances (as amended)
 - E.) Town of Bethel Public Utilities Commission
 - F.) Fire Marshal Regulations, State of Connecticut
- 6.) Notification of Occupancy: The property owners must notify the Economic Development Commission on all occupancy changes/additions to the property. This includes the name of the business, type of business, business contact name, and phone number. Prior to any occupancy by any lessee, tenant or other occupant, the property owner shall provide such lessee, tenant or other occupant with a copy of the current Rules & Regulations.
- 7.) Maintenance of Property: The property owner is responsible for the seasonal maintenance of their property; including grass cutting, and snow plowing.
- 8.) These Rules & Regulations as modified were adopted by the Bethel Economic Development Commission on <insert new date>.

SCHEDULE A

ALL THAT CERTAIN piece and parcel of land located in the Town of Bethel, County of Fairfield, State of Connecticut, containing 200.033 Acres, further shown and designated as Lots No. 1-30 and Other lands of the Town of Bethel on a certain map entitled “TOWN OF BETHEL, CONNECTICUT, FRANCIS J. CLARKE INDUSTRIAL PARK, SUBDIVISION PLAN, PREPARED FOR BETHEL ECONOMIC DEVELOPMENT COMMISSION BY LORD-WOOD, LARSON ASSOC. INC., ENGINEERS & PLANNERS, KASPER ASSOC., SURVEYORS AND ENGINEERS, DATED 7/9/84, Revised 10/9/84 Scale 1” = 100’,” which map is certified by Paul F. Varko, L.S. No. 11627 and which map was filed in the Land Records of the Town of Bethel on October 24, 1984 in Map File No. 18, Maps No. 172, 173 and 174.