

Town of Brookfield

SUBDIVISION REGULATIONS

Revised Through 11/07

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**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-101 - Definitions

§ 234-101. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

AFFORDABLE HOUSING APPLICATION:

An application submitted to this Commission which includes components as provided for in CT. General Statutes Sections 8-30(g)&(h), designating certain units to remain affordable for a period of time.

BASE FLOOD:

means the flood having a one percent chance of being equaled or exceeded in any given year.*[effective 3/31/94]:*

COMMISSION:

shall mean the Town Planning Commission of the Town of Brookfield, Connecticut.

CURB CUT:

Access to a Town Road, Street or Trafficway

DEVELOPMENT:

means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials. *[effective 3/31/94]:*

DRAINAGE STRUCTURE:

shall mean any structure (culvert, pipe, stream, swale, etc.), including both naturally occurring and man-made, that conducts drainage.

EROSION:

shall mean wearing away of the land surface by running water, wind, ice or other geological agents.

FIRST CUT:

aka. "Free Cut" The first division of a parcel of land is exempt from Planning Commission approval of initial lot line as provided by CT. General Statutes §8-18.

FLOOD INSURANCE RATE MAP (FIRM):

means an official map of the community on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the applicable risk premium zones. *[effective 3/31/94]:*

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-101 - Definitions

GROUNDWATER ANALYSIS:

shall mean a mathematical or physical determination of water movement in the soil, with the purpose of predicting the direction, rate and depth of groundwater movement, including information on the sewage, effluent and "subsurface drainage systems" where applicable.

LAND TREATMENT:

shall mean any ground work including filling, grading and draining, necessary to comply with §§ 234-401B and 234-203 of these regulations.

PASSIVE SOLAR ENERGY TECHNIQUES:

shall mean the utilization of house orientation, street and lot layout, vegetation, natural and man-made topographical features and the protection of solar access within the subdivision as tools for maximizing solar heat gain, minimizing heat loss and providing thermal storage within a building during the heating season and for minimizing heat gain and providing for natural ventilation during the cooling season.

RESUBDIVISION:

as defined in Chapter 126 of the General Statutes of Connecticut, as amended, 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."

SEDIMENT:

shall mean fragmental material transported by, suspended in, or deposited by water or air, or accumulated in beds by other natural agents.

SIGHT DISTANCE:

is that distance at which a vehicle traveling in an opposing or perpendicular direction first becomes visible.

SOLAR ACCESS:

shall mean the access to unobstructed direct sunlight required by a solar collector for its efficient operation.

SPECIAL FLOOD HAZARD AREA:

is the area within a community subject to one percent or greater chance of flooding in any given year, as identified on the community's FIRM. *[effective 3/31/94]:*

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-101 - Definitions

STREET:

shall include any road, highway, avenue, lane or right-of-way providing access to more than one (1) structure.

SUBDIVIDER:

shall mean the owner of record of the land to be subdivided at the time of the filing of any application for approval of subdivision, and shall include any subsequent owner of record making any subdivision of such land or any part thereof in accordance with such plan.

SUBDIVISION:

as defined in Chapter 126 of the General Statutes of Connecticut, as amended, means "the division of a tract or parcel of land into three (3) or more lots for the purpose, whether immediate or future, of sale or building, development, expressly excluding development for municipal, conservation or agricultural proposes, and includes resubdivision."

SUBSURFACE DRAINAGE SYSTEM:

shall mean a facility designed and constructed to control the flow of and depth to groundwater by collecting, conveying and discharging it in a predetermined manner.

WATERCOURSE:

means any well-defined surface body of water, natural or artificial, perennial or intermittent, public or private, including brooks, streams, rivers, waterways, ditches, canals, lakes, ponds, marshes, swamps and bogs.

ZONE A:

means Special Flood Hazard Areas subject to inundation by the base flood. Because detailed hydraulic analyses have not been performed, no base flood elevations or depths are shown.*[effective 3/31/94]*:

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-201 - Definitions

ARTICLE II

§ 234-201. General Requirements For Subdivision Of Land.

- A. No subdivision of land shall be made and no land in any subdivision shall be sold or leased or offered for sale or lease until a plan of subdivision, prepared in accordance with the requirements of these regulations, has been approved by the Commission and has been filed in the office of the Town Clerk.
- B. All land to be subdivided shall be of such a character that it can be used for building purposes without danger to health and safety. Proper provision shall be made for water, drainage and sewage. Land subject to greater than normal flooding, or without adequate means of sanitary sewage disposal or without adequate potable water supply, shall not be subdivided. No subdivision shall provide for the location of a standard subsurface sewage disposal system in and over soil types designated as "poorly drained" or "very poorly drained." Percolation rates slower than one inch (1") in thirty (30) minutes (or as amended by the State Dept. of Health) are not acceptable for standard subsurface sewage disposal systems.
- C. Whenever a property owner seeks to create a new lot whether by exercising the doctrine of "first free cut" or by property line revisions or any combination thereof, they must first submit a map to the Planning Commission showing the lot(s), parcel or parts of property affected thereby. The Commission may deny said application if it finds the proposal constitutes a "subdivision" or "resubdivision" as defined in CGS§8-18 or if the parcel(s) thereby created could not be used because it will create a danger to public health or safety. *[eff. 10/8/03]*

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-202 Lot Area

§ 234-202. Lot Area

- A. All lots in a subdivision shall be in compliance with the Brookfield Zoning Regulations. Except in the case of a Conservation Subdivision, which must comply with §242-310 of the Zoning Regulations, all lots shall contain the following minimum areas:[7/11/91, 10/8/03]

ZONE	MINIMUM AREA
R-7 Residential	7,000 square feet
R-40 Residential	40,000 square feet
R-60 Residential	60,000 square feet
R-80 Residential	80,000 square feet
R-100 Residential	100,000 square feet
RC-41 Restricted Commercial	40,000 square feet
RC-40 Recreational Services	40,000 square feet
IRC-80/40 Restricted Industrial Commercial	80,000 square feet
IL-80 Limited Industrial	80,000 square feet
IR-80N Restricted Industrial	80,000 square feet
IR-80SE Restricted Industrial	80,000 square feet
VBD Village Business District	40,000 square feet

- B. The Commission may require larger lots than are required by the Zoning Regulations where it deems necessary because of conditions affecting drainage, sanitary sewage disposal, water supply or traffic.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-203 – Water, Sewer & Drainage

§ 234-203. Water, Sewer & Drainage.

- A. All lots in a subdivision shall be capable of being supplied adequate potable water and of properly disposing of sanitary sewage. Private water systems are not permitted except for multi-family housing or in the case of unavailability of water at each lot.
- B. No lot shall be graded to shed water on another lot.
- C. New streets shall have all improvements and utilities required by these regulations and shall make adequate provision for the disposal of surface and storm water.
- D. All pipes used for disposal of such water shall be clear of obstruction prior to Town acceptance. All subdivision proposals, including their utilities and drainage, shall be located and designed to be consistent with the need to minimize flood damage.
- E. New sewer systems (including on-site systems) are to be located and designed to avoid impairment. [10/18/84]

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-204 – Access

§ 234-204. Access.

- A. No privately owned reserved strip shall be permitted which controls access to any part of the subdivision or to adjacent land from any street or open space reserved for the dedication for any public use.
- B. All lots in a residential subdivision shall be provided with a driveway from a public street or public right-of-way and parking for 2 cars per Zoning Regulation § 242-305
 1. Private driveways are to be no longer than one hundred fifty feet (150') from a common driveway, or two hundred fifty feet (250') from a Town road [6/27/98], and shall be no closer than twenty-five feet (25') edge to edge of an adjoining driveway.
 2. Common driveways to service more than one (1) lot are allowed, when in the opinion of the Commission they provide the safest means of access to and from the Town Road. Additional considerations for a common driveway shall include but not be limited to:
 - a common driveway may serve no more than three houses on each, and will have a maximum length of 850 feet.
 - All common driveways shall have a minimum of fifty feet (50') of frontage on the (public) road.
 - Common driveways are to be a minimum of eighteen feet (18') wide.
 - All common driveways shall be constructed to Town standards, except for the width, and have a shared maintenance agreement in a form approved by the Town Attorney. The sub-grade, sub-base and 1 ½" of bituminous concrete for all common driveways must be installed prior to issuance of Certificates of Occupancy for homes proposed to be built off these common driveways. [10/8/03]
 3. All driveways servicing residential lots shall have a maximum of one (1) curb cut on the Town Road, except in such instances where the Commission deems additional curb cuts allowable, because of road configuration, traffic or safety considerations. [7/11/91]

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-204 – Access

4. No driveway easement may cut across another property for more than fifty feet (50'), except in extreme situations and as determined by the Commission, with a deeded agreement between the property owners involved, to the satisfaction of the Commission. [6/27/98]
 5. Multi family developments of 10 units or more shall have two (2) distinctly separate routes of ingress and egress.
- C. All lots shall provide sufficient access for emergency vehicles to reach all buildings and turnaround space to exit as necessary.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-205 – Subdivision Planning Considerations

§ 234-205. Subdivision Planning Considerations.

In the planning of any subdivision, due regard shall be given to passive solar energy design techniques to encourage energy conservation, and the preservation and potential enhancement of existing natural features, large trees, significant geographic or topographic or horticultural features, stone walls, location of existing open space and other significant community assets at the discretion of the Commission. [6/19/86, 9/20/01].

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-206 – Street Trees & Stone Walls

§ 234-206. Street Trees and Stone Walls.

A. Street Trees:

The Commission may require that existing street trees which lie along the proposed right-of-way be retained and that new street trees be provided by the subdivider in subdivisions which lack or are deficient in trees along proposed right-of-ways.

Such trees shall be retained or provided at a maximum of every fifty feet (50'), on both street sides, except where they might obstruct sight lines or interfere with solar access to the south wall of proposed building.

A plan and profile of such tree plantings shall be required at the discretion of the Commission. Said plan shall include the type and size of said trees of a species approved by the Town Tree Warden, with their location designated on the plan [2/18/88, 9/20/01].

A maintenance/performance bond shall be required to cover trees to assure their survivability, for 2 ½ years from date of planting as witnessed by a Public Works representative [9/20/01].

B. Stone Walls:

Any stone walls located within the Town right-of-way shall be of a height no greater than 28-36 inches, and shall not impede traffic or sight lines, and be in a location that is acceptable to the Commission. The Subdivision Plan shall attempt as far as practicable to preserve interior stone walls. [2/18/88, 9/20/01]

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-207 – Special Flood Hazard Areas

§ 234-207. Special Flood Hazard Areas.

[Approved 3/17/94; effective 3/31/94]:

- A. In all Special Flood Hazard Areas, the following requirements shall apply:
 - 1. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - 3. All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and
 - 4. Base flood elevation data shall be provided for all subdivision proposals and other proposed development in Zone A which are greater than five acres or fifty lots.
- B. All subdivision proposals serviced by public utilities and facilities including sewer, gas, electrical and water systems, shall have such facilities located and constructed to minimize flood damage.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-301 – Application

ARTICLE III

PROCEDURES: APPLICATION, PUBLIC HEARINGS, DECISION AND FILING

§ 234-301. Application.

- A. Application for approval of a plan of subdivision shall be made by the owner of record, or his authorized agent, on a form furnished by the Office of the Commission and filed with the Commission for a regular meeting date.
- B. Each completed application must be accompanied by all documents and information (or a written explanation of omission). [9/20/01]
- C. Failure to provide accurate or pertinent documents and information will be cause for denial. [9/20/01]
- D. A deed shall be provided prior to the acceptance of any application which involves a conveyance of property to the Town of Brookfield, including the deed or deeds for any and all streets within the subdivision, together with an Attorney's Certificate of Title, showing the property to be free and clear of encumbrances. [9/20/01]
- E. It shall be the responsibility of the applicant to notify all abutting and adjacent property owners, including any that front the road that surrounds the subdivision (by certified mail, return receipt) of the application for subdivision. The applicant must submit a list of the persons to whom certified notices were sent with return receipt attached. The names of the property owners must be obtained from the Assessor's office records within 30 days prior to the date of application. [7/11/91, 9/20/01]
- F. The owner of the property consents to on-site inspections of the property by the Brookfield Planning Commission at reasonable times during the application process, and to on-site post-approval inspections of the property by the town inspection personnel to determine compliance with the subdivision approval. [8/11/04]

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-302 – Fees

§ 234-302. Fees.

- A. Each completed application must be accompanied by a filing fee, in check form, payable to the Town of Brookfield. The fee shall be as required by the fee schedule attached hereto, pursuant to the provisions of Section 8-1c of the Connecticut General Statutes. *[9/20/01]*
- B. If the commission determines that a public hearing is not required, the public hearing fee will be refunded. *[9/20/01]*
- C. Filing fees should be in accordance with posted application fees and reasonable expert consultant fees the Town finds necessary to incur due to the complexity or other unusual circumstances surrounding the application (including professional consultants such as, but not limited to, engineering fees, soil scientist fees, hydrologist fees, traffic engineering study, environmental fees, transcription fees, etc.). *[9/20/01]*
- D. Fees are not refundable and not transferable. *[5/28/86, 9/20/01]*

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-303 – Site Walks

§ 234-303. Requirements for Commission Site Walk.

A. Staking:

The subdivision boundaries and the center lines of the proposed roads, center lines of the driveways, septic system locations and building corners shall be staked out and referenced to a submitted plan prior to the Commission site walk.

The Commission may require the staking of lot boundaries.

B. Deephole Test Locations:

Deephole test locations shall be marked in the field to correspond to lot numbers.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-304 – Hearings & Notice

§ 234-304. Hearings And Notice:

- A. The Commission shall hold a public hearing involving any proposal of resubdivision and may hold a public hearing on any other subdivision proposal if in its judgment, the specific circumstances require such action.
- B. Two (2) notices of time and place of such hearing shall be published in a newspaper of general circulation in the Town at intervals of not less than two (2) days, the first notice not more than fifteen (15) days nor less than (10) days before such hearing, the second notice not less than two (2) days before the hearing. A copy thereof shall be sent to the applicant by certified mail. *[2/18/88, 9/20/01]*
- C. Letters are to be sent by the applicant to all abutting property owners at least 15 days before the hearing. The letters must contain:
 - the subject matter of the hearing (location & number of lots)
 - the Assessor's map reference number(s) denoting location of the subdivision
 - the date and time and place of the hearing.

These letters are to be sent via certified, return-receipt mail. The returned receipts are to be presented by the applicant at the beginning of the Public Hearing. *[6/27/98].*

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-305 – Decision

§ 234-305. Decision.

- A. The Commission may approve, approve subject to specified modification, or deny the plan of subdivision.
- B. The Commission shall not be required to hear the same or substantially similar application that has been previously denied, until 12 months have elapsed, pursuant to Ct. General Statute § 8-3(c). *[9/20/01]*
- C. All work in conjunction with an approved residential subdivision shall be completed within 5 years, as provided for in Ct. General Statute Section 8-26(c), or the approval is deemed expired. *[9/20/01]*

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-306 – Failure of Commission To Act - Approval

§ 234-306. Failure of Commission to Act Deemed Approval.

Failure of the Commission to act on a plan of subdivision within sixty-five (65) days after the day of receipt of a complete application when there is no public hearing required, or sixty-five (65) days after the close of any public hearing on an application, or within such longer time as provided by Section 8-26(d) of the General Statutes, shall constitute an approval of the plan.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-307 – Endorsement of Approval

§ 234-307. Endorsement of Approval.

The Commission shall endorse its approval on any plan of subdivision approved by the Commission, provided that the subdivider shall have filed with the Board of Selectmen any bond required hereunder. [7/11/91]

The endorsement shall include the expiration date of the residential subdivision approval [9/20/01]

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-308 – Required Filings Following Approval

§ 234-308. Required Filings Following Approval.

A. Subdivision Plans:

1. All plans for subdivisions and the conditions of approval shall, be filed or recorded by the applicant in the Office of the Town Clerk no later than 90 days after the expiration of any appeal authorized under CGS §8-8. [10/8/03]
2. Any plan, not so filed or recorded, shall become null and void. [10/8/03]
3. The Commission may extend the time for such filing for two (2) additional periods of ninety (90) days, if requested in writing by the applicant, and the plan shall remain valid until the expiration of such extended time.
4. No such plan shall be recorded or filed by the Town Clerk until its approval has been endorsed thereon by the Chairman or the Secretary of the Commission. The filing or recording of a subdivision plan without such approval shall be void. [7/11/91].
5. In addition to the final approved subdivision plans for recording, the applicant shall deliver an electronic copy of such approved plan, for purposes of adding the approved subdivision to the Town's Geographic Information System (GIS). The electronic copy shall meet the following criteria:
 1. Drawings shall be on a compact disk (CD).
 2. Electronic drawings shall be in a format as prescribed by the Town's GIS coordinator.

Electronic drawings shall be accompanied by a certification letter that the electronic drawing is a copy of the subdivision or re-subdivision map that was approved by the Commission for recording in the office of the Town Clerk. A land surveyor licensed by the State of Connecticut shall certify the letter. [9/14/06]

B. Changes to Subdivision Plans:

1. No changes, modifications or revisions shall be made in any approved subdivision map unless authorized by the Commission.
2. In the event such change, modification or revisions constitute a resubdivision, an application for resubdivision must be filed with the Commission.
3. If determined by the Commission that such changes, modifications or revisions do not constitute a resubdivision, it shall stamp "***approved for filing***" on such map. [7/11/91]

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-308 – Required Filings Following Approval

C. Bonds:

1. A cash bond or irrevocable Letter of Credit in favor of the Town of Brookfield, in an amount and on a form prescribed by the Commission shall be filed with the Board of Selectmen for the full and faithful completion of improvements and their maintenance within a time period as provided for in the approval. Bonding shall also include any unfulfilled obligations for conveyances of open space in fee or payments in lieu of open space. *[9/20/01]*
2. A cash bond or irrevocable Letter of Credit in favor of the Town of Brookfield, in an amount and on a form prescribed by the Commission filed with the Board of Selectmen for Erosion and Sedimentation Controls and their maintenance.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-309 – Appeal

§ 234-309. Appeal.

Any person aggrieved by action taken under these regulations may appeal to the Superior Court as provided by General Statutes of the State of Connecticut.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-401 – Required Documents & Information

ARTICLE IV

§ 234-401. Required Documents and Information.

A. Documents:

All subdivision plans shall be submitted with:

1. Sufficient copies for all Planning Commission members and alternates, one copy for the Conservation Commission, and file copies as required by the Land Use Office. an 12" x 18" or 24" x 36" in size, at a scale not to exceed one inch (1") equals one hundred feet (100').
2. Two additional sets of plans must be submitted to the Land Use Office to be forwarded to the Fire Department Water Source Committee for review of fire tank(s) and emergency access.
3. The Commission reserves the right to require additional scaled dimensions if needed for clarification.
4. Each page or drawing shall show the subdivision name and initial date and revision dates in the lower right hand corner with the map folded as to show such information.
5. The plan shall contain the following statement:

"The Subdivision Regulations of the Brookfield Town Planning Commission are a part of this plan and approval of this plan is contingent on completion of all the requirements of said Subdivision Regulations excepting only any variances or modifications made in writing by the Planning Commission of the Town of Brookfield, Connecticut."

6. Vicinity map at a scale of one (1) inch equals one thousand (1,000) feet [2/18/88].
7. Area map of the subdivision at a scale of one inch (1") equals four hundred feet (400') including abutting streets, property owners, rights of way, easements and unimproved roads outside 1,000 feet of the perimeter of the subdivision [7/11/91].

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-401 – Required Documents & Information

B. Information to be included on Subdivision Plan. [9/20/01]

The Plan of Subdivision shall contain the following information: [7/11/91]

1. Name of record owner of land.
2. Name of subdivision and subdivider. The name of the development shall be such that it is not confused with or similar to existing or previously established development names, unless it is a continuation of said development. The Planning Commission has the jurisdiction to withhold approval of any subdivision that in its opinion, would cause confusion of name or that is not numbered properly.
3. True and magnetic north points, scale of map and date.
4. The design of:
 - roads, both horizontal and vertical alignment;
 - drainage systems, including the design and location of structures and pipe; sanitary sewer systems; sewage disposal systems; water supply and distribution.
 - Designs shall be sealed by a Professional Engineer registered in the State of CT.
5. Topographical maps shall show proposed grading and delineation of boundary lines of the outside perimeter as well as the interior lots and streets shall be sealed by a registered land surveyor.
6. Contours, in sufficient detail to show existing drainage, and proposed changes in drainage from across, through and out of the entire parcel to eventual water course of dissipation. Contours shall be shown at two foot (2') intervals, unless otherwise required by the Commission.
7. Boundary lines of subdivision with accurate distances and bearings.
8. Names of abutting and adjacent property owners, including any that front the roads that surround the subdivision. The names of the property owners must be obtained from the Assessor's Office records within 30 days prior to the date of application.
9. Layouts of lots showing accurate dimensions, areas of lots shown in square feet, angles, building lines.
10. Lot and house numbers as specified in the Town of Brookfield Building Numbering Ordinance.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-401 – Required Documents & Information

11. Accurate location and description of monuments which shall be installed at street intersections, points of curvature and tangency of curved streets, and at angles of lots and distance and bearing to a known point on an accepted street. (See § 234-506).
12. Accurate location and numerical designation of utility poles within or at the boundaries of the subdivision, and including those on opposite sides of existing roads.
13. Layout of existing streets and proposed new streets, as well as the new street name or names. It is the responsibility of the developer to insure there is no confusion or similarity of the proposed names with existing and previously established street names.
14. Layout of easements, on or off a site, open spaces reserved for parks, playgrounds or other common or public uses, with accurate dimensions, bearings, angles and curve data.
15. All factors on adjacent lands affecting this subdivision such as proposed future subdivision, road (existing or proposed), showing full rights-of-way, existing public lands, existing development and drainage, existing wells, septic systems, and name of owner of record. [2/18/88].
16. Road profiles, showing accurate existing and finished grades of proposed roads, existing grade of frontage road including the location of the Town's right of way, together with construction plans, including a cross-sections showing details of any drainage structures, banks and other information such as the Commission require in accordance with § 234-501. [2/18/88]
17. All Wetlands areas in the proposed subdivision and adjacent property, as delineated on the Brookfield Inland Wetlands Map, and detailed soil types, as designated on the Soils Maps, as prepared by the Soil Conservation Service, shall be delineated on the plan. Base flood elevation data shall also be shown for those areas as shown on the community's Flood Insurance Rate Map (FIRM).
18. The location proposed for a dwelling or other principal building in each lot together with the proposed driveway access thereto. [6/19/86].
19. Existing stone walls, proposed relocation of any stone walls, significant geographic or topographic or horticultural features.
20. Blasting Language as required in accordance with §234-802K. [9/16/07]

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-402 – Information Required as Part of Application

§ 234-402. Information Required as Part of Application. [9/20/01]

- A. All Subdivision applications shall be submitted with the following information:
1. All factors on adjacent lands affecting this subdivision such as proposed future subdivision, roads (existing or proposed), showing full rights-of-way, existing public lands, existing development and drainage, existing wells, septic systems, and name of owner of record.
[2/18/88]
 2. Proposed deeds for easement, rights-of-way and open spaces shall be required.

Deeds should include the following language:

“All expenses for the maintenance of the Detention Basin shall be the joint and several obligation of each lot in this subdivision in perpetuity. Said restriction shall run in favor of the Town of Brookfield which may cause any condition to be repaired and seek the recovery of its fees and expenses for same from the lot owners including any cost of collection. This covenant shall be referenced in all deeds of conveyance for the lots.”
[10/8/03]

Recommended deed language for Open Space is as follows:

“This land is acquired by the Town of Brookfield to be preserved in perpetuity predominantly in its natural scenic and open condition for the protection of natural resources, while allowing for passive recreation consistent with such protection. No structures, fixtures, buildings or accessory uses may be constructed, erected or placed upon said land, nor may any foliage or vegetation be removed or cleared without the written approval of the Brookfield Conservation Commission and such other agencies as may be required by law.”

Recommended deed language for Conservation Easements is as follows:

“A permanent conservation easement is hereby granted to the Town of Brookfield for the purpose of retaining the land, water areas and wetlands covered thereby predominantly in their natural scenic or open condition (or in agricultural, farming forest or open space). No structures, fixtures, buildings or accessory uses may be constructed, erected or placed upon said land, nor may any foliage or vegetation be removed or cleared without the written approval of the Brookfield Conservation Commission and such other agencies as may be required by law.”

Fire Tank easements and deeds should include the following language:

“All expenses for the maintenance, repair or replacement of the Fire Tank and any related equipment shall be the joint and several obligation of each lot in this subdivision in perpetuity. Said restriction shall run in favor of the Town of Brookfield which may cause any condition to be repaired and seek the recovery of its fees and expenses for same from the lot owners including any cost of collection. This covenant shall be referenced in all deeds of conveyance for the lots.” [10/8/03]

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-402 – Information Required as Part of Application

3. A written acknowledgement of the developer's responsibility for maintenance and the assumption by the developer of liability for injuries and damages that may occur on any streets or land to be dedicated for public use until such streets or land have legally become Town property, including any repairs to be made to existing Town roads, damaged by any construction equipment in connection with proposed subdivision. [2/18/88]
4. Except when the subdivision is to be connected to a sewer line, a report showing the seepage test and test pit data for each lot at a proposed location of the disposal system in relation to a proposed well site and at finished grade level by a Registered Professional Engineer licensed to practice in the State of Connecticut. Percolation test must show measured rainfall on site ten (10) days prior to testing. There shall be a note on the mylar requiring subsurface sewage disposal systems to be designed by a Professional Engineer licensed to practice in the State of Connecticut.
5. In addition to the required note on the mylar for any of the above conditions, a "Groundwater Analysis" is required if slopes greater than 15 percent exist.
6. A soil summary prepared by a Certified Soil Scientist or Professional Engineer Registered in the State of CT., based upon soil tests from a qualified soil testing service, and accompanied by a statement from the engineer of conditions of the land, the suitability for building purposes and identification of those lots with special problems with proposed alleviation of same. A detailed estimate of work is required for each lot needing land treatment, including filling, grading and draining, if necessary to guarantee compliance with Sections 234-201B and 234-203. The requirement for detailed estimates of land treatment may be waived for industrial and commercial subdivisions where future use is unknown.
7. Hydrogeological study to determine the feasibility of potable water on-site, provided by the applicant, shall be required at the discretion of the Commission. [2/18/88]
8. A traffic impact study for any residential subdivision of more than five (5) lots, and any commercial/industrial subdivision of more than two (2) lots. [2/18/88]
9. All multi family dwellings shall be protected by pressurized fire hydrants, as approved by the Water Source Committee of the Brookfield Fire Department. Wherever possible, for all single family housing subdivisions of four (4) lots, to ten (10) lots will be required that the property owner/subdivider shall install a 30,000 gallon inground, nonmetallic fire suppression water tank. For subdivisions of eleven (11) lots, or more, one additional 30,000 gallon tank shall be required for every ten (10) lots, or part thereof.

All Fire Suppression Tanks shall be approved by the Brookfield Fire Department Water Source Committee. The Brookfield Fire Department Water Source Committee shall have an easement over the property to periodically test the system but assumes no liability regarding the system or its operation. [7/11/91]

10. Bond Estimates. Estimated costs for subdivision improvements including, but not limited to: site

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-402 – Information Required as Part of Application

work, road construction, paving, drainage, catch basins, utilities, fire tanks, hydrants & piping, topsoil, seed and plantings, pins and monuments, erosion and sedimentation controls, contingency. Maintenance bonds shall not be released until it has been established that the water suppression tanks are fully functional.

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SUBDIVISION REGULATIONS**

Section 234-403 – Inland Wetlands Approval

§ 234-403. Inland Wetlands Approval.

For approval, a plan of subdivision shall require a copy of the approved map granted by, and a letter of decision from the Inland Wetlands Commission if any part of the subdivision lies within the Commission's jurisdiction, as determined by them. In the case where any part of the subdivision lies within a wetland and the Inland Wetlands Commission does not require an application from the subdivider, a letter from that Commission stating that decision shall accompany the letter.

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Section 234-502 – Design & Construction of Improvements

ARTICLE V

§ 234-501. Design and Construction Of Improvements.

A. Street Design:

1. Proposed streets shall be in harmony with existing or proposed principal thoroughfares as shown on the Plan of Development, especially in regard to safe intersections with such thoroughfares. As far as practicable, streets shall follow natural contours. When few natural constraints exist which limit street layout and location, such as, but not limited to, steep slopes and unsuitable soils, street layout shall, as far as practicable, provide for east-west street orientation to encourage the use of solar energy systems.
2. Where the land to be subdivided does not abut an accepted Town street or State road, the subdivider shall provide and construct a street from the subdivision to such Town or State road, to be built in compliance with requirements and specifications applying to the construction of streets within the subdivision and in accordance with the Town Road Ordinance. The Commission may require a wider right-of-way for a specific reason, such as safety, proposed or possible use.

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SUBDIVISION REGULATIONS**

Section 234-502 – Slope & Grade

§ 234-502. Slope and Grade.

No embankment adjoining a street right-of-way shall have a slope greater than three (3) to one (1), except when modified in rock formation. The full width of street rights-of-way shall be brought to roadway grades.

- A. Common driveways or driveways will average no greater than 10% of grade, with depression or rise variances not exceeding 15%. [6/27/98]
- B. The Commission may require that no proposed driveway may be relocated without the Commission's approval. Driveways, common driveways, foundation locations and leaching fields may not be relocated without permission of the Commission when they so designate. Such designations will be recorded on the final mylar. [9/20/01]

**TOWN OF BROOKFIELD
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Section 234-503 – Sight Distances

§ 234-503. Sight Distances.

The minimum required sight distances at roadway intersections and at locations where driveways connect to roadways shall be shown on the supplemental plan or road profile, based on the following table [2/18/88, 8/27/03]

Roadway Speed Limit (MPH)	Required Sight Distance (Feet) Roads & Common Driveways
25	300
30	350
35	400
40	450
45	500

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-504 – Street Extensions

§ 234-504. Street Extensions.

The Commission may require the Subdivision plan to show feasible street extensions to connect with those of adjacent subdivisions, or existing roads or properties which would otherwise be landlocked, as it deems desirable. [2/18/88]

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-505 – Streets

§ 234-505. Streets.

A. Construction, Maintenance & Approval:

All streets shall be constructed in accordance with the Road Ordinance, Town of Brookfield. Banks shall be stabilized, loamed and seeded and all dead trees, branches, stumps and rocks remaining as a result of construction must be cleared away, not deposited on adjacent lots.

Approval of all roads shall be made by the Board of Selectmen per the recommendation of the Planning Commission before the bond is returned. [7/11/91, 9/20/01]

The maintenance of said roadways shall be the responsibility of the developer until said roadways are accepted for dedication into the Town Highway System. If the Town must maintain the road for the health, safety and welfare of the public for such reasons as snow removal, sanding, erosion, and resurfacing, all expenses of such maintenance, including the use of Town equipment and employees, will be the obligation of the developer, his heirs, successors or assigns, and if not paid within thirty (30) days from the date of billing of such expenses, may be deducted from any bond held by the Town.

No bond shall be reduced or released while any such expense bill is unpaid. [1/16/86].

B. Dead-End Streets:

If a dead-end street is capable of future extension, the road right-of-way shall be continued to the property line and the land deeded to the Town. The cul-de-sac at the end of the initial construction shall be designated to be temporary, and the segments thereof outside the limits of the right-of-way when extended shall be designated to revert to the owners of adjacent lots.

Dead End Streets with cul-de-sacs shall not exceed 1500 feet in length, unless an alternate means of access for emergency vehicles is provided which is acceptable to the Planning Commission and the Fire Department Water Source Committee. Any cul-de-sacs longer than 1,000 feet from an existing Town road will be required to have a 120 foot cul-de-sac diameter (island optional). Cul-de-sacs on roads less than 1,000 feet shall not have less than an 80 foot diameter. [9/20/01]

The Planning Commission may waive the requirement for an alternate means of access for emergency vehicles if the Commission finds that such alternate means of access is not required for public health and safety. Where an alternate means of access for emergency vehicles is required, the Planning Commission shall determine the standards of construction and impose such conditions as it finds necessary to insure adequate and proper maintenance of said emergency accessway. The Planning Commission may require that the applicant post a permanent maintenance bond in an amount satisfactory to said Commission to insure adequate and proper maintenance of said accessway.

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SUBDIVISION REGULATIONS**

Section 234-506 – Monuments

§ 234-506. Monuments.

A. Monuments:

All monuments shown on the final plan shall be:

- of stone or reinforced concrete for lot corners on road frontage,
- not less than four inches (4") square and three feet (3') long,
- with a brass or copper plug or drill hole, or cross marking the center of the four inches (4") square.
- Markers indicating lot boundaries other than road frontage boundaries may be iron pipes or pins one inch (1") in diameter and three feet (3') long.
- All monuments and markers shall be set flush with proposed grade.

An inspection will be made before the bond will be released.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-507 – Utilities

§ 234-507. Utilities.

Where topography and soil conditions permit, all utilities shall be constructed underground from the subdivision entrance.

In those cases where electrical boxes or junction boxes cannot be constructed underground, they shall be shielded from view by shrubbery acceptable to the Planning Commission.

The statement, "All utilities are to be constructed underground" shall be included on the mylar of the Final Subdivision Plan. [6/27/98].

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-508 – Sidewalks & Walkways

§ 234-508. Sidewalks and Walkways.

Installation of sidewalks or walkways or pedestrian accessways may be required by the Commission in subdivisions for public safety, and shall be shown on a supplemental map submitted to the Commission. [9/20/01]

- A. **Location:** The sidewalk or walkway shall be located either within the public rights of way or in public sidewalk easements, and shall be given careful consideration to safety, drainage, and preservation of street trees.
- B. **Construction:** The sidewalk or walkway shall be constructed four (4) feet in width, composed of six inch (6") bank run gravel base and a two inch (2") bituminous concrete wearing surface.
- C. **Maintenance:** The maintenance of such walkways and sidewalks shall be the responsibility of the property owner having frontage along the walkway.
- D. **Composition:** Accessways shall be of such a material composition as specified by the Commission.

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Section 234-509 – Subdivision Signs

§ 234-509. Subdivision Signs: *[9/20/01]*

Subdivision Signs must be permitted and conform to the Zoning Regulations (§242-306) and must contain the name of the subdivision as approved by the Planning Commission.

The Planning Commission may require that the open space and conservation easements be marked by signage provided by the Town.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-601 – Requirements for Improvements

ARTICLE VI

§ 234-601. Requirements for Improvements.

Prior to construction, the applicant shall meet with the Director of Public Works/Town Engineer or his representative to set up a construction schedule. The Erosion and Sedimentation Control Officer shall inspect the site for proper installation of erosion controls. [2/18/88]

A. Completion of Subdivision:

The Commission will not consider subdivision improvements complete until the construction of all:

1. Street improvements including drainage structures and monuments; and
2. Utilities and services, including water mains, sewers and land treatment, as required by the approved plan have been completed.
3. Any improvements to existing Town roads, including drainage, road widening and repaving, shall be completed prior to or in conjunction with the construction of the proposed subdivision roads or driveways.
4. Installation of Fire tanks, water mains, electric lines, utilities or improvements to be installed by a public utility corporation or municipal department are to be completed before the issuance of a Building Permit, and at no expense to the Town of Brookfield. The sub-grade, sub-base and 1 ½" of bituminous concrete for all common driveways must be installed prior to issuance of Building Permits. In the event of subdivisions with more than one (1) road, Building Permits may be issued for property on each road where improvements have been completed. [7/11/91, 9/20/01, 10/8/03, 5/28/04]

B. Maintenance of Common Facilities *[effective 9/14/06]*

In addition to the deeds required in §234-402A(2), subdivisions that establish Home Owners Associations must include the following language in the deed for each property and in the Covenants and Restrictions of the subdivision:

Each owner of a lot within the subdivision shall by acceptance of a deed, automatically become a member of an association of homeowners within the Subdivision (the "Association"), which Association shall bear responsibility for any expenses incurred for the maintenance, repair or replacement of drainage facilities, fire tanks, detention basins, recharge basins and any related equipment and appurtenant facilities servicing any portion of the Subdivision. Said restriction shall run in favor of the Town of Brookfield which may cause any condition to be repaired and seek recovery of its fees and expenses for same from the Association or property owners in equal shares, including any cost of collection.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-602 – Subdivision Bonds

§ 234-602. Subdivision Bonds.

A. Performance Bond:

The total amount of money required for bonding a subdivision shall be considered one (1) bond, except where more than one (1) road is bonded and excluding the erosion and sedimentation bond. Said performance bond will also cover any unfulfilled obligations or conveyances of fee in lieu of open space or conveyances of open space in fee. [9/20/01]

Driveway apron installation bonds shall not be considered as part of the road bond. [7/11/91]

B. Bond Release Procedure:

No bond nor its interest shall be released on more than three (3) occasions including the final release. A minimum of one thousand dollars (\$1,000.00) or ten percent (10%) of the original bond, whichever is greater, or all of the original bond, if less than one thousand dollars (\$1,000.00), shall be retained until all work is completed to the satisfaction of the Commission.

Bond releases shall be in three (3) stages, in amounts determined by the Commission as follows: [7/11/91]

1. First reduction after improvements to Town roads, storm drainage, and installation of first course of bituminous concrete and curbing. All erosion controls in place and functioning properly, and when applicable, the installation of the approved fire suppression water storage tank in accordance with §234-601 of these regulations.
2. Second bond reduction after first course of bituminous concrete has been through one (1) winter, installation of second course of bituminous concrete.
3. Final bond release after acceptance of roads into Town Highway System, receipt of the road as-built, including the storm water drainage system and location of the fire suppression water tank(s), all slopes stabilized, catch basins and detention/retention basins cleaned. [2/18/88]
4. In the event that more than one road is bonded in a subdivision, bond releases shall be considered for each road individually according to the schedule outlined in this Section.
5. No bond releases will be considered for any subdivision in violation of the subdivision regulations or conditions of approval. At the discretion of the Planning Commission, these bonds may be held for the full 5 year permit period. [5/28/04]

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-701 – Conservation Subdivisions

ARTICLE VII

§ 234-701. Conservation Subdivisions.

A. Purposes:

1. It is the objective of this Section to encourage the conservation of existing undeveloped land in the Town within the current zoning density framework through the utilization of more flexible standards and requirements which permit a more creative, attractive and efficient use of land in such a way as to achieve the following purposes:
 - (a) The maximum preservation of natural open space within new residential developments so as to establish a more desirable living environment and help to assure the maintenance and/or enhancement of the appearance, character and natural beauty of an area.
 - (b) The protection of the local ecology and the underground water table, the minimization of flood hazards in downstream areas and the prevention of soil erosion by preserving water bodies, wetlands, watercourses, major stands of trees, steep slopes, ridge lines, significant geological features and other areas of environmental value.
2. And one (1) or more of the following additional purposes:
 - (a) To preserve the character and property values of existing residential development.
 - (b) To preserve land for scenic, park, recreational and educational purposes.

A Conservation Subdivision will have a minimum of ten percent (10%) required Open Space. The Commission requires that the applicant for a Conservation Subdivision Plan document the general layout of a conventional subdivision to show equivalent density. The number of lots in a Conservation Subdivision shall not exceed the number of lots attained in a Conventional Subdivision.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-702 – Public Open Space in Residential Subdivisions

§ 234-702. Public Open Space In Residential Subdivisions.

- A. The Commission may require that a portion of the area of the plan of subdivision be reserved as open space. When required, such open space area shall not exceed 15% of the total area of the subdivision, nor contain less than 40,000 square feet, except where, in the judgment of the Commission, a smaller area is uniquely appropriate to a particular subdivision plan and would result in a better subdivision of land. Wetlands and slopes greater than 30% shall not constitute more than 25% of the dedicated open space.
- B. Final determination as to the location and extent of such open space shall be made by the Commission. The subdivider shall submit to the Commission the proposed manner and such authorization from legislative bodies, Boards, Commissions, public or private Corporations or Associations as are necessary to effectuate the same. Conveyance shall be by a form and manner as may be required by the Commission, at the expense of the applicant, which instrument shall be provided prior to the granting of approval of the subdivision plan by the Commission [see §234-402A(2)].
- C. With the approval of the Commission, as an alternative to the setting aside of such land for open space, the applicant may pay a fee of ten percent (10%) of the current fair market value of the land to be subdivided. Such funds will be deposited at the time of subdivision approval. Such funds are to be used for the purpose of preserving and acquiring additional open space land. Such land value will be determined at the discretion of the Planning Commission whether to accept the Town Assessor's valuation or require the applicant to hire an independent appraiser (approved by both parties). [7/11/91, 9/14/06].
- D. If there is not direct access to a public street or right of way, the Commission may specify the manner of access required to the proposed open space. The right-of-way shall not be included in any active recreational area; shall be at least twenty-five feet (25') wide; and shall be graded in a manner acceptable to the Planning Commission. The Commission may require that the open space areas shall be provided with a gravel parking area, the number of spaces required to be determined by the Commission, corresponding to the total acreage of the Open Space. (2/18/88) The Planning Commission may accept conservation easements in lieu of private open space. Private open space will be divided among the surrounding lots for ownership & taxation purposes. The Commission may determine that the proposed open space may be public or private. When the Commission deems that the open space is public open space, the developer is required to post signage before Certificates of Occupancy are issued (standardized as approved by the Conservation Commission) noting "Brookfield Open Space" and stake the signs(s) on the perimeter of the open space property. [10/8/03]

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-702 – Public Open Space in Residential Subdivisions

- E. Except as otherwise permitted in writing by the Commission, there shall be no depositing, dumping or storage of waste or other natural or man-made materials, supplies or equipment; nor may any structures, fixtures, buildings or accessory uses be constructed, erected or placed on any subdivision land designated as conserved land or open space for passive or active recreation. No work, nor removal, nor filling shall be done, nor shall the existing natural characteristics of open space land be altered from its original condition unless the Conservation Commission approves, subject to monitoring by the Tree Warden. *[10/8/03]*
- F. Nothing in this Section shall prevent an applicant from reserving additional open space in excess of requirements of this Section.

**TOWN OF BROOKFIELD
SUBDIVISION REGULATIONS**

Section 234-800 – Erosion & Sedimentation Control

ARTICLE VIII

§ 234-800. Erosion and Sedimentation Control.

A. Plan:

A plan for the control of erosion and sedimentation covering all proposed excavation, filling and grade work for improvement shall be required, unless waived by the Commission for review and approval prior to the start of any work. Such erosion and sedimentation control plan shall show:

1. The location of areas to be stripped of vegetation or otherwise exposed.
2. Location and design of structural and nonstructural sediment control measures, such as diversion, waterways, grade stabilization, debris basins, check dams, water breaks, silt fences, etc.

B. Implementation:

Implementation of the erosion and sedimentation plan shall be as follows:

1. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
2. Only the smallest practical area of land shall be exposed at any one (1) time during development.
3. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
4. Temporary vegetation and/or mulching shall be used to protect areas exposed during development.
5. Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions in accordance with methods described in Technical Release No. 55, Urban Hydrology Engineering Division, Soil Conservation Service, United States Department of Agriculture, January, 1975, as amended.
6. The permanent final vegetation and structures shall be installed as soon as practical in the development.

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Section 234-801 – Construction Sequence

§ 234-801. Narrative Describing Construction Sequence In Phasing Of Work And Site Improvements:

- A. A written plan describing a sequence of operations to include time periods for major development phases, such as land clearing and grading, street, sidewalk (if required), and storm sewer installation, temporary and permanent, sedimentation control measures, specifications for temporary and permanent vegetative and structural stabilization and general information relating to the implementation and maintenance of the sedimentation control measures including the name of the individual responsible for implementing the plan, shall be submitted.
- B. No excavation, fill or grading shall be accomplished in such a manner so as to cause inconvenience, harm or hardship, in the sole determination of the Commission, to surrounding property owners by virtue of: encroachment on watercourses, pollution of water supplies, contamination of the soil, altered drainage flows, disruption of on-site sewer disposal systems, impounding of water, excessive slope of drives, walkways or accessways, or which otherwise increase the potential for sedimentation, erosion or earthslides.
- C. Proper measures to control erosion and reduce sedimentation as set forth in the "Erosion and Sediment Control Handbook" published by the U.S. Department of Agriculture, Soil Conservation Service, Storrs, Connecticut, 1976, as amended. The measures are to be indicated on site plans and are to be employed elsewhere, when no site plan is required in order to insure compliance.

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Section 234-802 – Excavation, Fill & Grading

§ 234-802. Excavation, Fill and Grading Operations.

- A. An absolute minimum of existing vegetative cover shall be disturbed during the construction period.
- B. All disturbed areas shall be properly and neatly graded, shaped and stabilized as soon as possible. Final grading shall include removal of all stumps, debris, and all other deleterious materials from the finished surface.
- C. Cut and fill slopes shall not be steeper than 3:1 unless stabilized by a method acceptable to the Commission which is supervised by a Professional Engineer registered in the State of Connecticut.
- D. Erosion and sediment control measures will be established at the toe of all cut and fill slopes.
- E. All disturbed areas shall be protected from potentially erosive runoff from up-slope areas by means of diversions, benches, or other acceptable means.
- F. Cut and fills shall not endanger adjoining property – to be determined by the Town Engineer.
- G. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- H. Grading shall not be done in such a way so as to divert water onto or impound water on the property of another landowner without the written consent of the landowner.
- I. Fills shall not encroach on natural watercourses or constructed channels.
- J. During construction, measures for dust control shall be restricted to the use of a water wagon.
- K. **REQUIRED BLASTING LANGUAGE** - Please take notice that as per the requirement of the Brookfield Planning Commission, and in accordance with its specific condition of subdivision approval, the undersigned applicant and subdivider, in connection with blasting work to be performed in the development of the _____ Subdivision, shall, at his cost and expense, arrange for the performance of blasting surveys of water wells and foundations located within a 1,000-foot radius of the blasting site _____ by a firm competent to conduct such surveys selected by the undersigned _____.

The surveys shall be performed fifteen (15) days prior to the commencement of blasting and again fifteen (15) days after the completion of blasting. [9/16/06]

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Section 234-803 – Wetlands & Watercourses

§ 234-803. Wetlands and Watercourses.

Land developers shall comply with all Department of Environmental Protection (DEP) Regulations and Wetlands Provisions of Chapter 440 of the Connecticut General Statutes. [9/20/01]

- A. Whenever possible, storm drainage facilities shall discharge to a watercourse or wetland. In special cases where this is not possible, the use of level spreaders or other outlet arrangements may be permitted.
- B. When it is planned to discharge storm drainage facilities, whether by pipe or waterway, to a streamcourse, supporting calculations shall be provided to demonstrate that said streamcourse and downstream structures can adequately handle any additional flow contributed by the development. If improvements to the streamcourse or structures are proposed to accommodate increases in runoff, these improvements shall be properly designed and supported by calculations. Storm drainage systems on existing town roads shall be shown on the plan, including a downstream drainage analysis. On-site storm drainage detention shall be required at the discretion of the Commission. [2/18/88].
- C. When the total development within a drainage area to be disturbed is equal to or exceeds five (5) acres, a sedimentation basin may be required to trap and retain sediment and debris.
- D. Whenever the size of the development equals or exceeds five (5) acres, the peak storm drainage discharge from the development shall be limited to the peak twenty-five (25) year, twenty-four (24) hour flow prior to the development by the use of a detention basin or other appropriate means. [2/18/88].
- E. When swales are installed in lieu of pipe, they shall be protected against erosion by the use of mulch materials, baled hay erosion checks, log and hay check dams and/or rip rap placed at the appropriate intervals. Waterways shall be properly designed and calculations showing the method of arriving at size, slope, and embankment protection shall be submitted.
- F. Grading equipment will not be allowed to cross streams except by means of bridges and culverts or other methods as approved by the Commission.
- G. If an applicant is going to propose a public water supply hook up or a multiple use private system, or a new public water system, they must submit copies of their application(s) to and/or approvals from the Department of Public Health and DPUC agencies and keep the Planning Commission apprised of progress in the case of pending DPH and DPUC application(s). [9/20/01]

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Section 234-804 – Passive Solar Energy

§ 234-804. Passive Solar Energy Consideration.

Pursuant to Section 8-25(b) of the Connecticut General Statutes, all subdivision applications shall demonstrate that in developing the plan, the applicant has considered the use of passive solar energy techniques which maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. [6/19/86]

The site design techniques shall include, but not be limited to: [6/19/86]

A. **House Orientation:**

The proposed principal building shall as far as practicable be located and oriented so that the longest side of the building faces within 30 degrees of true south.

B. **Street and lot layout:**

The street and lot layout plan shall, as far as practicable, provide for east-west street orientations to facilitate the development of properly oriented passive solar buildings. For purposes of this regulation, an east-west street refers to any street with its axis within 30 degrees of true east.

C. **Vegetation:**

Proposed buildings shall be located to avoid shadows cast by other buildings, vegetation and natural and man-made topographical features wherever practicable.

D. **Natural and man-made topographical features:**

Provided soil and topographic conditions permit, primary and reserve leaching fields shall be planned and located to the south of a proposed house location whenever such location enhances solar access to the south wall due to regrading and tree removal associated with the installation of the sewage disposal system.

E. **Protection of Solar Access:**

At the discretion of the Commission, taking into consideration the need for solar access protection, the applicant shall be required to include solar easements of restrictive covenants with the deeds of each lot.

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Section 234-805 – Waiver of Regulations

§ 234-805. Waiver Of Regulations.

Pursuant to Section 8-26 of the Connecticut General Statutes, as amended, the Commission may waive any requirement under these regulations by a three-quarters (3/4) vote of all of the members of the Commission. In acting upon such waiver, the Commission shall consider the following: [2/18/88]

- A. Such waiver is based on conditions which affect the subject land and are not generally applicable to other land in the area.
- B. Such waiver will not have a significant adverse effect on public health and safety or on adjacent property.
- C. Such waiver will permit the retention of natural or man-made features of the property or preserve and retain historic or aesthetic features of the property.
- D. Such waiver shall not have any adverse effect on the comprehensive-Plan of Development and Conservation of the area or town. [9/20/01]
- E. Compliance with the regulation sought to be waived would make development of the land unduly restrictive and would not take into account the particular features of the land in question.

In the event the Commission grants a waiver of any of its regulations, it shall state on its records the reasons for granting such waiver.

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Section 234-806 – Conflicts & Inconsistencies

§ 234-806 Conflicts & Inconsistencies.

In the event of conflict between these regulations and those of other Commissions and authorities, the more stringent regulation and standards shall apply. [9/20/01]