BROOKFIELD, VERMONT
SUBDIVISION REGULATIONS

as amended March 1, 1977; March 2, 1999; November 14, 2005

ARTICLE I -- PURPOSE, POLICY, AUTHORIZATION, WAIVERS AND ADOPTION

SECTION 100 -- PURPOSE

Land development is the conversion or division of tracts of land into smaller lots such as building sites. This can occur with the division of large lots as well as the division of large acreage.

The purpose of these Regulations is to achieve orderly development of such subdivisions within the Town of Brookfield by adopting certain standards of plat design for major subdivisions. All other divisions of land are regulated pursuant to the Brookfield Development Bylaw.

These Regulations further set forth procedures and specifications that will insure street and space patterns that will assist in achieving the desired goals of aesthetic values, protection of natural terrain, protection of property values, and will provide for efficient maintenance of public roads, safe traffic arrangements, proper road drainage etc. within the subdivision area.

SECTION 110 -- POLICY

It is the intention of these Regulations to:

1. Conform to the Town Plan adopted by the Selectboard and to such Town Zoning Regulations as may be adopted.
2. Recognize the natural assets of our Town -- such as trees, brooks, scenic sights and ponds, and to endeavor to retain them wherever possible.
3. Establish standards that will both permit and require that the form of the land be a guide to the establishment of roads, drainage of surface water, parks, etc.
4. Conform to the Town Transportation Plan adopted by the Selectboard.

SECTION 120 -- AUTHORIZATION

The establishment of Subdivision Regulations is authorized by the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, which is hereinafter referred to as the "Act."

SECTION 130 -- WAIVERS AND VARIANCES

1. Where the Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these Regulations, or where there are special topographical or other physical factors, it may vary these Regulations so that substantial justice may be done and the public interest be secured.

2. Such waivers will not be granted if they nullify the effect of the Town Plan or Town Zoning Regulations, or if they substantially nullify the objectives or the purposes and intent of these Regulations.

SECTION 140 -- ADOPTION

These Regulations, originally adopted October 12, 1970, by the Brookfield Selectboard were amended by the legal voters on March 1, 1977 and on March 2, 1999, and by the Selectboard on November 14, 2005.

SECTION 150 -- APPEAL OF DECISIONS

In accordance with 24 V.S.A. § 4471, appeals from decisions of the Planning Commission shall be made to the Environmental Court.

SECTION 160 -- REPEAL OF SUBDIVISION REGULATIONS

In accordance with 24 V.S.A. § 4441, proposals to amend or repeal any part or all of these Regulations may be made by the Planning Commission or by qualified voters.

ARTICLE 2 – DEFINITIONS

SECTION 200 -- DEFINITIONS

Except where specified herein, all words in these Regulations shall carry their usual meanings.

Unless otherwise defined, definitions will comply with those applied in Section 4303 of the "Act."

Legislative Body - The Selectboard of the Town of Brookfield

Plan, Regional - The Plan adopted under Section 4348 of the "Act."

Subdivision - The division of any parcel of land into two or more lots, blocks, or sites, for sale, lease or transfer of deed.

1. Minor - the division of a parcel of land into not more than five lots, blocks or sites, provided it does not require additional public roads or public facilities.
2. Major - a subdivision of more than five lots, blocks or sites regardless of frontage on public roads or requirement of additional public roads and/or such facilities as water and sewerage or the division of a parcel into five or fewer lots where additional public roads or public facilities are required.
3. Resubdivision - any change of recorded subdivision plat. The provisions of the above definition of subdivision are to be understood as applying to resubdivision.

Subdivider - Any person, firm, partnership or association that proposes a subdivision.

Town Plan - The plan adopted by the Selectboard for the orderly development of the Town of Brookfield.

Planning Commission - The commission appointed by the Selectboard in accordance with24 V.S.A. §§ 4321 et seq.

Sketch Plan - A rough drawing of the proposed subdivision that will enable the subdivider and the Planning Commission to reach a general agreement on the objectives of these Regulations as applied to the subdivision plans.

Preliminary Subdivision Plat - The drawing required to show in sufficient detail the plans for a major subdivision.

Final Subdivision Plat - The final drawing which has been approved by the Planning Commission and filed with the Town Clerk.

ARTICLE 3 -- PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION APPLICATIONS

SECTION 300 -- SUBMISSION OF SKETCH PLAN

1. The subdivider shall, before any sale of land that constitutes a major subdivision, apply in writing to the Brookfield Planning Commission for approval of the proposed subdivision or improvement.
2. The application shall be submitted in writing and in duplicate on Form SD-1, which form will be furnished by the Brookfield Planning Commission.
3. Form SD-1 shall include the proposed name – location – name and address of record (or agent, if application is a corporation or association) – a statement of any and all easements relating to the property.
4. The Sketch Plan may be a free-hand sketch and shall be on drawing sheets 17” x 22” or 34” x 42” in size. Two copies of this sketch shall accompany form SD-1 mentioned above. The sketch plan shall show, in general, the outline of the proposed sites, major topographic features and the developers plans, restrictions, easements, utilities, boundaries, streets, drainage, sewerage and water supply – all of which are to be in accordance with local Subdivision Regulations and those of the Vermont Department of Health.
5. The subdivider or his agent will meet with the Planning Commission to discuss plans and requirements.
6. The Planning Commission shall determine whether or not the Sketch Plan meets the purposes of these Regulations and may make specific written recommendations to be incorporated in the final plat of a minor or the preliminary plat of a major subdivision.
7. The Planning Commission will notify the subdivider or his agent, within 45 days of the Commission’s receipt of the Application, of the action taken on his application and this notification will indicate approval, recommendation of modification or rejection. Reasons for rejection will be stated.

SECTION 310 -- SUBMISSION OF PRELIMINARY PLAT APPLICATION FOR MAJOR SUBDIVISION

1. Within six months after approval of the Sketch Plan, the subdivider or his authorized agent, may submit an application for a Preliminary Subdivision Plat to be filed with the Town Clerk.
2. Said application shall be filed in duplicate on Form SD-2, which Forms will be supplied by the Planning Commission.
3. Copies of the Preliminary Subdivision Plat shall be filed in quadruplicate at the same time as the Application, such Preliminary Plats shall be on paper in sizes of 17" x 22", 22" x 34", or 34" x 42".
4. Preliminary Plat shall conform to the approved layout of the Sketch Plat plus any recommendations made by the Planning Commission.
5. Preliminary Plat shall include boundary lines of tract by distances and bearings certified by a licensed land surveyor – location, width and grades of streets – approximate location of lots with dimensions and areas – approximate location and dimensions of land for public use – boundaries of permanent easements – location of water mains, sewer pipes, storm drains, culverts and direction of flow – location of utilities or services such as electricity and telephone etc. – contour features with intervals no greater than 10 feet – the site's natural features such as rock outcrops, brooks, and the like – areas of poor drainage. A suggested scale for such Plats is 40 feet to 1 inch.
6. A public hearing shall be held within 45 days from the time of the submission of the Preliminary Plat.
7. The subdivider or his agent shall attend such public hearing.
8. Approval of the subdivision Preliminary Plat should not be construed as approval of the subdivision Final Plat.
9. Prior to approval of the subdivision Preliminary Plat, the Planning Commission may require additional changes as a result of further study.
10. At the time of the submission of the Preliminary Plat Application, subdivider or his authorized agent shall pay a fee made payable to the Town of Brookfield. The Legislative Body, in consultation with the Planning Commission, shall adopt a fee schedule for subdivision permits.

SECTION 320 -- SUBMISSION OF FINAL SUBDIVISION PLAT

For Major Subdivisions or Resubdivision -

1. Within 6 months after approval of the Preliminary Plat, the owner or authorized agent may file an application for Final Plat Approval on Form SD-3, which Form will be furnished by the Planning Commission.
2. Above said applications are to be filed in duplicate with the Town Clerk.
3. Final Subdivision Plat is to be filed at the same time as the application and 4 copies of said Plat are to be furnished for filing. The paper to be used for said plat is to be the same size as for the Preliminary Plat.

4. The application for approval is to be accompanied by:
   a) Offer of cession of all streets and public areas;
   b) A permit or, where applicable, an exemption document from the State of Vermont Agency of Natural Resources and the District Environmental Commission; and
   c) Construction detail drawings showing street elevations, location of pavements, curbs, catch basins, culverts and location of utilities.
5. A public hearing shall be called by the Planning Commission within 45 days after the official submission of the application for approval of the Final Plat.
6. Notwithstanding any other provision of the bylaws of Brookfield, the authorized officers of the Planning Commission shall not sign the application for approval until:
   a) A performance Bond to an amount sufficient to cover the full costs of required improvements and all streets shall have been filed.
   b) A completion date shall have been specified for the completion of the required improvements, said completion date not to exceed 3 years from the date of approval of the Final Subdivision Plat by the Planning Commission.
   c) A certified check in the amount of 1% of the cost of the required improvements as approved by the Planning Commission has been issued to the Town of Brookfield to cover costs of inspection of the required improvements.
8. Approval of a Final Subdivision Plat shall expire 180 days from the date of approval unless, within that 180-day period, the plat shall have been duly filed or recorded in the town clerk's office.
   a) The Administrative Officer may extend the date for filing the plat by additional 90 days, if final local or state permits or approvals are still pending.
   b) No plat showing a new street or highway may be filed or recorded in the town clerk's office until it has been approved by the Planning Commission, and that approval is endorsed in writing on the plat, or the certificate of the town clerk showing the failure of the Planning Commission to act within the required period is attached to the plat and filed or recorded with the plat. After that filing or recording, the plat shall be part of the official map of Brookfield.
   c) If an approved plat or plat with a town clerk's certification as described immediately above is filed within the 180-day period, as may be extended in accordance with this provision, no expiration of that approval or certification shall be applicable.
9. Approval by the Planning Commission of the Final Subdivision Plat shall not be deemed to constitute acceptance by the Town of Brookfield of any street or easement or any public area shown on said Plat – such acceptance being the duty and prerogative of the Selectboard of the Town of Brookfield. Each street or highway shown on a plat filed or recorded as provided under 24 V.S.A. Chapter 117 and these Subdivision Regulations shall be deemed to be a private street or highway until it has been formally accepted by ordinance or resolution of the Board of Selectboard as a public street or highway.

SECTION 330 – NOTICE, PROCEDURE, AND DECISIONS

1. Section 3.3 of the Brookfield Development Bylaw shall apply to proceedings before the Planning Commission under these Subdivision Regulations.
2. Notice procedures for review of a sketch plan under Section 300 shall conform to Section 3.4.B. and 3.4.C. of the Brookfield Development Bylaw.
3. Notice procedures for review of preliminary and final plat applications under Sections 310 and 320 shall conform to Section 3.4.A. and 3.4.C. of the Brookfield Development Bylaw.
4. For hearings on subdivision plats located within 500 feet of a municipal boundary, the Planning Commission shall send written notification to the clerk of the adjoining municipality at least 15 days prior to a public hearing on a preliminary or final plat.
5. Decisions issued under these Subdivision Regulations shall conform to, and may contain the conditions safeguards authorized by, Section 3.5 of the Brookfield Development Bylaw.

ARTICLE 4 -- SUBDIVISION STANDARDS

SECTION 400 -- LOT SIZE

1. Lot size shall conform to all Town Zoning Regulations or to Vermont State Regulations, whichever is more stringent.
2. Lot lines shall run at right angles to street lines where possible except radially to curved street lines.

Section 410 -- STREETS

1. Cluster development is encouraged for dwelling units.
2. When streets are laid out, provision should be made for the continuing of such streets into adjoining subdivisions whether in operation or contemplated.
3. All streets shall be constructed in accordance with standards approved by the Selectboard of the Town of Brookfield.
4. Where possible, minor streets should be planned to discourage use by through traffic.
5. When a tract is subdivided into lots that are larger than are required by the local Zoning Regulations or Vermont State Regulations, the Planning Commission may require that lots and streets be laid out so as to permit future re-subdivision that will be in accordance with these Regulations.
6. Dead-end or cul-de-sac street design shall be encouraged where the same will not interfere with normal traffic circulation in the area.
    a) The maximum length of this type of street shall not, in general, exceed six times the minimum lot width or 900 feet, whichever is less.

b) There shall be a circular turn-around roadway at the end of such streets which shall have a minimum diameter of traveled way of 100 feet.

c) Temporary turn-arounds shall be provided on all temporary dead-end streets with a notation of the Subdivision Plat that land outside the right-of-way shall revert to abutting lots when the street is continued.

7. Intersection of streets shall be governed by the following:

a) T-type intersections are encouraged;

b) Intersections shall be offset at least 200 feet where feasible;

c) Within 100 ft. of an intersection, streets shall be approximately at right angles and the gradient shall be not more than 3%.

SECTION 430 -- BLOCKS

The length, width and shape of blocks shall consider the needs of lot use, zoning requirements, convenient access and limitations of topography.

SECTION 440 -- DRAINAGE

1. The Planning Commission may require the subdivider to conduct spring or surface water existing before or resulting from subdivision. Such drainage facilities shall be located in the street right-of-way or in perpetual, unobstructed easements of at least 20 feet in width and the same shall be marked on the Subdivision Plat.

2. All lots are to be graded and drained for the benefit, health and safety of the dwelling occupants.

3. Land subject to flooding shall not be platted for residential occupancy nor for other uses that might cause danger to health, life or property.

SECTION 450 -- EDUCATION, RECREATION AND OPEN SPACE USE

1. Where a subdivision will accommodate a total of more than 50 dwellings, the Commission may require the designation of necessary public school sites or a payment in lieu thereof. Prior to imposing a condition of school site dedication, the Commission shall contact the Board of Education of the school district(s) of which the municipality is a part. If a Board of Education declares an interest in a site within the proposed subdivision, the Commission shall require the subdivider to set aside the site and to show such area on the plat. If the Commission determines that there is no interest in a school site or that a school site cannot be suitably located within the proposed subdivision, the Commission may require, as a condition to the approval of such plat, payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality for the acquisition and development of school sites or capital improvements to school structures.

2. Where a proposed park, playground or other recreation area is shown on the Town Plan to be located in whole or in part in a proposed subdivision, the Commission shall require that such area or areas be shown on said Plat. However, the area indicated on the Plat shall not exceed fifteen (15) per cent of the total area of the Plat.

3. If the Commission determines that there is no proposed park, playground, or other recreation area in the Town Plan located in the proposed subdivision, or if the Commission determines that such a proposed recreation area of adequate size can not be suitably located in the proposed subdivision, the Commission may require as a condition to the approval of the Plat, a payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality to serve the area in which the subdivision is located. Fees paid pursuant to this section shall be deposited in a special fund to be used for acquisition and development of park and recreational facilities.

SECTION 460 -- NATURAL FEATURES

1. In general, trees, brooks, scenic vistas and other natural topographic features and historic sites shall be preserved as far as possible through harmonious design of the subdivision.
2. Topsoil removed in the process of grading the subdivision site shall be replaced, except in streets, driveways and foundations, to a depth of at least 6 inches.
3. On residential lots, where no trees now exist, at least three new trees or shrubs shall be planted on each lot located at least five feet from the outside of the street right-of-way and in a place least likely to interfere with utilities.

SECTION 470 -- WATER SUPPLY

The subdivider or land improver shall provide, at his expense, a private water supply to each unit or a central water system, designed and installed in accordance with the standards and procedures of the State of Vermont for his subdivision.

SECTION 480 -- SEWAGE DISPOSAL

The subdivider or land improver shall provide, at his expense, sewage disposal facilities for every unit and said facilities shall be designed and installed in accordance with the standards and procedures of the State of Vermont.