

SUBDIVISION REGULATIONS

For the

TOWN OF BROOKFIELD, NEW HAMPSHIRE

ARTICLE I - AUTHORITY

Pursuant to the authority vested in the Planning Board by the voters of the Town of Brookfield, New Hampshire on March 10, 1959 and in accordance with the provisions of Chapter 674, Section 35, N.H. Revised Statutes Annotated, the Brookfield Planning Board adopts the following regulations governing the subdivision of land as defined in Chapter 672 Section 14, N.H. Revised Statutes Annotated in the Town of Brookfield, New Hampshire. These regulations shall be known as the Town of Brookfield Subdivision Regulations.

ARTICLE II - PURPOSE

The purposes of these regulations are to: 1) promote the Vision for the Town of Brookfield, as stated in the Master Plan, which is “A small, historic, rural New Hampshire farming community committed to improving the quality of life for present and future generations,” (2) promote the harmonious development of an economically stable and environmentally sound rural, agricultural community for current and future residents, (3) provide uniform procedures and standards for observance by the Planning Board and subdividers, (4) discourage the scattered and premature subdivision of land, (5) provide for the proper arrangement and coordination of streets within subdivisions in relation to existing or planned streets, for streets with adequate design and construction for present and future traffic and emergency vehicle use, and for open spaces of adequate proportions, (6) protect the community against the danger to health, safety and prosperity occasioned by the lack of municipal water and sewer facilities and to prevent the excessive expenditure of public funds for the provision of such services and (7) protect critical natural resources including but not restricted to steep slopes, wetlands, shorefront areas, prime agricultural lands and unique wildlife habitats from land use and development that is inconsistent with the Vision as stated in the Brookfield Master Plan.

ARTICLE III - DEFINITIONS OF TERMS

Abutter: any person whose property is located in New Hampshire and adjoins or is directly across the street, road or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his property will be directly affected by the proposal under consideration.

Active & substantial development: i) Construction of and/or installation of basic infrastructure to support the development (including all of the following: at least 1 building foundation wall/footing, roadways, access ways, etc. to a minimum of gravel base; and utilities ready for connection to proposed buildings/structures) in accordance

with the approved plans; and ii. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrain, catch basins, etc.) in accordance with the approved plans; and iii) All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and iv. Items i, ii, and iii shall be reviewed and approved by the Town code enforcement officer. Movement of earth, excavation, or logging of a site without completion of items i, ii, iii, & iv, above, shall not be considered "active and substantial development." Plans approved in phases shall be subject to this definition for the phase currently being developed.

Applicant: The owner of record, or his agent duly authorized in writing at the time of application.

Board: The Planning Board of the Town of Brookfield, New Hampshire.

Boundary Agreement: An agreement between adjoining owners of real estate for the purpose of establishing a common boundary. Reference is made to RSA 472, entitled "Boundary Lines," for an example and form of a boundary line agreement under State law.

Buildable Area: Buildable Area: a minimum area of:

31,750 sq. ft. with slopes less than 8%

35,250 sq. ft. with slopes 8 -15%

40,000 sq. ft. with slopes 15 – 25% of contiguous non-hydric soil excluding poorly and very poorly drained soils and areas with slopes greater than 25% of sufficient size and configuration to accommodate all proposed structures, improvements, and facilities.

Driveway: a private way that serves not more than two (2) lots and provides vehicular access to any street or private road.

Engineer: an Engineer licensed in the State of New Hampshire.

Plat: the map(s), drawing(s) or chart(s) on which the subdivider's plan of subdivision is indicated, prepared as required, and which, if approved by the Board, will be submitted to the Registry of Deeds of Carroll County for recording.

Hydric soils: as defined by the Field Indicators for Identifying Hydric Soils in New England, New England Interstate Water Pollution Control Commission (as amended) and the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, Environmental Laboratory, Department of the Army, 1987.

Lot: a parcel of land at least sufficient in size to meet the minimum area requirements, as defined in the Brookfield Zoning Ordinance. Said lot shall have frontage on a public street or an approved private road. In case of division or combination no residual lot or parcel shall be created that fails to meet the requirements of these regulations. A lot shall have boundaries identical with those recorded with the Carroll County Registry of Deeds. Lotline adjustments do not create buildable lots, and are subject to review by the Planning Board.

Lot Line Adjustment: the adjustment or relocation of a property line between existing adjacent lots that does not result in the creation of additional buildable lots without subdivision.

Open Space: for the purposes of this regulation, open space is undeveloped, buildable land, suitable for building purposes, left in its natural state, to serve important environmental and/or aesthetic functions.

Poorly drained soils: soils are classified as being poorly drained in New Hampshire and are defined according to the Site Specific Soil Mapping Standards for New Hampshire and Vermont. The interpretive limits for the poorly drained drainage class are consistent with the Field Indicators for Identifying Hydric Soils in New England.

Preliminary layout: a layout plan prepared as required by the Planning Board as described within this regulation prior to preparation of the final plat.

Right of Way: as defined in the Brookfield Zoning Ordinance.

Road, Private: Shall mean a highway, street, road, avenue or way not open to public use as a matter of right for vehicular travel, the maintenance and repair of which shall be borne by the subdivider, abutting landowners or an association of abutting landowners *and shown on a plan approved by the planning board.*

Setback: as defined in the Brookfield Zoning Ordinance.

Slope: The average steepness of the land surface under consideration expressed in percent of slope.

Soil scientist, certified: a person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

Street (or Road): Means a publicly approved road maintained for vehicular travel, or a road that appears on a subdivision plat approved by the Planning Board. "Street or Road" shall include the entire right-of-way.

Subdivider: an individual or any other legal entity, or agent thereof that undertakes the activities governed by these regulations.

Subdivision: the division of a lot, tract, or parcel of land fronting on an existing street into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.

Subdivision, Major: Means a subdivision of creating four (4) or more lots, or a subdivision which involves the creation of new streets (roads) and/or utilities, regardless of the number of lots.

Subdivision, Minor: Means a subdivision of land creating not more than three (3) lots for building development purposes, with no potential for resubdivision on an existing street; and which does not involve the creation of new streets and/or utilities.

Town Maps (Official): The maps referred to by the Planning Board and used within the Master Plan are provided to the Town by Strafford Regional Planning Commission and are intended for general land use planning purposes only and are accurate for this purpose. They do not display sufficient precision to be used for site-specific applications.

Very Poorly drained soils: soils are classified as being very poorly drained in New Hampshire and are defined according to the Site Specific Soil Mapping Standards for New Hampshire and Vermont. The interpretive limits for the very poorly drained

drainage class are consisted with the Field Indicators for Identifying Hydric Soils in New England.

Wetlands: lands containing soils classified using Site Specific Soil Mapping Standards as poorly drained, or very poorly drained, including freshwater marshes or alluvial soils.

ARTICLE IV – GENERAL PROVISIONS

The subdivider shall observe the following general requirements and principles of land subdivision and shall duly note them, where required, on the plat:

- A. The subdivider or his authorized agent shall apply in writing to the Planning Board and obtain approval of such subdivision prior to contracting for the sale of, or offer to sell, or nonbinding reservation, or rent or lease of such subdivision or any part thereof, before any land clearing, road construction, or building is begun, and before any permit for the erection of a structure within such subdivision shall be granted.
- B. Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential or recreational subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential or recreational subdivision purposes unless connected to a municipal sewerage system. Such conditions shall be so noted on the final plat.
- C. The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or economic impact by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services.
Refer to ARTICLE IX - PREMATURE OR SCATTERED SUBDIVISION DEVELOPMENT.
- D. The Board will make a determination as to whether the application has a regional impact. If the Board determines that the application has a regional impact then the Board will provide timely notice to the potentially affected municipality (ies) and the regional planning commission in accordance with the provisions of RSA 36:54-58.
- E. The proposed subdivision of land shall conform to all regulations of the Board, the Zoning Ordinance of the Town of Brookfield, the Board of Selectmen Road Design and Construction Standards, health codes and other applicable by-laws, ordinances and regulations at both State and local levels.

- F. No street will be accepted by the Town of Brookfield until such time as all improvements have been carried out as shown on the final plat, in accordance with the requirements of these regulations and with the Board of Selectmen Road Design and Construction Standards, and subject to any conditions established by the Planning Board at the time of the final plat approval.
- G. Any natural drainage ways and their easements shall be so incorporated that no flooding will occur, and all storm water can be disposed of properly. Once the subdivision area is cleared for a road or roads, all drainage system components must be installed and operational, in accordance with the approved plan, within 90 days.
- H. Wherever feasible, suitable steps shall be taken to preserve, and protect significant existing features such as trees, streams, stone walls, historic resources, scenic points, rock outcroppings, steep slopes, wetlands, shorefront areas, water bodies, prime agricultural, unique wildlife habits, and other natural assets.
- I. The Planning Board may require restrictive covenants, which shall be recorded on the final plat.
- J. The Planning Board may require the construction of fire ponds, cisterns, residential sprinkler systems and/or dry hydrants to provide a water source or water supplies for fire protection within the subdivision. (Article VII C. Fire Protection)
- K. Documentation of Impacts: Pursuant to RSA 674:36, it shall be the responsibility of the subdivider, if the Board deems it necessary, to provide accurately documented information on potential environmental and economic impacts of the proposal. Such information may require documentation on drainage, erosion, forest productivity, ground and surface water quality, traffic safety, public services and other factors that could impact on the short and long-term well-being of the public in the Town of Brookfield.
- L. The recording of plats which have been approved as provided herein shall without further action modify the tax map of the Town of Brookfield in accordance therewith. Recording of an approved subdivision plat shall not constitute acceptance by the Town of any street, easement or open space shown thereon.
- M. Offers of cession: The subdivider shall tender offers of cession to the town in a form certified as satisfactory by the Town Counsel of all land included in streets, highways, or parks not specifically reserved by the subdivider; however, approval of the plat by the Board shall not constitute acceptance by the Town of the dedication of any street, highway, park or other public open space.

- N. Reasonable fees in addition to fees for notice may be imposed by the Planning Board to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by the Board.

ARTICLE V - SUBDIVISION REVIEW PROCEDURES

A. Preliminary Conceptual Consultation Preapplication (OPTIONAL):

1. The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Although this phase is strictly optional, the Board strongly suggests that the applicant avail him/herself of the opportunity to resolve any issues at this early stage that might become a problem later on. Such preapplication consultation shall be informal and directed toward:
 - a. reviewing the basic concepts of the proposal,
 - b. reviewing the proposal with regard to the town master plan and zoning ordinance,
 - c. explaining the state and local regulations that may apply to the proposal,
 - d. determination of the proposal as major or minor or a lot line adjustment and of the required submission items.
2. Preliminary consultation and review shall not bind the applicant or the Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board. No discussion beyond the conceptual and general review shall take place without formal public notice to the public and abutters as required by these regulations.

B. Design Review Phase Preapplication (APPLICANT'S OPTION)

1. Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions, beyond basic conceptual and general discussions, which involve more specific design and engineering details. The purpose of Design Review is for the Planning Board to discuss aspects of the plan with the applicant and communicate specific suggestions to assist in resolving potential problems prior to the submission of a Completed Application.
2. The Design Review Phase may proceed only after identification, of and notice to, abutters and the general public as required by RSA 676:4, I (d).
3. Persons wishing to engage in preapplication Design Review shall submit a letter requesting a Design Review discussion, with attached fees for notice purposes (see 2 above) not less than twenty (20) days prior to the meeting at which the application will be discussed by the Board. The request shall include:
 - a. List of abutters, their addresses and the tax map and lot number of their abutting properties taken from municipal records not more than 5 days before submission, and
 - b. Check to cover costs of all abutter and public notices.

4. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.
5. The Board shall not accept any submission by the Applicant at this time.
6. A rough sketch to aid in the Design Review Process should be provided, showing location of lot lines, lot measurements and the streets surrounding the site. This is for informational purposes only and is not considered to be a submission to the Board.

C. Submission of Completed Subdivision Application

1. A subdivision application sufficient to invoke jurisdiction of the Board shall be delivered and received by the Chairman, Vice-Chair or Secretary of the Planning Board at least twenty (20) days prior to the public meeting of the Board at which it is to be submitted for acceptance as complete, with notice as provided in Section I, Notification.
2. The Planning Board shall determine if a submitted subdivision application is complete according to Brookfield Subdivision Regulations, and shall vote upon either acceptance of the Application as complete or non-acceptance of the Application as incomplete by vote of a majority of the Board members present (quorum requirements met). A subdivision application must be accepted as complete before further consideration can continue.
3. At the next meeting for which notice can be posted – or within 30 days from the date of delivery and receipt of the subdivision application – the Board will determine whether the Application is Complete (accept the completed application).
4. The Board, upon determination that a submitted application is incomplete according to the Board's regulations, shall notify the applicant, in writing, in accordance with RSA 676:3 (refer RSA 676:4 I (c)(1)) the information, procedure, or other requirement necessary for the application to be complete.
5. Acceptance of an application as complete shall only occur at a meeting of the Planning Board after due notification has been given; refer to ARTICLE V, Section I.

D. Board Action on Completed Application

1. The Board, upon determination and acceptance of a subdivision application as complete consistent with Brookfield Subdivision Regulations, shall begin formal consideration of the application to approve, conditionally approve, or disapprove the application within 65 days of acceptance subject to extension or waiver as provided by RSA 676:4(f).
2. The Planning Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove a completed application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable. Such waiver must be in writing, executed by the applicant, before adjournment of the meeting where consent to an extension was agreed. Refer to RSA 676:4 (f).

3. Applications may be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply all required information or to pay fees as required by these regulations.
4. Any bond, performance guarantee, or offers of land shall have been developed and approved as described in **Article VI, Section F**.
5. Approval of the final plat and all copies thereof shall be certified by written endorsement on the final plat and signed and dated by the Chairman and at least three (3) Planning Board members present. The chairman or secretary shall transmit a copy of the endorsed final plat to the Registry of Deeds of Carroll County. The subdivider shall be responsible for the payment of all recording fees.
6. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Board and in written notice given to the applicant within 72 hours.

E. Failure of the Planning Board to Act As
provided in RSA 676:4 I (c) (1).

F. Conditional Approval

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one (1) year of date of conditional approval, the approval is considered null and void and the applicant must submit a new subdivision application. A further public hearing is not required when such conditions:

1. Are administrative in nature;
2. Involve no discretionary judgment on the part of the Board; or
3. Involve the Applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division; however, any subsequent change to the plan required by such approvals constitute grounds for a new application.

However, a further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4, I (i).

G. Expedited Review

The Planning Board may allow for an expedited review of subdivision applications for lot line adjustments or minor subdivisions as defined under these regulations as follows:

1. The application may be submitted, accepted as complete and voted on at the same meeting, provided the public notice requirements are met.
2. The Planning Board may waive certain plat requirements for lot line adjustments and minor subdivisions.

H. Public Hearing

Prior to approval of a subdivision, a public hearing shall be held as required by RSA 676:4, I (d) and notice to applicant, abutters, and the public shall be given in accordance with Section I, below.

I. Notification

1. Notice of a Design Review, submission of a Completed Application, or a Public Hearing shall be given by the Board to the abutters, the applicant, holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat.
2. Notice shall be by certified mail, mailed at least ten (10) days prior to the submission. The public will be given notice at the same time by posting in at least two public places including the Town Offices, Route 109, Brookfield, and the town website (brookfieldnh.org). The notice shall give the date, time, and place of the Board meeting at which the application or other item(s) will be considered by the Board for completeness, and shall include a general description of the proposal that is the subject of the application or of the item to be considered and shall identify the applicant and location of the proposed subdivision.
3. If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place of the adjourned session were made known at the prior meeting.

J. Fees

1. A completed application for a subdivision shall be accompanied by a filing fee. The applicant is required to pay for all fees incurred by the processing of applications including but not limited to costs of notices, mailing and recording and retention of consultants by the Board. A schedule of current fees is included in the application packet.
2. Failure to pay fees shall constitute valid grounds for the Board to not accept the application as complete.
3. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to approval or disapproval of the final plat.

K. Site Inspections

1. Whenever the Planning Board deems it necessary for the consideration of a subdivision application to visit the site, the Planning Board shall arrange a time that is reasonable for the applicant.

2. The Planning Board may deem it necessary for the Brookfield Conservation Commission to visit the site to adequately assess site characteristics and assist in determining the sufficiency of data about the site.
3. Such site inspections shall be posted as a meeting of the Planning Board and/or Conservation Commission pursuant to the Right to Know provisions of RSA 91-A. If there is a quorum present at the site inspection, minutes shall be kept.
4. All applications are conditioned upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.
5. Center line stakes at 50 foot intervals, in proposed streets, shall be in place prior to Planning Board site inspection.

L. Concurrent and Joint Meetings

The applicant or the Planning Board may request a joint hearing with one or more land use boards (ZBA), in conjunction with a subdivision hearing if approval from all boards is required for the same project.

ARTICLE VI - PLAT SUBMISSION REQUIREMENTS

A completed application shall consist of the following items unless written request for waiver(s) is granted by the Board:

A. A Completed Application Form Accompanied by:

1. The name and address of the applicant, mailing addresses and property tax map and lot numbers of all owners of the property being subdivided, all persons whose name and seal appears on the plat, the names, and all abutters as indicated in town records not more than five (5) days before the day of filing;

2. Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions.
3. A check made payable to the Town of Brookfield to cover filing and notification fees.

B. The subdivider shall file with the Planning Board one (1) Mylar and four (4) paper copies of the plat at a horizontal scale of not more than 100 feet to the inch, prepared according to the standards of the NH Land Surveyors Association and the County Register of Deeds as follows showing or accompanied by the following information:

1. Sheet size of paper copies shall be 24" x 36" or as otherwise specified by the Carroll County Registry of Deeds.
2. The material composition shall be suitable for electronic scanning and archiving by the Register of Deeds.
3. All plats shall have a minimum of one-half inch margins on all sides.
4. All title blocks should be located in the lower right-hand corner and shall indicate:
 - a. type of survey
 - b. owner of record
 - c. title of plan (plat or development)
 - d. name of the town(s)
 - e. tax map and lot number (obtain new lot numbers from Tax Assessor Clerk, Brookfield Town Offices at earliest possible point in application process)
 - f. plan date and revision dates
 - g. signature block
5. The upper right-hand corner of the plat shall be reserved for the recording information entered by the Registry. The size shall be a minimum of 3 inches by 3 inches, with no border line(s) interference.
6. A letter of authorization from the owner, if the applicant is not the owner.
7. Shading over any text shall not be permitted on any plat. Cross hatching or other hatching at a scale large enough not to interfere with text legibility, before and after reproduction, may be permitted. No lines, whether hatching, boundary lines, or topographic contours shall obstruct or interfere with the legibility, either before or after reproduction, of any bearings, dimensions or text.
8. The minimum line widths on plats shall be no smaller than .01 inches.

C. The Plat shall Show the Following Information:

1. Proposed subdivision name or identifying title; name and address of owner of record and of the applicant; name and address of designer, planner, or surveyor.
2. North arrow, scale: written and graphic, date of the plan; name, license number and seal of the surveyor or other person whose seal appears on the plan, vicinity map at scale of town's base map; town's tax map and lot number.

3. Signature block for Planning Board endorsement and name of Town of Brookfield.
4. Locus plan showing general location of the total tract within the town and the zoning district(s).
5. Names of all abutting subdivisions names, streets, easements, building lines, parks, and public open spaces, and similar facts regarding abutting properties.
6. Boundary survey including bearings, horizontal distances, and location of permanent markers. Curved boundary lines shall show radius, delta, and length.
7. Location of all property lines and their dimensions; lot areas in square feet and acres including area soil type, and location and amount of frontage on a public right-of-way.
8. Location of existing and proposed easements, existing and proposed utilities easements.
9. Placement of existing and proposed building(s) and other structures on the lot including the size of the buildings and structures, location of building and structure setback lines.
10. Location of all parcels of land proposed to be dedicated to common or public use and the conditions of such dedication, and a copy of such private deed restrictions as are intended to cover part or all of the tract;
11. Existing and proposed abutting water supplies and mains, septic systems or sewers, culverts, drains and proposed water and sewer facilities.
12. Existing and proposed streets with names, classification, grades, travel surface widths, right-of-way widths. See ARTICLE XII for road standards.
13. Final road profiles, center line stationing and cross sections.
14. Location and width of existing and proposed driveways.
15. Location of watercourses, ponds or standing water, shorefront areas, wetlands, rock ledges, stone walls; existing and proposed foliage lines; open space to be preserved; existing and proposed fire ponds and dry hydrants and any other man-made or natural features which are essential site features.
16. Existing and proposed topographic contours based upon the USGS topographical data, with spot elevations where necessary.
17. Soil, slope, steep slope and wetland delineation.
18. Location and data for all wells and soil test pits (a minimum of one test pit is required) and percolation pits, test results, and certification of town official witnessing the tests.
19. Suitable septic system areas shall be delineated with any applicable setback lines.
20. Location of existing and proposed well, with 75- foot well radius on its own lot.
21. Base flood elevations and flood hazard areas, based on available FEMA maps.
22. The following statement “The land use ordinances and regulations of the Town of Brookfield, New Hampshire, are a part of this plat, and approval of this plat is contingent on completion of all requirements of such ordinances and regulations,

excepting only any variances or modifications made in writing by the Board and attached hereto.”

D. A Profile of Proposed Streets shall be Drawn with:

1. A horizontal scale of 1 inch to 40 feet;
2. A vertical scale of 1 inch to 4 feet;
3. Existing center line in fine black solid line with elevations shown every 50 feet;
4. Existing right-side line in fine black dash line;
5. Existing left side line in fine black dotted line;
6. Proposed center line grades and elevations in red, with elevations shown at 50-foot stations, except those in vertical curve elevations shall be shown at 25 foot stations and at points of vertical curvature and points of vertical tangency;
7. All existing intersecting walks and driveways shown on both sides;
8. All elevations referring to U.S. Coast and Geodetic Survey bench marks
9. Rates of gradient shown in red figures; and
10. All center lines, street lines, and curb lines (with elevations every 25 feet) of streets for 200 feet either side of each intersection on a connecting street.

E. Other Information (Where Applicable)

1. State subdivision approval for septic systems, septic design approval where applicable; or certification by septic designer of adequacy of existing system.
2. Alteration of Terrain Permit from NH Department of Environmental Services.
3. A statement as to the adequacy of water in or near the subdivision for fire protection.
4. Grading and drainage plan showing all pertinent engineering plans, cross sections, construction drawings and specifications, and other data on existing and finished grading, surface and subsurface drainage and storm drainage system when deemed necessary by the Planning Board.
5. Report from the Brookfield Conservation Commission.
6. Plan for Storm water Management and Erosion and Sediment Control, if applicable using current applicable State and Federal standards.
7. Any deed restrictions; and all deeds covering land to be used for public purposes, easements and right-of-way over property to remain in private ownership, and rights of drainage across private property, submitted in a form satisfactory to the Board’s counsel.
8. Any other state and/or federal permits.
9. Preliminary designs of any bridges or culverts that may be required.
10. A copy of the application *for* applicable State/Town driveway permits and approvals, as prescribed by law, from any other municipal, state or federal agency, which may have jurisdiction, including the NH Department of Environmental Services, the NH

Wetlands Board, the NH Department of Public Works and Highways, and the U.S. Army Corps of Engineers.

11. Any additional reports or studies deemed necessary by the Board to make an informed decision, including but not limited to: traffic, school, fiscal and environmental impact analyses. The Board reserves the right to request such information after an application has been accepted as complete, as well as before acceptance. Should the Board determine that some or all of the above-described information is to be required the applicant will be notified in writing within ten (10) days of the meeting at which the determination was made.

F. Performance Security

The Planning Board shall require the posting of a financial security instrument, (called instrument hereafter) in an amount sufficient to cover the costs of preparation, improvements or installation of streets, public utilities, the extension of public water and sewer lines—where available, the installation of storm drains, under-drains, monuments, erosion and sediment control and other improvements to the public utility where reasonable and necessary. The amount of the instrument shall be based on the estimate of costs provided by the subdivider and, at the discretion of the Planning Board, may be reviewed by a registered/licensed engineer. The cost of such review shall be borne by the subdivider.

1. This instrument shall be approved as to form and sureties by the Board of Selectmen and the Town Counsel and conditioned on the completion of such improvements within two (2) years of the date of said instrument.
2. The amount of the instrument shall include fees to cover the cost of periodic inspections.
3. The Board may recommend a maximum extension of 12 months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and other interested officials or agencies, good cause for such extension. Such recommendation for extension shall be referred to the Board of Selectmen for official action.
4. A lot shall not be sold by the subdivider until all required improvements as specified in the final plan of the subdivision have been completed and inspected or the financial security instrument has been provided.
5. The instrument shall not be released until the Board of Selectmen has certified completion of the required improvements in accordance with approved subdivision plans and until those deeds covering the land to be used for public purposes, easements and right-of-ways, and rights-to-drain are submitted in a form satisfactory to Town Counsel.
6. Each performance guarantee shall contain an expiration date and a statement requiring the company issuing the surety bond or the lender issuing the letter of credit to give the Board of Selectmen thirty days certified notice of the pending expiration of the bond or letter of credit or other security.

7. Each approved plat shall contain a time limit for the completion of streets and public improvements. In the case of road construction, the Board shall require that the security stay in place until one full year has passed after completion of the road.
8. Where electric lines or other utilities are to be installed by a corporation or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.

ARTICLE VII - DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

The purpose of this regulation is to control runoff and soil erosion resulting from site construction and development. Subdivision and site plans shall include plans for managing storm water and controlling erosion and sedimentation as provided below.

A. Storm Water Drainage and Erosion and Sediment Control

1. The applicant shall submit a storm water management and erosion and sediment control plan when one or more of the following conditions are proposed:
 - a. A cumulative disturbed area exceeding 20,000 square feet
 - b. Construction of a street or road
 - c. A major subdivision
 - d. The disturbance of critical areas, such as steep slopes, wetlands and floodplains. Any cumulative disturbed area of 100,000 square feet (or 50,000 square feet within the protected shoreland as per RSA 483-B) also requires an Alteration of Terrain permit from the NH Department of Environmental Services.
2. An adequate surface storm water drainage system and plan for the entire subdivision area shall be provided. Storm drainage shall be carried to existing watercourses, or connect to existing storm drains. If the storm water drainage system creates any additional flow over any adjacent property, the subdivider shall obtain an easement thereof from the adjacent property owner and shall hold the Town harmless from any claims for damage resulting therefrom. The applicant shall bear final responsibility for the installation, construction, and disposition of all stormwater and erosion control measures required by the Board. Site development shall not begin before the plan is approved.
3. All stormwater management and erosion and sediment control measures in the plan shall adhere to the "Model Stormwater Management and Erosion control Regulation", by the NH Association of Conservation Districts, Water Quality Committee.
4. No natural drainage way will be obstructed unless adequate means are taken to provide for the runoff.
5. Lots shall be laid out and graded to eliminate flood or stagnant water pools. No water shall be permitted to run across the street on the surface but shall be directed into catch basins, or otherwise into ditches, and shall be piped underground in a pipe not less than 15 inches in diameter, or such size as may be deemed necessary by the

Board in consideration of the characteristics of the runoff potential in the drainage area.

6. All drainage or erosion control facilities must be consistent in design with procedures and guidelines used by the Carroll County Soil Conservation Service.
7. Paving or stone shall be provided in ditches where soil or velocity conditions warrant protection from erosion.
8. Adequate measures to prevent soil erosion shall be taken during road construction and lot clearing. Such measures may include but not be limited to: maintenance of vegetative cover on steep slopes, seeding of road shoulders and embankments, construction of settlement or sediment basins and temporary dams.
9. Adequate measures shall be taken to repair erosion sustained during construction caused by excessive rain or other natural conditions within ten days, until adequate seeding has taken hold.

B. Flood Plain Land

For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

1. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
2. All subdivision proposals and other proposed new developments shall include Base Flood Elevation (BFE) data within such proposals (i.e., flood plain boundary and 100year flood elevation.
3. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - a. all such proposals are consistent with the need to minimize flood damage;
 - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - c. adequate drainage is provided so as to reduce exposure to flood hazards.

C. Fire Protection

Applications for new major subdivisions of four lots and greater shall be required to address water supply needs for fire protection in accordance with all Town and State Ordinances, Regulations and Rules. The Planning Board or its designee shall review all proposals of subdivisions of four lots and greater, to determine the water supply needs for fire protection utilizing the following:

1. An inspection of the proposed site to evaluate the availability of existing water supply/sources in the area.

2. Applicable provisions of the National Fire Prevention Association's Standard on Water Supplies for Suburban and Rural Fire Fighting shall be addressed by the applicant.
3. Cisterns, fire ponds, hydrants or other water supply facilities or sources, shall be accessible to firefighting and other emergency equipment year-round. This accessibility requirement shall be included in any By Laws or Covenants of the Subdivision on lands dedicated to this purpose.

ARTICLE VIII - MINIMUM LOT SIZES

A. Minimum Lot Size

Minimum lot sizes within all subdivisions, shall meet the requirements of the Brookfield Zoning Ordinance.

B. Determination of Soil Type

1. An independent review of all soil data submitted may be required at the discretion of the Planning Board.
2. All costs of performing such determinations and reviews shall be borne by the subdivider.

ARTICLE IX - PREMATURE OR SCATTERED SUBDIVISION DEVELOPMENT

A. Premature or Scattered Subdivision

Premature or scattered subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, school, fire department, or other public services, or that would necessitate an excessive expenditure of public funds for the supply of such services, may not be approved by the Planning Board.

B. Phased Development

The Board may, if the situation warrants, approve an entire subdivision, allowing only a portion thereof to be developed each year. Such phased development would help permit an orderly growth of the Town or its services to match growing needs.

C. Factors to be Considered

The following factors shall be considered in determining whether the proposed subdivision is scattered or premature. The subdivider may be required to have studies made, under

guidelines established by the Planning Board, to determine the effect of the proposed subdivision on these factors: a) distance from nearest elementary school; b) capacity of

the school system and effect of school bus transportation requirements, c) adequacy of access street (s) and/or sidewalk (s), d) adequacy of water supply for domestic needs as well as for fire-fighting purposes, e) potential health problems due to on-site sewage systems and/or water supply, f) potential fire protection problems due to location and/or special conditions relative to type of use, g) potential special policing problems, h) potential drainage problems both on-site and downstream, i) potential for causing excessive expenditure of public funds, and j) any other potential problems within the purpose and meaning of this section.

ARTICLE X – FUNNEL DEVELOPMENT OF WATERFRONT LOTS

Whereas the Town requires a minimum of 250 feet of contiguous shoreline frontage to obtain a building permit on a waterfront lot on Kingswood Lake, and whereas the Town deems it necessary to manage the density of development in accordance with Section A of the Residential-Agricultural Zone of the Brookfield Zoning Ordinance, and for the additional purpose of protecting the ecological balance of Kingswood Lake and other water bodies from the deleterious effects of excessive development, when a waterfront lot is sought to be subdivided into two or more lots, each resulting waterfront lot must have a minimum of 250 feet of contiguous shoreline, measured according to the standards of “Building Lot Requirements” of the Brookfield Zoning Ordinance (Article II, A, 2 as of March 14, 2023), for each lot or dwelling unit which will have permanent or temporary rights of any kind to use or occupy said waterfront lot for access to the water body or its shoreline.

ARTICLE XI –OPEN SPACE REQUIREMENTS

A. Purpose:

Desiring to maintain the rural and scenic beauty and safeguard the natural heritage of Brookfield (Town of Brookfield Master Plan 2006 (2.05), the purpose of Open Space within the subdivision is to conserve fields, agricultural and forest lands, habitat, protect water quality, preserve rural character, create attractive living environments and provide for open spaces of adequate proportions (RSA 674:36, II (d)).

B. Objective:

In order to achieve the purpose of this article, the objectives include:

1. To sustain the scenic quality and visual character of the Town.
2. To protect and enhance the ecological integrity of the Town’s diverse natural communities and wildlife habitats.
3. To provide for outdoor recreational needs of the subdivision’s residents, including trails, scenic beauty, wildlife habitat and playgrounds for larger subdivisions.
4. To create neighborhoods accessible to open space amenities and with a strong community identity and quality of life reflective of the rural feeling of Brookfield.
5. To conserve areas with productive soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for economic and ecologically sensitive operations.

6. To create continuous open spaces or “greenways” by linking the common open spaces in adjoining subdivisions wherever possible.
7. To minimize run-off by reducing the land area covered by impervious surfaces.
8. To encourage the maintenance and enhancement of habitat for plant and animal communities including rare species.
9. To minimize site disturbance and erosion through retention of existing vegetation and avoiding development in sensitive areas.
10. To conserve land that protects water quality and quantity, including watersheds and buffers along streams and rivers, wetlands and floodplains, ponds and lakes, and land overlying aquifers.
11. To protect scenic views, the natural infrastructure, and special elements of rural character.
12. To conserve and maintain historic settings, cellar holes, stone walls, archeological site and structures that serve as significant visible reminders of Brookfield’s history.

C. Applicability:

In any five-year period, where a lot is subdivided into 4 or more lots not exceeding 16 lots, and where 50% of the number of lots are less than 5 acres, an area shall be set aside, by covenant in the deed, for open space, parks, or playgrounds to be dedicated to or reserved for the common use of all property owners of the subdivision. Ownership of such areas shall be clearly defined. Such areas shall not be less than 5% of the total area of the subdivision and shall be of such quality as to be suitable for building purposes, and may not be subdivided for any purpose.

In any five-year period, in any subdivision of more than 16 lots, the developer shall provide 5% of the total area as open space, parks or playgrounds by covenant in the deed as stated above.

Each individual set-aside shall not be less than 1 acre.

Structures and paving shall not be counted toward open space.

ARTICLE XII – ROADS

New roads shall be constructed in compliance with these regulations. Plans for the construction of roads shall be prepared by a registered professional civil engineer licensed in New Hampshire. Requirements as follows:

- A. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided. The continuation shall be of a width at least as great as that of such existing connecting streets.
- B. All street or highway rights-of-way shall be 50 feet in width and may be required to be more if a greater width is warranted in the opinion of the Board.

- C. Cul-de-sac streets shall not exceed 850 feet in length as measured to the center (radius point) of the turnaround. All cul-de-sac streets shall be designed with a turnaround area at the closed end with a minimum radius of 100 feet from the center to the outside edge of the right-of-way. The surface of the cul-de-sac shall be completely paved in the same manner as the access road (right-of-way). Further, a fifty-foot right of way shall be preserved by deed extending from the edge of the cul-de-sac to the back lot lines of the adjoining lots. This right of way shall be placed as appropriate to the terrain and where possible, opposite the access road. This right-of-way shall serve the public interest by providing access to adjoining subdivisions or extension of said subdivision providing an area for storage of snow plowed from the cul-de-sac in winter and access of emergency vehicles. This specified right-of-way need not be paved to town specifications until such time as it is actually used as a traveled roadway.
- D. The following are required improvements: boundary markers, street signs, streets, and storm drainage.
- E. Streets that join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets and subdivisions shall neither duplicate nor bear phonetic resemblance to the names of existing streets and subdivisions within the Town of Brookfield and shall be approved by the Planning Board for recommendation to the Selectmen. Street name signs shall be furnished and installed by the subdivider. The type, size and location shall meet the Board's approval.
- F. The subdivider shall not be permitted to reserve strips of land to control access to land dedicated to or to be dedicated to public use.
- G. Proposed subdivisions on existing roads may be required to include an easement or deed to the Town for highway purposes.
- H. Corners of street intersections shall have a curve of at least a 20-foot radius.
- I. Grades of all streets shall conform in general to the terrain and grades shall not exceed 8%. No street shall have a grade of less than ½ of 1%.
- J. Center line stakes at 50-foot intervals, in proposed streets, shall be in place prior to Planning Board site inspection.

- 1. Minimum right of way..... 50 feet
- 2. Minimum stopping sight distance..... 200 feet
- 3. Maximum grade..... 8%

4. Minimum grade..... 1/2 of 1%
5. Minimum curve..... 125 feet radius
6. Minimum pavement width..... 22 feet
7. Minimum shoulder width..... 4 feet
8. Minimum side slope (fill areas)..... 4:1
9. Maximum cut slope..... 2:1
10. Maximum cut ledge..... 1:2
11. Ditches..... rounded
12. Crown..... 3/16"-3/8" per foot
13. Excavation depth* 3 feet from under
wear surface
14. Base Course** 18 inches
Gravel (6 inch minus)
15. Finish Course..... 6 inches
Gravel (one and one-half inch CBR) bituminous concrete
16. Wear Surface*** 3 inches hot bituminous
asphalt
17. All surface water drainage systems shall be subject to the approval of the Planning Board and State and Federal Regulatory Boards.
18. All brush, stumps, earth and other debris left from road construction must be removed from the right of way within 90 days of completion of construction.
19. All fill must be spread in layers 10 inches or less and compacted with a roller of not less than 10 tons.
20. All areas outside the pavement area shall be loamed and seeded to the extent of excavation to prevent erosion.
21. All culverts must be reinforced concrete pipe with mortared joints or 2 ply smooth bore poly pipe. A permanent headwall must be constructed at both ends of the culvert.

The subdivider shall apply to the Planning Board or its agent in writing for inspection of road construction after excavation, placement of base course, and placement of finish course. Said inspection shall be conducted within 48 hours of receipt of application.

* If the condition of the bottom of the excavation is wet or spongy or otherwise unsatisfactory to the Planning Board or its agent, it may require that the bottom be excavated deeper and filled with clean gravel or other satisfactory material. ** Must be a good grade of bank gravel of hard-durable stone and good gravel practically free of loam and clay, with stones smaller than 6 inches in diameter.

See Appendix A.

*** Laid in a 3-inch layer of three-quarter inch single course.

ARTICLE XIII PREVIOUSLY-APPROVED SUBDIVISIONS

If any land shown on a subdivision plat has been part of any previous subdivision approved, constructed, or created by conveyance not more than 5 (five) years prior to the new proposal, any such previous subdivision will be treated as part of the new proposal for purposes of analyzing its effect and applying all review criteria. This provision is to address successive “minor” subdivisions which eventually add up to a “major” subdivision.

ARTICLE XIV - LOT LINE ADJUSTMENT Procedure

- A. The applicant shall be responsible for payment of a filing fee according to the fee schedule.
- B. The applicant shall submit a plat containing all information required for a Completed Subdivision application, if applicable (for example, the requirement to submit test pit data and pit location is not typically applicable to a lot line adjustment application).
- C. All current and proposed lot lines of the involved lots must be shown on the plat along with all pertinent survey data. The surveyor must certify that all involved lot lines are accurate. Refer to Article VI.
- D. The plat must contain, for all involved lots, minimum lot size calculations as required by Article VI.
- E. The plat must contain an ownership chart (example included below) containing:
 - 1. The Tax Map and Parcel Number of each involved lot;
 - 2. The printed and signed name of ALL OWNERS for each involved lot;
 - 3. The before adjustment and after adjustment parcel acreages for each involved lot;
 - 4. The amount of acreage actually being exchanged in acres and square feet.

Ownership Chart Example				
Tax Map & Parcel #	Names of Parcel Owner(s)	Before Acreage	After Acreage	Total Land Exchange in Ac. & Sq. Ft.
Tax Map 8 Parcel 4	John T. Smith Mary Smith	5.03 Acres	5.50 Acres	+0.47 Ac. (+20,464 Sq. Ft.)

Tax Map 5 Parcel 5	Jane Doe	10.43 Acres	9.96 Acres	-0.47 Ac. (-20,464 Sq. Ft.)
	Elizabeth Doe			
	Mary Doe			

F. The plat shall contain the following statement: “Approval of this plat is contingent upon completion of applicable requirements of the Town of Brookfield land use ordinances and regulations.”

G. Space shall be reserved on the plat for endorsement by the Planning Board.

ARTICLE XV - REVOCATION OF PLANNING BOARD APPROVAL

An approved and recorded subdivision plat may be revoked by the Board in whole or in part, under the following circumstances: 1) at the request of or by agreement with the applicant; 2) when any requirement or condition of approval has been violated; 3) when the applicant has failed to perform any condition of approval within the time specified or within four years; 4) when four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or 5) when the applicant has failed to provide for the continuation of adequate security.

ARTICLE XVI

Approved subdivisions shall be protected from future changes in regulations and ordinances in accordance with NH RSA § 674:39.

ARTICLE XVII - ADMINISTRATION

A. Administration

The Brookfield Planning Board shall administer these regulations.

B. Amendment

These regulations may be amended by the Planning Board, following a public hearing on the proposed change. The chairman or secretary of the Planning Board shall transmit a record of any changes to the County Registry of Deeds.

C. Power to Grant Waivers

The Planning Board may waive certain informational requirements, when in the opinion of the Board, this information is unnecessary.

D. Penalties for Transferring Lots in Unapproved Subdivisions

An owner or agent of the owner, of any land located within a subdivision, who transfers or sells any land before a plat of said subdivision has been approved by the Planning Board and recorded or filed in the office of the appropriate Registry of Deeds, shall forfeit and pay a penalty of one thousand dollars (\$1,000) (in compliance with RSA 676:16) for each lot or parcel so transferred or sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town may enjoin such transfer or sale or agreement and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorney's fees as may be ordered by the court.

E. Conflict with Other Regulations

When a provision of these regulations is found to be in conflict with a provision of any other regulation, ordinance, code or covenant in effect in the Town of Brookfield, the provision which is the more restrictive shall prevail.

F. Separability

The invalidation of any article, section, subsection, paragraph, sentence, clause, phrase, or word of these regulations shall in no way affect the validity of any other article, section, subsection, paragraph, sentence, clause, phrase, or word of these regulations.

G. Takes Effect

This regulation shall take effect upon its adoption and all regulations or parts of regulations, inconsistent therewith, are hereby repealed.

H. Appeal

An appeal may be taken from the decision of the Planning Board to the Superior Court, as provided in RSA 677:15, except when a disapproval by the Board is based upon noncompliance with the Zoning Ordinance, in which case an appeal can be taken to the Board of Adjustment.

Adopted: July 10, 1962

Amended: 1974 1979 1992 Nov. 12, 2000 Nov. 10, 2003
1978 1988 April 12, 1999 Dec. 17, 2001 Jan. 14, 2008
Jan. 22, 2024


Planning Board members:

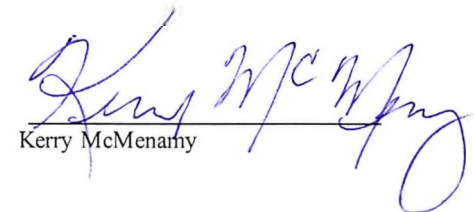

Tim Straz, Chair


Ed Ingalls, Vice-Chair


Terry Ward

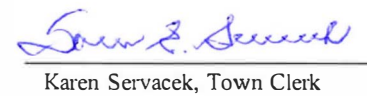

Rich Zacher, Selectman's Rep.


Gus Stratton o


Kerry McMenamy

Marshall Goldberg, Alternate

Rick Surette, Alternate


Karen Servacek, Town Clerk



APPENDIX A

STANDARDS FOR FILL MATERIAL

Standards for fill material:

Fill material consisting of organic materials or non-soil materials such as tree stumps, sawdust, wood chips and bark, birch, asphalt, concrete, metal, wallboard, etc., even with a soil matrix, should not be used.

The in-place fill should have less than 15% organic matter and non-soil materials by volume.

The in-place fill should not contain more than 25% by volume of cobbles (6-inch diameter). Boulders (larger than 12 inches in diameter) shall not be used for fill in the top 24 inches.

The in-place fill should not have more than 27% by weight of clay size (0.002mm and smaller) particles.

The fill should be essentially homogeneous. If bedding planes and other discontinuities are present, detailed analysis is necessary.