

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

The Planning and Zoning Commission will hold a public hearing on Wednesday, November 3, 2021, at 6:30 p.m. via Webex and in-person (masks required) at the Clifford B. Green Memorial Center, 69 South Main Street Brooklyn, CT on the following:

ZRC 21-001: Request to change Zoning Regulations concerning conservation subdivisions.
Applicant: David Held.

SRC 21-001: Request to change Subdivision Regulations concerning conservation subdivisions.
Applicant: David Held.

Copies of applications will be available for review on the Town of Brooklyn website.

All interested parties may attend the meeting, be heard and written correspondence received.

Dated this 14th day of October 2021.

P.O. Box 191
57 East Main Street
Plainfield, CT 06374

Telephone (860) 230-0856
Fax (860) 230-0860
www.prorovinc.com

RECEIVED

OCT 04 2021

October 4, 2021

Brooklyn Planning & Zoning Commission
C/O Jana Roberson, Director of Community Development & Town Planner
69 South Main Street
Suite 22
Brooklyn, CT 06234

**RE: Proposed Zoning Text Amendment
P&R Job No. 213050**

Dear Commissioners:

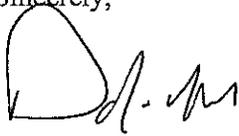
Attached, please find a completed application form, ^{\$615⁰⁰} \$910.00 application fee and a proposed amendment to Section 6.G of the Brooklyn Zoning Regulations. The subject section outlines the requirements for the development of Conservation Subdivisions. The requested amendment is intended to better encourage the development of Conservation Subdivisions and to simplify the application of the regulation during the design and permitting of a Conservation Subdivision. The amendments and the reasoning for each specific request are summarized as follows:

1. Allow duplex buildings in Conservation Subdivisions. *There seems to be no technical or engineering related reason not to allow duplex buildings in Conservation Subdivisions. All septic system, well and building setback requirements would apply to duplex buildings in the same manner as single family buildings. Since duplex buildings are allowed by right in a Conventional Subdivision, it seems appropriate to allow duplex buildings in a Conservation Subdivision as long as the applicable technical and dimensional requirements can be met.*
2. Remove the requirement to show trees >18" DBH as Secondary Conservation resources. *Trees are a temporary site feature, particularly larger trees which may be over-mature and near the end of their natural life cycle. Unfortunately, we also live in a time when invasive pests threaten to destroy particular species of trees. Buildings, roads and infrastructure are permanent site features. It does not seem appropriate to require the design of permanent site features around particular trees or to require developers to bear the expense of detailed tree surveys to locate every large tree on a property.*
3. Revise language on Primary and Secondary Conservation Areas. *The current language utilizing the word "shall" will create conflicts on the majority of project sites. If an application is presented for a property on which the entire parcel qualifies as either Primary or Secondary Conservation Areas, the proposed amendment alleviates any potential regulatory conflict and recognizes that in almost all cases, the development of a Conservation Subdivision will involve a compromise over which areas should be conserved and which areas should be developed.*

4. Provide full credit for conservation of wetlands, watercourses and areas of steep slopes. *Since these areas are specifically identified as Primary and Secondary Conservation Areas which should be prioritized for conservation, it is not appropriate to exclude their areas from the required open space dedication. In some instances, such as a site with a large pond, wetlands, watercourses and surrounding steep slopes may very well represent the most noteworthy natural resources on the property and full credit should be given for these land areas in open space dedication.*
5. Removal of 100' buffer requirement along Town right of way. *The perimeter of a Conservation Subdivision must comply with conventional zoning setbacks. There is no reason that development in a Conservation Subdivision would be any different aesthetically from a Conventional Subdivision. This regulation requires the use of additional land and creates additional expense to developers, both of which discourage the development of Conservation Subdivisions with no perceptible benefit.*
6. Revised rear lot access strip requirements. *25 feet wide is adequate for the installation of a residential driveway and utilities in most situations. Wider access strips can be used where required. Allowing more flexibility for development of rear lots will allow for less land consumption for subdivision development, more orderly design and potentially less need for infrastructure, all of which are in keeping with the goals of Conservation Subdivision design.*
7. Remove reference to Town Counsel. *This appears to be a typographic error which was intended to be Board of Selectmen.*

Thank you for your consideration of this application. If you have any questions or need additional information, please do not hesitate to contact us at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. J. Held', with a stylized flourish at the end.

David J. Held, P.E., L.S.
Provost & Rovero, Inc.

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**REQUEST FOR CHANGE
IN
ZONING REGULATIONS**

Date 10/4/21 Check # 1864 ^{\$910⁰⁰} ^{-300⁰⁰} ^{-SRC-21-001} Application #ZRC 21-001
Application Fee: \$250 ~~\$250~~ State Fee: \$60 ~~\$60~~ Publication Fee: ~~\$000~~ ³ ~~\$300⁰⁰~~
Public Hearing Date 11/3/21 Commission Action _____ Effective Date _____
Name of Applicant KA&G Development LLC, c/o David Held Phone 860-234-3183
Mailing Address 15 Woodland Lane, Baltic, CT 06330

REQUEST TO AMEND ARTICLE(S) 6 SECTION(S) 6.G

If more than one Article is requested please attach separate sheet for each one

PARAGRAPH TO CHANGE see attached OF THE ZONING REGULATIONS

REQUEST TO CHANGE: see attached

REASON FOR REQUEST: Easier implementation of and encouragement of conservation subdivisions.

Note: A petition may be filed at the Hearing by 20% or more of the area lots included in such a change within 500 ft of the property under Section 16.5 of the Zoning Regulations

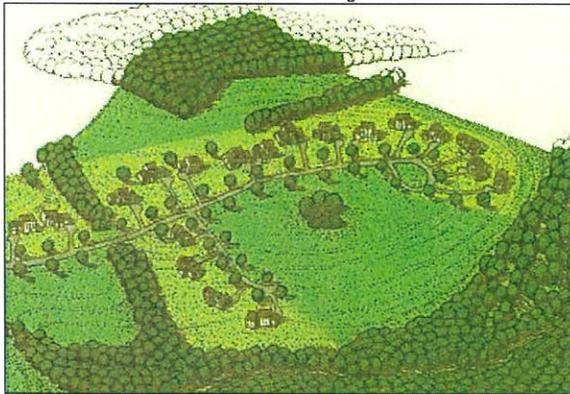
6.G. CONSERVATION SUBDIVISION

6.G.1. PURPOSE

This Section of the Regulations is intended to provide a method for development of land which permits a reduction in lot sizes without a significant increase in density of population or development, while at the same time providing for the protection of surrounding properties, persons and neighborhood value and allowing greater flexibility and creativity in the design and layout of residential and/or development in order to:

1. Protect the existing rural appearance and character of the Town of Brooklyn in accordance with the Town's Plan of Conservation and Development;
2. Minimize alteration of or damage to the natural, historic and scenic resources;
3. Avoid adverse impacts of new development on the value of existing homes and reduce sprawl;
4. Promote development that is compatible with existing neighborhoods;
5. Preserve open spaces, large unfragmented forests, wildlife habitat and other undeveloped open land particularly along Town roads;
6. Establish buffers for adjacent land uses such as agriculture and fragile ecosystems;
7. Reduce public costs for the maintenance of roads and other public infrastructure;
8. Protect water resources by reducing the amount of impervious surfaces, volume of runoff, and pollutant loads to streams and other water resources; and
9. Conserve energy resources.

Conservation Design



6.G.2. OVERALL STANDARDS AND DESIGN PROCESS

1. A Conservation subdivision shall:
 - a. only be permitted in the R-A zone.
 - b. only be used for detached single-family dwellings, duplex buildings and permitted accessory uses.
 - c. require a minimum of forty (40) percent Open Space set aside.
2. Any application for a Conservation subdivision shall include the following materials prepared by a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut:
 - a. a site inventory / analysis map as described below, and
 - b. an overall lot / roadway layout plan which responds to the site inventory / analysis map.
3. If the Commission is not satisfied with the quality of the analysis submitted with the application, it may hire another landscape architect, civil engineer, or surveyor licensed to practice in Connecticut to prepare such analysis and charge the applicant for the cost of such services.
4. The site inventory / analysis map shall identify Primary Conservation Areas:
 - c. wetlands and vernal pools,
 - d. watercourses,
 - e. steep slopes (15 percent or more), and
 - f. 100-year floodplain (FEMA Floodzone A).
5. The site inventory / analysis map shall also identify Secondary Conservation Areas and other environmental, scenic, and cultural resources such as:
 - g. Prime farmland soils and soils of statewide significance,
 - h. areas within 50 feet of a wetland,
 - i. areas within 100 feet of a watercourse or a vernal pool,
 - j. 500-year floodplain (FEMA Floodzone B),
 - k. Natural Diversity Database sites,
 - l. wildlife corridors,
 - m. mature woodlands,
 - ~~n. notable individual trees (>18" DBH),~~
 - ~~o. ridgelines, scenic views and vistas,~~
 - ~~p. stone walls and /or farm hedgerows,~~
 - ~~q. key resources identified in the Plan of Conservation and Development or other natural / cultural resource inventory,~~
 - ~~r. key open space and trail connections identified in the Plan of Conservation and Development,~~
 - ~~s. possible connections between conservation areas on the site and adjacent protected and unprotected open space,~~
 - ~~t. proposed open space areas, and~~
 - ~~u. moderately well drained to excessively drained soils.~~
6. Areas of the site which are not considered Primary Conservation Areas or Secondary Conservation Areas ~~shall be considered potential development areas and lots, streets, trails, and other improvements may be sited in these areas.~~ will generally be the preferred potential development areas for the siting of buildings, streets and other improvements.

7. Areas of the site which are considered Primary Conservation Areas or Secondary Conservation Areas shall ~~be~~ will generally be the preferred potential areas considered for permanent protection by one of the following means:
 - a. creation of a Conservation Easement in favor of the Town of Brooklyn;
 - b. creation of a Conservation Easement in favor of the Town of Brooklyn reserving specific agricultural rights and uses by the Town, as approved by the Commission;
 - c. conveyance of fee simple ownership to a Tax Exempt Organization approved by the Commission;
 - d. creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission;
 - e. conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or resubdivision are members, along with a conservation easement over the entire open space area; or
 - f. any other method deemed appropriate by the Commission which accomplishes permanent dedication in accordance with the requirements set forth in this Section.
 - ~~8. Where Open Space is required by the Commission, the land to be dedicated to meet Town requirements may include wetlands or watercourses as defined in the Connecticut General Statutes, and slopes over twenty five (25) percent, but the Commission has the right to require that the percentage of the dedicated land within these wetland, watercourse and steep slope categories is not greater than the percentage of wetlands, watercourses and slopes over twenty five (25) percent within the property to be subdivided and, as applicable, within previous subdivision sections where dedications were not made.~~
 - ~~9. Where at all possible, a buffer shall be maintained between the Town right-of-way and the subdivision houses to screen the development from the Town road in order to maintain the appearance of a single family residential driveway, rather than a multi-lot subdivision. A buffer of 100' consisting of mixed deciduous and/or evergreen trees is desired.~~
- ~~10-8.~~ A pre-application meeting with Town Staff and the Commission is strongly encouraged.

6.G.3. DIMENSIONAL STANDARDS

1. Density in the Conservation subdivision shall not exceed 0.6 lots per acre of buildable land.
2. There shall be no minimum lot size requirement in a Conservation Subdivision but all lots shall meet the requirements of the State Health code and the Northeast District Department of Health.
3. Within a Conservation subdivision, each lot for a building site shall have at least 100 feet of frontage on a private or public road or at least 100 feet at the building line if located on a cul-de-sac.
4. Within a Conservation subdivision, all structures shall be set back at least thirty (30) feet from any front lot line and twenty (20) feet from all side and rear lot lines except that all structures at the perimeter of the parcel shall conform to the setback requirements applicable to conventional development in the underlying zone.
5. Rear lots may be permitted within a Conservation subdivisions provided that:
 - a. the access strip serving such lot(s) shall be at least 2550 feet wide.
 - b. ~~the access strip serving such lot(s) shall be located at least three hundred (300) feet from all entrances of access strips on the same side of the street. There shall be no more than two access strips within 300 feet of frontage on the same side of the street.~~
 - c. ~~the access strip serving such lots shall not exceed 400 feet in length.~~
 - d. No more than three (3) rear lots may be accessed by any one access strip.
 - e. The access strip shall be owned by the owner of the rear lot or, in the case of multiple rear lots, by the owner of the rear lot located farthest from the public or private way.
 - f. The access strip shall be encumbered by an easement if another rear lot exists, granting access to such lot.

6.G

USE-RELATED PROVISIONS CONSERVATION SUBDIVISION

BROOKLYN ZONING REGULATIONS Effective July 30, 2020

6.G.4. ROAD REQUIREMENTS

1. Roads created within a Conservation subdivision may be privately owned and maintained in perpetuity by a Homeowner's Association.
2. This arrangement shall be formalized as follows:
 - a. A note shall be placed on the final Conservation subdivision plan stating: "This subdivision is serviced by a private road (and/or common driveway) that is intended to remain private in perpetuity. The Town of Brooklyn will provide no maintenance, repair or school bus service along this private road (and/or common driveway)."
 - b. A notation shall be placed in the deed to the property stating: "This subdivision development is serviced by a private road (and/or common driveway) that is intended to remain private in perpetuity. The Town of Brooklyn will provide no maintenance, repair or school bus service along this private road (and/or common driveway)."
 - c. In such other form as is acceptable to the Commission which shall, at the Commission's discretion, be subject to review by the ~~Town Counsel~~[Board of Selectmen](#) prior to filing of approved plan or other documents.
3. Private roads shall:
 - a. be identified on the subdivision plans,
 - b. have a right-of-way of 50'.
 - c. conform to the construction standards listed in the Town of Brooklyn Public Improvement Specifications including being paved with 3" bituminous concrete (1 1/2" Class I and 1 1/2" Class II) to a minimum width of eighteen 18 feet.
 - d. have a cross slope from center crown to gutter of at least 3/8" /foot.
 - e. not exceed 12% grade
 - f. not serve as a connecting road between two public streets.
 - g. have the final design be subject to the recommendation of the Town Engineer since the design may need to be site specific.
4. All dead end roads shall terminate in a cul-de-sac with an outside radius of travel way of fifty (50) feet and, if a center island is proposed, the width of the travel way around the island shall be at least twenty (20) feet.
5. Curbing and formal closed drainage systems are to be held to a minimum, except as provided below.
 - a. Curbing shall be required:
 - where a road is in a cut situation with surrounding land pitching toward the road;
 - at a low point in the road with catch basins to collect storm water runoff; and
 - where a closed drainage system is required.
 - b. Curbing is not required;
 - where the land generally has flat slopes;
 - where the road is in a fill situation and sheet flow away from the road is advantageous; and
 - where no closed drainage system is required.
 - c. A closed drainage system is required where drainage structures (e.g. catch basins) are necessitated by site conditions and subdivision design.
6. Any proposed public roads shall be constructed in accordance with Public Improvement Specifications for the Town of Brooklyn.

6.G.5. LEGAL ARRANGEMENTS

1. Appropriate Certificates of Incorporation, by laws, rules and regulations of any association or corporation of the lot owners within the proposed Conservation subdivision shall be provided as part of the application.
2. Appropriate easements shall be provided as part of the application for travelways, utilities, snow storage, maintenance, storm water drainage and to accommodate any hammerhead turnaround and associated snow shelf.
3. Following approval, a Conservation subdivision and all parcels of land within it shall be subject to the following limitations:
 - a. No lot or parcel within a Conservation subdivision may be further subdivided and:
 - A notation to that effect shall be made on the Final Plan as to be endorsed by the Commission and recorded with the Town Clerk.
 - A perpetual development restriction, running with the land, and enforceable by the Town of Brooklyn, shall be recorded with respect to the land within the Conservation subdivision and such development restriction:
 - shall provide that no lot in the Conservation subdivision may be further subdivided into additional building lots.
 - shall be in such form and substance as the Commission shall prescribe, and
 - may contain such additional restrictions on development and use of the lots as the Commission may deem appropriate.
 - b. Home offices are allowed as a matter of right per Section 6.A.2 except that there shall be no non-resident employees.
 - c. Home enterprises and home businesses are not permitted in Conservation subdivisions.

P.O. Box 191
57 East Main Street
Plainfield, CT 06374

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OCT 04 2021

October 4, 2021

Brooklyn Planning & Zoning Commission
C/O Jana Roberson, Director of Community Development & Town Planner
69 South Main Street
Suite 22
Brooklyn, CT 06234

**RE: Proposed Subdivision Text Amendment
P&R Job No. 213050**

Dear Commissioners:

\$610⁰⁰

Attached, please find a completed application form, ~~\$310.00~~ application fee and a proposed amendment to Section 5A of the Brooklyn Subdivision Regulations. The subject section outlines the requirements for the development of Conservation Subdivisions. The requested amendment is intended to better encourage the development of Conservation Subdivisions and to bring the Subdivision Regulations into alignment with the Zoning Regulations.

Thank you for your consideration of this application. If you have any questions or need additional information, please do not hesitate to contact us at your convenience.

Sincerely,

David J. Held, P.E., L.S.
Provost & Rovero, Inc.

#1864 overpaid ZRC 21-001 by \$300⁰⁰
which was added to application SRC 21-001.

TOWN OF BROOKLYN
PLANNING & ZONING
REQUEST FOR CHANGE IN
SUBDIVISION REGULATIONS

Date 10/4/21

+300 LEGALS

FEE \$250.00 _____

State Fee \$60.00 _____

Application # SRC 21-001

Check # 1863 \$310⁰²
1864 \$300⁰²

Public Hearing Date 11/3/21 Commission Action _____ Effective Date _____

Name of Applicant KA&G Development LLC, c/o David Held Phone 860-234-3183

Mailing Address 15 Woodland Lane, Baltic, CT 06330

REQUEST TO AMEND SECTION (S) 5A

If more than one Article is requested please attach separate sheet for each one

PARAGRAPH TO CHANGE see attached OF THE SUBDIVISION REGULATIONS

REQUEST TO CHANGE TO: see attached

REASON FOR REQUEST: consistency with Zoning Regulations

Article 5A - Conservation Subdivision Regulations

5A.1 - Purpose: The purpose of this regulation is to provide a Conservation method for development of land which permits a reduction in lot sizes without a significant increase in density of population or development, while at the same time providing for the protection of surrounding properties, persons and neighborhood value and allowing greater flexibility and creativity in the design and layout of residential and/or development in order to:

- 5A.1.1 - Protect the existing rural appearance and character of the Town of Brooklyn in accordance with the Town's Plan of Conservation and Development;
- 5A.1.2- Minimize alteration of or damage to the natural, historic and scenic resources;
- 5A.1.3 - Avoid adverse impacts of new development on the value of existing homes and reduce sprawl;
- 5A.1.4 - Promote development that is compatible with existing neighborhoods;
- 5A.1.5 - Preserve open spaces, large unfragmented forests, wildlife habitat and other undeveloped open land particularly along Town roads;
- 5A.1.6- Establish buffers for adjacent land uses such as agriculture and fragile ecosystems;
- 5A.1.7 - Reduce public costs for the maintenance of roads and other public infrastructure;
- 5A.1.8 – Protect water resources by reducing the amount of impervious surfaces, volume of runoff, and pollutant loads to streams and other water resources; and
- 5A.1.9 – Conserve energy resources.

5A.2 - General Requirements: Conservation Subdivisions:

- 5A.2.1 - Shall only be permitted in the RA zone.
- 5A.2.2 - Shall lead to the creation of five (5) or more lots.
- 5A.2.3 - Shall be used only for detached single-family dwellings, duplex buildings and permitted accessory uses.
- 5A.2.4 - Shall require a minimum of forty (40) percent Open Space set aside.
- 5A.2.5 – Density shall not exceed ~~the number of lots that could be attained within a Conventional Subdivision unless a Density Bonus is granted in accordance with Section 5A.70.6 lots per acre of buildable land.~~
- 5A.2.6 – Home enterprises and home businesses are not permitted in Conservation Subdivisions. Home offices are allowed as a matter of right per Section 6.2 with the exception that there shall be no non-resident employees.

5A.3 - Applicability/Procedure: ~~Subdivision of land that meets the criteria listed in Section 5A.2.1—5A.2.3 shall be made according to the design; either Conservation or Conventional Subdivision that best promotes enhances and assists in the accomplishments of the objectives listed in Section 5A.1. It shall be at the discretion of an applicant whether an application for subdivision of land which meets the criteria listed in section 5A.2.1 and 5A.2.2 is proposed as a Conservation or Conventional Subdivision.~~

5A.3.1 – Prior to submission of a Preliminary Plan, an applicant is strongly encouraged to review with the Town Planner or other authorized agent any proposal for a Conservation Subdivision.

5A.3.2 – Prior to formal Subdivision application, any landowner/developer, whose property/proposed development or Subdivision Application meets the requirements listed in Section 5A.2.1 – 5A.2.3 shall file a Preliminary Design for a Conservation Subdivision for review by the Commission.

5A.3.3 – The Preliminary Design shall follow the requirements set forth in Section 5A.4.

5A.3.4 – The Commission shall make a determination of the suitability of the Preliminary Design for a Conservation Subdivision based on the information provided in the Preliminary Plans and the objectives listed in Section 5A.2.

5A.3.5 – Formal Application for Conservation Subdivision shall conform to the applicable requirements for a Subdivision Plan as set forth in the Commission's Regulations for the Subdivision of Land, and the Conservation Subdivision requirements contained herein.

5A.3.1 – Any application for a Conservation Subdivision shall include the following materials prepared by a landscape architect, civil engineer or surveyor licensed to practice in Connecticut:

- a. A site inventory/analysis map as described below, and
- b. An overall lot/roadway layout plan which responds to the site inventory/analysis map.

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5A.3.2 – The site inventory/analysis map shall identify Primary Conservation Areas:

- a. Wetlands and vernal pools,
- b. Watercourses,
- c. Steep slopes (15 percent or more), and
- d. 100 year flood plain (FEMA flood zone A).

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5A.3.3 – The site inventory/analysis map shall also identify Secondary Conservation Areas and other environmental, scenic and cultural resources such as:

- a. Prime farmland soils and soils of statewide significance,
- b. Areas within 50 feet of a wetland,
- c. Areas within 100 feet of a watercourse or a vernal pool,
- d. 500 year flood plan (FEMA flood zone B),
- e. Natural Diversity Database sites,
- f. Wildlife corridors,
- g. Mature woodlands,
- h. Ridgelines, scenic views and vistas,
- i. Stone walls and/or farm hedgerows,
- j. Key resources identified in the Plan of Conservation and Development and/or other natural/cultural resource inventory,
- k. Key open space and trail connections identified in the Plan of Conservation and Development,
- l. Possible connections between conservation areas on the site and adjacent protected and unprotected open space,
- m. Proposed open space areas, and
- n. Moderately well drained to excessively well drained soils.

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5A.3.4 – Areas of the site which are not considered Primary Conservation Areas or Secondary Conservation Areas will generally be the preferred potential development areas for the siting of buildings, streets and other improvements.

5A.3.5 – Areas of the site which are considered Primary Conservation Areas or Secondary Conservation Areas will generally be the preferred potential areas considered for permanent protection by one of the following means:

- a. Creation of a Conservation Easement in favor of the Town of Brooklyn.
- b. Creation of a Conservation Easement in favor of the Town of Brooklyn reserving specific agricultural rights and uses by the Town as approved by the Commission.
- c. Conveyance of fee simple ownership to a Tax Exempt Organization approved by the Commission.
- d. Creation of a Conservation Easement in favor of a Tax Exempt organization approved by the Commission.
- e. Conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or resubdivision are members, along with a conservation easement over the entire open space area, or
- f. Any other method deemed appropriate by the Commission which accomplished permanent dedication in accordance with the requirements set forth in this Section.

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5A.3.6 – A pre-application meeting with Town staff and the Commission is strongly encouraged.

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5A.4 – Dimensional Standards:

5A.4.1 – Density in the Conservation Subdivision shall not exceed 0.6 lots per acre of buildable land. Buildable land is the area of the parcel after subtracting any areas designated as wetlands, watercourses, slopes of 25% or greater, areas within the 100 year flood boundary, and areas encumbered by any rights-of-way or easements.

5A.4.2 – There shall be no minimum lot size requirement in a Conservation Subdivision but all lots shall meet the requirements of the State Health code and the Northeast District Department of Health.

5A.4.3 – Within a Conservation Subdivision, each lot for a building site shall have at least 100 feet of frontage on a private or public road or at least 100 feet at the building line if located on a cul-de-sac.

5A.4.4 – Within a Conservation Subdivision, all structures shall be set back at least thirty (30) feet from any front lot line and twenty (20) feet from all side and rear lot lines except that all structures at the perimeter of the parcel shall conform to the setback requirements applicable to conventional development in the underlying zone.

5A.4.5 – Rear lots may be permitted within a Conservation Subdivision provided that:

- a. The access strip serving such lot(s) shall be at least 25 feet wide.
- b. There shall be no more than two access strips within three hundred (300) feet of frontage on the same side of the street.
- c. No more than three (3) rear lots may be accessed by any one access strip.
- d. The access strip shall be owned by the owner of the rear lot, or in the case of multiple rear lots, by the owner of the rear lot located farthest from the public or private way.
- e. The access strip shall be encumbered by an easement if another rear lot exists, granting access to such lot.

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5A.5 – Road Requirements:

5A.5.1 – Roads created within a Conservation Subdivision may be privately owned and maintained in perpetuity by a Homeowner's Association. This arrangement shall be formalized as follows:

- a. A note shall be placed on the final Conservation Subdivision plan stating: "This subdivision is serviced by a private road (and/or common driveway) that is intended to remain private in perpetuity. The town of Brooklyn will provide no maintenance, repair or school bus service along this private road (and/or common driveway)."
- b. A notation shall be placed in the deed to the property stating: "This subdivision is serviced by a private road (and/or common driveway) that is intended to remain private in perpetuity. The town of Brooklyn will provide no maintenance, repair or school bus service along this private road (and/or common driveway)."

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c. In such other form as is acceptable to the Commission which shall, at the Commission's discretion, be subject to review by the Board of Selectmen prior to filing of approved plan or other documents.

5A.5.2 – Private roads shall:

- a. Be identified on the subdivision plans.
- b. Have a right of way of 50 feet.
- c. Conform to the construction standards listed in the Brooklyn Public Improvement Specifications including being paved with 3" bituminous concrete (1 1/2" Class I and 1 1/2" Class II) to a minimum width of eighteen (18) feet.
- d. Have a cross slope from center crown to gutter of at least 3/8" per foot.
- e. Not exceed 12% grade.
- f. Not serve as a connecting road between two public streets.
- g. Have the final design be subject to the recommendations of the Town Engineer since the design may need to be site specific.

5A.5.3 – All dead end roads shall terminate in a cul-de-sac with an outside radius of travel way of fifty (50) feet and, if a center island is proposed, the width of the travel way around the island shall be at least twenty (20) feet.

5A.5.4 – Curbing and formal closed drainage systems are to be held to a minimum, except as provided below.

- a. Curbing shall be required:
 - Where a road is in a cut situation with surrounding land pitching toward the road;
 - At a low point in the road with catch basins to collect storm water runoff; and
 - Where a closed drainage system is required.
- b. Curbing is not required:
 - Where the land generally has flat slopes;
 - Where the road is in a fill situation and sheet flow away from the road is advantageous;
and
 - Where no closed drainage system is required.
- c. A closed drainage system is required where drainage structures (e.g. catch basins) are necessitated by site conditions and subdivision design.

5A.5.5 – Any proposed public roads shall be constructed in accordance with the Public Improvement Specifications for the Town of Brooklyn.

5A.6 – Legal Arrangements:

5A.6.1 – Appropriate Certificates of Incorporation, by-laws, rules and regulations of any association or corporation of the lot owners within the proposed Conservation Subdivision shall be provided as part of the application.

5A.6.2 – Appropriate easements shall be provided as part of the application for travelways, utilities, snow storage, maintenance, stormwater drainage and to accommodate any hammerhead turnaround and associated snow shelf.

5A.6.3 – Following approval, a Conservation Subdivision and all parcels of land within it shall be subject to the following limitations:

- a. No lot or parcel within a Conservation Subdivision may be further subdivided and:
 - A notation to that effect shall be made on the Final Plan as to be endorsed by the Commission and recorded with the Town Clerk.
 - A perpetual development restriction, running with the land, and enforceable by the Town of Brooklyn, shall be recorded with respect to the land within the Conservation Subdivision and such development restriction:

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- Shall provide that no lot in the Conservation Subdivision may be further subdivided into additional building lots.
- Shall be in such form and substance as the Commission shall prescribed, and
- May contain such additional restrictions on development and use of the lots as the Commission may deem appropriate.

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5A.4—Preliminary Design Review:

5A.4.1—Informal Review of Preliminary Plans—The purpose of the informal review of preliminary plans is to provide guidance to the applicant and to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the future receipt, if any, of a formal application for subdivision. The applicant shall submit preliminary plans for informal review, however, neither the applicant nor the Commission shall be bound by any statement made during such informal review, nor shall the statement of any Commission member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that the Commission response like the request itself are preliminary and subject to further refinement. After review, the Commission shall, provide informal suggestions to the applicant regarding the overall layout and design of the proposed subdivision, and a determination whether to proceed with an application under this Section or to adhere to the Conventional Subdivision requirements of the applicable Sections of the Brooklyn Subdivision Regulations.

5A.4.2—Preliminary Plans: Land Owners/Developers are required to submit two concept plans for the proposed subdivision. One of which shall depict how the parcel could be developed as a Conventional Subdivision (Yield Plan) consisting of lot and street layouts conforming to the Brooklyn Zoning and Subdivision Regulations governing Conventional Subdivision lots, and the Town of Brooklyn's Public Improvement Specifications, and another which shall depict how the parcel could be developed as a Conservation Subdivision. Although such Plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be permitted in a Conventional Subdivision layout. Plans shall include the following elements as well as identify physical and other features that would limit or restrict the use of the parcel for development, including, but not limited to;

- j) At Least a Class-D Survey
- k) North arrow
- l) Scale 1" = 100'
- m) Location map (1" = 1000')
- n) Name of Applicant
- f) Name of Subdivision
- g) Date of Plan and plan number or identification
- h) Existing Streets
- i) Proposed streets, or private drives
- j) Proposed lot lines
- s) Proposed Open Space, including a narrative description of the characteristics of the proposed open space
- t) Topographic contours, at a contour interval of no more than more than ten (10) feet;
- u) Slopes greater than 25%
- v) Inland wetlands and watercourses in areas of the property not being proposed for development (on either the Conventional Plan or the Conservation Subdivision Plan) may be depicted as they appear on various sources of other mapping, inland wetlands and watercourses in areas of proposed development shall be delineated by a Professional Soil Scientist;
- w) Existing zoning on adjacent properties
- x) Preliminary septic field and well location
- y) 100-year floodplains (Flood Zones A, as shown on FEMA maps); and easements and rights-of-way affecting the parcel.

5A.4.3—The Commission shall require that the Preliminary Plans include a "Property Survey" prepared in accordance to the Standards for "Surveys and Maps in the State of Connecticut", as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996, and as may be amended.

5A.4.4—On lots that would not be served by public sewage or a centralized private sewage treatment facility, soil suitability for individual septic systems shall be demonstrated. The Commission may select a small percentage of lots (10 to 15%) to be tested, in areas considered to be marginal. If all tests on the sample lots meet applicable Public Health Code requirements, the applicant's other lots shall be deemed suitable for septic systems, for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others (of the Commission's choosing) shall be tested, until all the lots in a given sample pass.

Nothing herein shall be construed to prevent an applicant from presenting plans and documentation in greater detail and containing more information to the Commission, its staff or other public agencies or officials.

5A.5—Dimensional Requirements: A Conservation Subdivision may authorize the creation and use of lots meeting the following dimensional requirements in lieu of the conventional dimensional requirements:

5A.5.1—Lot Area: Each lot shall contain at least 30,000 square feet of buildable area, exclusive of wetlands, ledge, and slopes in excess of 25% and must be able to support a septic system and well approved by the local health authority or serviced by public sewer and water.

5A.5.2—Frontage: The frontage of each lot for a building site created in a Conservation Subdivision shall not be less than 100 feet on a private or public road, or, on a cul-de-sac, not less than 100 feet at the building line.

5A.5.3—Setbacks: All structures shall be set back a minimum of thirty (30) feet from any front lot line and twenty (20) feet from all side and rear lot lines, provided, however, that with respect to lot lines which abut land outside the Conservation Subdivision, setbacks from said lot lines shall conform to the setback requirements applicable to conventional development in the underlying zoning district.

5A.5.4—Interior Lots: Are permitted within Conservation Subdivisions provided;

5.5.4.1—Lots shall have a minimum of three hundred (300) feet separating all entrances or access strips on the same side of the street;

5.5.4.2—Access strips have a maximum length of 400 feet.

5.5.4.3—No more than three (3) interior lots may be accessed by any one access strip with the ownership of the access strip resting with the lot farthest from the public or private way;

5.5.4.4—The access strip shall be encumbered by an easement if another interior lot exists, granting access to such lot;

5A.5.5—Restrictions Against Further Development: No Conservation Subdivision may be further subdivided. A notation to that effect shall be made on the Final Plan as to be endorsed by the Commission and recorded with the Town Clerk. In addition, a perpetual restriction, running with the land, and enforceable by the Town of Brooklyn, shall be recorded with respect to the land within the Conservation Subdivision. Such restriction shall provide that no lot in the Conservation Subdivision may be further subdivided into additional building lots. Said restriction shall be in such form and substance as the Commission shall prescribe and may contain such additional restrictions on development and use of the lots as the Commission may deem appropriate.

5A.6—Standards: In reviewing an Application for a Conservation Subdivision, the Commission shall consider the extent to which the Application meets the purposes of a Conservation Subdivision by satisfying the following standards:

5A.6.1—The developed areas, roads, storm drains, sewage disposal systems, and utilities shall work with the natural features of the parcel, minimizing changes to the topography and maximizing the amount of preserved wooded areas and other open space and shall, to the extent appropriate, use low impact development techniques.

5A.6.2—The amount of land to be disturbed for the construction of buildings, driveways, septic systems, utilities, storm drainage systems, and roads shall be minimized.

5A.6.3 Natural and historic features of the land, as determined by the Commission with recommendations from the Conservation Commission, shall be protected.

5A.6.4—The plans demonstrate that the impacts of road and utility installations for each dwelling unit served shall be less than those generated by a conventional development of the same land.

5A.6.5—The design, number, and location of curb cuts shall be such that any conflict with existing traffic flow is minimized. Combined driveways on private drives are encouraged to reduce the number of cuts.

5A.6.6—Provision, satisfactory to the Commission, shall be made with regard to the ownership and maintenance of any and all private roads, common driveways, common land, or other common facilities within a Conservation Subdivision.

5A.6.7—The design shall minimize the size of proposed Developed Areas.

5A.6.8—The balance of the land not contained in the building lots shall be in condition, size and shape as to be readily usable for recreation or conservation, and shall be preserved in perpetuity by one of the following means:

5A.6.8.1—creation of a Conservation Easement in favor of the Town of Brooklyn;

5A.6.8.2—creation of a Conservation Easement in favor of the Town of Brooklyn reserving specific agricultural rights and uses by the Town, as approved by the Commission;

5A.6.8.3—conveyance of fee simple ownership to a Tax-Exempt Organization approved by the Commission;

5A.6.8.4—creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission;

5A.6.8.5—conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or resubdivision are members, along with a conservation easement over the entire open space area; or

5A.6.8.6—any other method deemed appropriate by the Commission which accomplishes permanent dedication in accordance with the requirements set forth in this Section.

5A.6.9—Where Open Space is required by the Commission, the land to be dedicated to meet Town requirements may include wetlands or watercourses as defined in the Connecticut General Statutes, and slopes over twenty five (25) percent, but the Commission has the right to require that the percentage of the dedicated land within these wetland, watercourse and steep slope categories is not greater than the percentage of wetlands, watercourses and slopes over twenty five (25) percent within the property to be subdivided and, as applicable, within previous subdivision sections where dedications were not made. For

example, consider a tract to be subdivided with 40% of the land to be divided consisting of wetlands, watercourses and slopes over 25 percent, and 60% of the land to be subdivided without these limitations. The Commission shall have the right to require 60% of Open Space without any limitations and to allow 40% of the Open Space to include wetlands, watercourses or slopes over 25%.

5A.7—Density Bonuses: The maximum number of building lots may, subject to Commission approval, be increased in only one of the following ways:

5A.7.1—A density bonus may be granted for the provision of excess Open Space, meaning the amount of any open space acreage that is greater than the minimum amount that would be required under this Article. The additional Open Space may be within the parcel to be subdivided or elsewhere within the Town of Brooklyn in accordance with Section 8 of the Subdivision Regulations, as may be amended. For each five acres of excess Open Space accepted by the Commission, one additional building lot shall be allowed, up to a maximum of fifteen percent (15%) of the total number of lots that would otherwise be allowed under Article 5A of these regulations. The decision whether to accept an applicant's offer to dedicate excess Open Space shall be at the discretion of the Commission, which shall be guided by the recommendations contained in the Town's Plan of Conservation and Development and its determination as to the value of the excess land for any of the purposes described in Article 5A of these regulations.

5A.7.2—Where a proposed subdivision contains soils defined as prime or important agricultural soils as defined by the USDA soil classification system, for each five acre tract preserved two additional lots shall be allowed up to 20% of the total number of lots allowed under Article 5A of these regulations.

5A.8—Road Requirements

5A.8.1—Proposed Public roads are to be constructed in accordance with Public Improvement Specifications for the Town of Brooklyn.

5A.8.2—Private Roads created within a Conservation Subdivision shall be maintained by a Homeowner's Association, in a form acceptable to the Commission, which shall, at the Commission's discretion, be subject to review by the Town Counsel prior to filing of approved plan.

5A.8.2.1—A note shall be placed on the final Conservation Subdivision plan, and in the deed to the property stating: **"This subdivision is serviced by a private road (and/or common driveway) that is intended to remain private in perpetuity. The Town of Brooklyn will provide no maintenance, repair or school bus service along this private road (and/or common driveway)."**

5A.8.3—Appropriate Certificates of Incorporation, by laws, rules and regulations of any association or corporation of the lot owners within the proposed Conservation Subdivision shall be provided.

5A.8.4—Appropriate easements shall be provided for travel, utilities, snow storage, PAGE 28

maintenance, storm water drainage and to accommodate any hammerhead turnaround and associated snow shelf. All private lanes shall be identified on the subdivision plans.

5A.8.5 — A right-of-way of 50' shall be required.

5A.8.6 — Private Roads shall not exceed 12 % grade

5A.8.7 — Private roads shall not serve as a connecting road between two public streets.

5A.8.8 — All private roads shall be paved with 3" bituminous concrete (1 1/2" Class I and 1 1/2" Class II) to a minimum width of eighteen (18) feet. Final design is site specific and subject to the recommendation of the Town Engineer.

5A.8.9 — Curbing and formal closed drainage systems are to be held to a minimum, except as provided below:

5A.8.9.1 — Curbing shall be required: where a road is in a cut situation with surrounding land pitching toward the road; at a low point in the road with catch basins to collect storm water runoff; and where a closed drainage system is required.

5A.8.9.2 — Curbing is not required; where the land generally has flat slopes; where the road is in a fill situation and sheet flow away from the road is advantageous; and where no closed drainage system is required.

5A.8.9.3 — A closed drainage system is required where drainage structures (e.g. catch basins) are necessitated by site conditions and subdivision design. The cross slope from center crown to gutter shall be no less than 3/8" /foot.

5A.8.10 — All dead-end private roads shall terminate in a cul-de-sac with an outside radius of travel way of fifty (50) feet. If a center island is proposed, the width of the travel way around the island shall be at least twenty (20) feet.

5A.8.11 — Location of private roads: Where at all possible, a buffer shall be maintained between the Town right of way and the subdivision houses to screen the development from the Town road in order to maintain the appearance of a single family residential driveway, rather than a multi-lot subdivision. A buffer of 100' consisting of mixed deciduous and/or evergreen trees is desired.