

SECTION 13

WAIVER OF FRONTAGE

13.0 REQUIREMENTS

- a) When requesting to subdivide land into lots that do not each meet all pertinent zoning requirements, and the subdivision does not involve the creation of a new road, a petitioner must submit an application known as Form “W”, to the Planning Board. This application is also for a Waiver of the Rules and Regulations Governing the Subdivision of Land and was developed pursuant to Section 81-L, 81-R and 81-Y of Chapter 41, M.G.L.
- b) Prior to submitting an application for a subdivision of land through the Form “W” process, the petitioner shall have obtained a variance from the Zoning Board of Appeals. The Form “W” application may not be submitted to the Planning Board office until the 20 day appeal period for the variance has expired, and evidence has been submitted that no appeal has been filed.
- c) The following items must be filed with the Board office and submitted in the following manner:
 - 1. Fill out the Form “W” application form, which is available upon request, from the Board. Any person who submits a Waiver of Frontage Plan to the Board for approval shall file with the Board a properly executed application form together with the original drawings and twelve (12) print sets thereof, dark line on white background.
 - 2. Furnish a certified copy of the Zoning Board of Appeals decision on said case.
 - 3. Every application for approval shall be accompanied by a fee, determined in accordance with the most recent Fee Schedule adopted by the Planning Board. Costs of advertising and notices shall be charged to the applicant, unless otherwise ordered by the Board.
 - 4. Upon receipt of a properly executed application Form W together with the Waiver of Frontage Plan, the Board will set a date for the required public hearing. Notice of the public hearing shall be given in accordance with the requirements of G.L. c. 41, s. 81T. Before approval of the Waiver of Frontage Plan is given, a public hearing shall be held by the Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board by advertisement in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than fourteen days before the day of the hearing. A copy of said notice shall be mailed by the Board to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list certified by the Board of Assessors.
 - 5. The applicant, in accordance with G.L. c. 41, s. 81T, shall file by delivery or registered or certified mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the executed application form.
 - 6. The Board will transmit copies of the Definitive Plan to the following: Highway Department (3 copies), Fire Chief, Police Chief, Conservation Commission, Building

Commissioner/Zoning Enforcement Officer, and to such other Boards or committees as the Board deems advisable. The Board shall request of each official, board and commission written statements with regard to the plan within forty-five (45) days of each submission. Such statements should encompass the layout, design and access to the buildable portion of the lot. The failure of these other boards or officials to respond within said forty-five days shall be deemed a lack of opposition to the proposed development.

7. The Board reserves the right to disapprove incomplete submissions at any time if, in its opinion, review of the plan is hampered by the absence of required information. In the event that incomplete plans are submitted to the Board, after opening a public hearing, the Board may vote to disapprove the plan and return plans to the applicant as incomplete. The Board shall cite those specific regulations with which the plan is not in compliance in a letter noting the reason for the Board's action, which shall be filed with the Town Clerk. In the event of such disapproval, the Board reserves the right to retain any filing or review fees.

d) If the need for additional time is indicated, the Applicant may request in writing an extension of time to a given date. The Board may deny such requests at its sole discretion.

e) Should the Board incur additional costs in the review of the Waiver of Frontage Plan, such costs shall be borne by the applicant unless otherwise ordered by the Board.