

## **SECTION 4.0**

### **PLAN BELIEVED NOT TO REQUIRE APPROVAL**

#### **4.1 SUBMISSION**

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that said plan does not require approval under the Subdivision Control Law may submit such plan to the Planning Board seeking an endorsement to the effect that such approval is not required.

**4.1.1 Application.** Said person shall file with the Planning Board an approved application form with an original and three (3) prints of the plan together with a fee in accordance with the most recent schedule of fees adopted by the Planning Board. Such application shall be accompanied by evidence intended to show that said plan does not require approval under the Subdivision Control Law pursuant to G.L. c. 41, s. 81P.

**4.1.2 Notice.** Said person, in accordance with General Laws, Chapter 41, Section 81T, shall give written notice by delivery or registered mail to the Town Clerk stating the date of the submission of the plan to the Planning Board. If such notice is given by delivery, the Town Clerk shall, if requested, give written receipt thereof to the person who delivered such notice.

**4.1.3 Referral.** The Planning Board will refer any plans so submitted to the Highway Department and/or its consulting engineering firm for review. A period of ten (10) days may be anticipated for such review.

**4.1.4 Electronic File.** For plans prepared in AutoCAD, the applicant shall submit a CD or diskette containing the Form A plan, produced by an AutoCAD or similar computerized drafting system, in either AutoCAD Drawing Format (.dwg), Data Exchange Format (.dxf) or ESRI Interchange Format (.e00), registered to Massachusetts State Plane (Mainland) Coordinates, North American Datum of 1983, as part of the application for endorsement of the plan. Orthophotos available from Mass GIS may be used in registering data. If the applicant is unable to provide the above, a fee determined by the Board will be charged to cover the cost of registering and digitizing the plan.

#### **4.2 CONTENTS**

**4.2.1 Size of Plan.** All plans submitted under this Section shall be submitted on mylar, in ink, and of minimum dimensions of 18" by 24" unless another size is approved by the Planning Board or required by the Land Court.

**4.2.2 Required Information.** Plans shall bear the following:

1. Title Block, as shown in the Appendix, containing the following information:
  - a. Name of owner of record;
  - b. Title, date and scale of plan and a bar scale;
  - c. Name and address of Registered Land Surveyor or Registered Professional Engineer;
  - d. The statement "Approval Not Required Under the Subdivision Control Law" and "No Determination as to compliance with Zoning Requirements has been made or intended"

and sufficient space thereunder for the date and the signatures of all members of the Board;

- e. Date of Survey and/or source of information.
2. A block, 3 1/2" x 3 1/2" located adjacent to the title block, reserved for use by the Registry of Deeds.
3. The following statement together with a location suitable for the preparer's signature: "This plan has been prepared in conformance with the rules and regulations of the Registry of Deeds."
4. North arrow depicting whether it is magnetic or true.
5. Existing and proposed boundary lines, including dimensions and areas of all lots shown. Lot lines shall be drawn so new lines are distinguished from old lot (dashed) lines. All boundary lines shall be shown with bearings and distances depicting mathematical closure of the boundary lines of each lot, roadway layout, easement and subdivision. All infrastructure included in the subdivision shall be geometrically tied to boundaries with associated bearings and distances, with ties to at least two (2) permanent property monuments i.e.: Concrete bounds, iron pipes etc.
6. Existing and proposed infrastructure, which includes, but is not limited to, streets, ways and easements.
7. Location of all existing buildings, structures and bounds. In instances where a new lot line is being created, the Planning Board may require field verification of building setbacks from existing or new property lines.
8. Illustration, by light broken line, for all setback lines established by the Zoning Bylaw.
9. Location(s) of any easements or rights of way traversing or adjacent to the locus.
10. Wetland resource areas located on the subject plan that are subject to M.G.L. c. 131, s. 40 shall be approved by the Conservation Commission through an Abbreviated Notice of Resource Delineation.
11. Lot and house numbers.
12. Names of all abutters as they appear on the most recent tax list.
13. Zoning classification(s) and location(s) of any zoning district boundaries, including the boundaries, if any, of the Flood Plain, Water Resource Protection Overlay and Watershed Protection and/or Flood Insurance District(s) that may lie within the locus of the plan.
14. Notice of any decisions of the Zoning Board of Appeals including, but not limited to, variances and exceptions regarding the land or any building thereon.
15. Notice of intent: explanations, purpose of plan and change to/from.
16. Sufficient topographic delineation, including existing streams and bodies of water shall be shown on the plan to allow the Board to determine if the lot(s) have adequate physical access to each lot.

17. Copy of deed to verify current owners.
18. Whenever applicable, a statement that lots shown on the plan are part of a subdivision and are subject to terms and conditions of its approval plus a reference to the subdivision name, approval date, and the recorded book and page numbers.
19. Contour map depicting existing and proposed land contours (not less than 2 foot contours), land features, infrastructure, water courses, vegetation, large trees (more than 18" three feet up from the trunk) and any pertinent feature that would be used to evaluate change of existing drainage systems.
20. Provide topographic map of existing water shed on and off the footprint of the proposed subdivision in the event it has an effect on the proposed subdivision.
21. A locus map at 800 feet to the inch (USGS Topographic series maps are not acceptable).
22. Reference to Assessors' Plan/Map/Lot, to all previously recorded plans if any, pertaining to subdivisions, locus or abutting lots.
23. Current Municipal Lien Certificate required at time of submittal.
24. Any other information necessary for the Board's determination.

#### **4.3 ENDORSEMENT**

- a) **General.** If the Board determines that the plan does not require approval under Subdivision Control Law, it shall forthwith, without a public hearing, endorse on the plan under the words "Approval not required under the Subdivision Control Law", or words of similar import.
- b) **Statement of Reasons.** The Board may add to such endorsement a statement as to the reason approval is not required or the Board may deem such other statement as appropriate. The Board may include, at its discretion, the following statement: "No Determination As To Compliance with Zoning Requirements Has Been Made or Intended". The Board may require the notation "Not a Building Lot Without Further Zoning Relief" or similar wording, in appropriate circumstances.
- c) **Effect.** Such endorsement shall not be deemed to constitute any determination of compliance with the requirements of the Zoning Bylaw. Following endorsement, said plan shall be returned to the applicant and the Board shall notify the Town Clerk in writing of its action.
- d) **Denial.** If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one (21) days of the submission of the plan give written notice of its determination to the Town Clerk and the applicant and return the plan without endorsement. The applicant may submit the plan for approval as provided by law and by these Rules and Regulations, or may appeal from the determination of the Board in the manner provided in G.L. c. 41, s. 81BB.
- e) **Constructive Approval.** If the Board fails to act upon a plan submitted under this Section or fails to notify the Town Clerk and the person submitting the plan of its action within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and the Board shall forthwith make such endorsement

on said plan, or, on the failure of the Board to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

- f) **Bylaws.** Applicants should familiarize themselves with the general bylaws of the Town because the Town has general bylaws that will apply to a Form A lot(s).

#### **4.4 RECORDING**

If a definitive plan is not recorded within six (6) months of the original endorsement the applicant will be required by the Board to resubmit the plan for re-endorsement by the Board that its determination of the plan not showing a subdivision is valid. If a plan not requiring approval under the Subdivision Control Law is not recorded within three (3) months of the Board original endorsement, the applicant will be required by the Board to resubmit the plan for re-endorsement by the Board that its determination of the plan not show a change. Within ten days of the plans being recorded with the Registry of Deeds or in the case of Registered Land, with the recorded of the Land Court, the applicant shall notify the Board and Building Commissioner by delivery or registered mail of the recording. The integrity of the plan is the responsibility of the registered surveyor/engineer until time of recording.