

SECTION 4: PLAN BELIEVED NOT TO REQUIRE APPROVAL (ANR)

4.0 SUBMISSION REQUIREMENTS

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 the plan does not require approval under the Subdivision Control Law shall submit (10) copies of his plan with two (2) copies of a properly executed Form A (See Appendix A) accompanied by the necessary evidence to show that the plan does not require approval and all applicable fees (See Appendix A – Fee Schedule) to the Department of Planning and Development.

The plan shall be submitted by delivery or by certified mail, postage prepaid to the Department of Planning and Development. In addition, written notice of such submission shall be given by the Applicant to the Town Clerk by delivery, or by certified mail, postage pre-paid of a properly executed Form A. If notice is given by delivery, the Town Clerk shall, if requested, give written receipt to the person who delivered such notice.

The Applicant shall also submit a CD-ROM or DVD containing the ANR plan and a level III standard digital file (SDF), per MassGIS standards for digital plan submittals to municipalities. All geographic data shall be submitted in accordance with the standards specified in Section 3.8. (rev. 1/22/07)

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.

4.1 CONTENTS

A plan not requiring approval shall be prepared by a surveyor and shall be clearly and legibly drawn to the requirements of the Recorded Rules adopted by the Registry of Deeds in Massachusetts and CMR 250-6.01. The plan shall be a minimum of nine and one-half inches by fourteen inches (9½" X 14"), shall not exceed a maximum size of twenty-four inches by thirty-six inches (24" X 36") and shall be drawn at a scale of one inch equals forty feet (1" = 40'). If multiple sheets are used, they shall be accompanied by an index sheet showing the entire plan. A plan not requiring approval shall contain the following information:

1. Identification of the plan by name of the owner of record and location of the land in question including Deed, Book and Page reference, the Assessors' tax map number and lot number, area, frontage in feet, the scale, north point, date, and datum (NAD 83 and NAVD 88).
2. The statement, "Approval Under Subdivision Control Law Not Required" and sufficient space for the date and the signatures of all the members of the Board.
3. A locus map at a scale of one thousand feet to the inch (1"=1,000') showing the boundaries of the abutting properties.
4. Zoning classification and location of any zoning district boundaries that lie within the locus of the plan, including any overlay zoning districts, which include but are not limited to, the Flood Plain District, Aquifer and Watershed Protection Overlay District, Route 146 Highway Corridor Overlay District, etc.

5. Site information showing all flood plains and zones, waterways and wetland/resource areas pursuant to the Massachusetts Wetlands Protection Act (on site and within one hundred feet (100') of the property), locations of wells (on site and within one hundred feet (100') of the property), and front/side/rear building setback lines. In the event this information is not accessible by virtue of being denied access to such, the plan shall reflect what information is accessible, and shall describe any limitation encountered.
6. In the case of the creation of a new lot, all the remaining contiguous land area and frontage of the land in the ownership of the Applicant shall be shown.
7. In the case of the creation of a new lot, the regularity factor in conformance with the Millbury Zoning Bylaws, Section 32.12 Odd-Shaped Lots Prohibited. (rev. 1/22/07)
8. Notice of any and all decisions including but not limited to variances, special permits, etc. regarding the land or any buildings thereon, including the deed book and page numbers where such documents are recorded in the Worcester Registry of Deeds.
9. Names of abutters from the most recent local tax list. If the Applicant has knowledge of any changes subsequent to the latest available Assessor's records, this information shall be indicated on the plan.
10. Names and status (e.g., private or public, how developed and maintained, etc.) of streets and ways shown on plan, and covenants regarding common driveways, if any.
11. The names and addresses of the record owner of the land and Applicant and the name, seal, and address of the surveyor who made the plan.
12. Bearings and distances of all lines of the lot or lots shown on the plan and the distance bearing to the nearest permanent street monument.
13. Areas of frontage that exceed an eight percent (8%) grade and any items that will limit access along the frontage (i.e. guard rails, large ledge outcroppings).
14. Site distances from the proposed access point for each proposed lot.
15. A list of all references used to establish property lines.
16. Location and description of all existing buildings and structures including all septic systems, surface and sub-surface drainage with front, rear and side setback requirements.
17. Location and description of all bounds, fences, walls, guard rails, easements and/or encumbrances, including location of existing trails and other pertinent information. Monuments shall be installed at all points of change of direction of boundary lines of each affected lot. At least two monuments indicating datum references shall be shown on the property. The plan shall identify the elevation and coordinates of these monuments. The distance between monuments shall not exceed three hundred fifty feet (350'). (rev. 1/22/07) (rev. 12/13/10)
18. The following statement: "Compliance with zoning or other regulations is neither expressed nor implied."
19. If the plan shows any parcel(s) which are not intended as a building lot or which do not meet the minimum requirements set forth in the Town of Millbury Zoning Bylaw, the following statement: "Not a building lot; no further building may occur without further approval by the Planning Board pursuant to the Subdivision Control Law."
20. Justification/description of basis for claim to ANR endorsement, clearly noted both on the application form and on the plan (i.e: required frontage on a Town accepted road, separation of lots with buildings which preexist subdivision control (including evidence), etc.)."

4.2 DETERMINATION

In determining whether an existing way has sufficient width, suitable grades and adequate construction to qualify a plan as not constituting a subdivision, the Board shall consider the following conditions, among others, as a guide (see MGL Ch. 41, Sec. 81L):

1. Is the right of way at least 33 feet wide and of reasonable horizontal alignment?
2. Does the existing horizontal and vertical alignment of the roadway provide safe visibility?
3. Is the roadway constructed at least twenty feet (20') wide, with at least twelve inches (12") of compacted gravel, and with adequate provisions for drainage?
4. If the road could ever service more than six (6) dwelling units, is it bituminous surfaced or have provisions been made for such surfacing without cost to the Town?
5. Have provisions been made for public utilities without cost to the Town?

4.3 ACTION BY BOARD

If the Board determines that the plan does not require approval, it shall forthwith, without a public hearing and within twenty-one (21) days of proper submission, endorse on the plan by a majority of the Board the words "Planning Board approval under Subdivision Control Law not required" or words of similar import with appropriate names signed thereto. Such endorsement shall not be withheld unless such plan shows a subdivision. Such endorsement shall not be deemed to constitute any determination of compliance with the requirements of the Zoning Bylaw. Said plan shall be returned to the Applicant and the Board shall notify the Town Clerk of its action in writing. The Board may, by majority vote, authorize the Town Planner to endorse any such plan on their behalf.

If the Board determines that the plan does require approval under Subdivision Control, it shall, within twenty-one (21) days after its proper submission, give written notice of its determination to the Town Clerk and to the Applicant. Said plan shall be returned to the Applicant in person or via certified mail with written reason for the Board's action.

If the Board fails to act upon the plan or fails to notify the Town Clerk and the Applicant of its action within twenty-one (21) days after its proper 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, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect. The Plan bearing such endorsement or the plan and such certificate, as the case may be, shall be delivered by the Board, or in the case of the certificate, by the Town Clerk, to the Applicant. (See MGL Ch. 41 Sec 81P as amended)

4.4 ADMINISTRATION

One print of the plan shall be retained in the files of the Board, and a second print, with a notation of its action, shall be filed by the Board with the Building Inspector.