

SECTION 3 - PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

3.1 PLAN BELIEVED NOT TO REQUIRE APPROVAL (§81P, ANR)

3.1.1 Submission of Plan

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 his plan does not require approval under the Subdivision Control Law, may submit his plan and four (4) contact prints thereof and two (2) copies of a properly executed application form accompanied by the required fee and evidence to show that the plan does not require approval. Such submittal shall be filed with the Planning Board or its designated agent by hand delivery, registered or certified mail. After such submission, said person shall also file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission to the Board for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery the Town Clerk shall, if requested, give a written receipt therefore and shall notify the Planning Board in writing on the date of such receipt.

Applicants must submit in electronic form all documents required under Section 3.1, and any supplemental reports, memoranda, presentations, or other communications submitted by the applicant or its representatives unless the applicant demonstrates to the satisfaction of the Town Planner that electronic submission is not feasible. Documents created using Computer Aided Design and Drafting software shall comply with the Mass GIS "Standard for Digital Plan Submittal to Municipalities," or successor standard. Electronic submission must be contemporaneous with submissions by other means and be in formats acceptable to the Board.

3.1.2 Plan Sheets

Said plan shall be accurately and legibly drawn in accordance with the rules and regulations of the Registry of Deeds, as amended, pertaining to plan size, material, lettering and related requirements, and shall contain all required seals and signatures required by the Registry of Deeds for the recording of said plan. The plan shall be a minimum size of nine and one-half inches by fourteen inches (9 1/2" x 14") and shall not exceed a maximum size of twenty-four by thirty-six (24" x 36"). The scale shall be forty feet (40') to the inch. The plan shall be prepared by a professional engineer or land surveyor registered in Massachusetts.

3.1.3 Contents. The plan shall contain the following:

- 3.1.3.1 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, and date.

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- 3.1.3.2 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.
 - 3.1.3.3 A locus map at one thousand feet (1,000') to the inch showing the boundaries of the abutting properties.
 - 3.1.3.4 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, Historic Districts, Water Supply Protection Overlay District, Campus Development Overlay District, etc.
 - 3.1.3.5 Site information showing all flood plains and zones, waterways and wetland/resource areas pursuant to the Massachusetts Wetlands Protection Act and the Grafton Wetlands Protection Bylaw (on site and with within 100 feet of the property), locations of wells (on site and within 100 feet 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 was accessible, and shall describe any limitation encountered.
 - 3.1.3.6 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.
 - 3.1.3.7 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 District Registry of Deeds.
 - 3.1.3.8 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.
 - 3.1.3.9 Names and status (e.g., private or public, how developed and maintained, etc.) of streets and ways shown on the plan, and covenants regarding common driveways, if any.
 - 3.1.3.10 The names and addresses of the record owner of the land and Applicant and the name, seal, and address of the engineer or surveyor who made the plan. This information shall appear in the lower right-hand corner of the plan.
 - 3.1.3.11 Bearings and distances of all lines of the lot or lots shown on the plan and the distance bearing to the nearest permanent monument.
 - 3.1.3.12 Location and description of all existing buildings and structures including all septic systems, surface and sub-surface drainage.
 - 3.1.3.13 Location and description of all bounds, fences, walls, easements and/or encumbrances, including location of existing trails and other pertinent information.
 - 3.1.3.14 The following statement: "Compliance with zoning or other regulations is neither expressed nor implied".

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- 3.1.3.15 The following statement, if the plan shows any parcel or parcels which are not intended as a building lot: “Not a building lot; no further building may occur without further approval by the Planning Board pursuant to the Subdivision Control Law”.

3.1.4 Additional Requirements

Justification/description of basis for claim to ANR endorsement, clearly noted both on the application form and on the plan (ie: required frontage on a Town accepted road, separation of lots with buildings which preexist subdivision control (including evidence) etc).

3.1.5 Enforcement of Approval Not Required Plans

- 3.1.5.1 In determining whether a way in existence when the Subdivision Control Law became effective in the Town is adequate to qualify a plan as not constituting a subdivision, the Board shall take into consideration the following factors, among others:

- a) whether the right-of-way is at least thirty three (33) feet wide and of reasonable horizontal alignment;
- b) whether the existing horizontal and vertical alignment of the roadway provides safe visibility;
- c) whether the roadway is at least eighteen (18) feet wide, with at least eight (8) inches of gravel, and with adequate provisions for drainage;
- d) whether the road could ever service more than six (6) dwelling units. If it is determined that the road could ever serve more than 6 dwelling units then, in order to be entitled to ANR endorsement, it must be suitably paved with bituminous concrete at no cost to the Town.

- 3.1.5.2 When an applicant requests the Town Clerk to certify a way as maintained and used as a public way, the Town Clerk shall submit to the Board written evidence of public maintenance under vote of the Town.

3.1.6 Planning Board Action

3.1.6.1 Endorsement of Plan Not Requiring Approval

- a) If the Board determines that the plan does not require approval under the Subdivision Control Law, it shall, without a public hearing, and within twenty-one (21) days of a complete submission, endorse the plan with the words "Approval Under the Subdivision Control Law Not Required", or words of similar import. Such endorsement shall not be withheld unless such plan shows a subdivision.
- b) The Board may add to such plan a statement of the reason approval is not required or such other information as it deems appropriate, including, but not limited to, notation as to whether the new boundaries meet requirements for a building lot.
- c) In the event the Planning Board denies the request for ANR endorsement, the Board shall notify the Town Clerk in writing of its action and shall return the original plan to the Applicant.

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- d) Following the endorsement by the Planning Board, the Board shall return the original to the Applicant.

3.1.6.2 **Determination that Plan Requires Approval**

- a) 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, inform both the Applicant and the Town Clerk in writing of the determination and return the plan to the Applicant.
- b) If the Board determines that the plan shows a subdivision, the Applicant may submit a plan for approval as provided by law and by these Rules and Regulations, or may appeal such determination in the manner provided by the provisions of the Subdivision Control Law.

3.1.6.3 **Failure of the Board to Act**

If the Board fails to act upon a plan submitted under this Section or fails to notify the Town Clerk and the persons 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 it 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.

3.2 PRELIMINARY PLAN

3.2.1 Submission of a Preliminary Plan

Any person who wishes to create a residential subdivision may, and any person who wishes to submit a non-residential subdivision must, submit a Preliminary Plan. The submission of such a Preliminary Plan will enable the subdivider, the Planning Board, the Board of Selectmen, the Town Clerk, the Town Engineer, the Superintendent of Streets, the Inspector of Buildings, the Board of Health, the Conservation Commission, the Recreation Commission, the Police and the Fire Departments, the Sewer Commissioners, other Town Agencies and the owners of property abutting the subdivision to discuss and clarify the details of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in each case. It is also recommended that a pre-submission meeting be held between the Applicant and the Planning Board to discuss the general characteristics of the proposed subdivision and the requirements of these Rules and Regulations.

- 3.2.1.1 The Preliminary Plan and fifteen (15) copies thereof, together with the minimum filing and review fees, and two (2) copies of a properly executed application, and one (1) set of reproducible reductions of the Preliminary Plan, said reductions not to exceed eleven by seventeen inches (11" x 17") in outside dimensions, shall be filed with the Planning Board.

- 3.2.1.2 After such submission, the Applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission of a Preliminary Plan to the Board for such approval accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, The Town Clerk shall, if requested, give a written receipt therefore.