

Chapter 380. Planning Board Regulations

Part 2. Subdivision Rules and Regulations

Article II Procedures for Submission of Plans Not Requiring Approval Under Subdivision Control Law

§ 380-2.5 Governing Laws

- A. Approval Not Required (ANR) Plans are governed by the Subdivision Control Law, M.G.L. Chapter 41, Section 81P and the Regulations of the Town of Sherborn, Ch 380 Planning Board Regulations, Article II Procedures for Submission of Plans Not Requiring Approval Under Subdivision Control Law
- B. Such plans do not require approval under the Subdivision Control Law because they do not show a “subdivision”, as defined in M.G.L. Chapter 41, Section 81L. Any person wishing to record such an “Approval Not Required” (ANR) plan must submit an application to the Planning Board and, if the Planning Board agrees that approval is not required, it must “forthwith without a public hearing”, endorse it, thus allowing it to be recorded at the Registry of Deeds. ANR approval does not endorse a lot as a building lot.

§ 380-2.55 Submission of plan.

Any persons who wish 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[1] because the plan does not constitute a subdivision shall:

- A. Schedule Planning Board review by contacting the Town Planner to be placed on the agenda of an upcoming meeting.
- B. Complete Form A as indicated on the form (see Appendix).[2]
[2] Editor's Note: The Planning Board Forms are included as an attachment to this chapter.
- C. File, by delivery or registered mail, a notice with the Town Clerk. Such notice shall describe the land to which the plan relates sufficiently for identification and shall state the date when such plan was submitted and the name and address of the owner of such land.
- D. Submit to the Town Planner the following:
 - (1) A completed original of FORM A **and one (1) additional** copy of the completed form.
 - (2) A completed original Mylar plan of the land and four (4) copies of the plan at a scale of 1" = 40' or appropriate for the size of the property as may be approved by the Planning Board showing existing and proposed changes.
 - (3) One (1) copy of the plan of the land in electronic form (CAD or Shapefile) compatible with the Town's GIS system.
 - (4) An electronic copy of all documents being submitted in PDF format.
 - (5) One (1) copy of a plan showing the existing boundaries of the land at the same scale as the plan indicating the proposed changes.
 - (6) Filing fee as specified in Schedule C (check payable to: Town of Sherborn).[3]
[3] Editor's Note: Schedule C is included as an attachment to this chapter.

Note that the time period of M.G.L. Ch. 41, Sec. 81 P **does not commence** until the applicant has filed a complete application.

[1] *Editor's Note: See MGL c. 41, §§ 81K to 81GG.*

§ 380-2.6 Contents of plan.

Each plan shall contain the following information:

- A. Existing and proposed boundary lines, dimensions and areas (in square feet or to the nearest 1/100 of an acre) of all lots, the boundary lines of which are to be changed or shown without change.
- B. Title, north point, date of survey, date of plan and date of each revision, if any, Assessor's map number and lot number, and scale legend.
- C. Name of owner of record, and name, address, signature and imprint of the seal of the registered engineer or registered land surveyor preparing the plan.
- D. Names of the owners of all abutting lots from the current Assessors' records.
- E. Indication of the Zoning district or districts and district boundary lines, if any, coinciding with or intersecting any lot line.
- F. Existing and proposed lines of streets, ways, and easements with an indication on the plan of their intent and whether they are public or private. The width and construction materials of the traveled way from which the property derives its frontage, as well as notice as to whether or not the street is a Scenic Road, shall be indicated on the plan.
- G. Existing and proposed public or common areas, if any.
- H. Location of all existing buildings on proposed lots and abutting lots
- I. For the creation of new lots only, include the following features where they may impede access to the buildable portion of the parcel of land:
 - (1) Stone walls, rock outcrops, and major trees subject to the Scenic Road Act
 - (2) Topographic plan at two-foot contours based on an identified benchmark for datum
 - (3) Areas within the 100-year flood plain or 500-year flood plain
 - (4) Limits of any wetlands, vernal pools, or buffer zones subject to State or local jurisdiction, located on or adjacent to the property.
- J. A vicinity (locus) map showing all other adjacent land of the Applicant and other adjacent properties as far as the nearest existing street in every direction. The vicinity map may be a copy of the Assessors' maps.
- K. A figure indicating total frontage, and a dimension illustrating width at the front setback line and a proposed building line shall also be shown on the plan.
- L. Frontage and area of any remaining adjoining land owned by the Applicant.
- M. For existing or proposed parcels which do not qualify as a buildable lot according to the Town By-Laws, a notation on the parcel stating that such lots are..."not to be considered a buildable lot".
- N. Notice of any special permits/variances issued which affect the proposed change in lot lines.
- O. Deed reference of record owner by Book and Page number and Land court Certificate number if applicable.
- P. Other information as may be required by the Board.
- Q. Printed legend for Planning Board endorsement in the following form:

Approval under the Subdivision Control Law not required.

SHERBORN PLANNING BOARD

Date _____ 20 _____

R. The following statement shall appear below the space for the signature for the Planning Board: "The above endorsement is not a determination by the Planning Board as to conformance with zoning requirements."

§ 380-2.7 Endorsement.

If the Board finds that the plan meets the requirements of this article and does not require approval under the Subdivision Control Law, at least a majority of the members of the Board shall endorse the plan without a public hearing and return the original thereof to the applicant within the time period required by MGL c. 41, § 81P, from the date of submission of the plan. If the Board shall determine that in its opinion the plan requires approval under the Subdivision Control Law, it shall give written notice of its determination to the Town Clerk and to the applicant within such statutory period.