

§ 325-3.2 Plan believed not to require approval.

A. 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 a plan does not require approval under the Subdivision Control Laws may submit his plan and application (Form A) to the Board or to the Town Clerk accompanied by the necessary evidence to show that the plan does not require approval. Said plan shall be submitted either by delivery or by registered or certified mail. Receipt of the plan by Town Clerk shall constitute the date of submission. The applicant will also file the appropriate filing fee to cover the cost of handling reviews and public meeting expenses.

If the Board determines that the plan does not require approval, it shall within twenty-one (21) days and without a public hearing endorse on the plan the words "Planning Board Approval under the Subdivision Control Law Not Required." If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one (21) days of submission of said plan so inform the applicant and return the reproducible original of the plan. The Board shall notify the Town Clerk of its action.

The applicant shall provide electronic copies of said plan which meet the current version of the "MassGIS Standard for Digital Plan Submission to Municipalities" meeting the requirements for Level I submission standards. Electronic copies of all submission materials must also be submitted in a PDF format.

- (1) The applicant shall:
- file with the Board:
 - A fully completed Form A, the original and nine (9) copies
 - The required Filing Fee
 - One (1) mylar copy of said plan
 - Ten (10) paper copies of said plan
 - One (1) Topographic Plan (drawn at the same scale as the ANR Plan)
 - Completed Compliance Letter from the Board of Health
 - Notarization form (if required)
 - Provide written notice (Form A and copy of the plan) to the Lunenburg Town Clerk by delivery or by registered mail, postage prepaid, that he/she/they have submitted such a plan with the Planning Board.

B. Plan Contents

The plan shall be prepared by a Massachusetts Registered Land Surveyor, shall be clearly and legibly drawn with waterproof ink upon mylar at a scale not smaller than one (1) inch equals forty (40) feet or a scale appropriate to project proposed, with the sheet size not exceeding thirty-six (36) inches by twenty-four (24) inches, and shall contain the following information:

- (1) North arrow, date, graphic scale, legend, locus, and title, "Subdivision Approval Not Required".
- (2) The names and addresses of the owner/s of record at the time of submission of the application, the applicant, and Land Surveyor (including the official seal).
- (3) Locations, names, lines and widths of all existing streets, sidewalks, publicly owned trails and shared use paths, and any common or public areas.
- (4) Location and setbacks of all existing structures on the proposed site.
- (5) Location, dimensions and purpose of all easements, both existing and proposed, within and adjacent to the land in question.

- (6) The plan shall show boundary lines (including bearings, distances and existing permanent monuments), dimensions of all subject lots, sites of divisions, lot areas (in acres or square feet, as appropriate), with all lots designated numerically and in sequences.
- (7) Location of all monuments properly identified as to whether existing or proposed.
- (8) Frontage dimensions of all lots created and the dimensions of any frontage remaining on the original subdivided parcels, including the area of any subdivided parcels with a structure and any access roads/driveways.
- (9) Zoning classification and location of any Zoning District boundaries that lie within the locus of the plan.
- (10) Suitable space, located in the lower right side of the Plan, to record the action of the Board and the signatures of members.
- (11) Book and page number from the Worcester North Registry of Deeds or title reference of subject property.
- (12) A notation reading "Planning Board endorsement under the Subdivision Control Law should not be construed as either an endorsement or approval of compliance with Zoning Bylaws, Board of Health requirements or any other regulations required to make a lot buildable."
- (13) The location and Title V compliance status of any subsurface sewage disposal system and any potable water supply that serves an existing structure on any lot or parcel that is subject to the proposed land division.
- (14) Notice of any decisions issued by the Zoning Board of Appeals regarding the land and/or buildings depicted on the Plan. This should include any Special Permits and/or variances.
- (15) The Topographic Plan shall be drawn to include existing contours at two foot intervals and must include any topographic features which interfere with the use of the frontage for access, such final determination to be made by the Board.

C. Planning Board Action:

Before the Board makes its determination, it shall review or have a consultant review the correctness of all street information and compliance with the Town of Lunenburg Zoning Bylaws. If, in the judgment of the Board, consulting services are necessary or appropriate, the applicant shall be responsible to cover the full cost of such services prior to the endorsement of the plan.

Where the physical condition or width of a way, from which the lots shown on the plan have their access, is considered by the Board to be inadequate either to provide for emergency services or to carry the traffic which is expected, in the opinion of the Board, to be generated by such lots, the Board shall determine that the plan does require approval under the Subdivision Control Law.

Where the Board determines that in its opinion adequate access (as contemplated by section 81M of the Subdivision Control Law) does not exist, the Board shall determine that the plan does require approval under the Subdivision Control Law.

- (1) If the Board determines that the plan does not require approval under the Subdivision Control Law, the Board, without a public hearing, will vote to endorse the plan. The Planning Board may add to such endorsement a statement of the reason or reasons approval is not required.

- (2) The original copy of the plan shall be returned to the applicant, who shall file it with the Worcester Northern Registry of Deeds and return a receipt of filing to the Planning Board. The Planning Board shall also notify the Town Clerk in writing of its action within 21 days of the endorsement.
 - (3) If the Board determines that the plan does require approval, the Board will vote to deny the plan and file a written statement with the Town Clerk, and mail a copy to the applicant, of its determination including its reason for denial.
- D. Failure of Board to act. If the Planning 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 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.