

**§ 175-10. General requirements for applications.**

**A. Forms.**

- (1) All applications must be on the most current version of the appropriate form. Required forms are found in Appendix A, Required Forms for Subdivision Control, which is a part of these rules and regulations. Applications may be rejected if they are not on the correct form.
- (2) All applications must be complete. Applications may be rejected as incomplete if they omit required information or required supplemental forms.

**B. Signatures.**

- (1) All applications must be signed by all property owners of all parcels involved in the application. All plans must be signed by the licensed professional who prepared them. The application forms may indicate additional signature requirements.
- (2) If a parcel is held in joint tenancy, then all tenants must sign.
- (3) If a parcel is held (either partially or fully) by a trust, partnership or corporation, then the application must be accompanied by the trust documents, partnership documents or articles of incorporation, respectively, along with such documentation that will demonstrate that the individuals signing the application have the authority to exercise control over the property.
- (4) If for some reason, such as guardianship or power of attorney, some individual is authorized to exercise control of the parcel (or share thereof) on behalf of another, then documentation showing such guardianship or power of attorney or similar situation must be included with the application.
- (5) If an individual other than an owner of the property is to represent the applicant before the Board, then a power of attorney or similar document signed by the owner or owners must be included. This document must, at a minimum, authorize the representative to commit to paying consulting fees, to agree to conditions set by the Board and to sign agreements to extend deadlines.

**C. Fees.** All applications must include the associated fees at the time of application.

Applications without such fees will be returned as incomplete without further review. In particular, any other omissions or inadequacies will not necessarily be identified.

**D. Plans.**

- (1) All applications must be accompanied by required plans at the time of the application. Such plans must be in the required form and contain all required data.

- (2) The title or subdivision name shown on a plan or set of plans must exactly match that shown on the application. This title or name is used by the Planning Board as a reference and citation for the application. Inconsistencies or changes to the title create an unnecessary administrative cost to the Board.
- (3) All plans must be 24 inches by 36 inches unless otherwise approved by the Board. Plans showing lot line changes shall also be submitted in digital format on a CD-ROM or flash drive in the standard outlined below:
  - (a) To facilitate maintenance of the Town's records, and assessor's tax maps, an electronic file (the "standard digital file") of definitive subdivisions plans and plans for which approval under the subdivision control law is not required, pursuant to G.L. c.41, §81P, shall be filed with the Planning Board at the time the original hard copy is submitted. The standard digital file shall comply with Level III of the current version of the Mass GIS "Standard for Digital Plan Submission to Municipalities" (hereafter "the standard"), available on the Internet by searching Mass.gov. The vertical datum shall be the North American Vertical Datum 1988.
  - (b) Upon written request, the Planning Board may waive the requirement for submitting the standard digital file in compliance with Level III, and may allow submission of a standard digital file that complies with Level II or, any image format on a CD-ROM or flash drive. Any request for a waiver must include a statement as to why submitting any other Level or format should be allowed.

**[Amended 04-09-2015]**
- (4) All plans must be prepared by a licensed professional engineer and licensed land surveyor and, where appropriate, a licensed landscape architect or other professional.
- (5) Each page of a set of plans shall have a title block in the lower right-hand corner. This must show, at a minimum, the title, the name of the subdivision (if any), the date, the scale, the names and addresses of the property owner(s), the name and address of the applicant (if different from the owner) and the names and seals of the designer, engineer and surveyor who made the plan, a page number, the total number of pages and all other information required by the applicable CMR, Registry rules or Land Court rules.
- (6) Each page shall have the signature of the licensed professional(s) who prepared the plan. At least one page shall have the seal and signature of said professional(s) and a statement asserting that said plan was based on an actual field survey and produced in accordance with all requirements under CMR.
- (7) Each page of a set of plans shall have a legend.

- (8) Where more than one revision of a plan has been submitted to the Board, all revised plans must have a revision history adjacent to the title block, as required by the applicable CMR, and also indicating the nature or purpose of the revision.
- (9) On all plans, any area of land that does not meet the current frontage, acreage or other dimensional zoning requirements shall be labeled a "parcel" and any area of land that meets all dimensional zoning requirements a "lot." Lots shall be assigned consecutive numbers, while parcels shall be assigned consecutive capital letters. Plans that use the term "lot" to describe areas that do not meet both the frontage and acreage requirements will be rejected.
- (10) The North American Vertical Datum of 1988 (NAVD 1988) shall be indicated and described on all plans, and at least one benchmark shall be located on site. The Planning Board may, at its discretion, waive this requirement on small or low-impact applications. **[Amended 9-27-2010]**

E. Submission of applications.

- (1) All applications must be submitted in accordance with the requirements of MGL c. 41, § 81O. Specifically, they must be submitted at a meeting of the Planning Board or by registered or certified mail.
- (2) Applications submitted at a meeting of the Planning Board will be considered received on that date. Applications submitted via registered or certified mail will be considered received on the date of receipt.
- (3) Applications may be delivered to the office of the Planning Board in person, via courier or other delivery service or via ordinary (nonregistered, noncertified) mail. Such applications will, as a courtesy to applicants, be forwarded to the Planning Board at its next regularly scheduled meeting. The effective date of receipt will be the date of that meeting. However, delivery in this manner does not comply with MGL c. 41, § 81O and is done at the applicant's risk. Neither the Town nor the Planning Board will guarantee that plans submitted in this manner will be delivered to the Planning Board.
- (4) Delivery of applications directly to the Town Clerk does not satisfy the requirements of MGL c. 41, § 81O and will not be accepted or considered as filed.
- (5) After submitting an application to the Planning Board, it is the responsibility of the applicant to comply with the requirements of MGL c. 41, § 81T by filing a notice with the Town Clerk stating the date of submission of such application. The Planning Board will provide, upon request, a receipt for applications submitted at a meeting of the Planning Board. For applications delivered by certified or registered mail, the United States Postal Service return receipt will be the evidence of date of receipt by the Planning Board. A

copy of either of these shall be furnished to the Town Clerk as part of the notification required under MGL c. 41, § 81T. Notification to the Town Clerk prior to actual receipt of an application (as defined by MGL c. 41, § 81O) shall be invalid.

- (6) Acceptance of an application does not constitute a finding that the application is complete. The Planning Board retains the right to reject incomplete applications, according to the procedures described in these rules.

#### F. Rejection of incomplete applications.

- (1) If an application is rejected because it is incomplete, it is treated as if no application was made, except that fees will not be refunded for incomplete applications.
- (2) If an incomplete application is resubmitted within six weeks (42 days) of the date of rejection for ANR applications, or eight weeks (56 days) for subdivision applications, then it may include a request for waiver of a portion of the new fees. Such waiver will be granted solely at the discretion of the Board, and in no case will the reapplication fee be waived to less than \$50 for ANR applications or less than \$100 for subdivision applications.

### **§ 175-11. Procedures for ANR applications.**

#### A. Request for ANR endorsement.

- (1) 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 a request for ANR endorsement containing the following:
    - (a) The original plan conforming to the requirements of the Registry of Deeds or Land Court, as appropriate, and conforming to the requirements of the Planning Board as specified in § 175-10D and Subsection C of this section.
    - (b) Seven full-size prints of the plan.
    - (c) A copy of the deed to all parcels affected by the plan.
    - (d) A completed Form ANR-1 (including all required supplemental forms).
    - (e) The required fee, as specified in Subsection B below.
    - (f) The necessary evidence to show that the plan does not require approval under the Subdivision Control Law.
- [Amended 11-6-2006]**

(2) This request shall be submitted to the Planning Board in accordance with all requirements of § 175-10.

(3) Properties shown as "remaining land" or similar notation have no special status. They shall be included in all fee calculations and shall have all required data shown.

B. Fees for ANR endorsement. All other ANR plans require an application fee of \$75, plus \$75 for each lot or parcel shown on the plan, excluding lots and parcels that are unaffected by the endorsement, but including lots and parcels that are the intended recipient of a conveyance. For example, a plan that shows a parcel of 0.5 acres being removed from a fifty-acre property, with the intent of conveying it to a neighboring property, will pay a total of \$300, as follows:

**[Amended 11-6-2006]**

(1) Seventy-five-dollar base fee.

(2) Seventy-five dollars for the fifty-acre (now forty-nine-and-five-tenths-acre) property.

(3) Seventy-five dollars for the parcel being conveyed.

(4) Seventy-five dollars for the recipient property.

C. Requirements for ANR plans.

(1) All plans submitted for ANR endorsement shall show the following:

(a) Title.

(b) North point.

(c) Date of survey.

(d) A locus map at a scale not greater than one inch equals 2,000 feet.

(e) Scale.

(f) Existing and proposed boundary lines. The plan shall clearly distinguish between the two.

(g) Areas and dimensions of all lots shown. Any lot or parcel on which there is a body of water must show three numbers: the acreage exclusive of the body of water, the acreage of the body of water and the combined acreage.

- (h) Total frontage of each property. If any property frontage is described as a sequence of segments, then the total frontage must be shown in addition to the length of each segment.
  - (i) Zoning district of each lot and parcel, including any applicable overlay districts, and all zoning district boundaries. If all lots and parcels affected by the plan are in the same zoning district, then a single notation will suffice.
  - (j) Lot and/or house numbers for existing properties.
  - (k) Name and address of record owner.
  - (l) Name, address, seal and signature of engineer or surveyor.
  - (m) Names of all abutters as they appear in the most recent tax list, unless the applicant has knowledge of any subsequent changes.
  - (n) Existing and proposed lines of streets, ways and easements. If any easement is located so as to potentially affect access to the property, then a copy of the easement language shall be furnished.
  - (o) Location of all buildings or structures.
  - (p) Existing contours at five-foot intervals and the location of any topographic features which might interfere with the use of the frontage for access.
  - (q) Location of all bounds, brooks, fences, guardrails, barriers or walls.
  - (r) Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances regarding the land or any buildings thereon.
  - (s) The statement "Approval Under the Subdivision Control Law Not Required" and sufficient space for the signatures of all Planning Board members.
- (2) All plans shall be drawn to a scale of one inch equals 40 feet. However, it is the policy of the Board to waive this requirement, without written request, whenever the scale is increased for the purpose of allowing the entire plan to fit on one sheet and, in the opinion of the Board, there is no loss of information or clarity by such increase in scale.
- (3) Label any area of land that does not meet the current frontage or acreage requirements a "parcel" and any area of land that meets both a "lot." Lots shall be assigned numbers, while parcels shall be assigned capital letters. Plans that use the term "lot" to describe areas that do not meet both the frontage and acreage requirements will be rejected.
- (4) Any way known to be a private way shall be clearly labeled as such.

- (5) No street may be labeled a "public way" or other such notation unless accompanied by such evidence, based on a review of the Town's records, that will demonstrate that the way is legally a public way. The use of the phrase "public way" on maps or plans, whether or not such plans have been filed at a Registry, does not by itself constitute adequate evidence.
  - (6) Ways used for frontage must qualify under the definitions used in the Townsend Zoning Bylaw. The applicant shall provide such evidence as may be necessary to establish this. It is the policy of the Board to waive this requirement routinely for the large number of roads known personally to the Board as being maintained by the Town. However, this does not diminish the authority of the Board to require such explicit evidence for ways not known to the Board or for which the status or condition is in doubt.
  - (7) Except for perimeter plans and properties that are the recipients of a conveyance, no property unaffected by a plan shall be part of the plan.
  - (8) If any property does not have sufficient frontage, then the plan shall include one or more notations completely explaining why such property does not cause the plan to show a subdivision. The following notations are samples of notations that may, depending on circumstances, be acceptable:
    - (a) "This parcel to be conveyed to \_\_\_\_\_ and joined with Lot \_\_\_\_\_," where the recipient lot is clearly identified on the plan and the conveyance is to all of the owners of the recipient lot as shown on the plan. All parcels to be conveyed must be identified by one or more such notations.
    - (b) "This is not a subdivision under MGL c. 41, § 81L because Lots \_\_\_\_\_ each have buildings that were standing when the Subdivision Control Law went into effect in Townsend."
    - (c) "Parcel \_\_\_\_\_ is not available for building, due to \_\_\_\_\_" where the reason provided is adequate to show and guarantee that the parcel is not available for building.
  - (9) If any property lacking adequate frontage is to be labeled "not available for building" or other such similar notation, then the application must be accompanied by such deed, restrictive covenant, easement or other document that will demonstrate why the property is not available for building and cannot be made so, and the plan must clearly note such provisions.
- D. In determining access, the Planning Board will consider both the adequacy and condition of the road providing access and the feasibility of access from the frontage to the buildable portion of any lot. If a road is not yet constructed, then the adequacy of any bond or other provisions to ensure the construction of such road will be considered. The latest edition of

the Approval Not Required Handbook published by the Department of Housing and Community Development may be used for guidance, and the Planning Board may choose to consult with Town Counsel.

- E. The Board may take the following actions on plans submitted for endorsement under this section. The deadline for reaching any of these conclusions is the deadline required by the Subdivision Control Law.

**[Amended 11-6-2006]**

- (1) It may reject the application as incomplete or not in compliance with our requirements. The fee will not be refunded. If a new application for the same properties is submitted within six weeks (42 days), then the reapplication fee shall be \$75 plus \$75 for each lot or parcel increase over the original application. This reduction will only be applied once; subsequent reapplications shall pay the full fee.
- (2) If the Board determines that the plan does not require approval, it shall without a public hearing endorse on the original plan the words "Planning Board Approval Under Subdivision Control Law Not Required." Said original plan shall be returned to the applicant, and the Board shall notify the Town Clerk of its action.
- (3) If the Board determines that the plan does require approval under the Subdivision Control Law, it shall so inform the applicant and return the original plan. The Board shall also notify the Town Clerk of its determination. The fee is not refundable in this case, nor will it be applied to any reapplication.