

## **SHELBURNE PLANNING BOARD**

### **FORM A – March 2018**

#### **APPLICATION FOR ENDORSEMENT OF A PLAN BELIEVED NOT TO REQUIRE APPROVAL (ANR)**

**Use:** File this form if you are dividing land and believe the division does not constitute a subdivision as laid out in Section II.2.2 of the Shelburne Subdivision Regulations, and the Massachusetts Subdivision Control Law, M.G.L. Chapter 41, Sections 81K-81GG (*a link is available on the Town website and a hard copy is available in Town Hall*).

#### **Instructions for submission:**

- Please type or print all information. Incomplete applications will not be considered.
- An application must have the signature of the Shelburne Town Collector verifying taxes paid, as required by Shelburne Town Bylaw Article 3 Section 5, to be considered complete.
- Deliver the following items to the Shelburne Town Clerk in Town Hall for review a minimum of 5 business days prior to a scheduled Planning Board Meeting. The Town Clerk will initial and date stamp the application upon receipt. Note: The Shelburne Town Offices are closed on Fridays. The Town Clerk’s regular business hours are posted on the Town of Shelburne Website and on the Town Clerk’s voice mail at 625-0300 ext. 3.
  - Two copies of the Form A signed by the applicant.
  - An original reproducible Mylar plan prepared by a registered professional engineer or registered land surveyor **and** the number of paper copies of the original plan as specified in Section II.2.2 of the Town of Shelburne Subdivision Regulations. Plans must comply with the requirements of Section II.2.2 of the Town of Shelburne Subdivision Regulations.
  - A compact disk or flash drive containing a copy of the original CADD file in PDF format **plus** accompanying documents in PDF format to be submitted.
- Pay fee in check or money order payable to Town of Shelburne to the Town Clerk to receive a stamp verifying payment.

#### **Next steps after submission:**

- You will be scheduled to attend the next Planning Board Meeting. Possible outcomes:
  1. If the application is complete and meets the requirements of Section II.2.2 of the Shelburne Subdivision Regulations and M.G.L. Chapter 41, Sections 81K-81GG, the plans will be endorsed by the Planning Board. You will receive the signed original Mylar and the Planning Board will keep two signed paper copies.
  2. If the application is not complete or the Planning Board requires more information, the application will be rejected and you will receive additional instructions at that time.
  3. If the Planning Board determines that the plan requires subdivision approval, you will be asked to submit a subdivision application.
- Once the plans have been endorsed, register the ANR at the Franklin County Register of Deeds, located in Greenfield, MA, 413-772-0239. Recording hours are Monday through Friday, 8:45 a.m. to 4:00 p.m.

**SHELBURNE PLANNING BOARD**

**FORM A**

**APPLICATION FOR ENDORSEMENT OF A PLAN BELIEVED NOT TO REQUIRE APPROVAL (ANR)**

**1. Name of Applicant:** \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**2. Property Owner(s)** (If different from above. All entities listed on deed must sign. Please attach additional sheets if necessary.)

**Name:** \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Name:** \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**3. Name of Registered Land Surveyor/Engineer:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**4. Parcel ID: Street Address:** \_\_\_\_\_

**Map:\*** \_\_\_\_\_ **Lot/Parcel #:\*** \_\_\_\_\_ **Zoning District\*:** \_\_\_\_\_

*\*This information can be found on your tax bill or you can call the Board of Assessors.*

**Number of existing parcels/lots:** \_\_\_\_\_ **Number of new parcels/lots:** \_\_\_\_\_ [Fee: \$35/lot]

**5. Verification of Taxes Paid:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Shelburne Town Collector [Shelburne Town Bylaw Article 3 Section 5]

**6. What are the proposed changes to the plans? (Please describe in detail):** (Plans must include a statement that the Planning Board’s endorsement of this Plan does not certify compliance with the zoning requirements for a building lot.)

**Applicant must file this form with the Town Clerk, Town of Shelburne.**

Town Clerk Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**[EXCERPT FROM THE TOWN OF SHELburnE SUBDIVISION REGULATIONS RELATED TO ANR]**

Section 2.2 Plan Believed to be an “Approval Not Required” (ANR) Plan.

- A. Any person who believes his/her plan does not require subdivision approval because it does not show a “subdivision” as defined in M.G.L. c. 41 §81L, shall submit the mylar plan, together with two paper copies and an application form (“Form A”) to the Planning Board, accompanied by a filing fee (see Fee Schedule in Appendix C) and any documentation necessary to demonstrate that the plan does not require approval under the Subdivision Control Law.
- B. A plan submitted under Section 2.2 shall be prepared by a registered land surveyor or professional engineer, in accordance with the applicable requirements of the Franklin County Registry of Deeds, and shall, at a minimum, show the following information:
- 1) The name(s) of the record owner(s) of the subject land, and the names of the owners of all adjacent land as determined from the most recent tax records of the Town;
  - 2) The location of all existing buildings on the subject land and on adjacent lots under the same ownership within 100 feet of the lot line of the subject land;
  - 3) The name(s) of the engineer, or surveyor;
  - 4) The existing lines of streets, ways, easements and any public areas;
  - 5) The location of all easement and rights of way located on or serving the subject land;
  - 6) The existing and proposed boundaries of the subject land and of each parcel and lot created or altered by the plan including the acreage of each parcel or lot created and the length of each boundary line in feet;
  - 7) The zoning classification of the subject land and of the abutters land;
  - 8) A locus plan at a scale of 1" = 600 feet showing the subject land in relation to the nearest intersecting street(s);
  - 9) The locations, widths, and names of all abutting ways;
  - 10) A notation reading:  
“Endorsement of this Plan does not certify compliance with zoning or any town bylaw or ordinance.”
  - 11) A copy of a USGS Topographic map with the boundary of the project site outlined shall be submitted along with the plan.
- C. Frontage on an Existing Way. In determining whether an existing way or a way in

existence on September 6, 1972, when the Subdivision Control Law came into effect in Shelburne, provides adequate frontage to qualify a plan as not a subdivision, the Board will *at a minimum* consider the following:

- 1) Is the right-of-way at least 30 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 at least sixteen (16) feet wide with an additional two (2) feet of shoulder on each side (20 feet wide in total) to provide space for snow removal.
- 4) If the road could ever service more than ten 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?
- 6) Is the grade less than or equal to 10% .
- 7) Any other requirement the Planning Board deems necessary to assure that the roadway has sufficient grade, width, and depth to assure safe vehicular traffic including emergency vehicles.

The Board will not normally find a way in existence when the subdivision control law became effective in Shelburne to provide adequate frontage unless it meets the above standards. However, the Board may waive strict compliance with a standard upon its determination, following consultation with the Selectmen, Highway Superintendent, Police Chief and Town of Shelburne Fire Chief or the Fire Chief of the Shelburne Falls Fire and Water District, as appropriate, that the way will, in fact, be adequate to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for installation of municipal services to serve such land and the buildings erected or to be erected thereon.

- D. Frontage on Approved Subdivision Ways. A major or secondary street shown on an approved subdivision plan will be considered as frontage for purposes of M.G.L. §81L only if either: (a) the way and any associated municipal services are fully constructed in accordance with the Planning Board’s approval of such Subdivision plan, or (b) such construction has been adequately secured in accordance with M.G.L. c. 41, §81U.
- E. Frontage on a Public Way. When the lots shown on a plan presented for endorsement under §2.2 are claimed to have frontage on a public way, the way must physically exist on the ground and be adequate for safe vehicular access, including emergency vehicles, to the proposed lots. Additionally, the Planning Board may require documentation evidencing the layout and acceptance of the way as a public way.
- F. Adequacy of Access. In addition to determining that all lots shown on a plan presented for endorsement under §2.2 have the required frontage on one of the three types of ways

specified in M.G.L. c. 41, §81L, before endorsing a plan as “approval under the subdivision control law not required,” the Planning Board must also determine that each lot shown on the plan has practical access from the way upon which the lot fronts, in that there are no legal or physical impediments which prevent adequate access to the lot.

- G. Time Limit. Pursuant to M.G.L. c. 41, §81P, if the Board fails to act upon a plan submitted under §2.2, or fails to notify the Town Clerk and the applicant of its action within twenty-one (21) days after the plan submission, the Board shall be deemed to have determined that approval under the Subdivision Control Law is not required, and shall forthwith make such endorsement on the plan. If the Board fails to make such endorsement, the Town Clerk shall issue a certificate to the same effect.
- H. If the Board determines that the plan does not require approval, it shall forthwith, at a regularly scheduled Planning Board meeting and without a public hearing, endorse on the plan the words “Planning Board approval under the Subdivision Control law not required.” The Board shall then sign said endorsement. Said plan shall then be returned to the applicant, and the Board shall notify the Town Clerk of its action. The applicant shall provide the Board with two (2) copies of the endorsed print. In the event that there is not a regularly scheduled Planning Board meeting within the twenty-one (21) day time limit, the Chair of the Planning Board may schedule a Planning Board meeting to review the ANR plan at his or her discretion.
- I. If it deems necessary, the Planning Board shall have the plan reviewed by a Massachusetts registered engineer before making a determination. The cost shall be borne by the applicant (see Section 5.3.)

The Planning Board will notify the applicant within 21 days of the submittal of an ANR Plan if it does not meet the requirements of this section and the reason for denying