

Douglas Planning Board Policies regarding
Approval Not Required (ANR) Plans

PURPOSE (Section 81-M of Chapter 41 G.L.)

The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of Douglas by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a Planning Board and a Board of Appeals under the subdivision control law shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning or bylaws; for securing adequate provision for water distribution, sewerage, drainage and other municipal services, protection of natural water sources, flood control wetland areas, and other requirements; and for coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions.

SECTION 1.0 AUTHORITY

Pursuant to Chapter 41, General Laws of the Commonwealth of Massachusetts, Sections 81K-81GG inclusive as most recently amended, the Planning Board of the Town of Douglas, Massachusetts, issues the following regulations governing all subdivisions of land in the Town of Douglas, all plans thereof and all procedures relating thereto.

SECTION 2.0 GENERAL

2.1 Basic Requirements

No person shall make a subdivision of any lot, tract or parcel of land within the Town, or proceed with the planning improvement, or sale of lots in a subdivision, without first submitting to the Planning Board for approval a Definitive Plan of such subdivision.

2.2 Definitions

For the purpose of these rules and regulations, the following terms used herein are defined as follows:

ACCESS: Each lot proposed for acceptance in a definitive plan or a plan not requiring subdivision control (81P) shall have direct access for use by emergency and other vehicles from the street on which its frontage is measured.

APPLICANT: Applicant shall include an owner, or his agent or representative, or his assigns.

BOARD: The Planning Board of the Town of Douglas.

DEVELOPER: A person (as hereinafter defined) who proposes to develop a subdivision under a plan of a subdivision approved pursuant to Sec. ??? of these Rules and Regulations. The Developer may or may not be the applicant.

LOT: An area of land in one (1) –ownership, with definite boundaries and used, or available for use, as the site of one (1) or more buildings.

SUBDIVISION: The division of a tract of land into two or more lots including re-subdivision, and, when appropriate to the context, the process of subdivision of the land or territory subdivided.

STREETS:

Residential Street: A street which generally serves only those residents living on that street and which can be considered to permanently serve the exclusive function of being a residential street.

Secondary Street: A street which connects or may eventually connect two or more subdivisions or two or more groups of minor streets within the same subdivision.

Principal Street: A Street which handles or is expected to handle a considerable volume of traffic and provides inter-town access between Douglas and adjoining communities.

Section 3.0 Plan Believed Not to Require Approval

3.1 **Administration/General** - 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 the following to the Town Clerk:

- a) The original plan with four (4) prints thereof,

- b) two (2) application Form A's (see Appendix), and
- c) The appropriate filing fee.

The notification shall be accompanied by the necessary evidence to show that the plan does not require approval. Or, if delivered to the Board, said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefore.

If the Board determines that the plan does not require approval, it shall, without a public hearing and within twenty-one (21) days of submission, endorse on the plan the words; "Planning Board Approval under the Subdivision Control Law Not Required." A majority of the Board shall endorse said Plan. Said Plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.

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 plan. The Board shall also notify the Town Clerk of its determination in writing.

3.2 Presentation – The plan shall be prepared and stamped by a Massachusetts Registered Professional Land Surveyor and shall be legible at a scale of 1 inch equals 40 feet, or such other scale that the Board may deem suitable to show details clearly and accurately.

3.3 Contents – The following shall be clearly shown on the submitted plan.

1. The names and addresses of the Record Owner and the Applicant, the name and seal of the land surveyor who prepared the plan, and the names of all property abutters including map and parcel references and appropriate plan and deed references;
2. The statement “Approval under Subdivision Control Law is Not Required,” and with sufficient space for the date and signatures of all members of the Planning Board;
3. A locus map showing the location of the subject parcel.
4. The statement “Planning Board Endorsement does not necessarily mean that this plan conforms to the current zoning requirements;”

5. Plan and Deed references of Record Owner(s), as appropriate;
6. The plan shall be prepared in conformance with the requirements of 250 CMR 6.00 including, but not limited to the existing boundary with reference to at least two permanent boundary monuments on or off the land to which the plan relates. Providing a reference to previous submittals or plans is not adequate to show a relationship to the relevant monuments.
7. The boundary lines of proposed lots, with accurate areas and dimensions, bearings and distances to permanent monuments;
8. Existing and proposed easement dimensions and purpose;
9. The names, locations and identification of ways as public or private;
10. Existing structures, bounds, and walls;
11. North arrow, date of survey and scale;
12. Any pertinent information such as zoning and overlay districts, clearly indicating limits of each;
13. Notice of any decisions or variances issued by the Zoning Board of Appeals, including but not limited to variances and special permits regarding the land and any buildings thereon.
14. Access limiting features including, but not necessarily limited to ledge, wetlands (in accordance with 310 CMR 10.00), water bodies, topography, and corner sight distance on the way access is being obtained.
15. Table showing zoning dimensional requirements for relevant zoning districts.
16. Limits of relevant overlay districts.
17. The Applicant must submit a Compact Disk containing a digital drawing file of the approved ANR plan or pay a processing fee for transferring the information into digital format.