

**APPLICATION FOR ENDORSEMENT OF A PLAN BELIEVED
NOT TO REQUIRE APPROVAL UNDER THE SUBDIVISION CONTROL LAW**

APPLICATION FILING INSTRUCTIONS

1. Submit one (1) original, and one (1) copy of the fully executed **Form A** Application to the Planning Board (See §3.B.1 of the Planning Board Rules and Regulations).
2. In the event that the Application is signed by a trustee of a trust, an officer of a corporation or limited liability corporation, or a partner of a partnership, then a proper affidavit or certificate(s) signed under oath and notarized shall be provided to support each such signature.
3. Submit five (5) paper copies of the ANR Plan.
4. Submit one (1) fully completed **ANR Plan Requirements Form – FORM A-2** (included in this packet).
5. Submit one (1) original, fully executed **Form A-4** (included in this packet) documenting the names and addresses of all Owners of land directly abutting upon the land, including those separated by a street from the subject property as appearing on the most recent tax list and as approved by the Town Assessor.
6. Submit the required filing fee (check or money order only) made payable to the Town of Plympton.
7. Submit **ALL** material in an electronic PDF format.
8. Submit one (1) Mylar of the ANR Plan to the Planning Board for endorsement *only after receiving ANR Plan approval from the Planning Board.*

Town of Plympton
Planning Board

FORM A

**APPLICATION FOR ENDORSEMENT OF A PLAN BELIEVED
NOT TO REQUIRE APPROVAL UNDER THE SUBDIVISION CONTROL LAW**

To the Plympton Planning Board:

1. Name of Applicant(s): _____

Address: _____

Telephone: _____

E-mail Address: _____

2. Name of Owner(s): _____

Address: _____

Telephone: _____

E-mail Address: _____

3. Name of Engineer: _____

Address: _____

Telephone: _____

E-mail Address: _____

4. Name of Surveyor: _____

Address _____

Telephone: _____

E-mail Address: _____

5. Location of Property
(Street Address): _____

6. Zoning District: _____

7. Assessing Information: _____

8. Size of Property
(Both in Square Feet
and Acreage): _____

9. Registry References:
(Book/Page; Date)
(Plan Book, etc.) _____

The undersigned Applicant(s) wish(es) to record the accompanying Plan, submitted herewith, which is entitled: _____

_____ and was prepared by _____
_____ and is dated _____ (the
"Plan"); and, based upon the information submitted with this Application and representations made below, hereby requests a determination by and the endorsement of the Plympton Planning Board that approval of the Plan under the Subdivision Control Law is not required under MGL c.41, §81L and §81P.

The undersigned assert(s) that approval of the Plan under the Subdivision Control Law is not required for the following specific reasons: (Circle reasons below as appropriate – add extra sheets as necessary if further information is offered.)

1. The Plan does not require approval under the Subdivision Control Law because it does not show a division of a tract of land into two or more lots or a resubdivision.
2. The Plan does not require approval under the Subdivision Control Law because:
 - A. Every lot shown on the Plan has frontage of at least such distance as is presently required under the Plympton Zoning Bylaw.

And

- B. Each lot shown on the Plan has the minimum required frontage on one of the following types of ways (Circle as appropriate):
 - i) A public way or a way (insert name of the way):
_____, which the Plympton Town Clerk has certified is maintained and used as a public way. (Attach the Plympton Town Clerk's certificate that the way is public as an exhibit to this Application.)

Or

ii) A way (insert name of the way): _____, which is shown on a Plan previously approved and endorsed in accordance with the Subdivision Control Law and either has been built or is properly secured under MGL c.41, §81U, ¶7. The definitive subdivision is entitled: _____ and was approved by the Planning Board on _____ and endorsed on: _____. The Applicant shall also submit the applicable Certificate of Action and Covenant to prove that the subdivision in question is not subject to a lot limitation or any other such limit on development.

Or

iii) A private way (insert name of the way): _____, which was in existence prior to July 1, 1955, the date when the Subdivision Control Law took effect in the Town of Plympton; and that, in the opinion of the Plympton Planning Board, has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. (Attach the evidence upon which the Applicant will rely to establish that the private way was in existence prior to July 1, 1955 as an exhibit to this Application.)

3. The Plan does not require approval under the Subdivision Control Law because the division shown on the Plan merely shows a proposed conveyance or other instrument which would merely add to, take away from or change the size and shape of the lots shown in such a manner as not to leave any lot so affected without the minimum required frontage.
4. The Plan does not require approval under the Subdivision Control Law because the land shown on the Plan has two or more buildings located on it that were standing on July 1, 1955 (i.e., when the Subdivision Control Law went into effect in the Town of Plympton) and the proposed division of land would create separate lots on each of which one of such buildings would remain standing. (Attach the evidence upon which the Applicant will rely to establish that each such building was standing prior to July 1, 1955 as an exhibit to this Application.)

(NOTE: The division of land under the above subsection (4) may not conform to current zoning requirements and may require further zoning relief before a lawful conveyance under the Plan may occur.)

I/We hereby certify that the facts asserted above are true and accurate to the best of my/our knowledge after having made a good faith investigation of the facts. I/We hereby further certify that all of the owners of record of the land shown on the Plan have assented to this Application and have signed the Application below.

SIGNED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS _____ DAY OF _____.

Signature of Applicant
(Print Name: _____)

Signature of Applicant
(Print Name: _____)

I/We hereby certify that I/we are the record Owners of the subject property shown on the Plan and that I/We hereby assent to this Application.

SIGNED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS _____ DAY OF _____.

Signature of Owner
(Print Name: _____)

Signature of Owner
(Print Name: _____)

ENGINEER'S/SURVEYOR'S CERTIFICATE

I hereby certify that I prepared the Plan, that I have reviewed the Plympton Planning Board's applicable Subdivision Rules & Regulations, that the Plan was prepared based upon a ground survey performed on (insert date(s)): _____ by _____, and that, to the best of my knowledge and belief, the Plan conforms to all of the requirements of the Plympton Planning Board's Subdivision Rules & Regulations, regarding ANR Plan submissions.

(NOTE: In the event that the Plan does not conform to all requirements, the engineer or surveyor shall submit a letter indicating each way in which the Plan does not conform and why.)

SIGNED UNDER OATH AND SUBJECT TO THE PENALTIES OF PERJURY THIS _____ DAY OF _____.

Signature of Engineer or Surveyor
(Print Name: _____)

Imprint Professional Seal Here

Note: If more than one person prepared the Plan, then each such person shall sign a certificate with the language set forth above and indicate which part or parts of the Plan was prepared by him or her, otherwise the sole signatory shall take responsibility for the entire contents of the Plan.

FORM A-2

ANR PLAN REQUIREMENTS CHECKLIST

3B.2 ANR Plan Requirements. An ANR plan shall satisfy all of the requirements set forth below.

3B.2.1 Preparation. An ANR plan shall be of a minimum dimension of nine and one-half inches by fourteen inches (9 1/2" x 14") but shall not exceed a dimension of twenty-four inches by thirty six inches (24" x 36"), and shall be drawn at a minimum of one (1) inch equals eighty feet and a maximum scale of one inch equals forty feet (1" = 40').

Requirement met?

3B.2.2 Contents. An ANR plan shall contain, but shall not necessarily be limited to, the following information and shall be based upon an on the ground survey:

Check whether each requirement is met. Indicate not applicable with "N/A".

- 1. Name, address, telephone number, and e-mail address of the Applicant and each owner or record for the land to be divided under the ANR plan.
- 2. North point.
- 3. Date of ground survey performed and seal and signature of the registered professional who prepared said plan.
- 4. Name, address, and seal of the Professional Land Surveyor who prepared, signed and stamped said plan.
- 5. Names and addresses of all abutters from the most recent Town tax list.
- 6. The Assessor's Map reference for the land proposed to be divided.
- 7. Existing and proposed boundary lines, dimensions, and areas of each of the parcels and lots shown on said plan. If the division is within 500 feet of a highway or road which has been laid out by the Town of Plympton, Plymouth County Commissioners, or the Massachusetts Department of Public Works, the division shall also be tied into two or more permanent points or bounds of the existing highway or road by bearing and distance. If the division is more than 500 feet from such a way, then, at the Planning Board's discretion, at least two property corners shall reference the corresponding Massachusetts grid coordinates.

- 8. Existing and proposed lines of streets, ways, cart paths, common driveways and easements and whether each is a public or private way.
- 9. Zoning classification and location of any zoning district boundaries that may lie within the locus.
- 10. Any present or proposed public areas within the property.
- 11. Location of all existing buildings or structures, if any, including setback and side and rear yard designations of any existing structures on any remaining adjoining land owned by the Applicant and dimensions of yards relating to such structures. A note shall be placed on the plan as follows:

Endorsement of this plan shall not be deemed to be a verification of the location of the structures shown or setback indicated.

- 12. Proposed or existing permanent monuments. At least two such monuments must be shown on the land being divided.
- 13. The limits of all wetlands or a notation that there are no wetlands, if none exist.

Wetland delineations must be either

A. performed by a Professional Wetland Scientist or Wetlands Professional in Training certified by the Society of Wetland Scientists, or hold a related certification (Soil Scientist, Naturalist, or Geologist) from another state or organization or

B. confirmed by an Order of Resource Area Delineation. A claim that no wetlands exist must also be confirmed as above or by a Determination of Applicability.

- 14. A locus map at a minimum scale of 1" = 1000' extending a minimum of one-half mile beyond the property limits.
- 15. Remaining adjoining land in the ownership of the Applicant, if any.

If applicable, the Applicant shall furnish evidence on the plan indicating that the adjoining land has adequate frontage for later development.
- 16. Location of any easement, public or private, across the land, with a designation as to the use of the same.

- 17. A signature block shall be placed on the plan that provides sufficient space for the date of endorsement and the signatures of the members of the Planning Board.
- 18. In any instance in which ANR endorsement of a plan is sought based upon the assertion that the plan show a division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect into separate lots on each of which one of such buildings remains standing, under G.L.c.41, §81L, ¶13, the Applicant shall provide information on the Plan to satisfy the Planning Board that:
 - A. The buildings are presently substantial in nature.
 - B. The buildings were substantial in nature and in existence on or before the date Subdivision Control was adopted.
 - C. The buildings were on the same tract of land on or before the date Subdivision Control was adopted
 - D. Each of the new parcels to be created for each of the buildings will qualify as a “lot” within the meaning of G.L. c.41, §81L.

In the event that the Planning Board votes to endorse such an ANR Plan, a note shall be placed on each of the new parcels created as follows:

This parcel was created as a separate parcel under G.L. c.41, §81L, ¶31 and zoning compliance requirements shall be followed prior to conveyance of the parcel as a separate lot with a building that may be occupied either by: (1) obtaining a special permit that a lawfully pre-existing, nonconforming lot may be extended, changed or altered so as to allow the proposed division and conveyance; or (2) obtaining a variance to address all nonconformities.

- 19. A note shall be placed on every ANR plan as follows: “Approval Under the Subdivision Control Law Not Required”.

- 20. A note shall be placed on every ANR plan as follows: “Endorsement of this plan shall not be an indication, express or implied, that the parcels or structures shown on this plan conform to applicable zoning requirements.”

- 21. If a parcel is shown on the plan that does not have frontage as required by the Zoning Bylaw, each such parcel shall contain the following notation: “Not a building lot without further zoning relief”.

ASSESSOR'S APPROVED LIST OF ABUTTERS - ANR

To the Town Assessor:

The undersigned is an Applicant seeking endorsement of an Approval not Required (ANR) Plan and hereby submits the attached ANR Plan (Exhibit A), which shows the subject land, and the names and addresses of all the owners of land abutting the property as required under the Subdivision Rules & Regulations, including owners separated from the subject land by a way, based upon the most recent tax list.

Location of Property: Block: _____ Lot: _____ Map: _____

The undersigned hereby requests an approval from the Town Assessor that the owners indicated on Exhibit A are accurate and shows all of the owners of land abutting the property as required under the Subdivision Rules & Regulations, including owners separated from the subject land by a way, based upon the most recent tax list.

WITNESS OUR HAND(S) AND SEAL(S) ON THIS _____ DAY OF _____, _____.

Signature of Applicant

Signature of Owner(s)

Signature of Owner(s)

Printed Name of Applicant

Printed Name of Owner(s)

To the Planning Board:

This is to indicate that, based upon the most recent tax list, the names and address indicated on Exhibit A which I have initialed represents the names and addresses of all of the owners of land abutting the property as required under the Subdivision Rules & Regulations, including owners separated from the subject land by a way.

Town Assessor

(This Application is **NOT** complete without the required attached ANR Plan (Exhibit A) and this executed form with the signature of the Town Assessor or Board of Assessors).