ARTICLE II, Plans Not Requiring Approval

§ 270-10. Submission to Planning Board for determination.

Any person who wishes to record in the Registry of Deeds, or to file with the Land Court, a plan of land in the Town of Belchertown who believes that such plan does not require approval under the Subdivision Control Law, may submit that plan as hereinafter provided to the Planning Board for such determination.


A. The applicant shall submit to the Planning Board the original drawing and four prints of the plan accompanied by a completed application Form A (see Appendix A), together with any necessary evidence to show that the plan does not require approval. At the time of submission, the applicant will submit a fee to the Town Clerk, in accordance with the Fee Schedule (see §270-67).

B. The applicant may submit a non-subdivision plan to the Planning Board either by delivery at a regular or special meeting of the Board, by delivery to the Town Planner, or by delivery or certified mail, postage prepaid, in care of the Town Clerk. In either case, written notice (a copy of Form A) shall be filed by delivery or certified mail, postage prepaid, with the Town Clerk stating the date of submission for such determination. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt thereof.

C. Receipt by the Planning Board, or date of mailing such notice, plans and necessary documentation as may be required by these rules and regulations, shall constitute the effective date of submission.

§ 270-12. Contents.

The plan shall be prepared by a registered land surveyor and shall be clearly and legibly drawn at a suitable scale with waterproof ink on Mylar. Four prints of the plan and the Mylar drawing shall be submitted.

A. The plan shall contain the following information:
(1) North arrow, indicating whether true, grid, or magnetic north, with date of last reading of magnetic north.

(2) Date, legend and title.

(3) Scale at one inch equals 40 feet or at a scale suitable to the Planning Board.

(4) The name, address and official seal of the land surveyor.

(5) The name and address of the owner of record and the name and address of the applicant (if different than that of the owner of record).

(6) Names of all abutting owners, and names of owners separated by a way, in proper locations.

(7) Boundary line of parcel being divided, showing any previously divided land, either through a subdivision process or through the Form A “approval not required” procedures, and Assessor’s map and lot numbers for the existing parcel(s).

(8) Boundary lines and dimensions of all proposed lots and lot areas IN SQUARE FEET, with all lots designated alphabetically in sequence.

(9) The frontage and lot area of the remaining land from which the proposed lot(s) has been created must be shown on the plan.

(10) Location of all monuments properly identified as to whether existing or proposed.

(11) Existing or proposed easements.

(12) Suitable space to record the action of the Planning Board and the signatures of its members.

(13) Location of wetland resource area boundaries within the proposed lot(s).

(14) Names and legal status of public or private street(s) and easements; to include the width of the layout of the street or easement.

(15) Location of all existing buildings, including setbacks, on the land under consideration.

(16) A point of reference to locate the proposed lot(s) either from an existing monument or via a survey dimension from the frontage of the abutting lot.

(17) Locus map at United States Geological Survey Map scale, with appropriate street locations.

B. All corner lots shown on the plans of land shall be required to have a curve radius as established in these regulations, § 270-36E(2) (MGL c. 41, §§ 81P, 81S and 81-T). All corner lots shown on plans of land shall be accompanied by a deed to the owner of said lot,
describing the area necessary to complete the linear frontage line, in compliance with Chapter 145, Zoning, § 145-20, as amended.

C. When new lots are created, concrete bounds must be installed according to §270-47, Monuments and Markers, at the corners of town property. This will be verified by the Department of Public Works prior to the issuance of a certificate of occupancy for any structure or use by the Building Commissioner.

D. Note if a particular lot shown on the plan created by the application does not constitute a building lot.

E. Evidence of ownership or authorization from the owner to divide land is required.

§ 270-13. Determination by Planning Board; endorsement; appeals.

A. If the Planning Board determines that the plan does not require approval, it shall forthwith, without a public hearing, endorse on the plan the words “Approval Under the Subdivision Control Law Not Required.” This endorsement is required of at least three members, or the member designated by the Planning Board as the signatory for ANR plans.

B. The Planning Board will also sign the filed copies with the wording and signatures required and retain two copies for its records.

C. If the Planning Board determines that, in its opinion, the plan requires approval under the Subdivision Control Law, it shall, within 21 days after its submission, give written notice of its determination to the Town Clerk and applicant and return the plan to the applicant. The applicant may submit a definitive plan for approval as required by the rules and regulations, or the applicant may appeal the determination of the Planning Board in accordance with MGL c. 41, § 81BB of the Subdivision Control Law.

D. If the board fails to act upon a submitted plan within 21 days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.


The plan shall be endorsed by the Planning Board if either of these criteria are met by the submitted plan:
A. The plan shows a division of property with frontage required under Chapter 145, Zoning, as amended, in accord with the district within which said lot divisions are located on:

(1) An accepted way.

(2) A way certified by the Town Clerk as used and maintained as a public way.

(3) A way shown on an approved and endorsed subdivision plan.

(4) A way in existence when the Subdivision Control Law became effective in Belchertown and having, in the opinion of the Planning Board, 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 therein.

B. The plan shows a division of property clearly denoted on the plan “to become an integral part of” an adjoining parcel, which will be explicitly identified on the plan, and which has frontage in accord with Subsection A above.
OFFICE OF
PLANNING BOARD
Town Of Belchertown
P.O. Box 964
Belchertown, Massachusetts 01007

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

Date __________________

Note: File one completed Form A, plus the original Mylar plan and four copies of the plan with the Planning Board. Additionally, file a completed copy of Form A (with fee as determined by Planning Office) with the Town Clerk, in accordance with the requirements of MGL C.41 §81T.

The undersigned, believing that the accompanying plan of land in the Town of Belchertown does not constitute a subdivision within the meaning of the Subdivision Control Law, submits this plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required. Each owner and applicant, including spouses, MUST sign. The application will not be accepted without each signature. If the applicant or owner is a corporation, trust, or other such entity, proof of signatory authority must be provided.

1. Applicant(s) _________________________________________________________
   Address ________________________________ Telephone ________________

2. Name of Owner(s) ___________________________________________________
   (if other than applicant)
   Address ________________________________ Telephone ________________

3. Name of Engineer or Surveyor _________________________________________
   Address ________________________________ Telephone ________________

4. Deed of Property recorded in Hampshire Registry of Deeds:
   Book ____________________________ Page ______________________________

5. Evidence of Qualification and Division of Land:
   a. Number of existing lots ____________________________
   b. Area of existing lot or lots ____________________________
   c. Frontage of existing lot or lots ____________________________
   d. Number of proposed lots ____________________________
   e. Minimum area of proposed lot or lots ____________________________
   f. Minimum frontage of proposed lots ____________________________
   g. Minimum width of proposed lots ____________________________
   h. Required frontage located on ____________________________
said street or way being:

____ an accepted way.

____ a way certified by the Town Clerk as used and maintained as a public way.

____ a way on an endorsed subdivision plan.

____ a way in existence when the Subdivision Control Law became effective, and which is adequate in the opinion of the Planning Board.

or,

____ the lot is not intended as a building lot.

i. said lots being:

____ a proposed lot conveyance, or other instrument which adds to or takes away from, or changes the sizes and shape of lots, such that no lot affected is left without required frontage.

____ a division of a tract of land because two or more buildings were standing prior to the date when Subdivision Control Law went into effect in Belchertown and one of said buildings remain standing on each of said lots. Evidence of existence of such buildings as follows:

__________________________________________________________
(Attach Evidence)

6. Existing Assessors map and lot numbers for lot identification: (must appear on plan):

Map #(s)

Existing Lot #(s)

Proposed Lot Identification for plan purposes (A, B, C…) ________________________________
(Assessors will assign lot numbers later)

__________________________
Signature and PRINTED NAME of Applicant
(if other than owner)

Title, if appropriate (i.e. President, clerk, etc.)

__________________________
Signature and PRINTED NAME of Applicant
(if other than owner)

Title, if appropriate (i.e. President, clerk, etc.)

__________________________
Signature and PRINTED NAME of Owner

Title, if appropriate (i.e. President, clerk, etc.)

__________________________
Signature and PRINTED NAME of Owner

Title, if appropriate (i.e. President, clerk, etc.)

Continued on Page 3 --
For Office Use

Planning Board Fee:
Cost $________________ Signature: ________________________________

Received by Town Clerk:
Date: ___________________ Time: ________________________________
Amount Received: $________________
Signature: ________________________________

Picked up mylar from the Planning Board Office:
Print Name: ________________________________
Signature: __________________ Date: ________________________