

TOWN OF STERLING PLANNING BOARD

Checklist for Approval Not Required (ANR) Plans:

Address: _____

Owner: _____

Map & Parcel: _____

Plan date: _____

_____ Form A Application

_____ Proof of notice of application provided to Town Clerk

_____ Filing Fee

_____ Original Application signed by the owner or Agent for Applicant executed and notarized

_____ Plans (1 Mylar, 6 hard copies & 1 PDF file)

_____ Plan contains all items listed in the Rules and Regulations

_____ Updated wetlands delineation, if applicable (to the extent necessary to determine that all proposed lots have adequate access and frontage on a way)

_____ Existing topography, with two-foot contour intervals (to the extent necessary to determine that all proposed lots have adequate access and frontage on a way)

_____ Upland lot area calculations to determine adequate lot size under zoning

Prior to submission ~ Signatures of confirmation from Town of Sterling are required on the following:

_____ Owner is not on the Delinquent Tax List (Treasurer-Collector).

_____ Board of Health Approval* or _____ Board of Health Approval not needed

*If an existing lot is proposed to be divided and contains a dwelling, Title 5 Regulations (310 CMR 15.010) require the septic system to be inspected and the results submitted to the Board of Health within 30 days of the inspection date. If the Health Agent determines that the plan does require Board of Health Approval, such approval must be obtained prior to the application for ANR being deemed complete.

Revised: October 11, 2017

TOWN OF STERLING PLANNING BOARD

PROCEDURES FOR APPROVAL NOT REQUIRED (“ANR”) PLANS

2400. PLAN BELIEVED NOT TO REQUIRE SUBDIVISION APPROVAL

2410. Submission. An Applicant, who wishes to record in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that such plan does not require approval under the Subdivision Control Law, pursuant to G.L. c. 41, §81L and §81P, may submit such an Approval Not Required or “ANR” Plan to the Planning Board, along with a completed Form A – Application for Endorsement of an Plan Believed Not to Require Approval, accompanied by the necessary evidence to show that the plan does not require approval under the Subdivision Control Law, as set forth below, along with the required fee, and request that the plan be endorsed “Approval Not Required Under the Subdivision Control Law.”

2420. Application Form and Copies. An Applicant shall submit an application on Planning Board Form A, attached hereto, together with:

- (a) One original Form A application (fully executed);
- (b) One (1) Mylar, and six (6) copies of the ANR Plan;
- (c) A copy of the Plan in PDF format; and
- (d) All the necessary evidence to show that said ANR plan does not require subdivision approval.

2421. Required Signatures on Application. The Form A application shall be signed by the Applicant and the owner (i.e., all owner(s)) of record of all the land proposed to be divided by the ANR plan. The application shall be signed under oath and shall certify that all of the owners of record have executed the application. In addition, the engineer and/or surveyor who prepared the plan shall sign the application and certify that the plan (referring to the date and last revision date of the plan submitted), as prepared, to the best of his/her knowledge, conforms to all of requirements of the Regulations.

2422. Required Application Fee. An Applicant shall submit the required fee as set forth below: \$200 base fee, plus \$75 per lot.

2423. Delivery of Application. An ANR plan shall be submitted to the Planning Board no later than seven (7) calendar days prior to the next scheduled meeting for inclusion on that meeting’s agenda or by registered mail. (See, G.L. c.41, §§81O, 81P and 81T.)

2424. Filing with Town Clerk. An Applicant shall file, by delivery or registered mail, a written notice with the Town Clerk stating the date of submission of such a plan to the Planning Board under G.L. c.41, §81T.

2425. Effective Date of Subdivision Control Law. The Town accepted the provisions of the Subdivision Control Law on Circa 1954.

2426. ANR Plan Requirements. An ANR plan shall satisfy all of the requirements set forth below.

2426.1 Preparation. An ANR plan shall be of a minimum dimension of ELEVEN inches by SEVENTEEN inches (11" X 17") but shall not exceed a dimension of twenty-four inches by thirty six inches (24" x 36"), and shall be drawn at a minimum scale of one inch equals eighty feet (1"=80') and a maximum scale of one inch equals forty feet (1"=40'). Applicants should be aware of the requirements and limitations of the T.O.S. "Regulations for the Designation of Scenic Roads and Alterations of Trees and Stone Walls Thereon," adopted March 31, 2004.

2426.2 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:

1. Name, address, telephone number and e-mail address of the Applicant and each owner of record for the land to be divided under the ANR plan.
2. North point, date, scale, legend.
3. Each lot shall be numbered for identification.
4. Date of ground survey performed and seal and signature of the registered professional who prepared said plan.
5. Name, address and seal of the Registered Professional Engineer and Registered Land Surveyor who prepared, signed and stamped said plan.
6. Names and addresses of all abutters from the most recent Town tax list to be listed on the identified parcel(s).
7. The Assessing Map reference for the land proposed to be divided.
8. Existing and proposed boundary lines, dimensions and areas of each of the parcels and lots shown on said plan, with all bounds, keyed into the Massachusetts grid system. At least two bounds shall reference the corresponding Massachusetts grid coordinates. If the division is within 500 feet of a highway or road which has been laid out by the Town of Sterling, Worcester County Commissioners, or the Massachusetts Department of Transportation, the division shall also be tied into two or more permanent points or bounds of the existing highway or road by bearing and distance.
9. Existing and proposed lines of streets, ways and easements and whether each is a public or private way.
10. Zoning classification and location of any zoning district boundaries that may lie within the locus.
11. Topographical lines for all proposed lots with two-foot contour intervals.
12. Any present or proposed public areas within the property.
13. 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 setbacks indicated."
14. Proposed or existing permanent monuments.
15. The limits of all wetlands or a notation that there are no wetlands, if none exist. If wetlands limits exist, then 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 wetlands shown on this plan and can be verified only by a current plan approved by the Conservation Commission.

16. A locus map at a minimum scale of 1" = 1000' extending a minimum of one-half mile beyond the property limits.
17. Location of any easement, public or private, across the land, with a designation as to the use of the same.
18. 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.
19. In any instance in which ANR endorsement of a plan is sought based upon the assertion that the plan shows 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 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 effective date of the Subdivision Control Law in the Town of Sterling.
 - C. The buildings were on the same tract of land on or before the effective date of the Subdivision Control Law in the Town of Sterling.
 - 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.
 - E. Section 310 CMR 15.010 if applicable.

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, ¶13 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 extend, changed or altered so as to allow the proposed division and conveyance; or (2) obtaining a variance to address all nonconformities.

20. A note shall be placed on every ANR plan as follows: "Approval Under the Subdivision Control Law Not Required".
21. 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."
22. If a parcel is shown on the plan that does not have frontage as required by the Zoning By-Law, each such parcel shall contain the following notation: "Not a building lot without further zoning relief."

2430. Planning Board Action. Applicants shall be notified when their ANR plan has been placed onto the Planning Board agenda. The Planning Board shall review the ANR plan to determine whether it is a subdivision within the meaning of the Subdivision Control Law and whether it conforms to the standards for endorsement of an ANR Plan. Specifically, the Planning Board shall determine whether each and every lot shown on the plan has the minimum frontage required by the Zoning By-Law on a suitable way per G.L. c.41, §81L. The Planning Board shall also determine whether vital, direct, practical, and traversable access exists from an abutting way to the buildable portion of the lot(s). Such access shall be safe and convenient for travel.

2431. Endorsement. If the Planning Board determines that the ANR plan does not require approval under the Subdivision Control Law, a majority of the Planning Board or its ANR Agent

shall, without a public hearing and within twenty-one (21) days of submission, endorse on the plan the words “Approval under the Subdivision Control Law Not Required,” together with any reasonable notations to indicate that: (1) endorsement shall not constitute a determination as to zoning compliance; (2) in particular cases, that further zoning relief shall be required if endorsement is obtained under G.L. c.41, §81L, ¶13.

2432. Denial of Endorsement. If the Planning Board determines that an ANR plan does require approval under the Subdivision Control Law or does not conform to the standards for endorsement hereunder, it shall within 21 days of submission of said plan, notify the Applicant and the Town Clerk in writing that in the Planning Board’s opinion the plan shows a subdivision and cannot be endorsed and return the Mylar plan to the Applicant.

2433. Constructive Endorsement. The failure of the Planning Board to take final action within twenty-one (21) days of submission to endorse or refuse endorsement for a plan submitted under G.L. c.41, §§81L and 81P may result in a constructive endorsement as provided for by state law.

2434. Distribution of Prints and Original Tracing. One copy of the endorsed ANR plan shall be retained by the Planning Board for its files. An endorsed copy shall be forwarded to the Town Clerk, Building Department, Assessors, Board of Health and DPW. The Mylar shall be returned to the Applicant for recording in the Worcester Registry of Deeds or for registration with the Land Court. No construction shall commence in accordance with the endorsed ANR plan until it has been duly recorded.

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