

**PROCEDURE
FOR
FORM A -
(ANR)
PLANS**

ADOPTED: JUNE 14, 2000

*By signing this form, the applicant acknowledges that they have received a copy of the Rules & Regulations, and have familiarized themselves with the procedures and agree to comply with all relevant Rules & Regulations



CITY OF HAVERHILL
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PLANNING BOARD

FORM A

PLANNING BOARD
CITY OF HAVERHILL, MASSACHUSETTS

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

To the Planning Board of the City of Haverhill:

Date _____

The undersigned believes that the accompanying plan does not constitute a subdivision within the meaning of the Subdivision Control Law. The reasons for this request are contained in the attached cover letter and Plans.

1. **NAME OF APPLICANT: *** _____
ADDRESS: _____

*See below to determine if applicant is anyone other than the owner of record

2. **NAME OF REGISTERED LAND SURVEYOR:** _____
ADDRESS: _____

3. **DEED OF PROPERTY RECORDED IN:** _____ **REGISTRY,**
BOOK _____ **PAGE** _____

4. **LOCATION AND DESCRIPTION OF PROPERTY:**
Street Address: _____

Map: _____ **Block:** _____ **Lot:** _____

FILING FEE:
\$100.00
CITY TREASURER

5. **ZONING DISTRICT:** _____

SIGNATURE OF OWNER: (Required)** _____
PRINT NAME: _____
ADDRESS: _____
TELEPHONE NO. _____

SIGNATURE OF APPLICANT: _____
PRINT NAME: _____
ADDRESS: _____
TELEPHONE NO. _____

NOTE: This form must be completed in total and shall be accompanied by a detailed cover letter describing what the plan is doing, and a one hundred (\$100.00) dollar filing fee to cover the processing costs. The applicant shall also reimburse the office of the City Engineer for costs of a reproducible signed mylar.

** If applicant and owner are different parties, a letter of authorization/assignment of rights shall be attached

REVIEWED BY DIRECTOR OF PLANNING: _____

SECTION III. SUBMISSION OF PLANS

SECTION III-A. PLANS SUBMITTED UNDER M.G.L. Chapter 41, Section 81P ("Approval Not Required" or "Form A" Plans)

A. Determination of Applicability of the Subdivision Control Law and ANR plans

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 situated in Haverhill and who believes that this plan does not require approval under the Subdivision Control Law, may submit this plan to the Board for a determination.

Any application for a determination by the Board shall be made in a form approved by the Board as described below.

B. Submission of ANR Plans

The following procedure shall be utilized for the submission of ANR Plans to the Planning Board:

1. Procedure

- a. Any person who wishes to cause to be recorded in the Registry of Deeds or be filed with the Land Court a plan of land and who believes that the plan does not require approval under the Subdivision Control Law, may submit a descriptive cover letter which provides a summary of the proposed plan in terms of new lots created, lots modified or whatever other impact the proposed plan results in; the Plan itself (requirements for which are detailed below) and Application "Form A" (See Appendix) to the Planning Board. The above items shall be accompanied by the necessary evidence required by these regulations to show that the plan does not require approval.
- b. **This "Form A" plan shall first be submitted to the City for review by the Planning Director.** Any revision to the plan requested by the Planning Director shall be made **prior** to its presentation before the Board. The plan must be submitted at least **ten (10) business days** prior to the Planning Board Meeting in order to be placed on the agenda to be considered by the Board.
- c. The plan shall not be deemed to have been filed with the Board until said cover letter, plan, prints, Form A, and the application and filing fee, together with all necessary evidence noted above have been reviewed by the planning

director, delivered to the Board and all requirements are fully completed in accordance with these Rules and Regulations. Thereafter, the person submitting the plan shall file, by delivery or by registered mail, a notice with the City Clerk stating the date of submission for such determination.

An incomplete application shall be deemed as not having been filed with the City and will be returned to the applicant

- d. If the Board determines that the plan does not require approval, it shall without a public hearing and within the statutory time frame endorse on the plan or cause to be endorsed thereon the words "Haverhill Planning Board Approval under the Subdivision Control Law not required". In all cases, the endorsement shall be followed by a notation that "No determination of compliance with all zoning requirements has been made". Said plan shall be returned to the applicant and the Board shall notify the City Clerk of its action.

The Board in addition to citing the plan as an ANR Plan or a subdivision may place additional conditions or clarifications on the plan in order to insure that the Subdivision Control Law and the Rules and Regulations are adhered to prior to filing the ANR Plan with the Deeds Office or Land Court.

- e. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within the statutory time period allotted so inform the applicant and return the plan. The Board shall also notify the City Clerk of its determination.
- f. If action is not taken by the Board pursuant to a "Form A" plan at a regular or special meeting, the following procedure may be utilized at the discretion of the Board Chairperson when necessary to ensure compliance with statutory time frames. The Planning Director and Zoning Officer with concurrence of the Chairman of the Planning Board shall determine that the plan does not require approval pursuant to these regulations, then without a public hearing and within the statutory time period allotted, two (2) Planning Board members shall review this determination and endorse on the plan if approved, the words "Planning Board Approval Under Subdivision Control Law Not Required." In all cases, the endorsement shall be followed by a notation that "No determination of compliance with all zoning requirements has been made". Said plan shall be returned to the applicant and the Board shall notify the City Clerk of its action.
- h. "Form A" Approvals - if lots have been previously approved as Plans Not Requiring Approval, they shall not be submitted as part of a definitive

subdivision plan. If Form A's are shown on a subdivision plan, and they have not been previously approved, then such lots shall be considered as part of the subdivision.

- i. Approval of ANR Plans shall not insure compliance of the lots altered or created with the Zoning Ordinance of the City of Haverhill.
- j. ANR Plans and the lots so created shall be required to adhere to the requirements contained in the Subdivision Rules and Regulations whenever applicable.

2. *Information Required on ANR Plans*

ANR Plans shall be legibly drawn in accordance with the Rules and Regulations of the City of Haverhill as outlined below and of the Registry of Deeds as amended pertaining to plan size, material, lettering, and related requirements and shall contain all required seals and signatures required by the Registry of Deeds prior to the recording of said plan.

In the event that the following requirements are not fully complied with by the applicant, the submittal shall be considered null and void and returned for future submittal:

Approval Not Required Plans (ANR) Submittal Requirements:

- a. Identification of the plan by name of owner of record, address and location of the land in question, including the scale, north arrow, date, and revision date(s) if applicable.
- b. A locus map at one to twelve hundred feet (1,200') to the inch, or the then current City Map scale. Locus must show at least one intersection of two existing city streets.
- c. The statement, "Planning Board Approval Under Subdivision Control Law Not Required" and sufficient space for the date and the Board signatures. In all cases, the endorsement shall be followed by a notation that "No determination of compliance with all zoning requirements has been made."
- d. Zoning classification and location of any zoning district boundaries that may lie within the locus of the plan. The R.L.S., for instance where the lot under application, falls in two or more zones, shall provide a statement on the plan certifying the accuracy of the zone district boundary line(s).

- e. The Lot Number, Land Area, frontage, existing topography and Lot Location for the entire area affected shall be identified on the Plan. Frontages and Topography of the affected area shall be shown in sufficient detail as a means of determining if adequate actual access to the buildable portion of the lot exists.
- f. In the case of the creation of a new lot, all the remaining land area and frontage of the land in the ownership of the applicant shall be shown. In the event the remaining area is in excess of four (4) acres and the remaining frontage is in excess of two hundred (200) feet, this information may be conveyed as a note on the plan.
- g. Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and exceptions or special permits regarding the land or any buildings thereon shall be shown. Plans must be signed by the Board of Appeals prior to the Planning Board signing the plans. A certification by the surveyor shall state: "I certify this plan is in compliance with a variance issued (date) and recorded at Essex South Registry of Deeds at Book (#) and Page (#)."
- h. Full and proper names of abutters from the most recent tax list, unless the applicant has knowledge of any changes subsequent to the latest available City Assessor's records. A copy of the current assessors map showing the property must be filed with the application package
- i. Names and status (private or public) of streets and ways shown on the plan, including width of such street or way right-of-way and limits of development. The distance to the nearest intersecting street right-of-way and its name shall be indicated.
- j. Bearings and distances of all lines of the lot or lots shown on the plan and the distance to the nearest permanent monument or road, sufficient to establish all lines on the ground. Frontage of each existing and proposed lot must be totaled and clearly shown. Areas in square feet of all lots shall be indicated. ALL lot lines either to be created, removed or in any way modified must be clearly identified on the plan.
- k. Accurate location of all existing structures, including all wells, septic systems, surface and subsurface drainage, and building setbacks. All roadways must be clearly labeled as to width, existing pavement, condition of improvements and status such as public, private improved unimproved, developed or undeveloped etc. Roadway information must be shown in sufficient detail to enable a determination of the adequacy of the access afforded by it.

- l. Location of all bounds, easements and/or encumbrances.
- m. The plan scale shall be at forty (40') to the inch or other such scale as the Board may accept.
- n. Each submittal must be accompanied by an original and three (3) copies of the plan and a filing fee as established by the Planning Board .
- o. The Registered Land Surveyor (R.L.S.) shall certify on the plan that "No new right of way lines are being created by this plan and that the right of way lines shown are as existing and are not changed or altered in any manner by this plan". The R.L.S. shall also provide with the submission of any Form A Plan, a copy of the most recent plan on file with the City of Haverhill and Registry of Deeds which shows the existing rights(s) of way abutting the property under application.
- p. The R.L.S. shall provide a statement on the plan certifying that the land area and the frontage shown for the lot(s) under application is in conformance with the zone(s) for which the land is situated.
- q. The seal of the surveyor and/or engineer, his address and signature.
- r. All plans shall contain a certification by the surveyor that "I certify this plan is in compliance with the Haverhill Regulations Governing Subdivision of Land Section III, Part A."
- s. The R.L.S. in stamping and signing the plan attests to the accuracy of all information shown on the submitted Form A plan.

C. *Standard of Review for ANR Plans*

The Planning Board shall utilize the following standards in determining that ANR Plans have been properly filed :

1. The ANR Plans must meet the informational and procedural requirements of the Rules and Regulations as specified above.
2. The ANR application form shall be completely filled out with the signatures of all the property owners involved in the plan.

Upon a positive determination on the above criteria, properly filed plans shall be given ANR endorsement by the Planning Board as specified in M.G.L. Chapter 41 ,

Section 81P only after a determination is made by the board that the plan does not depict a subdivision. Each of the following criteria must be found by the Board to be present in the plan submitted:

- a. The lots created by the plan shall have adequate zoning frontage in the City of Haverhill as specified in the Zoning Bylaw on an existing way and/or street, located in the City of Haverhill.
- b. The lots created by the plan shall have sufficient area as specified in the Zoning Bylaw.
- c. The existing way and/or street which supplies the lot frontage, shall be improved to sufficient width, grade and paving for the entire frontage so as to provide adequate, safe, actual access to the lot(s) created or altered by the plan, in the opinion of the Planning Board. Any plan showing inadequate or illusory access to lots created or altered shall not be considered for ANR endorsement.

Any plan which depicts inadequate frontage for a lot, even if the lot has been granted a frontage variance from the Haverhill Board of Appeals shall not be considered for Form A endorsement. The fact that inadequate frontage exists and form A plans can only be signed where adequate frontage exists, requires that a plan with a lot(s) with a frontage variance(s) in place must be filed as a definitive plan.

- d. The lots created or altered by the plan can be accessed without crossing a wetland. The Planning Board shall not sign a ANR Plan if the lot(s) created, or altered by the plan before the Board, can only be accessed by crossing a wetland.

Any plan that does not in the opinion of the Planning Board meet all of the criteria listed above shall be deemed a subdivision for purposes of the Subdivision Control Law.

Failure of the ANR Plan to meet any of the above listed standards shall be cause for the Board to refuse to sign the ANR Plan.

Should the Plan show a subdivision of land specified in the Subdivision Control Law and Section II (B) of the Rules and Regulations, the Board shall indicate that the plan shows a subdivision and file said finding with the City Clerk.

Should a street or way require improvement to a standard acceptable to the Planning Board, the Board shall require submission and approval of a Roadway Improvement Plan and establishment and endorsement of associated security bonds. These bonds

shall be established as specified in Section V of the Rules and Regulations, which are sufficient as indicated by the Engineering Department to improve the way. All of this process described above must be completed prior to the issuance of any permit from the Building inspector for the site.