

SECTION 2  
PLANS UNDER SUBDIVISION CONTROL LAW NOT REQUIRED

2.1. Submission of Plan

Any person wishing to cause to be recorded a plan of land situated in the Town of Weymouth, who believes that his plan does not require approval under the subdivision control law may submit their plan according in the following manner. Plans filed in this matter are more commonly referred to as ANR Plans or Form A Plans.

An original plan, two contact prints thereof, a properly executed Form A, the proper filing fee and accompanied by the necessary evidence to show that the plan does not require approval shall be filed with the Board by delivery or by registered mail, postage prepaid. The applicant shall also give written notice to the Town Clerk of such plan submittal. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor. Such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted and the name and address of the owner of such land. The facts, as stated, in such notice shall be taken by the Town Clerk as true, unless the contrary is made to appear.

The classification and precision of surveys shall conform to Class A or better of the most recent Land Court Manual of Instructions, Commonwealth of Massachusetts. It is recommended that all other survey and Definitive Plan preparation, where not herein specified, be guided by the Manual of Instructions.

The plan shall be at a scale of one inch (1") equals forty feet (40'), or such other scale as the Board may accept to show details clearly and adequately. Plans and profiles of each individual street shall be at a scale of one inch (1") equals forty feet (40') horizontal and one (1") equals four feet (4') vertical. All elevations shall refer to the Town of Weymouth Datum. Sheet sizes shall be twenty-four by thirty-six inches (24" x 36") including a one inch (1") border. All plans shall be accompanied by a locus map at a scale of one inch (1") equals one thousand feet (1000'), showing the entire subdivision and adjacent streets. The plan shall contain the following information:

- Identification of the plan by name of owner of record and location of the land in question.
- The statement "Approval Under Subdivision Control Law Not Required", and provide sufficient space for the signatures of a majority of the Board and the date of the Board's

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action.

- Zoning classification and location of any Zoning District Boundaries that may lie within the locus of the plan.
- In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
- Notice of any decisions by the Board of Zoning Appeals, including but not limited to variances and exceptions regarding the land or any buildings thereon.
- Names of abutters from the latest available Assessor's records unless the applicant has knowledge of any changes subsequent to the latest available Assessor's records.
- Distance to the nearest permanent monument.
- Location of all existing buildings, including set back and side and rear yard designations.
- A locus map at one thousand (1,000) feet to the inch.
- Sheet, Block, Lot(s) numbers from the Weymouth Town Atlas.
- Designer's stamp and signature.

**2.2. Endorsement of Plan not Requiring Approval**

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 the plan.

The Board may add to such endorsement a statement of the reason approval is not required. The plan shall be forwarded to the Department of Public Works, Engineering Division and there it will be returned to the applicant, and the Board shall also notify the Town Clerk in writing of its action.

**2.3. Determination that Plan Requires Approval**

If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty-one (21) days of the submission of the plan, so inform the applicant in writing and return the plan. The Board shall also notify the Town Clerk in writing of its action.

2.4. Failure of Board to Act

If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the person submitting the plan of its action within twenty-one (21) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required, and it shall forthwith make such endorsement on said plan, and on its failure to do so forthwith, the Town Clerk shall issue a certificate to the same effect.

2.5. Determination

The Board, at a duly called and posted meeting, without a public hearing, shall by a majority vote determine if such plan does not require approval. A determination shall be based on the following criteria:

2.5.1. The proposed lots shown on a plan shall front on:

- a public way or a way which the Town Clerk certifies is maintained and used as a public way;

or

- a way shown on a plan therefore approved and endorsed in accordance with the subdivision control law;

or

- a way in existence when the subdivision control law became effective (Annual Town Meeting 1958), 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.

2.5.2. The proposed lots shown on a plan meet the minimum lot frontage requirements as contained in the zoning bylaw.

2.5.3. Each lot shown on plan shall have access onto the way from the frontage shown on the plan.

2.5.4. The way on which the proposed lots front shall provide adequate access.

2.5.5. Each lot shown on plan shall have practical access from the way to the buildable portion of the lot.

Board determination regarding a plan submitted for approval under subdivision control law not required is based on the aforementioned criteria. Such endorsement cannot be withheld

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for any other reason.

2.5.6. If, in the course of review, the Board notes one or more of the proposed lots indicates some zoning deficiency, other than minimum frontage requirements, the Board may note along with its endorsement, the phrase "No determination of compliance with zoning conformance has been made or intended by the attached endorsement. All zoning interpretations can officially be made only to the Inspector of Buildings."

2.5.7. A determination by the Board may be appealed as provide in G.L. Ch. 41, Sec. 81BB.

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then required by the Zoning Bylaw. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two (2) or more buildings were standing when the subdivision control law went into effect in the Town into separate lots on each of which one (1) of such buildings remains standing shall not constitute a subdivision. (G.L. Ch. 41, Sec. 81-0)

SUBDIVISION CONTROL LAW - The power of regulating the subdivision of land granted by the Subdivision Control Law, G.L. Ch. 41, Sec. 81-A through GG inclusive, as hereinafter amended.

TOWN - Town of Weymouth

VOLUME OF TRAFFIC - For purposes of determining street type the Planning Board shall calculate ten (10) trips per day for a single family or each unit in a duplex residence and six (6) trips per day for each townhouse or unit in an apartment or multi-family structure. Nonresidential traffic volumes shall be calculated using a recognized authoritative source in the field, such as Trip Generation, the most recent edition, published by the Institute of Transportation Engineers. The Planning Board shall determine reasonable traffic generation volumes for any uses not listed in any source.