

Subdivision of Land

All subdivision developments in the Town of Dracut must conform to the design standards and required improvements set forth in the Rules and Regulations Governing the Subdivision of Land and the Street and Site Work Construction Standards of the Town, as amended, copies of these documents, application materials, and other information on subdivision approval processes are available from the Town Clerk's Office.

Subdivision development plans showing lots with no change in existing boundaries and certified as such by a registered land surveyor may be recorded in the Middlesex North Registry of Deeds without Planning Board endorsement. Plans proposing the creation of new lots, however, as noted under A. and B. below, must be endorsed or approved by the Planning Board before they can be recorded.

A. Approval Not Required Plans

Approval Not Required (ANR) plans (also known as "Form A" plans) show the creation of lots with frontage on existing roads. The Planning Board must determine if the proposed lots have adequate lot area and frontage as required by the Dracut Zoning Bylaw on either:

1. A public way or a way that the Town Clerk certifies is maintained and used as a public way;
2. A way shown on a subdivision plan that has been approved previously and endorsed by the Planning Board;
3. A way that was in existence when the Subdivision Control Law took effect and that the Planning Board has determined is suitable for the proposed use of the lots.

Endorsement of an ANR plan by the Planning Board does not certify that the lots shown on the plan qualify as building lots under the Zoning Bylaw. This determination is made by the Building Commissioner or Building Inspector. Planning Board endorsement only indicates that the plan shows a division of land that does not require further review and approval under the Subdivision Control Law and the Dracut Subdivision Regulations. The Planning Board must make a ruling on an ANR plan (by majority vote) and file its endorsement with the Town Clerk within 21 days of the date on which the plan is submitted to the Board. The Planning Board normally requests a review by the Town Engineer before endorsing an ANR plan.

Endorsement

Following endorsement by the Planning Board, the ANR plan becomes effective when recorded with the Middlesex North County Registry of Deeds.

Zoning Protection:

An ANR endorsement freezes the zoning regulations governing the property as to use only for a period of three years from the date of endorsement.

Appeal

In the event of an unfavorable decision, the applicant may appeal to the Superior Court in Middlesex County.

Submission Requirements and Fee Effective from March 1998

Application form, two plan copies for the office, but bring five copies to the Planning Board Public Hearing. The fee is \$75 plus \$50 for each new parcel created. Once approved by the Planning Board, the original (Mylar) plan must be submitted to the Engineering Department for recording.

Contents of the Plan

The plan shall contain the following information:

- a. Identification of the plan by name of the owner of record and location of the land in question. Local map of plan.
- b. The zoning classifications of the land that contains the property, and the location of any zoning boundary lines that lie within the area.
- c. The location of all structures, streets, ways, and easements.
- d. Abutters from the latest available Assessors' records, unless the applicant has knowledge of any changes subsequent to the latest Assessors' records.
- e. Notice of any decisions by the Zoning Board of Appeals, including, but not limited to, variances and exceptions regarding the land or any buildings thereon.
- f. The entirety of any lot having its boundaries changed must be shown.
- g. Stone bounds, on the recommendation of the Town Engineer, shall be required.
- h. A separate copy of the Assessors' maps showing any changes in red pencil drawn to scale shall be submitted.
- i. The words "Planning Board Approval under Subdivision Control Law Not Required", shall appear above the space for the signatures and the date; a line for the date of the Board's action and the words "The endorsement above is not a determination by the Planning Board as to compliance with the Zoning Bylaw" shall appear below the space for signatures.

The process for ANR plan endorsement is described in the attached flow chart. **FOR FURTHER INFORMATION, CALL THE PLANNING DEPARTMENT (978) 453-4557**

B. Plans Requiring Subdivision Approval

The division of land into two or more lots with frontage on a way that is proposed to be constructed requires Planning Board approval under the Subdivision Control Law. A subdivision plan must be submitted that meets the design standards and required improvements stipulated in the Dracut Subdivision Regulations.

Preliminary Plan

Submission of a Preliminary Plan, although required only for nonresidential subdivisions, is strongly recommended for residential subdivisions as well, as it will usually save both time and money for the applicant. In most cases, the Planning Board is able to work with the applicant at this early stage to adapt the proposed subdivision plan to meet local regulations. Prospective developers are also welcome to discuss projects with the Board informally at one of its regular biweekly meetings. In addition, the applicant should discuss the plan with the Director of Planning, Town Engineer, Superintendent of Public Works, Fire Chief, and with the Conservation Commission and Board of Health.

The Planning Board must act (by majority vote) on a Preliminary Plan within 45 days of its submission.

Definitive Plan

The final (Definitive) subdivision plan must be submitted within seven months of submission of the Preliminary Plan in order to be governed by the zoning in effect at the time the Preliminary Plan was submitted. The approval process requires Planning Board consultation with the Director of Planning, Town Engineer, Superintendent of Public Works, Fire Chief, Conservation Commission, and Board of Health as well as a public hearing. Approval by the Board of Health is required, and applicants are advised to consult with the Board as well as with other relevant Town staff directly.

The Planning Board must rule on the application (by majority vote) within 90 days of submission of a Definitive Plan, which follows review of a Preliminary Plan or within 135 days of submission of a Definitive Plan where there was no Preliminary Plan. (The latter applies to residential subdivisions only.)

Endorsement

Once approved, a 20-day appeal period is required. After the passing of twenty days without an appeal, the Town Clerk will certify on the plan that no appeal has been filed. Once so certified, the Planning Board will sign the plan. It can then be recorded with the Middlesex North County Registry of Deeds and will become effective at that time.

Failure to Act

In the event the Planning Board fails to act within the required time period, the subdivision plan is deemed endorsed automatically. The applicant must then, within 14 days of the expiration of the time to act, notify interested parties that the plan is

deemed approved because of such failure to act and that they have a 20-day right of appeal; further, the applicant must notify the Town Clerk in writing that such action has been taken. If, within 20 days thereafter: no appeal has been filed, the applicant may obtain a certificate from the Town Clerk and record the plan with the Registry.

Zoning Protection

Approval of the Definitive Plan freezes the applicable zoning regulations for a period of eight years from the date of approval. Specific cases should be discussed with the Director of Planning.

Appeal

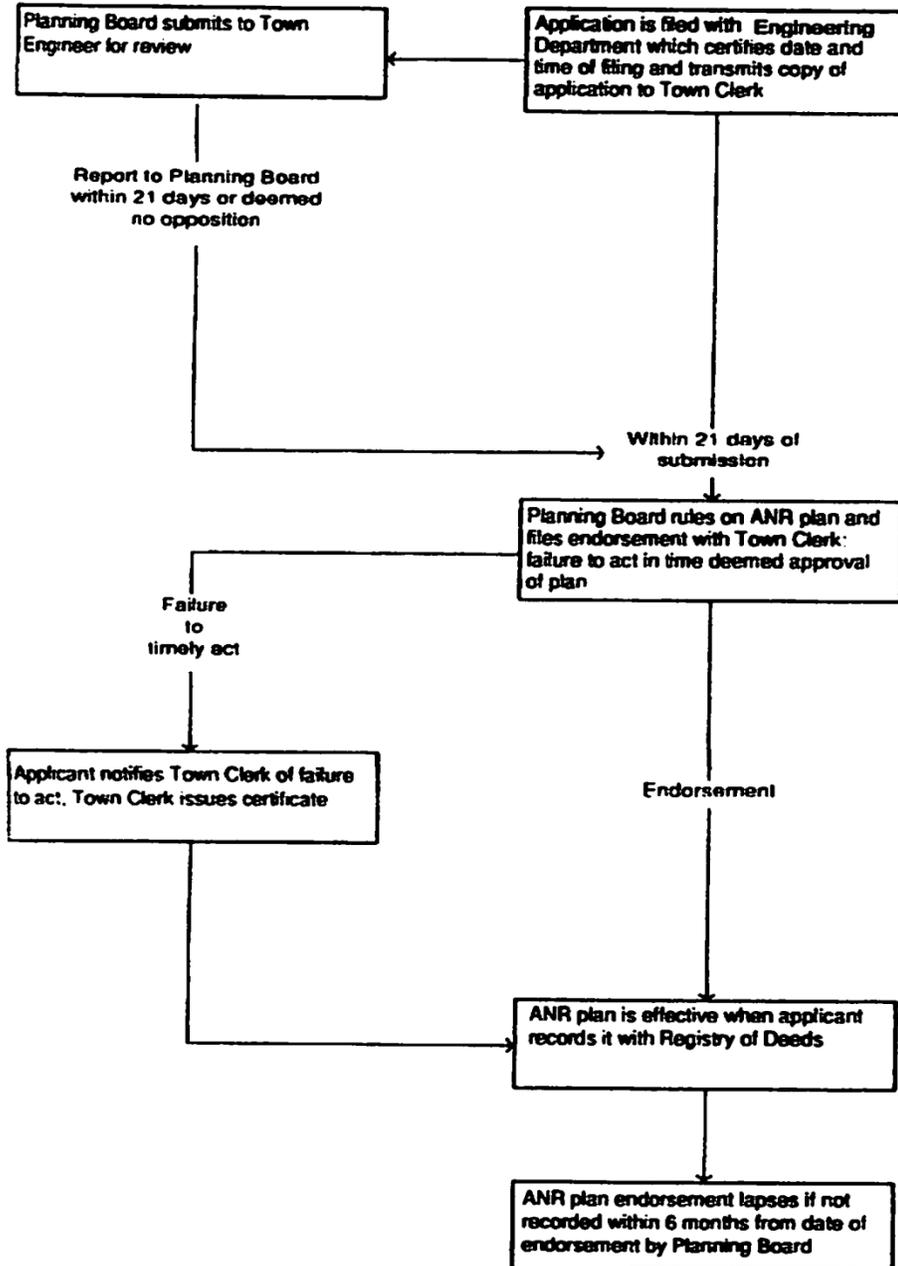
In the event of an unfavorable decision, the applicant may appeal to the Superior Court in Middlesex County.

Submission Requirements and Fees Effective from March 1998

Preliminary Plan — Application form, two plan copies for the office, but bring seven copies to the Planning Board Public Hearing; fee \$500 plus \$50 per lot proposed; submit to the Engineering Department.

The process for subdivision approval is described in the attached flow chart. **FOR FURTHER INFORMATION, CALL THE PLANNING DEPARTMENT (978) 453-4557**

ANR ENDORSEMENT PROCESS



SUBDIVISION APPROVAL PROCESS, continued

