

## APPROVAL NOT REQUIRED

The following excerpt from the Regulations Governing the Subdivision of Land in Shutesbury (adopted February 27, 1987) describes the procedure to be followed for filing a plan which does not require approval under the Subdivision Control Law.

In general, approval is not required for plans which do not create new road frontage and contain lots which meet all zoning requirements.

For further information, please consult the full text of the Regulations or speak with a Planning Board member.

### II.B. Plan Believed Not to Require Approval

1. 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, and who believes that his/her plan does not require approval under the Subdivision Control Law, may submit to the Planning Board the following:
  - a. A reproducible original and five (5) copies of his/her plan.
  - b. Filing fee in the amount of \$70 per lot, e.g. seventy dollars times the number of new buildable lots shown on the plan; the filing fee shall be in the form of a certified check or money order, made payable to the Town of Shutesbury, Massachusetts"; or written evidence that the filing fee has been paid to the appropriate Town official.
  - c. Application Form A, appended hereto, signed by the applicant and providing all the information requested.
  - d. All supporting evidence necessary to show that the plan does not require approval.

In addition, the applicant shall provide written notice to the Town Clerk by personal delivery in hand or by registered mail, with proper return receipt requested. Said notice shall state the date of submission to the Planning Board of the items specified in Sections II.B.1.a through II.B.1.d above, and shall be accompanied by one copy each of the plan and application Form A. If the notice is given by delivery, the Clerk shall, if requested, give a written receipt therefore to the person who delivered such notice.

2. If the Board determines that the plan does not require approval, it shall within twenty-one (21) days and without a public hearing endorse on the plan the words "Planning Board Approval under the Subdivision Control Law Not Required". Said endorsement shall be signed by a majority of the Planning Board. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall within twenty-one (21) days of submission of said plan so inform the applicant and return the reproducible original of the plan. The Board shall give written notice of its determination to the Town Clerk. Before the Board makes its determination, it shall review or have a consultant review the

correctness of all street information and compliance with the Shutesbury Zoning By-Laws. If, in the judgement of the Board, consulting services are necessary or appropriate, the applicant shall reimburse the Town for the full cost of such services prior to the endorsement of the plan. Where the physical condition or width of the public way, from which the lots shown on the plan have their access, is considered by the Board to be inadequate either to provide emergency services or to carry traffic which is expected, in the opinion of the Board, to be generated by such lots, the Board shall determine that the plan does require approval under the Subdivision Control Law.

3. If the Board fails to act upon a plan submitted under this section or fails to notify the Town Clerk and the applicant 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.

December 7, 1987: increase from fourteen (14) to twenty-one (21) days

January 1, 2001: fee increase from \$35 per lot to \$70 per lot