



**RULES AND REGULATIONS**  
OF THE  
**PLANNING BOARD**  
ACTING AS A  
**BOARD OF SURVEY**

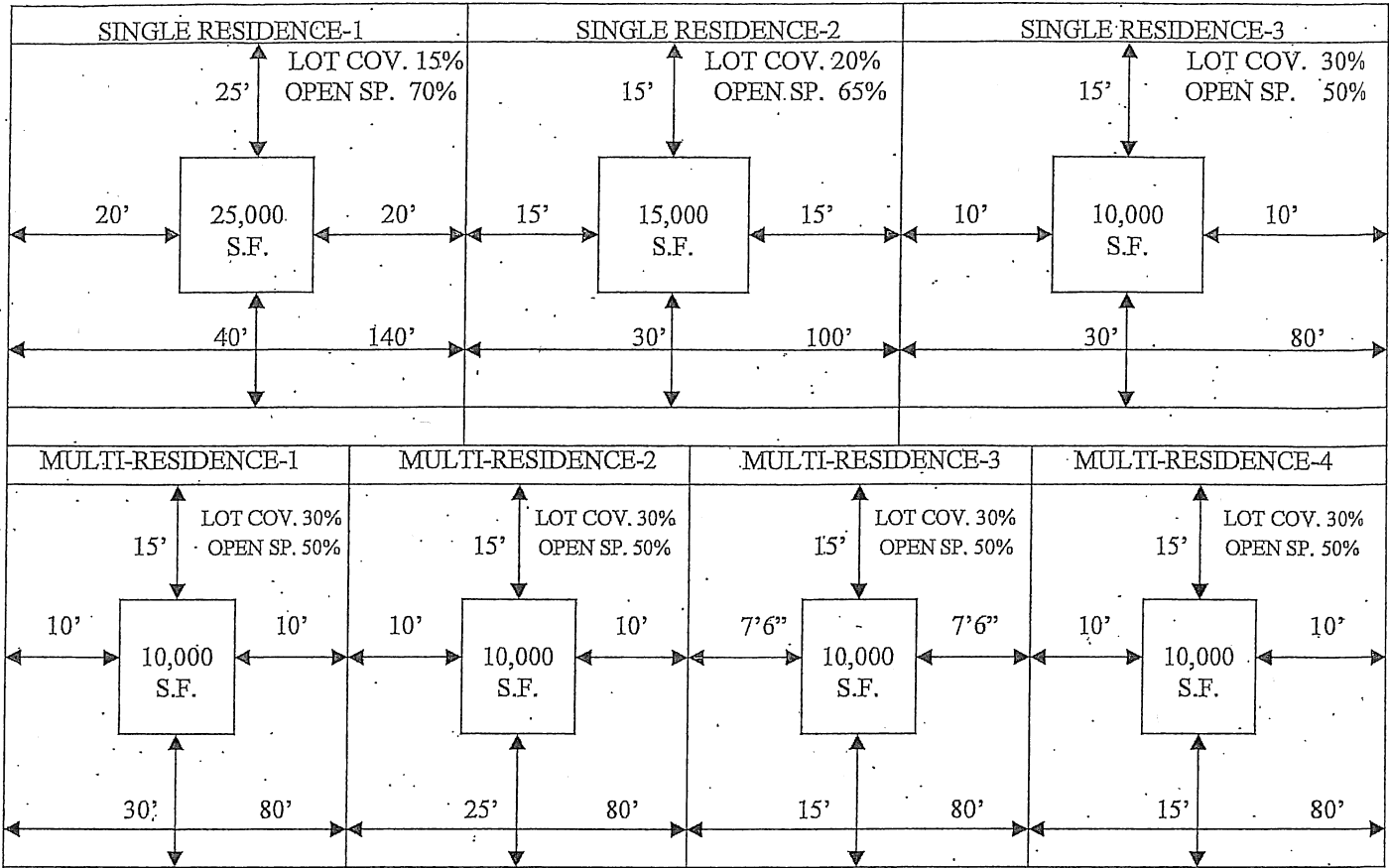
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CITY OF NEWTON, MASSACHUSETTS

1997

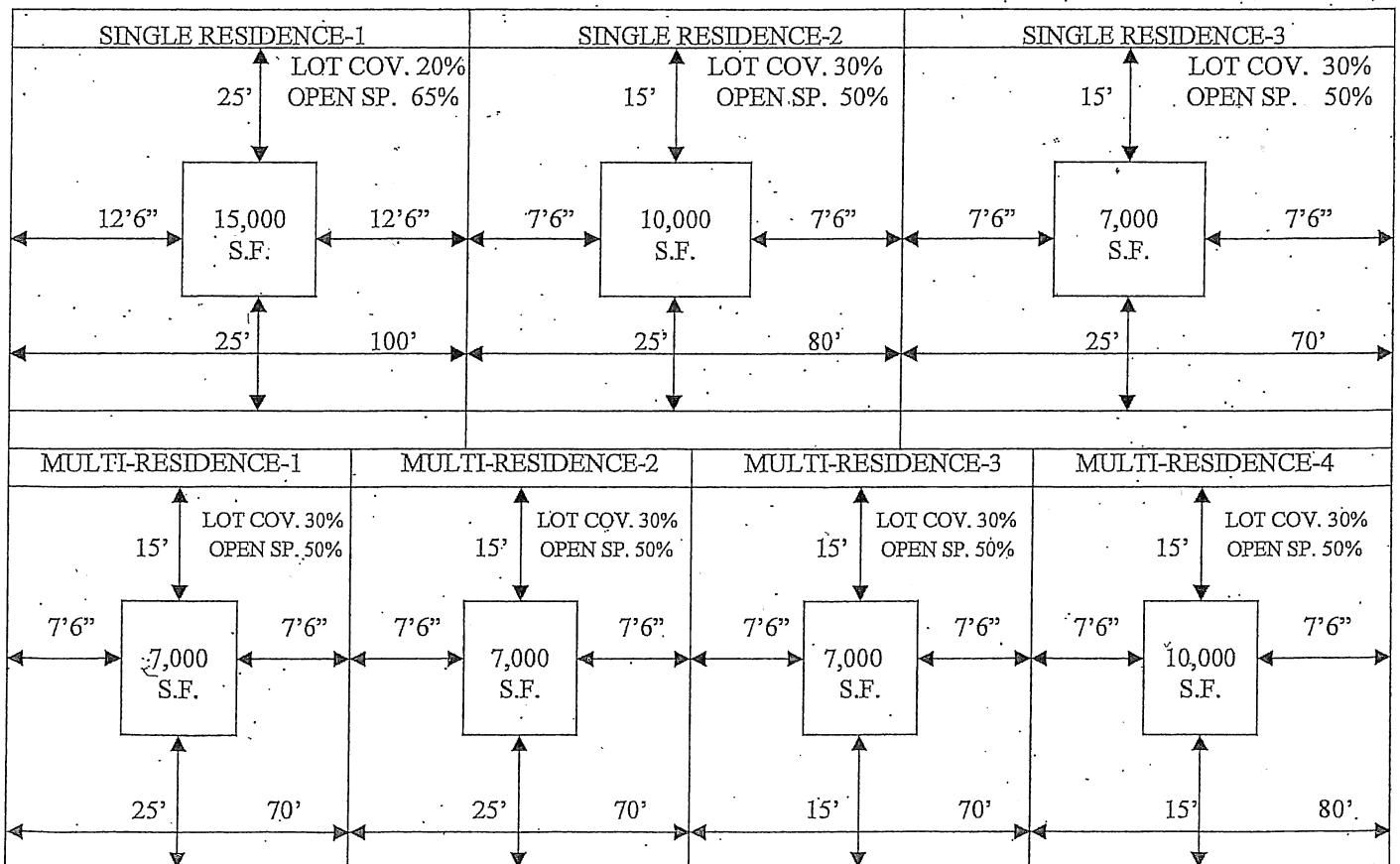
**NEW LOT**

**AFTER DEC. 7, 1953**



**OLD LOT**

**BEFORE DEC. 7, 1953**



SECTION III. PLANS BELIEVED NOT TO REQUIRE APPROVAL AS A SUBDIVISION

A. Submission

Any person, who wishes to cause to be recorded with the Register of Deeds or to be filed with the Land Court a plan of land situated in the City of Newton, who believes that his plan does not require approval under the Subdivision Control Law in accordance with Mass. Gen. Laws ch. 41, sec. 81P, may submit his plan, together with one print and one copy (Revised and adopted 2/27/80) of application Form A with Attachment (Appendix at page A-2), properly executed, and the proper fee, to the Clerk of the Planning Board.

The plan shall be accompanied by evidence designed to show that such plan does not require approval.

Failure to comply with the requirements set forth in this Section (III) for submission, form and contents shall constitute an incomplete or incorrect application governed by subsection II.F.

B. Contents (Revised and adopted 2/27/80)

All plans shall be drawn to scale.

1. Title, north point, date of survey and scale.
2. Name of owner of record.
3. Name and address of Registered Land Surveyor or Registered Professional Civil Engineer.
4. Names of all abutters as they appear on the most recent tax list.
5. Lines of existing and proposed streets, ways and easements.
6. Existing and proposed boundary lines, including dimensions and areas of all lots shown.
7. Lot and/or house numbers.
8. Location of all existing buildings, structures and bounds.
9. Suitable space to record the action of the Planning Board and signature of the Clerk acting in behalf of the five members of the Board.
10. Any other information necessary for the Board's determination.

The plan to be recorded shall conform to the Rules and Regulations of the Middlesex Registry, South District, under M.G.L. ch. 36, sec. 13A, or of the Land Court, whichever is applicable.

C. Determination

The Clerk of the Planning Board, having been empowered to act on behalf of the majority of the Planning Board, may perform the following duties of the Planning Board:

1. If it is determined that the plan does not require approval of the Board, then the Clerk, without a public hearing, shall forthwith endorse on the plan the words "Approval under the Subdivision Control Law is not required." There may be added to such endorsement a statement of the reason for which approval is not required.



**DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION**

1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

Ruthanne Fuller  
Mayor

**The Rules and Regulations of the Planning Board Acting as a Board of Survey, City of Newton, Massachusetts (1997 with revisions), Section III, Plans Believed Not to Require Approval as a Subdivision, and Section VII Procedure for Submission & Approval of Certain Two-Lot Subdivisions (Adopted 7/7/1997), as amended & revised.**

**A) Submission:**

Any person, who wishes to cause to be recorded with the Register of Deeds or to be filed with the Land Court a plan of land situated in the City of Newton, who believes the plan does not require approval under the Subdivision Control Law in accordance with Mass. Gen. Laws Ch.41, Sec. 81P, may submit ANR Plans as follows:

Two (2) Mylar & Two (2) paper copies of ANR Plan signed & sealed (Wet stamped) by Massachusetts Licensed Professional Land Surveyor (in good standing);

Two (2) copies of completed Form A Application (Revised and adopted 2/27/80) & Two (2) copies of completed Attachment To Form A (Appendix at page A-2), both properly executed, and with the proper fee, to the Clerk of the Planning Board

***It is recommended to have completed application forms date stamped at the City of Newton Clerk's Office prior to submission***

The plan shall be accompanied by evidence designed to show that such plan does not require approval. Failure to comply with the requirements set forth in this Section (III) for Submission, form and contents shall constitute an incomplete or incorrect application governed by subsection II.F.

**B) Contents:**

All plans shall be drawn to scale.

1. Title, north arrow ~~point~~, date of survey, legend and scale.

- a) The title block of ANR plans shall depict: "Plan of Land, (Name of Street or Way), Approval Not Required Plan", (list other pertinent information related to site), date of survey & revisions.
- b) Depict North Arrow and basis of bearings, list scale & graphic bar scale, Locus map (Scale: 1"=1,200' or other acceptable scale).
- c) **All lots or parcels that are being created, adjusted, altered or combined are considered locus parcels and shall comply with all requirements within Section III B (Contents) as revised & amended.**

2. Name of owner of record.
  - a) List record Deed References for all Locus parcels on application forms & ANR plan, for lots to be combined they should be clearly depicted to be under common ownership.
  - b) List record Plan References on application forms and ANR plan, and provide copies (11x17 copies of reference plans folded) with ANR application Form.
3. Name and address of Registered Professional Land Surveyor.
  - a) Licensed Professional Land Surveyor shall list name, address, business phone number, email address and website if applicable.
4. Names of all abutters as they appear on the most recent assessor tax list.
  - a) **Within each abutting lot, list the owner's name, address of lot, record deed & plan references, assessor's property SBL (section, lot, and block) number.**
5. Lines of existing and proposed streets, ways and easements.
6. Existing and proposed boundary lines, including dimensions and areas of all lots shown.
  - a) For lots being divided or having lot line revisions, clearly depict the proposed lot lines using heavy bold line, for long term clarity of change in boundary line location on the ground set survey monuments (i.e., iron rod with cap) at end points and angle points of proposed new lot lines.
  - b) For lots that are being divided or having lot line revisions, clearly depict original and proposed lot labels & lot areas.
  - c) For lots being combined, show each lot's original lot label & lot area, and clearly label and show new combined lot label & areas.
  - d) For Lot Lines to be removed, depict with a dashed line, label the line "To be Removed", add a "Z" symbol across each lot line that is to be removed to graphically depict that the lots are being combined. **Do not grey out lot lines to be removed or their respective labels as they will need to be clearly visible in order to be properly scanned at the Registry of Deeds.**
  - e) All boundary lines & lot lines, curves, street lines & rights of way **dimensions** shall be clearly depicted using legible size text & font style, **directional arrows for bearings** and crows feet, and comply with the Rules & Regulations of the Register of Deeds
  - f) For Landowners that wish to divide their land in order to convey a portion of their land to another landowner (abutter), please add the following statement on the ANR plan to the "Notes" section depicted on the plan:

"New Lot \_\_\_ to be conveyed to abutting property owner and is not available as a site for building, new Lot \_\_\_\_\_ to be combined with existing abutting Lot \_\_\_\_\_."
  - g) **As a minimum, all street line or boundary line curve labels shall include radius, arc length and delta angle of the curve.**
  - h) **Non-tangent curves shall be depicted as "Non-Tangent" on the plan, and shall be labeled with the curve data listed above in section g as well as the chord bearing and chord distance.**

7. Lot and/or house numbers

- a) Depict existing house numbers within structures. Depict former Lot Labels and Proposed Lot labels.

8. Location of all buildings, structures and bounds.

- a) If the Existing Buildings are to be removed, then add a label inside the foot print of the buildings that states: "To be Razed."
- b) If the Existing Buildings are to be moved, then add a label that clearly states where the building is being moved to, and add a label inside the foot print of the building that states: "To be Moved to Location". The destination Location of the building can be the existing lot, a new lot or an abutting lot, or offsite.
- c) Label the front, side, and rear offsets from structures to existing boundary lines, and to proposed new lot lines.
- d) Each Lot not complying with Zoning shall be designated as "Not a Buildable Lot."

9. Suitable space to record the action of the Planning Board and signature of the Clerk acting in behalf of the five members of the Board.

- a) Use the City of Newton Signature Block:

The Approval of this plan under the Subdivision Control Law Not Required, Date, Signature line, "Clerk- Newton Planning Board Acting as a Board of Survey", "The above Endorsement is not a Determination as to Conformance with Zoning Regulations."

See attached example below (16).

10. Any other information necessary for the Board's determination.

11. ANR Plans are considered boundary plans and shall meet minimum requirements of 250 CMR (as revised & amended) and comply with the Rules & Regulations of the Register of Deeds (as revised & amended) , and comply with the Massachusetts Land Court: **Rules of the Land Court, Standing Orders, Manual of Instruction for the Survey of Lands and Preparation of Plans, Land Court Guidelines on Registered land (as revised & amended).**

- a) Minimum of three street right of way bounds depicted along each street line right of way all mathematically (bearings & distances) connected, label how monuments were held & show offsets if necessary. Show bearing & distance, and curve data along all boundary lines, new lot lines, and along rights of way depict (bearing & distances) to nearest street line angle point, curvature, or right of way of nearest side street.
- b) Sufficient number of survey boundary monuments depicted around perimeter of locus property that it can be retraced on the ground by another **Professional Licensed Land Surveyor**.
- c) Lines of occupation, fences, walls, buildings, out buildings and pertinent site details integral to depicting parcel boundaries and site conditions, and encumbrances, easements, restricted areas and reservations, occupation, **existing driveways and means of access & egress**.
- d) **Existing Utility locations (i.e. sewer, water, drain, conduit etc..) may need to be depicted depending on their location as compared to proposed lot line configuration to determine whether an easement is required.**

12. Location of any topographic or physical obstruction which interferes with the use of the frontage for access to a lot/parcel.

13. Approval Not Required (ANR) plans, in accordance with Mass. Gen. Laws Ch.41, Sec. 81P are typically depicted along existing public ways. For lots that are depicted to have frontage on a private street or way, the record deed and plan references for the grant from the owners of the private way for the rights of access & egress over the private way shall be listed on the ANR plan and the FORM A application.
14. Clearly list any reference to a Board Approval (date & City Clerk docket number) and Registry of Deeds recording information for a Comprehensive Permit, Special Permit, Variance, or Lot Zoning change that affects the locus property depicted on the ANR Plan.
15. Zoning District(s) Identified on the plan for locus, zoning boundary depicted on the ANR plan if more than one Zoning District is present within locus or abutting parcels.
  - a) As per the City of Newton Chapter 30: Zoning Ordinance, Article 1, Section 1.5.6 Build Factor, § A. Applicability. The Build Factor Formula shall apply to lots created by an ANR plan under M.G.L. Ch.41, § 81P. The Build Factor formula, maximum allowed Build Factor for Zoning District, calculations & Build Factor shall all be clearly depicted on the ANR Plan.
16. An example of the required ANR plan "City of Newton Signature Block" with zoning statement:

APPROVAL OF THIS PLAN UNDER  
THE SUBDIVISION CONTROL LAW NOT  
REQUIRED.

DATE: \_\_\_\_\_

\_\_\_\_\_

CLERK-NEWTON PLANNING  
BOARD ACTING AS A BOARD  
OF SURVEY

THE ABOVE ENDORSEMENT IS NOT A  
DETERMINATION AS TO CONFORMANCE  
WITH ZONING REGULATIONS.