

ARTICLE 3: PLAN SUBMITTAL AND PROCEDURES

SECTION 3.00 PLAN THOUGHT NOT TO REQUIRE APPROVAL

A. Filing - Every applicant shall submit an application (See Appendix A) with the original mylar or sepiia plan and five (5) prints thereof to the Board, accompanied by any other pertinent information. At the discretion of the Board, the applicant and/or his authorized representative may be required to appear during the Board's review. A fee, in accordance with the Fee Schedule, payable to the Town of Foxborough shall accompany each application. *(adopted 8/25/11)*

B. Contents – Any plan determined to not completely satisfy 3.00.B Contents shall be considered an incomplete application and deemed not to have been submitted. Such plan shall be returned to the Applicant, and a notice of the Planning Board's determination sent to the Town Clerk. When brought into conformity with the requirements of 3.00.B Contents, such plan may be resubmitted and will be considered without prejudice. *(adopted 1/6/06)*

Said plan shall be legibly drawn in accordance with the rules and regulations of the Registry of Deeds, Chapter 36, Section 13A as amended, pertaining to plan size, material, lettering and related requirements. The plan scale shall be forty feet (40') to the inch or such other scale as the Board may accept and contain the following:

1. Identification of the plan by name and address of owner of record and name of the surveyor and/or professional engineer who prepared the plan, and the name and address of the person for whom the plan has been prepared, location of the land in questions, the scale, north point and date.
2. The statement "Approval Under Subdivision Control Law Not Required," and sufficient space for the date and the signatures of all members of the Board.
3. Zoning classification and location of any Zoning District Boundaries including the presence of any overlay districts.
4. All existing structures, their address and all yard dimensions; number of dwelling units of any residential structures.
5. Each lot with inadequate frontage and not complying with zoning requirements shall be labeled as "Not A Building Lot".
6. Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and exceptions, regarding the land or any building thereon. In none, so state.
7. Names and status (private or public) of streets and ways shown on the plan. Also not whether State, County or Town layout.
8. Any water bodies or wetlands pursuant to MGL, Chapter 131 located within the required setback area shall be shown.
9. Location of a minimum of two new, permanent bounds which must be set to mark each new lot must be shown.

C. Disk Submittal - The information required in Paragraph B. Contents shall also be submitted on a 3½ inch disk or CD-ROM in an AutoCAD.DXF compatible or AutoCAD.DWG file. The information shall comply with the standards found in Appendix E.

D. Determination -

1. Plans meeting the requirements of these regulations shall be endorsed without a public hearing. The Town Clerk, Board of Health, Board of Assessors and Building Commissioner shall be notified of this action.

2. Plans requiring subdivision approval, perimeter plans, plans illustrating lots with less than the required legal frontage or plans illustrating lots with inadequate access to the land thereon due to topography or wetlands may, within 21 days after submission, be returned to the applicant. Written notice of the reasons for this action shall be provided to the applicant, Town Clerk, and the Building Commissioner.
3. An endorsement by the Board of a plan not requiring subdivision approval does not address, nor in any way imply that the lots shown thereon conform to the Foxborough Zoning By-Laws or any other local or state regulations.

SECTION 3.01 PRELIMINARY PLANS

- A. General - The submission of a preliminary plan will enable the subdivider, the Board, other municipal agencies and owners of abutting property to the subdivision to discuss and identify issues concerning the subdivision before a definitive plan is prepared.
- B. Residential Plan Requirements - In the case of a residential subdivision, any person before submitting a definitive plan for approval may submit to the Board and the Board of Health, a preliminary plan, and shall give notice to the Town Clerk by delivery or by registered mail, postage prepaid, that a plan has been submitted. The Board strongly recommends the submittal of preliminary plans. In the case of a Residential Compound or an Open Space Residential Development (Sections 9.05 & 9.06 respectively of the Foxborough Zoning By-Laws) the submittal of a preliminary plan is mandatory.
- C. Non-Residential Plan Requirements - In the case of a nonresidential subdivision, any person before submitting a definitive plan for approval shall submit to the Board and the Board of Health, a preliminary plan, and shall give notice to the Town Clerk by delivery or by registered mail, postage prepaid, that a plan has been submitted.
- D. Filing -
 1. The application package for approval of all preliminary plans shall consist of the following:
 - a. Twelve (12) copies, blue-line prints.
 - b. Application Form B and a Designers Certificate, Form E (See Appendix A).
 - c. A certified list of abutters pursuant to MGL, Chapter 41, Section 81-T.
 - d. Site information as required in paragraph E. below.
 - e. An administrative and review fee, in accordance with the Fee Schedule, payable to the Town of Foxborough shall accompany each application.
(adopted 8/25/11)
- E. Plan Requirements -
 1. Preliminary plans shall show sufficient information about the subdivision to form a clear basis for discussion of the definitive plan. The preliminary plan shall be prepared by a Professional Engineer or Registered Land Surveyor, be drawn to a scale of 1"=40' and shall include the following:
 - a. The subdivision name, boundaries, north arrow, meridian, date, scale, legend and title.
 - b. The names and addresses of the record owner, applicant, engineer or surveyor.
 - c. Existing and proposed lines and lengths of streets, easements, utilities, and public areas, within the subdivision in a general manner.
 - d. Approximate boundaries, areas and dimensions of proposed lots.

- e. Locus plan of the area at a scale of 1 inch = 1,000 feet.
 - f. The names, approximate location and widths of adjacent streets.
 - g. Topography of the land employing two (2) foot contours and the general soils condition as determined from the U.S. Department of Agriculture, soil conservation services maps.
 - h. Proposed system of drainage and adjacent, existing natural waterways, in a general manner.
 - i. Major site features such as existing stone walls, fences, building, large trees or wooded areas, rock outcroppings, wetlands, water bodies, flood plains and seasonal wet areas in a general manner.
 - j. A cover sheet illustrating the proposed street(s), all of the lots therein and an index to each sheet of the plans.
- E. Public Hearing - A public hearing shall be required for all preliminary plan submittals. The procedures as set forth in MGL, Chapter 41, Section 81-T shall be followed by the Board.
- F. Approval/Disapproval -
- 1. The Board may perform an on-site inspection of the proposed subdivision. The applicant, or designee may be required to attend this site walk.
 - 2. Within forty-five (45) days after submission, the board shall act upon the preliminary plan. In the case of disapproval, the board shall state the reasons therefore. The Town Planner shall notify the applicant and the Town Clerk of its action.
 - 3. Upon approval of the plan, the applicant shall petition the Board of Selectmen to name the streets therein. These names shall be included on subsequent submittals.
 - 4. The Board strongly recommends that the petitioner review the plan with the Conservation Commission pursuant to the applicability of MGL, Chapter 131 and the Foxborough Wetlands Protection By-Law prior to submitting a definitive plan.

SECTION 3.02 DEFINITIVE PLANS

- A. Requirements – In the case of a subdivision showing lots in a residential zone, where a preliminary plan has been acted upon by the Board or where at least forty-five days has elapsed since submission of a preliminary plan, an applicant may file a definitive plan. No non-residential definitive plan may be filed without a prior submittal of a preliminary plan. The applicant may also be responsible for providing funds to complete an Environmental Impact Report pursuant to Section 4.01 of these regulations.
- B. Filing -
- 1. The application package for approval of a definitive plan shall consist of the following:
 - a. Fourteen (14) copies of blue-line prints.
 - b. Application Form C and a Designer's Certificate, Form E (See Appendix A).
 - c. A certified list of abutters pursuant to MGL, Chapter 41, Section 81-T.
 - d. Site information as required in paragraph C below.
 - e. An administrative and review fee, in accordance with the Fee Schedule, payable to the Town of Foxborough shall accompany each application.
(adopted 8/25/11)
 - f. The applicant shall pay the cost of any legal advertising. These fees shall be paid prior to any decision by the Board.
(adopted 1/6/06)

2. The submission of the application package shall be made to the Town Clerk and the date stamped shall be considered the submittal date. If the application package is mailed, the date of receipt shall be considered the submission date.
3. After filing with the Town Clerk, one copy of the application package shall be filed with the Board of Health or its Agent. The Board of Health shall have forty-five (45) days in which to file a report with the Board per the requirements found in MGL, Chapter 41, Section 81-U. If none is received after this time period, the Board of Health is considered to be in approval of the plan.
4. The Board shall receive the twelve remaining application packages, of which at least one shall be date stamped by the Town Clerk. The Board, through the office of the Town Planner, shall distribute these plans to the appropriate town boards.
5. The information required in Paragraph C., Plan Requirements, shall also be submitted on a 3½ inch disk or CD-ROM in an AutoCAD.DXF compatible or AutoCAD.DWG file. The information shall comply with the standards found in Appendix E.

C. Plan Requirements -

1. The definitive plan shall be prepared, signed, and stamped by a Registered Professional Engineer and a Registered Land Surveyor, and shall be clearly and legibly drawn. The plan shall be at a scale of 1" = 40'. Sheet sizes shall be 24 inches by 36 inches, the longer dimension on the bottom, with 3/4 border, except on the left side which shall be 2 1/2 inches. All letters on the plan must be clear and legible without artificial means. Each plan shall have a graphic scale. The property shall be oriented upon the plan in such a manner that the top is in a north direction. If multiple sheets are used, each shall be consecutively numbered and accompanied by a title sheet and an index sheet showing the entire subdivision and identifying each sheet therein. The definitive plan shall contain the following information per the standards found in Article 5 of these regulations:
 - a. The title sheet shall state the date, scale, bench mark, name, and address of applicant, and of the registered professional engineer and land surveyor, name of the subdivision, if any, zoning classification (including overlay districts), number of lots, total acreage of the parcel and the total length of the street(s).
 - b. The location and outlines of all existing buildings and site features such as stone walls, fences, large trees (12 inches in diameter or greater) wooded areas, rock outcroppings, natural drainage courses, wetlands, (pursuant to MGL, Chapter 131), water bodies, flood plains, and seasonal wet areas, within or adjacent to the proposed subdivision shall be shown.
 - c. The location of abutting structures, property, driveways, etc. within 300 feet (with the ownership of such stated thereon) shall be shown. A locus plan at a scale of 1" = 1,000' is required (with north arrow), showing the location of the subdivision in relation to the existing street system.
 - d. Illustrate the location and character of all rights of way, or other easements (existing or proposed), pertinent to the subdivision, including proof of secured easements outside the area where conditions exist requiring such easements.
 - e. Illustrate lengths and bearings of subdivision boundary lines and the meridian used.
 - f. Illustrate lengths and bearings of all subdivision lot lines, including proposed lot frontage(s) on the street(s).
 - g. Illustrate lengths and bearings of all straight center lines of streets and the grading and tie plan of all intersections.
 - h. Illustrate lengths, radii, tangents, and central angles of all curves in lot lines and street center lines.
 - i. Curves of street layout lines at street intersections shall be illustrated showing a radius of not less than 35 feet, except where the angle of intersection values

more than 10 degrees from a right angle, in which case the value must be approved by the Board or its Subdivision Inspector.

- j. The location, name, width and grade of each public or private way, bounding, or within 300 feet of the subdivision shall be illustrated. The names of the proposed street(s) as determined by the Board of Selectmen.
- k. Granite or cement concrete monuments shall be shown at all points of curvature, and changes in direction of street lines, with one at the rear property line of each lot or where designated by the Board or its Subdivision Inspector and all lots shall have at least three bounds located at the corner points. Bounds shall not be required within wetlands or where not deemed practical.
- l. Lot(s) area, lot numbers, location of proposed driveways and septic systems. Street address numbers shall also be indicated with the even numbers on the left and the odd numbers on the right side of the streets.
- m. Stump disposal shall be limited to 200 cubic yards per 310 CMR 19.17. If it is to take place on site, the proposed location shall be approved by the Board of Health and identified.
- n. A topographical plan showing both existing and proposed contours at two (2) foot intervals. The datum used shall be clearly noted.
- o. Size and location of existing and proposed water mains, and their appurtenances as determined and approved by the Board of Water and Sewer Commissioners. The location and operating water elevation of public or private wells within 500 feet of the proposed subdivision.
- p. If the proposed subdivision or any part thereof is within the Water Resource Protection District (WRPD) per Section 9.09 of the Foxborough Zoning By-Laws. The limits of the WRPD shall be delineated on the index sheet and on each applicable sheet of the plan. A general discussion of the environmental impacts and proposed mitigating measures of the project, and its construction is required to assist the Board in its review of the proposal. It shall be based upon the existing & proposed topography, soils, vegetation and hydrology of the site. It will also be used if consideration is given to requiring an Environmental Impact Report pursuant to these regulations.
- q. Per Article 5, the proposed size and type of drainage, location of existing and proposed drains and appurtenances. Specific areas of concern are the proposed disposition of water and Impacts to existing natural waterways, natural drainage channels, and to the proposed artificial means of disposal of storm drainage.
- r. Location of proposed underground utilities and street light stanchions. A detail of the type of street light proposed shall be shown.
- s. Proposed park or open areas suitably located for playground or recreation purposes within the subdivision In accordance with Chapter 41, Section 81-U.
- t. Location of required sidewalks.
- u. Each sheet of the plan (excluding the title page) shall be numbered, shall have five lined spaces to record the signatures of the Board, two lines to record the approval and endorsement dates and a sign off notation for the Town Clerk.
- v. Profiles and street requirements with only one (1) street shown per sheet (See Appendix B):
 - (1) A horizontal scale of 1 inch equals 40 feet and a vertical scale of 1 inch equals 4 feet.
 - (2) On the plan of each street, the extent of the cut or fill limits outside of the road layout required for the construction of the way.
 - (3) Existing center line in fine black solid line.
 - (4) Existing right and left side lines in fine black dash line.

- (5) Cross sections of each street at fifty (50) foot intervals clearly showing the limit of cuts and fills. These sections shall be plotted on a scale of 1"=4' for both vertical and horizontal changes.
- (6) Proposed center line grades in black ink, showing grade elevations at every 50 foot stations except in vertical curves which shall be at every 25 foot station. Existing ground elevations of center lines to be shown to the left of station in black.
- (7) All existing and proposed intersections, walks, driveways, shown on both sides.
- (8) Elevations and locations of at least two (2) bench marks as shown on plan, indicating the datum used on each profile sheet.
- (9) Vertical curve gradients shall be expressed in percentage (%).
- (10) The high water elevation and all test holes locations.
- w. Typical section of each street between top and/or bottom of slopes, type, lines and width of all curbing to be used, and catch basin-frame and grates to be used (See Appendix B).
- x. Compilation of quantities of site improvement items to be installed or constructed.
2. The following Notes to Contractors shall be added to each sheet of all Plans:
 1. All contractors must contact the Board at 508-543-1250 prior to the initiation of any construction.
 2. A Street Opening Permit must be obtained from the Foxborough Highway Department prior to any work occurring in or on any street (accepted or not) after the top course of pavement is installed.

SECTION 3.03 MODIFICATION TO AN APPROVED DEFINITIVE PLAN

- A. Requirements - In the case where a definitive subdivision plan has been previously approved by the Board and modifications or amendments are proposed thereto, a new filing and public hearing is required pursuant to MGL, Chapter 41, Sections 81-0 and 81-W. This hearing process shall be required when roadway layouts are to be moved, discontinued or otherwise altered, or for proposed changes in the dedicated open space in an approved OSRD. It shall be at the discretion of the Board if changes in pavement widths, grades or other alterations are significant enough to warrant a new hearing.
- B. Filing -
 1. The application for approval of modifications to an approved definitive plan shall consist of the following:
 - a. Twelve (12) copies blue-line prints.
 - b. Application Form C and Designer's Certificate, Form E (See Appendix A).
 - c. A certified list of abutters pursuant to MGL, Chapter 41, Section 81-T.
 - d. An administrative fee, in accordance with the Fee Schedule, payable to the Town of Foxborough shall accompany each application. The applicant shall pay the cost for any legal advertisements. *(adopted 8/25/11)*
 - e. A brief explanation and description of the proposed changes.
 2. The submission of the application package shall be made to the Town Clerk and the date stamped shall be considered the submittal date. If the application package is mailed, the date of the mailing shall be considered the submission date.
 3. After filing with the Town Clerk, one copy of the application package shall be filed with the Board of Health or its Agent. The Board of Health or its Agent shall have forty-five (45) days in which to file a report with the Board per the requirements found in MGL, Chapter 41, Section 81-U. If none is received after

this time period, the Board of Health and its Agent are considered to be in approval of the plan.

4. The Board shall receive the ten remaining application packages, of which at least one shall be date stamped by the Town Clerk. The Town Planner shall distribute these plans to the appropriate town boards.

C. Plan Requirements -

1. The modified definitive plan shall conform to the requirements found in Section 3.02 Definitive Plan, paragraph C. Plan Requirements. Unless otherwise specified by the Board, only those sheets within the approved set of plans which are affected by the proposed modification shall be filed with the application. However, a cover sheet with an index showing the entire subdivision with the location of the proposed changes shall be required. The modification date, original approval date, and a listing of those sheets modified shall also be noted thereon.

SECTION 3.04 RESCISSION OF AN APPROVED DEFINITIVE PLAN

- A. General - The Planning Board, on its own motion or by petition of an interested party (as defined in MGL, Chapter 40A, Section 11) may rescind its approval of a definitive subdivision plan.

- B. Requirements - In the case where an approval of a definitive subdivision plan is to be considered for rescission, a public hearing is required. The procedures noted in MGL, Chapter 41, Section 81-T shall be followed:

1. If the request is by petition, the petitioner shall be responsible for collecting and submitting the required certified list of abutters.
 - a. The petitioner(s) shall also submit a detailed brief and any other supporting information explaining why the plan should not maintain its approved status. This brief shall detail those areas where the plan does not comply with these regulations and/or where the approval of the plan has not been complied with or has been violated.
 - b. An administrative fee, in accordance with the Fee Schedule, payable to the Town of Foxborough shall accompany each application. The applicant shall pay the cost for any legal advertisements. *(adopted 8/25/11)*
 - c. The petitioner shall file a copy of the rescission request and any supporting information with the Town Clerk.
2. If the option to consider rescission is from the Planning Board, the Board shall record its reasons, therefore, during a regularly scheduled meeting. It shall compile and have certified a list of abutters.
3. The hearing notice shall state the reason the plan is being considered for rescission.

SECTION 3.05 FRONTAGE WAIVERS

- A. Requirements - In the case where a subdivision of land is proposed where one or more of the lots shown on the plan shall have less than the required frontage or where access requirements cannot be met pursuant to these regulations or the Foxborough Zoning By-Laws, a frontage waiver shall be required from the Board. Approval is conditional upon the Board determining that adequate access to the lot(s) is provided. It is recommended that the applicant obtain a Variance from the Zoning Board of Appeals prior to submitting a request for a frontage waiver.

B. Filing -

1. The application package for approval of a frontage waiver shall consist of the following;
 - a. Twelve (12) copies of the plan.
 - b. Application Form D (See Appendix A).
 - c. A certified list of abutters pursuant to MGL Chapter 41, Section 81-T.
 - d. An administrative fee, in accordance with the Fee Schedule, payable to the Town of Foxborough shall accompany each application. The applicant shall pay the cost for any legal advertisements. These fees shall be paid prior to any decision by the Board.
(adopted 8/26/11)

C. Plan Requirements -

1. The plan shall be prepared, signed, and stamped by a Registered Land Surveyor, and shall be clearly and legibly drawn. The plan shall be at a scale of 1"= 40'. All letters on the plan must be clear and legible without artificial means. Each plan shall have a graphic scale. The property shall be oriented upon the plan in such a manner that the top is in a north direction. The plan shall contain the following information:
 - a. The names and addresses of the record owner, the applicant, engineer and land surveyor.
 - b. Existing lines of streets, ways, easements, utilities, and public areas, bounding the subdivision.
 - c. Boundaries, areas and dimensions of proposed lots, and proposed driveways thereto.
 - d. Locus plan of the area at a scale of 1" = 1.000 ft. along with the meridian, date, north arrow and legend.
 - e. All existing structures, with street address(es), and the number of dwelling units therein. All dimensional setbacks to abutting properties and ways.
 - f. Notation of any variances granted for the site.
 - g. Current zoning of the parcel(s), including the presence of any overlay districts. If the parcel is within the Water Resource Protection District (WRPD) the location of such shall be shown.
 - h. Each sheet of the plan (excluding the title page) shall have five lined spaces to record the signatures of the Board and two lines to record the approval and endorsement dates.
 - i. Major site features, such as, existing stone walls, fences, buildings, wooded areas, rock ridges and outcroppings.
 - j. Wetlands (MGL Chapter 131), water bodies, flood plains, seasonal wet areas or other significant topographical features which could influence access to the site.

SECTION 3.06 PUBLIC HEARING REQUIREMENTS

- A. General - A public hearing shall be held prior to the Board making a determination on any submittals under Sections 3.01, 3.02, 3.03, 3.04 and 3.05. Notice of such shall be given by the Board pursuant to the requirements found in MGL Chapter 41, Section 81-T.
- B. Abutter notification - The applicant shall send a copy of the published Public Hearing advertisement to all abutters within three days of the first publication of the legal advertisement. The applicant shall provide proof of mailing by submitting to the Planning Board office at least one day prior to the Public Hearing either the Certificate of Mailing showing the date the envelopes containing abutter notices were accepted at the Post Office or receipts for Certified Mail®, return receipt requested.
(adopted 7/25/13)