

**CITY OF BROCKTON BUILDING DEPARTMENT**  
**45 School Street**  
**Brockton, MA 02301**  
**508-580-7150**

**Submit all documents to: [building@cobma.us](mailto:building@cobma.us)**

**BUILDABLE LOT DETERMINATION APPLICATION**

**Applicant Information**

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Name, mailing address, and telephone number of applicant's representative, if any:

\_\_\_\_\_

**Property Owner(s) Information (if different than applicant)**

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Names, addresses, and telephone numbers of additional owners (each owner must be listed)

\_\_\_\_\_

\_\_\_\_\_

<b>Property Information</b>		<b>Confirmed by:</b>
Site address of property:		
Parcel number(s):		
Size of parcel(s):		
Zoning:		

**For Office Use Only**

Date Rec'd \_\_\_\_\_ Receipt # \_\_\_\_\_ Check # \_\_\_\_\_ Staff Member \_\_\_\_\_

**The following *must* be submitted with this completed form for the application to be complete:**

- \$50 nonrefundable fee
- Full legal description(s) of subject property
- Copies of all deeds from 1940 to the present
- Letter of explanation
- Assessor's record
- A history to include the following:
  - A title report and/or copies of all deeds and real estate contracts showing owners or divisions of the original parcel;
  - Copies of all Assessor's records showing owners or divisions of the original parcel;
  - Prior applications or requests;
  - Prior recorded surveys; and
  - Other information demonstrating compliance with the approval criteria.
- Site map
- A history of accessory uses and permits issued to the property, if any
- Prior buildable lot determination, if any

**NOTE:** any omission of requested information may result in an INCOMPLETE determination. The applicant will not receive a refund. Should the Building Department determine that a title search is required, the applicant shall reimburse the City of Brockton subsequent to receipt of said title search and prior to the determination.

**The signature of each applicant or the applicant's representative, and each property owner if different than the applicant(s), is required.**

*(We) (I) certify that the information furnished within this application, including all submittals and attachments, is true and correct to the best of (my) (our) knowledge.*

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Additional Applicant(s) / Representative \_\_\_\_\_ Date: \_\_\_\_\_

Additional Property Owner(s) \_\_\_\_\_ Date: \_\_\_\_\_

	Office Use Only	Staff Member
Title Search Required:	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Title Search Company:		
Cost of Search:		
Receipt of Reimbursement:	<input type="checkbox"/> YES <input type="checkbox"/> NO    Date received: _____	

## **APPLYING FOR A LOT OF RECORD DETERMINATION**

Buildable lot determinations are only applicable to permits for single family dwellings on an undersized lot. Prior to issuance of a building permit for a single-family dwelling on a non-conforming lot, documentation must be provided evidencing that the lot is to be protected.

A letter of detailed explanation along with additional information is required in order to process the application. The burden of proof that the lot is protected is on the applicant, not the City. Please provide full and documented proof, including the applicable section(s) of the zoning by-law and/or Chapter 40A of the Massachusetts General Laws, which provides protection to the lot in question. If the lot in question abuts a commonly owned lot on which a house is built a certified plot plan must be provided for both lots showing the location of all structures.

- Applicants must submit legible copies of all deed records relevant to the subject property. Older deeds, dated prior to 1940, are preferred unless accompanied by documentation indicating subdivision or partition plat approval by the City.
- A site map shall be included with the application indicating the highlighted legally described property lines subject to the determination, and the location of all property lines and existing improvements (i.e. houses, barns, driveways, shed, pool etc.).
- Multiple or complex legal descriptions should also include a color-coded map of each described area.
- Deeds can be researched at the Register of Deeds, however, a chain of title conducted by a title company, may be helpful to applicants who are unfamiliar with conducting deed research.

The presence of a lot of record parcel does not guarantee the right to develop the property. Development standards for building on the property are still in effect. Requirements for water, sanitation, access, setbacks, and other overlay and zoning district requirements are still applicable, pursuant to City of Brockton Zoning Ordinances, as well as all pertinent state and federal rules and statutes. Consequently, a lot of record parcel is not necessarily a buildable lot.

It typically takes 30 days to complete the process for this type of determination. We may need to request additional information in order to make a determination, which may extend the time. It is not uncommon that there is not a sufficient record available to make a determination. It is also not uncommon for an initial determination to be made that the parcel appears to not have been legally created, and if so, you may always attempt to find additional records and request a new determination.

You must provide the necessary documentation or explanation as to why the lot in question is protected by Brockton zoning ordinances. All research must be done by the applicant.