



FORM A

APPROVAL NOT REQUIRED (ANR) APPLICATION
Request to the Chatham Planning Board for endorsement of a plan as not requiring approval under the Subdivision Control Law, Massachusetts General Laws, Chapter 41, Section 81K-81GG ++



Property/Applicant Information:

Location of Project/Street Address:
Assessor's Map: Lot: Zoning District: Lot frontage required:
Applicant Name:
Applicant Address:
Phone Number:
Owner Name/Address/Phone (if not applicant):
Deed for property: Book: Page: or Land Court Certificate No.:

Plan Information:

Title and date of plan:
Name of surveyor: Phone:
Address: Fax:

Purpose of division of land: Check all that apply.

(If no division of land is proposed, see Note #1 on reverse.)

- Creation of lot(s) for building purposes
Creation of lots for conveyance for roadway
Creation of lot(s) for conveyance to abutters or exchange with adjacent lot
Other (Please explain. Use separate sheet if necessary.)

Reason for eligibility for endorsement of plan as not requiring a subdivision approval:

See "subdivision definition on reverse.

- All lot have required frontage on a public or private way. (See Note #2 and 3 on reverse)
Lots are proposed for conveyance to adjacent properties or roadway layout.
Two or more buildings on the property were in existence prior to January 1, 1954. Please attach documentation. (See Note #4 on reverse.)
Other (Please explain)

Frontage:

- Does the plan create lots which do not meet frontage and area requirements of the Zoning Bylaw for lots within the District in which the property is located?
Does the plan reduce frontage on any existing lot below the frontage requirement of the Zoning Bylaw for lots within the District in which the property is located?
Lots shown on the plan have frontage on:
a way in existence prior to Chatham's adoption of subdivision control (1954).
a way was established by a subdivision approved (date) and recorded in Plan Book Page at the Barnstable Registry of Deeds.

Received by Town Clerk

Signature of Applicant

Date

Signature

Date/Time

Massachusetts General Laws, Chapter 41, Section 81-L sets forth the definition of “subdivision” which includes an explanation of the types of land divisions which do not require subdivision approval under the Act:

“Subdivision” shall mean the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided, provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a division within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall constitute a subdivision.

NOTES

The Planning Board is obligated under the law to deny endorsement of a proposed ANR plan if it proposes a subdivision per the definition under MGL Ch. 41, Section 81L quoted above. The applicant should also be aware of the following:

1. Endorsement of an ANR plan may confer (per MGL Ch. 40, Section 6, and Ch. 111, Section 127P) zoning and health regulation exemptions to vacant lots shown on an endorsed ANR plan. If a plan is not a division of property and is entitled to recording by the Register of Deeds under MGL Ch.41, Section 81X, or a plan shows no change in lots from a previously endorsed ANR or subdivision plan, the plan may be deemed to be submitted for the sole purpose of gaining exempt status, and the Planning Board may deny endorsement of the plan.
2. The Planning Board will deny endorsement of a plan which creates a lot with frontage on a way in existence prior to January 1, 1954 if, in the opinion of the Board, the way is not adequate per section c) in the definition of “subdivision” under MGL Ch. 41, Section 81L, quoted above.
3. The Planning Board will deny endorsement of the plan if the private way on which a proposed lot has frontage has not actually been constructed; there is no guarantee of its construction on record (survey); or it has been constructed in accordance with the conditions of approval imposed upon the subdivision which created the way.
4. If the proposed plan shows a division of land under MGL Ch. 41, Section 81L on the basis that two or more buildings were standing on the property prior to the adoption of the Subdivision Control Law by Chatham, documentation meeting the requirements of the Zoning Official that the buildings were in existence prior to January 1, 1954 must be provided. A tax bill dating prior to 1954 is the preferred documentation. Prior to endorsement, the Planning Board may require a note to be placed on the plan warning the Planning Board endorsement does not certify that lots shown on the plan are in compliance with the Zoning Bylaw. For example, the existence of a substantial non-residential building on a lot prior to 1954 does not constitute eligibility for a building permit for a single family house on a lot which does not meet the requirements of Chatham’s Zoning Bylaw.
5. If lots proposed on a plan do not meet the dimensional requirements of the Zoning Bylaw for the District in which the property is located, the Planning Board may require a note to be placed on the plan to that effect prior to endorsement of the plan.

++ Any alterations to this application will constitute an incomplete filing; Incomplete applications will not be accepted