

APPROVAL NOT REQUIRED (ANR) PLAN PROCEDURES

BACKGROUND

Mass. General Laws Chapter 41 (“The Subdivision Control Law”), in conjunction with Chatham “Rules and Regulations Governing the Subdivision of Land”, set forth rules and procedures for the submission, review and approval/disapproval of Approval Not Required (ANR) plans. An ANR plan is simply a mechanism to inform the Registry of Deeds that a proposed division of land is not considered a subdivision. The key determination if a plan is entitled to ANR endorsement is if each lot has frontage on one of 3 types of ways defined in the Subdivision Control Law. The 3 types of ways are:

- 1) A public way, which the Town Clerk certifies, is maintained and used as a public way;
- 2) A way shown on a plan previously approved and endorsed under the Subdivision Control Law which has been fully constructed in compliance with the Subdivision Rules and Regulations in effect at that time; or
- 3) A way in existence when the Subdivision Control Law became effective having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to meet the needs of vehicular traffic in relation to the proposed use of land.

Chatham’s local regulations read in part: “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 plan does not require approval under the Subdivision Control Law, may submit his plan and application Form A at a regular scheduled meeting of the Planning Board accompanied by the necessary evidence to show that the plan does not require approval.” The “enabling” language found in the Subdivision Control Law, section 81-P reads in part “If the Board shall determine that in its opinion the plan requires approval, it shall within twenty-one days ...give written notice of its determination to the clerk of the...town...” The same process applies if the Board determines that the plan does not require approval. In either instance, this occurs during a regularly scheduled and posted business meeting of the Board (typically, the second and fourth Tuesdays of each month) and does not require a public hearing.

PROCESS OVERVIEW

It is highly recommended that the Applicant should first discuss the ANR proposal with the *Town Planner*, before filing the ANR plan with the Town Clerk, which initiates the statutory 21 day review period. This informal discussion will provide the Applicant with information regarding the process and how to get started. Said another way, the purpose of this meeting is to have a preliminary discussion that minimizes the possibility that the Applicant will spend time and money on a proposal that does not legally qualify as an ANR or one which will need major changes in order to gain acceptance.

After this meeting, *Community Development Department staff* will schedule a meeting with the Planning Board within the twenty-one (21) calendar days (including holidays). Applicants must submit twelve (12) copies of their application prior to the Meeting. This enables the Planning Staff to review the submission. The Planning Staff may contact the Applicant with follow-up questions and/or omissions. In some cases, the Applicant may be asked to attend a follow-up meeting or phone discussion with the Planning Staff to discuss the application. The Board shall endorse the Plan within 21 calendar days. A lapse of the 21 day review period without review is deemed to mean that the Board has determined that approval under the Subdivision Control Law is not required, which thereby means that there has been “constructive approval.”

SUMMARY

ANR's are a procedure designed to inform the Registry of Deeds or the Land Court that a planning board is not legally required to approve a particular plan; in other words, that the ANR plan does not constitute a subdivision. The Planning Board must endorse or disapprove the ANR plan within 21 calendar days of its submission, or it becomes “constructively approved.” An endorsement may not be refused if each lot shown possesses the required frontage under the zoning bylaw.

The Town's Planning Staff is available to help you maximize the chances of your smooth progression through the process and to minimize misunderstanding. To this end, please feel free to contact Lynn Thatcher, Assistant Town Planner at 508-945-5168 or at lthatcher@chatham-ma.gov

Attachment: Copy of Section IIB of Chatham's “Rules and Regulations Governing the Subdivision of Land”

ANR Procedures

