

SECTION 4.0 APPROVAL NOT REQUIRED PLANS

An Applicant, who wishes to record in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that such plan does not require approval under the Subdivision Control Law, pursuant to G.L. c. 41, §81L and §81P, may submit such an Approval Not Required or ANR Plan to the Planning Board and request that the plan be endorsed “Approval Not Required Under the Subdivision Control Law.”

4.1 Application Requirements. An Applicant submitting an ANR plan to the Planning Board for consideration shall provide an application to the Planning Board as set forth below.

4.1.1 Application Form and Copies. An ANR plan Applicant shall submit an application on Planning Board Form A (Appendix I. Form A.), together with:

- (a) One original and six copies of the application;
- (b) Twelve copies of the ANR Plan [one for the Planning Board’s file; one for each of the five Planning Board Members, one for the Town Planner; and five for endorsement and distribution following endorsement to the Planning Board file, Town Clerk, Building Inspector, Highway Surveyor and the Applicant];
- (c) A Mylar of the ANR Plan; and
- (d) All the necessary evidence to show that said ANR plan does not require subdivision approval.

4.1.2 Required Signatures on Application. The Form A application shall be signed by the Applicant and the owner (i.e., all owner(s)) of record of all the land proposed to be divided by the ANR plan. The application shall be signed under oath and shall certify that all of the owners of record have executed the application. In addition, the engineer and/or surveyor who prepared the plan shall sign the application and certify that the plan (referring to the date and last revision date of the plan submitted), as prepared, to the best of his/her knowledge, conforms to all of requirements of the Regulations.

4.1.3 Required Application Fee. An ANR plan Applicant shall submit the required fee, as set forth in Appendix V. Schedule of Fees, with the Form A Application.

4.1.4 Delivery of Application. An ANR plan shall be submitted to the Planning Board at a regular meeting or by registered mail. (See, G.L. c.41, §§81O, 81P and 81T.)

4.1.5 Filing with Town Clerk. An ANR plan Applicant may file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission of such a plan to the Planning Board under G.L. c.41, §81T.

4.1.6 Effective Date of Subdivision Control Law. The Town accepted the provisions of the Subdivision Control Law on February 9, 1953.

4.2 ANR Plan Requirements. An ANR plan shall satisfy all of the requirements set forth below.

4.2.1 Preparation. An ANR plan shall be of a minimum dimension of nine and one-half inches by fourteen inches (9 ½" x 14") but shall not exceed a dimension of twenty-four inches by thirty six inches (24" x 36"), and shall be drawn at a minimum of one (1) inch equals eighty feet and a maximum scale of one inch equals forty feet (1"=40').

4.2.2 Contents. An ANR plan shall contain, but shall not necessarily be limited to, the following information and shall be based upon an on the ground survey (Shown as adopted on 5/20/2006):

1. Name, address, telephone number and e-mail address of the Applicant and each owner of record for the land to be divided under the ANR plan.
2. North point.
3. Date of ground survey performed and seal and signature of the registered professional who prepared said plan.
4. Name, address and seal of the Registered Professional Engineer and Registered Land Surveyor who prepared, signed and stamped said plan.
5. Names and addresses of all abutters from the most recent Town tax list.
6. The Assessing Map reference for the land proposed to be divided.
7. Existing and proposed boundary lines, dimensions and areas of each of the parcels and lots shown on said plan, with all bounds, keyed into the Massachusetts grid system. At least two bounds shall reference the corresponding Massachusetts grid coordinates. If the division is within 500 feet of a highway or road which has been laid out by the Town of Norwell, Plymouth County Commissioners, or the Massachusetts Department of Public Works, the division shall also be tied into two or more permanent points or bounds of the existing highway or road by bearing and distance.
8. Existing and proposed lines of streets, ways and easements and whether each is a public or private way.
9. Zoning classification and location of any zoning district boundaries that may lie within the locus.
10. Any present or proposed public areas within the property.
11. Location of all existing buildings or structures, if any, including setback and side and rear yard designations of any existing structures on any remaining adjoining land owned by the Applicant and dimensions of yards relating to such structures. A note shall be placed on the plan as follows:
Endorsement of this plan shall not be deemed to be a verification of the location of the structures shown or setbacks indicated.
12. Proposed or existing permanent monuments.

13. The limits of all wetlands or a notation that there are no wetlands, if none exist. If wetlands limits exist, then a note shall be placed on the plan as follows:
 - Endorsement of this plan shall not be deemed to be a verification of the location of the wetlands shown on this plan and can be verified only by a current plan approved by the Conservation Commission.
14. A locus map at a minimum scale of 1" = 1000' extending a minimum of one-half mile beyond the property limits.
15. Remaining adjoining land in the ownership of the Applicant, if any; if applicable, the Applicant shall furnish evidence on the plan indicating that the adjoining land has adequate frontage for later development.
16. Location of any easement, public or private, across the land, with a designation as to the use of the same.
17. A signature block shall be placed on the plan that provides sufficient space for the date of endorsement and the signatures of the members of the Planning Board.
18. In any instance in which ANR endorsement of a plan is sought based upon the assertion that the plan show a division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect into separate lots on each of which one of such buildings remains standing, under G.L. c.41, §81L, ¶13, the Applicant shall provide information to satisfy the Planning Board that:
 - A. The buildings are presently substantial in nature.
 - B. The buildings were substantial in nature and in existence on or before February 9, 1953.
 - C. The buildings were on the same tract of land on or before February 9, 1953.
 - D. Each of the new parcels to be created for each of the buildings will qualify as a "lot" within the meaning of G.L. c.41, §81L.

In the event that the Planning Board votes to endorse such an ANR Plan, a note shall be placed on each of the new parcels created as follows:

This parcel was created as a separate parcel under G.L. c.41, §81L, ¶13 and zoning compliance requirements shall be followed prior to conveyance of the parcel as a separate lot with a building that may be occupied either by: (1) obtaining a special permit that a lawfully pre-existing, nonconforming lot may be extend, changed or altered so as to allow the proposed division and conveyance; or (2) obtaining a variance to address all nonconformities.

19. A note shall be placed on every ANR plan as follows: "Approval Under the Subdivision Control Law Not Required".
20. A note shall be placed on every ANR plan as follows: "Endorsement of this plan shall not be an indication, express or implied, that the parcels or structures shown on this plan conform to applicable zoning requirements."

21. If a parcel is shown on the plan that does not have frontage as required by the Zoning By-Law, each such parcel shall contain the following notation: “Not a building lot without further zoning relief.”

4.3 Planning Board Action. The Planning Board shall review the ANR plan to determine whether it is a subdivision within the meaning of the Subdivision Control Law and whether it conforms to the standards for endorsement of an ANR Plan.

4.3.1 Endorsement. If the Planning Board determines that the ANR plan does not require approval under the Subdivision Control Law, a majority of the Planning Board or its Clerk shall, without a public hearing and within twenty-one (21) days of submission, endorse on the plan the words “Approval under the Subdivision Control Law Not Required,” together with any reasonable notations to indicate that: (1) endorsement shall not constitute a determination as to zoning compliance; (2) in particular cases, that further zoning relief shall be required if endorsement is obtained under G.L. c.41, §81L, ¶13.

4.3.2 Denial of Endorsement. If the Planning Board determines that an ANR plan does require approval under the Subdivision Control Law or does not conform to the standards for endorsement hereunder, it shall within 21 days of submission of said plan, notify the Applicant and the Town Clerk in writing that in the Planning Board’s opinion the plan shows a subdivision and cannot be endorsed and return the Mylar plan to the Applicant.

4.3.3 Constructive Endorsement. The failure of the Planning Board to take final action to endorse or refuse endorsement for a plan submitted under G.L. c.41, §§81L and 81P may result in a constructive endorsement as provided for by state law.

4.4 Distribution of Prints and Original Tracing. One copy of the endorsed ANR plan shall be retained by the Planning Board for its files. An endorsed copy shall be forwarded to the Town Clerk, Building Department and Highway Surveyor. The Mylar shall be returned to the Applicant for recording in the Plymouth Registry of Deeds or for registration with the Land Court. No construction shall commence in accordance with the endorsed ANR plan until it has been duly recorded.