



Department of Planning and Community Development
 90 Pond Street
 Braintree, Massachusetts 02184
 Phone: 781-794-8230 Fax: 781-794-8089

Joseph C. Sullivan
 Mayor

Braintree Planning Board
Application Packet - Approval Under Subdivision Control Not Required (ANR)

Rules and Regulations Governing the Subdivision of Land Section III
and MGL Chapter 41 Section 81-P

The Applicant should review the material included in this packet, consult the Zoning Bylaw and the Rules and Regulations Governing the Subdivision of Land dated November 1, 2002. The Applicant shall address any questions regarding the submission requirements to the Department Staff prior to submittal. The Planning Board will act on this Application in accordance with MGL Chapter 41, Section 81P and the Rules and Regulations Governing the Subdivision of Land dated November 1, 2002.

Please be advised the Department Staff requests all Applications be filed before 3:00P.M.

APPROVAL NOT REQUIRED PLAN APPLICATION (Submission Requirements)

No. of Copies	Type of Document
2	Original Applications, with Original Signatures
3	Paper Copies of the ANR Plan
1	Original Mylar of the ANR Plan
1	Check in Amount indicated on the Fee Schedule

FEE SCHEDULE

Base Fee	\$100.00
New Buildable Lot(s) Created	\$400.00 Each

SECTION III APPROVAL UNDER SUBDIVISION CONTROL NOT REQUIRED

Any person who wishes to record a plan of land in the Registry of Deeds and who believes that the plan does not require approval under the Subdivision Control Law shall file an Approval Not Required [ANR] Plan pursuant to MGL Chapter 41, Section 81-P. When determining if a subdivision is shown on said plan, the Board shall rely on the definition of subdivision found in MGL Chapter 41, Section 81-L.

A. Submission Requirements

When requesting ANR approval an applicant shall submit the following:

- 1) Two Form A applications with original signatures [One will be submitted to the Town Clerk.]
- 2) The filing fee of \$100 per application plus \$400 for each new buildable lot created by the ANR plan
- 3) A mylar and 3 paper copies of the ANR plan [If the land being divided is both registered and unregistered, two mylars may be necessary and both submitted for endorsement with the application. Plans to be filed at Land Court shall comply with the "Manual of Instructions for Survey of Lands and Preparation of Plans to be Filed in the Land Court."]
- 4) Written consent of the current record property owner(s) to the filing [If the applicant is not the owner, the owner shall either sign the application or submit a separate letter addressed to the Planning Board authorizing the submission.]

B. Plan Requirements

The plans shall contain the following information:

- 1) Plan title, original date of plan, revision dates if any, boundaries, north arrow, scale and locus
- 2) Name and address of current record owner, applicant and surveyor and seal and signature of an RPLS
- 3) Date of survey and/or other sources of information. Certification that the plan meets the requirements of the Registry of Deeds
- 4) The statement "Approval Under Subdivision Control Law Not Required" and sufficient space for the date and endorsement of the Planning Board
- 5) Names of all abutting property owners as they appear in the most recent tax list
- 6) Location of all permanent bounds, identified as existing or proposed
- 7) The entire parcel of land being divided with existing and proposed lot lines and lot areas [Proposed lots shall be numbered for identification.]; all existing rights-of-way or easement lines existing, being created or modified; all adjoining lots held by the property owner or applicant shown in their

entirety; location of all existing structures with street numbers; all existing drainage pipes and drainage ditches; all existing water and sewer facilities

- 8) The name, width, status [public/private] of the way(s) providing frontage and access to the lots shown on the plan and the extent of the paved improvements within the way(s)
- 9) Location of all water courses, wetland and floodplain areas on lots shown on the plan [For floodplain areas, base flood elevation in National Geodetic Vertical Datum shall be provided.]
- 10) Current zoning classification including any overlay zoning districts such as Watershed [If the land being divided lies within more than one zoning district, all zoning lines shall be shown in relation to the proposed and existing lots.]
- 11) Notation of any Special Permit and/or Variance issued for the land or any buildings thereon
- 12) Evidence that each lot created or altered by the plan meets one of the three following criteria:
 - a) has the minimum frontage required by the Zoning Bylaw
 - b) has been clearly marked on the plan as being joined to and made part of an existing adjoining lot in a manner so as not to affect frontage
 - c) contains two or more buildings which existed prior to June 21, 1949 and a building remains standing on each of the lots shown on the accompanying plan.

C. Review and Decision Process

The application is scheduled within 21 calendar days on an agenda under regular business with the Board for review and vote of endorsement. This is not a public hearing.

- 1) Endorsement of a plan not requiring approval

The Planning Board will endorse a plan that meets all guidelines of MGL Chapter 41, Sections 81L and 81P and these Rules and Regulations. The Board shall notify the Town Clerk of its action and send a copy of the decision to the applicant and Assessors' office.

- 2) Endorsement of a plan not in compliance with the Zoning Bylaw

When the Board endorses a plan that shows lot(s) that do not comply with the Zoning Bylaw the following notation shall be placed on the plan above the Board's endorsement block:

“NO DETERMINATION AS TO COMPLIANCE WITH ZONING REQUIREMENTS HAS BEEN MADE OR INTENDED.”

- 3) Determination that the plan requires subdivision control approval

An endorsement of an ANR plan shall be withheld if the plan shows a subdivision of land or the applicant has not provided sufficient evidence to substantiate a claim that the plan does not show a subdivision as provided in MGL Chapter 41, Section 81-L. The Board shall notify the Town Clerk as to its action and send a copy of the decision to the applicant.

4) Failure of the Planning Board to act or to notify the Town Clerk

If the Board fails to act upon an ANR plan or fails to notify the Town Clerk of the Board's actions within the time period required by MGL Chapter 41 Section 81-P, it shall be deemed that approval under the Subdivision Control Law is not required and the Board shall endorse the plan. Should the Board fail to do so and upon request of the applicant, the Town Clerk shall issue a certificate stating that the ANR plan is approved because of the Board's failure to act on the plan and/or to file with the Town Clerk notice of its action.

D. Extension

If the Board cannot act on an application within 21 days as required by MGL Chapter 41, Section 81-P, the applicant may be asked to grant a written extension to a date certain beyond the required timeframe.

E. Recording of Approved Plan at Registry

Once endorsed, the mylar is returned to the applicant for recording at the Registry of Deeds with proof of recording submitted to the Department of Planning and Conservation. A Building Permit cannot be issued until such proof is submitted.



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Location of Property _____ Lot Size _____
Assessors' Plan _____ Plot _____ Zoning District _____

Location of Property _____ Lot Size _____
Assessors' Plan _____ Plot _____ Zoning District _____

The Owner's Title to the land is recorded at Norfolk County Registry in Book _____ Page _____
or Land Court on Certificate Title # _____ Book _____ Page _____

The division of land shown on the accompanying plan is not a subdivision because (Please check at least one)

- every lot shown on the plan has at least the minimum frontage required by the Braintree Zoning Bylaw and has frontage on
name of street, a public way (1)
name of way, a way shown on a plan previously approved/endorsed in accordance with the Subdivision Control Law
name of private way, a private way (2)

it shows a proposed conveyance which changes the size and/or shape of the lot[s] in such manner that frontage is not affected

two or more buildings were standing on the land prior to 6/21/1949 and a building remains standing on each of the lots shown on the accompanying plan. Evidence of the existence of said buildings must be attached.

other [See MGL, Chp. 41, Sec. 81-L] _____

(1) or way which Town Clerk certifies is maintained and used as a public way

(2) in existence on 6/21/1949 which has, 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 the way and for the installation of municipal services to serve the lot[s] and the building[s] erected, or to be erected, thereon

SIGNATURE PAGE TO FOLLOW

Engineer's or Land Surveyor's Information

Name _____ Telephone _____ Fax _____

Firm Name: _____

Address _____ Email _____

Applicant's Information

Name _____ Telephone _____ Fax _____

Address _____ Email _____

Signature _____ Date _____

Owner's Information (If different than the Applicant)

Name _____ Telephone _____ Fax _____

Address _____ Email _____

Signature _____ Date _____

Please Note: If you are the Applicant and not the Property Owner of the Property in which the project is proposed and the Property Owner has not signed the two (2) Original Applications you must provide with this application two (2) originals of written Authorization from the Property Owner stating that you as the Applicant, Engineer or Attorney has permission to represent the owner for the Application that is being submitted.



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_____ every lot shown on the plan has at least the minimum frontage required by the Braintree Zoning Bylaw and has frontage on

_____, a public way (1)
name of street

_____, a way shown on a plan previously approved/endorsed in
name of way accordance with the Subdivision Control Law

_____, a private way (2)
name of private way

_____ it shows a proposed conveyance which changes the size and/or shape of the lot[s] in such manner that frontage is not affected

_____ two or more buildings were standing on the land prior to 6/21/1949 and a building remains standing on each of the lots shown on the accompanying plan. Evidence of the existence of said buildings must be attached.

_____ other [See MGL, Chp. 41, Sec. 81-L] _____

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