

# Southwick Planning Board

SUBDIVISION OF LAND - CHAPTER 315, SECTION 8

## Approval Not Required Procedure Outline

### Introduction

An ANR (approval not required) endorsement is used to divide land in cases which every lot within the track has frontage on a public way and is not deemed a subdivision by the Planning Board. Planning Board must review and determine that subdivision approval is not needed and that lots created have proper frontage and access.

### Application and Fees

- After a Planning Board previews the plan for content, it must be filed with the Town Clerk. One copy can be dropped off for the Planning Board preview and the applicant and Town Clerk will be notified if the plans are sufficient for filing.
- When filing the applicant must include a completed application and 6 copies of the plans. The applicant may provide a seventh copy to be signed for their personal records. The Town Clerk files the application and collects the fee of \$75.00 per lot being created. The Town Clerk should retain the original application and one copy of the plans. A copy of the time stamped application and all other copies should be forwarded to the Planning Board. A Mylar will be needed. This may be left with the application or brought by the applicant the night of the Planning Board meeting for review. The applicant will be notified to set up an appointment with the board.

### Review and endorsement process

- The Planning Board can not act on the Form A until the fee has been paid. Planning board reviews and must rule within 21 days of filing. Failure to act in time will deem an approval of the plan.
- Planning board makes determination based on bylaws
- After Endorsement signed copies of the plans should be distributed as follows:
  - 1 blue line copy -> Planning Board, Town Clerk, Building /Board of Health Department, Conservation Commission, and Assessors. All copies are sent to the assessors for Map and Parcel assignment and then forwarded to the appropriate boards.
  - Signed Mylar copy is returned to the applicant for filing with the Registry of Deeds.



COMMONWEALTH OF MASSACHUSETTS

# Town of Southwick

454 COLLEGE HIGHWAY, SOUTHWICK, MA 01077

## Planning Board

Telephone (413) 569-6056 Fax (413) 569-5284



### FORM A

#### APPLICATION FOR ENDORSEMENT OF A PLAN BELIEVED NOT TO REQUIRE APPROVAL

The undersigned, believing that the accompanying plan of their property in the Town of Southwick does not constitute a subdivision within the meaning of the Subdivision Control Law herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

Date \_\_\_\_\_ Total number of ANR lots requested \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Address of Applicant \_\_\_\_\_

Telephone Numbers (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Address of Property if different than above \_\_\_\_\_

Name and Address of Owner if different than applicant \_\_\_\_\_

[In cases where the Applicant is not the Owner of Record, Form A-1 attached, will need to be completed, designating authorization/notarization of agent by owner.]

Plan Title \_\_\_\_\_ Plan Date \_\_\_\_\_

Plan prepared by \_\_\_\_\_  
(Registered Land Surveyor, Engineer)

Location of Property by physical boundaries and description \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Can each lot access onto the way from the frontage shown on the plan (i.e., no obstructions such as guardrails or steep slopes? Yes \_\_\_\_ No \_\_\_\_

If no, why not? \_\_\_\_\_

\_\_\_\_\_

The Applicant believes that approval is not required under the Subdivision Control Law for the following reasons (please circle the letters of each applicable paragraph below and fill in blanks):

- A. The accompanying plan is not a subdivision because the plan does not show a division of land.
- B. The division of the land shown on the accompanying plan is not a subdivision because every lot shown the plan has at least \_\_\_\_\_ feet of frontage as required by Southwick's Zoning Code; and every lot shown on the plan has such frontage on:
  - (a) a public way or way which the Town Clerk certifies is maintained and used as a public way, namely: \_\_\_\_\_  
(name of way)  
or
  - (b) a way shown on a plan previously approved and endorsed in accordance with the Subdivision Control Law, namely: \_\_\_\_\_  
(name of way)  
or
  - (c) a way in existence when the Subdivision Control Law took effect which has sufficient width, suitable grades, and adequate construction to provide 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, namely: \_\_\_\_\_  
(name of way)
- C. The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance which changes the size and/or shape of the lot(s) in such a manner that frontage is not affected.
- D. Other reasons or comments: (See M.G.L., Chapter 41, Section 81-L)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Owner's title to the land is derived under deed from \_\_\_\_\_, dated \_\_\_\_\_, and recorded in the Hamden County Registry of Deeds, Plan Book \_\_\_\_\_, Page \_\_\_\_\_.

Signature of Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Applicant(s) \_\_\_\_\_ Date \_\_\_\_\_

Signature or Agent \_\_\_\_\_ Date \_\_\_\_\_

Please file one (1) completed form with the Planning Board and with the Town Clerk. An original drawing and six (6) copies, and a fee of \$75.00 per ANR lot requested must accompany this form.

To be completed by Town Clerk:  
Amount Received \$ \_\_\_\_\_  
Date Received \_\_\_\_\_

To be completed by Planning Board:  
Date Received \_\_\_\_\_  
Date/Action Taken by Board \_\_\_\_\_  
\_\_\_\_\_



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## FORM A-1

### ANR NOTARIZATION FORM

Date: \_\_\_\_\_

To the Southwick Planning Board,

The following applicant(s): \_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

wish to submit to the Southwick Planning Board an Application for Endorsement of a Plan Believed Not to Require Approval.

I/we, the undersigned, give full permission to \_\_\_\_\_ to act as our agent and he/she has my full permission to present an A.N.R. (Approval Not Required) plan for me/us for the property located at: \_\_\_\_\_, Southwick, MA.

Signature and address of owner(s): \_\_\_\_\_  
\_\_\_\_\_

Plan Book \_\_\_\_\_ Page \_\_\_\_\_  
(As recorded in the Hamden County Registry of Deeds).

### Notarization Required:

My Commission expires on: \_\_\_\_\_, 20\_\_\_\_



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### ANR Checklist

\_\_\_\_\_

applicant

\_\_\_\_\_

affected parcel/ address

\_\_\_\_\_

date of filing

#### APPLICATION PROCESS

- Present plans and application to the Planning Board for review.
- File Application (Form A) and proper fee with the Town Clerk who certifies date and time of filing. If the applicant is not the land owner, Form A-1 must also be completed
- The Planning Board has 21 days to act on the application
- Application review to include:
  1. Have all rules adopted pursuant to M.G.L. C. 41, Sections 81K through 81GG, Subdivision Control Law been followed? Yes No
  2. Was the application filed in a timely manner and in the appropriate place? Yes No
  3. Is the Application accompanied by at least six (6) sets plans in accordance to 315-8? Yes No

#### DECISION CHECKLIST

- Did the final action occur within the required time? Yes No  
(21 days from filing)
- Was the decision voted on by the required number of Board members? Yes No
- For and Endorsement
  - Were all copies of plans signed, including a Mylar? Yes No
  - Was the Mylar giving to the applicant for recording? Yes No
- For a plan which requires approval
  - Was the Town Clerk and the applicant given written notice within 14 days of determination? Yes No

**DETERMINING ANR ENDORSEMENT**[Taken from the ANR Handbook, DHCD, March 1998.]

In determining whether a plan is entitled to be endorsed “Approval under the Subdivision Control Not Required”, the Planning Board should consider the following five (5) questions:

1. Do the proposed lots shown on the plan front on one of the following types of ways?
  - a. A public way or a way that the municipal clerk certifies is maintained and used as a public way. Yes No
  - b. A way shown on a plan which has been previously approved in accordance with the *Subdivision Control Law*. Yes No
  - c. A way in existence when the *Subdivision Control Law* took effect, which in the opinion of the Board is suitable for the proposed use of the lots Yes No
2. Do the proposed lots shown on the plan meet the minimum frontage requirements of the zoning bylaw? Yes No
3. Can each lot access onto the way from the frontage shown on the plan? Yes No
4. Does the way on which the proposed lots front provide adequate access? Yes No
5. Does each lot have practical access from the way to the building portion of the lot? Yes No

When a plan is presented to the Planning Board to be endorsed “Approval Under the Subdivision Control Law Not Required” with sufficient frontage and access, but showing a zoning violation (e.g., lacking the required minimum lot area or other zoning deficiencies), the plan is still entitled to be endorsed ANR. In this case, the Board should consider the following types of statement to be added to the endorsement, and the Building Inspector should be alerted.

Southwick uses a stamp stating “Not considered a buildable lot until all conditions of the zoning by-laws of Southwick are met. May contain conditions that warrant approval by Conservation Commission, Board of Health, Building Inspector.”.]