

## Town of Gill Approval Not Required (ANR) Plan Overview

Prior to 1953, a plan showing lots and ways could be recorded without Planning Board approval, if the ways indicated were existing and not proposed. The purpose of providing for an ANR process (in 1953) was to alleviate the difficulty Registers of Deeds had in deciding whether the ways shown on the plan were already existing ways.

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| MGL Chapter 41<br>Section 81L                        | A “subdivision” is a tract of land divided into two or more lots. However, a tract of land divided into two or more lots shall NOT be deemed to be a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has the minimum frontage required by the Gill Zoning Bylaw on a certain type of way or as otherwise provided in Section 81L.   |
| MGL Chapter 41<br>Section 81P                        | Any person wishing to record a plan which he believes is not a subdivision plan may submit an ANR plan to the Planning Board. The review of an ANR plan does not require a public hearing. If the Planning Board finds the plan does not show a subdivision, as defined in Section 81L, it must immediately endorse the plan “approval not required under the Subdivision Control Law” or words of similar import.   |
| Gill Subdivision<br>Rules &<br>Regulations           | The plan (to be returned to the applicant) and two prints (to be retained by the Town) and "Form A" (Application for Endorsement of a Plan Believed Not to Require Approval) are submitted to the Planning Board. The applicant also files a copy of Form A with the Town Clerk to protect their appeal rights.  |
| MGL Chapter 41<br>Section 81O                        | A plan shall be submitted when delivered at a meeting of the Planning Board or when sent by registered mail to the Planning Board, care of the Town Clerk. If mailed, the date of receipt shall be the date of submission of the plan.   |
| MGL Chapter 41<br>Section 81T                        | Every person submitting an ANR plan to the Planning Board must give written notice to the Town Clerk by delivery or registered mail that the plan has been submitted (copy of Form A). The Town Clerk is the timekeeper in determining whether the Planning Board fails to act in a timely manner (MGL sets a time limit of 21 days; Gill Subdivision Rules & Regulations require action within 14 days).  |
| MGL Chapter 41<br>Section 81P and<br>MA Case History | <p>Three standards must be met in order for lots shown on a plan to be entitled to an endorsement by the Planning Board that “approval under the Subdivision Control Law is not required”.</p> <p>The Planning Board must determine whether:</p> <ol style="list-style-type: none"><li>1. all lots about a qualified way as follows:<ul style="list-style-type: none"><li>• a public way or a way which the Town Clerk certifies is maintained and used as a public way, OR</li><li>• a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, OR</li><li>• a way in existence when the subdivision control law became effective which, in the opinion of the Planning Board, has sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the lots.</li></ul></li><li>2. all lots have adequate frontage; and</li><li>3. all lots have adequate area; and</li><li>4. vital access exists to each lot (provides adequate access for fire-fighting equipment and other emergency vehicles). Refer to pages 6-7 of the Gill Subdivision Rules &amp; Regulations for specifics.</li></ol> |