**Town of Princeton Planning Board**

**Information for Landowners**

**Guidelines for Approval Not Required (ANR) Endorsements**

 When a Princeton property owner seeks to subdivide land, Planning Board approval is required. (See Princeton’s Rules and Regulations Governing the Subdivision of Land). Planning Board approval for division of land is not required when the division of land does not constitute a “subdivision” within the meaning of the Massachusetts Subdivision Control Law. When a property owner believes his or her plan to divide land is not a “subdivision” and does not require Planning Board approval, and the property owner wishes to record such an “Approval Not Required” (ANR), the property owner must apply to the Planning Board for endorsement of an ANR.

 Generally, a division of land does not constitute a “subdivision” and therefore is eligible for an ANR endorsement if with the division of land into two or more lots the plan fulfills *all* of the following:

(1) The lots shown on the land division plan front a public way (or way specified in MGL c. 40, sec. 81L).

(2) The lots shown on the land division plan each meet the minimum frontage requirements—which under the Town of Princeton Zoning By-laws is 225 feet. (See Town of Princeton Zoning By-Laws Section VI(B).

(3) There is vital access to the lots shown on the land division plan (as contemplated by MGL c. 41, sec. 81M).

Massachusetts law defines a “subdivision” and what does not constitute a “subdivision” within the meaning of the Massachusetts Subdivision Control Law (see MGL, c. 41, sec. 81L). Massachusetts law also governs ANR approval procedures (see MGL, c. 41, secs. 81P and 81T).

Section III(A) of Princeton’s Rules and Regulations Governing the Subdivision of Land dictates the Procedure for the Submission and Approval of a Plan Not to Require Approval.

The following information is intended to guide the applicant as to ANR application requirements and Planning Board procedures. It is not necessarily all inclusive and may be subject to change. Applicants are encouraged to review relevant law and regulations.

*Prior to preparing an ANR plan, an applicant is encouraged to consult informally with the Planning Board to help ensure that the plans will contain such information as the Board requires to make its decision.*

**ANR Application:**

Generally, property owners seeking an ANR endorsement from the Planning Board must fulfill the following requirements:

1. Within two (2) business days prior to a Planning Board meeting date, file with the Town Clerk and the Planning Board (by in-person delivery or by registered mail, postage prepaid):
	* Four (4) copies of a completed Form A (ANR)- Application for Endorsement of Plan Believed Not to Require Approval
	* One (1) paper copy and one (1) Portable Digital Format (PDF) electronic copy of all plans and any supporting documentation.

The Town Clerk shall certify the date and time of filing on the copies of Form A and return three (3) copies to the applicant.

1. Submit the following materials to the Planning Board (at a Planning Board meeting):
	* Three (3) copies of Form A certified by the Town Clerk
	* A fee as indicated in Appendix A.
	* One (1) Mylar original and three paper copies of all plans.
	* One (1) copy of any supporting documents.

*The plan must be prepared and signed by a professional engineer and/or land surveyor registered in Massachusetts and must be the dimensions of twenty-four inches by thirty-six inches (24” x 36”).*

*The plan must contain the following information*:

* Identification of the plan by name of Owner of Record and location of the land in question.
* Date, scale and north point.
* The statement "Approval Under Subdivision Control Law Not Required" and sufficient space for the date and up to five signatures of members of the Planning Board.
* Zoning classification and location of any Zoning District Boundaries that may lie within the locus of the plan.
* In the case of the creation of a new lot, the remaining land area, and frontage of the land in the ownership of the Applicant shall be shown. Land area shall be shown in square feet and acres.
* Wetlands and flood hazard areas, if known. If not known, an approximation of their location shall be shown. The plan shall state the method used to determine wetlands and flood hazard areas.
* Notice of any decisions by the Zoning Board of Appeals, including but not limited to variances and exceptions, regarding the land or any buildings thereon.
* Names of abutters from latest available Assessors' records, unless the Applicant shall have more recent knowledge of such abutters.
* At least three (3) property line monuments. Distance to the nearest road or to other permanent monument shall be shown.
* Location of all existing buildings, including setback and side and rear yard dimensions and location of any existing wells, water supplies or sanitary systems.
* Locus drawing showing location of site relative to a larger section of town.
* Any lot created that does not meet current zoning minimum requirements or is not intended as a building lot shall be labeled “Not a Building Lot”. (See Town of Princeton Zoning By-Laws Section VI with regard to Area and Yard Regulations.)
* Any easements and rights-of-way on the lot shall be defined and clearly marked.
* Include the following statement: “Planning Board endorsement should not be construed as either an endorsement or an approval of zoning requirements.”

*For an ANR endorsement, supporting documents and plans must include necessary evidence to show that the plan does not require approval (i.e., does not constitute a “subdivision” within the meaning of the Massachusetts Subdivision Control Law).*

**Planning Board Action on ANR Application:**

From the day an applicant files an ANR plan with the Town Clerk and Board, unless otherwise agreed to by the applicant and the Board, the Board has 21 days to act. Failure to act means the plan is endorsed by default, a so-called “constructive” endorsement.

The Board may reject (not endorse) an ANR plan if it feels that the application is incomplete or the plan is not entitled to endorsement.

The Board will review the plan to determine whether an ANR endorsement is warranted. A quorum of three (3) members of the Board must be present. A majority of the quorum is necessary to endorse an ANR plan. At the Board’s discretion the fee may be waived. A public hearing is not required for ANR plans.

**If the Board determines the plan does not require review under the Subdivision Control Law** (i.e., endorses the ANR application), a majority of the Board shall sign and date the Mylar original and three (3) paper copies. The applicant retains the Mylar and records it at the Registry of Deeds. The Board files one (1) copy of the plan and distributes copies to the Board of Assessors and the Town Clerk. The Board does not issue a notification of approval; the signed plan suffices.

**If the Board determines the plan does require review under the subdivision control law** (i.e., does not endorse the ANR application), the Planning Board shall notify the Town Clerk in writing, citing the reason, and transmit a copy of this decision to the applicant, and place a copy in the Board’s files.

**Appeals**

If the Board determines that an ANR endorsement is not warranted, the applicant may amend the ANR plan and submit a new application to obtain the Planning Board’s endorsement or may appeal the Board’s decision in accordance with the Massachusetts Subdivision Control Law.

For more information, see Commonwealth of Massachusetts Department of Housing & Community Development’s “An Overview of the Subdivision Control Law” (2009); Commonwealth of Massachusetts Department of Housing & Community Development’s “The ANR Handbook” (2010).