

# SUBDIVISION OF LAND

## Form 1

### Application for Endorsement of Plan Believed not to Require Approval

February 16, 2023

To the Planning Board of the Town of Medfield:

The undersigned wishes to record the accompanying plan and requests a determination by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons:

1. The division of land shown on the accompanying plan is not a subdivision because every lot shown thereon has the amount of frontage, area and depth required by the Medfield Zoning Bylaw and is on a public way, namely, Elm Street, or a private way, namely, \_\_\_\_\_.

2. The division of land shown on the accompanying plan is not a subdivision for the following reason(s):

This plan complies with the provisions of MGL ch41 Sec 81L as the division of land shown on the plan is not a subdivision because 2 or more buildings, specifically the house and the main barn/garage were standing on the land prior to ATM 1953, the date subdivision control law went into effect in Medfield and at least 1 such building remains standing on each lot shown on the ANR plan submitted.

3. The owner's title to the land is derived under deed from Timothy & Wendy Sullivan dated 8/20/2020 and recorded in Norfolk County Registry of Deeds, Book 38236 Page 372 and Medfield Assessors' Map 33, Lot 091

Received by Town Clerk:

Date

Time

Signature

Applicant's signature

Applicant's address

49 Elm Street  
Medfield, MA 02052

Applicant's printed name:

MATTHEW SMITH

Owner's signature, if not the applicant

Matthew Smith MANAGER DOVER MILL LLC

Owner's printed name:

DOVER MILL LLC

Owner's address, if not the applicant

2 Mill Street  
DOVER, MA 02030

### Item 2 Reasons Continued:

- Plan 61 of 1944 Shows Both House & WOOD BARN existing & standing in 1944 before 53
- September 1, 2020 Planning Board Certificate of Approval states approval of these 2 buildings conforming to 81L requirements
- February 7th 2023 Certificate of Planning Board Action Reference 11/10/21 Planning Board decision that House & BARN qualify as 2 buildings under 81L requirements for still standing. AS such this ANR plan is "NOT A SUBDIVISION" as 2 Buildings still standing



Sarah Raposa <sraposa@medfield.net>

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## 49 Elm ANR application for 81L 2 building exemption

1 message

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**Matthew Smith** <serenitybuildersllc@gmail.com>  
To: Sarah Raposa <sraposa@medfield.net>

Thu, Feb 16, 2023 at 12:32 PM

Sarah,

I have attached the proposed ANR plan along with the completed ANR application.

As we discussed it is the applicants perspective that this ANR plan depicting Lot 1C and Lot 1D is "not a subdivision" because each lot contains a building still standing that was standing at the time subdivision control law went into effect in the town. 1953 for Medfield.

Exhibit A: Plan 61 of 1944 documents the 6,000sf barn and the 4,000sf house were standing in 1944.

Exhibit B: Certificate of Approval dated 9/1/2020 documenting Planning Board endorsement of an ANR plan because the Board "finds that the plan complies with the exception contained in the final sentence of the statutory definition (division of tract on which two or more buildings were standing...)". This board decision documents the Board has previously determined that the Barn on Lot 1D and the House on 1C meet the statutory requirement for 81L exemption as "not a subdivision"

Exhibit C: Certificate of Planning Board action dated 2/7/23 further documents the Planning Board 11/10/21 ruling that the Barn currently on Lot1D and House currently on Lot 1C were again determined to satisfy the criteria of "plan is not a subdivision because two or more buildings, specifically the house and the main barn/garage were standing on the plan prior to ATM 1953, the date subdivision control law went into effect in the Town of Medfield"

The applicant understands that ANR endorsement is not a confirmation of Zoning compliance and the applicant intends to apply for Special Permits for Lot 1D and Lot 1C before the Zoning Board of Appeals at a future date.

Matthew Smith  
Dover Mill LLC

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### 2 attachments



**49 Elm ANR 2:16:23.pdf**  
628K



**6308 ANR PLAN 2-15-2023.pdf**  
3702K

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## Form 1

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2. The division of land shown on the accompanying plan is not a subdivision for the following reason(s):

This plan complies with the provisions of MGL ch41 Sec 81L as the division of land shown on the plan is not a subdivision because 2 or more buildings, specifically the house and the main barn/garage were standing on the land prior to ATM 1953, the date subdivision control law went into effect in Medfield and at least 1 such building remains standing on

3. The owner's title to the land is derived under deed from Timothy & Wendy Sullivan dated 8/20/2020 and recorded in Norfolk County Registry of Deeds, Book 38236 Page 372 and Medfield Assessors' Map 33, Lot 091

each lot shown on the ANR plan submitted

Received by Town Clerk:

Applicant's signature

Date \_\_\_\_\_

Applicant's address

Time \_\_\_\_\_

49 Elm Street  
Medfield, MA 02052

Signature \_\_\_\_\_

Applicant's printed name:

MATTHEW SMITH

Owner's signature, if not the applicant

Matthew Smith MANAGER DOVER MILL LLC

Owner's printed name:

DOVER MILL LLC

Owner's address, if not the applicant

2 Mill Street  
DOVER, MA 02030

Item 2 Reasons Continued:

- Plan 61 of 1944 Shows Both House & wood BARN existing & standing in 1944 before 5.
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- February 7th 2023 Certificate of Planning Board Action Reference 11/10/21 Planning Board decision that House & BARN qualify as 2 buildings under 81L requirements for still standing. AS such this ANR plan is "NOT A SUBDIVISION" as 2 buildings still standing

310 Attachment 4:3

08-01-2014

Exh. b, 7 A

Buildings standing in 1949

Year	Population of PDA	Targeted	Actual
1990	1,000,000	1,000,000	1,000,000
1991	1,050,000	1,050,000	1,050,000
1992	1,100,000	1,100,000	1,100,000
1993	1,150,000	1,150,000	1,150,000
1994	1,200,000	1,200,000	1,200,000
1995	1,250,000	1,250,000	1,250,000
1996	1,300,000	1,300,000	1,300,000
1997	1,350,000	1,350,000	1,350,000
1998	1,400,000	1,400,000	1,400,000
1999	1,450,000	1,450,000	1,450,000
2000	1,500,000	1,500,000	1,500,000
2001	1,550,000	1,550,000	1,550,000
2002	1,600,000	1,600,000	1,600,000
2003	1,650,000	1,650,000	1,650,000
2004	1,700,000	1,700,000	1,700,000
2005	1,750,000	1,750,000	1,750,000
2006	1,800,000	1,800,000	1,800,000
2007	1,850,000	1,850,000	1,850,000
2008	1,900,000	1,900,000	1,900,000
2009	1,950,000	1,950,000	1,950,000
2010	2,000,000	2,000,000	2,000,000
2011	2,050,000	2,050,000	2,050,000
2012	2,100,000	2,100,000	2,100,000
2013	2,150,000	2,150,000	2,150,000
2014	2,200,000	2,200,000	2,200,000
2015	2,250,000	2,250,000	2,250,000
2016	2,300,000	2,300,000	2,300,000
2017	2,350,000	2,350,000	2,350,000
2018	2,400,000	2,400,000	2,400,000
2019	2,450,000	2,450,000	2,450,000
2020	2,500,000	2,500,000	2,500,000
2021	2,550,000	2,550,000	2,550,000
2022	2,600,000	2,600,000	2,600,000
2023	2,650,000	2,650,000	2,650,000
2024	2,700,000	2,700,000	2,700,000
2025	2,750,000	2,750,000	2,750,000
2026	2,800,000	2,800,000	2,800,000
2027	2,850,000	2,850,000	2,850,000
2028	2,900,000	2,900,000	2,900,000
2029	2,950,000	2,950,000	2,950,000
2030	3,000,000	3,000,000	3,000,000
2031	3,050,000	3,050,000	3,050,000
2032	3,100,000	3,100,000	3,100,000
2033	3,150,000	3,150,000	3,150,000
2034	3,200,000	3,200,000	3,200,000
2035	3,250,000	3,250,000	3,250,000
2036	3,300,000	3,300,000	3,300,000
2037	3,350,000	3,350,000	3,350,000
2038	3,400,000	3,400,000	3,400,000
2039	3,450,000	3,450,000	3,450,000
2040	3,500,000	3,500,000	3,500,000
2041	3,550,000	3,550,000	3,550,000
2042	3,600,000	3,600,000	3,600,000
2043	3,650,000	3,650,000	3,650,000
2044	3,700,000	3,700,000	3,700,000
2045	3,750,000	3,750,000	3,750,000
2046	3,800,000	3,800,000	3,800,000
2047	3,850,000	3,850,000	3,850,000
2048	3,900,000	3,900,000	3,900,000
2049	3,950,000	3,950,000	3,950,000
2050	4,000,000	4,000,000	4,000,000
2051	4,050,000	4,050,000	4,050,000
2052	4,100,000	4,100,000	4,100,000
2053	4,150,000	4,150,000	4,150,000
2054	4,200,000	4,200,000	4,200,000
2055			

CONFIDENTIAL  
ORIGINAL ON FILE

41.34± ACRES

C.  
8.4 ± ACRES  
BOUNDARIES SCALED FROM  
PLAN DATED JULY 1911  
-20,000 SQ. FT.  
BAL 7.94 ± ACRES

PROPERTY

**MLM**

POINT

A.

16	<sup>02</sup> / <sub>100</sub>	ACRES
<hr/>		
-	20,000	SQ. FT.
<hr/>		
0A1.	15.53	ACRES

Plan of Land

MEDFIELD, MASS.

Scale 1 in. = 100 ft. Jan. 12, 1944  
Everett M. Brooks - Civil Engineer  
Newtown, Mass.

hängt nur von  $V_{\text{eff}}$  ab.

Filed as No. 01-1044 Pl.Bk 132

Hortikola Faculty of Dentists

**Abstract**

Harrison D. Eddy, Jr., et al.,

SA JAMES M. GALLAGHER  
Filed at No. 81-1044 DE BA 111

[illegible]

1

Wm. H. D. 9000  
Wm. H. D. 9000  
Wm. H. D. 9000



Exhibit B

ANR Endorsed under 81L 2 or more  
buildings  
9/1/20



(508) 906-3027  
(508) 359-6182 Fax

James G. Mullen, Jr.  
Interim Town Clerk  
459 Main Street  
Medfield, MA 02052

# TOWN OF MEDFIELD

Office of the

## PLANNING BOARD

TOWN HOUSE, 459 MAIN STREET  
MEDFIELD, MASSACHUSETTS 02052-2009

TOWN OF MEDFIELD, MASS

SEP -1 A 11:54

September 1, 2020  
CLERK OF THE  
TOWN CLERK

**RE: Certificate of Approval under MGL ch 41 §81P - 49 Elm Street, Parcel ID 33-091**

Dear Mr. Mullen,

This certifies that at a duly posted public meeting of the Medfield Planning Board on August 17, 2020 it was unanimously voted to endorse the following plan as not requiring approval under the subdivision control law:

Plan of Land for Land in Medfield MA; Prepared for Matthew Smith; Prepared by Dunn-McKenzie, Inc, Norfolk, MA; Date: 08/09/20 (rev 08/12/20); Scale 1" = 30'

for the purpose of creating one (1) additional buildable lot and (1) additional non-conforming lot (for a total of three (3) lots).

The Board makes its determination for endorsement based upon the following factors:

1. Lot 1B and Lot 2 have a minimum of 80,000 square feet of area and 180 linear feet of frontage on Elm Street, a public way.
2. Although no information to support this claim was submitted with the application, the Board reviewed the Assessor's field card to make the determination that Lot 1A has a minimum of 80,000 square feet of area and 180 linear feet of frontage on Elm Street, a public way, and because 49 Elm Street contains two substantial buildings standing when the subdivision control law went into effect in Medfield. The primary dwelling (constructed about 1710) is located on Lot 1B and the accessory barn/garage (constructed about 1900) is located on Lot 1A.
3. The Board received information regarding a ROW along the rear of the property at 49 Elm Street which the applicant asserts was in existence, though no compelling evidence was submitted that the ROW met the requirements of the local subdivision rules and regulations at the time of adoption. We consider this access to be illusory as the 8' wide paved driveway is part of the lot known as 45 Elm Street and no information was submitted that the applicant has any rights of access.

In summary, the Medfield Planning Board, in voting to provide this ANR endorsement, rejects applicant's contention that plan satisfies exception (c) to GL Chapter 41 Section 81L's definition of "Subdivision" (way in existence...) but finds that the that plan complies with the exception contained in the final sentence of the statutory definition (division of tract on which two or more buildings were standing...).

Sincerely,

  
Sarah Raposa  
Town Planner

prior 49 ELM  
public meeting ruling  
two or buildings

cc: Assessor  
Building Department  
Board of Health  
File



# TOWN OF MEDFIELD

Office of the

## PLANNING BOARD

TOWN HOUSE, 459 MAIN STREET  
MEDFIELD, MASSACHUSETTS 02052-2009

February 7, 2023

Marion J. Bonoldi  
Town Clerk  
459 Main Street  
Medfield, MA 02052

2023 FEB - 7 P 2:57  
OFFICE OF THE  
TOWN CLERK  
TOWN OF MEDFIELD, MASS.

**RE: Certificate of Planning Board Action under MGL ch 41 §81P  
49 Elm Street**

Dear Ms. Bonoldi,

This certifies that at a duly posted public meeting of the Medfield Planning Board on February 7, 2023 it was unanimously voted to endorse the following plan as not requiring approval under the subdivision control law:

Plan of Land for Land in Medfield MA; Prepared for Matthew Smith; Prepared by Dunn-McKenzie, Inc., Norfolk, MA; Date: January 26, 2023; Scale 1" = 30'

for the purpose of creating two (2) lots: Proposed Lot #1B (containing the house, barn/garage, and "two-car garage") and Proposed Lot #1A (containing the "grain barn" and "cement floor"). No new lots are being proposed by this plan and the Planning Board makes no determination of compliance with zoning.

Previous Certificate of Action under MGL ch 41 §81P:

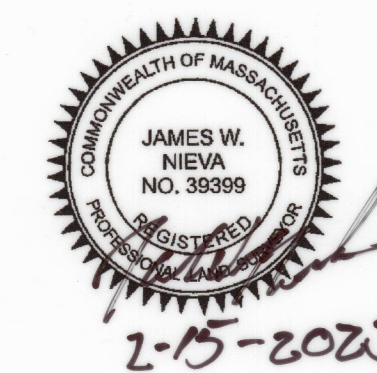
- 8/18/20 - one (1) additional buildable lot
- 9/1/20 - one (1) additional buildable lot and (1) additional non-conforming lot (for a total of three (3) lots).
- 11/1/21 - denial
- 11/10/21 - two (2) non-buildable lots created because the plan complies with the provisions of MGL ch 41 Section 81L as the division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically the house and the main barn/garage were standing on the plan prior to ATM 1953, the date when the subdivision control law went into effect in the Town of Medfield and at least one of such buildings remains standing on each of the lots as shown and located on the accompanying plan.

Exhibit C

ANR endorsed 11/10/21 under 81L

"2 or more buildings  
still standing"





FOR REGISTRY USE ONLY:

LOCUS MAP  
SCALE: 1"=1,000'

I CERTIFY THAT THIS PLAN COMPLIES  
WITH THE RULES AND REGULATIONS  
OF THE REGISTRY OF DEEDS.

  
JAMES W. NIEVA, P.L.S. #39399

APPROVAL NOT REQUIRED UNDER  
THE SUBDIVISION CONTROL LAWS.  
MEDFIELD, PLANNING BOARD

DATE : \_\_\_\_\_

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DEED REFERENCE:  
BOOK 9747 PAGE 716  
BOOK 38236 PAGE 372

PLAN REFERENCE:

PLAN NO: 795 OF 1954 IN PLAN BOOK 188  
PLAN NO: 277 OF 1969 IN PLAN BOOK 225  
PLAN NO: 610 OF 1945 IN PLAN BOOK 136  
PLAN NO: 84 OF 2020 IN PLAN BOOK 694  
PLAN NO: 27 OF 2021 IN PLAN BOOK 708  
PLAN BOOK 719 PAGE 1

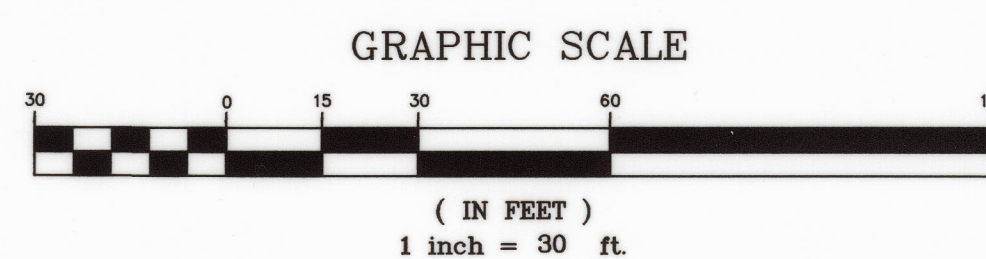
SITE LOCATION:  
49 ELM STREET  
MEDFIELD, MA 02052

### ASSESSORS REFERENCE

PARCEL 33-091

ZONING REFERENCE

RESIDENCE E (RE)



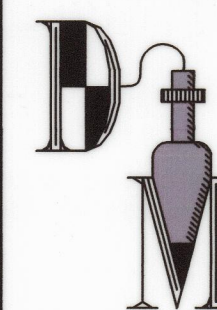

  

	NO.	DATE	REFERENCE
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REVISIONS

DATE :	FEBRUARY 15, 2023
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RESEARCH BY: JWN  
FIELD SURVEY: KGM  
COMPUTED BY: JWN  
DRAFTED BY: JWN  
DESIGNED BY: N/A  
CHECKED BY: JWN



**Dunn · McKenzie, Inc.**  
LAND SURVEYING AND CIVIL ENGINEERING  
206 DEDHAM STREET, Rt. 1A at Rt. 115  
NORFOLK, MASSACHUSETTS 02056  
(508) 384-3990 - FAX (508) 384-3905  
jimmy@dunnmckenzie.com

PREPARED FOR:  
MATTHEW SMITH,MGR, DOVER MILL LLC.  
2 MILL STREET  
DOVER, MASSACHUSETTS 02030  
OWN BY:  
DOVER MILL LLC.  
2 MILL STREET  
DOVER, MASSACHUSETTS 02030

PLAN OF LAND  
For land in  
MEDFIELD, MASSACHUSETTS

SHEET NO.	SCALE	JOB NO.
1	1"=30'	6308/XREF 5856