

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 2023
Time 10:00 AM
Signature Matthew Smith

Applicant's signature

Matthew Smith

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 exiting & standing in 1944 before 53
- September 1, 2020 Planning Board Certificate of Approval states approval of these 2 buildings conforming to 81L requirements 310 Attachment 4:3
- 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>

49 Elm ANR application for 81L 2 building exemption

1 message

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

2 attachments

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

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

SUBDIVISION OF LAND

Form 1

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February 16, 2023

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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 ch 41 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.

Received by Town Clerk:

Applicant's signature

Matthew Smith

Date _____

Time _____

Applicant's address

*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 5/1/1953
- 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

08-01-2014

11/10/21

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

Office of the PLANNING BOARD

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

459 Main Street
MEDFIELD, MASS

44 SEP -1 A II: 54

September 1, 2020

RECEIVED
TOWN OF MEDFIELD
PLANNING BOARD

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'

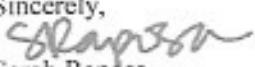
for the purpose of creating one (1) additional buildable lot and (1) additional non-conforming lot (for a total of three (3) lots).

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 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

cc: Assessor
Building Department
Board of Health
File

prior 49 ELM
public meeting ruling
two or buildings

Exhibit C

ANR endorsed 1/10/21 under 81L



TOWN OF MEDFIELD
Office of the
PLANNING BOARD

"2 or more buildings
still standing"

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,

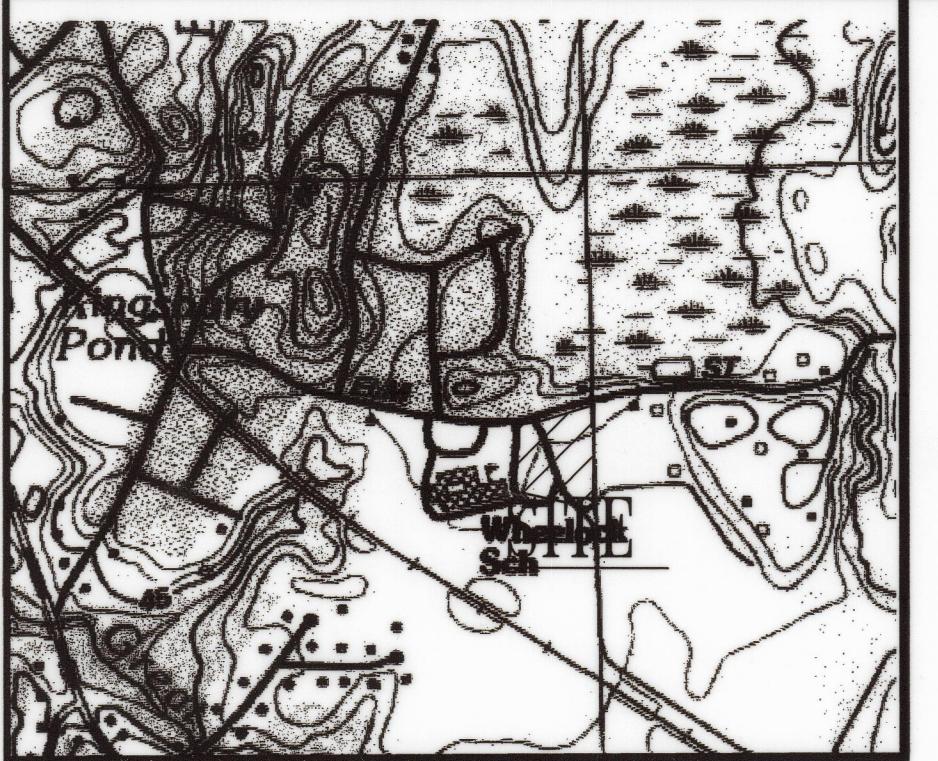
This certifies that at a duly posted public meeting of the Medfield Planning Board on February 7, 2023 it was unanimously voted to endorse the following plan as not requiring approval under the subdivision control law:

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.



FOR REGISTRY USE ONLY:

LOCUS MAP

SCALE: 1"=1,000'

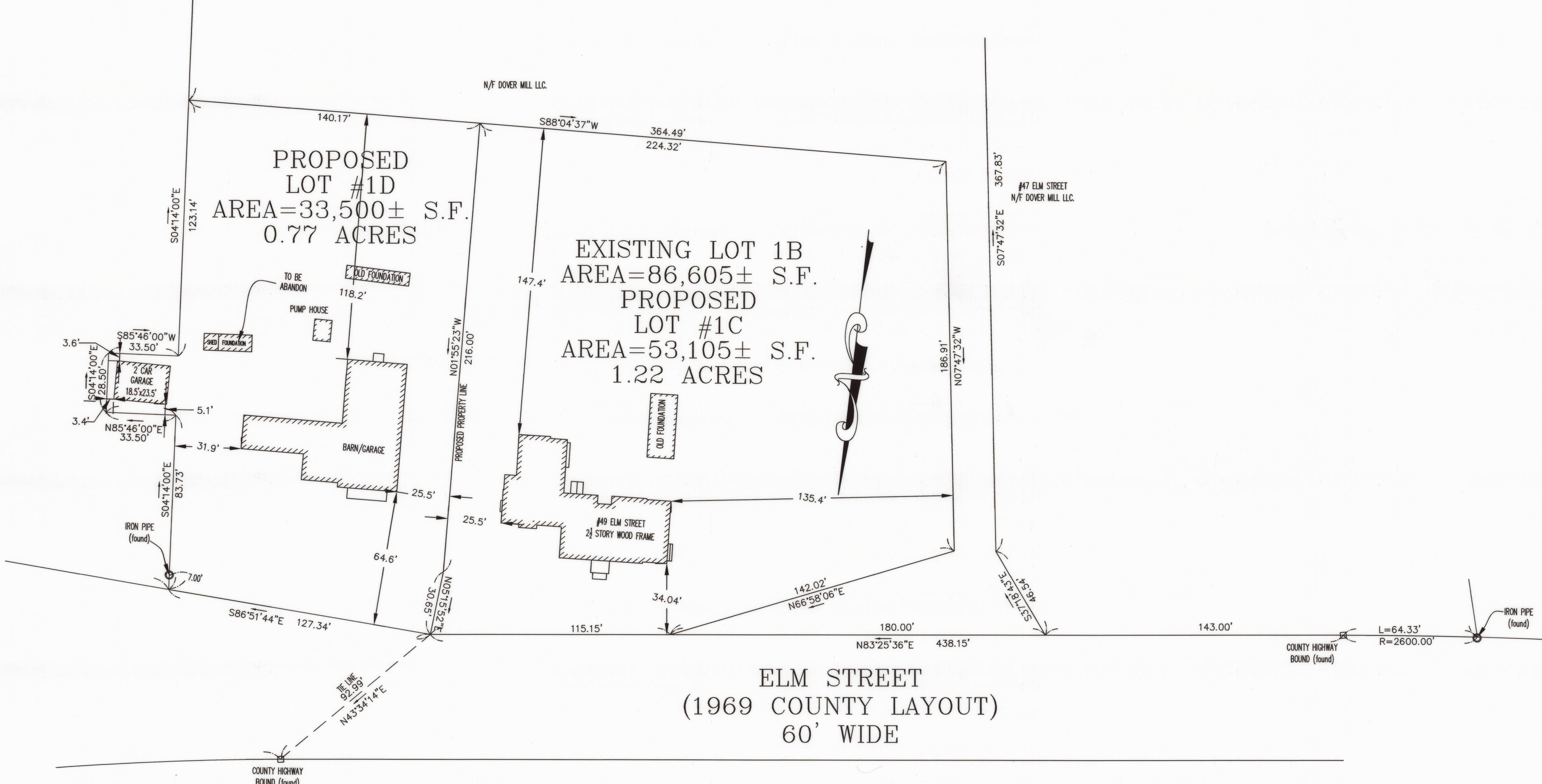
I CERTIFY THAT THIS PLAN COMPLIES
WITH THE RULES AND REGULATIONS
OF THE REGISTRY OF DEEDS.

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

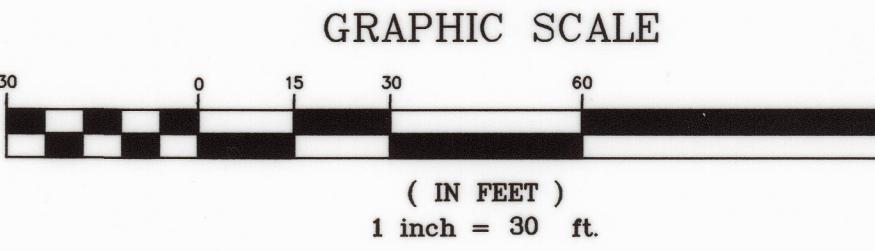
#55 ELM STREET
N/F GARY LIA

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

DATE : _____

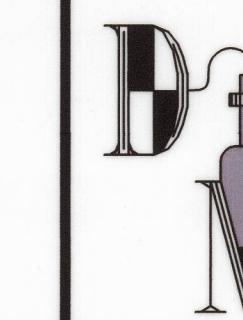


ASSESSORS REFERENCE	
PARCEL 33-091	
ZONING REFERENCE	
RESIDENCE E (RE)	



NO.	DATE	REFERENCE
REVISIONS		
		DATE : FEBRUARY 15, 2023

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