February 14, 2022

Staff Report PB2022-06: Grey Neck Road/ Shore Road Extension ANR Plan

**Planning Comments:**

Owner/ Applicant Susan H. Roos, Trustee seeks an “Approval Not Required (ANR)” plan endorsement under M.G.L. c. 41 §§81L & 81P and §§400-9& 11 of the Harwich Code. The subject ANR plan is entitled “Plan of Land in Harwich, Being a Consolidation of Lots 5, 6A, 6B & 15 as shown on Land Court Plan 18296B & 18396C” prepared and stamped by William N. Rogers II, Provincetown, Massachusetts, revised dated July 9, 2021.

Staff recommends to the Board that the subject ANR plan does not show a “Subdivision,” so-defined under the relevant law, and as such, warrants the requested endorsement that the plan does not require subdivision approval.

The plan proposes to eliminate interior lot lines and consolidate four contiguous lots or parcels in common ownership into a single, record perimeter lot. For zoning purposes, the town already considers the constituent lots or parcels to be merged as a matter of law (and for assessing purposes, the town currently treats Locus as two parcels). Consolidating Locus into a single record lot will facilitate consistent treatment in its status between the Barnstable Registry and the town.

The resulting lot meets the minimum 150’ frontage requirement within the underlying subject RH1 (Residential High Density) zoning district on Grey Neck Road, an improved public way, and on Shore Road Extension, an improved private subdivision way. Locus enjoys legal and practical access from these roadways.

It appears that the plan could have been recorded/ registered with a surveyor’s certification under GL c. 41 s. 81X without the need for Planning Board endorsement because the plan does not propose any new lines of ownership. However, Locus consists entirely of registered land, and I understand that the Land Court requested a Planning Board endorsement because the the land is currently the subject of two separate Land Court cases (Plans and Certificates of Title).

**Recommended Motion/ Determination**

Motion that the plan entitled “Plan of Land in Harwich, Being a Consolidation of Lots 5, 6A, 6B & 15 as shown on Land Court Plan 18296B & 18396C” prepared and stamped by William N. Rogers II, Provincetown, Massachusetts, revised dated July 9, 2021, does not depict a subdivision and that the Board endorse the plan as not requiring approval under the subdivision control law.