



**TOWN OF LEXINGTON**  
***PLANNING OFFICE***

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Date: December 17, 2019

**RE: Approval Not Required (ANR) in Regards to 53 Hancock Street**

Approval Not Required is governed by Mass General Law Chapter 41 Section 81L and 81P and Lexington's Planning Board Subdivision Regulations Chapter 174 Section 4 of the Lexington Code. When the Planning Board endorses an Approval Not Required Plan they are confirming for the Registry of Deeds that the proposed lots have the minimum required frontage on an existing way and as such the plan does not need approval under the subdivision control law. Approval under the subdivision control law is applied when a road needs to be created in order for each lot to have the requisite frontage. In the case of 53 Hancock Street the required 125-foot-frontage for each lot exists on either Hancock Street or Hayes Avenue as the parcel is a corner lot and the Planning Board must endorse the plan.

According to state law, frontage is the only determining factor as to whether or not the Planning Board can endorse the plan. The Planning Board does not determine whether the lot is buildable. However, most of the time the property owner of an ANR endeavors to create lots that are buildable as to the dimensional standards as outlined in Chapter 135 Section 4.1 of the Lexington Code.

Lot size is not a determining factor as to whether the Planning Board can endorse a plan. However, we acknowledge the goal of an ANR is usually to create buildable lots. Neighbors have raised concern that the ANR into three lots cannot be allowed because the original lot size as listed in the Assessors records is 37,738 square feet which would allow the creation of two lots as the minimum lot size for the RS Residential Zoning District is 15,500 square feet. The Registered Land Surveyor's plan submitted by the property owner shows the lot being 47,107 square feet, which allows three lots.

The Planning Department relies on the survey researched and conducted by a Registered Land Surveyor as the plan of record. Town Assessors records and GIS are not considered accurate. The Town does not conduct title searches or land surveys to create this data.

Planning staff carefully reviewed the deeds and old plans filed at the Registry of Deeds and found the metes and bounds to be consistent. In addition, using mapping and computer aid design tools staff determined the area shown on the proposed plans is likely to be accurate.

As said above, the Town does not conduct title searches or surveys. We rely on the certification of the Registered Land Surveyor for measurements and calculations. If the plan meets the frontage requirements the Planning Board cannot withhold approval.

The Planning Board has encouraged the property owner to submit a site sensitive special permit residential development application which provides the applicant dimensional flexibility to enable the house to be saved and still have three lots.

Please note: The ANR endorsement provides no determination as to buildability. Zoning determinations for single residence lots do not take into consideration other items which may render a lot unbuildable such as topography, septic, leaching, percolation, breakout, adjacent wells, easements, wetlands, flood plains, or deed restrictions made subsequent to the date on which the lots became non-conforming, inability to obtain clear title, or applicable requirements of other Boards, Departments or Commissions.