

Excerpts Massachusetts Subdivision Control Law

This section excerpts some key information from the Massachusetts Subdivision Control Law, MGL Chapter 41, Sections 81K to 81GG. It is provided here for information only and is **not** a part of these Subdivision Regulations nor is it an attempt to provide a summary of state law. Users are advised to read the statute for further assistance.

Definitions

“‘Subdivision’ shall mean **the division of a tract of land into two or more lots** and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots **shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon...**”

Time Limits

Approval Not Required Plans: ...If the board fails to act upon a plan submitted under this section or fails to notify the clerk of the city or town and the person submitting the plan of its action within **twenty-one days** after its submission, it shall be deemed to have determined that approval under the subdivision control law is not required...”

Preliminary Plans: “Within **forty-five days** after submission of a preliminary plan, each board shall notify the applicant and the clerk of the city or town, by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved and in the case of disapproval, the board shall state in detail its reasons therefor. The planning board shall notify the city or town clerk of its approval or disapproval, as the case may be.

Definitive Plans: “After the hearing required... and after the report of said health board or officer or lapse of forty-five days without such report, the planning board shall approve, or, if such plan does not comply with the subdivision control law or the rules and regulations of the planning board or the recommendations of the health board or officer, shall modify and approve or shall disapprove such plan. In the event of disapproval, the planning board shall state in detail wherein the plan does not conform to the rules and regulations of the planning board or the recommendations of the health board or officer and shall revoke its disapproval and approve a plan which, as amended conforms to such rules and regulations or recommendations. The planning board shall file a certificate of its action with the...town clerk, a copy of which shall be recorded by him in a book kept for the purpose, and shall send notice of such action by registered mail, postage prepaid, to the applicant at his address stated on the application...The failure of a planning board either to take final action or to file with the... town clerk a certificate of such action on the definitive plan **within ninety days after such submission**, or such further time as

may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the planning board with the city or town clerk.”

Section 1. Purpose

These Regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town of Tyringham and to preserve the environment, natural resources, and rural character of the Town through the construction of ways, subdivisions, and their infrastructure

The powers of the Planning Board and Board of Appeals under these Regulations shall be exercised with due regard for these purposes, the purposes of the state Subdivision Control Law and for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning by-laws; for securing adequate provisions for water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with adjacent and nearby public and private ways.

Section 2. Authority and Applicability

Authority: Under the authority vested in the Planning Board of the Town of Tyringham by MGL Chapter 41, Section 81Q, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Tyringham, consistent with MGL Chapter 41, Sections 81K to 81GG (“Subdivision Control Law”). These regulations should be read in conjunction with the Subdivision Control Law and do not repeat requirements or definitions of that law.

Applicability: No person shall subdivide any land in the Town of Tyringham, proceed with the subdivision of land within the meaning of the Subdivision Control Law or the improvement or sale of lots in a subdivision, or the construction of ways or the installation of municipal services therein except consistent with the Subdivision Control Law and these Subdivision Regulations and only when a definitive plan of such subdivision has been submitted to, approved and endorsed by, the Planning Board as hereinafter provided, and recorded at the Registry of Deeds.

Severability: The invalidity of any section, paragraph, clause or provision of these Rules and Regulations shall not invalidate any other section, paragraph, clause or provision therein.

Relationship to Other Bylaws and Regulations: Whenever these Rules and Regulations made under the authority hereof differ from those prescribed by any local Bylaw or regulations, the provision which imposes the greater restriction or the stricter standard shall govern.