

By Mrs. Gray of Framingham, petition of Barbara E. Gray for legislation to require joint public hearings by planning boards, conservation boards, consevation commissions and boards of health. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Nine.

AN ACT PROVIDING FOR JOINT HEARINGS OF LOCAL BOARDS FOR SUBDIVISIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The planning board, conservation commission and board of
2 health shall hold a joint public hearing called by the planning
3 board within thirty days after the submission of the definitive plan.
4 Notice of the public hearing shall be published in a paper of local
5 circulation at least fourteen days prior to said joint hearing.
6 Notification of the hearing shall be sent to the following: the
7 applicant, abutters, board of health, conservation commission,
8 regional planning agency of the region or county planning board if
9 applicable, and other local and state boards, commissions and
10 agencies that the planning board deems to have an interest in the
11 plan. When a definitive plan is submitted to the planning board a
12 copy thereof shall also be filed with the board of health. The board
13 of health shall report to the planning board in writing its approval
14 or disapproval of said plan and in the event of disapproval shall
15 make specific findings as to which, if any, of the lots shown on the
16 plan cannot be used for building sites without injury to the public
17 health or danger of flooding and shall include such specific
18 findings and reasons therefor in the report and where possible shall
19 make recommendations for the adjustment thereof, provided
20 however, if a municipal sewerage system will service the proposed
21 subdivision, then failure of the board of health to make such a
22 report within forty-five days after the plan is filed with the board of
23 health shall be deemed lack of opposition to the plan. A copy of the

24 report, if any, of the board of health shall be sent to the applicant
25 and the conservation commission. When the board of health is
26 unable to make a report on a proposed subdivision not serviced by
27 a municipal sewerage system due to lack of soil tests or ground
28 water information at high water levels, the board of health shall,
29 within forty-five days after submission of the plan, file with the city
30 or town clerk a statement citing the reasons for a lack of report and
31 a time certain when such report can be made.

32 The conservation commission shall where applicable, issue an
33 order of conditions pursuant to chapter 131 section 40 within
34 twenty-one days after the public hearing on the definitive plan. If
35 the conservation commission fails to issue said order of conditions
36 within twenty-one days, the applicant, an abutter or ten residents
37 who are aggrieved by such an order may within ten days after the
38 expiration of the conservation commission's reporting date,
39 petition the Wetlands Division of the Department of Environmental
40 Quality Engineering for an order superseding the conservation
41 commissions order or lack thereof. The Wetlands Division shall
42 report within seventy days from the date of said petition.

43 If the applicant has filed the definitive plan with boards,
44 commissions of agencies of the commonwealth as provided in this
45 section, then such boards, commissions or agencies that have
46 permit granting power relative thereto shall file written reports in
47 accordance with regulation with the planning board within forty-
48 five days after the public hearing and shall state whether the
49 particular aspect of the plan which is within the jurisdiction of the
50 board, commission or agency is approved, approved with
51 modification or disapproved and specific findings relative thereto.