

SENATE . . . . . No. 1208

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By Mr. Burke, a petition (accompanied by bill, Senate, No. 1208) of Edward L. Burke for legislation to further regulate the approval of a definitive plan of a subdivision by a planning board. **Urban Affairs.**

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The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE APPROVAL OF A DEFINITIVE PLAN  
OF A SUBDIVISION BY A PLANNING BOARD.

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

1 SECTION 1. Section 81-U of Chapter 41 of the General Laws,  
2 as most recently amended by Chapter 749 of the Acts of 1972,  
3 is hereby further amended by adding the following at the end  
4 of the first paragraph: — “When the board of health is unable  
5 to make a report on a proposed subdivision not serviced by a  
6 municipal sewerage system, it shall, within forty-five days af-  
7 ter the plan is submitted to it, file with the city or town clerk  
8 with a copy to the applicant a statement giving the reasons  
9 for its present inability to make such a report and stating the  
10 earliest date when such report can be made. Failure of the  
11 board to make a report shall, in the absence of such a state-  
12 ment of reasons, be deemed approval by such board.”

1 SECTION 2. The second paragraph of said Section 81-U of  
2 said Chapter 41, as most recently amended by Chapter 749 of  
3 the Acts of 1972, is hereby further amended by striking out  
4 the first sentence and inserting in place thereof the following  
5 sentence: — “After the hearing required by section eighty-one  
6 T, and after the report of said health board or officer or the  
7 lapse of forty-five days without such report or without a state-  
8 ment of reasons for not reporting, as provided in the preceding  
9 paragraph, the planning board shall approve, or if such plan  
10 does not comply with the subdivision control law or the rules

11 and regulations of the planning board or the recommendations  
12 of the health board or officer, shall modify and approve or  
13 shall disapprove such plan; provided, that if the board of  
14 health has filed with the clerk a statement giving the reasons  
15 for its present inability to report and the earliest date when  
16 such report can be made, the approval of the planning board  
17 may be made conditional upon compliance with a subsequent  
18 report of the health board made on or before the date specified  
19 in such statement."