

By Mr. Cahoon of Chatham, petition of Howard C. Cahoon, Jr., and another for legislation to define a "subdivision" under local ordinances or by-laws. Local Affairs.

The Commonwealth of Massachusetts

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

AN ACT AMENDING THE SUBDIVISION CONTROL LAW.

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. The definition of "Subdivision" in section 81L of
2 chapter 41 of the General Laws, as most recently amended by
3 chapter 61 of the acts of 1965, is hereby further amended by
4 striking out the last sentence and inserting in place thereof the
5 following sentence: — Conveyances or other instruments adding
6 to, taking away from, or changing the size and shape of, lots in such
7 a manner as not to leave any lot so affected without the frontage
8 above set forth, or the division of a tract of land on which two or
9 more established dwellings were standing when the subdivision
10 control law went into effect in the city or town in which the land lies
11 into separate lots on each of which one of such established dwell-
12 ings remains standing, shall not constitute a subdivision.

1 SECTION 2. Said section 81L of said chapter 41 is hereby
2 further amended by adding the following paragraph: —

3 A plan showing a division of land shall, whether or not constitut-
4 ing a subdivision as herein defined, at the time of planning board
5 endorsement or approval, conform to local ordinances or by-laws.
6 A planning board shall not endorse approval under the subdivision
7 control law not required nor approve any plan where accesses or
8 ways do not conform to local ordinances or by-laws, if any, and
9 which the planning board finds inadequate or unsafe for emergen-
10 cy vehicle use.

1 SECTION 3. The first paragraph of section 81O of said chapter
2 41, as appearing in section 7 of chapter 674 of the acts of 1953, is
3 hereby amended by striking out the first sentence and inserting in
4 place thereof the following sentence: — No person shall make a
5 subdivision, including those subdivisions described in section
6 eighty-one L and eighty-one P as not subject to the subdivision
7 control law, of any land in any city or town in which the subdivi-
8 sion control law is in effect unless he has first submitted to the
9 planning board of such city or town for its approval a plan of such
10 proposed subdivision, including those subdivisions described in
11 sections eighty-one L and eighty-one P as not subject to the subdivi-
12 sion control law, showing the lots into which such land is to be
13 divided and the ways already existing or which are to be provided
14 by him for furnishing access to such lots, and the planning board
15 has approved such plan in the manner hereinafter provided.

1 SECTION 4. The first paragraph of section 81P of said chapter
2 41, as appearing in section 1 of chapter 363 of the acts of 1963, is
3 hereby amended by striking out the second sentence and inserting
4 in place thereof the following sentence: — Such endorsement shall
5 not be withheld, except as provided in section eighty-one L, unless
6 such plan shows a subdivision.