

By Mrs. Gray of Framingham, petition of Barbara E. Gray for legislation to require joint public hearings for certain local boards under the subdivision control law. Local Affairs.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty.

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

25 conservation commission. When the board of health is unable to  
26 make a report on a proposed subdivision not serviced by a municipi-  
27 pal sewerage system due to lack of soil tests or ground water  
28 information at high water levels, the board of health shall, within  
29 forty-five days after submission of the plan, file with the city or  
30 town clerk a statement citing the reasons for a lack of report and a  
31 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, peti-  
39 tion 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, com-  
44 missions or 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 modifi-  
51 cation or disapproved and specific findings relative thereto, as  
52 amended.