

# Residential Subdivision—Massachusetts General Laws, Ch. 41

**(definitive plan submitted without a preliminary plan)**

A definitive plan is submitted to the Planning Board, and a written notice of plan submittal to the City/Town Clerk, either by delivery in person or by certified mail. An copy of the plan must also be filed with the board of Health.

The Board of Health reports their approval or disapproval of the plan. Failure to report shall be deemed approval.

The planning board approves, approves with modifications, or disapproves the plan.

The planning board endorses the plan (if approved). The signed plan is delivered to the applicant by the planning board.

**Within  
45 days**

of the plan submittal

(Unless extended by written agreement between the planning board and the applicant that has been filed with the City/Town Clerk)

**Within  
135 days**

of the plan submittal  
(Unless extended by written agreement between the planning board and the applicant that has been filed with the City/Town Clerk)

**Within  
20 days**

of the certificate filing

After  
**20 days**

of the decision filing have passed

**Within  
6 months**

of plan endorsement

At least  
**14 days**  
Before hearing

The next  
successive week  
following the first notice

Appeals must be filed with the City/Town Clerk.  
  
\*Construction may begin if an appeal is filed, but will be at the petitioners own risk.

If a decision certificate (or a written agreement to extend the decision period) is not filed by the planning board with the City/Town Clerk within 135 days

The plan and its certificates are filed at the Registry of Deeds

The hearing is advertised in the newspaper and posted in the town hall. Notice is mailed to the applicant and abutting landowners.\*

The planning board holds a public hearing  
  
\*The hearing may be continued over the span of multiple meetings

A certificate of the board's action is filed with the City/Town Clerk and mailed to the applicant.

City/Town Clerk issues certificate stating that the Planning Board did not act and that constructive approval is granted. The plan and certificate of constructive approval are delivered to the applicant by the City/Town Clerk.

The hearing is again advertised in the newspaper \*



Disclaimer: Developed as an informal guide for permit granting agencies with information current as of September, 2007. It has been transmitted for informational purposes only, and its content should not be construed as legal advice. Please consult legal counsel before taking any action on this information. Please consult MGL C41 for more detailed information.

\* = at the expense of the applicant.