

Maren Toohill

From: Christopher Heep <cheep@miyares-harrington.com>
Sent: Tuesday, September 24, 2019 9:11 PM
To: Maren Toohill; Rebekah Lacey
Subject: Re: Subdivision Process/Timeline Question

Hi Maren. If the applicant has previously filed a preliminary plan for residential lots, and it was acted on by the Planning Board, then the deadline for acting on the definitive is 90 days. The rule comes from M.G.L. c.41, §81U, and the relevant excerpt is:

In the case of a subdivision showing lots in a residential zone, where a preliminary plan has been acted upon by the planning board or where at least forty-five days has elapsed since submission of the preliminary plan, an applicant may file a definitive plan. The failure of a planning board either to take final action or to file with the city or town clerk a certificate of such action on the definitive plan within ninety days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the planning board with the city or town clerk.

In the case of a subdivision showing lots in a residential zone, where no preliminary plan has been submitted and acted upon or where forty-five days has not elapsed since submission of such preliminary plan, and a definitive plan is submitted, the failure of a planning board either to take final action or to file with the city or town clerk a certificate of such action regarding the definitive plan submitted by an applicant within one hundred thirty-five days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the planning board with the city or town clerk.

Thanks,
Chris

Christopher H. Heep

MiyaresHarrington - Local options at work

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From: Maren Toohill <MToohill@littletonma.org>
Date: Tuesday, September 24, 2019 at 6:55 PM
To: Chris Heep <cheep@miyares-harrington.com>, Rebekah Lacey <rlacey@miyares-harrington.com>
Subject: Subdivision Process/Timeline Question

I have a question about residential subdivision process – whether the length of time between when a Preliminary Subdivision application is filed and when a Definitive Subdivision application is material to the length of time the Planning Board has to file a decision on that Definitive.

A preliminary subdivision was filed on October 26, 2018 and eventually approved, (with an agreed-upon extension of the 45-day decision timeline) to Feb. 7, 2019. A Definitive subdivision was then filed on August 19, 2019. Does the Planning Board have 90 days to file a decision, or 135 days?

I was going to presume the Board has 90 days and file any necessary extension of the decision timeline, but a definite answer was requested by the Planning Board members.

Thanks,
Maren

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