

APPROVAL NOT REQUIRED PLANS

Massachusetts General Laws Chapter 41, Section 81-P provides for Planning Boards to endorse (not “approve”) plans that do not show a “subdivision” as that term is defined in Section 81-L of the Subdivision Control Law. Generally this means that a plan that creates a new lot (or lots) with the required amount of frontage on an existing public or private way does NOT need to go through the subdivision approval process. This provision also applies to plans that merely adjust lot lines between abutting properties that do not result in any new lots.

Planning Board endorsement of such plans is essentially a ministerial function. It does not constitute “approval” of any kind – not of compliance with zoning nor accuracy of lot lines. Furthermore, the state law requires that such plans be endorsed “forthwith,” and without a public hearing, as soon as the Planning Board is able to determine that the plan does not show a “subdivision.”

If the Planning Board does not act within 21 days of the plan being filed with the Town Clerk, then the Town Clerk is required to document that fact and the plan can then be recorded at the Registry of Deeds without Planning Board action. However, the 21-day period is not a maximum that can be used at the discretion of the Planning Board. As noted above, it must be done as soon as the Planning Board can make such determination, which generally means at the first Planning Board meeting after the plan is filed.