A preliminary plan is submitted Residential Subdivision—Massachusetts General Laws, Ch. 41 to the planning board and board of health, and a notice of plan Preliminary Plan Submitted before a Definitive Plan submittal to the City/Town Clerk, either by delivery in person or by The Board of Health reports The planning board certified mail. their approval or disapproval approves, approves The planning board endorses the of the plan. Failure to report with modifications, or plan (if approved). The signed A definitive plan is submitted to the disapproves the plan. shall be deemed approval. plan is delivered to the applicant Planning Board, and a written notice of by the planning board. plan submittal to the City/Town Clerk, either by delivery in person or by certified mail. A copy of the plan must also be Within filed with the Board of Health. 90 days Within Within of the plan submittal 45 days Within Within (Unless extended by written agree-20 days 20 days 6 months of the plan submittal ment between the planning board 45 days of the decision filing have and the applicant that has been (Unless extended by written agreement between the planning board and the of the certificate filing of plan endorsement passed of the plan submittal filed with the City/Town Clerk) applicant that has been filed with the City/Town Clerk) At least The next If a decision certificate successive week 14 days (or a written agreement to following the first notice Before hearing extend the decision The plan and its period) is not filed by the certificates are filed at planning board with the City/Town Clerk within the Registry of Deeds 90 days The planning board holds a The hearing is Appeals must be filed with public hearing advertised in the the City/Town Clerk. \*The hearing may be continued newspaper and posted in over the span of multiple meetings the town hall. Notice is \*Construction may begin if an Each Board notifies the appliappeal is filed, but will be at the mailed to the applicant and cant and the City/Town Clerk petitioners own risk. abutting landowners.\* by certified mail whether the A certificate of the Planning Board approves, board's action is filed City/Town Clerk issues certificate approves with modifications. with the City/Town stating that the Planning Board did or disapproves the plan. The hearing is again Clerk and mailed to the not act and that constructive advertised in the applicant. approval is granted. The plan and newspaper\* certificate of constructive approval are delivered to the applicant by the Berkshire City/Town Clerk.

Berkshire

Regional

Planning

Commission

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 MOL C41for more detailed information.

\* = at the expense of the applicant.