

HOUSE No. 3844

The Commonwealth of Massachusetts

PRESENTED BY:

Carole A. Fiola

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to updating subdivision law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>2/19/2021</i>

HOUSE No. 3844

By Ms. Fiola of Fall River, a petition (accompanied by bill, House, No. 3844) of Carole A. Fiola for legislation to update subdivision laws. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to updating subdivision law.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 81L of chapter 41 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the word “if”, in line 60, the following
3 words:- ; 3 or fewer new lots for development are created by the division and.

4 SECTION 2. Section 81P of said chapter 41, as so appearing, is hereby amended by
5 striking out, in lines 14 and 22, the words “twenty-one” and inserting in place thereof, in each
6 instance, the following figure:- 40.

7 SECTION 3. Section 81S of said chapter 41, as so appearing, is hereby amended by
8 inserting, after the word “showing”, in line 1, the following words:- 9 or fewer.

9 SECTION 4. Said section 81S of said chapter 41, as so appearing, is hereby further
10 amended by inserting, after the word “subdivision”, in line 7, the following words:- or a
11 subdivision showing 10 or more lots in a residential zone.

12 SECTION 5. The third paragraph of said section 81S of said chapter 41, as so appearing,
13 is hereby amended by inserting after the first sentence the following sentence:- The applicant
14 shall provide evidence to the planning board that the applicant, at the applicant's expense,
15 provided notice of the date, time, location and other specifics of the preliminary plan to all
16 abutting property owners within 300 feet of the property shown on the preliminary plan
17 submission by registered mail, return receipt requested.

18 SECTION 6. Section 81U of said chapter 41, as so appearing, is hereby amended by
19 striking out, line 85, the words “and from time to time varied by the applicant” and inserting in
20 place thereof the following words:- and specifically approved by the planning board and, from
21 time to time, may be proposed to be varied or changed by the applicant.

22 SECTION 7. Said section 81U of said chapter 41, as so appearing, is hereby further
23 amended by inserting after the word “land”, in line 99, the following words:- and including all
24 parcels proposed for development as approved by the definitive plan.

25 SECTION 8. Clause (3) of the seventh paragraph of said section 81U of said chapter 41,
26 as so appearing, is hereby amended by adding the following sentence:- Partial covenants over
27 individual lots shall not be permitted.

28 SECTION 9. Said section 81U of said chapter 41, as so appearing, is hereby further
29 amended by striking out the word “including”, in line 133, and inserting in place thereof the
30 following words:-, including the prevailing wage costs of labor that would be incurred by the city
31 or town and.

32 SECTION 10. Said section 81U of said chapter 41, as so appearing, is hereby further
33 amended by inserting after the word “completed”, in line 137, the following words:- ; provided,

34 however, that the approval of a definitive plan or reduction of a penal sum held in surety shall
35 not be considered laying out or acceptance of any roadway or improvement proposed.

36 SECTION 11. Section 81Y of said chapter 41, as so appearing, is hereby amended by
37 adding the following paragraph:-

38 If a subdivision has been made in a city or town while the subdivision control law is in
39 effect in such city or town and the planning board endorsed a plan showing the subdivision, or
40 the subdivision has otherwise been recorded due to the planning board's failure to act, and where
41 ownership of any or all lots shown on the plan are to be subject to easements, declarations or
42 other legal encumbrances, such as legal restrictions and obligations related to homeowner
43 associations, drainage easements, recreation amenities or other legally granted or placed
44 easements, restrictions or obligations, then the person who made the subdivision or any
45 successor in interest with actual or record notice of said legally recorded easements, restrictions
46 or obligations shall inform any successors to their interest to any lot shown on the approved
47 subdivision plan of: (i) said easements, restrictions or obligations; (ii) the details related thereto;
48 and (iii) a copy of the documents from which said easements, restrictions or obligations
49 originate. Said person or successor in interest shall inform the successor to their interest on or
50 before the execution of the final deed transferring ownership from person who made the
51 subdivision or their successor in interest to the successor in interest to whom the deed is being
52 granted.