

## **Massachusetts House of Representatives Bill Summary**

**Bill #:** H.2286

**Title:** An Act relative to property subdivision

**Sponsor:** Rep. Steven Howitt

**Committee:** Municipalities and Regional Government

**Hearing Date:** July 22, 2025

**Prior History:** H.2069 (2023-2024) placed into study order

**Current Law:** Mass. General Laws Chapter 41, Section 81L defines a subdivision as a division of a tract of land into two or more lots, including re-subdivision. Such a division would not be considered a subdivision if every lot within the tract of land has frontage:

- a) on a public way;
- b) on a way certified on a plan subject approved and endorsed under the subdivision control law; and
- c) a way that was in existence when the subdivision control law took effect, if it is wide enough and has the proper grade and construction to meet the vehicular traffic needs of the proposed use of the abutting land, and sufficient to install municipal services to serve the land and buildings erected on the land.

The frontage must be the distance prescribed by local ordinance or bylaw, but at least 20 feet. The law also states when changes to the lots caused by conveyances might preclude the land from being a subdivision if there is insufficient frontage.

Section 81P relates to the approval of plans that are not subject to the subdivision control law and the procedure which must be followed. Any person who believes their subdivision plan does not require approval must submit their plan to the planning board, which if it determines approval is not required shall, without a public hearing, endorse the plan.

If the planning board determines that a plan of land requires approval, then it must within 21 days submit written notice of its determination to both the clerk of the city or town and the person submitting the plan, and the person may either submit the plan for approval or appeal the determination. If the board fails to act on the plan within 21 days after submission, then it shall be deemed to have determined that approval is not required and shall endorse the plan as such. If it does not endorse the plan, then the city or town clerk shall issue a certificate to that effect.

Section 81T contains the procedure for determining whether a definitive plan of land may be approved, or whether such approval is even required.

**Summary:**

Section 1 of the bill would amend the definition of "Subdivision" by adding language limiting the division of a tract of land. Under this provision, the division of such a tract (or parcel) of land into more than 3 new lots having frontage could not be considered a subdivision for purposes of the law.

Section 2 amends the procedure for approval of plans not subject to the subdivision control law by giving the planning board 30 days, rather than 21, in which to make its determination as to whether a plan of land requires approval.

Section 3 amends the same section by giving the planning board more time to act (30 days instead of 21) on a plan of land which has been submitted for approval or determination.

This legislation appears to exclude more divisions of land from being subject to the subdivision control law, thus making it easier for individuals to create subdivisions that do not require planning board approval. The extension of two deadlines might benefit local planning boards by giving them additional time to make determinations and notify applicants.

Notes: Line numbers in all 3 sections do not match the 2020 Official Edition of the General Laws and would need to be corrected if the committee decided to report out the bill.