HOUSE DOCKET, NO. 4309 FILED ON: 6/9/2014

HOUSE . . . . . No. 4193

The Commonwealth of Massachusetts

PRESENTED BY:

Chris Walsh and Karen E. Spilka

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 the procedure for municipal acceptance of subdivision roads in the town of Framingham.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Chris Walsh	*6th Middlesex*
Karen E. Spilka	*Second Middlesex and Norfolk*
Thomas P. Conroy	*13th Middlesex*
Tom Sannicandro	*7th Middlesex*

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HOUSE . . . . . No. 4193

By Representative Walsh of Framingham and Senator Spilka, a joint petition (accompanied by bill, House, No. 4193) of Chris Walsh, Karen E. Spilka and others (by vote of the town) relative to providing a simplified procedure for municipal acceptance of subdivision roads in the town of Framingham. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the procedure for municipal acceptance of subdivision roads in the town of Framingham.

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

SECTION 1. Notwithstanding chapters 79 and 82 of the General Laws or any other general or special law to the contrary, the town of Framingham may employ the procedure hereinafter set out for municipal acceptance of roads constructed within a subdivision in accordance with a definitive subdivision plan which has been approved pursuant to the subdivision control law, as defined in section 81K of chapter 41 of the General Laws.

The board of selectmen of the town of Framingham shall hold a public hearing, after first giving (i) written notice by first-class mail, postage prepaid, to the owner of record of each property abutting the road or roads, as appears from municipal records, and (ii) notice by publication in a newspaper of local circulation at least 7 days prior to the hearing. The sole purpose of the public hearing shall be to determine whether it is in the public interest to accept the road or roads as a public way. If said board of selectmen determines, after the public hearing, that it is in the public interest to accept the road or roads, they shall so vote, by a majority vote, and place an article on the warrant for the next annual or special town meeting for acceptance of the road or roads.

Upon a two-thirds vote of town meeting to accept the road or roads, said board of selectmen shall prepare for recording at the Middlesex county registry of deeds an order of acceptance setting forth the vote of the town meeting. The order of acceptance shall contain a description of or reference to a plan showing the boundaries and measurements of the road or roads, which may be an existing approved and recorded definitive subdivision plan. The order of

acceptance shall be recorded within 30 days following the town meeting vote and, upon recordation, shall operate to vest ownership of a permanent roadway easement in the road or roads for all purposes for which public ways are commonly used in the town of Framingham, together with ownership of all utility, drainage access and other easements shown on the plan and specifically identified in the order of acceptance, as well as all pipes, structures and other improvements located therein, in the town of Framingham with no additional notice or other action required. No owner or interest holder of land abutting a road so accepted or subject to an easement shown on said plan shall have any claim for compensation against the town of Framingham on account of said acceptance.

SECTION 2. This act shall take effect upon its passage.