SENATE DOCKET, NO. 2270 FILED ON: 7/12/2012

SENATE . . . . . No. 2348

The Commonwealth of Massachusetts

PRESENTED BY:

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 municipal acceptance of roads within a subdivision in the town of Medway.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karen E. Spilka	
Carolyn C. Dykema	*8th Middlesex*

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By Ms. Spilka, a petition (accompanied by bill, Senate, No. 2348) of Karen E. Spilka and Carolyn C. Dykema (by vote of the town) for legislation relative to municipal acceptance of roads within a subdivision in the town of Medway. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to municipal acceptance of roads within a subdivision in the town of Medway.

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 the provisions of Chapters 82 and 79 of the General Laws or any other general or special law to the contrary, the Town of Medway 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 under the Subdivision Control Law. The Town of Medway Planning and Economic Development Board, on request of the Medway Board of Selectmen, the developer of the subdivision, or on its own initiative, shall prepare a written certification that a subdivision road or roads has been constructed in accordance with the Planning and Economic Development Board's rules and regulations and the approved definitive plan. The Planning and Economic Development Board shall submit its certification, together with original mylars of an acceptance plan, in required form for recording at the Registry of Deeds, and an "as-built" plan, to the Medway Board of Selectmen. The Board of Selectmen shall hold a public hearing, after first giving 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 giving notice by publication in a newspaper of local circulation at least seven 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 the Medway 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, the Board of Selectmen shall cause to be prepared for recording at the Norfolk County Registry of Deeds an Order of Acceptance setting forth the vote of the Town Meeting. The Order of Acceptance, together with the original acceptance plan, shall be recorded within thirty days following the Town Meeting vote and, upon recordation, shall operate to vest ownership in fee to the road or roads, together with ownership of all utility, drainage access, and other easements shown on the plan, as well as all pipes, structures, and other improvements located therein, in the Town of Medway 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 on account of said acceptance.

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