

HOUSE No. 4446

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky

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 Natick.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

David Paul Linsky

5th Middlesex

Richard J. Ross

Norfolk, Bristol and Middlesex

HOUSE No. 4446

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 4446) of David Paul Linsky and Richard J. Ross (by vote of the town) relative to the procedures for municipal acceptance of subdivision roads in the town of Natick. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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

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

6 The board of selectmen of the town of Natick shall hold a public hearing, after first
7 giving (i) written notice by first-class mail, postage prepaid, to the owner of record of each
8 property abutting the road or roads, as appears from the records of the town of Natick assessors,
9 and (ii) notice by publication in a newspaper of local circulation at least 7 days prior to the
10 hearing. The records of the town of Natick assessors shall be conclusive for purposes of this act.
11 The sole purpose of the public hearing shall be to determine whether it is in the public interest to

12 accept the road or roads as a public way. If said board of selectmen determines, after the public
13 hearing, that it is in the public interest to accept the road or roads, they shall so vote, by a
14 majority vote, and place an article on the warrant for the next annual or special town meeting for
15 acceptance of the road or roads.

16 Upon a two-thirds vote of town meeting to accept the road or roads, said board of
17 selectmen shall prepare for recording at the Middlesex county registry of deeds an order of
18 acceptance setting forth the vote of the town meeting. The order of acceptance shall contain a
19 description of or reference to a plan showing the boundaries and measurements of the road or
20 roads, which may be an existing approved and recorded definitive subdivision plan. The order of
21 acceptance shall be recorded within thirty (30) days following the town meeting vote and, upon
22 recordation, shall operate to vest ownership of a permanent roadway easement in the road or
23 roads for all purposes for which public ways are commonly used in the town of Natick, together
24 with ownership of all utility, drainage, access and other easements shown on the plan and
25 specifically identified in the order of acceptance, as well as all pipes, structures and other
26 improvements located therein, in the town of Natick with no additional notice or other action
27 required. No owner or interest holder of land abutting a road so accepted or subject to an
28 easement shown on said plan shall have any claim for compensation against the town of Natick
29 on account of said acceptance.

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