

**SENATE . . . . . No. 1939**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Bruce E. Tarr*

*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 authorizing the town of Manchester-by-the-Sea to make permanent improvements to private ways and assess betterments.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Bruce E. Tarr*

*First Essex and Middlesex*

*Bradford R. Hill*

*4th Essex*

**SENATE . . . . . No. 1939**

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1939) of Bruce E. Tarr and Bradford R. Hill (by vote of the town) for legislation to authorize the town of Manchester-by-the-Sea to make permanent improvements to private ways and assess betterments . Municipalities and Regional Government. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act authorizing the town of Manchester-by-the-Sea to make permanent improvements to private ways and assess betterments.

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

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

3           SECTION 1. Notwithstanding the provisions of section six N of chapter forty of the  
4 General Laws or any other general or special law to the contrary, the town of Manchester-by-the-  
5 Sea is hereby authorized to make permanent repairs and/or improvements on private ways within  
6 the corporate limits of the Town, including, without limitation, improvements to grading,  
7 drainage, paving, and resurfacing, to appropriate and expend funds therefor, to assess  
8 betterments as provided below, and to adopt bylaws to carry out the provisions hereof.

9           SECTION 2. Notwithstanding the provisions of any general or special law to the  
10 contrary, the town of Manchester-by-the-Sea is hereby authorized to borrow, from time to time,  
11 such sums as may be necessary for the purpose of making repairs and/or improvements to private

12 ways within said town. Each authorized issue shall be payable within twenty years from its date.  
13 Indebtedness incurred under this act shall not be included in determining the limit of  
14 indebtedness of the town under section ten of chapter forty-four of the General Laws and except  
15 as provided herein, shall otherwise be subject to the provisions of said chapter forty-four.

16 SECTION 3. The bylaws of the town of Manchester-by-the-Sea authorized by section  
17 one of this act shall provide for the cost of the repairs/improvements and borrowings authorized  
18 by this act to be apportioned to and among the benefited property owners as a betterment  
19 pursuant to chapter 80 of the General Laws. The board of assessors, in consultation with the  
20 board of selectmen, is hereby authorized to set the number of years a betterment may be  
21 assessed, which may be for fewer than twenty years for private way improvements,  
22 notwithstanding the request of the owner of the land assessed. The provisions of chapter eighty  
23 relative to the assessment, apportionment, division, interest, abatement and collection of  
24 assessments shall apply to the assessments authorized hereunder. Said town shall record  
25 appropriate orders to secure payment in the same manner as it acquires a lien for a betterment  
26 assessment pursuant to said chapter eighty.

27 SECTION 4. This act shall take effect upon its passage.