SENATE DOCKET, NO. 2457 FILED ON: 6/6/2019

SENATE . . . . . No. 2242

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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 Hingham.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patrick M. O'Connor	*Plymouth and Norfolk*
Joan Meschino	*3rd Plymouth*

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SENATE . . . . . No. 2242

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 2242) of Patrick M. O'Connor and Joan Meschino (by vote of the town) for legislation relative to the procedure for municipal acceptance of subdivision roads in the town of Hingham. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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

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

(b) The Planning Board, upon request of the Board of Selectmen, or a developer, or on its own initiative, shall prepare a written certification that a subdivision road has been laid out and constructed in accordance with the board's rules and regulations and the approved definitive subdivision plan, and submit its certification to the board of selectmen.

(c) The Board of Selectmen of the town of Hingham 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, as appearing in the records of the assessors of the town of Hingham; and (ii) notice by publication in a newspaper of local circulation not less than 7 days before the hearing. The records of the assessors of the town of Hingham shall be conclusive evidence of ownership for purposes of this act. If the board of selectmen determines, after the public hearing, that it is in the public interest to accept the road, 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.

(d) Upon a 2/3 vote of town meeting to accept the road, the board of selectmen shall prepare an order of acceptance setting forth the vote of the town meeting for recording at the Plymouth county registry of deeds. The order of acceptance shall contain a description of or reference to a plan showing the boundaries and measurements of the road, which may be an existing approved and recorded definitive subdivision plan. The order of acceptance shall be recorded not later than 60 days after the town meeting vote and, upon recordation, shall vest ownership of a permanent roadway easement in the road for all purposes for which public ways are commonly used in the town of Hingham, 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 Hingham 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 the plan shall have any claim for compensation against the town of Hingham on account of such acceptance.

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