

HOUSE No. 4439

The Commonwealth of Massachusetts

PRESENTED BY:

Danielle W. Gregoire and Carmine Lawrence Gentile

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 providing a simplified procedure for the layout and acceptance of subdivision roads in the City of Marlborough.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>8/14/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>9/11/2025</i>

HOUSE No. 4439

By Representatives Gregoire of Marlborough and Gentile of Sudbury, a petition (accompanied by bill, House, No. 4439) of Danielle W. Gregoire (with the approval of the mayor and city council) relative to providing a simplified procedure for the layout and acceptance of subdivision roads in the City of Marlborough. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act providing a simplified procedure for the layout and acceptance of subdivision roads in the City of Marlborough.

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. (a) Notwithstanding the provisions of chapters 79 and 82 of the General
2 Laws or any other general or special law to the contrary, the city of Marlborough may employ
3 the procedure set out in this act for municipal layout and acceptance of roads constructed within
4 a subdivision in accordance with a definitive subdivision plan that has been approved by the
5 planning board of the city of Marlborough pursuant to the subdivision control law, as designated
6 in section 81K of chapter 41 of the General Laws.

7 (b) The planning board, upon request of either the mayor, city council, or upon its own
8 initiative, shall hold a public hearing on the issue of the laying out and acceptance of a specific
9 road(s), at which time interested persons shall be given an opportunity to be heard. At least 7
10 days prior to any such hearing, written notice of the hearing shall be (i) sent by first-class mail,
11 postage prepaid, to the owner of record of each property abutting the road as appears from

12 records kept by the city of Marlborough assessors which shall be conclusive evidence of
13 ownership for purposes of this act, and (ii) either given by publication in a newspaper of local
14 circulation or posting on the bulletin board of the city clerk's office. Within 21 days after the
15 public hearing, the planning board shall prepare a written certification that said subdivision road
16 has been laid out and constructed in accordance with a plan referenced and described in the
17 certification, if the planning board so determines. The certification shall identify all municipal
18 easements, including but not limited to, utility, drainage, access and other easements, shown on
19 said plan. Such plan, including but not limited to, an existing approved and recorded definitive
20 subdivision plan, shall show the boundaries and measurements of the road and show all
21 municipal easements. The planning board shall submit the planning board's certification to the
22 city council.

23 (c) Within 45 days of the receipt of the planning board's certification, the city council or
24 a standing committee of the city council shall hold a meeting for the sole purpose of considering
25 whether it is in the public interest to layout and accept the certified road(s) as a public way.

26 (d) After the meeting, if the city council determines, upon a majority vote, that it is in the
27 public interest to layout and accept the road as a public way, the city council shall vote to adopt
28 for recording at the registry of deeds an order of acceptance containing the city council's vote
29 and attaching the planning board's certification. Said order shall be presented to the mayor in
30 accordance with section 55 of chapter 43 of the General Laws.

31 (e) The order of acceptance shall be recorded within ninety (90) days after the date upon
32 which the order is in force, and, upon recordation, shall vest in the city of Marlborough, with no
33 additional notice or other action required, the ownership in fee to the road(s), together with the

34 ownership of all municipal easements identified in the certification, including but not limited to
35 utility, drainage, flowage, access and other easements shown on the plan, for all municipal
36 purposes including but not limited to access, repair, improvement, reconstruction, removal and
37 replacement, as well as all pipes, structures, and other improvements located within the road and
38 municipal easements unless excluded by the order of acceptance. No owner of, or holder of any
39 interest in, land comprising the road, land abutting the road so accepted, or land subject to an
40 easement shown on the plan shall have any claim for compensation against the city on account of
41 such acceptance.

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