

HOUSE No. 1999

By Mr. Vallee of Franklin, petition of James E. Vallee and others relative to subdivision roads accepted by municipalities. Municipalities and Regional Government.

The Commonwealth of Massachusetts

PETITION OF:

James E. Vallee
Scott P. Brown

Karen E. Spilka
Paul J. P. Loscocco

In the Year Two Thousand and Seven.

AN ACT PROVIDING A SIMPLIFIED PROCEDURE FOR MUNICIPAL ACCEPTANCE OF SUBDIVISION ROADS.

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

1 In any city or town which accepts this section, the procedure
2 hereinafter set out shall be the exclusive means for municipal
3 acceptance of roads constructed within a subdivision in accor-
4 dance with a planning board approved definitive plan, notwith-
5 standing the provisions of G.L. Chapters 82 and 79 or any other
6 general or special law. The planning board, on request of a devel-
7 oper or on its own initiative, shall prepare a written certification
8 that a subdivision road has been laid out and construed in accor-
9 dance with the board's rules and regulation and the approved
10 definitive plan. The board shall submit its certification, together
11 with the original mylars of an acceptance plan, in required form
12 for recording at the Registry of Deeds, and an "as-built" plan to
13 the city council or board of selectmen. The city council or board
14 of selectmen shall hold a public hearing, after first giving written
15 notice by first-class mail, postage prepaid, to the owner of record
16 of each property abutting the road, as appears from municipal
17 records, and giving notice by publication in a newspaper of local
18 circulation at least seven days prior to the hearing. The purpose
19 of the public hearing shall be to determine whether it is in the

20 public interest to accept the road, they shall so vote and cause to
21 be prepared for recording at the local Registry of Deeds an Order
22 of Acceptance. The Order of Acceptance, together with the orig-
23 inal acceptance plan, shall be recorded within thirty (30) days
24 following the vote and, upon recordation, shall operate to vest title
25 to the road, together with all drainage structures and other
26 improvements, in the municipality with no additional notice or
27 other action required. No owner or interest holder of land abut-
28 ting a road so accepted shall have any claim for compensation
29 against the municipality on account of said acceptance.