HOUSE DOCKET, NO. 1894 FILED ON: 1/20/2011

HOUSE . . . . . No. 1459

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Vallee and Karen E. Spilka

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 passage of the accompanying:

An Act providing a simplified procedure for municipal acceptance of subdivision roads in the city known as the town of Franklin.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Vallee	*10th Norfolk*
Richard J. Ross	*Norfolk, Bristol, and Middlesex*
Karen E. Spilka	
	☐ *[District]*
	☐

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HOUSE . . . . . No. 1459

By Representative Vallee of Franklin and Senator Spilka, a joint petition (accompanied by bill, House, No. 1459) of James E. Vallee, Richard J. Ross and Karen Spilka relative to providing a procedure for municipal acceptance of subdivision roads in the town of Franklin. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

An Act providing a simplified procedure for municipal acceptance of subdivision roads in the city known as the town of Franklin.

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. The Town of Franklin may employ the procedure hereinafter set out for municipal acceptance of roads constructed within a subdivision in accordance with a planning board-approved definitive plan, notwithstanding the provisions of G.L. Chapters 82 and 79 or any other general or special law. The Town of Franklin Planning Board, on request of the Franklin Town Council 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 plan. The Board shall submit its certification, together with original mylars of an acceptance plan, in required form for recording at the Registry of Deeds, and an "as-built" plan, to the Franklin Town Council. The Town Council shall hold a public hearing, after first giving written notice by first-class mail, postage prepaid, to the owner of record of each property abutting the road, as appears from municipal records, and giving notice by publication in a newspaper of local circulation at least seven days prior to the hearing. The sole purpose of the public hearing shall be to determine whether it is in the public interest to accept the road as a public way. If the Franklin Town Council determines, after the public hearing, that it is in the public interest to accept the road, they shall so-cote, by a two-thirds majority, and cause to be prepared for recording at the Norfolk County Registry of Deeds an Order of Acceptance containing said vote. The Order of Acceptance, together with the original acceptance plan, shall be recorded within thirty (30) days following the vote and, upon recordation, shall operate to vest ownership in fee to the road, together with ownership of all utility, drainage access, and other easements shown, as well as all pipes, structures, and other improvements located therein, in the Town of Franklin 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 said plan shall have any claim for compensation against the Town on account of said acceptance.

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