

HOUSE No. 1064

Bill accompanying the petition of George M. Worrall relative to the boards of survey in cities. Cities. January 18.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eighteen.

AN ACT

Relative to Boards of Survey in Cities.

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. Section two of chapter one hundred and
2 ninety of the General Acts of the year nineteen hundred
3 and sixteen is hereby amended by inserting after the word
4 "and", in the twentieth line, the words:— then sub-
5 mitted to the municipal council or board of aldermen
6 at their next regular or special meeting. If the municipi-
7 pal council, or board of aldermen, as the case may be,
8 by a majority vote of all the members of the council
9 or board, shall approve the plans of the board of survey,
10 they shall be submitted to the mayor, who may approve
11 or veto them, but the municipal council, or board of
12 aldermen may, by a two thirds vote of their whole mem-
13 bership, pass the same over the mayor's veto. After the

14 said plans shall have been approved as above, they shall
15 be, — by striking out the word “board”, in the twenty-
16 fifth line, and inserting in place thereof the words: —
17 boards as above provided, — so as to read as follows: —
18 *Section 2.* Any person, firm or corporation proposing
19 to lay out, locate, relocate or construct for public use,
20 any private street or way in a city after the establish-
21 ment therein of a board of survey under the provisions
22 hereof shall, before opening such street or way for public
23 use, submit to said board suitable plans and profiles of
24 the street or way, so prepared as to show also the method
25 of drainage of the adjacent or contiguous territory, all
26 in accordance with such rules and regulations as the board
27 may prescribe. Upon the receipt of the said plans,
28 with a petition for their approval, the board shall give
29 a public hearing thereon after giving notice of the same
30 by publication once in each of two successive weeks in
31 a newspaper published in the city, the last publication to
32 be at least two days before the hearing; and after the
33 hearing, the board may alter such plans and may deter-
34 mine where such streets or ways shall be located and the
35 width and grades thereof, and shall so designate on said
36 plans. The plans, as approved or modified by the board,
37 shall then be signed by the members of the board, or by
38 a majority of them, and then submitted to the municipal
39 council or board of aldermen at their next regular or
40 special meeting. If the municipal council, or board of
41 aldermen, as the case may be, by a majority vote of all
42 the members of the council or board, shall approve the
43 plans of the board of survey, they shall be submitted
44 to the mayor, who may approve or veto them, but the
45 municipal council, or board of aldermen may, by a two
46 thirds vote of their whole membership; pass the same
47 over the mayor’s veto. After the said plans shall have

48 been approved as above, they shall be filed in the office
49 of the city engineer who shall attest thereon the date
50 of filing; and thereafter no street or way in the territory
51 to which the plans relate shall be laid out or constructed
52 except in accordance therewith, or with such further plans
53 as may subsequently be approved by the boards as above
54 provided.

1 SECTION 2. Section three of said chapter one hundred
2 and ninety is hereby amended by striking out the words
3 “the local planning board and”, in the second line, and
4 by striking out the words “the board of survey or the
5 said planning board”, in the fifth and sixth lines, and
6 inserting in place thereof the word:— they, — so as to
7 read as follows:— *Section 3.* The board of survey may,
8 and upon the vote of the city council or board of alder-
9 men shall, from time to time cause to be made by the
10 city engineer, under its direction, plans of such territory
11 or sections of lands in the city as they may deem neces-
12 sary, showing thereon the location of such streets or
13 ways, whether already laid out or not, as, in the opinion
14 of the board, the interest of the public may or will require
15 in such territory, showing clearly the direction, width
16 and grades of each street or way, and a plan of drainage,
17 and said board may incur such expenses as it may deem
18 necessary therefor, not exceeding the amount of money
19 appropriated by the city for the purpose. Before causing
20 such plans to be made the board shall give a public
21 hearing thereon, which shall be advertised in the same
22 manner as the hearing required in section two, and shall,
23 after the making of any such plan, give a hearing thereon,
24 advertised in like manner, and keep the plan open to
25 public inspection for one month after the first advertise-

26 ment of the hearing. After the hearing, and after any
27 alterations deemed necessary by said board have been
28 made therein, the same shall be approved, signed, marked,
29 filed and attested as provided in respect to the plans
30 mentioned in section two of this act.

1 SECTION 3. Section four of said chapter one hundred
2 and ninety is hereby amended by inserting after the
3 word "time", where it occurs the second time in the first
4 line, the words:—upon petition of a majority of the
5 municipal council or board of aldermen, — so as to read
6 as follows:— *Section 4.* The board of survey may from
7 time to time upon petition of a majority of the municipal
8 council or board of aldermen make a new plan or plans
9 to take the place of any plans that may be filed in accord-
10 ance with the provisions of sections two and three of this
11 act, or may make changes on any plan or plans so filed:
12 *provided, however,* that any action involving new plans or
13 changes in plans already duly attested and filed shall be
14 made only after the notice and hearing, and in all other
15 respects.

1 SECTION 4. Section five of said chapter one hundred
2 and ninety is hereby amended by inserting after the word
3 "survey", in the fifteenth line, the words:—municipal
4 council, or board of aldermen, and mayor, — so as to
5 read as follows:— *Section 5.* The powers of the city
6 government in regard to highways shall not be abridged
7 by this act in any manner, except as provided in this
8 section, and the powers conferred by this act shall be in
9 addition to the powers now possessed by them. No
10 street or way in the city, shown on any plan filed as
11 aforesaid, shall hereafter be laid out, located anew,
12 altered or widened, and no such street or way whether

13 already or hereafter laid out, shall be constructed by any
14 public authority except in accordance with any plan that
15 may have been duly attested and recorded under the
16 provisions of this act. If any person or corporation shall
17 hereafter open for public travel any private way, the
18 location, direction, width, grades and plan of drainage
19 of which have not previously been approved in writing
20 by the board of survey, municipal council, or board of
21 aldermen, and mayor in the manner provided in this
22 act, then neither the city nor any other public authority
23 shall place any public sewer, drain, water pipe or light
24 in, or do any public construction work of any kind, or
25 make repairs, on such private way: *provided, however,*
26 that the provisions of this act shall not prevent the
27 laying of a trunk sewer, drain, water or gas main if the
28 same be required by engineering necessities for the accom-
29 modation of other territory.

1 SECTION 5. Section seven of said chapter one hundred
2 and ninety is hereby amended by inserting after the
3 word "agents", in the first line, the words:— municipal
4 council or board of aldermen and mayor, — so as to read
5 as follows:— *Section 7.* Said board of survey, its officers
6 and agents, upon petition of a majority of the municipal
7 council or board of aldermen, may, so far as they deem
8 it necessary in carrying out the provisions of this act;
9 but no expenditures shall be made in excess of such
10 appropriations.

