

SENATE No. 193.

Commonwealth of Massachusetts.

SENATE, April 6, 1896.

The committee on Towns, to whom was referred the petition of the selectmen of the town of Revere for authority to elect a board of survey, report the accompanying Bill.

For the Committee,

JAMES P. NILES.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-six.

AN ACT

To authorize the Town of Revere to elect a Board of Survey.

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. The town of Revere, at its annual
2 election in March, eighteen hundred and ninety-
3 seven, shall choose three persons, citizens of
4 Revere, who do not hold any other town office, to
5 constitute a board of survey for said town, to
6 serve, one for the term of one year, one for the
7 term of two years and one for the term of three
8 years from the date of their election and until
9 their respective successors are elected; and there-
10 after the voters of said town of Revere shall
11 annually at the annual town election in the month
12 of March elect a citizen of said town who shall
13 be eligible to serve as a member of said board for
14 the term of three years from the date of his elec-
15 tion or until his successor is chosen. Any vacancy

16 occurring in said board may be filled until the
17 next annual town election by the board of select-
18 men and board of survey in joint convention.
19 The members of said board shall receive no com-
20 pensation for their services as such members.

1 SECT. 2. From the date of the passage of
2 this act until the annual town election in March
3 eighteen hundred and ninety-seven the board of
4 selectmen of the town of Revere shall act as a
5 board of survey and have all the rights and duties
6 conferred upon said board by this act.

1 SECT. 3. The board of survey shall, with all
2 reasonable dispatch, cause to be made under its
3 direction plans of such territory or sections of
4 land in said town as said board may deem neces-
5 sary, showing thereon the location of such high-
6 way or the locations of such highways, whether
7 already laid out or not, as said board shall be of
8 opinion the present or future interests of the
9 public will require in each territory, showing
10 clearly the directions, widths and grades of each
11 highway, and may employ such assistants and
12 incur such expenses as it may deem necessary
13 therefor, not to exceed the amount of money ap-
14 propriated by the town. Said board, before making
15 any such plan, shall give a public hearing as to
16 the locations, directions, widths and grades for
17 the highway or highways in the territory to be
18 shown on the plan, after advertising a notice of
19 such hearing once a week for two weeks in suc-

20 cession in a newspaper published in said town,
21 the last advertisement to be at least two days
22 before such hearing, and shall, after making any
23 such plan, give a like notice of hearing thereon,
24 and keep the plan open to public inspection for
25 one month after the first advertisement of such
26 hearing. Such plan thereafter, and after altera-
27 tions deemed necessary by said board have been
28 made thereon, shall be marked as made under the
29 provisions of this act, be signed by said board,
30 and if approved by the selectmen of said town
31 be signed by them, and after being so signed and
32 approved shall be filed in the office of the town
33 clerk in said town, signed, and the date of said
34 filing attested, by said town clerk.

1 SECT. 4. The powers of the board of select-
2 men of said town in regard to highways shall not
3 be abridged by this act in any manner except as
4 provided in this section and in section six, and the
5 powers given them in this act shall be in addition
6 to the powers now exercised by them. After the
7 passage of this act, in the town of Revere no
8 highway shown on any plan filed as aforesaid
9 shall be laid out, located anew, altered or widened,
10 and no such highways, whether already or here-
11 after laid out, shall be constructed by any public
12 authority, except in accordance with the provi-
13 sions of this act; and no person or corporation
14 shall hereafter open for public travel any private
15 way into any highway, unless the location, direc-
16 tions, widths and grades of such private way

17 have been approved in writing by said board of
18 survey, and by the selectmen; and neither the
19 town nor any other public authority shall place
20 any public sewer, drain, water pipe or lamp in, or
21 do any public work of any kind on, any private
22 way opened to public travel, contrary to the pro-
23 visions of this act: *provided, however*, that this
24 provision shall not prevent the laying of a trunk
25 sewer, or a water or gas main, as engineering
26 demands may require.

1 SECT. 5. If any building shall hereafter be
2 placed or erected in said town at a grade other
3 than the grade therefor recorded in the office of
4 the town clerk, or if any building shall be placed
5 or erected within the boundaries of any way
6 shown on any of the plans hereinbefore provided
7 for, after the filing of the plan as aforesaid, and
8 not removed at the expense of the owner when
9 required by said board of selectmen, no damages
10 occasioned to the estate of which the land on
11 which the building was so placed formed a part at
12 the date of the first advertisement of the first
13 notice given by said board, relating to the plan on
14 which any part of said estate is shown, or to any
15 part of said estate, by any subsequent establish-
16 ment of any grade of any highway, or by any
17 subsequent change of any grade of any highway,
18 shall be recovered by or be paid to the owner of
19 the whole or of any part of such estate.

1 SECT. 6. Whenever said board of survey shall
2 be of opinion that any way or strip of land in

3 said town should be laid out as a highway, or that
4 any highway therein should be located anew,
5 altered or widened, and constructed by grading
6 and covering with pavement, gravel or other ma-
7 terial, or that any one or more of such actions
8 should be taken, said board shall proceed in the
9 manner provided at the date of the passage of
10 this act for laying out highways in said town.

1 **SECT. 7** This act shall take effect upon its
2 passage.

