

SENATE No. 103

To accompany the petition of Edward A. Walker, mayor, and others that a board of survey be established in the city of Waltham. Cities.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

To establish a Board of Survey for the City of Waltham.

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 mayor, the president of the
2 board of aldermen and the chairman of the com-
3 mittee to which petitions concerning highways are
4 referred shall constitute a board of survey for the
5 city of Waltham and the city engineer of said city
6 shall act as clerk of said board: *provided, however,*
7 that if the president of the board of aldermen
8 should also be chairman of the said committee the
9 board of aldermen shall elect from its membership
10 the third member.

1 SECTION 2. Any person or corporation desiring
2 to lay out, locate or construct any street or way in
3 the city of Waltham shall before the beginning of
4 such construction submit to said board of survey
5 suitable plans and profiles of such streets or way,
6 so prepared as to show also the method of drainage
7 of the contiguous territory, all in accordance with
8 such rules and regulations as the board may pre-
9 scribe. Upon the receipt of such plans, with a
10 petition for their approval, the board shall give
11 a public hearing thereon after giving notice of such
12 hearing by publication once a week for two suc-
13 cessive weeks in a newspaper published in the city,
14 the last publication to be at least two days before
15 the hearing; and after such hearing the board
16 may alter such plans and may determine where
17 such streets or ways shall be located and the width
18 and grades thereof, and shall so designate on said
19 plans. The plans shall then be approved and signed
20 by the mayor and filed in the office of the city en-
21 gineer, who shall attest thereon the date of filing.

1 SECTION 3. The board of survey may from time
2 to time cause to be made by the city engineer under
3 its direction plans of such territory or sections of
4 land in said city as said board may deem necessary,
5 showing thereon the location of such streets or
6 ways whether already laid out or not, as said board
7 shall be of opinion the present or future interests
8 of the public will require in such territory, show-
9 ing clearly the directions, widths and grades of
10 each street or way, and may incur such expenses
11 as it may deem necessary therefor, not exceeding
12 the amount of money appropriated by the city for

13 the purpose. Before making any such plans the
14 board shall give a public hearing as to the locations,
15 directions, widths, grades and plan for drainage
16 of streets or ways in the territory to be shown on
17 the plan, after advertising such hearing once a
18 week for two successive weeks in a newspaper pub-
19 lished in said city, the last advertisement to be at
20 least two days before such hearing, and shall,
21 after making any such plan, give a like notice of
22 hearing and a hearing thereon and keep the plan
23 open to public inspection for one month after the
24 first advertisement of such hearing. After such
25 hearing and after the alterations deemed necessary
26 by said board have been made in such plan the
27 plan shall be approved, signed, marked, filed and
28 attested as provided in case of plans mentioned in
29 section two of this act.

1 SECTION 4. The powers of the board of alder-
2 men of the city in regard to highways shall not be
3 abridged by this act in any manner, except as pro-
4 vided in this section, and the powers given
5 by this act shall be in addition to the powers now
6 possessed by them. After the passage of this act
7 no street or way in such city, shown on any plan
8 filed as aforesaid, shall be laid out, located anew,
9 altered or widened, and no such street or way,
10 whether already or hereafter laid out, shall be
11 constructed by any public authority except in ac-
12 cordance with the provisions of this act. If any
13 person or corporation shall hereafter open for
14 public travel any private way, the location, di-
15 rection, width and grades of which have not pre-
16 viously been approved in writing by the board of

17 survey in the manner provided for in this act,
18 then neither the city nor any other public authority
19 shall place any public sewer, drain, water pipe or
20 light in, or do any public work of any kind on such
21 private way so opened to public travel contrary
22 to the provisions of this act: *provided, however,*
23 that these provisions shall not prevent the laying of
24 a trunk sewer, drain, water or gas main, if it be
25 required by engineering necessities.

1 SECTION 5. If any building shall hereafter be
2 placed or erected in said city within the boundaries
3 of any street or way shown on any plan filed as
4 herein provided, or on land adjacent to any such
5 street or way, the grade of which at the time of
6 placing or erecting such building is other than the
7 grade shown on said plan, or on land adjacent to
8 any street or way the plan and profile of which
9 have not been approved by said board of survey,
10 no damages caused to any building so placed or
11 erected by the construction of such street or way
12 as shown on said plan or caused to any building
13 so placed or erected by the subsequent change of
14 grade of any street or way the plan of which has
15 not been approved by said board of survey, shall
16 be recovered by or paid to the owner of the whole
17 or any part of the estate of which the land upon
18 which said building so placed or erected formed
19 a part at the date of the first publication of notice
20 of hearing as aforesaid.

1 SECTION 6. The city of Waltham may from time
2 to time appropriate sums of money to be expended
3 by the board of survey for carrying out the pro-

4 visions of this act; but no expenditures shall be
5 made in excess of such appropriation.

1 SECTION 7. Said board of survey, its officers and
2 agents, may, so far as they deem it necessary in
3 carrying out the provisions of this act, enter upon
4 any lands and there make such examinations and
5 surveys and place and maintain such monuments
6 and marks as they may deem necessary; and any
7 person whose property is injured by such entry or
8 by such placing or maintaining, who fails to agree
9 with the city as to the amount of his damages, may
10 have them assessed and determined in the manner
11 provided by law in the case of land taken for the
12 laying out of highways in said town, on application
13 at any time within one year after such entry or
14 after such placing and maintaining.

1 SECTION 8. This act shall not be construed to
2 authorize any taking or condemnation of land or
3 to render the city of Waltham liable for damages
4 of any kind except for making entries upon land
5 and for placing and maintaining monuments and
6 marks as authorized by section seven, nor to au-
7 thorize said city to lay out or construct any way
8 located on any of said plans, until such way has
9 been laid out as a highway under other provisions
10 of law.

1 SECTION 9. This act shall take effect upon its
2 passage.

