

SENATE No. 371

The Commonwealth of Massachusetts.

SENATE, March 23, 1916.

The committee on Cities, to which was referred the petition (with accompanying bill, Senate, No. 256) of Andrew F. Curtin and others that a board of survey for the city of Medford be established; and to which was recommitted the Senate Bill to establish a board of survey for the city of Attleboro (Senate, No. 295), reports the accompanying bill (new draft).

For the committee,

FRANK BARTLETT.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Sixteen.

AN ACT

To authorize Cities to establish Boards 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. For the purpose of establishing
2 a board of survey the mayor, with the approval
3 of the council, or the board or commission having
4 the powers of mayor, of any city may in the
5 month of January in the year nineteen hundred
6 and seventeen, and annually thereafter, appoint
7 three citizens to constitute a board of survey for
8 the city, one to be appointed for the term of one
9 year, one for the term of two years and one for
10 the term of three years, to serve from the first
11 Monday of February succeeding and until their
12 respective successors are appointed and confirmed;
13 and thereafter the mayor, or board or commission
14 having the powers of mayor, shall appoint an-
15 nually in the month of January one citizen to
16 serve as a member of said board for the term of
17 three years from the first Monday in February

18 succeeding his appointment and until his suc-
19 cessor is appointed and confirmed. Any vacancy
20 occurring in the said board shall be filled by an
21 appointment as aforesaid for the remainder of
22 the unexpired term. The city engineer of the
23 city shall act as clerk of the board. The com-
24 pensation of the members of said board shall be
25 fixed by the city council, subject to the approval
26 of the mayor, or in a commission-governed city,
27 by the board or commission having the powers of
28 the mayor and city council.

1 SECTION 2. Any person or corporation desir-
2 ing to lay out, locate or construct any street or
3 way in a city after the establishment of a board
4 of survey under the provisions of this act shall,
5 before beginning such construction, submit to
6 said board of survey suitable plans and profiles
7 of such street or way, so prepared as to show also
8 the method of drainage of the contiguous territory
9 all in accordance with such rules and regulations
10 as the board may prescribe.

11 Upon the receipt of such plans, with a petition
12 for their approval, the board shall give a public
13 hearing thereon after giving notice of the hearing
14 by publication once a week for two successive
15 weeks in a newspaper published in said city, the
16 last publication to be at least two days before the
17 hearing; and after the hearing, the board may
18 alter such plans and may determine where such
19 streets or ways shall be located and the width
20 and grades thereof, and shall so designate on said

21 plans. The plans, as approved or modified by the
22 board, shall then be signed by the members of the
23 board, or by a majority of them, and filed in the
24 office of the city engineer who shall attest thereon
25 the date of filing; and thereafter no street or way
26 in the territory to which the plans relate shall be
27 laid out or constructed except in accordance with
28 said plans, or with such further plans as may sub-
29 sequently be approved by the board.

1 SECTION 3. The board of survey may from
2 time to time cause to be made by the city en-
3 gineer under its direction plans of such territory
4 or sections of lands in said city as the board may
5 deem necessary, showing thereon the location of
6 such streets or ways whether already laid out or
7 not, as the board shall be of opinion that the
8 interest of the public requires or will require in
9 such territory, showing clearly the directions,
10 widths and grades of each street or way, and said
11 board may incur such expenses as it may deem
12 necessary therefor, not exceeding the amount of
13 money appropriated by the city for the purpose.
14 Before making any such plans the board shall give
15 a public hearing as to the locations, directions,
16 widths, grades and plan for drainage of streets or
17 ways in the territory to be shown on the plan,
18 after advertising the hearing once a week for two
19 successive weeks in a newspaper published in said
20 city, the last advertisement to be at least two
21 days before the hearing, and shall, after making
22 any such plan, give a like notice of hearing and a

23 hearing thereon, and keep the plan open to public
24 inspection for one month after the first advertise-
25 ment of the hearing. After the hearing, and after
26 any alterations deemed necessary by said board
27 have been made in the plan, the plan shall be ap-
28 proved, signed, marked, filed and attested as pro-
29 vided in respect to the plans mentioned in section
30 two of this act.

1 SECTION 4. The board of survey may from
2 time to time make a new plan or plans to take
3 the place of any plans that may be filed in accord-
4 ance with the provisions of sections two and three
5 of this act or may make changes on any plan or
6 plans so filed: *provided, however,* that any action
7 involving new plans or changes in plans already
8 duly attested and filed shall be made only after
9 due notice and hearing, and otherwise in the
10 manner specified in section two; and the last
11 plan so made, or the plan with the changes last
12 made thereon and duly attested and filed, shall
13 be the official plan governing future develop-
14 ment.

1 SECTION 5. The powers of the city council in
2 regard to highways shall not be abridged by this
3 act in any manner, except as is provided in this
4 section, and the powers conferred by this act
5 shall be in addition to the powers now possessed
6 by them. After this act has taken effect, no
7 street or way in said city, shown on any plan filed
8 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
12 accordance with the provisions of this act. If
13 any person or corporation after this act has taken
14 effect shall open for public travel any private
15 way, the location, direction, width and grades of
16 which have not previously been approved in writ-
17 ing by the board of survey in the manner pro-
18 vided for in this act, then neither the city nor any
19 other public authority shall place any public
20 sewer, drain, water pipe or light in, or do any
21 public work of any kind on, such private way so
22 opened to public travel contrary to the provisions
23 of this act: *provided, however*, that these provi-
24 sions shall not prevent the laying of a trunk
25 sewer, drain, water or gas main if it be required
26 by engineering necessities.

1 SECTION 6. The city may from time to time
2 appropriate sums of money to be expended by
3 the board of survey for carrying out the provi-
4 sions of this act; but no expenditures shall be
5 made in excess of such appropriations.

1 SECTION 7. Said board of survey, its officers
2 and agents, may, so far as they deem it necessary
3 in carrying out the provisions of this act, enter
4 upon any lands and there make such examinations
5 and surveys and place and maintain such monu-
6 ments and marks as they may deem necessary;
7 and any person whose property is injured by such

8 entry or by such placing or maintaining, who
9 fails to agree with the city as to the amount of
10 his damages, may have them assessed and deter-
11 mined in the manner provided by law in the case
12 of land taken for the laying out of highways in
13 said city, on application at any time within one
14 year after such entry or after such placing and
15 maintaining.

1 SECTION 8. This act shall not be construed to
2 authorize any taking or condemnation of land, or
3 to render a city liable for damages of any kind
4 except for making entries upon land for placing
5 and maintaining monuments and marks as au-
6 thorized by section seven, not to authorize a
7 city to lay out or construct any way located on
8 any of said plans, until such way has been laid
9 out as a highway under other provisions of law.
10 This act shall take effect in any city upon its
11 being submitted to the city council, or other
12 governing body, and upon its being accepted by
13 a majority of the members present and voting
14 thereon in the affirmative. But so much thereof
15 as authorizes its submission to said municipal
16 council or other governing body, shall take effect
17 upon its passage.

