

SENATE No. 120.

[Senate No. 88 as amended by the Senate.]

Commonwealth of Massachusetts.

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

AN ACT

To establish a Board of Survey for the Town of
Arlington.

*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 selectmen of Arlington shall
2 constitute a board of survey for said town.

1 SECT. 2. Any person or corporation contem-
2 plating laying out or locating and constructing
3 any street or way in said town after the passage
4 of this act shall before beginning such construc-
5 tion submit to said board of survey suitable plans,
6 to be prepared in accordance with such rules and
7 regulations as said board may prescribe. Upon

8 the receipt of such plans, together with a petition
9 for their approval, said board shall give a public
10 hearing thereon, after advertising such hearing
11 once a week for two successive weeks in a news-
12 paper published in said town, the last advertise-
13 ment to be at least two days before such hearing,
14 and after such hearing said board may alter such
15 plans and determine where such street or way
16 shall be located and the widths and grades
17 thereof, and so designate on said plans. Said
18 plans shall then be approved and signed by said
19 board and filed in the office of the town clerk of
20 said town, who shall attest thereon the date of
21 such filing.

1 SECT. 3. The board of survey shall from time
2 to time cause to be made under its direction plans
3 of such territory or sections of land in said town
4 as said board may deem necessary, showing
5 thereon the location of such streets or ways,
6 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 employ such assist-
11 ants and incur such expenses as it may deem
12 necessary therefor, not exceeding the amount of
13 money appropriated by the town for said pur-
14 pose. Said board, before making any such plan,
15 shall give a public hearing as to the locations,
16 directions, widths and grades of streets or ways
17 in the territory to be shown on the plan, after

18 advertising such hearing once a week for two suc-
19 cessive weeks in a newspaper published in said
20 town, the last advertisement to be at least two
21 days before such hearing, and shall, after making
22 any such plan, give a like notice of hearing
23 thereon, and keep the plan open to public inspec-
24 tion for one month after the first advertisement
25 of such hearing. Such plan thereafter, and after
26 the alterations deemed necessary by said board
27 have been made thereon, shall be marked as
28 made under the provisions of this act, shall
29 be signed by said board, and after being so
30 signed shall be filed in the office of the town
31 clerk of said town, who shall attest thereon the
32 date of such filing.

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 the powers given
5 them in this act shall be in addition to the powers
6 now exercised by them. After the passage of
7 this act no street or way in the town of Arling-
8 ton, shown on any plan filed as aforesaid, shall be
9 laid out, located anew, altered or widened, and no
10 such street or way, whether already or hereafter
11 laid out, shall be constructed by any public au-
12 thority, except in accordance with the provisions of
13 this act. If any person or corporation shall here-
14 after open for public travel any private way, the
15 location, direction, widths and grades of which
16 have not previously been approved in writing by

17 said board of survey in the manner provided in
18 this act, then neither the town nor any other pub-
19 lic authority shall place any public sewer, drain,
20 water pipe or lamp in, or do any public work of
21 any kind on, such private way so opened to pub-
22 lic travel contrary to the provisions of this act:
23 *provided, however,* that this provision shall not
24 prevent the laying of a trunk sewer, water or gas
25 main as engineering demands may require.

1 SECT. 5. If any building shall hereafter be
2 placed or erected in said town upon land within
3 the boundaries of any street or way shown on
4 any of the plans filed with the town clerk as
5 herein provided, or on land adjacent to any such
6 street or way, the grade of which at the time of
7 placing or erecting such building is other than
8 the grade shown on said plans, or on land adja-
9 cent to any street or way, the plan and profile of
10 which has not been approved by said board of
11 survey, no damages caused to any building so
12 placed or erected by the construction of said
13 street or way, as shown on said plans, or caused
14 to any building so placed or erected, or to the
15 land upon which said building is placed or
16 erected by the subsequent change of grade of
17 any street or way the plan of which has not been
18 approved by said board of survey, shall be recov-
19 ered by or paid to the owner of the whole or any
20 part of the estate of which the land upon which
21 said building so placed or erected formed a part,
22 from or by said town.

1 SECT. 6. The said town may from time to
2 time appropriate sums of money to be expended
3 by said board of survey for carrying out the pro-
4 visions of this act. No expenditures shall be
5 made in excess of such appropriation.

1 SECT. 7. This act shall take effect upon its
2 acceptance by a majority vote of the voters of
3 said town present and voting thereon at a town
4 meeting called for the purpose or at any annual
5 meeting of said town.

