

SENATE No. 1939

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Manchester-by-the-Sea to make permanent improvements to private ways and assess betterments .

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Bruce E. Tarr

First Essex and Middlesex

Bradford R. Hill

4th Essex

SENATE No. 1939

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1939) of Bruce E. Tarr and Bradford R. Hill (by vote of the town) for legislation to authorize the town of Manchester-by-the-Sea to make permanent improvements to private ways and assess betterments . Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act authorizing the town of Manchester-by-the-Sea to make permanent improvements to private ways and assess betterments .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Be it enacted by the Senate and the House of Representatives in General Court
2 assembled, and by the authority of the same, as follows:

3 SECTION 1. Notwithstanding the provisions of section six N of chapter forty of the
4 General Laws or any other general or special law to the contrary, the town of Manchester-by-the-
5 Sea is hereby authorized to make permanent repairs and/or improvements on private ways within
6 the corporate limits of the Town, including, without limitation, improvements to grading,
7 drainage, paving, and resurfacing, to appropriate and expend funds therefor, to assess
8 betterments as provided below, and to adopt bylaws to carry out the provisions hereof.

9 SECTION 2. Notwithstanding the provisions of any general or special law to the
10 contrary, the town of Manchester-by-the-Sea is hereby authorized to borrow, from time to time,
11 such sums as may be necessary for the purpose of making repairs and/or improvements to private

12 ways within said town. Each authorized issue shall be payable within twenty years from its date.
13 Indebtedness incurred under this act shall not be included in determining the limit of
14 indebtedness of the town under section ten of chapter forty-four of the General Laws and except
15 as provided herein, shall otherwise be subject to the provisions of said chapter forty-four.

16 SECTION 3. The bylaws of the town of Manchester-by-the-Sea authorized by section
17 one of this act shall provide for the cost of the repairs/improvements and borrowings authorized
18 by this act to be apportioned to and among the benefited property owners as a betterment
19 pursuant to chapter 80 of the General Laws. The board of assessors, in consultation with the
20 board of selectmen, is hereby authorized to set the number of years a betterment may be
21 assessed, which may be for fewer than twenty years for private way improvements,
22 notwithstanding the request of the owner of the land assessed. The provisions of chapter eighty
23 relative to the assessment, apportionment, division, interest, abatement and collection of
24 assessments shall apply to the assessments authorized hereunder. Said town shall record
25 appropriate orders to secure payment in the same manner as it acquires a lien for a betterment
26 assessment pursuant to said chapter eighty.

27 SECTION 4. This act shall take effect upon its passage.