

CITY OF MARLBOROUGH MEETING POSTING

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2026 FEB 19 PM 1:06

Meeting: **Planning Board**
Date: Monday, February 23, 2026
Time: 7:00 PM
Location: Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough, MA 01752

This meeting of the Planning Board will be held in Memorial Hall on Monday, February 23, 2026, at 7:00 PM.

PUBLIC ATTENDANCE IS PERMITTED

Agenda Items to be Addressed:

1. Draft Meeting Minutes

- A. February 9, 2026

2. Chair's Business

- A. Mosher Lane, Forest Trail Subdivision – No updates

- B. Informal Discussion - 0 Howe Street and 0 Valley Street

Applicant & Owner: Matthew Evangelous, 6 Butternut Lane, Bolton, MA 01740

Engineer: Jacob T. Lemieux, P.E., Hancock Associates, 315 Elm Street, Marlborough, MA 01752

Deed: Book: 64574 Page: 193

Map: 82 Parcel: 125

- i. Correspondence from Jacob Lemieux, Hancock Associates – Response to Planning Board's letter
- ii. Correspondence from previous Assistant City Solicitor, Cynthia Panagore Coffin
- iii. April 21, 1896, Plan of Land
- iv. No waiver concept plan

- C. Informal Discussion – 297 Concord Road/ Jemenway Street Frontage

- i. Previously Approved ANR Plan Dated: April 2021
- ii. Plan of Proposed House

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

- A. 547 Stow Road (Cotton Road)

- i. Correspondence from City Eng. Thomas DiPersio – Bond reduction estimate

- B. 689 Pleasant Street (Jewel Road)

- i. Draft release of lot(s)
- ii. Correspondence from William Limberopoulos – Bond release request

- C. 9 Stevens Street (Tobin Road) – No updates

- D. 76 Broad Street (Pettes Road)

- E. Water's Edge & Sterling Woods (Farooq Ansari)

6. Temporary/Open Space/Limited Development Subdivision (None)

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

CITY OF MARLBOROUGH MEETING POSTING

10. Unfinished Business

- A. Working Group – No updates
- B. Paper Street – No updates

11. Calendar Updates

- A. 547 Stow Road (Quinn Road) Chuck & Tim Black
Approved: February 26, 2024 Next Steps: - Lot S2, or \$228,000 cash deposit held for street acceptance
Current Status: - Roadway under construction
- B. 689 Pleasant Street (Jewell Road) William Limberopoulos
Approved: June 26, 2023 Next Steps: - (Lot 6 held for street acceptance)
Current Status: - Roadway construction complete, with Council for acceptance
- C. 0 Stevens Street (Tobin Road) Charles Bourque & Michael Carney
Approved: November 7, 2022, extension approved through December 2, 2023
Next Steps: - (Lot 4 held for street acceptance)
Current Status: - Roadway under construction
- D. 76 Broad Street (Pettes Road) Camila & Garrett Marini
Certificate of Vote Approved: February 8, 2021, Covenant Signed: June 14, 2023 (OLD RULES AND REGS)
Next Steps: - Preconstruction Meeting
- E. Stratton Woods
Current Status: Waiting on developer to respond to correspondence

12. Public Notices of other Cities & Towns (None)

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

February 9, 2026

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Sean Fay, Barbara Fenby, Patrick Hughes, James Fortin, George and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio. Member absent: George LaVenture.

1. Draft Meeting Minutes

A. January 12, 2026

On a motion by Dr. Fenby, seconded by Mr. Fortin, the Board voted to accept and file the January 12, 2026, meeting minutes. Yea: Fay, Fenby, Fortin and Hughes. Nay: 0. Motion carried. 4-0. Abstain: Russ.

B. February 2, 2026

On a motion by Dr. Fenby, seconded by Mr. Fortin, the Board voted to accept and file the February 2, 2026, meeting minutes. Yea: Fay, Fenby, Fortin, Hughes, LaVenture and Russ. Nay: 0. Motion carried. 5-0.

2. Chair's Business

A. Mosher Lane, Forest Trail Subdivision – No updates

The Board requested the Administrator reach out to Mr. Daniel Burger and request he attend the February 23, 2026, meeting.

B. Informal Discussion – Mount Royal Avenue/Glen Street

i. GIS Exhibit

ii. ANR Exhibit

Kevin Capaldo of Allen & Major Associates, along with Bob McNamara and John Conley representing CB Equities spoke on behalf of the Mount Royal Avenue and Glen Street informal discussion.

Mr. Capaldo explained he has been working with Mr. DiPersio on this ANR and that CB Equities is proposing and ANR for their properties on Glen Street and Lakeside Avenue. The proposed lot being along Lakeside Avenue on the northerly side, colored in magenta on the ANR exhibit. He explained they are here today for an informal discussion of lot's frontage. A portion of the frontage is along the MA DOT "no access" on the on ramp for Route 495. However, it does have unobstructed adequate access to the site via the "access allowed" portion of Lakeside Avenue.

Mr. Capaldo went over the GIS and ANR exhibit and pointed out the existing lot lines and the proposed changes. Specifically noting the dashed lines on the ANR exhibit would go away with the ANR filling. The blue lot would gain frontage on Lakeside Avenue, and the grey lot would maintain frontage on Glen Street. The orange lot is being reduced in size, and a portion of this lot is zoned Single-Family.

Mr. Conley explained they are negotiating a lease with a small coffee shop. They are looking to separate their lot. He explained the visitors of the coffee shop will enter via Route 20 and can enter via Glen Street.

Mr. DiPersio explained for the Board to endorse a plan as an ANR and not a subdivision plan, all of the lots must have frontage on a way and have adequate access. All of the frontage is on MA DOT owned highway but a portion of it is on the ramp of Route 495. He explained Route 495 is considered a no access highway, but not all of it. The ANR plan will detail how much of their frontage is within the no access portion and how much

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

is within the access portion. He explained in his opinion because there's enough frontage within the access allowed portion of Route 20, this would satisfy the Board's ANR criteria on having adequate access.

The Board requested the applicant provide a memo from their counsel establishing for the Board that this parcel does in fact have present adequate access according to MA law. Mr. Capaldo and Mr. Conley agreed.

Mr. Fay explained when the plan is submitted the memo would then be sent to the Legal Department for review. Mr. Fay requested the applicant not to start the clock on the application until the memo from their counsel has been provided. Mr. Capaldo agreed.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file Items 2.B.i and 2.B.ii. Yea: Fay, Fenby, Fortin, Hughes, LaVenture and Russ. Nay: 0. Motion carried. 5-0.

C. Informal Discussion – 297 Concord Road/Hemenway Street Frontage

- i. Previously Approved ANR Plan Dated: April 30, 2021
- ii. Plan of Proposed House

Mr. Fay explained Mr. Bob Parente is sick and unable to attend tonight's meetings.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to table this discussion until the February 23, 2026, meeting. Yea: Fay, Fenby, Fortin, Hughes, LaVenture and Russ. Nay: 0. Motion carried. 5-0.

Mr. Fay requested members visit Hemenway Extension prior to their next meeting.

Mr. Fay had an informal discussion with the Board members and reminded them to be disciplined in their conversations and to only comment on matters before the Board and to avoid commenting online. He explained he anticipates zoning changes to come before the Board soon.

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

A. 547 Stow Road (Quinn Road)

- i. Bond reduction request

Mr. Russ read the February 6, 2026, correspondence into the record.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the correspondence. Yea: Fay, Fenby, Fortin, Hughes, LaVenture and Russ. Nay: 0. Motion carried. 5-0.

The Administrator explained there was previous email requesting the bond reduction and that that correspondence should have also been included.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to refer the bond reduction request to Engineering for review. Yea: Fay, Fenby, Fortin, Hughes, LaVenture and Russ. Nay: 0. Motion carried. 5-0.

B. 689 Pleasant Street (Jewell Road)

- i. Recommendation letters to City Council, from the Board, Engineering, and Legal

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the correspondences. Yea: Fay, Fenby, Fortin, Hughes, LaVenture and Russ. Nay: 0. Motion carried. 5-0.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

C. 0 Stevens Street (Tobin Road)

i. Progress Report, 12/22/25

Mr. Russ read the December 22, 2025, correspondence into the record.

Mr. DiPersio explained the subdivision plan had 5 lots. The plan had some land that had enough frontage and area but couldn't fit the zoning rectangle to be considered a buildable lot. The applicant did a swap with an abutting property and now the lot can fit the zoning rectangle. He explained when there is mortgage on the property the banks have to approve a change like this, so this is what Mr. Bourque is referring to in their progress report. Mr. DiPersio confirmed this swap has nothing to do with the lot that is currently held for street acceptance.

Mr. DiPersio explained come Spring he plans to ask the applicant to clean up the site and explained it's a bit of a rough site because of the ledge.

ii. Progress Report, 2/4/26

Mr. Russ read the February 4, 2026, correspondence into the record.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file both progress reports. Yea: Fay, Fenby, Fortin, Hughes, LaVenture and Russ. Nay: 0. Motion carried. 5-0.

D. 76 Broad Street (Pettes Road) – No updates

E. Water's Edge & Sterling Woods (Farooq Ansari) – No updates

Dr. Fenby mentioned that this has been on the agenda for some time, with no updates.

Mr. DiPersio explained to the Board that Mr. Ansari is trying to get his money back from the City however, its been 30+ years since those roads were built. He explained if Mr. Ansari can clean up the City's questions on easements, titles, rights to easements and actually get the paperwork in a place where the City could consider accepting it, that the Board would then need to make a decision on whether or not to release the funds the City is holding.

Mr. Fay reminded the Board this is another example of why the Board must be careful on how they apply the home rule petition procedure because the Board has a developer who is still alive and on the hook. There is no reason to bail him out.

The Board requested the Administrator to invite Mr. Ansari to the February 23, 2026, meeting.

6. Preliminary/Open Space/Limited Development Subdivision

A. 0 Howe Street and 0 Valley Street, Preliminary Subdivision Plan

Applicant & Owner: Matthew Evangelous, 6 Butternut Lane, Bolton, MA 01740

Engineer: Jacob T. Lemieux, P.E., Hancock Associates, 315 Elm Street, Marlborough, MA 01752

Deed: Book: 64574 Page: 193

Map: 82 Parcel: 125

i. Correspondence from Jacob Lemieux, Hancock Associates – Withdrawal

Mr. Russ read the January 21, 2026, correspondence into the record.

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

The Board discussed the waiving of the fees and the Administrator explained she had not deposited the checks and that there are three checks for the following amounts, \$400.00, \$1,740.00 and \$30.00. The Board concluded it would be best not to deposit the checks and to send them back to the applicant.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the correspondence and to approve the withdrawal without prejudice. The Board further agreed to waive the fees associated with this submission, noting that this waiver would be granted as a one-time occurrence. The Administrator agreed to return the submitted checks. Yea: Fay, Fenby, Fortin, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 6-0.

- ii. Chronology of Marlborough Hub
- iii. Correspondence from previous Assistant City Solicitor, Cynthia Panagore Griffin
- iv. Council Order No. 20-1007976D

Mr. Fay explained it doesn't appear that any of issues detailed with the Chronology of Marlborough Hub document have been resolved. Mr. Fay and the Board requested a letter be sent to the applicant and went over the following issue the applicant must address:

- Demonstrate to the Board, to its satisfaction, that the applicant has the legal right to construct the proposed roadway. The Board specifically addressed concerns about staying within the right-of-way during construction.
- Provide the Board with an "allowed-by-right" plan showing exactly what the applicant is permitted to build by right.
- Demonstrate that all necessary easements and agreements with abutting property owners required for completion of the proposed development are in place.
- Establish that the applicant has the legal right to utilize the land zoned Industrial for any portion of the subdivision without rezoning.
- The Board emphasized that for all of the issues outlined herein, it is the applicant's responsibility through counsel to establish the applicant's legal rights. The Board will then refer the applicant's documentation to the City Solicitor.
- The Board expressed concern regarding the suggestion of sub-surface stormwater management systems. The Board has typically not allowed these types of systems without a homeowner's association and significant reserves for maintenance.
- Provide written confirmation from the City of Marlborough Fire Chief, permitting the T-turn around.
- The Board also referenced an issue discussed at the January 9, 2017, meeting as reflected in the minutes. As noted in the chronology document, the current developer is intending to utilize the "contemplated easement" as the roadway to access the proposed subdivision. Since the railway property (section zoned Industrial) was acquired by one of the developer's predecessors in title in the 1960s, decades after the appurtenant easement had been conveyed to provide access to Mary Howe Property, the legal problem is that the after-acquired railway property cannot legally be added to the dominant estate, which is the former Mary Howe property, at least not without consent of the owners of the properties abutting the other (west) side of the proposed subdivision road. Absent that consent, use of the easement to access the portion of the development parcel consisting of the after-acquired railway property would impermissibly "overload the easement." This issue will also need to be addressed by the applicant's counsel.

- 7. Definitive Subdivision (None)**
- 8. Signs (None)**

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

9. Correspondence

- A. Correspondence from Joseph & Ashley Holmes, 359 Brigham Street, RE: Opposition to proposed development at 279 South Street
On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the correspondence. Yea: Fay, Fenby, Fortin, Hughes, LaVenture and Russ. Nay: 0. Motion carried. 5-0.

10. Unfinished Business

- A. Working Group – No updates
B. Paper Street – No updates

11. Calendar Updates

- A. 547 Stow Road (Quinn Road) Chuck & Tim Black
Approved: February 26, 2024 Next Steps: - Lot S2, or \$228,000 cash deposit held for street acceptance
Current Status: - Roadway under construction
- B. 689 Pleasant Street (Jewell Road) William Limberopoulos
Approved: June 26, 2023 Next Steps: - (Lot 6 held for street acceptance)
Current Status: - Roadway construction complete, with Council for acceptance
- C. 0 Stevens Street (Tobin Road) Charles Bourque & Michael Carney
Approved: November 7, 2022, extension approved through December 2, 2027
Next Steps: - (Lot 4 held for street acceptance)
Current Status: - Roadway under construction
- D. 76 Broad Street (Pettes Road) Camila & Garrett Marino
Certificate of Vote Approved: February 8, 2021, Covenant Signed: July 14, 2023 **(OLD RULES AND REGS)**
Next Steps: - Preconstruction meeting
- E. Stratton Woods
Current Status: Waiting on developer to respond to correspondence

12. Public Notices of other Cities & Towns (None)

Mr. Hughes asked about the vacant Board seat. Mr. Fay explained he has reached out to City Councilors asking them to recommend people if they know someone who is interested in being on the Board and that they have a meeting with Mayor to talk about the Board's membership. Dr. Fenby stressed the need to find a new member who is willing to be on the Board for a minimum of 2 terms.

On a motion by Mr. Hughes, seconded by Mr. Russ, the Board voted to adjourn the meeting. Yea: Fay, Fenby, Fortin, Hughes, LaVenture and Russ. Nay: 0. Motion carried. 6-0.

Respectfully submitted,

/kml

George LaVenture/Clerk

HANCOCK ASSOCIATES

2-17-26

Mr. Sean Fay

Chair, Planning Board
City of Marlborough
135 Neil Street
Marlborough, MA 01752

Dear Mr. Fay and members of the Board,

On behalf of our client, Matthew Evangelous, and in support of the planned subdivision application for Map 82, Parcels 125A and B (Howe and Valley Street), Hancock Associates is pleased to submit the below response memo with to the comments contained in the Letter issued by the Board via letter dated February 10, 2026. Board comments will be shown with Hancock responses below in blue.

Planning Board Comment #1: *Demonstrate to the Board, to its satisfaction, that the applicant has the legal right to construct the proposed roadway. The Board specifically addressed concerns about staying within the right-of-way during construction.*

HSA Response #1: We respectfully refer to the July 26, 2018 opinion issued by Assistant City Solicitor Cynthia Panagore Griffin regarding the legal interests of Marlborough Hub, LLC in Map 82, Parcels 125A and 125B (the “paper street”) .

In that letter, the Legal Department expressly states:

“MH and the other paper street abutters possess easement rights to pass and repass over and along the entire width and length of the paper street, which includes the right to make it passable (by paving, for example). By deed, MH has the additional right to install utilities in the paper street, including electricity, sewer and drains...”

Based on this clear legal determination by the City’s Legal Department, it is our understanding that:

1. The applicant possesses easement rights over the entire width and length of the paper street;
2. Those rights expressly include the ability to make the way passable, including paving;
3. The applicant holds deeded rights to install utilities within the paper street; and
4. The City has formally acknowledged and affirmed these rights.

Accordingly, we believe the applicant has the legal authority to construct the proposed roadway improvements within the paper street, consistent with the rights outlined in the City Solicitor's opinion.

Planning Board Comment #2: *Provide the Board with an "allowed-by-right" plan showing exactly what the applicant is permitted to build by right.*

HSA Response #2: While we maintain the legal grandfathered status of the right-of-way, The design submitted herewith depicts a three-lot subdivision, with a duplex dwelling proposed on each lot. The proposed roadway is designed in full compliance with the current dimensional requirements of the Subdivision Regulations, including the applicable standard roadway cross section set forth in Appendix F.

All principal residential structures are located entirely outside of the Industrial-zoned portion of the property. The Industrial-zoned strip is proposed to remain passive in nature and will be utilized only for accessory structures or uses permitted as of right under the Zoning Ordinance, such as garages or sheds.

Planning Board Comment #3: *Demonstrate that all necessary easements and agreements with abutting property owners required for completion of the proposed development are in place.*

HSA Response #3: As the applicant possesses the legal right to access and improve the existing right-of-way, and as any required widening will occur entirely within land under the applicant's ownership, no additional easements or agreements with abutting property owners are necessary to complete the subdivision. The proposed improvements will expand the existing right-of-way to meet the dimensional requirements of the current zoning and subdivision regulations.

Planning Board Comment #4: Establish that the applicant has the legal right to utilize the land zoned Industrial for any portion of the subdivision without rezoning.

HSA Response #4: While the zoning regulations do not allow single family homes within the industrial zoned portion, the ordinance does allow accessory residential uses by right within industrial land, such as garages and sheds. It would not make any sense for the parcel with the allowed accessory use to be non-contiguous with the residential use it serves.

Planning Board Comment #5: *The Board emphasized that for all of the issues outlined herein, it is the applicant's responsibility through counsel to establish the applicant's legal rights. The Board will then refer the applicant's documentation to the City Solicitor.*

□ *The Board expressed concern regarding the suggestion of sub-surface stormwater management systems. The Board has typically not allowed these types of systems without a homeowner's association and significant reserves for maintenance.*

HSA Response #5: The proposed stormwater management system will utilize surface stormwater detention/infiltration basins located within a dedicated stormwater easement, as illustrated on the enclosed plan. No subsurface stormwater management systems are proposed.

Planning Board Comment #6: Provide written confirmation from the City of Marlborough Fire Chief, permitting the T-turn around.

HSA Response #6: The T-turnaround previously shown has been removed. The revised plan incorporates a fully compliant 100-foot diameter turnaround, consistent with the requirements of the Zoning Ordinance applicable to dead-end roadways.

Planning Board Comment #7: *The Board also referenced an issue discussed at the January 9, 2017, meeting as reflected in the minutes. As noted in the chronology document, the current developer is intending to utilize the "contemplated easement" as the roadway to access the proposed subdivision. Since the railway property (section zoned Industrial) was acquired by one of the developer's predecessors in title in the 1960s, decades after the appurtenant easement had been conveyed to provide access to Mary Howe Property, the legal problem is that the after-acquired railway property cannot legally be added to the dominant estate, which is the former Mary Howe property, at least not without consent of the owners of the properties abutting the other (west) side of the proposed subdivision road. Absent that consent, use of the easement to access the portion of the development parcel consisting of the after-acquired railway property would impermissibly "overload the easement." This issue will also need to be addressed by the applicant's counsel.*

HSA Response #7: Pursuant to the 1896 Plan of Land depicting the subject roadway, the right-of-way was originally contemplated to provide frontage to as many as twenty (20) parcels. With duplex dwellings permitted, this configuration could have resulted in up to forty (40) residential dwelling units accessing the right-of-way.

By contrast, the present proposal consists of only three (3) parcels containing a total of six (6) dwelling units. Accordingly, the proposed use represents a substantial reduction in intensity relative to what was originally contemplated under the recorded plan.

The Industrial-zoned portion of the property is not proposed for any principal residential use. That area is limited to accessory structures or uses permitted as of right within the district, such as garages or sheds, which are customary and incidental to residential development. No

independent principal use or additional traffic-generating use is proposed within that portion of the parcel.

The roadway is not merely a “contemplated easement.” It is a right-of-way shown on a plan recorded on April 21, 1896, which predates the enactment of the Subdivision Control Law (M.G.L. c. 41, §§ 81K–81GG) by several decades.

Under §81L, a lot is not considered part of a subdivision if it has frontage on:

- A public way; or
- A way shown on a plan recorded prior to the effective date of subdivision control in the municipality, provided such way is in existence and has sufficient width, suitable grades, and adequate construction to provide access.

Because this right-of-way was recorded well before subdivision control and carries grandfathered status, it meets the statutory definition of a qualifying “way” under the Subdivision Control Law. The Planning Board may not retroactively impose modern subdivision dimensional standards to invalidate frontage on a pre-existing way.

The only reason a portion of the proposed roadway lies within the Industrial zoning district is that the intersecting public way is located within that district, and the Board has required the applicant to meet current zoning dimensional width requirements at that intersection. The zoning boundary does not alter the historic legal status of the recorded right-of-way, nor does it convert the roadway into a newly created subdivision street subject to present-day dimensional expansion requirements.

The claim that the proposal would “overload” the easement is inconsistent with (1) the development intensity contemplated under the original 1896 plan—up to 20 parcels and 40 dwelling units—and (2) the substantially reduced intensity now proposed—6 dwelling units. Massachusetts courts evaluate overburdening based on whether the proposed use materially increases the burden beyond what was reasonably contemplated at the time of the grant. Here, the present proposal represents a significant reduction from the originally contemplated residential buildout.

Further, no separate industrial access is being created. The industrial-zoned portion remains accessory and incidental to the residential use of the dominant estate and does not constitute an expansion of the easement’s intended scope.

If the City were to deny subdivision or ANR endorsement solely on the basis that the historic 40-foot right-of-way does not meet a subsequently adopted 50-foot width requirement, and the way otherwise qualifies under §81L, such action would effectively deprive the parcel of its lawful development potential by retroactively applying modern dimensional standards to a grandfathered way.

In summary, we believe that it has been shown that the applicant possesses the legal right to access and utilize the parcels and the right-of-way as shown on the recorded plan, and that the proposed development can comply with the applicable dimensional requirements of the Subdivision Regulations.

We would be pleased to attend the February 23, 2026 meeting and look forward to discussing these matters further with the Board.

Thank you for your time and consideration.

Jacob T. Lemieux, PE,

Jacob T. Lemieux



City of Marlborough
Legal Department

140 MAIN STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
 LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
 CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
 ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
 PARALEGAL

July 26, 2018

Dr. Barbara Fenby, Chair, and
 Members of the Planning Board
 140 Main Street
 Marlborough, MA 01752

RE: Legal Interests of Marlborough Hub, LLC
 in Map 82, Parcel 125A and Map 82, Parcel 125B (Paper Street)

Dear Dr. Fenby and Members of the Planning Board:

You have asked the Legal Department to provide an opinion concerning legal matters attendant to Marlborough Hub, LLC's (hereinafter, "MH") proposed subdivision of land located off Valley Street and Howe Street. As you know, MH owns land identified as Assessors Map 82 Parcel 125, which land abuts a t-shaped paper street identified as Assessors Map 82 Parcels 125A and 125B.

In particular, we have determined that the fee interest is split down the middle of said paper street, with title thereto running to abutters on each side. MH owns the fee interest from its abutting property line to the centerline of the paper street. Likewise, the abutters opposite from MH own the fee from their property lines to the centerline of the paper street. Accordingly, along the length of the paper street, MH owns one-half and the other abutters own the other half.

Additionally, MH and the other paper street abutters possess easement rights to pass and repass over and along the entire width and length of the paper street, which includes the right to make it passable (by paving, for example). By deed, MH has the additional right to install utilities in the paper street, including electricity, sewer and drains, subject to the rights of other abutters to pass and repass. By § 5 of chapter 187 of the Massachusetts General Laws, however, all abutters (including MH) have rights to install utilities in the paper street subject to the rights of other abutters to pass and repass.

If you have any additional concerns, please let us know.

Very truly yours,


 Cynthia Panagore Griffin
 Assistant City Solicitor

Cc: Thomas DiPersio, City Engineer

PLAN OF LAND
IN
MARLBORO MASS.
OWNED BY THE
HOWE & STETSON HEIRS
SCALE 80 FEET TO AN INCH MARCH 24, 1894
SURVEYED AND DRAWN BY
HENRY MORSE

NOTE:

THIS PLAN HAS BEEN ALTERED OVER A PERIOD OF YEARS BY PARTIES UNKNOWN AND THEREFORE RESPONSIBILITY FOR ITS ACCURACY CANNOT BE ASSUMED BY THE REGISTRY OF DEEDS.

(ORIGINAL ON FILE)
(SCALE OF THIS PLAN 1 INCH = 150 FEET)



MIDDLESEX REGISTRY OF DEEDS, SO. DIST.
CAMBRIDGE, MASS.
COPY OF PLAN

Recorded APR. 21, 1896 at 10 h 15 m A M
In Plan Book 96 Plan 22

Attest

John F. Janyard

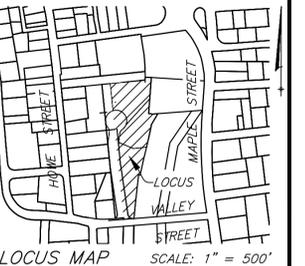
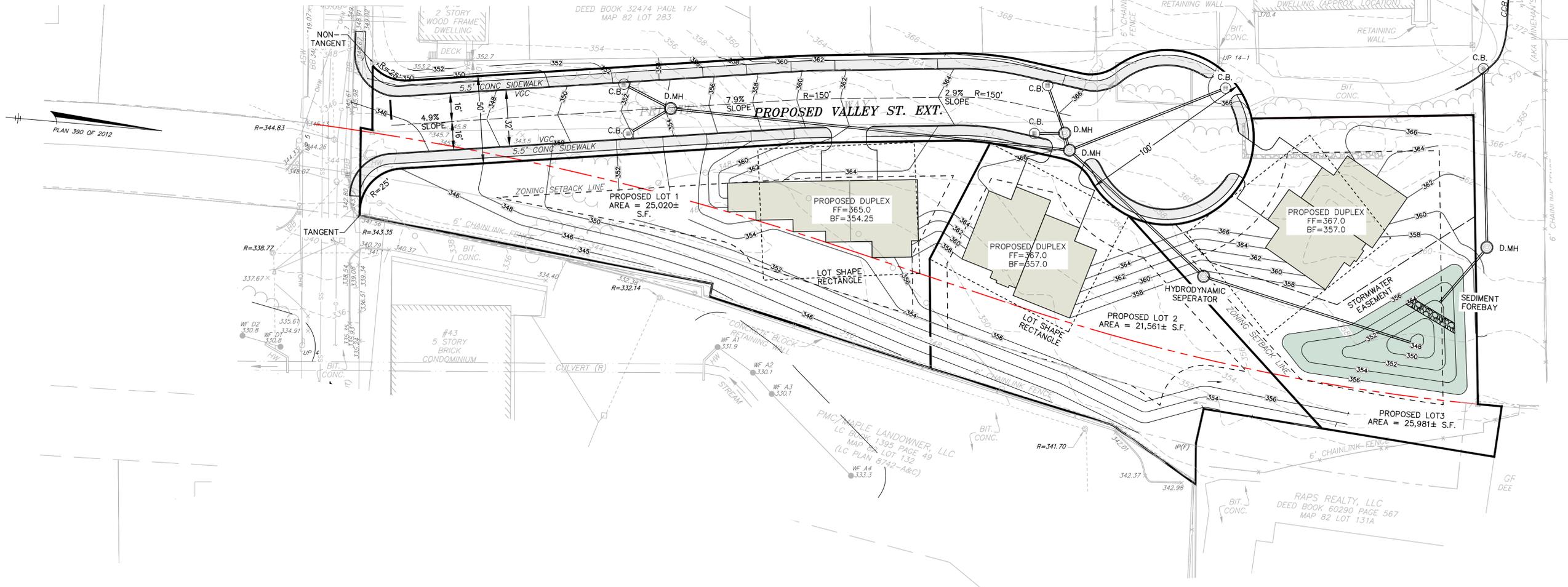
Register

DIMENSIONAL REQUIREMENTS	
ITEM	REQUIRED
MINIMUM LOT AREA	10,000 S.F.
MINIMUM FRONTAGE	90 FEET
MINIMUM FRONT YARD SETBACK	20 FEET
MINIMUM SIDE YARD SETBACK	10 FEET
MINIMUM REAR YARD SETBACK	25 FEET
MAXIMUM LOT COVERAGE	30%
MAXIMUM BUILDING HEIGHT	3 STORIES

ROADWAY REQUIREMENTS		
ITEM (BYLAW REFERENCE)	REQUIRED	PROPOSED
MINIMUM RIGHT OF WAY WIDTH	50 FEET	50 FEET
MINIMUM R.O.W. RADIUS	25 FEET	25 FEET
MAX. DEAD END LENGTH	500 FEET	489 FEET
MAX ROADWAY SLOPE	10%	8%
MIN. TURNAROUND DIAMETER	100 FEET	100 FEET
IF SLOPE > 5% WITHIN 150' OF INTERSECTION	SLOPE IS < 3% WITHIN FIRST 75' OF INTERSECTION	SLOPE < 5% WITHIN FIRST 150' OF INTERSECTION
MAXIMUM SLOPE WITHIN 75' OF TURNAROUND RADIUS	3%	2.9%
MINIMUM CENTERLINE CURVE RADIUS	150'	150'
MAXIMUM BUILDING HEIGHT	3 STORIES	

NOTE:

THE PURPOSE OF THIS PLAN IS TO SHOW A CONCEPTUAL SITE LAYOUT THAT FULLY COMPLIES WITH THE MARLBOROUGH MA SUBDIVISION REGULATIONS.



SITE ADDRESS:
VALLEY STREET EXT.
 Marlborough, Massachusetts 01752

PREPARED FOR:
MARLBOROUGH HUB, LLC.
 128 South Bolton St.
 Marlborough, MA 01752

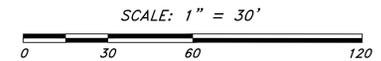
HANCOCK ASSOCIATES
 Civil Engineers
 Land Surveyors
 Environmental Consultants
 315 Elm Street, Marlborough, MA 01752
 Voice (508) 460-1111, Fax (508) 460-1121
 www.hancockassociates.com

NO.	BY	APP	DATE	ISSUE/REVISION DESCRIPTION

DATE: 2/13/26 DRAWN BY: JTL
 SCALE: 1" = 30' CHECK BY: JP

NO WAIVER CONCEPT PLAN OF LAND IN MARLBOROUGH, MASSACHUSETTS

PROJECT NO.: 19010



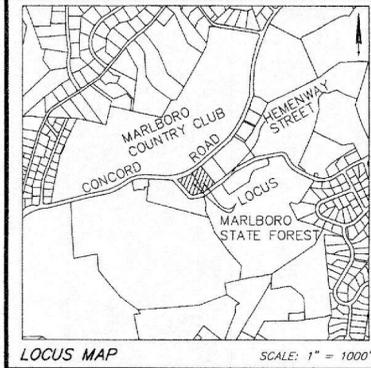
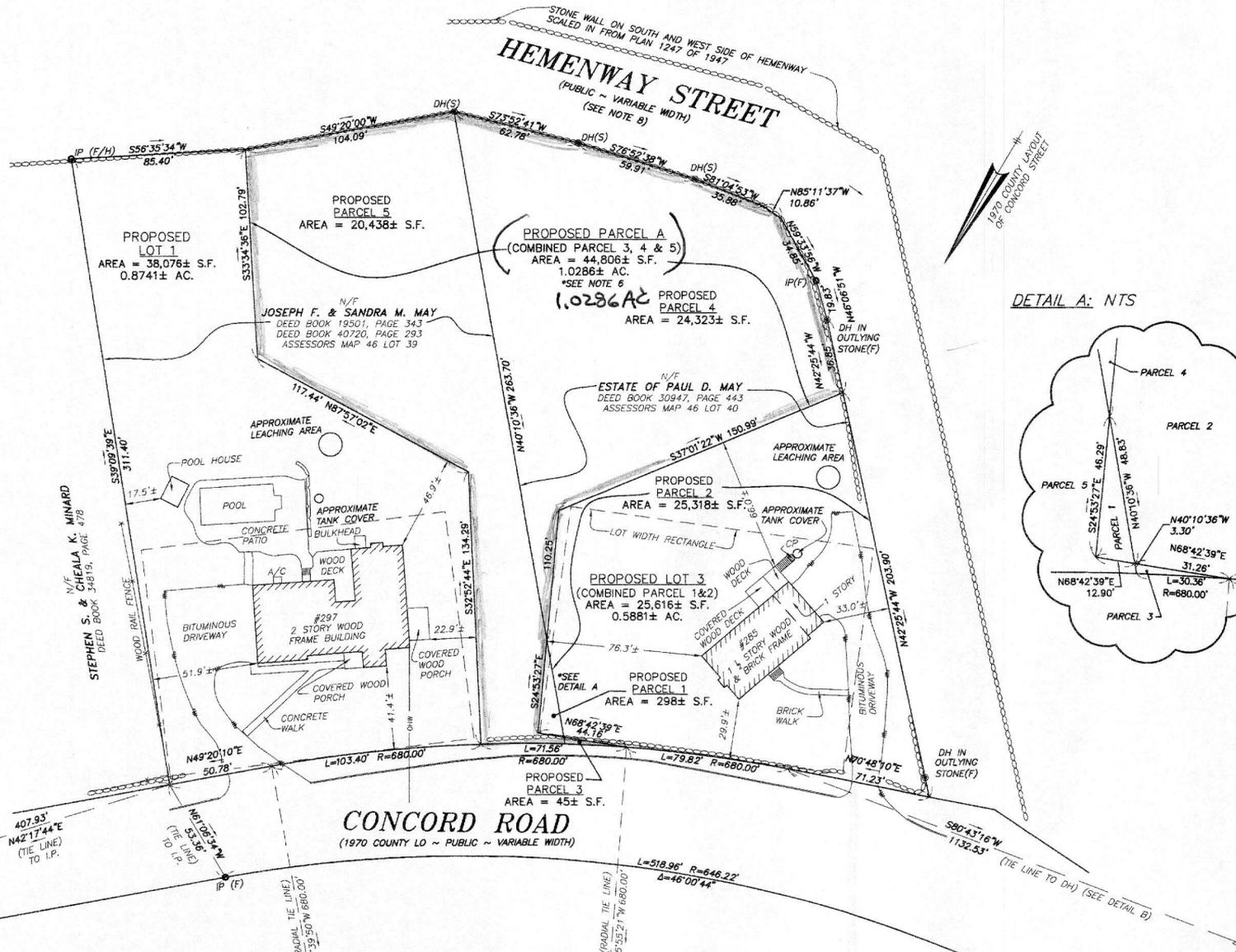
LEGEND

- RAIL FENCE
- STONE WALL
- EDGE OF PAVEMENT
- OVERHEAD WIRES
- DH DRILL HOLE
- DHSB DRILL HOLE IN STONE BOUND
- (F) FOUND
- ⊠ A/C AIR CONDITIONING UNIT
- IP IRON PIPE
- CP CONCRETE PAD
- NTS NOT TO SCALE
- (F/H) FOUND AND HELD

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.
MARLBOROUGH PLANNING BOARD

DATE: 7/21/21

NOTE: PLANNING BOARD ENDORSEMENT DOES NOT IMPLY CONFORMANCE WITH ZONING BYLAWS.



SITE ADDRESS
**#285 & 297
CONCORD ROAD**

Marlborough, MA 01752

HANCOCK ASSOCIATES

Civil Engineers
Land Surveyors
Environmental Consultants

315 Elm Street, Marlborough, MA 01752
Voice (508) 460-1111, Fax (508) 460-1121
www.hancockassociates.com

ASSESSORS:

MAP 46, LOT 40
MAP 46, LOT 39

ZONING:

RESIDENTIAL "A-1"

REFERENCES:

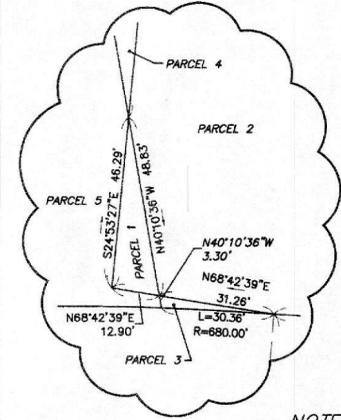
DEED BOOK 40720, PAGE 293
DEED BOOK 30947, PAGE 443
DEED BOOK 19501, PAGE 343
PLAN 1241 OF 1947
PLAN 389 OF 1958
PLAN 1679 OF 1988
1970 COUNTY ROAD LAYOUT

RECORD OWNER:

MAP 49, LOT 39
(LOT 1, PARCEL 1 AND PARCEL 5)
JOSEPH F. & SANDRA M. MAY
297 CONCORD ROAD
MARLBOROUGH, MA 01752

MAP 49, LOT 40
(PARCELS 2, 3 & 4)
ESTATE OF PAUL D. MAY
285 CONCORD ROAD
MARLBOROUGH, MA 01752

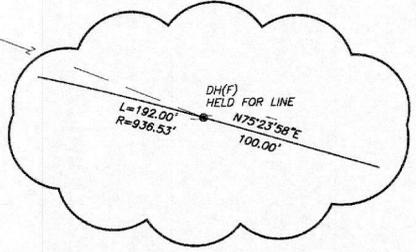
DETAIL A: NTS



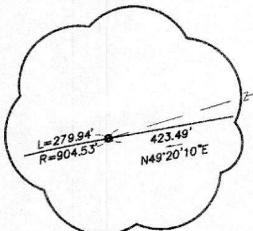
NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DIVIDE TWO LOTS SHOWN AS LOTS 39 AND 40 ON THE MARLBOROUGH ASSESSORS MAP 46 INTO THREE LOTS.
2. THIS PLAN IS BASED UPON A GROUND SURVEY CONDUCTED BY HANCOCK ASSOCIATES THROUGH 11/8/18.
3. PROPOSED LOT 3 CONSISTS OF PROPOSED PARCEL 1 AND PARCEL 2.
4. PROPOSED PARCEL A CONSISTS OF PROPOSED PARCEL 3, PARCEL 4, AND PARCEL 5.
5. OFFSETS TO BUILDINGS ARE TO CORNER BOARDS.
6. PARCEL A IS NOT CURRENTLY A BUILDABLE LOT.
7. PARCELS 1 THROUGH 5 ARE UNBUILDABLE PARCELS CREATED TO ALLOW CONVEYANCES THAT WILL MAKE PROPOSED LOTS 1 AND 3 "BUILDABLE" PARCELS.
8. HEMENWAY STREET IS NOT BUILT TO CURRENT STANDARDS.

DETAIL B:



DETAIL C:



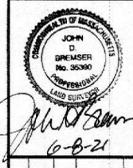
CITY OF MARLBOROUGH ZONING BY-LAW
ZONING DISTRICT: RESIDENCE "A-1"

	LOT AREA	LOT FRONTAGE	SIDE YARD*	FRONT YARD	REAR YARD	LOT COVERAGE
MINIMUM	22,500 S.F.	150'	20' **	30'	40'	
MAXIMUM						25%
LOT 1	38,076± S.F.	154'±	22.9'±	41.4'±	46.9'±	18.0% ±
PARCEL A	44,761± S.F.	71'± ***				
LOT 3	25,616± S.F.	151'±	33.0'±	29.9'±	66.0'±	17.7% ±

*- SIDEYARDS LISTED IN TABLE ARE TO THE NEW LOT LINES BEING CREATED ONLY
**- APPLIES TO ALL BUILDINGS ERECTED AFTER 1-27-1969; ALL OTHERS, 10'
***- THERE IS 365.05±' OF FRONTAGE ON HEMENWAY STREET
****- PARCEL A IS NOT CURRENTLY A BUILDABLE LOT

Middlesex Registry of Deeds
Southern District
Cambridge, Massachusetts
Plan No. 482 of 2021
Rec'd 6-30-21
at 11:06 AM A.M.

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.
DATE: 6-21-21
PROFESSIONAL LAND SURVEYOR

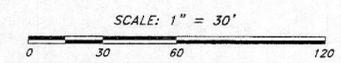


PLAN OF LAND IN MARLBOROUGH, MA

OWNED BY:
JOSEPH & SANDRA MAY
AND
PAUL D. MAY

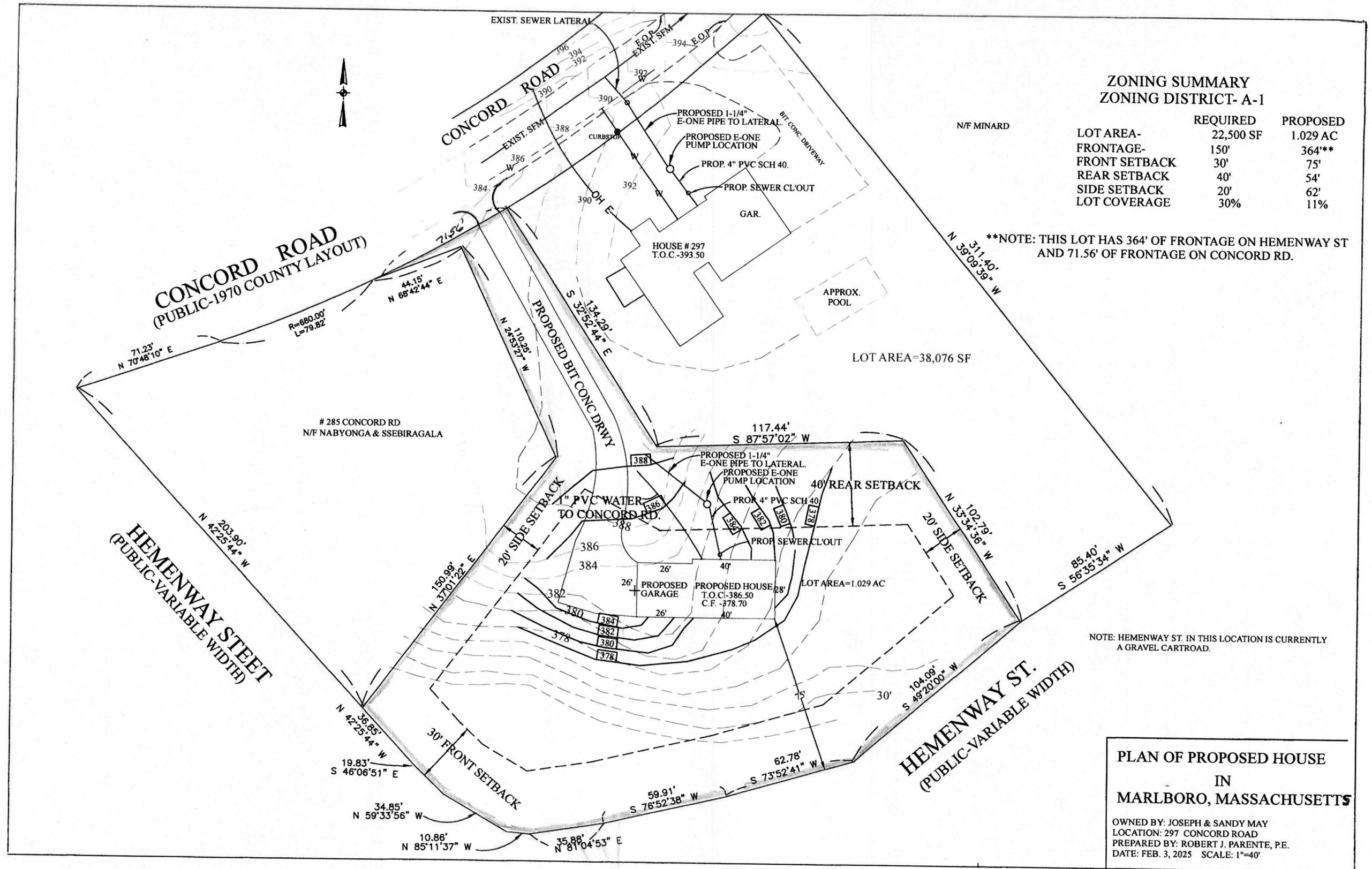
PREPARED FOR:
MR. JOSEPH MAY
297 CONCORD ROAD
MARLBOROUGH, MA 01752

DWG: 21315sv-3.dwg
LAYOUT: ANR (3)
SHEET: 1 OF 1
PROJECT NO.: 21315



482 of 2021

C-487





City of Marlborough
Department of Public Works

135 NEIL STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. 508-624-6910

THEODORE L. SCOTT P.E.
COMMISSIONER

CHRISTOPHER S. LAFRENIERE
ASST. COMMISSIONER, UTILITIES

JAMES E. DASCOLI
ASST. COMMISSIONER, OPERATIONS

THOMAS DIPERSIO, JR. P.E., P.L.S.
CITY ENGINEER

MARK J. DASCOLI
CAPITAL PROJECTS MANAGER

February 19, 2026

Marlborough Planning Board

RE: Bond Estimate
Quinn Road Subdivision (Off Stow Road)

Chair Fay and Board Members,

Pursuant to your request, this office has recalculated the amount of security that should remain held to assure the completion of the above referenced subdivision, considering construction work that has been completed to date. Attached for your reference is a summary of the construction items, their values, and which have been completed. Based upon this, we have determined that the bond in place securing the completion of the subdivision, which was reduced to \$151,000.00 on November 17, 2025, can now be reduced to \$142,000.00.

Please contact me with any questions.

Sincerely,

Thomas DiPersio, Jr., PE, PLS
City Engineer

**CITY OF MARLBOROUGH, MASSACHUSETTS
ESTIMATE FOR BONDING PURPOSES**

SUBDIVISION:									DATES	
547 STOW ROAD							BOND NO.		MassDOT Weighted Bid Prices (All Dist.):	
Kendall Homes							Reduction #5		INITIAL DATE OF BOND:	
									DATE :	
ITEM	DESCRIPTION	UNIT	TOTAL QTY.	UNIT COST	TOTAL COST	QTY. LAST EST.	QTY. THIS EST.	TOTAL COST TO DATE	% COMPLETE	
Earth Work										
	Clearing, grubbing	AC.	1.1	\$62,000.00	\$68,200.00	1.1	1.1	\$68,200.00	100.00%	
	Excavation	C.Y.	400	\$50.00	\$20,000.00	400	400	\$20,000.00	100.00%	
	Sub-base	C.Y.	150	\$80.00	\$12,000.00	150	150	\$12,000.00	100.00%	
	Ledge excavation	C.Y.	110	\$150.00	\$16,500.00	110	110	\$16,500.00	100.00%	
	Stone Wall at Entrance	C.Y.	6	\$1,470.00	\$8,820.00	3	6	\$8,820.00	100.00%	
	Construction Entrance	TON	19	\$69.00	\$1,311.00	19	19	\$1,311.00	100.00%	
	Erosion Control Barrier	L.F.	1150	\$12.00	\$13,800.00	1150	1150	\$13,800.00	100.00%	
Water										
1	Hydrants	EA.	1	\$10,000.00	\$10,000.00	1	1	\$10,000.00	100.00%	
2	Gates	EA.	1	\$5,000.00	\$5,000.00	1	1	\$5,000.00	100.00%	
3	3/4-in. Copper service (stub)	L.F.	152	\$150.00	\$22,800.00	152	152	\$22,800.00	100.00%	
4	Corporation and Curb Stop	EA.	5	\$1,550.00	\$7,750.00	5	5	\$7,750.00	100.00%	
5	8-in. CL52 DI main	L.F.	270	\$225.00	\$60,750.00	270	270	\$60,750.00	100.00%	
Sewer										
6	6 in. Service	L.F.	206	\$207.50	\$42,745.00	100	206	\$42,745.00	100.00%	
Drainage										
7	Catch basin	EA.	5	\$8,468.50	\$42,342.50	5	5	\$42,342.50	100.00%	
8	Drain manhole	EA.	4	\$8,612.50	\$34,450.00	4	4	\$34,450.00	100.00%	
10	12-in. RCP	L.F.	228	\$145.00	\$33,060.00	228	228	\$33,060.00	100.00%	
11	15-in. RCP	L.F.	264	\$137.50	\$36,300.00	264	264	\$36,300.00	100.00%	
12	15-in. RCP Flared end	EA.	1	\$1,585.00	\$1,585.00	1	1	\$1,585.00	100.00%	
13	Headwalls	C.Y.	1.5	\$1,500.00	\$2,250.00	1.5	1.5	\$2,250.00	100.00%	
14	Detention basins	C.Y.	750	\$135.00	\$101,250.00	750	750	\$101,250.00	100.00%	
15	Outlet Structure	EA.	1	\$9,412.50	\$9,412.50	1	1	\$9,412.50	100.00%	
16	Rip-Rap for Basin	C.Y.	15	\$85.00	\$1,275.00	15	15	\$1,275.00	100.00%	
17	Gravel Access Drive to Det. Basin	C.Y.	87	\$67.00	\$5,829.00	87	87	\$5,829.00	100.00%	
Roadway/Layout										
18	Gravel base (compacted)	C.Y.	430	\$70.00	\$30,100.00	430	430	\$30,100.00	100.00%	
19	Bit. Conc. Pavement	Ton	265	\$190.00	\$50,350.00	150	150	\$28,500.00	56.60%	
20	Granite curbing	L.F.	680	\$99.50	\$67,660.00	340	680	\$67,660.00	100.00%	
21	Sidewalk gravel (compacted)	C.Y.	90	\$70.00	\$6,300.00	0	45	\$3,150.00	50.00%	
22	Sidewalk pavement	Ton	65	\$220.75	\$14,348.75	0	0	\$0.00	0.00%	
23	Misc. clean up	L.S.	1	\$10,000.00	\$10,000.00	0.25	0.75	\$7,500.00	75.00%	
24	Granite (stone) bounds	E.A.	21	\$500.00	\$10,500.00	0	0	\$0.00	0.00%	
25	Roadside trees	E.A.	15	\$600.00	\$9,000.00	0	0	\$0.00	0.00%	
26	Street signs w/ breakaway posts	E.A.	1	\$500.00	\$500.00	0	1	\$500.00	100.00%	
27	Street lighting	E.A.	2	\$3,000.00	\$6,000.00	1.5	2	\$6,000.00	100.00%	
28	Elec/Tel/Cable	L.F.	300	\$75.00	\$22,500.00	300	300	\$22,500.00	100.00%	
29	As-built plans	E.A.	1	\$4,000.00	\$4,000.00	0	0	\$0.00	0.00%	
30	Acceptance plans	E.A.	1	\$4,000.00	\$4,000.00	0	0	\$0.00	0.00%	
TOTAL					\$792,688.75			\$723,340.00		

TOTAL COST TO COMPLETE SUBDIVISION: \$792,688.75
 TOTAL COST OF WORK COMPLETED TO DATE: \$723,340.00
 TOTAL COST OF WORK REMAINING: \$69,348.75
 10% RETAINAGE \$7,233.40
 \$141,682.75
TOTAL BOND FIGURE, THIS ESTIMATE: \$142,000.00

SUMMARY TABLE

BOND NO. **Reduction #5**

547 STOW ROAD

Kendall Homes \$142,000.00

BOND AMOUNT FOR: 19-Feb-26 \$142,000.00

RELEASE OF LOT(S)

The undersigned, representing the Planning Board of the City of Marlborough, Massachusetts, hereby certifies that adequate security in the form of a cash deposit has been provided to secure performance of the construction of ways and installation of municipal services required to serve certain lot(s), as designated below, in accordance with the Covenant dated July 10, 2023 and recorded in the Middlesex South District Registry of Deeds, Book 82006, Page 58, said lot(s) being shown on a plan entitled “Open Space Development Definitive Subdivision Plan – Beauchemin Estates – A Single Family Development in Marlborough, Massachusetts” dated February 6, 2023 and last revised on April 30, 2023, prepared by D.K. Engineering LLC, 59 Granite Lane, Chester, NH 03036 and Findeisen Survey & Design, LLC, Box 612, Sandown, NH 03873, recorded with said Registry of Deeds in Plan Book No. 524 of 2023, and that restrictions as to building and sale specified in said Covenant are hereby released as to the following enumerated lot(s):

Lot 6, as shown on said Plan, containing +/- 34,810 s.f.

Executed on this ___ day of _____, 2026.

By _____, Chair

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss. _____ 2026

Then personally appeared _____, Chairperson of the Planning Board and acknowledged before me that the foregoing instrument is a free act and deed of said Planning Board.

Notary Public:
My Commission Expires:

Katlyn LeBold

From: Katlyn LeBold
Sent: Tuesday, February 17, 2026 1:20 PM
To: Katlyn LeBold
Subject: FW: 689 Pleasant Street (Jewell Road) subdivision - bond release request

-----Original Message-----

From: William Limberopoulos <prolim2001@yahoo.com>
Sent: Tuesday, February 17, 2026 11:36 AM
To: Katlyn LeBold <klebold@marlborough-ma.gov>
Subject: 689 Pleasant Street (Jewell Road) subdivision - bond release request

Hi Katlyn,

I am writing to formally request the release of the performance bond-secured by cash deposit associated with the 689 Pleasant Street (Jewell Road) subdivision.

Thanks,
Bill Limberopoulos

Sent from my iPhone