

# CITY OF MARLBOROUGH MEETING POSTING

Meeting: Planning Board  
Date: December 6, 2021  
Time: 7:00 PM  
Location: Memorial Hall, 3<sup>rd</sup> Floor, City Hall, 140 Main Street, Marlborough, MA 01752

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2021 DEC -2 P 1:15

This meeting of the Planning Board will be held in Memorial Hall on Monday, December 6, 2021 at 7:00 PM.

## **PUBLIC ATTENDANCE IS PERMITTED.**

### Agenda Items to be Addressed:

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1. **Draft Meeting Minutes**
  - A. November 22, 2021
2. **Chair's Business (None)**
3. **Approval Not Required (None)**
4. **Public Hearings (None)**
5. **Subdivision Progress Reports**
  - A. Goodale Estates – ongoing discussion  
Correspondence from the City Engineer, Thomas DiPersio, Engineering Division
  - B. Commonwealth Heights Subdivision – ongoing discussion
6. **Preliminary/Open Space/Limited Development Subdivision (None)**
7. **Definitive Subdivision Submissions**
  - A. 342 Sudbury Street, Marlborough, MA 01752 – Definitive Subdivision Plan – ongoing discussion  
Owner of Land: The 342 Sudbury Street Trust  
Name of Engineer: Robert Parente  
Deeds Book: 77825 Page: 110  
Correspondence from the City Solicitor, Jason Grossfield, Legal Department  
342 Sudbury Street - By-Right Plan
8. **Signs (None)**
9. **Correspondence (None)**
10. **Unfinished Business (None)**
11. **Calendar Updates**
  - A. Vote on 342 Sudbury Street Definitive Subdivision Application – February 27, 2022
12. **Public Notices of other Cities & Towns (None)**

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

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

1A

**Call to Order**

**November 22, 2021**

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: Barbara Fenby, Phil Hodge, George LaVenture, Chris Russ, Matthew Elder and William Fowler. Sean Fay was not present at the meeting but was listening in remotely. Meeting support provided by City Engineer, Thomas DiPersio.

**1. Draft Meeting Minutes**

**A. November 8, 2021**

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the November 8, 2021 meeting minutes with minor typo corrections. Yea: Elder, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

**2. Chair's Business (None)**

**3. Approval Not Required (None)**

**4. Public Hearings (None)**

**5. Subdivision Progress Reports**

**A. Goodale Estates – ongoing discussion**

Mr. LaVenture read the November 17, 2021 correspondence from Kevin Gillis into the record.

Mr. LaVenture read the November 22, 2021 correspondence from Code Enforcement Officer, Pamela Wilderman into the record. – See attached.

Mr. Gillis provided an update, he explained the final coat of paving is finished, the trees have been installed, the as-built plans have been distributed and the monuments are in place. Mr. Gillis explained he is requesting the bonds be reduced to the 10% contingency warranty amount for the one-year period.

On a motion by Mr. LaVenture, seconded by Mr. Russ, the Board voted to accept and file the correspondence and to refer the bond reduction request to Engineering. Yea: Elder, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

Mr. Gillis and the City Engineer, Thomas DiPersio had a discussion regarding specifications on the one-year maintenance period and the street acceptance process.

**B. Commonwealth Heights Subdivision – no discussion**

**6. Preliminary/Open Space/Limited Development Subdivision (None)**

**7. Definitive Subdivision Submissions**

**A. 342 Sudbury Street, Marlborough, MA 01752 – Definitive Subdivision Plan – ongoing discussion**

Owner of Land: The 342 Sudbury Street Trust

Name of Engineer: Robert Parente

Deeds Book: 77825 Page: 110

Mr. LaVenture read the November 19, 2021 correspondence from John Garside, Board of Health into the record.

Mr. LaVenture read the November 22, 2021 correspondence from Priscilla Ryder, Conservation into the record.

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

Mr. LaVenture read the November 19, 2021 correspondence from City Engineer, Thomas DiPersio, Engineering Division into the record.

The Board decided to waive the reading of the three letters from abutters:

- John and Ann Bracket (45 Harper Circle) in opposition.
- Rose Marie Boniface (24 Harper Circle) in opposition.
- Christie Herlihy-Starr and William Starr (98 Prendiville Way) in favor.

Mr. LaVenture asked Mr. Vigeant and Mr. Parente if they have had the opportunity to review the September 13, 2021 revisions to the Subdivision Rules and Regulations and if the current plans submitted follow the new requirements.

Mr. Parente explained he believes the 342 Sudbury Street definitive subdivision was submitted under the old Subdivision Rules and Regulations.

Mr. LaVenture emphasized with several key points that the new rules and regulations were approved and adopted on September 13, 2021. At the November 8, 2021 Planning Board meeting the Board decided any definitive plan submitted since September 13, 2021 would be held under the new rules and regulations.

Mr. Vigeant asked if he could have a waiver of the arborist portion of the new rules and regulations explaining the forest is a pine forest vs a hardwood forest.

Mr. Russ addressed several concerns/questions:

- Existing conditions plan needs to show all the trees on the property.
  - o Asking, are there other trees you are planning to remove?
- Are you planning on doing any site work on lot 1?
  - o Mr. Vigeant explained lot 1 is staying the way it is.
- Are you planning on developing lot 2 yourself?
  - o Mr. Vigeant explained if everything goes as planned, yes.
- Are you clearing lot 2 other than the buffer zone?
  - o Mr. Parente explained they have to.
- Providing some natural vegetation such as oak trees and maple trees to the property line area for the abutters Mooers and Feddersohn.
- Does the Planning board allow the 18-foot-wide roadway with the berms or go to the proposed 20-foot?
  - o Mr. DiPersio explain the 18-foot width is adequate and coincides with keeping it minimal.
- The cul-de-sac system proximity to the 200-foot river front buffer.
  - o Mr. Parente explained he can move it closer to the cul-de-sac radius moving it further away from the river front.
- Existing conditions plan doesn't show the retaining wall on the right-of-way.

On a motion by Mr. Elder, second by Mr. LaVenture the Board voted to refer the 342 Sudbury Street definitive subdivision to legal for written guidance on which version of the rules and regulations the board can use. Yea: Elder, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

The Board had a discussion and requested Mr. Vigeant provide a by-right plan for the next meeting.

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

Mr. DiPersio explained he has reviewed the flooding information that was provided and is in the process of reviewing the original subdivision plans for the Carisbrooke homes.

Rose Marie Boniface (24 Harper Circle, Marlborough, MA 01752) and Gregory Garson (36 harper Circle, Marlborough, MA 01752) addressed concerns on the flooding issues.

Mr. DiPersio explained he doesn't think the 342 Sudbury Street development would make the flooding issue worse. The infiltration systems they have for the new pavement will not change anything regarding the runoff. The storm water system will catch the water and the soil will be able to infiltrate it. He explained it is Mr. Parente's design challenge to show that the development on the lot won't make the runoff more in volume or velocity, which the Engineering Division will review.

Mr. DiPersio addressed holding the 342 Sudbury Street subdivision to the new rules and regulations and requested the Board members to determine which aspects of the changes were most important for this subdivision.

Mr. Vigeant and the Board members had a discussion regarding a site visit.

On a motion by Mr. Elder, seconded by Mr. LaVenture, the board voted to accept and file all correspondence. Yea: Elder, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

**8. Signs (None)**

**9. Correspondence (None)**

**10. Unfinished Business (None)**

**11. Calendar Updates (None)**

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

On a motion by Mr. Fowler, seconded by Mr. Elder, the Board voted to adjourn the meeting. Yea: Elder, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0. Motion carried.

Respectfully submitted,

/kmm

George LaVenture/Clerk

*City of Marlborough*  
*Commonwealth of Massachusetts*



Pamela A. Wilderman (X30201)  
Ethan Lippitt (X 30200)  
Code Enforcement  
140 Main Street  
Marlborough, MA 01752  
Phone: (508) 460-3776 (x30201)  
Fax: (508) 460-3736  
Email: [pwilderman@marlborough-ma.gov](mailto:pwilderman@marlborough-ma.gov)  
[elippitt@marlborough-ma.gov](mailto:elippitt@marlborough-ma.gov)

November 22, 2021

Barbara L. Fenby, Chairperson  
Marlborough Planning Board  
135 Neil Street  
Marlborough, MA 01752

RE: Blight Inspection  
Goodale Estate Subdivision

Dear Chairperson Fenby and Members:

Please excuse the delay in getting this correspondence to you. I have inspected the above referenced subdivision as requested and find no concern under Chapter 485 of the City of Marlborough General Code, "Blight".

As always, please feel free to contact this office if you have any further questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pamela A. Wilderman".

Pamela A. Wilderman  
Code Enforcement Officer

Cc: File



*City of Marlborough*  
**Department of Public Works**

135 NEIL STREET  
 MARLBOROUGH, MASSACHUSETTS 01752  
 TEL. 508-624-6910  
 \*TDD 508-460-3610

SEAN M. DIVOLL, P.E.  
 COMMISSIONER

December 2, 2021

Marlborough Planning Board

RE: Goodale Estates Subdivision  
 Bond Reduction Request

Chair Fenby and Board Members,

Pursuant to the request from the Planning Board on November 22, 2021, the Engineering Division has reviewed the status of construction and the bond reduction request submitted by the applicant for the above-referenced subdivision.

As of this date, the construction work for the roadway has been completed and I am satisfied that the one-year maintenance period can begin. The As-Built Plans have been received and are mostly complete, with the exception of the detention basin. The Acceptance Plans have not yet been received. These items will remain in the retained bond. Also being retained is a portion of the Roadside Trees and Miscellaneous Cleanup items. The trees will be evaluated in the Spring, and any that do not survive the winter will need to be replaced. The site, including the catch basins, will be inspected in the spring for final cleanup. As part of the final cleanup will be cleanup and mulch at the abutter properties across Goodale Street which were impacted by the initial stone dust placement and by construction runoff issues.

Based on the cost of the work completed to date and the minor items remaining, security in the amount of \$84,000.00 should be retained during the maintenance period. Refer to the attached estimate breakdown for details.

Sincerely,

Thomas DiPersio, Jr., PE, PLS  
 City Engineer

copy: Sean Divoll, P.E. – DPW Commissioner  
 Applicant and representative



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

SUBDIVISION:								DATES	
GOODALE ESTATES								2019	
JENKS LANE								12/04/19	
								11/30/21	
ITEM	DESCRIPTION	UNIT	TOTAL QTY.	UNIT COST	TOTAL COST	QTY. LAST EST.	QTY. THIS EST.	TOTAL COST TO DATE	% COMPLETE
<b>Earth Work</b>									
	Clearing, grubbing	A.C.	0	\$15,000.00	\$0.00	0		COMPLETED	100.00%
	Excavation	C.Y.	0	\$25.00	\$0.00	0		COMPLETED	100.00%
	Sub-base	C.Y.	0	\$35.00	\$0.00	0		COMPLETED	100.00%
	Ledge excavation	C.Y.	0	\$50.00	\$0.00	0		COMPLETED	100.00%
<b>Water</b>									
1	Hydrants (incl. gate)	EA.	1	\$7,250.00	\$7,250.00	1	1	\$7,250.00	100.00%
2	Gates	EA.	1	\$2,300.00	\$2,300.00	1	1	\$2,300.00	100.00%
3	3/4-in. Copper service (complete)	L.F.	375	\$100.00	\$37,500.00	275	375	\$37,500.00	100.00%
4	Corporation and Curb Stop	EA.	7	\$1,200.00	\$8,400.00	7	7	\$8,400.00	100.00%
5	8-in. CL52 DI main	L.F.	490	\$120.00	\$58,800.00	490	490	\$58,800.00	100.00%
6	6-in. CL52 DI hydrant branch	L.F.	10	\$90.00	\$900.00	10	10	\$900.00	100.00%
<b>Sewer</b>									
7	6 In. Service (stub at property line)	L.F.	330	\$90.00	\$29,700.00	283	330	\$29,700.00	100.00%
8	8-in. PVC main	L.F.	460	\$100.00	\$46,000.00	460	460	\$46,000.00	100.00%
	8-in. CL52 DI main	L.F.	0	\$80.00	\$0.00			\$0.00	#DIV/0!
	10-in. CL52 DI main	L.F.	0	\$100.00	\$0.00			\$0.00	#DIV/0!
9	Sewer manhole	EA.	3	\$5,850.00	\$17,550.00	3	3	\$17,550.00	100.00%
	Sewer manhole - 5' inside dia.	EA.	0	\$5,000.00	\$0.00			\$0.00	#DIV/0!
	Force main - 2-in.	L.F.	0	\$50.00	\$0.00			\$0.00	#DIV/0!
			0						
<b>Drainage</b>									
10	Catch basin	EA.	4	\$5,350.00	\$21,400.00	4	4	\$21,400.00	100.00%
11	Drain manhole	EA.	2	\$5,350.00	\$10,700.00	2	2	\$10,700.00	100.00%
	Drain manhole - 5' inside dia.	EA.	0	\$5,000.00	\$0.00			\$0.00	#DIV/0!
12	Drop inlet	EA.	1	\$3,200.00	\$3,200.00	1	1	\$3,200.00	100.00%
	Gutter inlet	EA.	0	\$1,500.00	\$0.00			\$0.00	#DIV/0!
	Box culvert	L.F.	0	\$250.00	\$0.00			\$0.00	#DIV/0!
	8-in. D.I.	L.F.	0	\$100.00	\$0.00			\$0.00	#DIV/0!
13	12-in. RCP	L.F.	61	\$100.00	\$6,100.00	61	61	\$6,100.00	100.00%
	12-in. RCP Flared end	EA.	0	\$750.00	\$0.00			\$0.00	#DIV/0!
14	15-in. RCP	L.F.	174	\$110.00	\$19,140.00	174	174	\$19,140.00	100.00%
15	15-in. RCP Flared end	EA.	1	\$1,200.00	\$1,200.00	1	1	\$1,200.00	100.00%
16	18-in. RCP	L.F.	40	\$115.00	\$4,600.00	40	40	\$4,600.00	100.00%
	18-in. RCP Flared end	EA.	0	\$900.00	\$0.00			\$0.00	#DIV/0!
	21-in. RCP	L.F.	0	\$100.00	\$0.00			\$0.00	#DIV/0!
	21-in. RCP Flared end	EA.	0	\$950.00	\$0.00			\$0.00	#DIV/0!
	24-in. RCP	L.F.	0	\$140.00	\$0.00			\$0.00	#DIV/0!
	24-in. RCP Flared end	EA.	0	\$1,000.00	\$0.00			\$0.00	#DIV/0!
	30-in. RCP	L.F.	0	\$150.00	\$0.00			\$0.00	#DIV/0!
	30-in. RCP Flared end	EA.	0	\$1,200.00	\$0.00			\$0.00	#DIV/0!
	36-in. RCP	L.F.	0	\$175.00	\$0.00			\$0.00	#DIV/0!
	36-in. RCP Flared end	EA.	0	\$1,700.00	\$0.00			\$0.00	#DIV/0!
17	Headwalls	C.Y.	11	\$700.00	\$7,700.00	11	11	\$7,700.00	100.00%
18	Detention basins	C.Y.	2250	\$40.00	\$90,000.00	2000	2250	\$90,000.00	100.00%
	Water Quality Structure	EA.	0	\$3,500.00	\$0.00			\$0.00	#DIV/0!
	Outlet Control structure	L.S.	0	\$2,500.00	\$0.00			\$0.00	#DIV/0!
19	Rip-Rap	C.Y.	110	\$75.00	\$8,250.00	110	110	\$8,250.00	100.00%
	8-in. Under Drain	L.F.	0	\$35.00	\$0.00			\$0.00	#DIV/0!
	12-in. Under Drain	L.F.	0	\$40.00	\$0.00			\$0.00	#DIV/0!
20	Black Vinyl Clad Fence, Post & Gate	L.F.	540	\$60.00	\$32,400.00	0	540	\$32,400.00	100.00%
<b>Roadway/Layout</b>									
21	Gravel base	C.Y.	650	\$45.00	\$29,250.00	650	650	\$29,250.00	100.00%
22	Bit. Conc. Pavement	Ton	470	\$130.00	\$61,100.00	293.75	470	\$61,100.00	100.00%
23	Granite curbing	L.F.	950	\$60.00	\$57,000.00	950	950	\$57,000.00	100.00%
	Bit. Conc. berm	L.F.	0	\$6.00	\$0.00			\$0.00	#DIV/0!
24	Sidewalk gravel	C.Y.	10	\$45.00	\$450.00	0	10	\$450.00	100.00%
25	Sidewalk pavement	Ton	70	\$175.00	\$12,250.00	0	70	\$12,250.00	100.00%
26	Misc. clean up	L.S.	1	\$10,000.00	\$10,000.00	0	0.5	\$5,000.00	50.00%
27	Adj. Structures	EA.	9	\$350.00	\$3,150.00	0		\$0.00	0.00%
28	Granite (stone) bounds	EA.	8	\$600.00	\$4,800.00	0		\$0.00	0.00%
	Guardrail	L.F.	0	\$25.00	\$0.00			\$0.00	#DIV/0!
29	Roadside trees	EA.	28	\$500.00	\$14,000.00	0	28	\$14,000.00	100.00%
30	Street signs w/ breakaway posts	EA.	1	\$150.00	\$150.00	0	1	\$150.00	100.00%
31	Street lighting	EA.	1	\$3,000.00	\$3,000.00	1	1	\$3,000.00	100.00%
32	Elec/Tel/Cable	L.F.	760	\$50.00	\$38,000.00	760	760	\$38,000.00	100.00%
33	Gas	L.F.	475	\$45.00	\$21,375.00	0	475	\$21,375.00	100.00%
34	As-built plans	EA.	1	\$2,500.00	\$2,500.00	0	0.5	\$1,250.00	50.00%
35	Acceptance plans	EA.	1	\$2,500.00	\$2,500.00	0		\$0.00	0.00%
36	Field stone masonry wall	C.Y.	20	\$600.00	\$12,000.00	20	20	\$12,000.00	100.00%
<b>TOTAL</b>					<b>\$684,615.00</b>			<b>\$667,915.00</b>	

SUBDIVISION:								DATES	
GOODALE ESTATES								2019	
JENKS LANE								12/04/19	
								11/30/21	

TOTAL COST TO COMPLETE SUBDIVISION:	\$684,615.00
TOTAL COST OF WORK COMPLETED TO DATE:	\$667,915.00
TOTAL COST OF WORK REMAINING:	\$16,700.00
10% RETAINAGE	\$66,791.50
<b>TOTAL BOND FIGURE, THIS ESTIMATE:</b>	<b>\$84,000.00</b>

**Katlyn Miller**

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**From:** Jason Grossfield  
**Sent:** Thursday, December 2, 2021 10:13 AM  
**To:** Katlyn Miller  
**Cc:** Thomas DiPersio  
**Subject:** Question re: Amendments to Subdivision Regulations  
**Attachments:** 81Q Planning board adoption of rules and regulations.pdf

Dear Honorable Planning Board Members: You requested a legal opinion as to when amendments to the board's subdivision regulations apply to subdivision plans. In my opinion, amendments take effect when adopted by vote of the Planning Board unless the adoption vote sets a future effective date. As to any particular plan, the regulations in effect at time of a plan submittal (dependent on if there is a preliminary or definitive plan) govern a plan as set forth in more detail below from MGL c. 41, s. 81Q.

As you know, the board may vote to amend its subdivision regulations, after a public hearing in accordance with MGL c. 41, s. 81Q. "Until July 1, 1992, the effective date of the rules and regulations or an amendment thereof was the date when a copy of the rules and regulations of the amendment had been "transmitted" to the register of deeds and the recorder of the Land Court, and the regulations recorded with the land records were the currently effective regulations. After July 1, 1992, it appears that rules and regulations and amendments thereto are effective when adopted, not when ""transmitted." MCLE, Mass. Zoning Manual, Subdivision Control Law (2021).

Definitive Plan. Section 81Q provides that when "a definitive plan has been submitted to a planning board, and written notice has been given to the city or town clerk pursuant to section eighty-one T and until final action has been taken thereon by the planning board or the time for such action prescribed by section eighty-one U has elapsed, the rules and regulations governing such plan shall be those in effect relative to subdivision control at the time of the submission of such plan." (emphasis added).

Preliminary Plan/Definitive Plan. In the case where "a preliminary plan referred to in section eighty-one S has been submitted to a planning board, and written notice of the submission of such plan has been given to the city or town clerk, such preliminary plan and the definitive plan evolved therefrom shall be governed by the rules and regulations relative to subdivision control in effect at the time of the submission of the preliminary plan, provided that the definitive plan is duly submitted within seven months from the date on which the preliminary plan was submitted." Id. (emphasis added).

A complete copy of section 81Q is attached for your information. Please let me know if you have any questions.


Thank you,  
 -Jason

Jason D. Grossfield  
 City Solicitor



City of Marlborough  
City Hall, 4th Floor  
140 Main Street  
Marlborough, MA 01752  
T: (508) 460-3771  
F: (508) 460-3698  
[jgrossfield@marlborough-ma.gov](mailto:jgrossfield@marlborough-ma.gov)

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 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

Massachusetts General Laws Annotated  
Part I. Administration of the Government (Ch. 1-182)  
Title VII. Cities, Towns and Districts (Ch. 39-49a)  
Chapter 41. Officers and Employees of Cities, Towns and Districts (Refs & Annos)

M.G.L.A. 41 § 81Q

§ 81Q. Planning board; adoption of rules and regulations

Currentness

After a public hearing, notice of the time and place of which, and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing or if there is no such newspaper in such city or town then by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of such hearing, a planning board shall adopt, and, in the same manner, may, from time to time, amend, reasonable rules and regulations relative to subdivision control not inconsistent with the subdivision control law or with any other provisions of a statute or of any valid ordinance or by-law of the city or town. Such rules and regulations may prescribe the size, form, contents, style and number of copies of plans and the procedure for the submission and approval thereof, and shall be such as to enable the person submitting the plan to comply with the requirements of the register of deeds for the recording of the same, and to assure the board of a copy for its files; and shall set forth the requirements of the board with respect to the location, construction, width and grades of the proposed ways shown on a plan and the installation of municipal services therein, which requirements shall be established in such manner as to carry out the purposes of the subdivision control law as set forth in [section eighty-one M](#). Such rules and regulations shall not require referral of a subdivision plan to any other board or person prior to its submission to the planning board. In establishing such requirements regarding ways, due regard shall be paid to the prospective character of different subdivisions, whether open residence, dense residence, business or industrial, and the prospective amount of travel upon the various ways therein, and to adjustment of the requirements accordingly; provided, however, that in no case shall a city or town establish rules or regulations regarding the laying out, construction, alteration, or maintenance of ways within a particular subdivision which exceed the standards and criteria commonly applied by that city or town to the laying out, construction, alteration, or maintenance of its publicly financed ways located in similarly zoned districts within such city or town. Such rules and regulations may set forth a requirement that a turnaround be provided at the end of the approved portion of a way which does not connect with another way. Any easement in any turnaround shown on a plan approved under the subdivision control law which arises after January first, nineteen hundred and sixty, other than an easement appurtenant to a lot abutting the turnaround, shall terminate upon the approval and recording of a plan showing extension of said way, except in such portion of said turnaround as is included in said extension, and the recording of a certificate by the planning board of the construction of such extension. Such rules and regulations may set forth a requirement that underground distribution systems be provided for any and all utility services, including electrical and telephone services, as may be specified in such rules and regulations, and may set forth a requirement that poles and any associated overhead structures, of a design approved by the planning board, be provided for use for police and fire alarm boxes and any similar municipal equipment and for use for street lighting. The rules and regulations may encourage the use of solar energy systems and protect to the extent feasible the access to direct sunlight of solar energy systems. Such rules and regulations may include standards for the orientation of new streets, lots and buildings; building set back requirements from property lines; limitations on the type, height and placement, of vegetation; and restrictive covenants protecting solar access not inconsistent with existing local ordinances or by-laws. Except in so far as it may require compliance with the requirements of existing zoning ordinances or by-laws, no rule or regulation shall relate to

the size, shape, width, frontage or use of lots within a subdivision, or to the buildings which may be constructed thereon, or shall be inconsistent with the regulations and requirements of any other municipal board acting within its jurisdiction. No rule or regulation shall require, and no planning board shall impose, as a condition for the approval of a plan of a subdivision, that any of the land within said subdivision be dedicated to the public use, or conveyed or released to the commonwealth or to the county, city or town in which the subdivision is located, for use as a public way, public park or playground, or for any other public purpose, without just compensation to the owner thereof. The rules and regulations may, however, provide that not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision, or elsewhere in the city or town, without the consent of the planning board, and that such consent may be conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision. A true copy of the rules and regulations, with their most recent amendments, shall be kept on file available for inspection in the office of the planning board of the city or town by which they were adopted, and in the office of the clerk of such city or town. A copy certified by such clerk of any such rules and regulations, or any amendment thereof, adopted after the first day of January, nineteen hundred and fifty-four shall be transmitted forthwith by such planning board to the register of deeds and recorder of the land court. Once a definitive plan has been submitted to a planning board, and written notice has been given to the city or town clerk pursuant to [section eighty-one T](#) and until final action has been taken thereon by the planning board or the time for such action prescribed by [section eighty-one U](#) has elapsed, the rules and regulations governing such plan shall be those in effect relative to subdivision control at the time of the submission of such plan. When a preliminary plan referred to in [section eighty-one S](#) has been submitted to a planning board, and written notice of the submission of such plan has been given to the city or town clerk, such preliminary plan and the definitive plan evolved therefrom shall be governed by the rules and regulations relative to subdivision control in effect at the time of the submission of the preliminary plan, provided that the definitive plan is duly submitted within seven months from the date on which the preliminary plan was submitted.

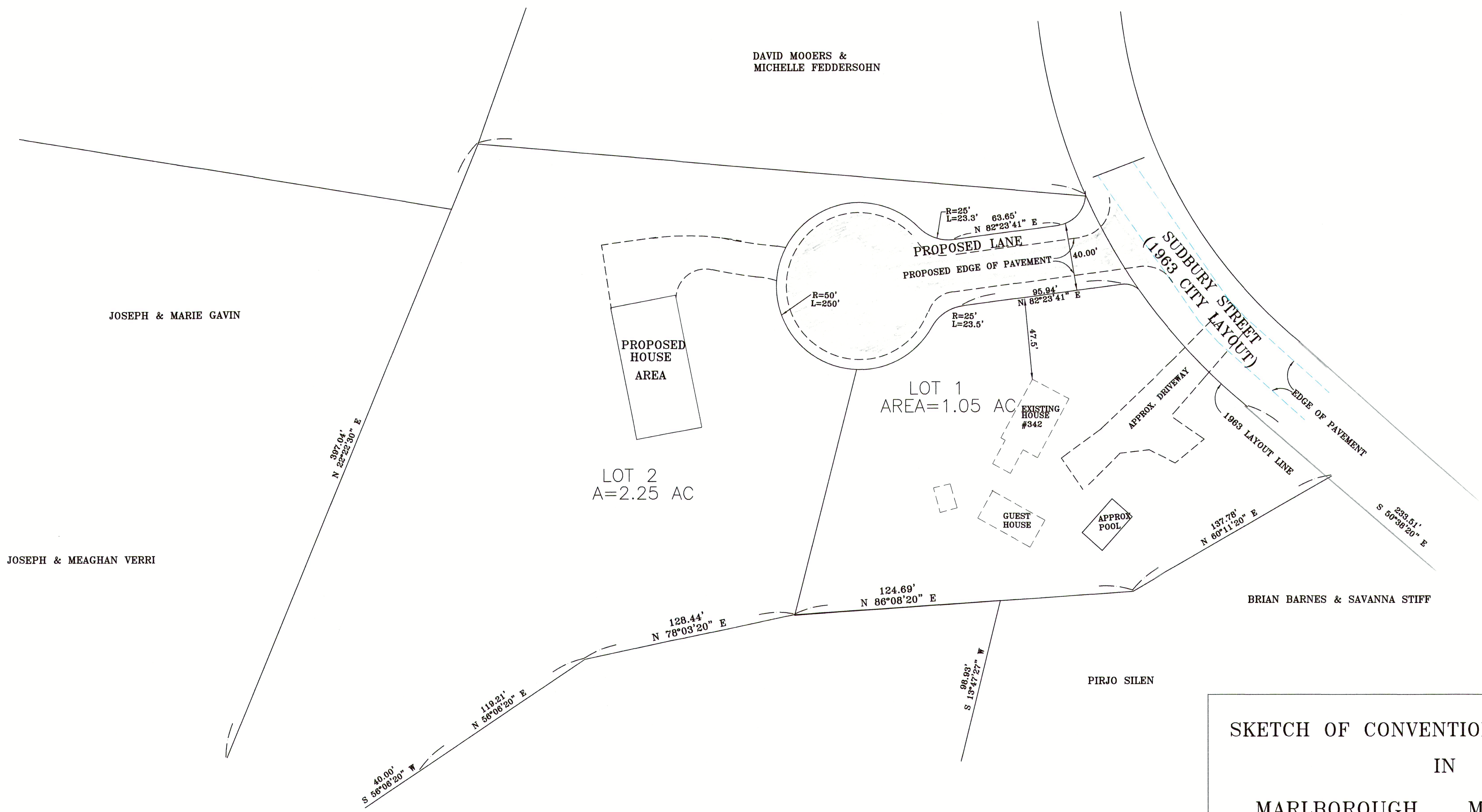
#### Credits

Added by St.1953, c. 674, § 7. Amended by St.1955, c. 370; St.1956, c. 307; St.1957, c. 139; St.1958, c. 206, § 3; St.1959, c. 410; St.1960, c. 196; St.1960, c. 417; St.1965, c. 64; St.1969, c. 884, § 3; St.1981, c. 459; St.1985, c. 637, § 9; [St.1992, c. 133, § 372](#); [St.1996, c. 450, § 98](#).

#### [Notes of Decisions \(73\)](#)

M.G.L.A. 41 § 81Q, MA ST 41 § 81Q

Current through Chapter 81 of the 2021 1st Annual Session.



SKETCH OF CONVENTIONAL ROAD WIDTH  
IN  
MARLBOROUGH, MASSACHUSETTS

LOCATION: 342 SUDBURY ST.  
OWNED BY: 342 SUDBURY ST TRUST  
PREPARED BY: ROBERT PARENTE, P.E.  
21 CHAPIN ST., NORTHBORO, MA. 01532  
DATE: SEPT.8 2021 SCALE: 1"=40'