

CITY OF MARLBOROUGH MEETING POSTING

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CITY OF MARLBOROUGH

Meeting: **Planning Board**
Date: February 26, 2024
Time: **7:00 PM**
Location: Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough, MA 01752

2024 FEB 22 PM 2: 26

This meeting of the Planning Board will be held in Memorial Hall on Monday, February 26, 2024, at 7:00 PM.

PUBLIC ATTENDANCE IS PERMITTED

Agenda Items to be Addressed:

Draft Meeting Minutes

A. February 12, 2024

2. Chair's Business (None)

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

- A. 76 Broad Street
- B. 0 Stevens Street (Tobin Road)
- C. 689 Pleasant Street (Jewel Road)
- D. Farooq Ansari – Water's Edge & Sterling Woods – No new information, research on going, pending update

6. Preliminary/Open Space/Limited Development Subdivision

A. Open Space Definitive Subdivision Application, Stow Road, Map and Parcels 8-164, 8-163, and 20-150A

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)

Name of Owner: McCabe Family Irrevocable Trust & Judith McCabe
(6 Erie Drive, Hudson, MA 01749)

Name of Surveyor: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

- i. Flowchart
- ii. Final Covenant
- iii. Final Certificate of Vote
- iv. Correspondence from Scott Adamson, Coldwell Banker Realty – Broker Price Opinion
- v. Plan Set Revised: January 12, 2024 (PDF File ONLY)

B. Informal discussion for potential Limited Development Subdivision on Brigham St – Concept plan

- i. §650-30 Limited Development Subdivisions

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

- A. Working Group – no updates

11. Calendar Updates (None)

12. Public Notices of other Cities & Towns

- A. Town of Southborough

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

February 13, 2024

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, James Fortin, Dillon LaForce, and Chris Russ. Meeting support provided by City Engineer, Thomas DiPersio. Members Absent: Patrick Hughes and George LaVenture.

1. Draft Meeting Minutes

A. January 22, 2024

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the January 22, 2024, meeting minutes. Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

2. Chair's Business (None)

Mr. Fay congratulated Mr. Russ and Dr. Fenby on their nominations for reappointment.

Mr. LaForce agreed to act as Clerk for the meeting.

3. Approval Not Required (None)

4. Public Hearings (None)

5. Subdivision Progress Reports

A. 342 Sudbury Street

Mr. LaForce read the January 19, 2024, 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, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

Mr. DiPersio updated the Board and explained the Engineering Division is in the process of reviewing the as-built plan and believes it is in pretty good shape. He reminded the Board that they are still holding money for the final paving and cleanup, which he anticipates will be completed in the Spring and that this subdivision will not petition for City acceptance and that it will remain private. The Board agreed the members should swing by to review the site.

B. 689 Pleasant Street (Jewel Road)

Mr. LaForce read the February 7, 2024, 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, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

Mr. DiPersio explained this update is from the developer that bought the project, they started work and have done some clearing, but the site is muddy. He met with the contractor, the owner and abutter next door that had concerns throughout the approval process. He explained he would work with the developer on getting updates for the Board that are easier to follow.

C. Correspondence from Farooq Ansari RE

- Waters Edge – Beauregard Circle, Worster Drive, Gaucher Circle, Perolman Drive
- Sterling Woods – Brazeau Circle, Peltier Street, Wyman Lane

Mr. LaForce read the January 29, 2024, correspondence into the record.

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

Mr. Fay and Mr. DiPersio discussed how it is the developer's responsibility to be diligent on getting the roadway accepted and that there is a lot of paper and referrals that go back and forth. Mr. DiPersio explained with these two subdivisions in particular, there is a long history of periodic correspondences. He explained with the referral to Engineering he would go through and try to summarize what was done and when and then to decide on whether or not to proceed with the acceptance process after the fact.

Mr. Fay explained he did a site visit at the Water's Edge subdivision and that it is still in pretty good shape and that the trails are maintained. He explained he remembers the Sterling Wood's subdivision having some issues and that he hadn't been out there in a long time.

The subdivisions consist of the following streets:

Water's Edge – Perolman Drive, Worster Drive, Beauregard Circle, Gaucher Circle
Sterling's Woods – Wyman Lane, Peltier Street, Brazeau Circle

Mr. Fay found that the Board sent a letter to City Council in 2016 recommending the street acceptance for Water's Edge, based on the previous City Solicitor's and previous City Engineer's recommendation. He explained he is not sure what happened after that, but that the Board did ask for proof of payment and taxes.

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to send the Water's Edge and Sterling's Woods subdivision to the Engineering division for review, to provide a status update on the acceptance process. Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

Mr. Fay suggesting checking to see if Farooq Ansari has any other subdivisions that are being held up.

6. Preliminary/Open Space/Limited Development Subdivision

A. Open Space Definitive Subdivision Application, Stow Road, Map and Parcels 8-164, 8-163, and 20-150A

Name of Applicant: Kendall Homes, Inc. (P.O. Box 766, Southborough, MA 01772)

Name of Owner: McCabe Family Irrevocable Trust & Judith McCabe
(6 Erie Drive, Hudson, MA 01749)

Name of Surveyor: Connorstone Engineering, Inc. (10 Southwest Cutoff, Northborough, MA 01532)

i. Flowchart

ii. Correspondence from Assistant City Solicitor, Jeremy McManus

Mr. LaForce read the February 8, 2024, correspondence into the record.

iii. Draft Covenant

iv. Draft Certificate of Vote

v. Engineering Review - Correspondence from City Engineering, Thomas DiPersio Jr.

Mr. LaForce read the February 6, 2024, correspondence into the record.

vi. Plan Set

Revised: January 12, 2024

On a motion by Dr. Fenby, seconded by Mr. Russ, the Board voted to accept and file the correspondence under item 6.A. Yea: Fay, Fenby, Fortin, LaVenture, and Russ. Nay: 0. Motion carried. 5-0.

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Mr. Fay confirmed everyone would attend the February 26, 2024, meeting and that the Stow Road extension is through February 26, 2024.

Daniel Burger (Connolly Burger, P.C.) confirmed he had no objection on pushing the Board's vote to the February 26th meeting when the full Board would be in attendance.

Mr. Fay and Mr. Burger discussed how the Board would determine the value of the lot. Mr. Burger suggested providing BPO broker's price opinion from Scott Adams. Mr. Burger explained Mr. Adams would collect values from similar lots and say I've been a realtor for X amount of year, here are my qualifications and this is my estimated value of the lot. The Board agreed this was a good option.

The Board confirmed they all reviewed the certificate of vote and covenant and that they had no questions.

Mr. DiPersio went over the last revisions on the plan, which were as follows:

- Finalization to the vegetated island
- Note added stating, before the vegetated island is constructed, a panted plan will be provided
 - o This plan will be reviewed by the City Engineer and the Conservation Officer
 - o This note was added to the plan and the covenant

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group – Porous pavement memo from City Engineer, Thomas DiPersio Jr.

Mr. DiPersio summarized his memo and explained at the request of the Board the Working Group has been in research mode investigating porous pavement and the ability to require or suggest that it be used in some capacity as part of future projects. He explained there is not a lot of local examples of it being used in roadways, but that there are a handful of pilot projects that are summarized in the memo. Bottom line is, if all the conditions of the site are "perfect" it potentially could be used in some areas. He explained the Working Group would likely have a final opinion at the February 26, 2024, after the Working Group has had time to review the memo.

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

Mr. Fortin addressed concerns on maintenance costs and who would be responsible.

Mr. Fay asked if the City has a "vacuum" vehicle to clear the salt from the roadway? Mr. DiPersio explained the City has street sweepers and that he suspect the sites in other Cities/towns are likely not vacuumed regularly and that they are likely cleaned with sweepers and leaf blowers.

Mr. Russ addressed concerns on future utility maintenance and putting the layers back correctly so that the porous pavement is working property. He argued the goal of using porous pavement would be to reduce our retention basins on sites but has concerns that no one wants to take on the liability of the maintenance.

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The Board concluded to implement the porous pavement on site, the site would need to be a flat lot with sandy soil that doesn't have a high-water table.

Mr. Fay asked if this would also require alterations in drainage. Mr. DiPersio explained he would be cautious about the drainage requirements and that there should be a plan in place for when the porous pavement infiltration starts to fail. Whether it be country drainage or curbs and gutters like we have now, but in some reduced amount.

The Board discussed the use of the porous pavement for sidewalks and or driveways and how this likely would only be beneficial for larger lot subdivisions.

The Board discussed drainage outfall and how DEP doesn't allow porous asphalt in aquifer areas.

The Board discussed situations where the porous pavement has been implemented and the difficulties these locations pose with site conditions, maintenance costs/responsibility and drainage and where the use would be best suited and agreed the Board should be turning their attention away from roadways and more towards sidewalks, driveways, and parking areas.

Mr. DiPersio agreed to share the information with the Conservation Commission and that he would keep this in mind during site plan review submissions for commercial projects. He agreed to reach out to the University of Rhode Island to find out what their maintenance has looked like for their existing porous pavement parking lot.

Mr. Fortin addressed concerns on the increase in heavy rain fall events, and what would happen with this excess in runoff.

The Board concluded they would like a recommendation from the Working Group on where/when this would be the best application, even if the result is "we're not ready to use this, unless the site is in "perfect" condition".

11. Calendar Updates (None)

12. Public Notices of other Cities & Towns

- A. (2) Town of Southborough
- B. (2) Town of Hudson

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

On a motion by Mr. LaForce, seconded by Mr. Fortin, the Board voted to adjourn the meeting. Yea: Fay, Fenby, Fortin, Hughes, LaForce, LaVenture, and Russ. Nay: 0. Motion carried. 7-0.

Respectfully submitted,

/kml

George LaVenture/Clerk

From: Garyw@live.com
Sent: Thursday, February 15, 2024 8:27 PM
To: Katlyn LeBold
Cc: Thomas DiPersio
Subject: Re: 76 Broad Street - Revised Covenant

Hi Tom & Katlyn,

I'm sorry, I don't know why I missed Tom's email.

In regards to my project. I have found a partner that has the funds to build out the project and we are scheduled to finalize that agreement within a few weeks. Once that happens we will start the tree removal process. Simultaneously we will contact the engineering department once the contractor is chosen to get proper direction.

If I am out of order with anything please let me know.

Thank you
Gary White

On Feb 15, 2024, at 8:58 AM, Katlyn LeBold <klebold@marlborough-ma.gov> wrote:

Good Morning Gary,

Just checking in on the email below. I would like to include an update for the Board at their next meeting.

Thanks,
Katlyn

Katlyn LeBold
P: 508.624.6910 ext. 33200
klebold@marlborough-ma.gov

From: Thomas DiPersio <tdipersio@marlborough-ma.gov>
Sent: Tuesday, February 6, 2024 8:25 AM
To: Garyw@live.com
Cc: Katlyn LeBold <klebold@marlborough-ma.gov>
Subject: RE: 76 Broad Street - Revised Covenant

Hi Gary, hope all is well.
Can you give us an update on the project, so we can provide it to the planning board at their next meeting?
Thanks
Tom

Thomas DiPersio, Jr., PE, PLS
City Engineer
Department of Public Works
135 Neil Street

From: Michael Carney <mcarney987@gmail.com>
Sent: Thursday, February 15, 2024 10:01 AM
To: Katlyn LeBold
Cc: charles bourque; Paul Piazza; Thomas DiPersio
Subject: Re: Lot release process Tobin Road
Attachments: image001.jpg

Sorry for the delay. We plan to break ground late spring, do you need our attendance at the meeting?

On Thu, Feb 15, 2024, 9:00 AM Katlyn LeBold <klebold@marlborough-ma.gov> wrote:

Good Morning Mike,

Just checking in on the email below. I would like to include an update for the Board at their next meeting.

Thanks,

Katlyn

Katlyn LeBold

P: 508.624.6910 ext. 33200

klebold@marlborough-ma.gov

From: Thomas DiPersio <tdipersio@marlborough-ma.gov>
Sent: Tuesday, February 6, 2024 8:27 AM
To: Michael Carney <mcarney987@gmail.com>
Cc: charles bourque <cbbuild@gmail.com>; Paul Piazza <paul@paulpiazalaw.com>; Katlyn LeBold <klebold@marlborough-ma.gov>
Subject: RE: Lot release process Tobin Road

Good morning Mike,

Can you provide an update on the project that we can relay to the planning board at their meeting on Monday?

Thank you

From: George Dufresne <george01474@yahoo.com>
Sent: Tuesday, February 20, 2024 1:15 PM
To: Thomas DiPersio; Katlyn LeBold; Priscilla Ryder; David Crossman
Subject: Marlborough Pleasant st

You don't often get email from george01474@yahoo.com. [Learn why this is important](#)

Hi everyone I added Dave Crossman Just giving everybody an update.

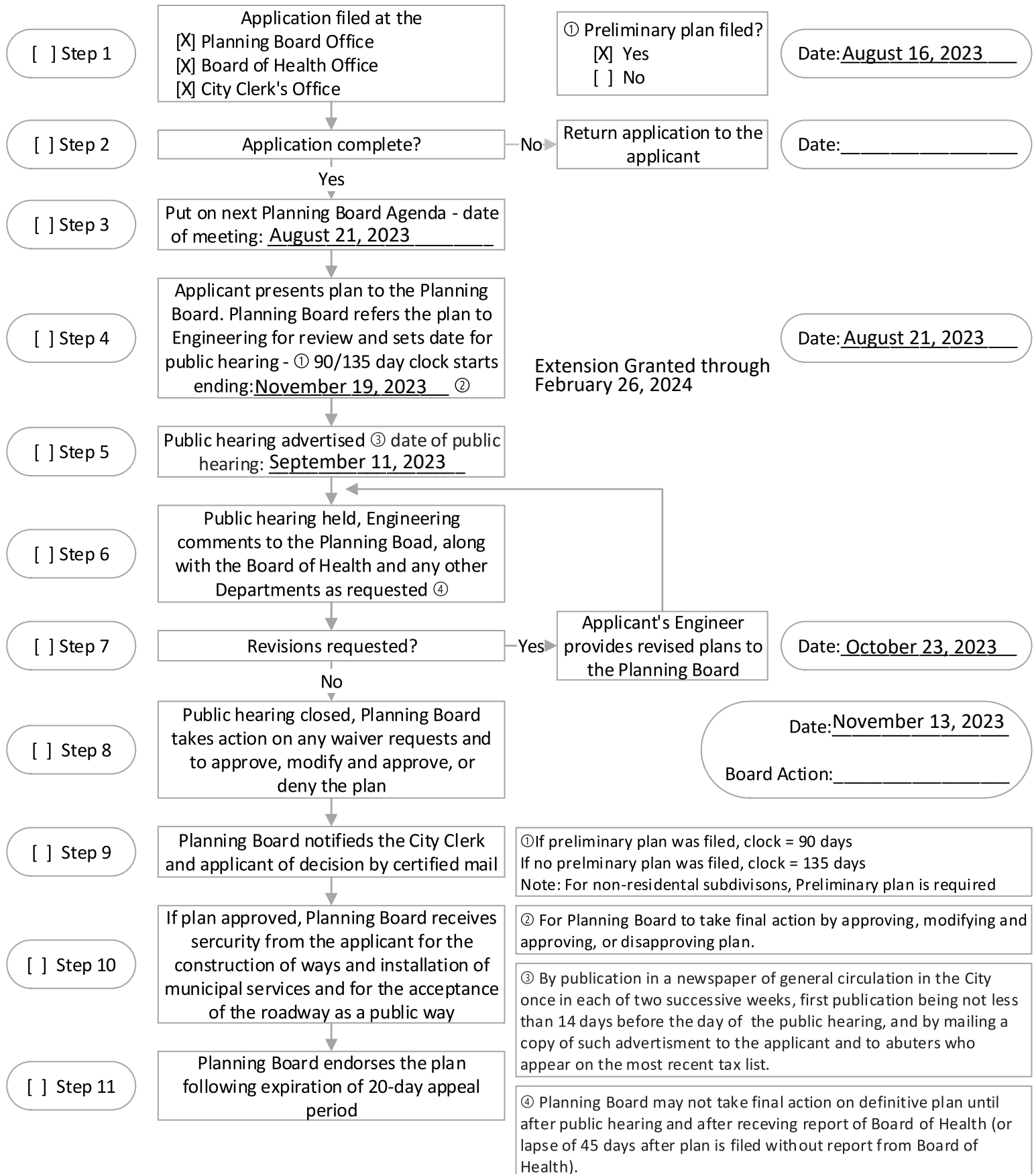
I am still working on a single lane construction entrance to lot 1 For the Tree guys I did install a temporary Stone trench for the nice lady next door For the temporary drain trench. To the first sediment trap like we had talked about on the walkthrough. I'm going to continue to Continue

The single lane Construction entrance in the. roadway while I'm waiting for the tree guys.

Sent from Yahoo Mail on Android

Marlborough Planning Board

Procedure for Definitive Plans
Stow Road, 8-164, 8-163, and 20-150A, Marlborough, MA 01752



COVENANT

This Covenant recorded in the Middlesex County South District Registry of Deeds at Book _____, Page _____, is made this _____ day of _____, 2024. The undersigned, Judith McCabe, individually, and Alison McCabe Quinn, as trustee of the McCabe Family Irrevocable Trust u/d/t dated September 9, 2015 (hereinafter referred to collectively as the “Covenantor”), having submitted to the Marlborough Planning Board (hereinafter referred to as the “Planning Board”) a definitive plan of a subdivision entitled “Definitive Subdivision Plan of Stow Road Subdivision in Marlborough, Massachusetts” dated August 3, 2023, and revised on October 18, 2023, November 10, 2023, December 20, 2023 and January 12, 2024, prepared by Connorstone Engineering, Inc., 10 Southwest Cutoff, Suite 7, Northborough, MA 01532, on land identified on the City of Marlborough’s Assessor’s Map (“Assessor’s Map”) as Map 8, Parcel 164, located on Stow Road, Marlborough, MA 01752, (said plan being hereinafter referred to as the “Plan”), in accordance with the conditions of Approval as voted by the Planning Board on _____, 2024, does hereby covenant, and agree with the Planning Board, pursuant to Massachusetts General Laws (Ter.Ed.), Chapter 41, Section 81U, as amended that:

1. The Covenantor is the owner of record of the premises, including 3 house lots (“Lots”), Lots S1, S2, and S3, as shown on the Plan, which is to be recorded in the Middlesex South District Registry of Deeds herewith as Plan No. _____ of 2024 and is referred to herein. The undersigned, Alison McCabe Quinn, as trustee of the McCabe Family Irrevocable Trust, hereby certifies that she is the original trustee, that the trust is in full force and effect, and that she has been directed by all beneficiaries to execute and deliver this Covenant. There are no mortgages of record or otherwise on any of said premises.
2. This Covenant shall run with the land and shall operate as restrictions upon the land included in the subdivision and shall be binding upon any executor, administrators, devisees, heirs, successors and assigns of the Covenantor and any of its successors in title to the premises shown on the Plan. Upon a conveyance of the entire parcel of land shown on the Plan pursuant to Paragraph 4 of this Covenant, all obligations of the conveyor(s) under this Covenant shall transfer to the new owner(s) of record.
3. The construction of the subdivision roadway and the installation of municipal services shall be provided to serve any and all Lots in accordance with the applicable Rules and Regulations of the Planning Board before any such Lot may be built upon or conveyed, other than by mortgage deed; provided, however, that a mortgagee who acquires title to the mortgaged premises or any part thereof may sell any such Lot, subject only to that portion of this Covenant which provides that no Lot so sold shall be built upon until such ways and services have been provided to serve such Lot.
4. Nothing contained herein shall be deemed to prohibit a conveyance subject to this Covenant, by a single deed, of the entire parcel of land shown on the Plan or all Lots not previously released by the Planning Board without first providing such subdivision road and services. A deed of any part of the premises shown on the Plan in violation of any

portion of the above referenced statute shall be voidable by the grantee prior to the release of the Covenant, but not later than three (3) years from the date of such deed.

5. The Covenantor agrees to the easements shown on the Plan, if any, for the benefit of the abutters and shall be deeded to the abutters after the Plan and covenant are recorded.
6. Prior to the release by the Planning Board of any Lots shown on the Plan from the terms of this Covenant, the Covenantor or its assignee(s) shall deposit with the City of Marlborough a Performance Bond in an amount to be determined by the Planning Board, said bond to be secured by the posting of cash, or by surety company bond or by such other form of security as may be approved by the Planning Board. Said bond shall be to secure the performance by the Covenantor of the construction of the subdivision road and the installation of municipal services as required by the Approval of the Plan, within the time requirements as stipulated herein. The amount of the bond may be reduced from time to time by said Planning Board. However, due to the present and anticipated future inflationary conditions, the amount of the Performance Bond is subject to annual redetermination by the Planning Board.
7. Pursuant to the Rules and Regulations of the Planning Board, Section A676-10.G.1(a), as amended, such bond or security, when filed or deposited shall be reviewed as to form and manner of execution by the City Solicitor's Office, and as to sureties by the City Finance Director.
8. No Lot shall be sold or built upon until released by the Planning Board after acceptable bonding. If at any time said bonding as required in Paragraph 6 expires, then all Lot releases of Lots not transferred to third party purchasers or mortgaged subsequent to release, shall be void.
9. Pursuant to the Rules and Regulations of the Planning Board, Section A676-10.L.1(a), as amended, Covenantor shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be equal to the value of one buildable lot in the subdivision. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the subdivider meeting all requirements of the City to complete the street acceptance process. This cash deposit, bond or securities deposit is separate and different from those used to guarantee performance as required in paragraph G of the Rules and Regulations of the Planning Board.

Pursuant to the Rules and Regulations of the Planning Board, Section A676-10.L.1(b), until the Planning Board receives such a proper bond or a deposit of money or negotiable securities, Lot S1 shall be retained and may not be built upon or conveyed in any means until after the Covenantors have met all requirements of the City to complete the street acceptance process.

Upon the Planning Board's receipt of the proper bond or deposit of money or negotiable securities as set forth in Section A676-10.L.1(a) of the Rules and Regulations of the

Planning Board, Lot S1 shall be released from the requirements of Section A676-10.L.1(b).

10. Pursuant to Massachusetts General Laws (M.G.L.) Chapter 41, Section 81R, as amended, the Planning Board has not agreed to waive compliance with its Rules and Regulations, as set forth in the Marlborough City Code, Chapter A676, entitled “Subdivision Regulations”, except as follows:

1. Article IV Section 676-7.B(2) adequate access –

Required: The required width for the existing roadway providing access to a subdivision street is twenty-two (22) feet

Allowed: Access from an existing roadway with a width of eighteen and six tenths (18.6) feet

2. Article V Section 676-24.B(2)(b) minimum width of roadways -

Required: Secondary streets require a paved roadway width of twenty-eight (28) feet

Allowed: A reduction of the paved roadway width to twenty-six (26) feet

3. Article V Section 676-24(C) surface of roadways -

Required: The wearing surface of roadways shall be of Class 1 bituminous concrete pavement

Allowed: A vegetated island in the cul-de-sac in lieu of pavement.

11. The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Rules and Regulations of the Planning Board within a period of two (2) years from the date of approval of the Plan. Failure to so complete or to obtain an extension shall automatically rescind approval of the Plan as to Lots not yet released from this Covenant and full re-application for approval of such Lots will be required.
12. The Covenantor hereby agrees that the two (2)-year time period for completion of the subdivision may be extended at the sole discretion of the Planning Board, but only upon the condition that the City of Marlborough has received, on or before the specified completion date, payment of all real estate taxes owed as to the premises shown on the Plan, and upon the further condition that the Board has received, on or before the specified completion date, a certification from the City’s Code Enforcement Officer determining that no conditions exist on the said premises that are in violation of the City’s so-called Anti Blight Ordinance set forth in Chapter 485 of the Marlborough City Code; provided however, that the Anti Blight condition may be waived temporarily by a

majority vote of the Board if the Board finds that an extension of no more than thirty (30) calendar days from the specific completion date is necessary for the Code Enforcement Officer to examine the said premises and make a proper determination.

13. The Covenantor shall comply with all conditions of the Open Space Development Special Permit granted by the Planning Board dated June 26, 2023 and recorded at the Middlesex South Registry of Deeds in Book 81818, Page 363.
14. The City of Marlborough shall not be responsible for the maintenance and care of the subdivision road or other improvement. In emergency situations as determined by the City Engineer, the City of Marlborough may take steps to correct a condition(s) within the subdivision which, if not corrected, would jeopardize public health and safety. In these instances, any and all costs so incurred by the City to correct said condition(s), shall be reimbursed to the City within thirty (30) days of notice to the Covenantor. Failure to reimburse the City within this period will be considered cause to rescind approval of the Plan.
15. All as-built plans and profiles pertaining to the Plan shall be submitted to the City Engineer forthwith after the completion of said subdivision road. Copies of all the site plans prepared for each of the individual building Lots shall be submitted to the City Engineer for review and approval to be included with the application for a Building Permit.
16. Prior to the execution of this Covenant, the Covenantor agrees to submit a work schedule, and a progress report every month beginning 60-days after the Covenant is signed, to the City Engineer, with copies to the Planning Board, until said subdivision has been completed. Said progress reports shall be delivered to the Planning Board prior to the third Monday of each and every month. Failure to comply with the provisions of this paragraph shall give the Planning Board the right to rescind the approval of the application for subdivision approval after notice to the Covenantor and opportunity to be heard.
17. If the City, by its Planning Board, determines that there is a violation of the applicable state laws, City ordinances, Planning Board Rules and Regulations and/or the terms and provisions of this Covenant, it shall seek a cease-and-desist order after appropriate application to a court of competent jurisdiction, and it shall seek any and all other equitable and legal relief it deems necessary. If in the opinion of the Covenantor, there has not been a violation of said applicable state laws, city ordinances, Planning Board Rules and Regulations, or the terms and provisions of this Covenant, nothing herein shall be construed as the Covenantor's consent to cease and desist from work on the Subdivision without Court order.
18. The Covenantor's applications, all plans and profiles, calculations, and other supporting data relating to the Plan, state laws, city ordinances, Planning Board Rules and Regulations and all terms, provisions, and conditions of final approval of the Plan are incorporated herein by reference, as if set forth in full, except as expressly modified

herein.

19. This Covenant shall take effect upon the approval of the Plan.
20. Reference to this Covenant shall be entered upon the Plan and the Covenant shall be recorded with the Plan. Covenantor further agrees that it shall cause two certified copies of this Covenant as recorded at the Middlesex South District Registry of Deeds to be delivered to the City Solicitor's Office and the Planning Board Administrator – DPW, Engineering Office, Marlborough, Massachusetts within three business days of the date of recording.
21. The provisions of this Covenant are severable, and if any of these provisions shall be held to be illegal or unconstitutional by any Court of competent jurisdiction, then the remaining provisions of this Covenant shall continue in effect.

REMAINDER OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY
SIGNATURE PAGES TO FOLLOW

EXECUTED AS A SEALED INSTRUMENT this ____ day of _____, 2024.

Covenantor:

Judith McCabe

By: _____
Judith McCabe

Commonwealth of Massachusetts

County of _____

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared, Judith McCabe, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily as his/her free act and deed for its stated purpose.

Notary Public:
My Commission expires:

EXECUTED AS A SEALED INSTRUMENT this ____ day of _____, 2024.

Covenantor:

Alison McCabe Quinn, as trustee of the McCabe Family
Irrevocable Trust

By: _____
Alison McCabe Quinn, as trustee of the McCabe Family
Irrevocable Trust

Commonwealth of Massachusetts

County of _____

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared, Alison McCabe Quinn, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily as his/her free act and deed for its stated purpose.

Notary Public:
My Commission expires:

CITY OF MARLBOROUGH
COMMONWEALTH OF MASSACHUSETTS

Approved and Accepted: _____, 2024
Marlborough Planning Board, City of Marlborough

Sean N. Fay

Barbara L Fenby

James Fortin

Patrick Hughes

Dillon LaForce

George LaVenture

Christopher Russ

CERTIFICATE OF VOTE

_____, 2024

Pursuant to MGL, c. 41, s. 81 and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Marlborough, the Planning Board of the City of Marlborough (the "Planning Board") hereby certifies that on _____, 2024, it voted to approve a Definitive Subdivision Plan for a Residential Subdivision for property located on land identified on the City of Marlborough's Assessor's Map ("Assessor's Map") as Map 8, Parcel 164, located on Stow Road, Marlborough, MA 01752, owned partially by Judith McCabe, individually, and owned partially by Alison McCabe Quinn, as trustee of the McCabe Family Irrevocable Trust u/d/t dated September 9, 2015, as follows:

PROCEDURAL FINDINGS:

1. On August 16, 2023, an application (the "Application") was filed on behalf of Kendall Homes, Inc., having a principal mailing address of P.O. Box 766, Southborough, MA 01772 (hereinafter referred to as the "Applicant"), pursuant to MGL, c 41, s. 81O, and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Marlborough (the "Rules and Regulations"), seeking approval of a three (3) lot, single-family definitive subdivision plan as shown on a plan entitled "Definitive Subdivision Plan of Stow Road Subdivision in Marlborough, Massachusetts" dated August 3, 2023, and revised on October 18, 2023, November 10, 2023, December 20, 2023 and January 12, 2024, prepared by Connorstone Engineering, Inc., 10 Southwest Cutoff, Suite 7, Northborough, MA 01532, (hereinafter referred to as the "Plan"), on land identified on the City of Marlborough's Assessor's Map ("Assessor's Map") as Map 8, Parcel 164, located on Stow Road, Marlborough, MA 01752, owned partially by Judith McCabe, individually, and owned partially by Alison McCabe Quinn, as trustee of the McCabe Family Irrevocable Trust u/d/t dated September 9, 2015, further identified in the Middlesex South District Registry of Deeds in Book 66136, Page 582, and in Book 78814, Page 590 and consisting of 6.38 +/- acres of land (the "Development").
2. The Planning Board provided copies of the Application to other City boards and commissions, departments and officials, including, but not limited to, the Building Commissioner, Conservation Commission, Department of Public Works, Fire Chief, City Engineer and City Solicitor. The Applicant further provided a copy of the Application to the Board of Health.
3. The Board of Health did not submit a report in response to the Application.
4. The City Engineer submitted review letters dated September 6, 2023 and November 3, 2023 summarizing engineering-related comments on the plans.

5. After notice and publication was provided pursuant to applicable provisions of M.G.L. c. 41, s. 81T of the Subdivision Control Law, and the applicable provisions of the Rules and Regulations, a public hearing was commenced on September 11, 2023 and held during duly authorized meetings on September 11, 2023, September 18, 2023, October 2, 2023, October 23, 2023 and November 13, 2023. The Planning Board closed the public hearing on November 13, 2023.
6. Any Planning Board member(s) who were absent from a single session of the public hearing on the Application, prior to the vote on this decision, filed a written certification as to examination of all the evidence and testimony received at the hearing session, made as part of the record of the hearing, in accordance with Massachusetts General Laws, Chapter 39, Section 23D.
7. The Plan was further amended on October 18, 2023 to incorporate details and to address the comments and requirements of City Engineer Thomas DiPersio.
8. Planning Board members deliberated on the Application at duly authorized meetings including on September 11, 2023, September 18, 2023, October 2, 2023, October 23, 2023 and November 13, 2023.

PROJECT FINDINGS:

- A. The subject property consists of three (3) lots owned partially by Judith McCabe, individually, and owned partially by Alison McCabe Quinn, as trustee of the McCabe Family Irrevocable Trust u/d/t dated September 9, 2015 identified on the City Assessor's Maps as follows: Map 8, Parcel 164.
- B. In seeking approval of the *amended* Plan, the Applicant proposes to build a new road providing access to, and servicing, three (3) lots of a three (3) lot subdivision, subject to the conditions set forth below.
- C. The Development, as governed by the conditions set forth in this Certificate of Vote, is consistent with the applicable provisions of the Subdivision Control Law and the Rules and Regulations.
- D. The Development, as governed by the conditions of this Certificate of Vote, will not present a public safety hazard to the City or surrounding properties.
- E. WAIVERS –

After the public hearing, followed by deliberations on the Plan as amended, the Planning Board did on ____, 2024, by a vote of ____ in favor and ____ opposed, grant the following waivers to the Rules and Regulations, in connection with the Plan, as amended (citations below are to the Marlborough City Code, Chapter A676, entitled "Subdivision Regulations"):

1. Article IV Section 676-7.8(2) adequate access –
Required: The required width for the existing roadway providing access to a subdivision street is twenty-two (22) feet
Requested: Access from an existing roadway with a width of with a width of eighteen and six tenths (18.6) feet
☒ Approved ☐ Denied
2. Article V Section 676-24.B(2)(b) minimum width of roadways –
Required: Secondary streets require a paved roadway width of twenty-eight (28) feet
Requested: A reduction of the paved roadway width to twenty-six (26) feet
☒ Approved ☐ Denied
3. Article V Section 676-24(C) surface of roadways -
Required: The wearing surface of roadways shall be of Class 1 bituminous concrete pavement
Requested: A vegetated island in the cul-de-sac in lieu of pavement.
☒ Approved ☐ Denied

CONDITIONS:

The Planning Board on _____, 2024, by a vote of ____ to ____, approved the Plan, as amended, as described above, subject to the following conditions:

- A. All easements, if any, shown on the Plan for the benefit of the abutters/lots shall be deeded to the respective abutters/lots after the Plan and covenant are recorded.
- B. Prior to their installation, all final landscaping, signage, and/or improvements within the subdivision road's right of way shall be approved by the City Engineer.
- C. The Applicant shall provide for a Performance Guarantee, in a manner acceptable to the Planning Board, to ensure that the required improvements will be constructed and/or installed in accordance with the approved Plan.
- D. The Applicant shall comply with all conditions of the Open Space Development Special Permit granted by the Planning Board dated June 26, 2023 and recorded at the Middlesex South Registry of Deeds in Book 81818, Page 363.
- E. The Applicant shall record at the Middlesex County South District Registry of Deeds an executed copy of this Certificate of Vote and of the approved Plan and shall forthwith provide those copies to the Planning Board and the Solicitor's office.
- F. Any future change, modification, or amendment to the approved Plan, as may be approved by the Planning Board, shall be in accordance with the requirements of M.G.L., c. 41, s. 81W.

- G. All conditions herein shall apply to Applicant, its successors and assigns, and to its successors in title to the Development.
- H. A planting plan for the cul-de-sac landscape island shall be submitted to the City Engineer and Conservation Agent for approval prior to construction.

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CERTIFICATE OF VOTE
DEFINITIVE SUBDIVISION PLAN

STOW ROAD SUBDIVISION

RECORD OF VOTE:

The following members of the Planning Board voted on _____, 2024, to approve the Plan, *as amended*:

Sean N. Fay

Barbara L. Fenby

James Fortin

Patrick Hughes

Dillon LaForce

George LaVenture

Christopher Russ

CERTIFICATE

I hereby certify that twenty (20) days have elapsed since the Board's filing of a copy of the above-referenced vote in the Office of Marlborough City Clerk on _____, 2024, and that no notice of an appeal of that decision has been timely filed with said office.

A True Copy Attest:

Steven Kerrigan
Marlborough City Clerk

Date

SCOTT ADAMSON GRI,SRES

Coldwell Banker Realty

Broker Associate

447 BOSTON POST ROAD

SUDBURY, MA 01776

CELL (978) 314-9009

Scott.Adamson@NEMoves.com

ScottAdamsonHomes.com

Sean Fay Chair
Planning Board
City of Marlborough
140 Main Street
Marlborough, MA 01752
2/14/2024

RE: Open Space Development Definitive Subdivision, 547 Stow Road

Dear Honorable Planning Board Members

I have been well acquainted with the real estate values in the area for more than thirty-five years, have been in active brokerage in the area with Coldwell Banker for twenty-four years, am a Broker Associate of the company and I am a member of the Greater Boston Real Estate Board.

In accordance with your request, I have inspected the parcel of land shown and identified as Lot S1 on the above-referenced subdivision plan.

The purpose of the inspection was to estimate the fair market value of said Lot S1 as of February 14, 2024.

The valuation contained in this letter is based upon the fact that the land identified is part of a larger parcel containing approximately 6.37 acres to be subdivided with an improved roadway to be constructed and presumes this board approves the subdivision as proposed by the applicant.

Real estate taxes for fiscal year 2024 amounted to \$387.00 based on total assessed valuation of \$37,800 with the parcel identified as potentially developable land.

In estimating the fair market value of the subject property, I have considered current listings and recent sales of comparable lots in similar locations. Based on this market evidence and additional supportive data on file in my office, it is my opinion that the estimated fair market value of the property as of February 14, 2014 is \$285,000.

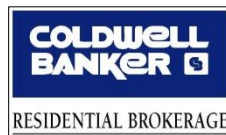
While the foregoing constitutes my opinion of value rather than a documented, narrative appraisal report, I am confident that my conclusion will be substantiated in the event the property is offered for sale on the open market.

Unless otherwise agreed, the writer shall not be required to give testimony or appear in court because of having prepared this opinion of value. Furthermore, possession of this letter does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed, without the written consent of the writer and, in any event, only in its entirety.

Sincerely,

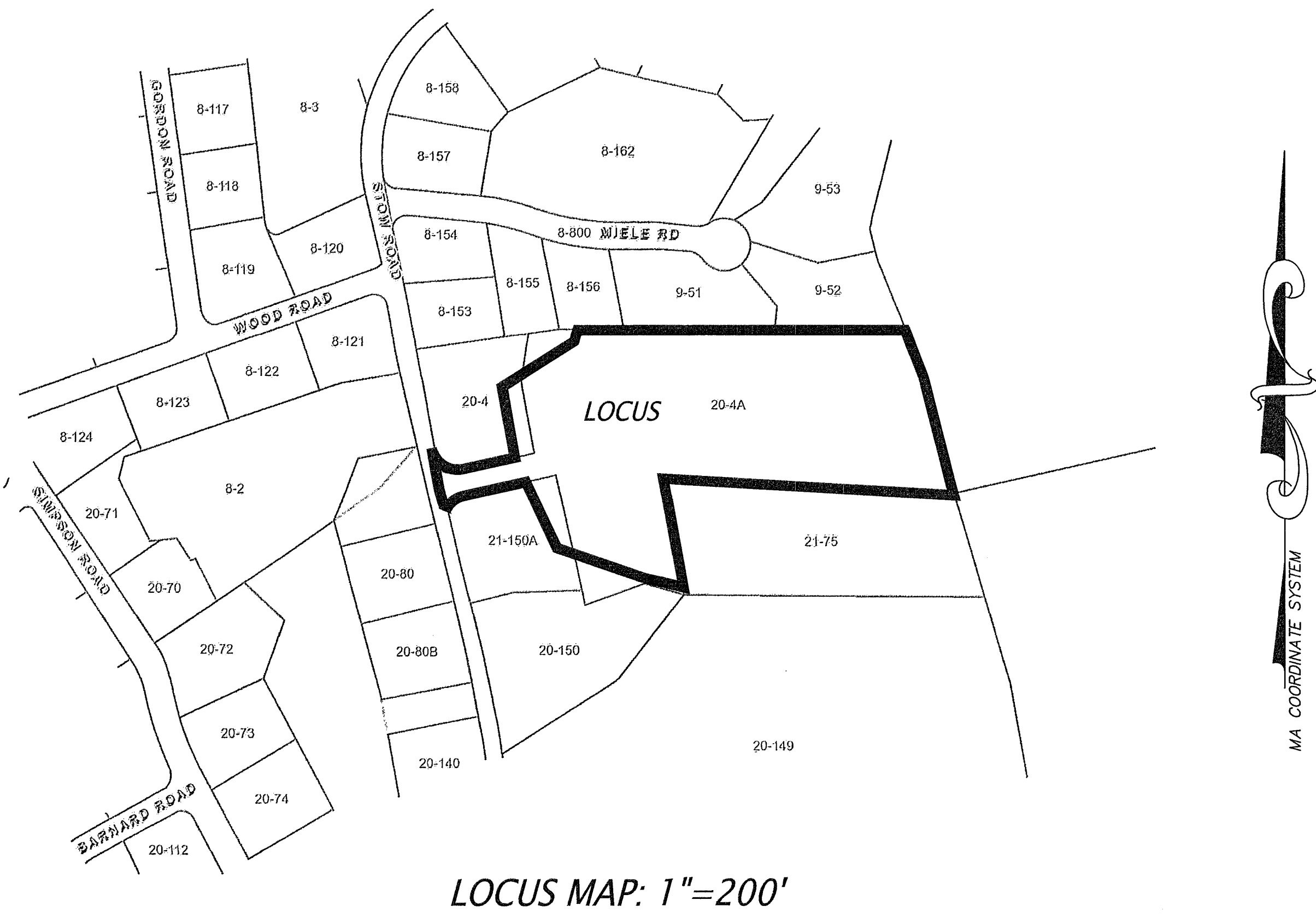
DocuSigned by:
scott adamson
36A335D9C2CA476...

Scott Adamson GRI, SRES
Coldwell Banker Realty
Broker Associate
447 Boston Post Road
Sudbury, Ma 01776



Operated by a subsidiary of NRT LLC.

DEFINITIVE SUBDIVISION PLAN
OF
"STOW ROAD SUBDIVISION"
IN
MARLBOROUGH, MASSACHUSETTS



LOCUS MAP: 1"=200'

PROJECT SUMMARY:

- TOTAL AREA OF ORIGINAL TRACT SHOWN ON THIS PLAN EXCLUDING ANR LOTS = 277,772 S.F.
 - AREA IN SUBDIVISION LOTS S1-3, OPEN SPACE = 257,023 S.F.
 - AREA IN STREET = 20,749 S.F.
 - AREA IN EASEMENTS = 55,058 S.F.
 - AREA RESERVED FOR PARKS, SCHOOLS, ETC. = 0 S.F.TOTAL AREA OF SUBDIVISION = 277,772 S.F.
- STREETS:
 - ROAD STA. 0+00 TO STA. 2+89.55 = 289.55 L.F.
- EASEMENTS:
 - MUNICIPAL SEWER EASEMENTS = 9,905 S.F.
 - MUNICIPAL DRAIN EASEMENTS = 2,560 S.F.
 - MUNICIPAL UTILITY EASEMENTS = 10,834 S.F.
 - MUNICIPAL FLOWAGE EASEMENTS = 26,625 S.F.
 - MUNICIPAL LANDSCAPE EASEMENTS = 3,375 S.F.
 - PRIVATE SEWER EASEMENTS = 1,759 S.F.

OPEN SPACE SUMMARY:

CLUSTER SUBDIVISION SITE AREA = 277,772 S.F. (6.38 ± Acres)
OPEN SPACE REQUIRED = 40% (111,109 S.F.)
OPEN SPACE PROVIDED = 45.7% (126,905 S.F.)
OPEN SPACE UPLAND = 109,517 S.F.
WETLANDS ON SITE = 30,346 S.F. (10.95% OF SITE AREA)
WETLANDS ALLOWED TOWARDS REQUIRED OPEN SPACE (30,346 S.F. x 10.95% = 3,323 S.F.)
REQUIRED OPEN SPACE PROVIDED (109,517+3,323) = 112,840 S.F.

LIST OF REQUESTED WAIVERS:

- SUBDIVISION RULES AND REGULATIONS SECTION A676-7 - ADEQUATE ACCESS - WAIVER TO ALLOW ACCESS OFF STOW ROAD HAVING A PAVED WIDTH LESS THAN 22 FEET.
- SUBDIVISION RULES AND REGULATIONS SECTION A676-24.B(2)(b) - WIDTH OF ROADWAYS - WAIVER TO ALLOW A PAVED ROADWAY WIDTH OF 26 FEET (28 FEET REQUIRED).
- WAIVER TO ALLOW A VEGETATED ISLAND IN THE CUL-DE-SAC IN LIEU OF PAVEMENT

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW,
IS REQUIRED.
MARLBOROUGH PLANNING BOARD

I HEREBY CERTIFY THAT THIS PLAN
WAS PREPARED IN CONFORMANCE WITH
THE RULES AND REGULATIONS OF THE
REGISTERS OF DEEDS.
VAROUJAN H. HAGOPIAN, P.L.S. 49665



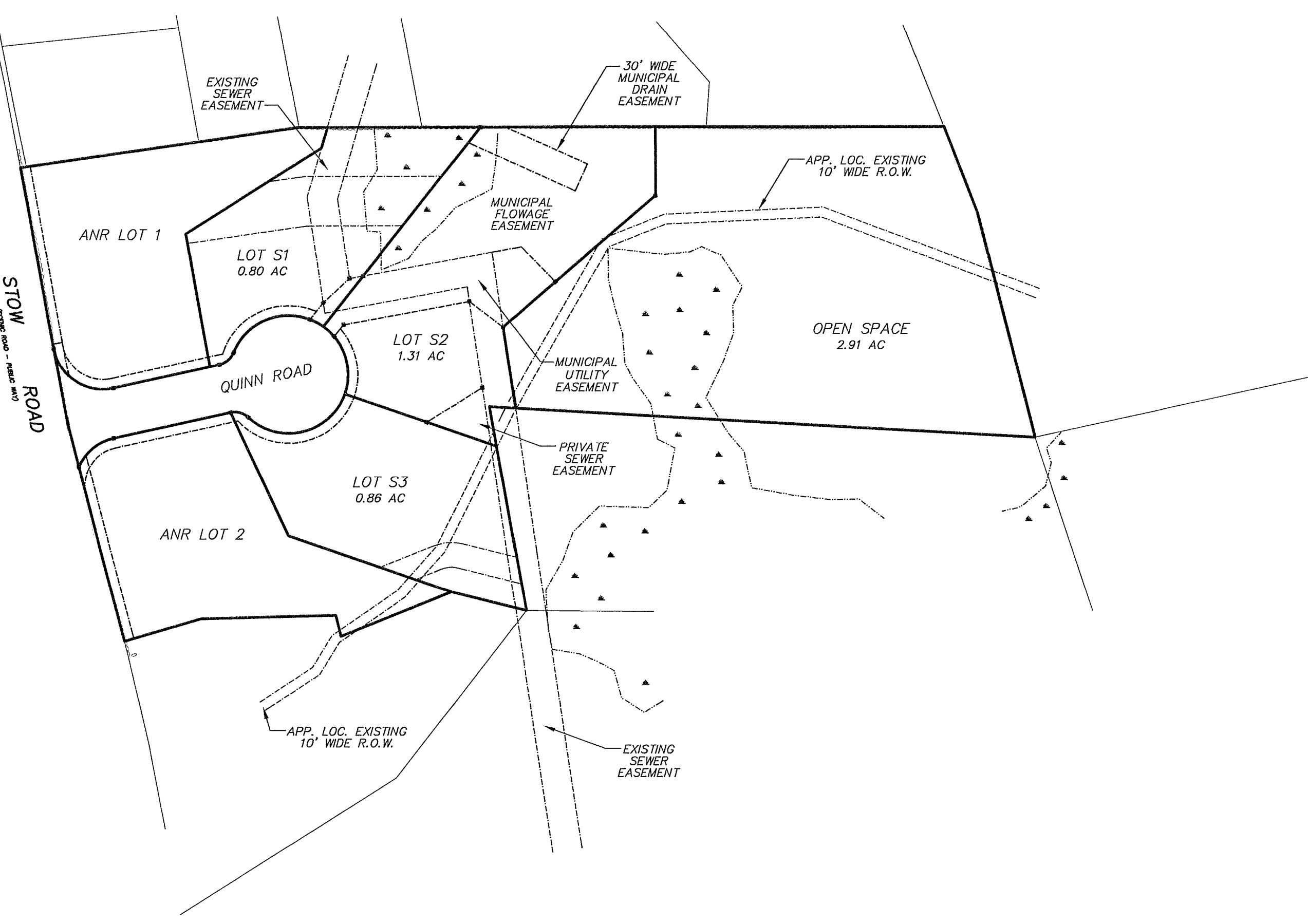
THIS PLAN APPROVED SUBJECT TO COVENANT
CONDITIONS SET FORTH IN A COVENANT EXECUTED
BY _____ DATED _____ AND
TO BE RECORDED HERewith.

I, _____ CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.

DATE: _____

REFERENCES:

- TOWN ASSESSOR MAP 8, PARCELS 163, 164
TOWN ASSESSOR MAP 20, PARCELS 150A
DEED BOOK 66136, PAGE 582 - McCABE FAMILY IRR. TRUST
DEED BOOK 78814, PAGE 590 - JUDITH McCABE
PLAN NUMBER 765 OF 1966
PLAN NUMBER 1021 OF 1993
PLAN NUMBER 455 OF 1998
PLAN NUMBER 902 OF 1998
PLAN NUMBER 946 OF 2000
PLAN NUMBER 326 OF 2022
SOUTH MIDDLESEX REGISTRY OF DEEDS

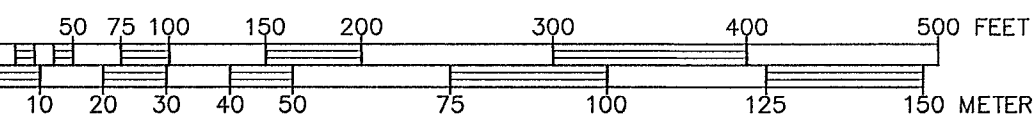


INDEX MAP: 1"=100'

PLAN SUMMARY

DESCRIPTION	SHEET
LOCUS / INDEX PLAN	1
PLAN OF LAND	2
CONSTRUCTION DRAWINGS	1-8

GRAPHIC SCALE: 1"=100'



ZONED: RURAL RESIDENCE RR
AREA = 43,560 sf
FRONTAGE = 180 feet
SETBACKS: FRONT = 40 feet
SIDE = 25 feet
REAR = 50 feet

ZONED: RURAL RESIDENCE RR
OPEN SPACE DEVELOPMENT
AREA = 20,000 sf
FRONTAGE = 70 feet
LOT WIDTH AT FRONT SETBACK = 90'
SETBACKS: FRONT = 25 feet
SIDE = 15 feet
REAR = 25 feet

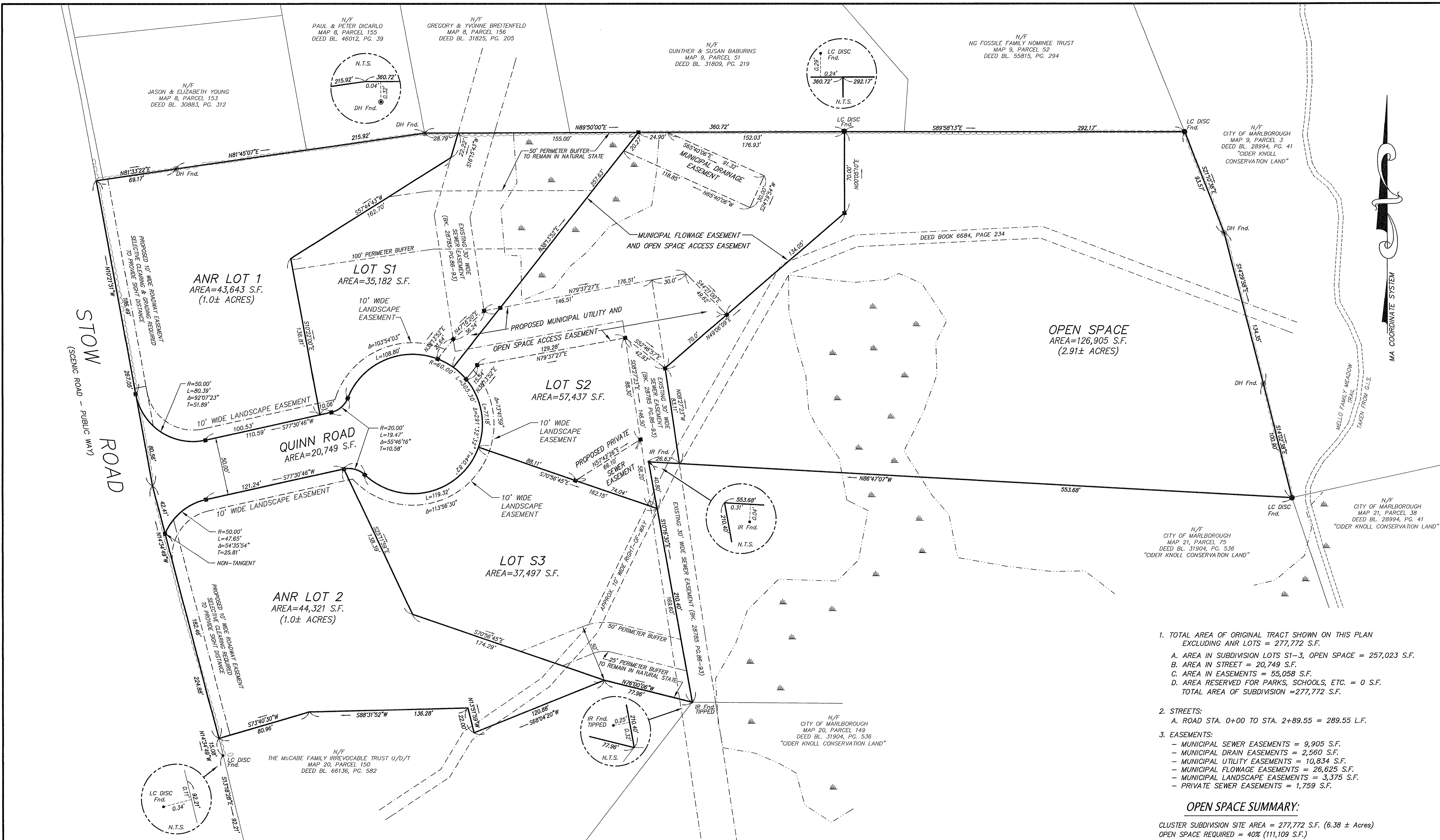
OWNERS:
McCABE FAMILY IRREVOCABLE TRUST
AND
JUDITH MELLO McCABE

APPLICANT:
KENDALL HOMES
P.O. BOX 766
SOUTHBOROUGH, MA 01772

CONNORSTONE
ENGINEERING INC.
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

"DEFINITIVE PLAN"
LOCUS/COVER SHEET
FOR
STOW ROAD SUBDIVISION
MARLBOROUGH, MA

REVISION:	DESCRIPTION:
1/12/2024	REVISED CUL-DE-SAC SIDEWALK
12/20/2023	REVISED CUL-DE-SAC
11/10/2023	DPW REVIEW COMMENTS
10/18/2023	DPW REVIEW COMMENTS
DRAWN BY: REM	CHECK BY: VHH
DATE: AUGUST 3, 2023	
SCALE: 1"=40'	SHEET 1 OF 2.



ZONED: RURAL RESIDENCE RR
AREA = 43,560 sf
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SETBACKS: FRONT = 40 feet
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ZONED: RURAL RESIDENCE RR
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OWNERS:
McCABE FAMILY IRREVOCABLE TRUST
AND
JUDITH MELLO McCABE

APPLICANT:
KENDALL HOMES
P.O. BOX 766
SOUTHBOROUGH, MA 01772

**CONNORSTONE
ENGINEERING INC.**
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

"DEFINITIVE PLAN"
FOR
STOW ROAD SUBDIVISION
IN
MARLBOROUGH, MA

REVISION:	DESCRIPTION:
1/12/2024	REVISED CUL-DE-SAC SIDEWALK
12/20/2023	REVISED CUL-DE-SAC
11/10/2023	DPW REVIEW COMMENTS
10/18/2023	DPW REVIEW COMMENTS
DRAWN BY: REM	CHECK BY: VHH
DATE: AUGUST 3, 2023	
SCALE: 1"=40'	SHEET 2 OF 2.

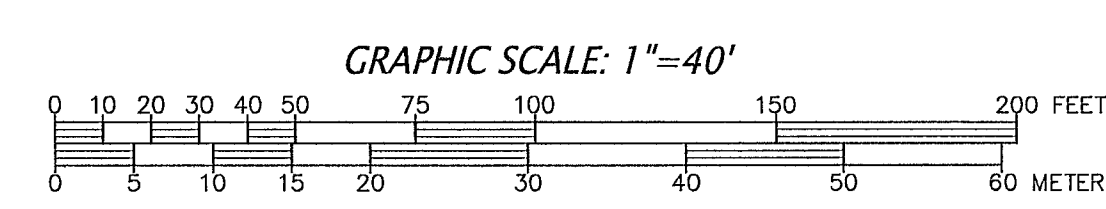
- TOTAL AREA OF ORIGINAL TRACT SHOWN ON THIS PLAN EXCLUDING ANR LOTS = 277,772 S.F.
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- MUNICIPAL FLOWAGE EASEMENTS = 26,625 S.F.
- MUNICIPAL LANDSCAPE EASEMENTS = 3,375 S.F.
- PRIVATE SEWER EASEMENTS = 1,759 S.F.

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OPEN SPACE PROVIDED = 45.7% (126,905 S.F.)
OPEN SPACE UPLAND = 109,517 S.F.
WETLANDS ON SITE = 30,346 S.F. (10.95% OF SITE AREA)
WETLANDS ALLOWED TOWARDS REQUIRED OPEN SPACE (30,346 S.F. x 10.95% = 3,323 S.F.)
REQUIRED OPEN SPACE PROVIDED (109,517+3,323) = 112,840 S.F.

MONUMENTS

- SBDH Fnd. STONE BOUND W. DRILL HOLE FOUND
- SB Fnd. STONE BOUND FOUND
- IP Fnd. IRON PIPE FOUND
- LC DISC LAND COURT DISK FOUND
- DH Fnd. DRILL HOLE FOUND
- = PROPOSED GRANITE BOUNDS TO BE SET.



REFERENCES:
TOWN ASSESSOR MAP 8, PARCELS 163, 164
TOWN ASSESSOR MAP 20, PARCELS 150A

DEED BOOK 66136, PAGE 582 - McCABE FAMILY IRR. TRUST
DEED BOOK 78814, PAGE 590 - JUDITH McCABE

PLAN NUMBER 765 OF 1966
PLAN NUMBER 1021 OF 1993
PLAN NUMBER 455 OF 1998
PLAN NUMBER 902 OF 1998
PLAN NUMBER 946 OF 2000
PLAN NUMBER 326 OF 2022
SOUTH MIDDLESEX REGISTRY OF DEEDS

LIST OF REQUESTED WAIVERS:

- SUBDIVISION RULES AND REGULATIONS SECTION A676-7 - ADEQUATE ACCESS - WAIVER TO ALLOW ACCESS OFF STOW ROAD HAVING A PAVED WIDTH LESS THAN 22 FEET.
- SUBDIVISION RULES AND REGULATIONS SECTION A676-24.B(2)(b) - WIDTH OF ROADWAYS - WAIVER TO ALLOW A PAVED ROADWAY WIDTH OF 26 FEET (28 FEET REQUIRED).
- WAIVER TO ALLOW A VEGETATED ISLAND IN THE CUL-DE-SAC IN LIEU OF PAVEMENT.

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW,
IS REQUIRED.
MARLBOROUGH PLANNING BOARD

I HEREBY CERTIFY THAT THIS PLAN
WAS PREPARED IN CONFORMANCE WITH
THE RULES AND REGULATIONS OF THE
REGISTERS OF DEEDS.
VAROUJAN H. HAGOPIAN, P.L.S. 49665



THIS PLAN APPROVED SUBJECT TO COVENANT
CONDITIONS SET FORTH IN A COVENANT EXECUTED
BY _____ DATED _____ AND
TO BE RECORDED HERewith.

I, _____ CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.

DATE: _____

STOW ROAD
(SCENIC ROAD - PUBLIC WAY)

ANR LOT 1
AREA=43,643 S.F.
(1.0± ACRES)
(AS SHOWN ON PLANS:
"PLAN OF LAND" OF 547
STOW ROAD, PREPARED BY
CONNORSTONE ENGINEERING,
INC., DATED NOVEMBER 13,
2023)

ANR LOT 2
AREA=44,321 S.F.
(1.0± ACRES)
(AS SHOWN ON PLANS:
"PLAN OF LAND" OF 547
STOW ROAD, PREPARED BY
CONNORSTONE ENGINEERING,
INC., DATED NOVEMBER 13,
2023)

LEGEND

- | | | | |
|-----|--------------------|-----|-------------------------|
| —○— | DRAIN MAN HOLE | —○— | UTILITY POLE & GUY WIRE |
| — | DRAINAGE LINE | — | CHAIN LINK FENCE |
| — | CATCH BASIN | — | LIGHTPOST |
| — | SEWER LINE | — | HANDICAP SPACE |
| —○— | SEWER MAN HOLE | — | ELECTRIC TRANSFORMER |
| — | BITUMINOUS CURBING | — | SIGN |
| — | EDGE OF PAVEMENT | — | VERTICAL BENCHMARK |
| — | GUARD RAIL | — | DECIDUOUS TREE >8" |
| — | APPROX. WATERLINE | — | CONIFEROUS TREE >8" |
| — | WATERGATE | — | TREELINE |
| — | APPROX. GAS LINE | — | SPOT GRADE |
| — | GAS GATE | — | WETLAND LINE |
| — | | — | TELEPHONE MAN HOLE |
| — | | — | SOIL SAMPLE LOCATION |

MONUMENTS

- | | |
|-------------|---------------------------------|
| □ SBDH Fnd. | STONE BOUND W. DRILL HOLE FOUND |
| □ SB Fnd. | STONE BOUND FOUND |
| ○ IP Fnd. | IRON PIPE FOUND |

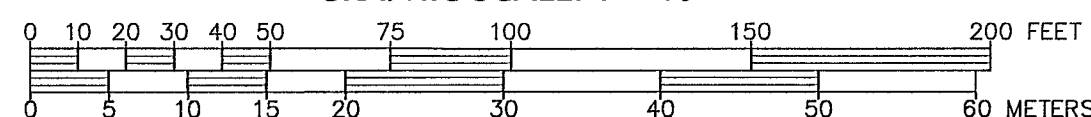
TREE LEGEND

- | | |
|---|-----------------------------|
| ○ | MAPLE |
| ● | OAK |
| ● | PINE |
| ● | APPLE |
| ● | CEDAR |
| ● | SPRUCE |
| ○ | DECIDUOUS (UNKNOWN SPECIES) |

SOIL LEGEND

NRCS SOIL MAPPING:
ON-SITE SOILS MAPPED AS
'CHARLTON-HOLLIS-ROCK OUTCROP
COMPLEX, MAP UNIT SYMBOL 103B,
HYDROLOGIC SOIL GROUP A.

GRAPHIC SCALE: 1"=40'

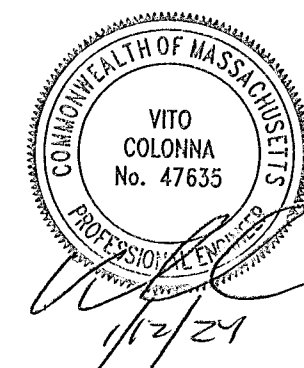


APPROVAL UNDER THE
SUBDIVISION CONTROL LAW,
IS REQUIRED.

MARLBOROUGH PLANNING BOARD

DATE: _____

I, _____, CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.



ZONED: RURAL RESIDENCE RR
AREA = 43,560 sf
FRONTAGE = 180 feet
SETBACKS: FRONT = 40 feet
SIDE = 25 feet
REAR = 50 feet

ZONED: RURAL RESIDENCE RR
OPEN SPACE DEVELOPMENT
AREA = 20,000 sf
FRONTAGE = 70 feet
LOT WIDTH AT FRONT SETBACK = 90'
SETBACKS: FRONT = 25 feet
SIDE = 15 feet
REAR = 25 feet

OWNERS:

McCABE FAMILY REVOCABLE TRUST
AND
JUDITH MELLO McCABE

APPLICANT:

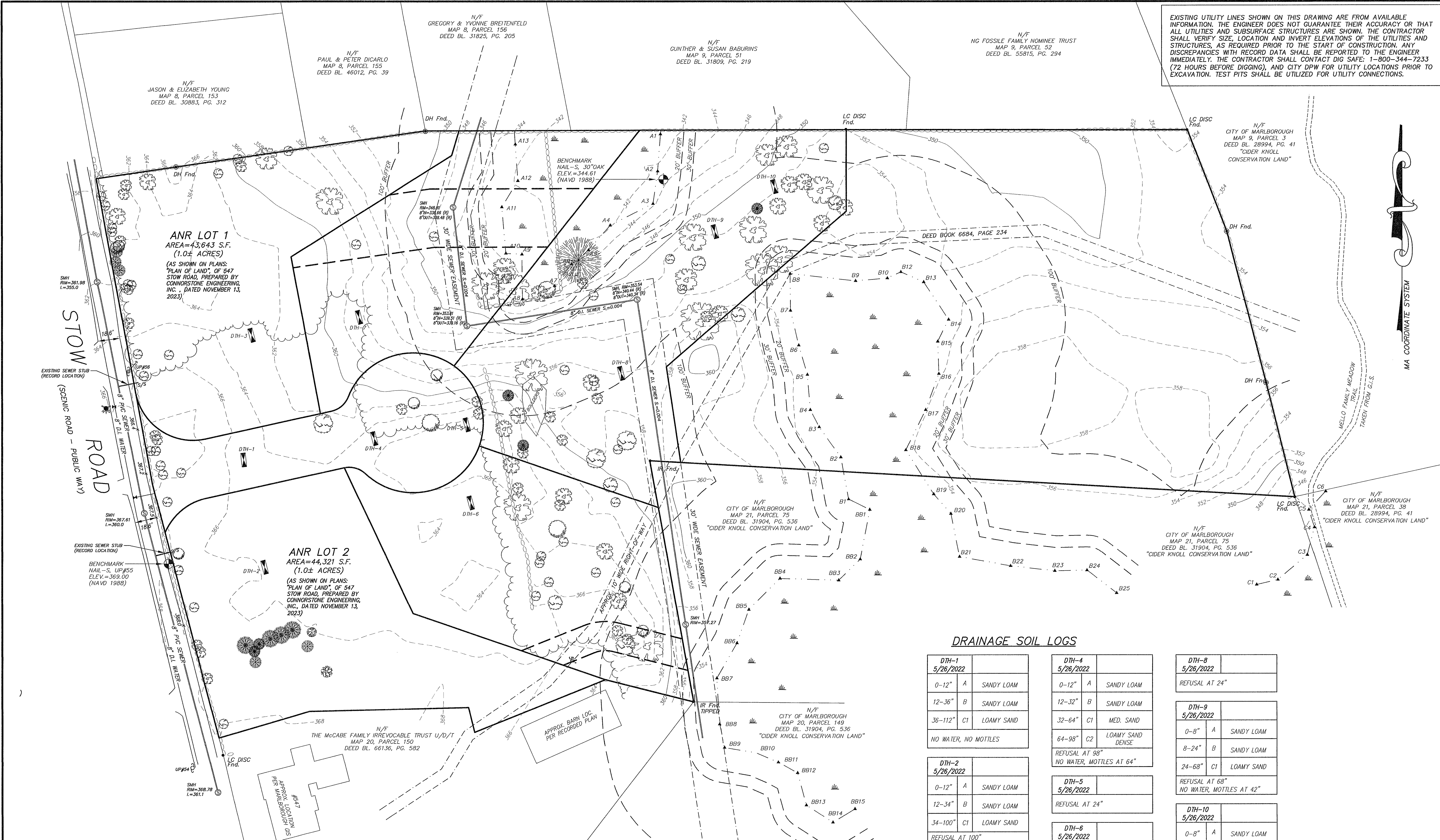
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CONNORSTONE ENGINEERING INC.

CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

"DEFINITIVE PLAN" TREE PRESERVATION AND PROTECTION PLAN STOW ROAD SUBDIVISION MARLBOROUGH, MA

1/12/2024	REVISED CUL-DE-SAC SIDEWALK
12/20/2023	REVISED CUL-DE-SAC
11/10/2023	DPW REVIEW COMMENTS
10/18/2023	DPW REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: AUGUST 3, 2023	
SCALE: 1"=40'	SHEET 2 OF 8



EXISTING UTILITY LINES SHOWN ON THIS DRAWING ARE FROM AVAILABLE INFORMATION. THE ENGINEER DOES NOT GUARANTEE THEIR ACCURACY OR THAT ALL UTILITIES AND SUBSURFACE STRUCTURES ARE SHOWN. THE CONTRACTOR SHALL VERIFY SIZE, LOCATION AND INVERT ELEVATIONS OF THE UTILITIES AND STRUCTURES AS REQUIRED PRIOR TO THE START OF CONSTRUCTION. ANY DISCREPANCIES WITH RECORD DATA SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY. THE CONTRACTOR SHALL CONTACT DIG SAFE: 1-800-344-7233 (72 HOURS BEFORE DIGGING), AND CITY DPW FOR UTILITY LOCATIONS PRIOR TO EXCAVATION. TEST PITS SHALL BE UTILIZED FOR UTILITY CONNECTIONS.

MA COORDINATE SYSTEM

ZONED: RURAL RESIDENCE RR
AREA = 43,560 sf
FRONTAGE = 180 feet
SETBACKS: FRONT = 40 feet
SIDE = 25 feet
REAR = 50 feet

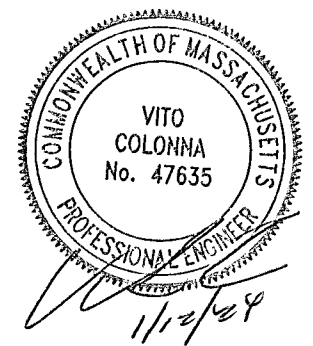
ZONED: RURAL RESIDENCE RR
OPEN SPACE DEVELOPMENT
AREA = 20,000 sf
FRONTAGE = 70 feet
LOT WIDTH AT FRONT SETBACK = 90'
SETBACKS: FRONT = 25 feet
SIDE = 15 feet
REAR = 25 feet

OWNERS:
McCABE FAMILY REVOCABLE TRUST
AND
JUDITH MELLO McCABE

APPLICANT:
KENDALL HOMES
P.O. BOX 766
SOUTHBOROUGH, MA 01772

**CONNORSTONE
ENGINEERING INC.**
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

"DEFINITIVE PLAN"
EXISTING CONDITIONS PLAN
FOR
STOW ROAD SUBDIVISION
MARLBOROUGH, MA



- LEGEND**
- DRAIN MAN HOLE
 - CHAIN LINK FENCE
 - CATCH BASIN
 - SEWER LINE
 - SEWER MAN HOLE
 - BITUMINOUS CURBING
 - EDGE OF PAVEMENT
 - GUARD RAIL
 - APPROX. WATERLINE
 - HYDRANT
 - WATERGATE
 - APPROX. GAS LINE
 - GAS GATE
- UTILITY POLE & GUY WIRE**
- CHAIN LINK FENCE
 - LIGHTPOST
 - HANDICAP SPACE
 - ELECTRIC TRANSFORMER
 - SIGN
 - VERTICAL BENCHMARK
 - DECIDUOUS TREE >8"
 - CONIFEROUS TREE >8"
 - TREELINE
 - SPOT GRADE
 - WETLAND LINE
 - TELEPHONE MAN HOLE
 - SOIL SAMPLE LOCATION
- TREE LEGEND**
- MAPLE
 - OAK
 - PINE
 - APPLE
 - CEDAR
 - SPRUCE
 - DECIDUOUS (UNKNOWN SPECIES)
- SOIL LEGEND**
- NRCS SOIL MAPPING:
ON-SITE SOILS MAPPED AS
'CHARLTON-HOLLIS-ROCK OUTCROP
COMPLEX, MAP UNIT SYMBOL 103B,
HYDROLOGIC SOIL GROUP A.
- MONUMENTS**
- SB/DH Fnd. STONE BOUND W. DRILL HOLE FOUND
 - SB Fnd. STONE BOUND FOUND
 - IP Fnd. IRON PIPE FOUND

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW,
IS REQUIRED.
MARLBOROUGH PLANNING BOARD

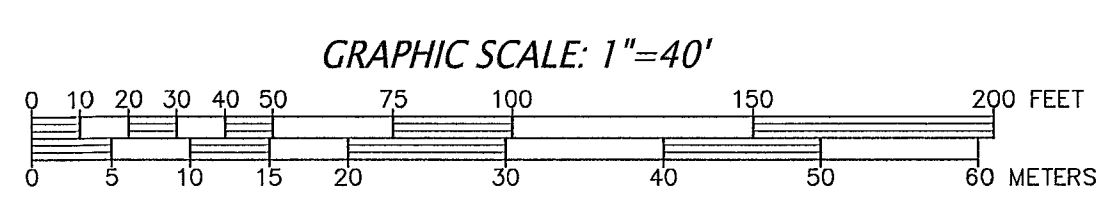
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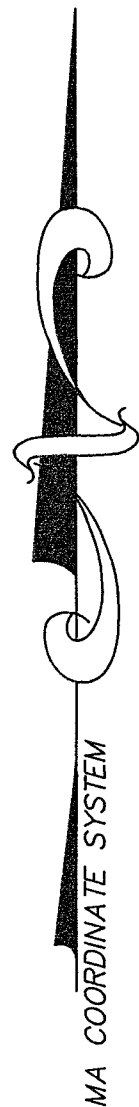
OPEN SPACE DEVELOPMENT

CLUSTER SITE AREA = 277,772 S.F. (6.37 ± Acres)
OPEN SPACE REQUIRED = 40% (111,109 S.F.)
OPEN SPACE PROVIDED = 45.7% (126,905 S.F.)
OPEN SPACE UPLAND = 109,517 S.F.
WETLANDS ON SITE = 30,346 S.F. (10.95% OF SITE AREA)
WETLANDS ALLOWED TOWARDS REQUIRED OPEN SPACE
(30,346 S.F. x 10.95% = 3,323 S.F.)
REQUIRED OPEN SPACE PROVIDED (109,517+3,323) = 112,840 S.F.

I, _____ CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.

DRAINAGE SOIL LOGS			
DTH-1 5/26/2022		DTH-4 5/26/2022	
0-12" A	SANDY LOAM	0-12" A	SANDY LOAM
12-36" B	SANDY LOAM	12-32" B	SANDY LOAM
36-112" C1	LOAMY SAND	32-64" C1	MED. SAND
NO WATER, NO MOTTLES		64-98" C2	LOAMY SAND DENSE
		REFUSAL AT 98" NO WATER, MOTTLES AT 64"	
DTH-2 5/26/2022		DTH-5 5/26/2022	
0-12" A	SANDY LOAM	REFUSAL AT 24"	
12-34" B	SANDY LOAM		
34-100" C1	LOAMY SAND		
REFUSAL AT 100" NO WATER, NO MOTTLES		DTH-6 5/26/2022	
DTH-3 5/26/2022		0-12" A	SANDY LOAM
0-12" A	SANDY LOAM	12-32" B	SANDY LOAM
12-30" B	SANDY LOAM	34-78" C1	LOAMY SAND
30-60" C1	MED. SAND	REFUSAL AT 78" NO WATER, NO MOTTLES	
60-124" C2	LOAMY SAND DENSE	DTH-7 5/26/2022	
NO WATER, MOTTLES AT 60"		REFUSAL AT 36"	
DTH-8 5/26/2022			
REFUSAL AT 24"			
DTH-9 5/26/2022			
0-8" A	SANDY LOAM		
8-24" B	SANDY LOAM		
24-68" C1	LOAMY SAND		
REFUSAL AT 68" NO WATER, MOTTLES AT 42"			
DTH-10 5/26/2022			
0-8" A	SANDY LOAM		
8-24" B	SANDY LOAM		
24-72" C1	LOAMY SAND		
REFUSAL AT 72" NO WATER, MOTTLES AT 42"			

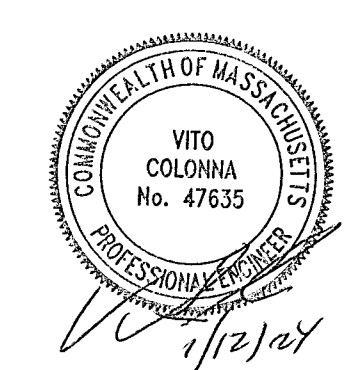


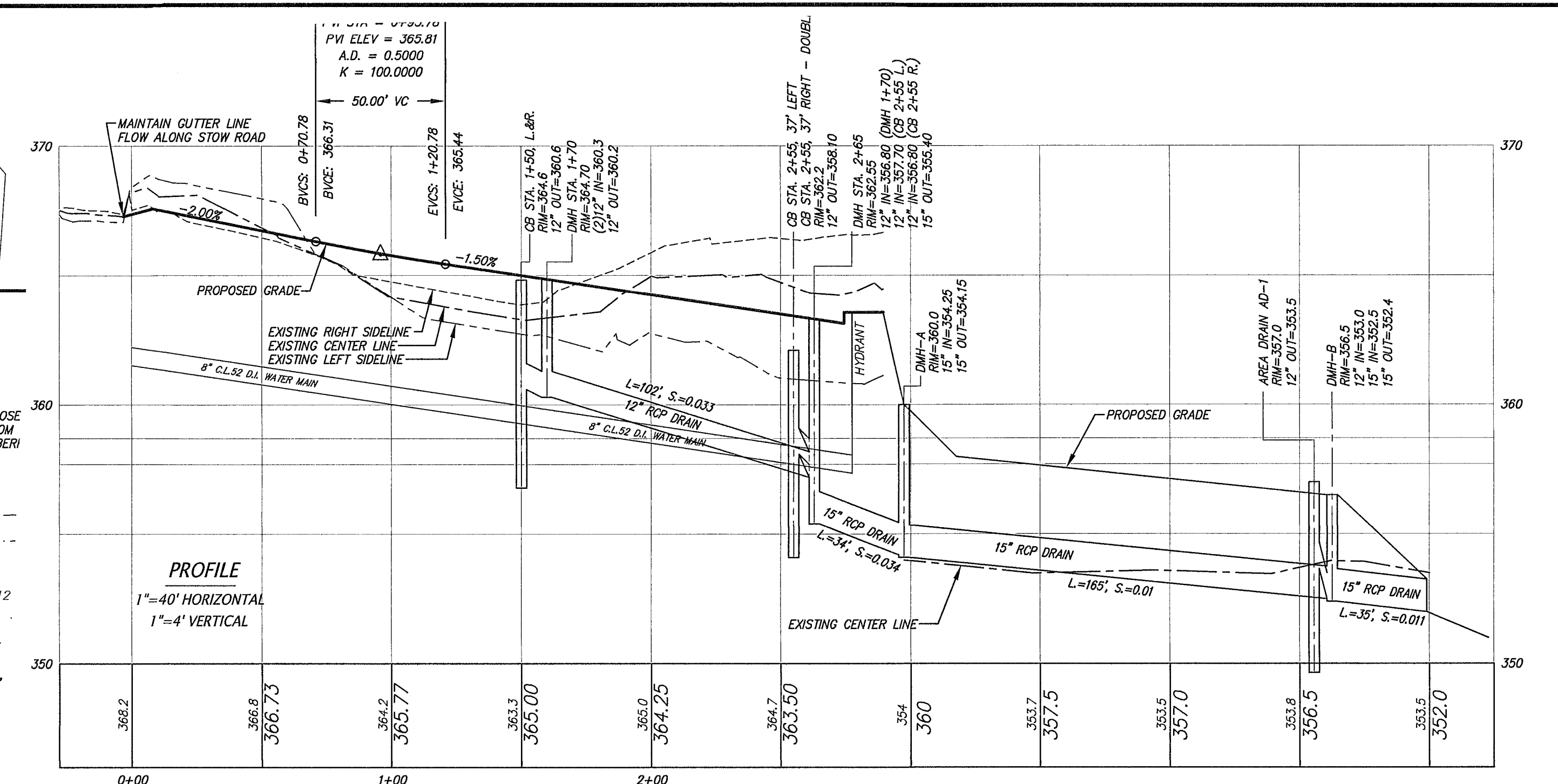


1/12/2024	REVISED CUL-DE-SAC SIDEWALK
12/20/2023	REVISED CUL-DE-SAC
11/10/2023	DPW REVIEW COMMENTS
10/18/2023	DPW REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: AUGUST 3, 2023	
SCALE: 1"=40'	SHEET 3 OF 8

GRAPHIC SCALE: 1"=40'

A horizontal graphic scale bar. The top scale is in feet, with markings at 0, 10, 20, 30, 40, 50, 75, 100, 150, and 200. The bottom scale is in meters, with markings at 0, 5, 10, 15, 20, 30, 40, 50, and 60. The text 'GRAPHIC SCALE: 1"=40\'' is written above the bar. The word 'FEET' is at the right end of the top scale, and 'METERS' is at the right end of the bottom scale.





ZONED: RURAL RESIDENCE RR
OPEN SPACE DEVELOPMENT
AREA = 20,000 sf
FRONTAGE = 70 feet
LOT WIDTH AT FRONT SETBACK = 90'
SETBACKS: FRONT = 25 feet
 SIDE = 15 feet
 REAR = 25 feet

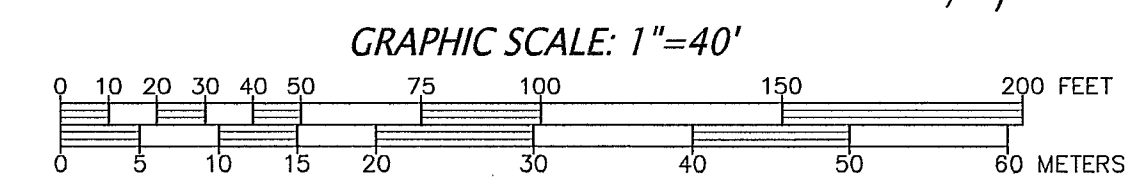
APPLICANT:
KENDALL HOMES
P.O. BOX 766
SOUTHBOROUGH, MA 01772

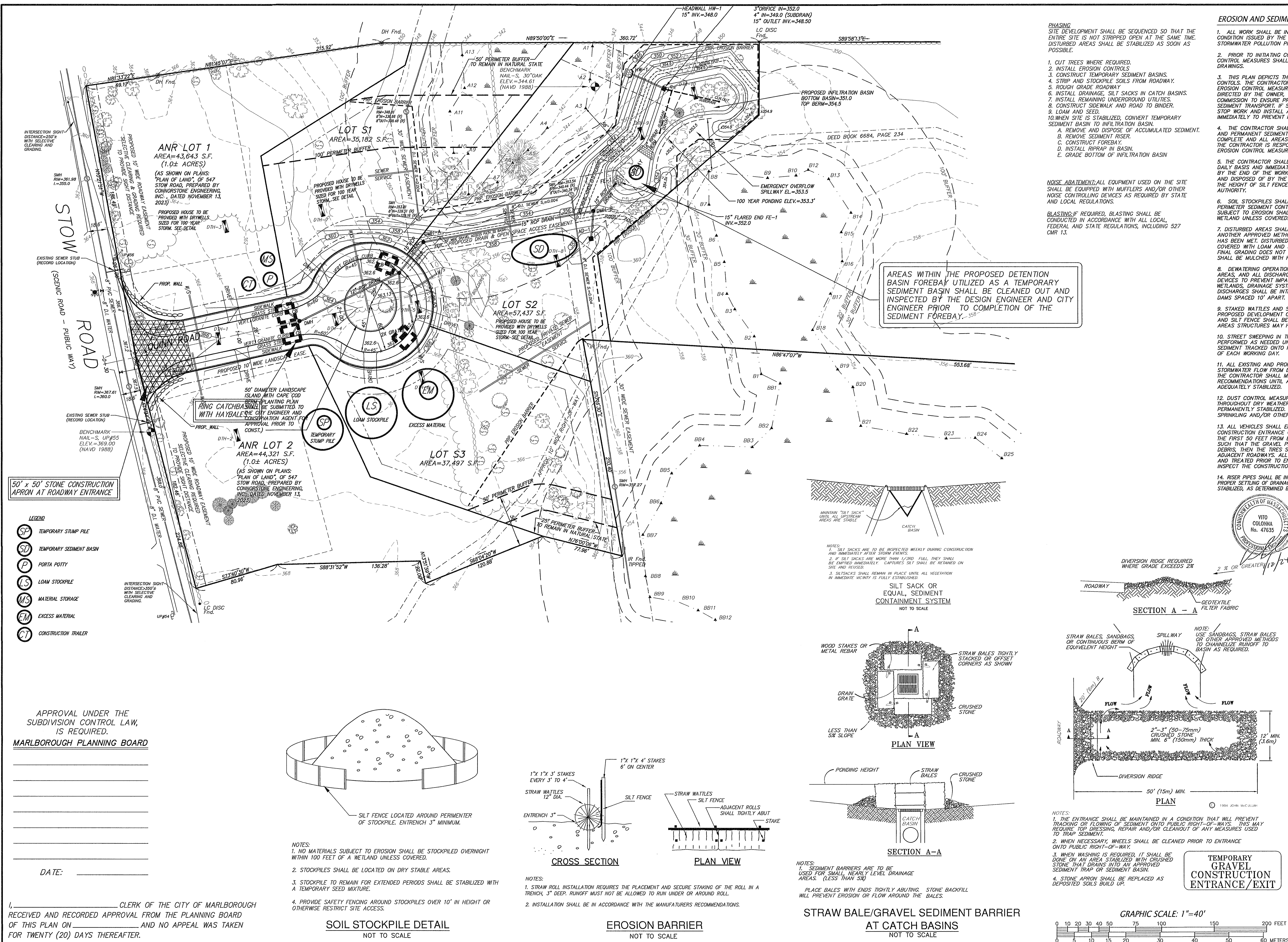
*"DEFINITIVE PLAN"
ROADWAY PLAN AND PROFILE
FOR
STOW ROAD SUBDIVISION
MARLBOROUGH, MA*

1/12/2024	REVISED CUL-DE-SAC SIDEWALK
12/20/2023	REVISED CUL-DE-SAC
11/10/2023	DPW REVIEW COMMENTS
10/18/2023	DPW REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: AUGUST 3, 2023	
SCALE: 1"=40'	SHEET 4 OF 8

I, _____ CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.

DATE: _____





14. RISER PIPES SHALL BE INSTALLED IN DETENTION BASIN OUTLET STRUCTURES TO ENSURE PROPER SETTLING OF DRAINAGE PRIOR TO DISCHARGE, UNTIL THE SITE HAS BEEN PROPERLY STABILIZED, AS DETERMINED BY THE CITY ENGINEER.

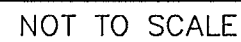
McCABE FAMILY REVOCABLE TRUST
AND
JUDITH MELLO McCABE

KENDALL HOMES
P.O. BOX 766
NORTHBOROUGH, MA 01772

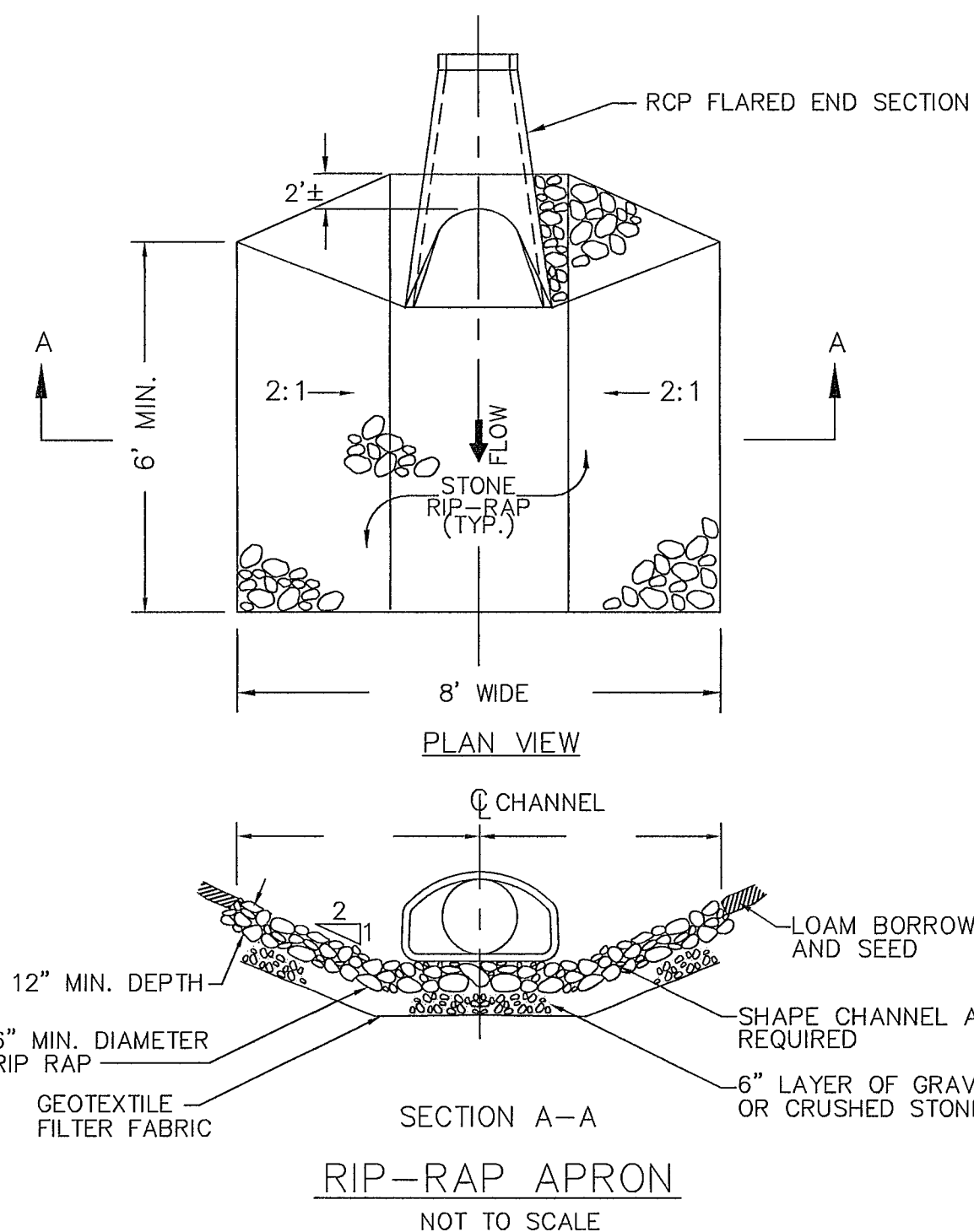
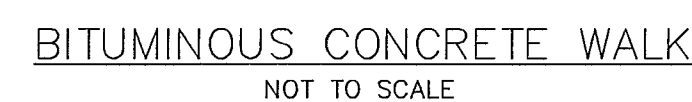
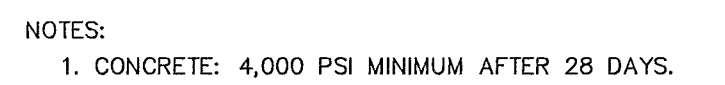
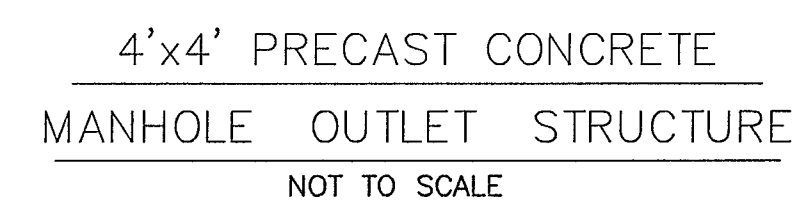
**CONNORSTONE
ENGINEERING INC.**
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

"DEFINITIVE PLAN"
EROSION CONTROL PLAN
FOR
STOW ROAD SUBDIVISION
MARLBOROUGH, MA

1/12/2024	REVISED CUL-DE-SAC SIDEWALK
12/20/2023	REVISED CUL-DE-SAC
11/10/2023	DPW REVIEW COMMENTS
10/18/2023	DPW REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: AUGUST 3, 2023	
SCALE: 1"=40'	SHEET 5 OF 8

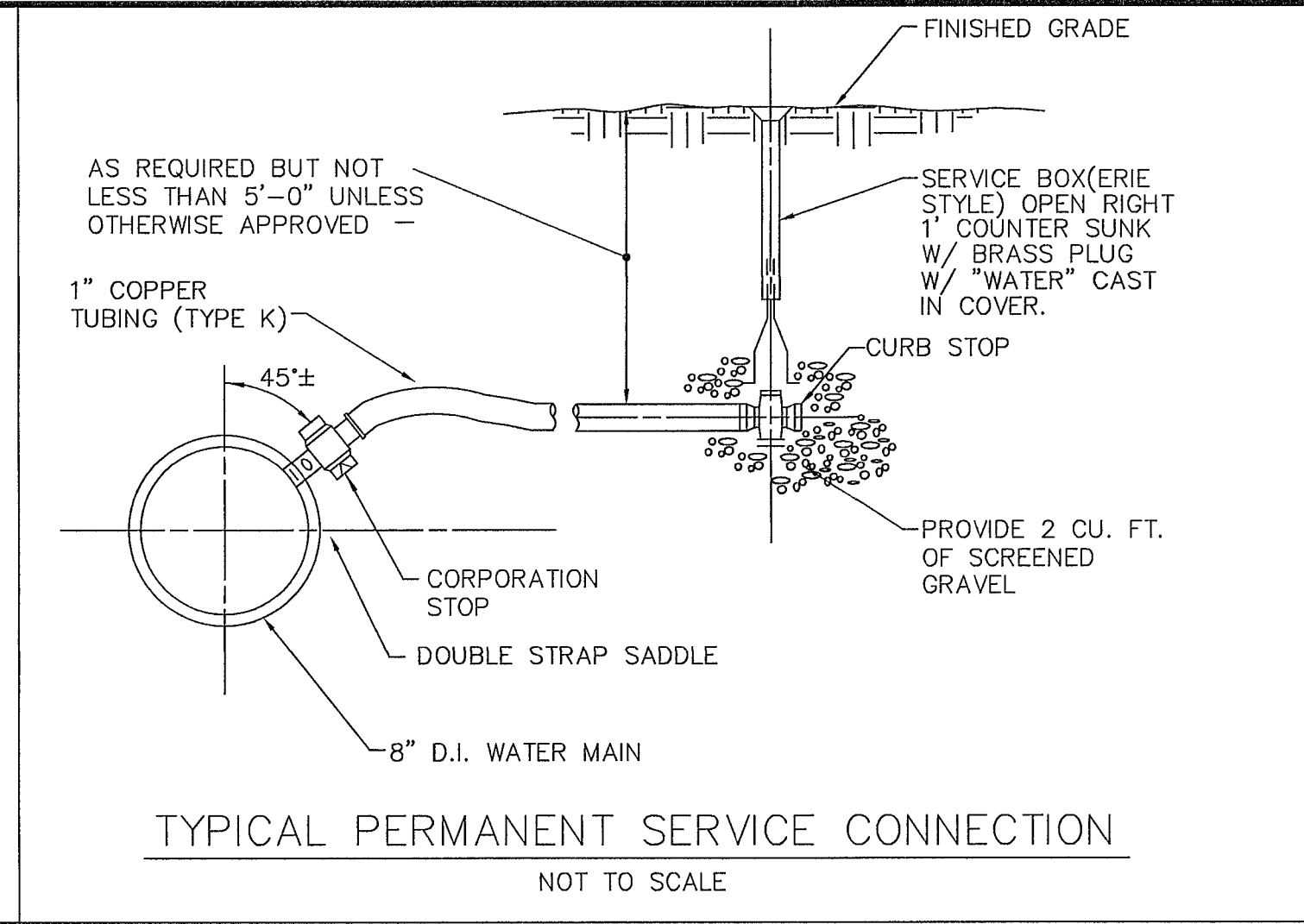
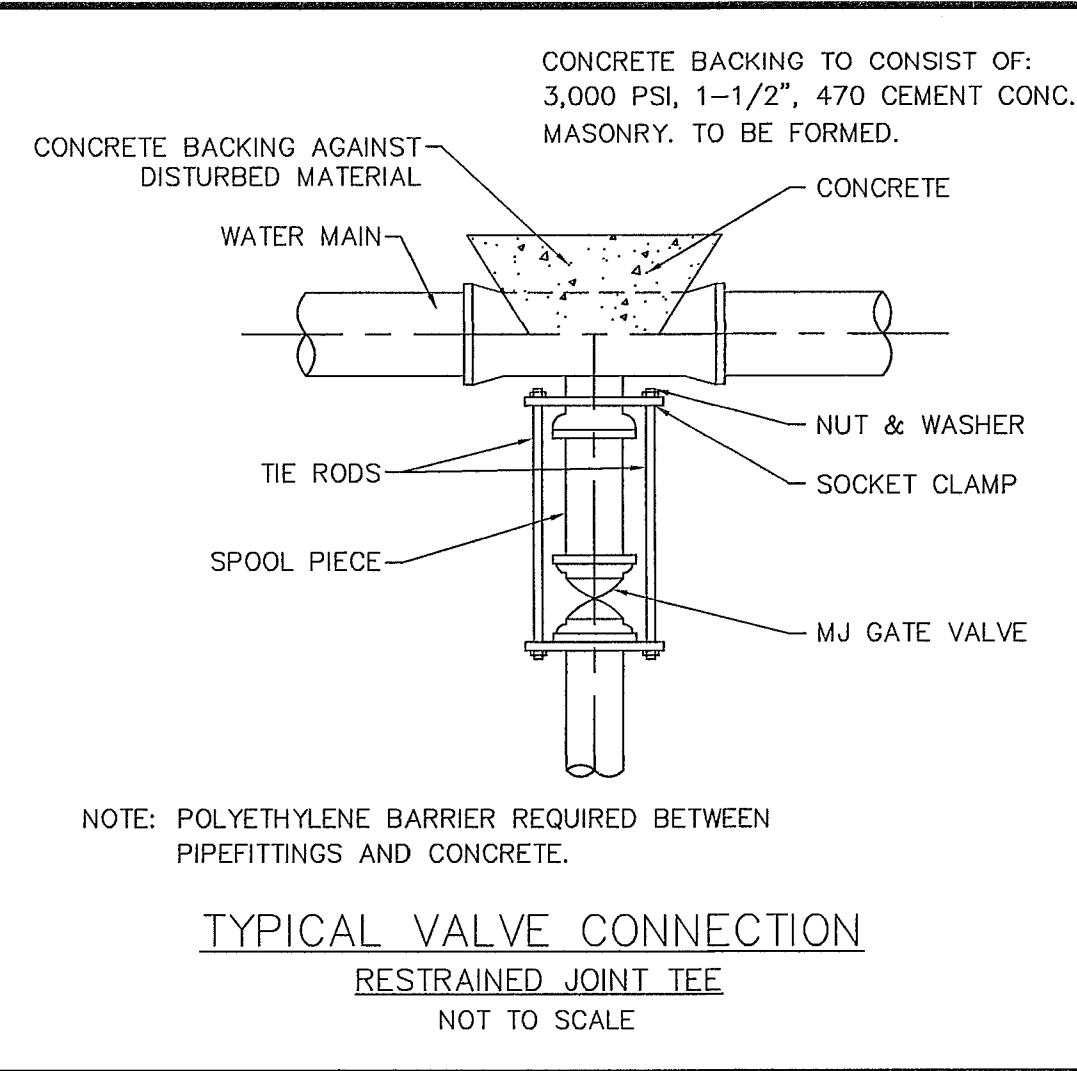
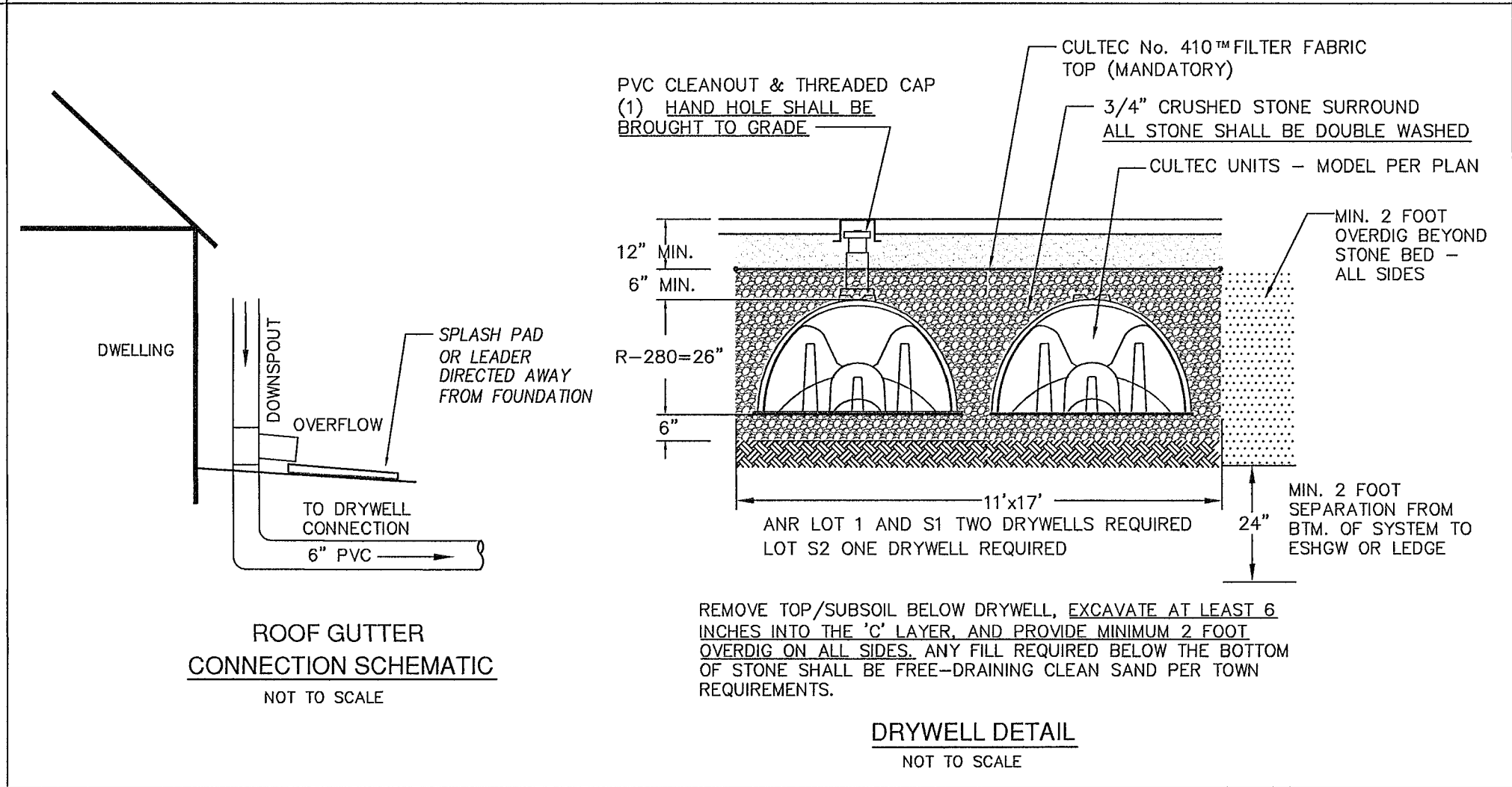
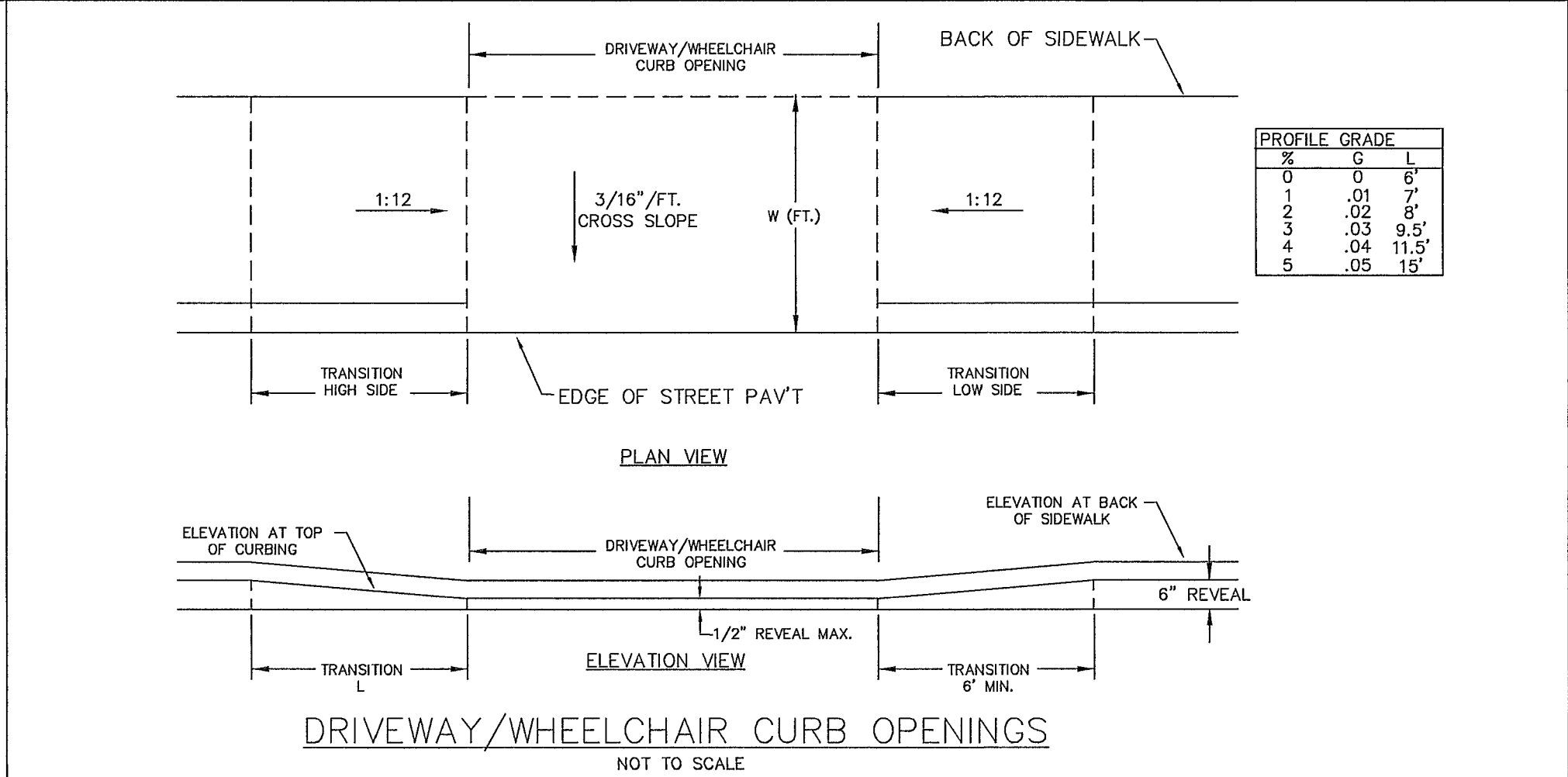
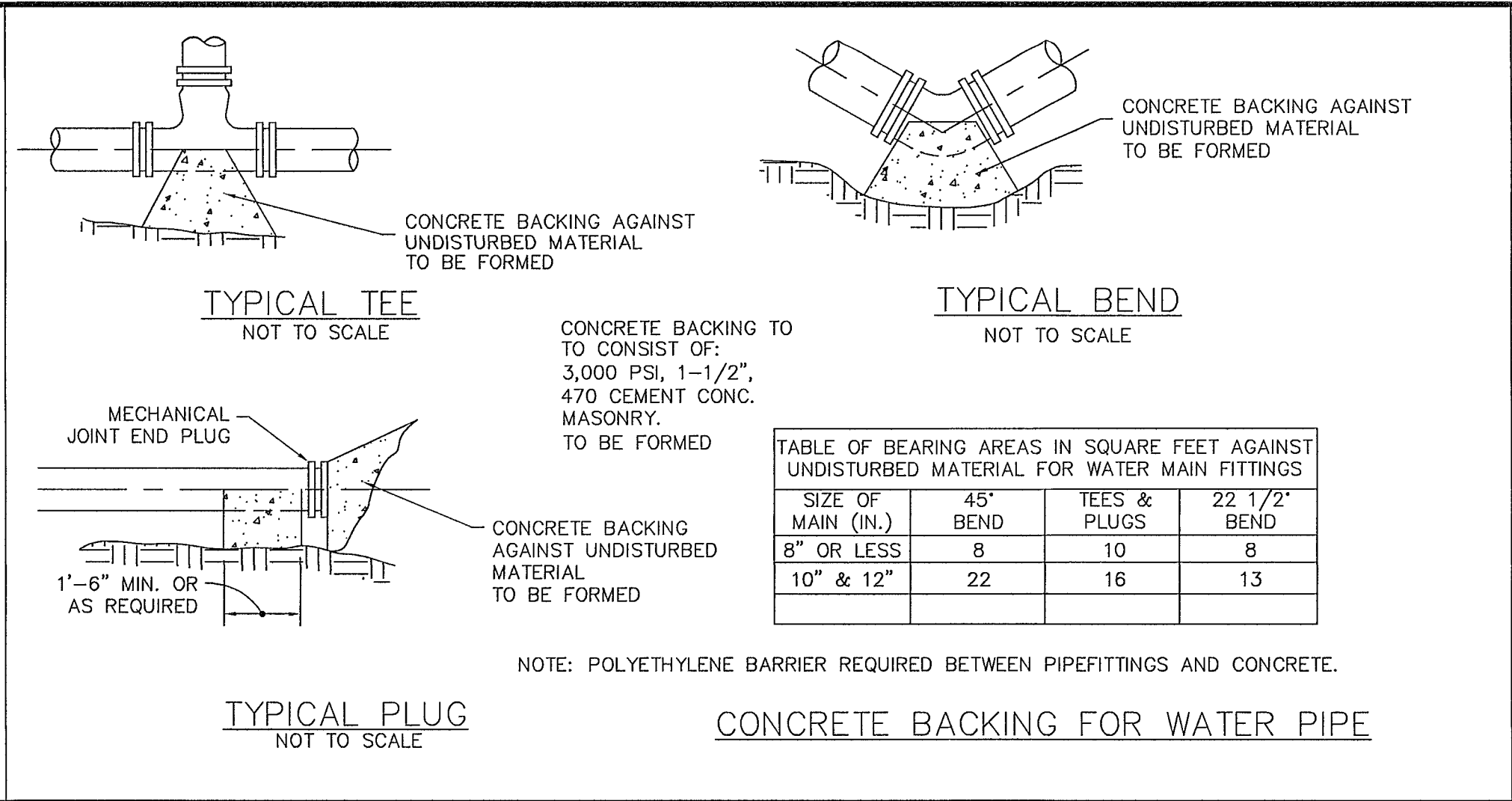
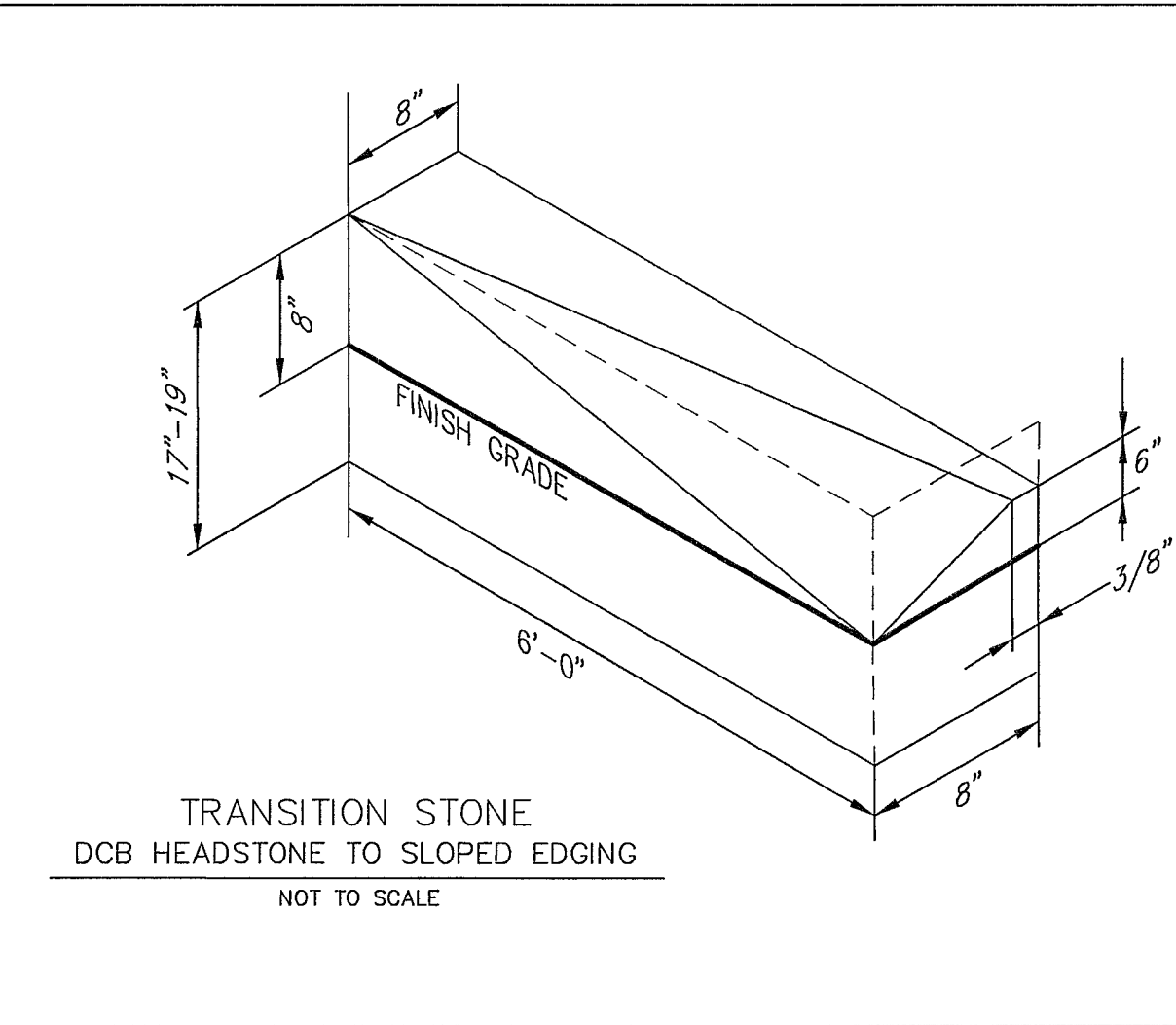
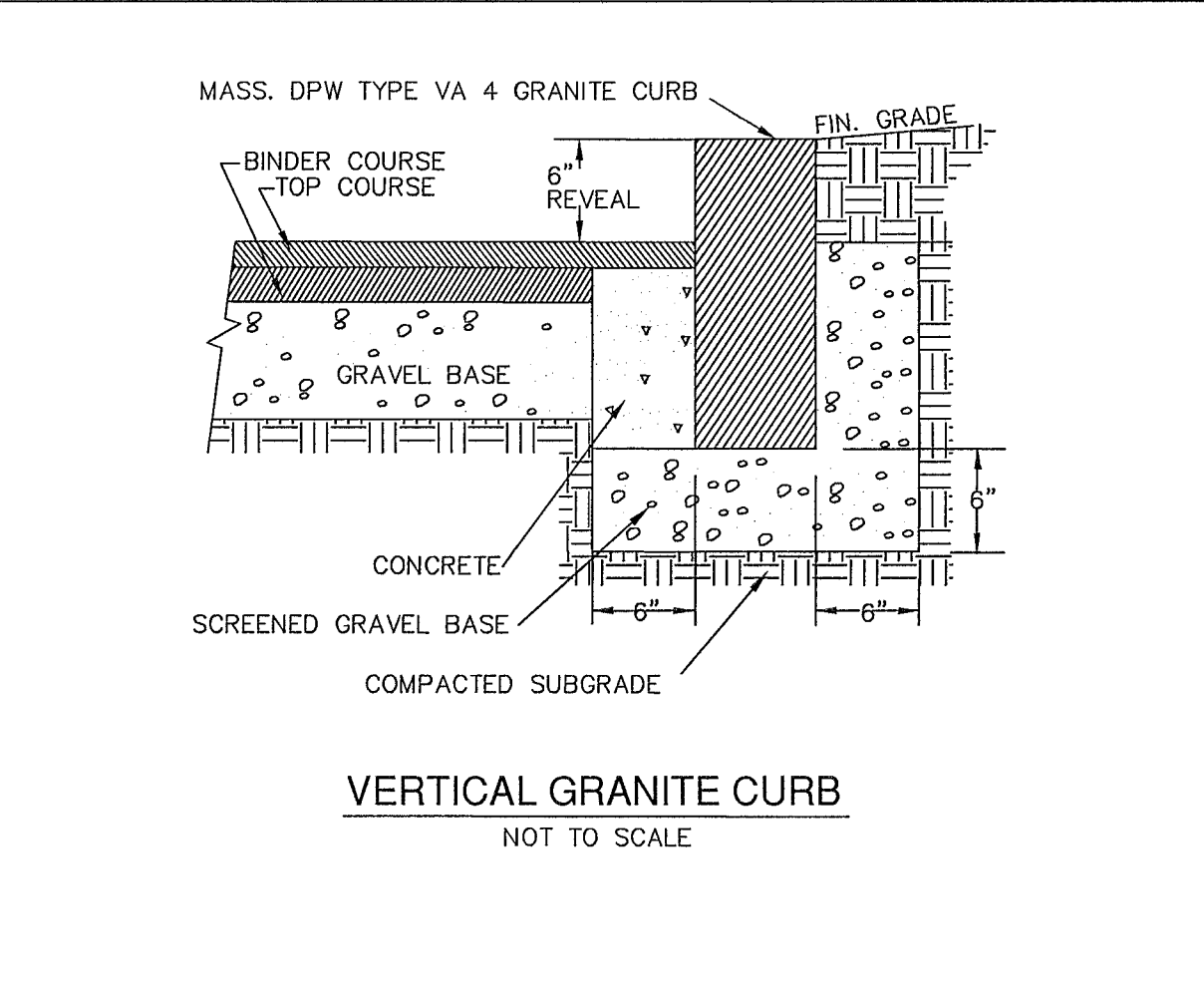
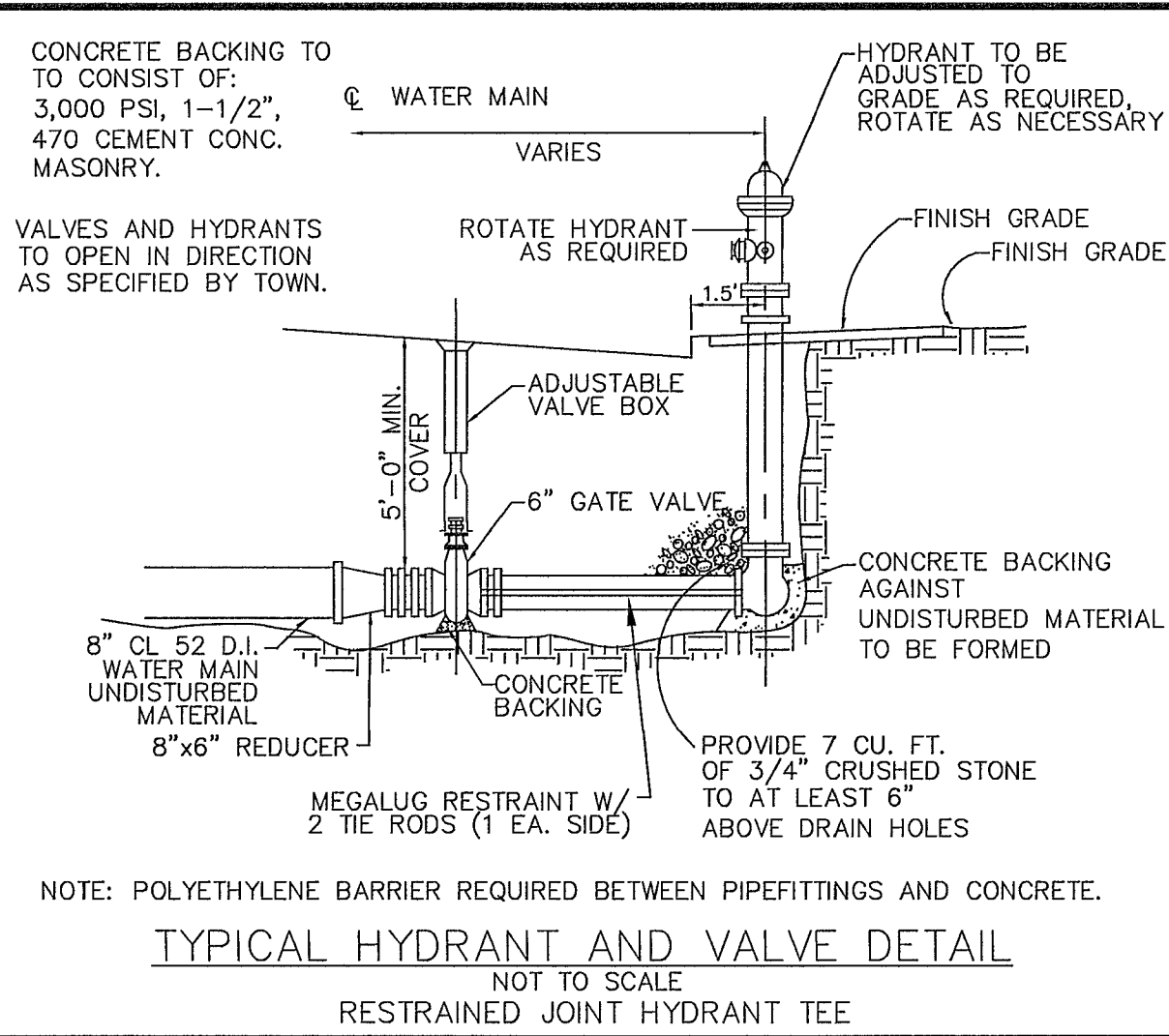


TYPICAL TRENCH SECTION
NOT TO SCALE



I, _____ CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.

1/12/2024	REVISED CUL-DE-SAC SIDEWALK
12/20/2023	REVISED CUL-DE-SAC
11/10/2023	DPW REVIEW COMMENTS
10/18/2023	DPW REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: AUGUST 3, 2023	
SCALE: 1"=40'	SHEET 6 OF 8

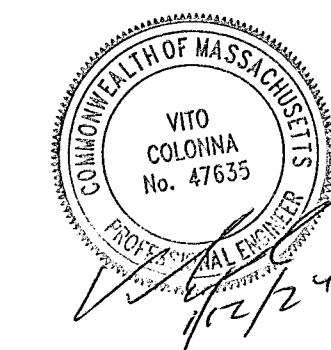


APPROVAL UNDER THE
SUBDIVISION CONTROL LAW,
IS REQUIRED.

MARLBOROUGH PLANNING BOARD

DATE: _____

I, _____ CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.



OWNERS:
MCCABE FAMILY REVOCABLE TRUST
AND
JUDITH MELLO MCCABE

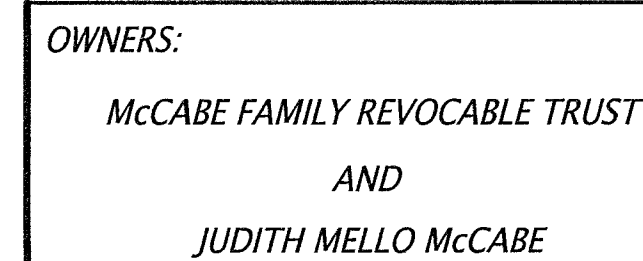
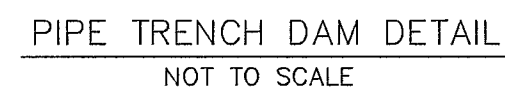
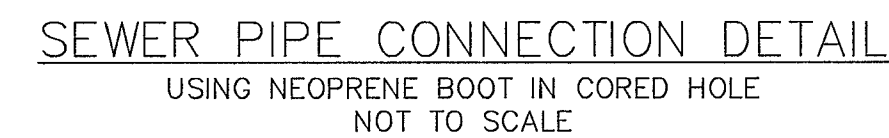
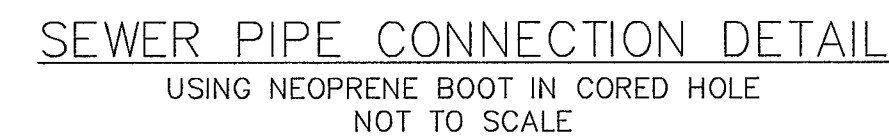
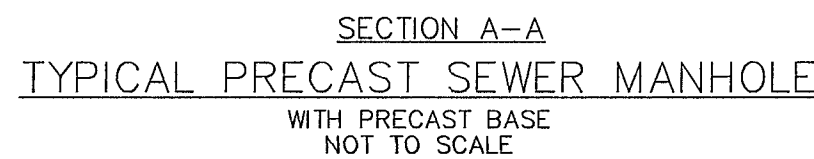
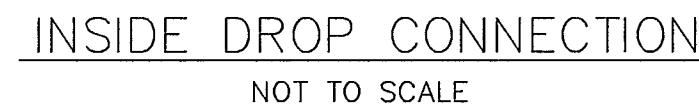
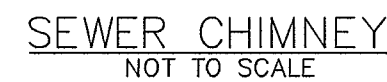
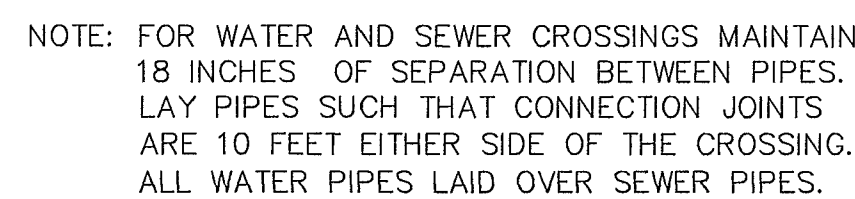
APPLICANT:
KENDALL HOMES
P.O. BOX 766
SOUTHBOROUGH, MA 01772

CONNORSTONE
ENGINEERING INC.
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE: 508-393-9727 FAX: 508-393-5242

CONSTRUCTION DETAILS

STOW ROAD SUBDIVISION
IN
MARLBOROUGH, MA

1/12/2024	REVISED CUL-DE-SAC SIDEWALK
12/20/2023	REVISED CUL-DE-SAC
11/10/2023	DPW REVIEW COMMENTS
10/18/2023	DPW REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: AUGUST 3, 2023	
SCALE: 1"=40'	SHEET 7 OF 8



APPLICANT:
KENDALL HOMES
P.O. BOX 766
SOUTHBOROUGH, MA 01772

**CONNORSTONE
ENGINEERING INC.**
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
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CONSTRUCTION DETAILS

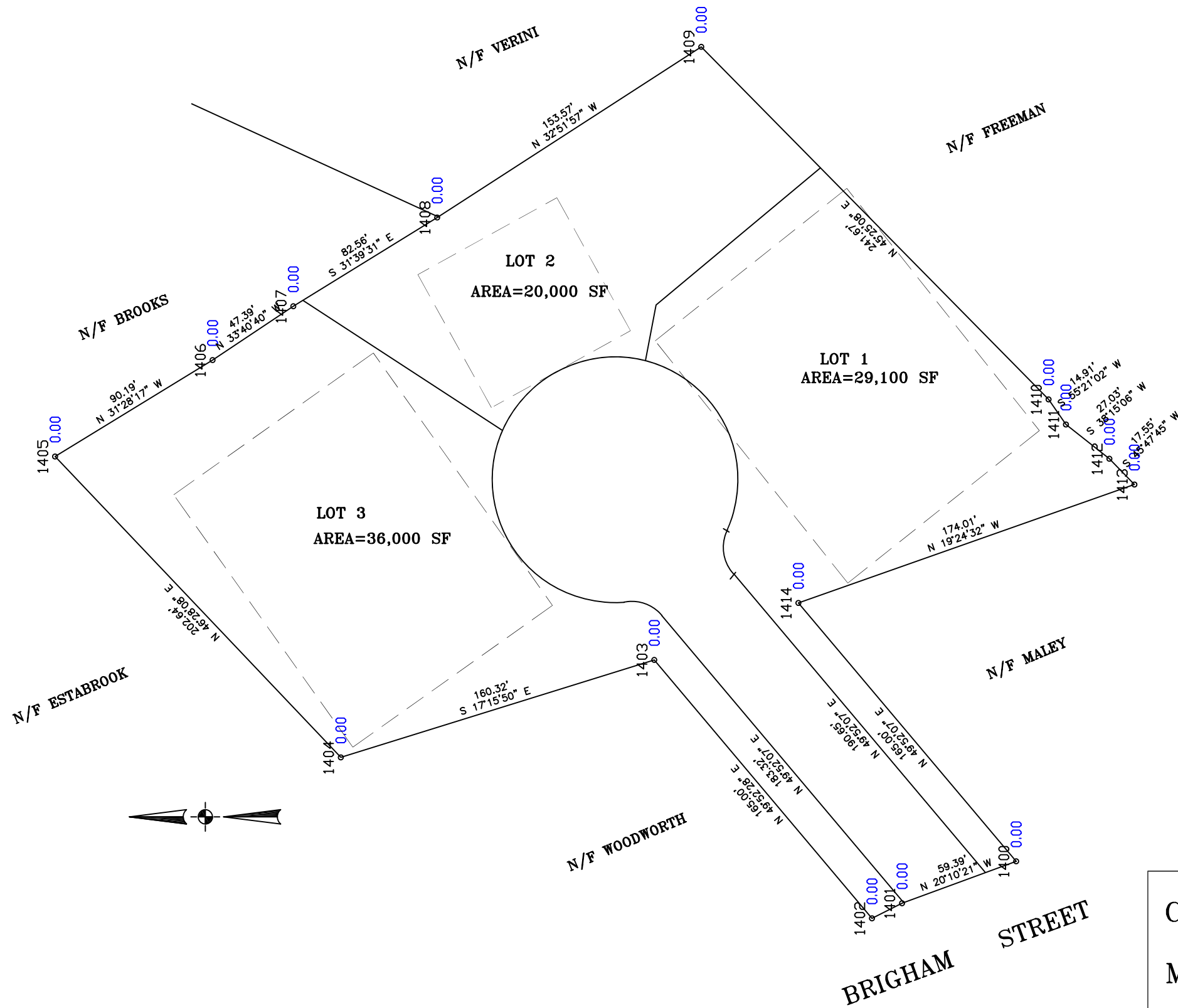
STOW ROAD SUBDIVISION
IN
MARLBOROUGH, MA

1/12/2024	REVISED CUL-DE-SAC SIDEWALK
12/20/2023	REVISED CUL-DE-SAC
11/10/2023	DPW REVIEW COMMENTS
10/18/2023	DPW REVIEW COMMENTS
REVISED:	DESCRIPTION:
DRAWN BY: REM	CHECK BY: VC
DATE: AUGUST 3, 2023	
SCALE: 1"=40'	SHEET 8 OF 8.

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW,
IS REQUIRED.
MARLBOROUGH PLANNING BOARD

DATE: _____

I, _____ CLERK OF THE CITY OF MARLBOROUGH
RECEIVED AND RECORDED APPROVAL FROM THE PLANNING BOARD
OF THIS PLAN ON _____ AND NO APPEAL WAS TAKEN
FOR TWENTY (20) DAYS THEREAFTER.



CONVENTIONAL SUBDIVISION
IN
MARLBORO, MASSACHUSETTS

OWNED BY: EILEEN FOYNES-BOOK 66,369 PG 361
PREPARED BY: ROBERT J. PARENTE
LOCATION: BRIGHAM ST- MAP 103 PARCEL 8
DATE: JAN. 29, 2024 SCALE: 1"=60'

§ 650-30. Limited development subdivisions. [Added 11-29-2004 by Ord. No. 04-100558C ; amended 8-18-2008 by Ord. No. 08-1001835C]

A parcel located in a residence district with frontage on a public way may be subdivided, subject to a special permit from the Planning Board, into limited development subdivision lots for the use only as single-family dwellings under the alternative lot area, frontage and dimensional criteria set forth below; provided, however, that the special permit applicant must clearly demonstrate to the Board that the parcel which is the subject of the special permit application could be subdivided by right under conventional subdivision requirements, as set forth in the applicable ordinances of the City of Marlborough, the Subdivision Control Law and the Board's rules and regulations, into at least 2 1/2 times as many building lots as the number of building lots proposed in the special permit application.

A. Limited development subdivision lot criteria:

- (1) A minimum lot area of 2 1/2 times the minimum lot area of the zoning district within which it is situated, exclusive of wetlands and land within utility easements. Where a lot is within two zoning districts, the minimum lot area provisions of the more restrictive district shall apply.
- (2) A minimum lot frontage and minimum lot width of 40 feet.
- (3) A minimum front, side and rear yard setback of 50 feet.
- (4) An area of land must be provided wholly within the interior of the lot meeting a minimum dimension. That dimension shall be determined by creating a rectangle having two sides equal to the frontage requirement of the district and two sides having lengths equal to 75% of the district frontage.
- (5) Driveways on limited development subdivision lots shall have a minimum width of 12 feet and a maximum grade of 10% and shall in all other aspects abide by requirements for driveways found in other sections of the chapter. Each lot shall have adequate access to ensure the accessibility of public safety and emergency vehicles. The Planning Board shall request a recommendation from the Site Plan Review Committee relative to the adequacy of such access.
- (6) All driveways shall be provided with adequate turnarounds to allow the turning and exiting of public safety and emergency vehicles during all weather conditions.
- (7) Shared driveways shall be allowed only if it has been demonstrated that adequate suitable space is available on each lot for construction of a nonshared driveway. Any special permit granted under this section shall require that the shared driveways be designated as private ways and not public ways.
- (8) The applicant for a special permit hereunder shall file with the Planning Board a preliminary plan that must clearly demonstrate to the Board that the parcel which is the subject of the special permit application is capable, as of right, of conventional subdivision, pursuant to the applicable ordinances of the City of Marlborough, the Subdivision Control Law and the Board's rules and regulations, into at least 2 1/2 building lots for each building lot proposed under the limited development subdivision

criteria.

B. Required findings and requirements for special permit:

- (1) That the limited development subdivision results in sufficient advantage to the City to depart from applicable requirements of the Ordinances of the City of Marlborough, applicable Subdivision Control Law and the Rules and Regulations, as may be further amended, of the Planning Board, in that the use of the intended parcel is less intense than would be allowed in a subdivision, as defined by the Planning Board.
- (2) That the submitted plan clearly conforms with all of the criteria enumerated in Subsection A above, and the applicant has demonstrated that access from the frontage to the single-family dwelling is sufficient to accommodate all private vehicles and the needs of all public safety and emergency vehicles.
- (3) Before a building permit shall be issued, the applicant must provide satisfactory evidence that the special permit issued hereunder has been recorded at the Middlesex South District Registry of Deeds.

TOWN OF SOUTHBOROUGH

RECEIVED
SOUTHBOROUGH TOWN CLERK
2024 FEB -7 P 1:31

AmB



PLANNING BOARD

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710, ext. 3028 · FAX (508) 983-7752 · kquinn@southboroughma.com

February 7, 2024

James Hegarty
Town Clerk
Town of Southborough
17 Common Street
Southborough, MA 01772

PUBLIC HEARING NOTICE

MBTA Communities – Chapter 40A, Section 3A
Adoption of Multi-Family Zoning By-Right Bylaw

Per Section MGL, 40A, Section 5, the Planning Board of the Town of Southborough shall hold a public hearing on **Monday, February 26, 2024 at 7:15 PM**, in the McAuliffe Hearing Room, 17 Common St. Southborough, MA, and via Zoom, to consider the adoption of a new Bylaw required under MGL, Chapter 40A, Section 3A-MBTA Communities, to create Overlay Districts for Multi-Family Housing by-right.

These hearings concern proposed Overlay Districts that will allow multi-family housing by right.

A copy of the proposal may be viewed on the Planning Board's web page:

<https://www.southboroughtown.com/planning-board> or in person at the Southborough Town House during normal business hours.

Persons wishing to participate in this meeting can do so in person or via Zoom remote participation by going online to <https://www.southboroughtown.com/remotemeetings>

Legal ad to run 2/12/2024 and 2/19/2024

Meme Luttrell, Chair
Southborough Planning Board