

1. 1-26-26 Agenda

Documents:

[AGENDA 1-26-26.PDF](#)

2. 1-26-26 Agenda Packet

Documents:

[AGENDA PACKET 1-26-26.PDF](#)

CITY OF MARLBOROUGH MEETING POSTING

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2026 JAN 22 PM 2:07

Meeting: **Planning Board**
Date: Monday, January 26, 2026
Time: **7:00 PM**
Location: Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough, MA 01752

This meeting of the Planning Board will be held in Memorial Hall on Monday, January 26, 2026, at 7:00 PM.

PUBLIC ATTENDANCE IS PERMITTED

Agenda Items to be Addressed:

1. Draft Meeting Minutes

- A. January 12, 2026

2. Chair's Business

- A. Mosher Lane, Forest Trail Subdivision – No updates
- B. Informal Discussion – Mount Royal Avenue/Glen Street
 - i. GIS Exhibit
 - ii. ANR Exhibit

3. Approval Not Required

- A. 130 Lizotte Drive, Marlborough, MA 01752
 - Applicant & Owner: FD 130 Lizotte, LLC, 118 Turnpike Road, Suite 300, Southborough, MA 01772
 - Surveyor: Jeffrey J. Stefanik, LS of Guerriere and Halnon, Inc., 333 West Street, Milford, MA 01757
 - Deed: Book: 82594 Page: 461
 - Map: 90 Parcel: 83
 - i. Form A
 - ii. Correspondence City Engineer, Thomas DiPersio – Engineering Review for BOTH 130 Lizotte Drive ANR's
 - iii. Plan of land Dated: September 10, 2025
- B. 130 Lizotte Drive, Marlborough, MA 01752
 - Applicant & Owner: FD 130 Lizotte, LLC, 118 Turnpike Road, Suite 300, Southborough, MA 01772
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 - Deed: Book: 82594 Page: 461
 - Map: 90 Parcel: 2A
 - i. Form A
 - ii. Plan of land Dated: January 6, 2026

4. Public Hearings (None)

5. Subdivision Progress Reports

- A. 547 Stow Road (Quinn Road) – no updates
- B. 689 Pleasant Street (Jewell Road)
 - i. Recommendation letters to City Council, from the Board, Engineering, and Legal
- C. 0 Stevens Street (Tobin Road) – No updates
- D. 76 Broad Street (Pettes Road) – No updates
- E. Water's Edge & Sterling Woods (Farooq Ansari) – No updates

CITY OF MARLBOROUGH MEETING POSTING

6. Preliminary/Open Space/Limited Development Subdivision

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

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

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

Deed: Book: 64574 Page: 193
Map: 82 Parcel: 125

- i. Correspondence from Jacob Lemieux, Hancock Associates – Withdrawal
- ii. Chronology of Marlborough Hub
- iii. Correspondence from previous Assistant City Solicitor, Cynthia Panagore Griffin
- iv. Council Order No. 20-1007976D

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

A. Working Group – No updates

B. Paper Street – No updates

11. Calendar Updates

A. 547 Stow Road (Quinn Road) Chuck & Tim Black

Approved: February 26, 2024 Next Steps: - Lot S2, or \$228,000 cash deposit held for street acceptance
Current Status: - Roadway under construction

B. 689 Pleasant Street (Jewell Road) William Limberopoulos

Approved: June 26, 2023 Next Steps: - (Lot 6 held for street acceptance)
Current Status: - Roadway construction complete, with Council for acceptance

C. 0 Stevens Street (Tobin Road) Charles Bourque & Michael Carney

Approved: November 7, 2022, extension approved through December 2, 2027
Next Steps: - (Lot 4 held for street acceptance)
Current Status: - Roadway under construction

D. 76 Broad Street (Pettes Road) Camila & Garrett Marino

Certificate of Vote Approved: February 8, 2021, Covenant Signed: July 14, 2023 **(OLD RULES AND REGS)**
Next Steps: - Preconstruction meeting

E. Stratton Woods

Current Status: Waiting on developer to respond to correspondence

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

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Next Steps: - Preconstruction meeting

E. Stratton Woods

Current Status: Waiting on developer to respond to correspondence

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MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

1A

Call to Order

January 12, 2026

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

First Order of Business: Planning Board Organization Meeting – Election of Chairperson and Clerk

Mr. Hughes was voted Acting Chair and opened the organizational meeting.

Mr. Hughes opened the nominations for the Planning Board Clerk. Dr. Fenby nominated Mr. George LaVenture, seconded by Mr. Hughes. There were no additional nominations. On a motion by Dr. Fenby, seconded by Mr. Hughes, the board voted to elect Mr. George LaVenture, as Clerk of the Marlborough Planning Board for the year 2026. Yea: Fay, Fenby, Fortin, and Hughes. Nay: 0. Motion carried. 4-0. Abstain: LaVenture.

Mr. LaVenture opened the nominations for the Planning Board Chairperson. Mr. LaVenture nominated Mr. Sean Fay, seconded by Dr. Fenby. There were no additional nominations. On a motion by Mr. LaVenture, seconded by Dr. Fenby, the board voted to elect Mr. Sean Fay as Chairperson of the Marlborough Planning Board for the year 2025. Yea: Fenby, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 4-0. Abstain: Mr. Fay.

1. Draft Meeting Minutes

A. December 15, 2025

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to accept and file the December 15, 2025, meeting minutes. Yea: Fay, Fenby, Hughes, and LaVenture. Nay: 0. Motion carried. 4-0. Abstain: Fortin.

2. Chair's Business

A. Draft 2026 Meeting Schedule

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to adopt the draft meeting schedule for 2026. Yea: Fay, Fenby, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 5-0.

B. Mosher Lane, Forest Trail Subdivision

i. Correspondence from Daniel J Burger, Esq. Connolly Burger, P.C.

Mr. LaVenture read the January 7, 2026, correspondence into the record.

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

Mr. Fay and Mr. LaVenture discussed the Board's intent on when to use the Home Rule Petition "H.R.P." for street acceptance. Mr. LaVenture explained the H.R.P. was meant to be a last-ditch option, when there are no other avenues available for street acceptance. The Board feels that not all avenues have been reviewed yet for Mosher Lane, Forest Trail Subdivision. The Board agreed they need to make a policy on when to use the H.R.P. Mr. Fay did make note of the title issues with Mosher Lane, however, agreed that more needed to be reviewed prior to using the H.R.P. Mr. LaVenture suggested at the next Working Group meeting, they can draft a memorandum on when the Board would see it appropriate to use the H.R.P. for street acceptance.

C. Clover Street Improvements

i. Plans for signature

ii. Letter to Building Commissioner, William Paynton for signature

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

The administrator confirmed votes occurred at previous meetings to endorse the above documents. The Board decided to endorse them at the end of the meeting.

3. Approval Not Required

A. 130 Lizotte Drive, Marlborough, MA 01752

Applicant & Owner: FD 130 Lizotte, LLC, 118 Turnpike Road, Suite 300, Southborough, MA 01772

Surveyor: Jeffrey J. Stefanik, LS of Guerriere and Halnon, Inc., 333 West Street, Milford, MA 01757

Deed: Book: 82594 Page: 461

Map: 90 Parcel: 83

i. Form A

ii. Correspondence from George T. Bahnan, Esq.

iii. Plan of land Dated: September 10, 2025

Brian Charville of Ferris Development Group, 118 Turnpike Rd, Southborough, MA 01772 spoke on behalf of the two ANR submissions for 130 Lizotte Drive. Mr. Charville explained these properties are part of a recently approved special permit through City Council and the Site Plan Review Committee. With these approvals they will be converting the existing building at 130 Lizotte Drive into 74 residential for sale condominiums. Two new buildings are to be built. He explained the intent is that each building will be owned by its condominium members; by creating these separate parcels each condo will have its own area of responsibility, opposed to sharing lots together.

Mr. Charville went over the two ANR plans for the Board and the Board asked general questions about the development.

B. 130 Lizotte Drive, Marlborough, MA 01752

Applicant & Owner: FD 130 Lizotte, LLC, 118 Turnpike Road, Suite 300, Southborough, MA 01772

Surveyor: Jeffrey J. Stefanik, LS of Guerriere and Halnon, Inc., 333 West Street, Milford, MA 01757

Deed: Book: 82594 Page: 461

Map: 90 Parcel: 2A

i. Form A

ii. Correspondence from George T. Bahnan, Esq.

iii. Plan of land Dated: January 6, 2026

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to refer items 3.A and 3.B ANR Plans for 130 Lizotte Drive map and parcels 90-83 and 90-2A to Engineering for review. Yea: Fay, Fenby, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 5-0.

On a motion by Mr. LaVenture, seconded by Dr. Fenby, the Board voted to accept and file the correspondence under items 3.A and 3.B. Yea: Fay, Fenby, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 5-0.

City Council Vice President, Kathleen Robey agreed to forward the special permit to the Board for their files.

4. Public Hearings (None)

5. Subdivision Progress Reports

A. 547 Stow Road (Quinn Road) – no updates

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

B. 689 Pleasant Street (Jewell Road)

i. Correspondence from City Solicitor, Jason Grossfield

Mr. LaVenture read the December 15, 2025, correspondence into the record.

- (1) Acceptance Plan
- (2) Open Space Deed
- (3) Easement Deed
- (4) Easement Sketch

The Administrator explained the above documents have been reviewed by the Legal Department and they were provided to the Board as an FYI and simply so they could see all the documents in one place.

ii. Draft Completion Bond – Secured by Real Estate

The Administrator explained the above document needs a referral to the Legal Department for review. The applicant used the previously approved performance bond document and revised it to be for a completion bond. She explained Thomas DiPersio made edits and so did the developers counsel, which are redlined in the document. The document would be deemed unnecessary if the street was to be accepted by Council first. However, the developer is eager to pull a building permit. She explained this is the first of this document, so she wanted the Boards input on potential revisions.

City Council Vice President, Kathleen Robey asked about language within the draft completion bond. Mr. LaVenture provided information on the Board's two separate guarantees: the performance guarantee and the completion guarantee.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to refer the draft completion bond to the Legal Department for review. Mr. LaVenture requested the document be revised to reference the developers' requirements in accordance with the Planning Board's rules and regulations. Yea: Fay, Fenby, Hughes, LaVenture and Russ. Nay: 0. Motion carried. 6-0.

iii. Correspondence from City Engineer, Thomas DiPersio – Acceptance Recommendation

Mr. LaVenture read the November 25, 2025, correspondence into the record.

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

iv. Council Order No.25-1009620 – Request to accept Jewell Road as a public way – **Recommendation to Council**

City Council President, Michael Ossing explained there is no timeline for the Board's recommendation and provided the procedural process of the acceptance. He explained if Council receives recommendations from the Board, Legal and Engineering at their January 26, 2026, meeting, it would then be referred to Legislative and Legal Affairs. They would report back to Council for their February 9, 2026, meeting, where, pending any issue the Council would then accept the roadway.

City Council Vice President, Kathleen Robey addressed concerns on the completion bond document and Mr. LaVenture explained the reason why the Board has a separate guarantee, which is to ensure that the developer provides everything to the City that is required to allow the Council to debate whether or not to accept the roadway and based on Mr. DiPersio's recommendation letter, the City has received all of the necessary documents. Mr. Fay explained this document is a separate track from the street acceptance from Council.

MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

The Board deliberated their recommendation and concluded with the following vote:

On a motion by Mr. LaVenture, seconded by Dr. Fenby, the Board voted to recommend to the Marlborough City Council that Jewell Road be accepted as a public way and the appurtenant easements be accepted as municipal easements in the City of Marlborough. Yea: Fay, Fenby, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 5-0.

C. 0 Stevens Street (Tobin Road) – Progress Report

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

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

The Administrator explained she believes the land swap referenced in the progress report refers to the ANR that was recently approved by the Board.

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

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

6. Preliminary/Open Space/Limited Development Subdivision

A. 0 Howe Street and 0 Valley Street, Preliminary Subdivision Plan – **Set Public Hearing Date**

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

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

Deed: Book: 64574 Page: 193

Map: 82 Parcel: 125

i. Form B

ii. Preliminary Subdivision Plan Dated: January 6, 2026

Jacob Lemieux of Hancock Associates, 315 Elm Street, Marlborough, MA spoke on behalf of the subdivision. He explained this is a preliminary subdivision filing for a 5-lot subdivision, with 4 duplexes and 1 single family home. There is an existing right-of-way that connects Valley Street and another private way that connects up to Howe Street. The roadway they are proposing is to remain private. It would be connected to Howe Street with a t-turn around for fire trucks. Stormwater would be handled on the rear of the property with a surface stormwater system. In the final design it may end up being subsurface stormwater system. The existing site has 3 zoning districts, the parcels are split by an old industrial district line which was an old railroad unloading dock area, which has been completely cut off from any other industrial areas. The rest of the property is primarily zoned Residence C with a small, cornered portion in the Business zone. He explained they do not intend to really do anything in the Business zoned area.

Mr. Lemieux explained there is 692 feet of roadway including the T-turn around. Utilities would be through Valley Street. He went over the list of waivers:

- 25'R for PL at intersection
 - o He explained the existing right-of-way doesn't have any radii on it; it's just a 90° connection. However, they would construct the roadway to the actual 25-foot radii that is required.
- 50' Row for Secondary Street
 - o The waiver request is to allow for the road to be developed in the exiting 40' right-of-way.
- 100' Minimum tangent distance between reverse curves

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

- He explained because they are forced to meet the existing grades on the North side. They anticipate this being a small private roadway with a slow speed limit which would help with the lack of distance between curves.
- Sidewalks on both sides of the street
 - The request is to install sidewalks on only one side of the roadway, the side where the homes are to be.

Mr. Lemieux explained at the end of the roadway there's a turnaround that connects to the existing pavement that goes up to Howe Street and that there is a proposed crosswalk that leads to the entrance of the John Street Park.

Mr. LaVenture requested a waiver less plan. Mr. Lemieux said "we can certainly present one."

Mr. Fortin asked if they had considered the possibility of this roadway being a one way. Mr. Lemieux explained no, they had not considered that, however, they would need to improve up to Howe Street but agreed they could review this idea. Mr. Fortin's hope was to eliminate the t-turn around. Mr. Lemieux said the turnaround extends the roadway by about 200 feet, however, it provides access to the garage for the 5th lot. Mr. Fortin explained it could possibly be reduced to driveway size. Mr. Lemieux agreed.

Dr. Fenby explained the Board has seen this piece of property a couple times before and suggested showing the Board some of the issues that arose in the previous submissions. The Board tried to recall the previous issues. Mr. Lemieux explained Hancock was the engineer on the previous submissions, however the property now has a new owner. Mr. Lemieux agreed to look in his files for legal documentation.

Dr. Fenby and Mr. Fay recalled a lot of opposition from neighbors and suggested the developer hold some sort of neighborhood meeting before the public hearing.

Mr. LaVenture requested the Administrator locate meeting minutes from the past submissions. She agreed.

The Board discussed the procedural process and the 45-day clock on making a decision on the preliminary submission.

On a motion by Dr. Fenby, seconded by Mr. LaVenture, the Board voted to refer the 0 Howe Street and 0 Valley Street preliminary subdivision plan to Engineering for review and to set the public hearing date for February 9, 2026. Yea: Fay, Fenby, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 5-0.

7. Definitive Subdivision (None)

8. Signs (None)

9. Correspondence (None)

10. Unfinished Business

- A. Working Group – No updates, they will meet next in February
- B. Paper Street – No updates
- C. Letters to state for Signature – Home Rule Petition

11. Calendar Updates

- A. 547 Stow Road (Quinn Road) Chuck & Tim Black

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

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Current Status: Waiting on developer to respond to correspondence

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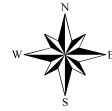
The Board members signed the Clover Street Improvement Plans and the letters of thanks to the State for their work on the Home Rule Petition.

On a motion by Mr. Fortin, seconded by Mr. LaVenture, the Board voted to adjourn the meeting. Yea: Fay, Fenby, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 5-0.

Respectfully submitted,

/kml

George LaVenture/Clerk



January 21, 2026

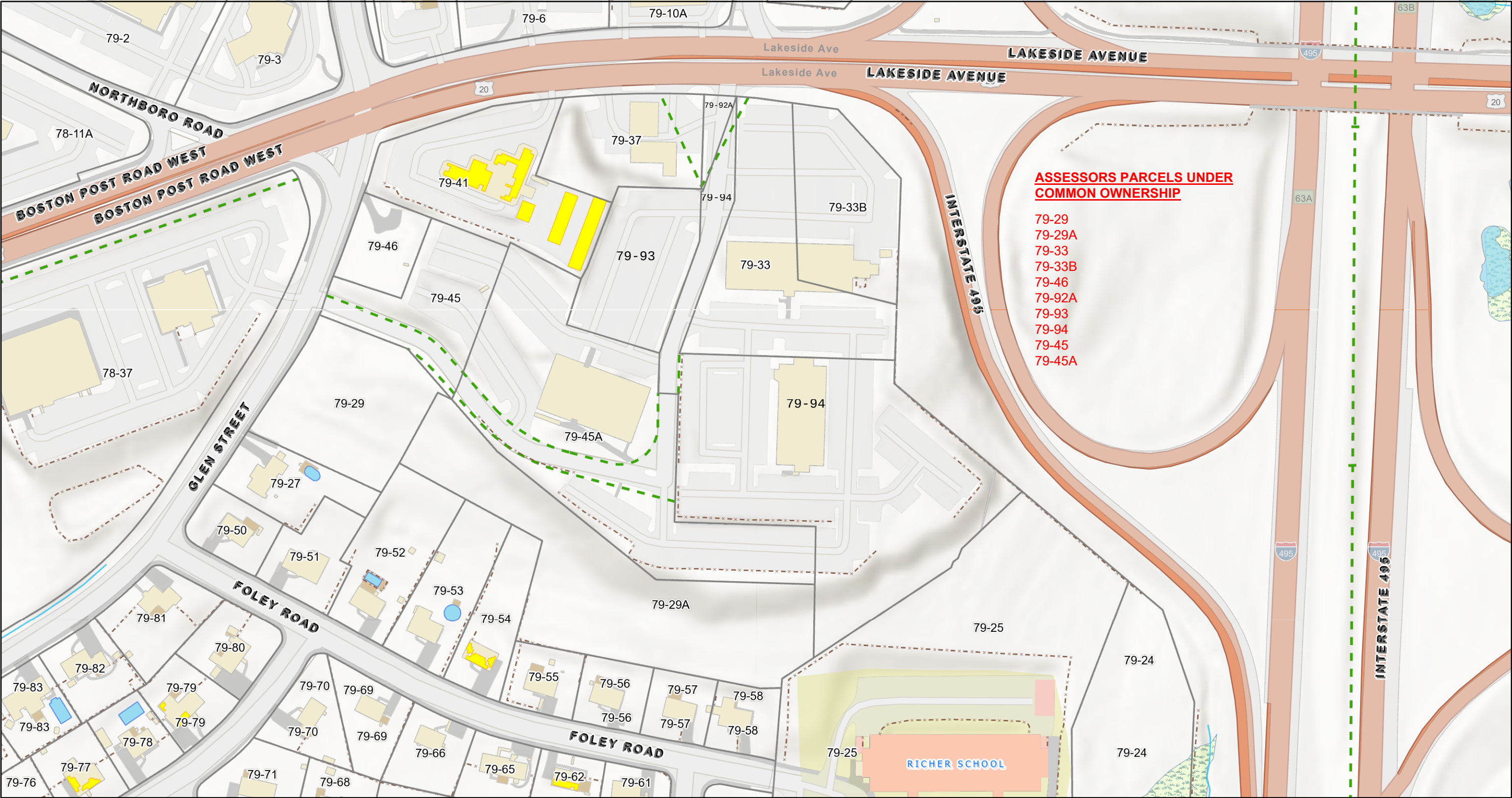
Marlborough, MA

1 inch = 140 Feet



2B.i

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed form with the Planning Board and then file a copy with the City Clerk in accordance with the requirements of §A676-3.

Marlborough, Massachusetts

Note: Use as many sheets as necessary to fully describe all of the properties affected in this plan submission.

Date: January 5, 2026

To the Marlborough Planning Board:

The undersigned, believing that the accompanying plan of their property in the City of Marlborough does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submit said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant: FD 130 Lizotte, LLC
 Address: 118 Turnpike Road, Suite 300, Southborough, MA 01772
 Email: gbahnan@ferrisdevelopment.com Telephone: (508) 281-5600
2. Name of Owner (if different): _____
 Address: _____
 Email: _____ Telephone: _____
3. Name of Surveyor: Jeffrey J. Stefanik, LS of Guerriere and Halnon, Inc.
 Address: 333 West Street, Milford, MA 01757
 Email: JStefanik@gandhengineering.com Telephone: (508) 473-6630 x312
4. Property(ies) Information
 Deed References (South Middlesex Registry of Deeds): Book 82594, Page 461
 Assessors Reference(s): Map: 90 Parcel: 83
 Map: _____ Parcel: _____
 Property Address(es): 130 Lizotte Drive, Marlborough, MA 01752
 Property Description: Approximately 8.92 acres of land improved with a parking lot, abutting Lizotte Drive and Jackson Drive.

5. Number of lots altered: 1 Number of lots created: 2

Signature of Owner: _____

Print: David M. Ferris, ManagerAddress: 118 Turnpike Rd., Ste. 300, Southborough, MA 01772

Signature of Owner: _____

Print: _____

Address: _____

PLANNING BOARD
 DATE 1/7/26 KL CHECK # 0048
 AGENDA 1/12/26
 ACTION _____



City of Marlborough
Department of Public Works

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

THEODORE L. SCOTT, P.E.
 COMMISSIONER

CHRISTOPHER S. LAFRENIERE
 ASST. COMMISSIONER, UTILITIES

JAMES E. DASCOLI
 ASST. COMMISSIONER, OPERATIONS

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

MARK J. DASCOLI
 CAPITAL PROJECTS MANAGER

January 21, 2026

Marlborough Planning Board

RE: ANR Plan
 Lizotte Drive

Chair Fay and Board Members,

The Engineering Division has received the following two ANR Plans:

Plan 1:
 "Plan of Land, 130 Lizotte Drive, Marlborough, Mass."
 (Map ID 90/2A)
 Owner: 130 Lizotte, LLC
 Prepared By: Guerriere & Halnon, Inc.
 Dated: January 6, 2026
 Scale: 1" = 50'

Plan 2:
 "Plan of Land, 130 Lizotte Drive, Marlborough, Mass."
 (Map ID 90/83)
 Owner: 130 Lizotte, LLC
 Prepared By: Guerriere & Halnon, Inc.
 Dated: September 10, 2025
 Scale: 1" = 50'

The purpose of the plans is to subdivide each of the existing properties at 130 Lizotte Drive (Parcel 90/2A and Parcel 90/83), into two building lots. The divisions are associated with a site development plan for the properties for which the applicant has been granted a zoning change, special permit, and site plan approval. All of the new lots, "Lot 2A-1 and 2A-2" and "Lots 1A and 1B" have adequate frontage and area for the LI zoning district. The plan notes that "Zoning relief for the site's dimensional... nonconformities has been expressly granted and authorized pursuant to City Council's Special Permit Decision (Order No. 25-1009483E)...".

Based on our review, I can recommend endorsement of this ANR Plan. Should you have any questions regarding the above, please do not hesitate to contact me at (508) 624-6910.

Sincerely,

Thomas DiPersio, Jr., PE, PLS
 City Engineer

copy: Applicant and representative

ROUTE 495
(VARIABLE WIDTH-SEE 1961 LAYOUT NO. 5168)
NORTH BOUND

NO ACCESS

N 2947877.29
E 6359441.12
MHB
BOUND

N/F
FD 130 LIZOTTE, LLC
BOOK 82594 PAGE 461
130 LIZOTTE DRIVE

N/F
NEW ENGLAND POWER COMPANY
BOOK 13142 PAGE 304

LOT 1A
AREA=124,228 SF
(2.85 ACRES)

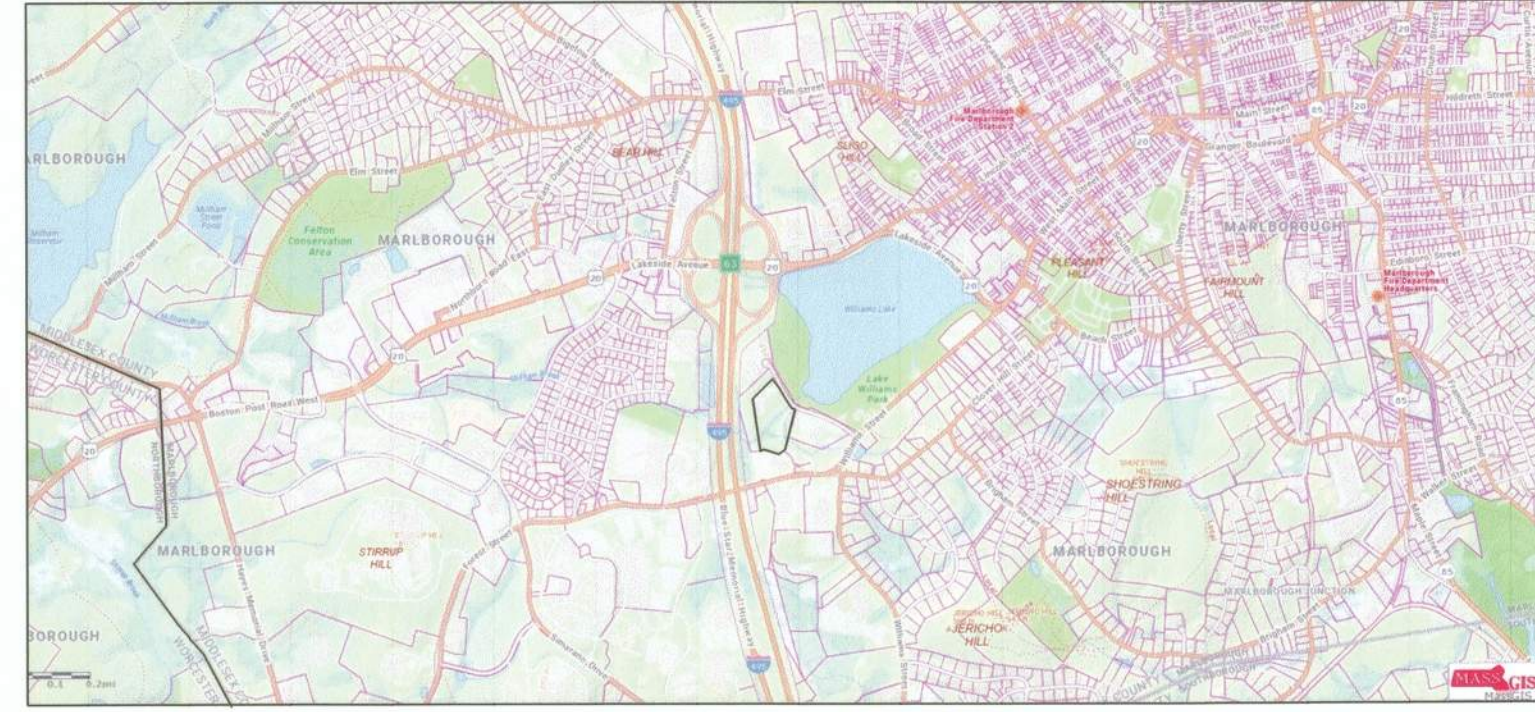
LOT 1B
AREA=264,289 SF
(6.07 ACRES)

N/F
67 FOREST STREET, LLC
BOOK 67380 PAGE 48
67 FOREST STREET

N/F
SIX FIFTY PLEASANT ST. 19 FOREST, LLC
BOOK 74773 PAGE 144
19 FOREST STREET

N/F
ST. MARY'S CREDIT UNION
BOOK 63730 PAGE 392
46 LIZOTTE DRIVE

MASS. STATE COORDINATES NAD83
BASED ON GPS OBSERVATION 2025



LEGEND	
NOW OR FORMERLY	N/F
BOUND	□
WETLAND	W

I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN ACCORDANCE WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF
DEEDS.

THIS CERTIFICATION IS INTENDED TO MEET THE
REQUIREMENTS OF THE REGISTRY OF DEEDS
AND IS NOT A CERTIFICATION TO THE TITLE OR
OWNERSHIP OF THE LAND DEPICTED HEREON.

09-10-2025
JEFFREY J. STEFANIK PLS DATE



NOTES

1) SEE THE FOLLOWING PLANS RECORDED AT
THE MIDDLESEX DISTRICT REGISTRY OF
DEEDS-

PLAN 62 OF 2004
PLAN 1389 OF 2000
PLAN 1229 OF 1998
PLAN 1228 OF 1998
PLAN 1090 OF 1998
PLAN 326 OF 1985
PLAN 37 OF 1985
PLAN 1237 OF 1984
PLAN 120 OF 1977
PLAN 306 OF 1970
PLAN 642 OF 1966

2) THE VERTICAL DATUM IS NGVD88.

3) THE HORIZONTAL DATUM IS NAD83.

4) THE WETLANDS DEPICTED HEREON WERE
DELINEATED IN THE FIELD IN JULY 2023 BY
GODDARD CONSULTING, NORTHBORO, MA.

5) ZONING DISTRICT-LIMITED INDUSTRIAL (LI)

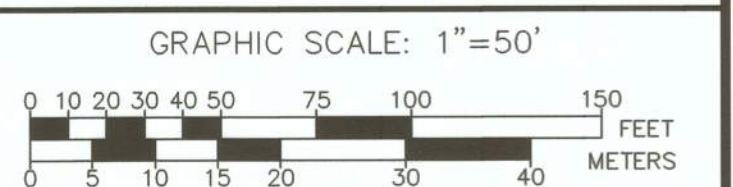
MINIMUM LOT AREA- 2 ACRES
MINIMUM LOT FRONTAGE- 200'
SETBACKS- FRONT, SIDE AND REAR 50'
MAXIMUM LOT COVERAGE- 60%

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED
MARLBOROUGH PLANNING BOARD

DATE: _____

MAP ID 90/83
OWNER:
FD 130 LIZOTTE, LLC
118 TURNPIKE ROAD
SUITE 300
SOUTHBOROUGH MA 01772
DEED BOOK 82594 PAGE 461

PLAN OF LAND
LIZOTTE DRIVE
MARLBOROUGH, MASS.
SCALE: 1"=50'
DATE: SEPTEMBER 10, 2025



Guerriere & Halon, Inc.
ENGINEERING & LAND SURVEYING
333 WEST STREET PH. (508) 473-6630
MILFORD, MA 01757 FX. (508) 473-8243
www.gandhengineering.com

SHEET
1 OF 1
G-10231

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed form with the Planning Board and then file a copy with the City Clerk in accordance with the requirements of §A676-3.

Marlborough, Massachusetts

Note: Use as many sheets as necessary to fully describe all of the properties affected in this plan submission.

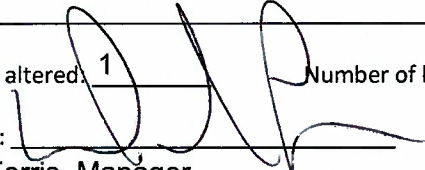
Date: January 5, 2026

To the Marlborough Planning Board:

The undersigned, believing that the accompanying plan of their property in the City of Marlborough does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submit said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant: FD 130 Lizotte, LLC
 Address: 118 Turnpike Road, Suite 300, Southborough, MA 01772
 Email: gbahnan@ferrisdevelopment.com Telephone: (508) 281-5600
2. Name of Owner (if different): _____
 Address: _____
 Email: _____ Telephone: _____
3. Name of Surveyor: Jeffrey J. Stefanik, LS of Guerriere and Halnon, Inc.
 Address: 333 West Street, Milford, MA 01757
 Email: JStefanik@gandhengineering.com Telephone: (508) 473-6630 x312
4. Property(ies) Information
 Deed References (South Middlesex Registry of Deeds): Book 82594, Page 461
 Assessors Reference(s): Map: 90 Parcel: 2A
 Map: _____ Parcel: _____
 Property Address(es): 130 Lizotte Drive, Marlborough, MA 01752
 Property Description: Approximately 5.1 acres of land improved with an office building and parking lot, abutting Lizotte Drive.

5. Number of lots altered: 1 Number of lots created: 2

Signature of Owner: Print: David M. Ferris, ManagerAddress: 118 Turnpike Rd., Ste. 300, Southborough, MA 01772

Signature of Owner: _____

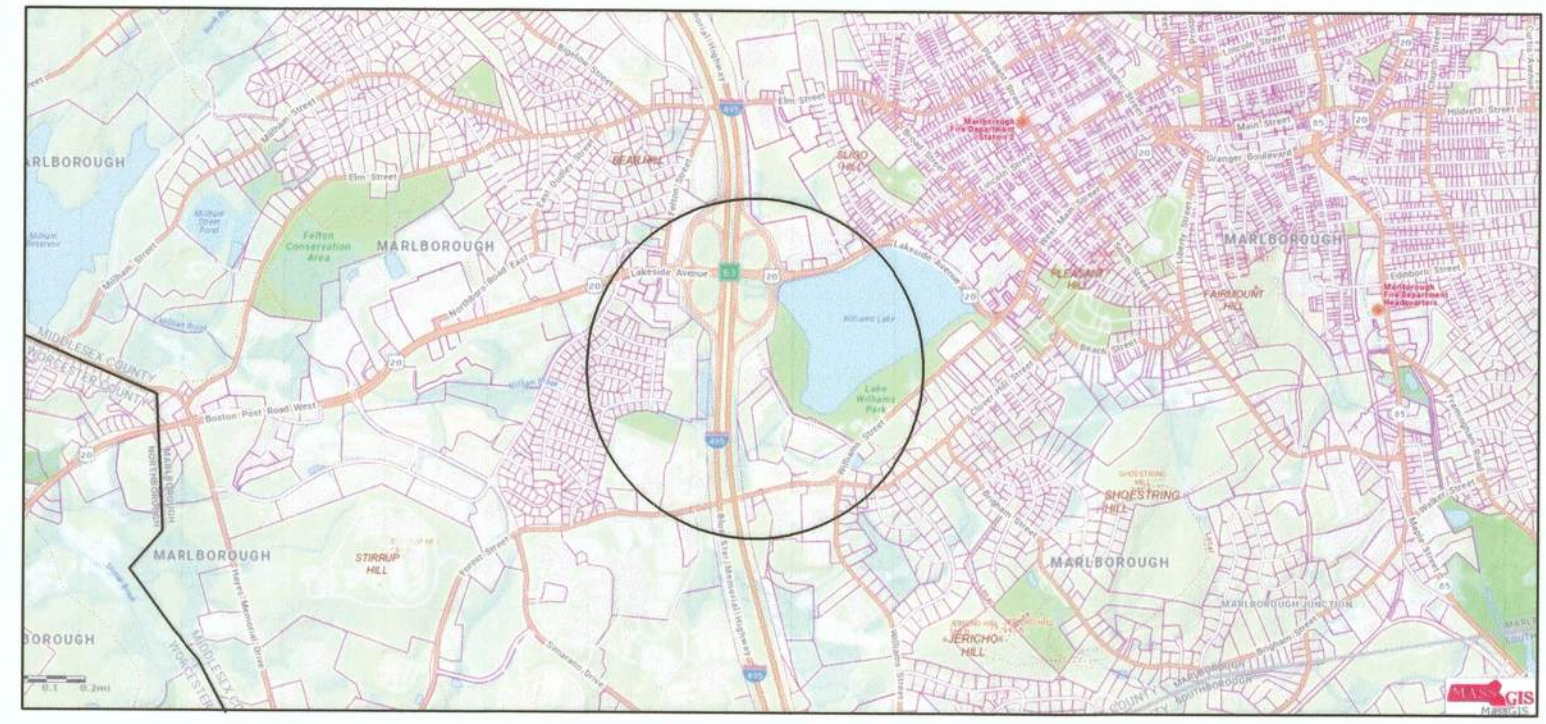
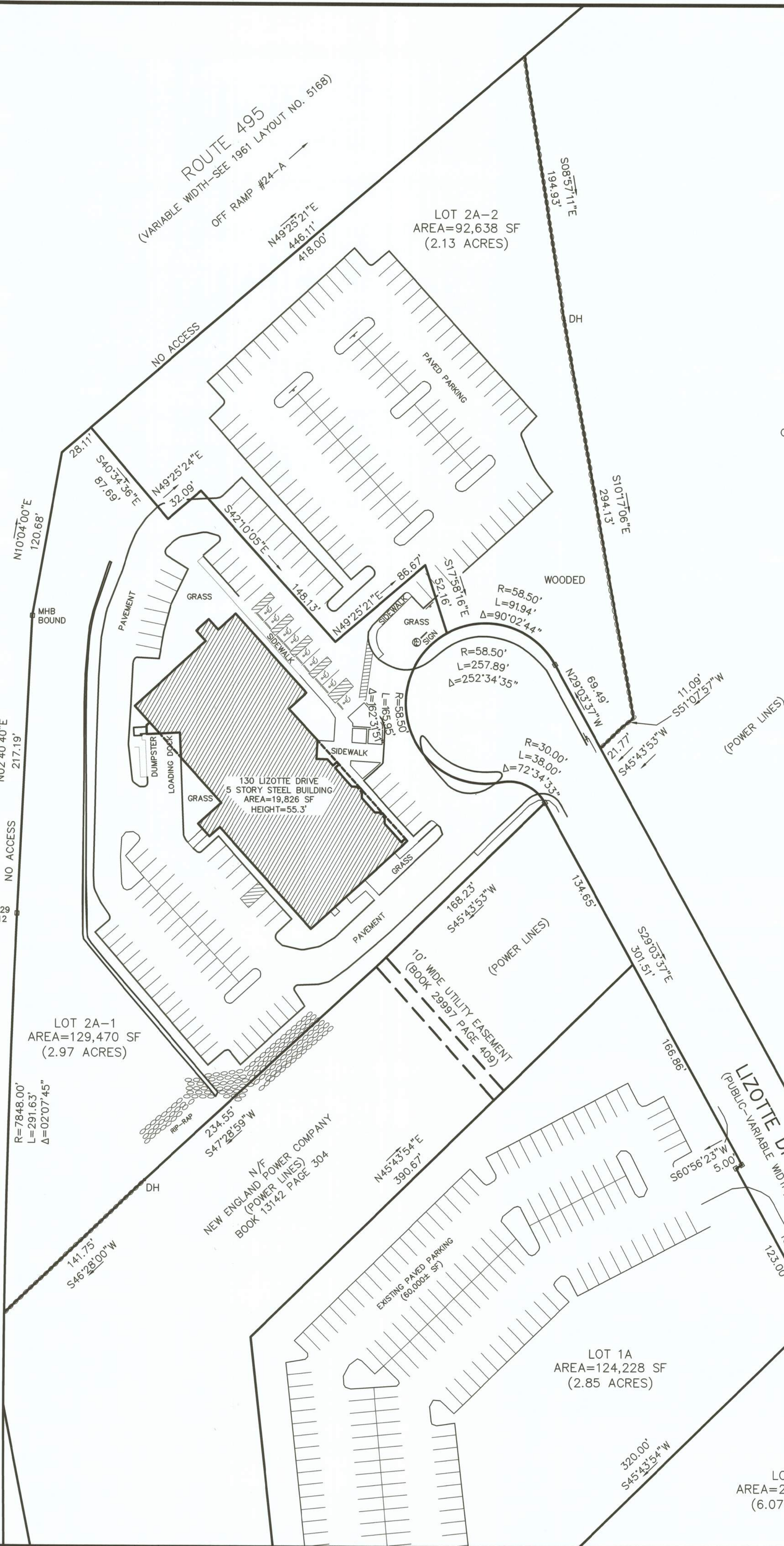
Print: _____

Address: _____

PLANNING BOARD
 DATE 1/7/26 KL CHECK # 0047
 AGENDA 1/12/26
 ACTION _____

ROUTE 495
(VARIABLE WIDTH-SEE 1961 LAYOUT NO. 5168)
NORTH BOUND

N 2947877.29
E 635941.12



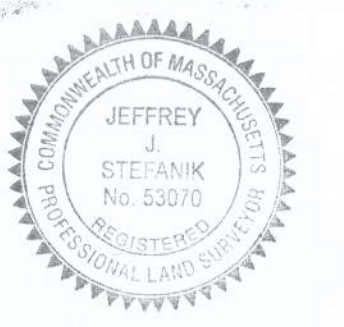
LEGEND	
NOW OR FORMERLY	N/F
BOUND	□
DRILL HOLE	• DH

MASS. STATE COORDINATES NAD83
BASED ON GPS OBSERVATION 2025

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

THIS CERTIFICATION IS INTENDED TO MEET THE REQUIREMENTS OF THE REGISTRY OF DEEDS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE LAND DEPICTED HEREON.

JEFFREY J. STEFANIK PLS DATE



NOTES

1) SEE THE FOLLOWING PLANS RECORDED AT THE MIDDLESEX DISTRICT REGISTRY OF DEEDS-

PLAN 62 OF 2004
PLAN 1389 OF 2000
PLAN 1229 OF 1998
PLAN 1228 OF 1998
PLAN 1090 OF 1998
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PLAN 37 OF 1985
PLAN 1237 OF 1984
PLAN 120 OF 1977
PLAN 306 OF 1970
PLAN 642 OF 1966

2) THE VERTICAL DATUM IS NGVD88.

3) THE HORIZONTAL DATUM IS NAD83.

4) ZONING DISTRICT-LIMITED INDUSTRIAL (LI)

MINIMUM LOT AREA- 2 ACRES
MINIMUM LOT FRONTAGE- 200'
SETBACKS- FRONT, SIDE AND REAR 50'
MAXIMUM LOT COVERAGE- 60%

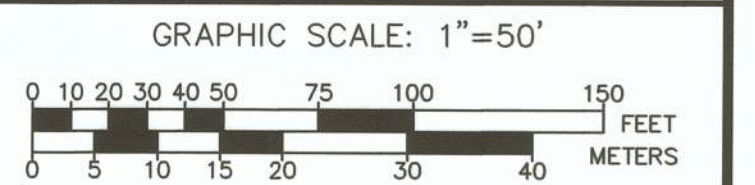
ZONING RELIEF FOR THE SITE'S DIMENSIONAL, PARKING, DESIGN AND LANDSCAPING NONCONFORMITIES HAS BEEN EXPRESSLY GRANTED AND AUTHORIZED PURSUANT TO CITY COUNCIL'S SPECIAL PERMIT DECISION (ORDER NO. 25-1009483E) AND IS FURTHER REFLECTED ON THE APPROVED SITE PLAN AND SITE PLAN PERMIT/CONDITIONS (SC 25-20).

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
MARLBOROUGH PLANNING BOARD

DATE: _____

MAP ID 90/2A
OWNER:
FD 130 LIZOTTE, LLC
118 TURNPIKE ROAD
SUITE 300
SOUTHBOROUGH MA 01772
DEED BOOK 82594 PAGE 461

PLAN OF LAND
130 LIZOTTE DRIVE
MARLBOROUGH, MASS.
SCALE: 1"=50'
DATE: JANUARY 6, 2026



Guerriere & Halnon, Inc.
ENGINEERING & LAND SURVEYING
333 WEST STREET PH. (508) 473-6630
MILFORD, MA 01757 FX. (508) 473-8243
www.gandhengengineering.com

PLANNING BOARD

Sean N. Fay, Chair
Barbara L. Fenby
James Fortin
Patrick Hughes
George LaVenture
Christopher Russ

Katlyn LeBold, Administrator
(508) 624-6910 x33200
klebold@marlborough-ma.gov



City of Marlborough Planning Board

January 15, 2026

Mr. Michael Ossing
City Council President
140 Main Street
Marlborough, MA 01752

RE: 689 Pleasant Street, Jewell Road Subdivision
Acceptance of Jewell Road as a Public Way

Honorable President Ossing and Members:

At its regular meeting on January 12, 2026, the Planning Board took the following action:

On a motion by Mr. LaVenture, seconded by Dr. Fenby, the Board voted to recommend to the Marlborough City Council that Jewell Road be accepted as a public way and the appurtenant easements be accepted as municipal easements in the City of Marlborough. Yea: Fay, Fenby, Fortin, Hughes, and LaVenture. Nay: 0. Motion carried. 5-0.

Sincerely,

Sean N. Fay
Chairperson

cc: City Clerk
DPW Commissioner
William Limberopoulos



City of Marlborough
Department of Public Works

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

THEODORE L. SCOTT, P.E.
COMMISSIONER

CHRISTOPHER S. LAFRENIERE
ASST. COMMISSIONER, UTILITIES

JAMES E. DASCOLI
ASST. COMMISSIONER, OPERATIONS

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

MARK J. DASCOLI
CAPITAL PROJECTS MANAGER

November 25, 2025

Marlborough City Council

RE: Beauchemin Estates Subdivision
Jewell Road – Acceptance as a Public Way with Easements and Open Space

Councilors,

The Engineering Division has inspected the status of the above-referenced roadway and determined that the work has been completed in accordance with the Planning Board's Regulations and the roadway has remained in satisfactory condition for at least one year.

We have received the Acceptance and As-Built Plans and they are acceptable. We have also reviewed the deeds to the roadway, the easements, and the Open Space Parcel.

Based on the Engineering Division's review and knowledge of the roadway conditions, I can recommend acceptance of Jewell Road with its appurtenant easements, as shown on the plan prepared by DK Engineering LLC entitled "Road & Easement Acceptance Plan", dated 10/31/25 (rev. 12/8/25), as a public way, and the associated Open Space parcel as City property.

Should you have any questions regarding the above, please do not hesitate to contact me at (508) 624-6910.

Sincerely,

Thomas DiPersio, Jr., PE, PLS
City Engineer

copy: Theodore L. Scott, DPW Commissioner
Planning Board

GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS FOR A ROAD ACCEPTANCE AND EASEMENT ACCEPTANCE ONLY AND SHALL NOT BE USED FOR CONVEYANCE OF LOTS OR EASEMENTS THAT ARE NOT PART OF THE CITY ACCEPTANCE.
2. PARCEL A IS NOT A BUILDING LOT AND IS TO BE CONVEYED TO THE CITY OF MARLBOROUGH.
3. THE SUBJECT PROPERTY IS SHOWN ON THE MARLBOROUGH ASSESSOR'S MAPS AS MAP 28 LOT 18B.
4. TOTAL LOT AREA: 237,052± S.F. (5.44± ACRES).
5. THE PROPERTY IS ZONED: RESIDENCE A-2.
6. OWNER OF RECORD: PROLIM DEVELOPMENT CORP.
12 BAYWOODS DRIVE
SHIRLEY, MA 01454
7. DEED REFERENCE: BOOK 82344, PAGE 312.
8. TOPOGRAPHY IS FROM AN ACTUAL FIELD SURVEY BY FINDEISEN SURVEY & DESIGN, LLC.
9. LOTS SHALL BE SERVICED BY MUNICIPAL WATER AND SEWER.

PLAN REFERENCES:

1. "PLAN OF LAND IN MARLBOROUGH, MASS" OWNED BY TIMOTHY J. & MARY N. O'CONNOR, DATED OCT. 7, 1959, SMRD PLAN 2009 OF 1359.
2. "PLAN OF LAND IN MARLBOROUGH, MASS FOR DONALD L. & JOYCE L. BEAUCHEMIN", DATED NOV. 1, 1971, SMRD PLAN 1358 OF 1971.
3. "PLAN OF LAND IN THE CITY OF MARLBOROUGH, MASSACHUSETTS PROPERTY OF DONALD L. & JOYCE L. BEAUCHEMIN", DATED NOV. 6, 1978, SMRD PLAN 1409 OF 1978.
4. "PLAN OF LAND IN MARLBOROUGH, MA. FOR JOYCE L. BEAUCHEMIN", DATED JULY 30, 1992, SMRD PLAN 755 OF 1992.
5. "PLAN OF LAND IN MARLBOROUGH, MA FOR DONALD L. & JOYCE L. BEAUCHEMIN", DATED NOV. 20, 1997, SMRD PLAN 138 OF 1998.
6. "REGENCY AT ASSABET RIDGE MARLBOROUGH, MASSACHUSETTS" BY GCG ASSOCIATES, INC., DATED SEPTEMBER 13, 2011, SMRD PLAN 618 OF 2011.

I HEREBY CERTIFY:

THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

THAT THE BOUNDS HAVE BEEN INSTALLED AS SHOWN ON THIS PLAN.

THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS FOR THE PREPARATION OF PLANS AS SET FORTH BY THE REGISTERS OF DEEDS.

HUGO P. FINDEISEN II, PLS # 45098
10/31/2025
DATE

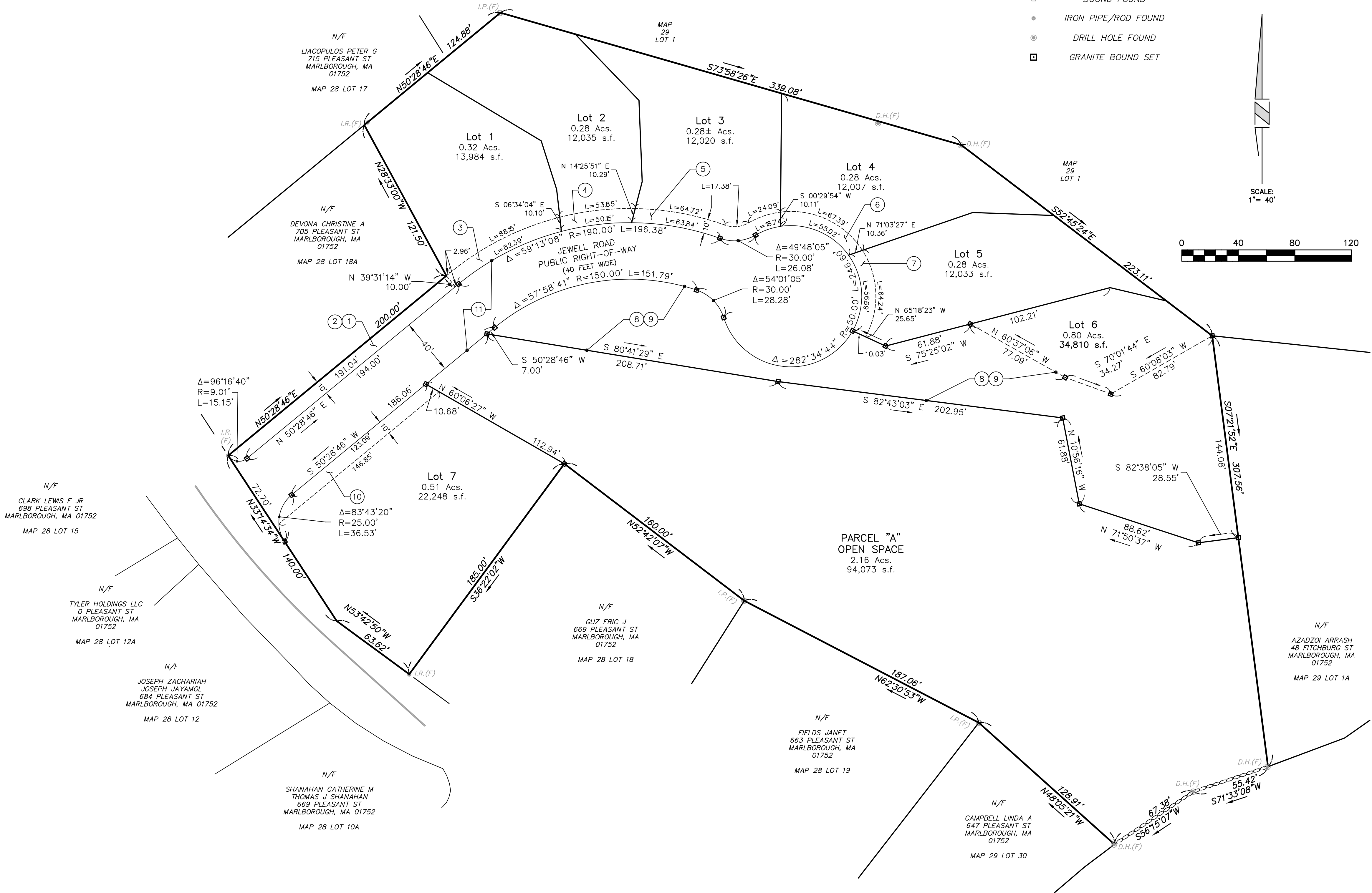
FOR REGISTRY USE

ACQUISITION CHART

CIRCLED ITEM NO.	LOT NO.	PROPERTY OWNER	TYPE OF ACQUISITION	PURPOSE	MIDDLESEX SOUTH REGISTRY OF DEEDS		CITY OF MARLBOROUGH		AREA (SF)
					BOOK	PAGE	MAP	PARCEL	
1	1	PRERNA BHATIA & SAKSHAM SHARMA	PERMANENT EASEMENT	DRAINAGE & SEWER EASEMENT	84313	394	28	56	1,983
2	1	PRERNA BHATIA & SAKSHAM SHARMA	PERMANENT EASEMENT	PRIVATE SEWER EASEMENT	84313	394	28	56	1,983
3	1	PRERNA BHATIA & SAKSHAM SHARMA	PERMANENT EASEMENT	PRIVATE SEWER EASEMENT	84313	394	28	56	882
4	2	PROLIM DEVELOPMENT CORP	PERMANENT EASEMENT	PRIVATE SEWER EASEMENT	82344	311	28	57	520
5	3	PROLIM DEVELOPMENT CORP	PERMANENT EASEMENT	PRIVATE SEWER EASEMENT	82344	311	28	58	1,074
6	4	PROLIM DEVELOPMENT CORP	PERMANENT EASEMENT	PRIVATE SEWER EASEMENT	82344	311	29	35	612
7	5	PROLIM DEVELOPMENT CORP	PERMANENT EASEMENT	PRIVATE SEWER EASEMENT	82344	311	29	36	605
8	6	PROLIM DEVELOPMENT CORP	PERMANENT EASEMENT	DRAINAGE & LANDSCAPE EASEMENT	82344	311	29	37	27,816
9	6	PROLIM DEVELOPMENT CORP	PERMANENT EASEMENT	DRAINAGE & LANDSCAPE EASEMENT	82344	311	29	37	27,816
10	7	PROLIM DEVELOPMENT CORP	PERMANENT EASEMENT	LANDSCAPE EASEMENT	82344	311	28	18B	1,389
11	ROAD	PROLIM DEVELOPMENT CORP	FEE	JEWELL ROAD	82344	311	28	800	23,835

LEGEND

- STONE WALL
- BOUND FOUND
- IRON PIPE/ROD FOUND
- DRILL HOLE FOUND
- GRANITE BOUND SET



689 Pleasant Street

Engineer / Surveyor:
DK Engineering LLC
Office: 47 Enterprise Drive, #7, Windham, NH 03096
Mailing Address: 59 Granite Lane, Chester, NH 03036
Tel: (603) 505-6288 E-mail: Dan.Koravos@gmail.com
FINDEISEN SURVEY & DESIGN, LLC
87 Indian Rock Road, Windham, NH 03096
Tel: (603) 898-8618 / Fax: (603) 898-4497

Engineer:

Surveyor:



Applicant:

PROLIM DEVELOPMENT CORP.
12 BAYWOODS DRIVE
SHIRLEY, MA 01454

Owner(s):

PROLIM DEVELOPMENT CORP.
12 BAYWOODS DRIVE
SHIRLEY, MA 01454

NO.	DATE	BY	DESCRIPTION
9			
8			
7			
6			
5			
4			
3			
2			
1	12/08/25	DK	UPDATE THE ACQUISITION CHART NOT RELEASED FOR CONSTRUCTION

Assessor's Map & Lot:

Map 28 / Lot 18B

Project No.: 42103 Drawing Scale: 1"=40'

Plan Date: 10/31/2025 Revised Date: 12/08/2025

Sheet Title:

ROAD & EASEMENT
ACCEPTANCE PLAN

Sheet No.:

1

Total No. of Sheets:

1



City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

JASON D. GROSSFIELD
CITY SOLICITOR

JEREMY P. MCMANUS
ASSISTANT CITY SOLICITOR

KAYLA A. CAMPBELL
PARALEGAL

January 21, 2026

Michael H. Ossing, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: Acceptance of Open Space Parcel: "Beauchemin Estates"
Subdivision / Open Space Development Special Permit

Dear Honorable President Ossing and Councilors:

Enclosed for consideration, please find a proposed order to accept a deed to the City of Marlborough for the open space parcel, comprising 2.16+/- acres of land, in connection with the above-referenced subdivision. Pursuant to MGL c. 40, s. 8C, the parcel would be placed under the management and control of the Conservation Commission for purposes of the promotion and development of natural resources, watershed protection, passive recreation and conservation.

For reference purposes, please also find enclosed a copy of the relevant subdivision plan and a GIS map showing the open space parcel. Please feel free to contact me if you have any questions.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosures

cc: J. Christian Dumais, Mayor
Jennifer R. Martin, Esq.
Planning Board
Priscilla Ryder, Conservation/Sustainability Officer
Thomas DiPersio, Jr., City Engineer

ORDERED:

That the City Council of the City of Marlborough, pursuant to the provisions and conditions of MGL c. 40, § 8C, does hereby accept from Prolim Development Corp., a Massachusetts corporation, the attached deed of land in Marlborough, County of Middlesex, Commonwealth of Massachusetts, shown as "PARCEL 'A' OPEN SPACE" on a plan entitled "DEFINITIVE SUBDIVISION PLAN – BEAUCHEMIN ESTATES" Prepared for: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee, P.O. Box 1067, Townsend, MA 01469; Prepared by: DK Engineering LLC, 47 Enterprise Drive, #7, Windham, NH; Dated: February 6, 2023; Revised: April 30, 2023, which plan is recorded in the Middlesex County South District Registry of Deeds as Plan No. 524 of 2023 (the "Plan") to which reference is made for a more particular description of said "PARCEL 'A' OPEN SPACE" parcel.

Said parcel contains 2.16 acres, more or less, according to said Plan.

Said parcel is to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation.

ADOPTED

In City Council

Order No. 26-

Adopted

Approved by Mayor

J. Christian Dumais

Date:

A TRUE COPY

ATTEST:

QUITCLAIM DEED

PROLIM DEVELOPMENT CORP., a Massachusetts corporation with a principal address of 64 Old Gage Hill Road, Pelham, MA 03076, (the "Grantor")
for consideration of ONE DOLLAR (\$1.00), hereby grants to the
CITY OF MARLBOROUGH, a municipal corporation with an address of 140 Main Street, Marlborough, Massachusetts 01752, (the "Grantee"),

with Quitclaim covenants,

The land in the City of Marlborough, County of Middlesex, Commonwealth of Massachusetts, shown as "PARCEL 'A' OPEN SPACE" on a plan of land entitled "Definitive Subdivision Plan – Beauchemin Estates" Prepared for: Joyce Beauchemin Realty Trust, Timothy L. Beauchemin, Trustee, P.O. Box 1067, Townsend, MA 01469; Prepared by: DK Engineering LLC, 47 Enterprise Drive, #7, Windham, NH; Plan Date: 02/06/2023; Revised Plan Date: 04/30/2023; which plan is recorded with the Middlesex County South District Registry of Deeds as Plan Number 524 of 2023 (the "Plan") to which plan reference is hereby made for a more particular description of said "PARCEL 'A' OPEN SPACE" parcel.

Said Parcel "A" Open Space contains 2.16 acres of land, more or less, according to said Plan.

The Parcel "A" Open Space is conveyed as an open space parcel to the Grantee, in accordance with Condition 3 of the "Decision on an Open Space Development Special Permit, 689 Pleasant Street" of the City of Marlborough Planning Board dated July 25, 2022, and recorded with said Registry of Deeds at Book 80625, Page 539, under the provisions of M.G.L. c. 40, § 8C, and is to be managed and controlled by the City of Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation.

Being a portion of the same premises conveyed to the Grantor by Deed of Timothy L. Beauchemin, Trustee of the Joyce Beauchemin Realty Trust, dated December 19, 2023 and recorded with the Middlesex County Southern District Registry of Deeds at Book 82344, Page 311.

This conveyance does not constitute all or substantially all of Grantor's assets and it is done in the normal course of business.

The Grantor hereby states under oath that the subject premises is not homestead property; and further states that there is no other individual entitled to claim homestead rights to the property.

Witness our hands and seals this _____ day of _____, 2026.

PROLIM DEVELOPMENT CORP.

By: Philip Provost
Its: President

PROLIM DEVELOPMENT CORP.

By: William Limberopoulos
Its: Treasurer

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF : _____

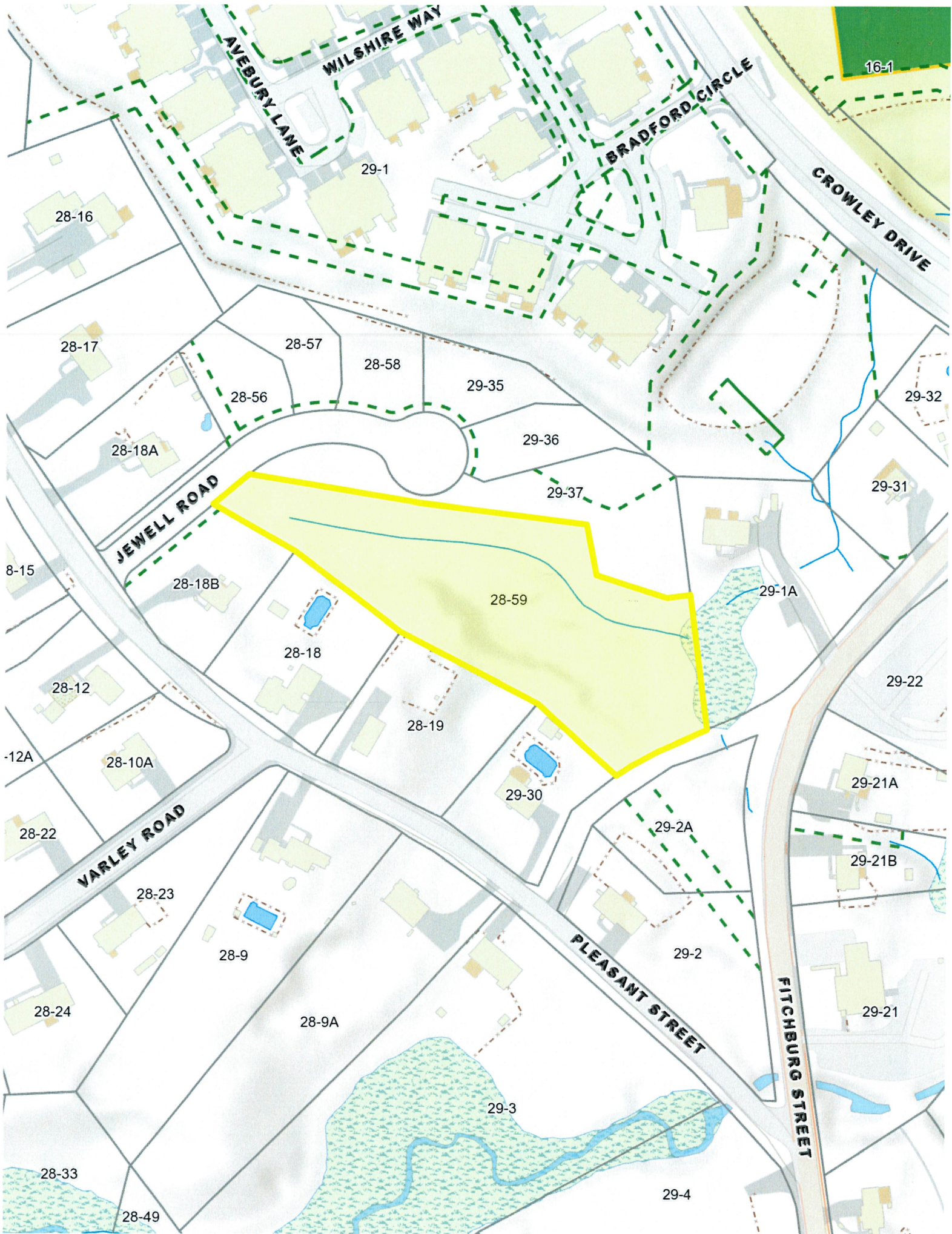
On this _____ day of _____, 2026, before me, the undersigned notary public, personally appeared Philip Provost as President for PROLIM DEVELOPMENT CORP., proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and swore or affirmed that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it voluntarily as his free act and deed, for its stated purpose on behalf of said corporation.

Notary Public:
My Commission expires:

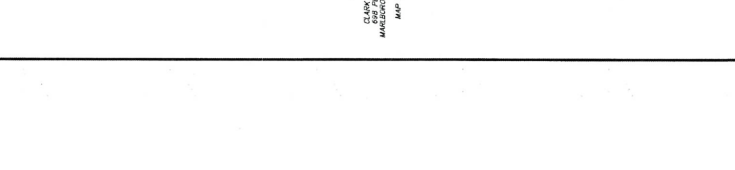
COMMONWEALTH OF MASSACHUSETTS
COUNTY OF : _____

On this _____ day of _____, 2026, before me, the undersigned notary public, personally appeared William Limberopoulos as Treasurer for PROLIM DEVELOPMENT CORP., 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 swore or affirmed that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it voluntarily as his free act and deed, for its stated purpose on behalf of said corporation.

Notary Public:
My Commission expires:



1



FOR	PLAN NO.
	SHEET

HANCOCK ASSOCIATES

1-21-2026 ,

Sean Fay

Chair, Planning Board
City of Marlborough
135 Neil Street
Marlborough, MA 01572

Dear Mr. Fay and members of the Board,

On behalf of our client, Matthew Evangelous, we respectfully request the **withdrawal without prejudice** of the open application for preliminary subdivision review. We intend to resubmit the application once the legal questions regarding access rights for the lot have been fully explored.

We also respectfully request that the filing fees be **waived for the resubmission**, as the forthcoming application will be a continuation of the current proposal.

Thank you for your consideration, and please let us know if any additional information is required to process this request.

Thank you for your consideration.

Jacob T. Lemieux

Jacob T. Lemieux, PE

Project Manager

HANCOCK ASSOCIATES

Surveyors | Engineers | Scientists

Licensed in MA, NH, CT and RI

Established 1978

315 Elm Street, Marlborough, MA 01752

P (508) 460-1111, F (508) 460-1121

jlemieux@hancockassociates.com

www.hancockassociates.com

DEFINITIVE SUBDIVISION PLAN – MARLBOROUGH HUB. LLC
PLANNING BOARD MEETING CHRONOLOGY

Meeting on August 29, 2016

- Definitive Plan submitted – same as the Preliminary Subdivision submission (with 4 waivers requested).
- Set Public Hearing for September 26, 2016.

Meeting on September 12, 2016 No discussion or action taken

Meeting on September 26, 2016

- Public Hearing – Plan referred to DPW-Engineering for review.

Meeting on October 3, 2016

- Legal Dept. questioned ownership/right to use the land where the roadway is proposed
- Developer needs to show a 50-foot layout before asking for a waiver for a 40-foot layout
- The Board requested that the developer request an extension for the approval until December 5, 2016 due to the perceived ownership issue.

Meeting on October 17, 2016

- Board voted to grant an extension for a decision to February 1, 2017.

Meeting on October 24, 2016 No discussion or action taken

Meeting on November 14, 2016 No discussion or action taken

Meeting on November 28, 2016 No discussion or action taken

Meeting on December 5, 2016 No discussion or action taken

Meeting on December 19, 2016

- Discussion regarding the waiver to reduce the Right-of-Way width to 40 feet without first showing a 50-foot Right-of-Way
- Board voted to grant an extension for making a decision to April 1, 2017 and to continue the discussion at the next meeting (January 9, 2017)

Meeting on January 9, 2017

- Legal Dept. gave an opinion regarding the use of the 40-foot strip of land (owned by the Heirs of Stetson and the Heirs of Howe) as a contemplated street – “The “Contemplated Street” was intended in 1896 to provide access to the Mary Howe property and it continues to exist as an easement appurtenant to her property. The current developer is intending to utilize the “contemplated easement” as the roadway to access the proposed subdivision. Since the railway property (section zoned Industrial) was acquired by the one of the developer’s predecessors in title in the 1960s, decades after the appurtenant easement had been conveyed to provide access to the Mary Howe property, the legal problem is that the after-acquired railway property cannot legally be added to the dominant estate, which is the former Mary Howe property, at least not without consent of the owners of the properties abutting the other (west) side of the proposed subdivision road. Absent that consent, use of the easement to access the portion of

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the development parcel consisting of the after-acquired railway property would impermissibly 'overload the easement'"

- The Planning Board is waiting on a submission of a "waiverless" plan (showing a fifty-foot right-of-way) for review before considering a waiver for a forty-foot right-of-way.
- Scheduled to be on the agenda for January 23, 2017 for further discussion.

Meeting on January 23, 2017

- Developer's attorney communicated that they are still working on meeting the Board's requirements.
- Voted to request that the developer's attorney appear on behalf of the developer at the next Planning Board meeting (February 6, 2017).

Meeting on February 6, 2017

- The Board and Atty. Bergeron discussed the use of the former railroad section of the proposed subdivision. Atty. Bergeron did not agree with the position stated by the City Solicitor.
- Atty. Bergeron stated that the developer did not have enough land to provide a plan that did not include having waivers associated with the plan.
- Regarding the section of the subdivision that was formerly the railroad property, the consensus of the Planning Board was that absent proof to the Board's satisfaction and the satisfaction of the City Solicitor that the overloading issue has been addressed, the Board should not entertain a discussion on the merits of the requested waivers. The Board instructed Atty. Bergeron to clear up the issues collaborating with City Solicitor Rider.
- Attorney Bergeron will be asking for an extension on a decision from the April 1, 2017 deadline at the next meeting.

Meeting on February 27, 2017

- The Board approved a request by the developer to extend the deadline for making a decision on the subdivision until July 1, 2017.
- Atty. Bergeron stated that the City Solicitor had brought a potential issue to his attention regarding the proposed subdivision. The proposed subdivision is a lot split into two zoning districts with the railroad land being the more restrictive Industrial district. Use of the former railroad land portion of the proposed subdivision as the location for the detention basins would not be passive use of the land in question, but rather would be prohibited as an active use of that land serving the Residence C portion of the proposed subdivision.
- Atty. Bergeron stated that if this were true that it would be considered a fatal flaw in the subdivision application and the developer would then reconsider the subdivision application.

Meeting on March 13, 2017

- Atty. Bergeron sent late word that he would not be in attendance at meeting for discussion regarding the subdivision.

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Meeting on March 27, 2017

- Atty. Bergeron sent late word that he would not be in attendance at meeting for discussion regarding the subdivision, however he would be sending along a request on behalf of his client to withdraw the subdivision plan without prejudice.

Meeting on April 10, 2017

Meeting was not held

Meeting on April 24, 2017

- Developer requested that the subdivision plan be allowed to be withdrawn without prejudice – The Planning Board accepted the request without prejudice and placed it on file.
-

Meeting April 2, 2018

- Definitive Subdivision submission accepted.
- Scheduled the Public Hearing for May 21, 2018
- Decision deadline will be July 23, 2018
- *Outstanding issues, from previous submission which was withdrawn without prejudices:*
 - *Legal use of the 40-foot strips of land owned by the Heirs of Stetson and the Heirs of Howe.*
 - *The developer will need to show that they can legally deed to property to the City of Marlborough when the roadway is Accepted as Public Ways.*
 - *This has not been resolved.*
 - *Submission of a "Waiverless Plan" – showing a 50-foot Right-of Way*
 - *The developer has not produced this plan.*
 - *Use of the land zoned as Industrial in the Definitive Subdivision Plan (in a RC Zone)*
 - *The revised plan does not show ant permanent structures in the Industrial Zone land.*
 - *Portions of Drain Easements are located in the Industrial zoned land*
 - *Temporary sedimentation basins and swales are proposed in the Industrial zoned land.*
- *Issues raised during a preliminary review of the revised Definitive Subdivision Plan submission:*
 - *The roadway is being developed using a "Lane" status, which only required 26 feet of pavement, instead of a minimum paving width of 28 feet. The maximum number of potential dwelling units allowed with a lane is eight. The development proposed 4 duplexes (8 units) and there are two existing dwelling units (#138 & #140 Howe Street) which will have use of the Lane, bring the number of potential dwelling units to 10 units.*

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- *The paving width changes to 15 feet at the beginning of the driveway for Lot 4 and matches the existing paving width at the driveway for #138 Howe Street. This is inconsistent with the 26-foot wide paving width for a "Lane", if in fact a Lane status is granted to the developer.*
- *The roadway drainage system is proposing to use an underground infiltration system located on private property. The roof drains are proposing to connect to the same system. Roadway drainage systems must utilize above ground detention basins and be separate from private drainage systems.*
- *Construction easements/agreements need to be secured from the following homeowners:*
 - *#140 Howe Street – disconnection/connect of sewer and water services*
 - *#138 Howe Street – disconnection/connect of sewer and water services and reconstruction of retaining walls*
 - *#43 Valley Street – disconnection/connection of sewer service and regrading of an area next to a proposed retaining wall*

April 23, 2018 No discussion or action taken

May 7, 2018 No discussion or action taken

May 21, 2018

- Public Hearing – Plan referred to DPW-Engineering and Legal for review.

July 23, 2018

- The Board approved a request by the developer to extend the deadline for making a decision on the subdivision until September 28, 2018.

August 27, 2018

- Questions raised by Asst. City Solicitor (Cynthia Panagore Griffin):
 - Regarding the Subdivision Application, Planning Board rules and regulations state that all owners with fee interests in the development be included on the subdivision application. Case law from the Town of Somerset concluded that the Planning Board cannot waive owners' rights, that the subdivision approval was a nullity because all owners were not joined on the application, and that all owners must be joined on a covenant.
 - Marlborough Hub, LLC should make clear their intentions regarding the owners, and while the Planning Board may not waive its requirement that all owners be joined on the application for subdivision approval, one option may be to consider whether it would accept written consent of the owners.
 - Applicant's representative indicated that he believes a memo on this very issue exists that may offer some insight into ownership rights. He will review their file and share his findings.
- The Board approved a request by the developer to extend the deadline for making a decision on the subdivision application until September 10, 2018.

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- The Board approved a request by the developer to extend the deadline for making a decision on the subdivision until October 15, 2018.

September 10, 2018

- The Board approved a request by the developer to extend the deadline for making a decision on the subdivision application until October 15, 2018.
- The Board approved a request by the developer to extend the deadline for making a decision on the subdivision until November 7, 2018.

September 24, 2018

No discussion or action taken

October 15, 2018

- The Board approved a request by the developer to extend the deadline for making a decision on the subdivision application until November 19, 2018.
- The Board approved a request by the developer to extend the deadline for making a decision on the subdivision until January 31, 2019.

November 5, 2018

- Modified plans were to be presented to the Board on November 19, 2018 were referred to Engineering for review – November 19, 2018 meeting has been cancelled (no quorum).

November 19, 2018

No meeting was scheduled

December 3, 2018

No discussion or action taken

December 17, 2018

- Engineering presented their review of the request waivers (4). The Board did not vote on the waivers, but voted to send a letter to the applicant informing them of the Board's overall impression/concerns over the requested waivers.

January 7, 2019

- A "waiverless" plan was discussed with Engineering, but not shown to the Board.
- Assistant City Solicitor provided background on considerations for the roadway to be a Private Way as a waiver from the Planning Board Rules and Regulations.
- The Board approved a request by the developer to extend the deadline for making a decision on the subdivision application until January 28, 2019.
- The Board approved a request by the developer to extend the deadline for making a decision on the subdivision until February 18, 2019.
- The Board requested a Comparative Analysis between the original design the newly proposed design to determine if the changes were substantial, requiring a new Public Hearing.

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January 28, 2019

- The Board approved a request by the developer to extend the deadline for making a decision on the subdivision application until February 11, 2019.
- The Board approved a request by the developer to extend the deadline for making a decision on the subdivision until February 28, 2019.
- The Board had many questions regarding the status of the subdivision plan and whether the remaining issues could be resolved within the timeframe of the requested extension. The applicant (Mark Evangelous) was present and indicated his attorney filed a proposed zoning amendment for the project and that easement negotiations are ongoing. The Board agreed to suspend further discussions until the developer could have his representatives present.
- The discussion of the Board thereafter focused only on the timeframe of the requested extension, potential increased lot size, and the pending zoning amendment. The Board felt that the issues related to the proposed development would likely require much more time to resolve than the requested extension. In addition, it was the consensus of the Board that the proposed changes would require a new public hearing. As such, the Board suggested to Mr. Evangelous that he withdraw the current proposal and resubmit once the remaining issues have been resolved. The Board suggested that Mr. Evangelous not agree to the withdrawal until he consulted with his representation. The matter will be further discussed on February 11, 2019, with the expectation that Mr. Evangelous will convey his decision regarding withdrawal and resubmitting once the zoning amendment request is resolved.

February 11, 2019

- The Planning Board voted to grant Hancock Associates' request to close the public hearing on the definitive subdivision application, which hearing had been opened at a regular meeting of the Planning Board on May 21, 2018
 - The Planning Board voted to allow the applicant to withdraw the application without prejudice.
-

May 18, 2020

- Set public hearing date: Proposed rezoning of land off Valley St. identified as Map 82, Parcel 125, presently zoned partly "Residence C" and partly "industrial" to be rezoned entirely as "Residence C", Marlborough Hub, LLC. June 22 was selected for the public hearing. (Council Order #20-1007976)

June 22, 2020

- Public Hearing: Proposed rezoning of land off Valley St. identified as Map 82, Parcel 125, presently zoned partly "Residence C" and partly "Industrial" to be rezoned entirely as "Residence C", the Board voted to send a favorable recommendation to the City Council on the proposed zoning amendment.



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
 CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
 ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
 PARALEGAL

July 26, 2018

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

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

Dear Dr. Fenby and Members of the Planning Board:

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

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

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

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

Very truly yours,


 Cynthia Panagore Griffin
 Assistant City Solicitor

Cc: Thomas DiPersio, City Engineer



IN CITY COUNCIL

Marlborough, Mass., _____ SEPTEMBER 21, 2020

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH HEREBY ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING THE ZONING MAP, SECTION 650-8, AS FOLLOWS:

That the land off Valley Street owned by Marlborough HUB, LLC., shown on Assessor's Map 82 as Parcel 125, presently zoned partly "Residence C" and partly "Industrial", be rezoned entirely as "Residence C", as said industrial portion parcel 125 is contiguous to the proponent's residentially zoned portion of Assessors' Parcel 125, and neither contiguous to any other industrially zoned land, and not practical or feasible for lawful industrial uses.

Passage to Ordain; DENIED.

Yea: 7 – Nay: 4

Yea: Doucette, Dumais, Tunnera, Navin, Landers, Oram, & Perlman.

Nay: Wagner, Irish, Ossing, & Robey.

ADOPTED

ORDER NO. 20-1007976D