

**From:** Katharine L. Klein <KKlein@k-plaw.com>  
**Sent:** Monday, September 26, 2022 9:05 AM  
**To:** Diana Schindler <DSchindler@hopedale-ma.gov>  
**Cc:** Brian Riley <BRiley@k-plaw.com>  
**Subject:** RE: Hopedale - Overdale Parkway

Diana:

I have reviewed the question from the Road Commissioners for clarification of my e-mail opinion of September 1, 2022 relative to the role of the Road Commissioners in the application to the Planning Board for property on Overdale Parkway.

As I stated earlier, the Planning Board, in my opinion, has primary authority over the subdivision of land, including whether proposed access is adequate. The role of the Road Commissioners is limited to determining whether the road plans meet the standards set forth in the Rules and Regulations governing subdivisions. The Planning Board has jurisdiction to issue waivers from the road design standards, i.e., whether a sidewalk is needed, which determination, in my opinion, would be binding on the Town, and would not be subject to review by the Road Commissioners. The Road Commissioners' review is limited to whether the proposed plans for the road will comply with the construction specifications in the Rules and Regulations, and, in this respect, the decision of the Road Commissioners would be controlling.

I wish to note that it is important that the Road Commission has a responsibility to apply the Rules and Regulations equitably, and conduct itself in a similar manner in this instance as in other subdivisions. As I stated in my earlier opinion, the role of the Road Commissioners is not expanded by the 1985 Town Meeting vote. If the applicants propose a road that meets the construction specifications in the Rules and Regulations, taking into account any waivers granted by the Planning Board, and which is similar to other roads providing frontage for lots, a decision that requires more of these applicants would be subject to challenge.

Please do not hesitate to contact me with any questions.

Katie

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