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C O U N S E L L O R S A T L A W

May 22, 2026

Matthew LaCorte
Clark Estates Association Trust
100 Fairview Lane
Plymouth, MA 02360
Lacorte.matthew@gmail.com

VIA ELECTRONIC MAIL ONLY

RE: ***Clark Estates Association Trust – Seagrass Trail and Fountain Grass Waye***

Dear Mr. LaCorte,

As you know, you have asked my office to render an opinion regarding the responsibility of Clark Estates Association Trust for maintenance, including snow removal, of “Seagrass Trail” and Fountain Grass Waye, within the subdivision known as “Clark Estates.” In connection with this opinion, we have undertaken such reviews as set forth below. We have examined and relied upon certain documents and records with respect to the information shown or contained therein as same are available to be reviewed in the online records of the Plymouth County Registry of Deeds and the website for the Town of Plymouth. In the course of our review, we have assumed the legal capacity of natural persons, the genuineness of all signatures, and the authenticity of all documents as same may be reviewed in the online records of the Plymouth County Registry of Deeds and the website for the Town of Plymouth. Our opinions set forth herein are limited documents specifically enumerated immediately herein below and do not extend to any agreements, instruments, or other documents not listed or described herein. In connection with rendering this opinion, we have reviewed the following documents, each dated as of date thereof, unless otherwise indicated below:

1. Town of Plymouth Planning Board Decision regarding Case No. B430 “Clark Estates” approving the definitive subdivision plan of the subdivision known as “Clark Estates” dated May 12, 1996, being recorded with the Plymouth County Registry of Deeds in Book 14488, Page 308;
2. Clark Estates Association Trust, under declaration of trust dated March 7, 1997 which trust is recorded with the Plymouth County Registry of Deeds in Book 15021, Page 144;
3. Amendment to the Clark Estates Association Trust dated June 29, 1999 which trust amendment is recorded with the Plymouth County Registry of Deeds in Book 17614, Page 74;
4. Second Amendment to the Clark Estates Association Trust dated June 29, 1999 which trust amendment is recorded with the Plymouth County Registry of Deeds in Book 17614, Page 74;

5. Definitive Subdivision Plan of Land for “Clark Estates” dated March 28, 1996 being recorded with the Plymouth County Registry of Deeds in Plan Book 39 Page 78;
6. Modified Definitive Subdivision Plan of Land for “Clark Estates” dated March 31, 1998 being recorded with the Plymouth County Registry of Deeds in Plan Book 42 Page 441;
7. Town of Plymouth Order of Taking for the Layout of “Fairview Lane” dated July 25, 2017 and being recorded with the Plymouth County Registry of Deeds in Book 48708, Page 287;
8. Town of Plymouth Order of Taking for the Layout of “Edgewood Drive” dated July 25, 2017 and being recorded with the Plymouth County Registry of Deeds in Book 48708, Page 304;
9. Town of Plymouth Order of Taking for the Layout of “Ouimet Lane” dated July 25, 2017 and being recorded with the Plymouth County Registry of Deeds in Book 50114, Page 111; and,
10. Town of Plymouth Master Street Lists as of December 11, 2025.

The undersigned is licensed to practice law in the Commonwealth of Massachusetts. This opinion relates only to the laws of the Commonwealth of Massachusetts enacted as of the date hereof and the facts as known to us as of such date. We undertake no obligation to revise or update this opinion to reflect any facts or circumstances which may hereafter come to our attention or any change in laws or regulations, which may hereafter occur. We render no opinion on matters and make no representations, express or implied, except as expressly stated herein. Based on our review of the foregoing and subject to the qualifications set forth herein, it is our opinion that:

1. Clark Estates was established as a residential subdivision, and an Association Trust was established to comply with the requirements of the Town of Plymouth Planning Board Special Permit approving the subdivision plan, specifically to: “...accept title, now or in the future, to any streets, drainage areas, open space areas...” all as shown on the subdivision plans referenced herein. The only streets laid out on both the original and modified subdivision plans are: Fairview Lane, Edgewood Drive and Ouimet Lane. Seagrass Trail and Fountain Grass Way are not delineated as “street layouts” on either the original or modified subdivision plan. There are areas on the original and modified subdivision plans labeled only as “Common Driveways” where Seagrass Trail and Fountain Grass Way exist today on the ground;
2. The creation of Clark Estates Association Trust was required by the Town of Plymouth as part of the approval of the Subdivision with the intent that the Association be responsible for the maintenance, including snow removal, of the private ways known as Fairview Lane, Edgewood Drive and Ouimet Lane. I find no evidence in my review that the Association was to be responsible for the maintenance and snow removal of the common driveways as shown on the original and modified subdivision plans;
3. The Town of Plymouth by Order of Takings referenced herein has taken legal ownership of Fairview Lane, Edgewood Drive, and Ouimet Lane. The recording of the Order of Takings results in those streets becoming “Public Ways.” The Town of Plymouth is now responsible for all maintenance, including snow removal, of Fairview Lane, Edgewood Drive and Ouimet Lane.

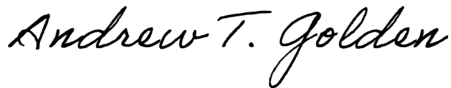
Seagrass Trail and Fountain Grass Way were not included in such Takings. The Clark Estates Association Trust was effectively relieved of the requirement to maintain, including snow removal, Fairview Lane, Edgewood Drive and Ouimet Lane as originally intended under the special permit as result of the Town of Plymouth Takings. Fairview Lane, Edgewood Drive and Ouimet Lane shifted from private ways to public streets by virtue of the Takings;

4. Seagrass Trail and Fountain Grass Way as classified as both private ways and common driveways under the Town of Plymouth Master Street Lists. The original and modified subdivision plans do not show them as “street layouts” and only shows them as common driveways. Maintenance of, including snow removal, for common driveways is generally the responsibility of all those who abut and are lawfully entitled to use of the common driveway. To that end, the Clark Estates Association Trust, in our opinion, is not responsible for the maintenance of and snow removal from Seagrass Trail and Fountain Grass Way.
5. The property owners within “Clark Estates” who abut and use Seagrass Trail and Fountain Grass Way as common driveways are responsible for the maintenance and snow removal.

This opinion letter is rendered solely for your benefit (and the benefit of your fellow Trustees). This opinion letter may neither be relied upon by any other party, nor may all or portions of this opinion letter be quoted or referred to in any other document, except in each case, by you or your fellow Trustees, without our prior written consent. Please do not hesitate to contact me should you have any other questions or concerns.

Very truly yours,

Lepizzera & Laprocina:

A handwritten signature in cursive script that reads "Andrew T. Golden".

Andrew T. Golden, Esq.