



Town of Randolph

Office of the
TOWN COUNCIL

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April 11, 2024

SENT VIA FIRST-CLASS MAIL, CERTIFIED MAIL
AND EMAIL/RRR

Mass Property Holdings, LLC
Mr. Todd Sandler
536 N. Main Street
Randolph, MA 02368
Todd@toddsandler.com

RE: NOTICE OF PUBLIC HEARING: Monday, April 29, 2024
APPLICATION FOR STREET ACCEPTANCE - George M. Lovering Circle

Dear Mr. Sandler,

The Town Council received the Application for Street Acceptance by Mass Property Holdings, LLC on November 16, 2021. After reviewing the application materials, it appears that certain required information was not included in the application packet. Please provide all of the materials and information described on the attached Town of Randolph Town Council Instructions for Street Acceptance. This includes providing three copies of a plan and profile of each street drawn in ink and mylar, equivalent at a scale of one inch equals (40) feet and suitable for recording at the registry of deeds. In addition to this, please provide three copies of a notarized affidavit from the property owners stating that the owner(s) is/are requesting the Town to accept George M. Lovering Circle as a public way. Lastly, updated deeds for the following parcels need to be provided due to additional conveyances that have occurred since the application was originally produced: 8 George M. Lovering Circle and 12 George M. Lovering Circle. Please provide these supplemental materials at your earliest convenience so that your application may be deemed complete.

In anticipation of receiving the additional required materials, and pursuant to the requirements of M.G.L. ch. 166, Section 22 and other applicable law, a public hearing has been scheduled concerning your street acceptance application for **Monday, April 29, 2024, at 6:15 PM**. This hearing will take place at a hybrid meeting of the Randolph Town Council. This means that the meeting/public hearing may be attended by the Petitioner via the Internet by Zoom, by telephone, or in person at Randolph Town Hall, Chapin Hall, 41 South Main Street, Randolph, MA 02368. The Zoom information will be sent to you by email prior to the public hearing and will also be available on the Town Meeting Calendar on the Town's website on the day of the meeting/hearing.

The Town Council meeting begins at 6:00 PM. It is not required that you log in or appear at that time. However, the Applicant or the Applicant's representative must be present by Zoom, by phone or in person when the 6:15 p.m. public hearing on this matter begins. Kindly let me know how many participants will appear by Zoom or by phone and how many will appear in person for the public hearing on behalf of the Applicant, and provide me with their names so that I may notify the meeting host ahead of time

This office will place legal advertisements in a local newspaper, and mail the abutter letters to the addresses that are within 100 feet of the following parcel IDs: Map 45, Block A, Parcel 38; Map 45, Block A, Parcel 39; Map 45, Block A, Parcel 40; Map 45, Block A, Parcel 41; Map 45, Block A, Parcel 42; Map 45, Block A, Parcel 43; and Map 45, Block A, Parcel 44. An invoice reflecting these costs will be submitted to your office for reimbursement of the Town's incurred expenses.

Additional information regarding the public hearing will be provided closer to the public hearing date. I look forward to working with you and please don't hesitate to contact me if you have any questions or concerns at 781-961-0918, or by email at NOliveras@Randolph-ma.gov.

Sincerely,



Natalie Oliveras
Town Council Clerk

cc: Town Manager Brian Howard - BHoward@Randolph-ma.gov
Town Attorney Christine Griffin, Esq. - CGriffin@Randolph-ma.gov
Town Council President William Alexopoulos - WAlexopoulos@Randolph-ma.gov

Town of Randolph
Town Council
Instructions for Street Acceptance

The creation of a public way generally requires (1) a survey to show the boundaries of the public way; (2) grants to the Town by you and your neighbors of permanent property rights for the Town to use the property for a public way; (3) Planning Board review; (4) a public meeting/hearing of the Town Council to determine whether your street should be laid out as a public way; (5) acceptance by the Town Council of your street as a public way; and (6) the recording of instruments granting property rights (easements and orders or takings or betterments) at the Registry of Deeds in the chain of title for the relevant property.

APPLICATION INFORMATION

1.	<p>File the Original Application with the following:</p> <ul style="list-style-type: none">a. Plans: Three copies of a plan and profile of each street drawn in ink or mylar or equivalent at a scale of one inch equals (40) feet and suitable for recording at the registry of deeds. The survey and plan must be created and stamped by a registered engineer or registered land surveyor and the cost of the work shall be borne by the petitioners.b. Ownership: Deeds or other documents sufficient to determine who owns the land where the street is located. Abutters to the street may have an ownership interest in the street. Applicant must provide information sufficient to demonstrate ownership of the street and a notarized affidavit from each person with a property interest in the street stating the fact that the owner is requesting the Town to accept the street as a public way. Note that property owners/Applicants will be required to bear all costs for the layout and any required improvement of the way prior to acceptance by the Town. This may include engineering and legal costs. There is no guarantee that the Town will accept your street as a public way.c. Title certification: A title certification prepared by an attorney licensed in Massachusetts, running to the benefit of the Town, listing the names and addresses of all persons currently owning the fee to the road (generally either the developer of the subdivision and/or the abutting lot owners) and the lots affected by drainage, water, sewer, utility, access, buffer, and/or other related easements (the "appurtenant easements") to be granted to the Town;d. Copies of deeds and other instruments: A copy of the deed into the Applicant, if none of the lots abutting the road have been conveyed. If any of the lots has been conveyed, the Applicant shall also submit a copy of all the deeds out from the developer, deeds either granting or reserving easements to the developer, and any covenants, declarations, easements, or other instruments by which the developer retains or reserves the fee in the roadway and appurtenant easements. Any deeds or documents indicating ownership of any utilities above or below the road. Any documents indicating easements or other rights in the public way owned by anyone other than the developer. Unless the developer expressly states in the deed to a lot that the developer is reserving the fee to the road, it is presumed that the lot owner owns the fee to the centerline of the road abutting the lot.e. An electronic copy of the aforementioned materials shall be included with the submission of the application package to the Clerk of the Town Council.
2.	Upon receipt of the completed Application, the Clerk of the Town Council will provide the Application to the Town Clerk's Office for date and time stamp. A copy of the Application will remain with the Town Clerk's Office and the Original will be returned to the Town Council Office.
3.	The Clerk of the Town Council will submit a copy of the Application, along with all of the supporting documentation, to the Planning Board, the Town Engineer, the Building Commissioner, the Fire Chief, the Police Chief and the DPW Superintendent, with a request for input and comments.
4.	The Town Council will hold a Public Hearing within 45 days from the date the completed Application was received.
5.	The Town Council shall publish a Notice of Public Hearing regarding the Application in a newspaper having a general circulation in the Town of Randolph. The Town Council will invoice the Applicant for the cost of the Notice of Hearing, which must be paid prior to the Public Hearing.

6.	<p>The Town Council shall obtain a certified list of abutters (within 100 feet) from the Assessor's Office and will notify all abutters of the public hearing by mail, at least 14 days prior to the public hearing. The Town Council will invoice Applicant for these costs and the invoice must be paid prior to the Public Hearing.</p>
7.	<p>Voting Requirements:</p> <p>a. BY PURCHASE OR TAKING: If the Town is acquiring a real estate interest in the way by means of a purchase or taking the way by eminent domain, either of which requires an appropriation of funds for damages:</p> <ol style="list-style-type: none"> 1. FIRST FUNDING VOTE: A recommendation of the Town Manager and a 2/3 vote is required to fund the damages to be awarded and then a second vote is required for the acquisition or taking of the property interest in the way. 2. SECOND ACQUISITION VOTE: If the way was originally laid out under the Subdivision Control Law under the Planning Board's jurisdiction, a simple majority is required of the Council to acquire or take the way. (The petitioner would have to provide proof and/or the Planning Board would need to confirm this fact). 3. SECOND ACQUISITION VOTE: If the way was not originally laid out pursuant to the Subdivision Control Law, then a 2/3 vote is required of the Council to acquire or take the way. 4. SECOND ACQUISITION VOTE: If the Town is acquiring a real estate interest in the way by means of a gift to the Town, such that there is no need to appropriate funds for any damages, follow paragraph 2 or 3 above. Note that, for gifts, the Town Manager's recommendation to accept the way is also required. <p>b. NO ACQUISITION OF OWNERSHIP RIGHTS: If the Town is not acquiring a real estate interest in the way but is just accepting responsibility for maintaining the way:</p> <ol style="list-style-type: none"> 1. If the way was originally laid out under the Subdivision Control Law under the Planning Board's jurisdiction, a simple majority is required of the Council to accept the way for the purposes of maintaining the way. (The petitioner would have to provide proof and/or the Planning Board would need to confirm this fact). 2. If the way was not originally laid out pursuant to the Subdivision Control Law, then a 2/3 vote is required of the Council to accept the way for the purposes of maintaining the way. <p>If the Council votes to lay out the street as a public way, then any deeds, easements or orders of taking related to the street layout must be recorded by the Applicant at the Registry of Deeds, and evidence of recording must be provided to the Town, unless betterments are to be assessed, in which case the Town should record the documents together with any initial order for betterments.</p>