

To: Brian Howard and the Members of Randolph Town Council
From: Scanlon Suburban LLC, Core Investments Development LLC, Randolph Transportation Realty LLC
Plans: Discontinuation plans attached to this letter
Re: The Discontinuation of Billings Street
Date: February 9th 2024

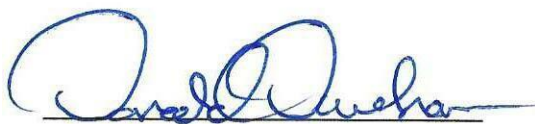
**Memorandum In Support of Application
For Street Discontinuance**

In conjunction with the site plan and design review package submitted to the Town of Randolph Planning Board and the stormwater review package submitted to the Department of Public Works in December of 2023, the applicants (with the addition of Randolph Transportation Realty LLC) would like to formally submit for the discontinuance of Billings Street in the Town of Randolph. Please see attached package (both digital and physical) with requisite information.

The applicants, and their related entities, own over 95% of the land abutting Billings Street and are requesting the discontinuation in order to contribute the land to a broader masterplan that allows for a higher and better use for its future users and the Randolph community as a whole.

In addition to the package submitted, the applicants would like to commit to resolving the requests presented at the 1/23/24 planning board hearing by Captain Austerino regarding fire access through the abutting Comfort Inn property located at 1374 North Main Street in Randolph. The applicant's design team will resolve said comments by working directly with the Randolph Fire Department to create solutions to any and all concerns related to fire access.

We look forward to engaging with the town and the members of the community during this process.



Donald Dunham, Manager

Randolph Transportation Realty LLC



John Cissel, President
Core Investments Development LLC

Randolph Town Council

Request for Discontinuance and/or Abandonment of a Municipal Public Way

I hereby request that the Town of Randolph discontinue and/or abandon a Town of Randolph Municipal Public Way, as described below.

I request that the below public way be X discontinued and/or X abandoned.

Name of Public Way:	Billings Street	Zoning District:	Blue Hills River Highway District
Date Laid Out:	October 1, 1957	Laid Out By Plan Name: The Commonwealth of Massachusetts Plan of Road in Randolph, Norfolk County laid out as a State Highway by the Dept of Public Works October 1, 1957	Mass State Highway Order of Taking NO. 4604 Section 1 Town Highway Plan Book 204 1072 and 1073 <i>Doc #/Cert#/Book/Page</i>
Recorded at Norfolk County Registry of Deeds:	Deed Book 3595 Page 451 <i>Book/Page</i>		
Length Laid Out:	393.82' via Mass. Highway tacking 4604 on behalf of town in 1957 Approximately 280' remaining length as shown on 1927 plan recorded Book 1773 Page End	Street Condition:	<u> X </u> Fully Constructed (Paved Parking lot) ___ Partially Constructed (length _____) __ _ Unconstructed (paper street)
Are there any lots abutting the Public Way on the Plan? If so, describe.	N/A	Are there any constructed lots abutting the Public Way? If so, describe.	2-B-1.LA, 2-C-1.438, 2-C-2.2, 02-C-002.2 and 2-c-8.18-19
Are there any Wetlands abutting the Public Way? If so, describe:	___ Resource Area ___ Area 1 ___ Area 2 ___ FEMA Flood Plain Type: _____ ___ Water Body Type: _____ ___ Other		
Are there any existing utility's on, under or over the Public way? If so, describe.	Yes – sanitary, stormwater, and water service.	Are there any existing easements on, over or under the Public Way? If so, describe.	There is a 10' wide sewer easement. Deed Book: 4842, Page: 385

Please provide additional information about the public way, including any information that you may have about how and when the public way was laid out, how it has been used by the public since it was laid out, and why you are requesting that it be discontinued and/or abandoned.

Permission of the owners affected by any change to the layout of the public way and of the other interest holders, including mortgage holders, affected by any change to the layout of the public way, must be obtained. Written consent from said owners and mortgage holders, if any, must be attached hereto. (*Attach a list of lot owners, addresses and signatures of consent in the form attached.)

All modifications to the lay out of a Public Way require back-up materials to support the request. Modifications may require review by the Town Council, the Planning Board and a consulting engineer. The expense of any required public notices, mailings or of any consulting engineer shall be borne by the Applicant. The Town will alert the Applicant prior to engaging a consulting engineer if a consulting engineer is deemed necessary.

Upon approval, any modification to the public way, discontinuance or abandonment, shall be reflected in an endorsed plan to be recorded by the Applicant at the Norfolk County Registry of Deeds with an engineer's stamp and in compliance with all other Registry filing requirements. The plan shall be accompanied by a certified copy of the vote of the Randolph Town Council making such modification, discontinuance or abandonment.

Upon approval, a report (with a description of the location and bounds) must be filed with the Town Clerk, as required by M.G.L. ch. 82, sec. 32.

The Town may discontinue a municipal public way pursuant to M.G.L. ch. 82, §21 and may abandon a municipal public way pursuant to M.G.L. ch. 82, §32A. Generally, when a municipal public way is discontinued, the public's easement in the public way is extinguished and the property reverts to the ownership of the prior owners; whereas, when a municipal public way is abandoned the Town discontinues maintenance of the way, but the public's easement remains and the ownership of the property does not revert. In addition, the Town may vote to relocate and alter the layout of a portion of a street and/or to exclude from the layout any portion that the Town will no longer use.

Relevant Statutory Authority:

M.G.L. Chapter 82, Section 21: Authority to lay out ways

Section 21. The selectmen or road commissioners of a town or city council of a city may lay out, relocate or alter town ways, for the use of the town or city, and private ways for the use of one or more of the inhabitants thereof; or they may order specific repairs to be made upon such ways; and a town, at a meeting, or the city council of a city, may discontinue a town way or a private way.

M.G.L. Chapter 82, Section 24: Taking by eminent domain; damages (*emphasis added*)

Section 24. If it is necessary to acquire land for the purposes of a town way or private way which is laid out, altered or relocated by the selectmen, road commissioners or other officers of a town under this chapter, such officers shall, within one hundred and twenty days after the termination of the town meeting at which the laying out, alteration or relocation of such town way or private way is accepted by the town, acquire such land by purchase or otherwise, or adopt an order for the taking of such land by eminent domain under chapter seventy-nine or institute proceedings for such taking under chapter eighty A. Any person sustaining damage in his property by the laying out, alteration or relocation of a town way or private way shall be entitled to recover the same under said chapter seventy-nine, unless such damage was sustained in connection with a taking made in proceedings instituted under said chapter eighty A, and any person sustaining damage in his property by the discontinuance of a town way or private way or by specific repairs thereon shall be entitled to recover the same under said chapter seventy-nine. If no entry has been made upon land taken under said chapter seventy-nine for the purpose of a town way, or if the location has for any other cause become void, a person who has suffered loss or been put to expense by the proceedings shall be entitled to recover indemnity therefor

under said chapter seventy-nine. If a private way is laid out, relocated, altered or discontinued by a town, or if a town makes specific repairs thereon, or **if a town way is discontinued, the persons upon whose application such way is laid out, relocated, altered or discontinued or upon whose application specific repairs are made thereon shall, before such way is entered upon for the purposes of construction, or is closed up, give such town security satisfactory to the selectmen that they will indemnify such town for all damages and charges which it is obliged to pay by reason thereof, and all such damages and charges shall be repaid to the town by the persons making such application; provided, however, that in case of the discontinuance of a town way the selectmen may order a part of the damages to be paid by the town.** The first sentence of this section shall not apply to cities.

M.G.L. Chapter 82, Section 32A: Abandonment of municipal ways

Section 32A. The board or officers of a city or town having charge of a public way may, after holding a public hearing, notice of which shall be sent by registered mail, return receipt requested, to all property owners abutting an affected road and notice of which shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting in a conspicuous place in the office of the city or town clerk for a period of not less than fourteen days before the day of the hearing, upon finding that a city or town way or public way has become abandoned and unused for ordinary travel and that the common convenience and necessity no longer requires said town way or public way to be maintained in a condition reasonably safe and convenient for travel, shall declare that the city or town shall no longer be bound to keep such way or public way in repair and upon filing of such declaration with the city or town clerk such declaration shall take effect, provided that sufficient notice to warn the public that the way is no longer maintained is posted at both ends of such way or public way, or portions thereof. Upon petition in writing of the board or officers of a city or town in which a county highway is located, the county commissioners, whenever common convenience and necessity no longer require such way to be maintained in a condition reasonably safe and convenient for public travel, after giving notice in the manner prescribed in section 3, and after viewing the premises and hearing the interested parties in the manner prescribed in section 4, may adjudicate that the town shall no longer be bound to keep the way in repair, and thereupon the adjudication shall take effect; provided, that sufficient notice to warn the public that the way is no longer maintained is posted at both ends of the way, or portions thereof.

This application is submitted on the Ninth day of February, 2024.

I hereby certify that all of the information contained in this application is true and correct to the best of my information and belief,



Applicant's Signature

President, Core Investments Development, LLC

Applicant Name(s): Scanlon Suburban LLC

Address: 800 Boylston Street

Address: Boston, MA 02199

Phone: 617-428-8000

Email: jcissel@coreinvestmentsinc.com

Relevant Lot(s) Owned: 43 Scanlon Drive

Assessor's Parcel ID For Each Lot: 02-C-1.438

Randolph Realty Transportation LLC

370 W First Street

South Boston, MA 02127

617-428-8000

jcissel@coreinvestmentsinc.com

6 Billings Street, and 493 High Street

02-B-1.LA, 02-C-002.2, and 02-C-8.18-19

Applicant's Representative's Name (if any): The Vertex Companies LLC, Andrew Street

Address: 100 N Washington Street, STE 302

Address: Boston, MA 02114

Phone: (781) 400-6882

Email: astreet@vertexeng.com

Applicant's Surveyor/Engineer's Name (if any): CHA

Registration Number: 49622

Address: 141 Longwater Drive, Suite 104

Address: Norwell, MA 02061

Phone: 781-982-5421

Email: wdorgan@chasolutions.com

OWNERS WITH FEE INTEREST IN THE STREET

Property Owner #1	Parcel ID Owned
Sandeep Partners, LLC 495 Westgate Drive Brockton, MA 02301	02-C-8.18-19
Property Owner #2	Parcel ID Owned
Scanlon Suburban, LLC 800 Boylston Street Boston, MA 0219	02-C-1.438
Property Owner #3	Parcel ID Owned
Randolph Realty Transportation LLC 370 W First Street South Boston, MA 02127	02-B-1.LA, 02-C-002.2, and 02-C-8.18-19

Attach additional sheet(s) as necessary

