

January 10, 2023

**VIA HAND DELIVERY**

Town of Randolph Planning Board  
41 South Main Street  
Randolph, MA 02368  
Attn: Michelle Tyler, Town Planner

RE: Randolph Road, Randolph, MA

Dear Mr. Chairman and Members of the Planning Board:

On behalf of Randolph Road Realty LLC and ML Real Estate Trust LLC (collectively, the “Applicant” and/or “Property Owner”), we respectfully submit the enclosed request for modification of a subdivision plan entitled: “Plan of Braintreeville Manor” Randolph Mass. Owned and developed by HUB Realty Company, Inc., Boston, Mass., drawn by A.P. Trufant, C.E., Brockton & Whitman, dated October 24, 1975 (the “Original Plan”). The Original Plan laid out various streets in a grid-like pattern but were never built and remain unimproved. The Applicant is seeking to abandon certain roads as further set forth and identified in the enclosed application package in order to develop the property.

For your consideration, enclosed please find 1 original and six (6) copies of the following materials. (Electronic copies of the enclosure will be provided to the Planning Department):

1. Application for Request for Modification to the Definitive Subdivision Plan with Addendum A;
2. Filing Fee in the amount of \$1,000.00 made payable to the Town of Randolph;
3. Project Site Plan entitled: “Road Abandonment Plan” dated January 6, 2023 prepared by DiPrete Engineering (3 – 11” x 17” and 3 – 24” x 36” sized plans).

We would respectfully request that this matter be scheduled for consideration on the agenda for the next Planning Board meeting scheduled for Tuesday, February 7, 2023.

Town of Randolph Planning Board

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If in the interim, you have any questions, please do not hesitate to contact me.

Very truly yours,



Robert C. Buckley

RCB:khh  
Enclosure

3498001.1

**RIEMER & BRAUNSTEIN** LLP

ACCOUNTS PAYABLE ACCOUNT  
100 CAMBRIDGE STREET 22<sup>nd</sup> FLOOR  
BOSTON, MA 02114-2527

Bank of America  
Boston, MA 02110  
5-13 / 110

145491

CHECK DATE

01/05/2023

CHECK AMOUNT

\$1,000.00

**PAY** ONE THOUSAND AND 00/100 Dollars

TO  
THE  
ORDER  
OF

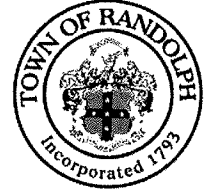
Town of Randolph

RIEMER &amp; BRAUNSTEIN LLP

BY 

⑈ 145491 ⑈ ⑆ 011000138 ⑆ 000000162795 ⑈

## PLANNING DEPARTMENT

**FORM C2****REQUEST FOR MODIFICATION, RESCISSION OR  
AMENDMENT TO A DEFINITIVE SUBDIVISION PLAN**

<b>Subdivision Name</b>	Braintreeville Manor		<b>Date Endorsed by Planning Board</b>	
<b>Norfolk Registry Recording</b>	<i>Plan No.</i> 998	<i>Year</i> 1925	<i>Plan Book</i> 1671	<i>Page</i> End
<b>Request</b>	<input checked="" type="checkbox"/> <b>Modification</b> <input type="checkbox"/> <b>Rescission</b> <input type="checkbox"/> <b>Amendment</b>			
<b>Description</b>				
See Addendum "A" Annexed hereto.				

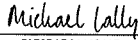
All modifications require back-up material to support the request and a filing fee per the Fee Schedule. Modifications may require review by the Planning Board consulting engineer, the expense to be borne by the Applicant.

Major Modifications require a public hearing and must meet the requirements of MGL Chapter 41, Section 81W and the Planning Board Rules and Regulations Governing the Subdivision of Land. All prior conditions of approval shall remain in full force and effect.

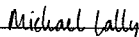
Pursuant to MGL Chapter 41, Section 81W, this Modification/Rescission/Amendment shall take effect when (1) the Plan as originally approved or a copy thereof and a certified copy of the vote of the Planning Board making such Modification/Rescission/Amendment and any additional plan referred to in such vote, have been recorded and (2) an endorsement has been made on the plan originally approved as such vote is indexed in the grantor index under the names of the owners of record of the land affected.

Permission of the owners affected by any change to the subdivision plan and of the mortgage holders must be obtained. The Modification/Rescission/Amendment approved shall not affect the lots in the subdivision which have been sold or mortgaged in good faith and for valuable consideration or any rights appurtenant thereto, without the consent of the owner of such lots, and of the holder of the mortgage(s) if any thereon. Written consent from said owners and mortgages, if any is attached hereto.

*\*Attach a list of lot owners, addresses and signatures of consent.*

<b>Applicant</b>	Randolph Road Realty LLC and ML Real Estate Trust LLC		
<b>Contact person</b>	Michael J. Lally		
<b>Address</b>	11 Randolph Road, Randolph, MA		
<b>Phone</b>	781-767-0090	<b>Email</b>	mjl@seaandshorecontracting.com
<b>Signature</b>	<small>DocuSigned by:</small>  <small>53F2BAD8111544F...</small>		

☐ Check if Applicant is equitable owner (purchaser on a purchase and sales agreement)

<b>Property Owner</b>	Randolph Road Realty LLC and ML Real Estate Trust LLC		
<b>Address</b>			
<b>Address2</b>	11 Randolph Road, Randolph, MA		
<b>Phone</b>	781-767-0090	<b>Email</b>	mjl@seaandshorecontracting.com
<b>Signature</b>	<small>DocuSigned by:</small>  <small>53F2BAD8111544F...</small>		

### PLANNING OFFICE USE ONLY

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_

Items Received: ☐ Application ☐ Print Copies ☐ Digital File

Filing fee paid AMT: \_\_\_\_\_ Check # \_\_\_\_\_

## **ADDENDUM “A”**

### **Request for Modification of a Definitive Subdivision Plan**

ML Real Estate Trust LLC, a Massachusetts limited liability company and Randolph Road Realty, LLC, a Massachusetts limited liability company both with addresses at 11 Randolph Road, Randolph, MA (collectively, the “Applicant”) respectfully request Planning Board approval for a modification of a certain Subdivision Plan, entitled: “Plan of Braintreeville Manor” Randolph Mass. Owned and Developed by HUB Realty Company, Inc., Boston, Mass., drawn by A.P. Trufant, C.E., Brockton & Whitman, dated October 24, 1925 recorded with the Norfolk County Registry of Deeds as Plan 998 of 1925 in Plan Book 1671, annexed hereto as Exhibit “A” (the “Original Plan”). The Original Plan laid out various streets in a grid-like pattern running north to south and east to west. The streets abutting the Applicant’s parcels were never built and remain unimproved, specifically, the following streets, as shown on the Original Plan:

- Genesee Street
- East Ave.
- Huntington Ave.
- Norwood Ave.
- Lincoln Ave.
- Wilson Boulevard.
- Garfield Avenue

The Applicant has prepared a plan entitled: “Road Abandonment Plan”, dated January 6, 2023 prepared by DiPrete Engineering (the “Plan”) showing the ownership of the lots as well as the consolidation of the lots and streets. The owners of record that will be affected by the modification of the Subdivision Plan are as follows:

1. ML Real Estate Trust LLC (“ML LLC”) is the record title holder of the parcels identified on the Town of Randolph Assessor’s Map as Parcel IDs: 17-F-1.01 and 17-G-2.3, as shown on the Plan.
2. Randolph Road Realty LLC (“RR LLC”) is the record title holder of the parcels identified on the Town of Randolph Assessor’s Map as Parcel IDs: 17-G-1.9; 17-D-1.02; 17-1-3; 17-1-2.192; 17-1-4.201; 17-H-1.Q; 17-H-2.554-5, 17-H-3.528-5; 17-1-D-1.Y; 17-K-1.R; 17-K-2; 17-J-7.1; 17-J-8.225-2; 17-L-1.S; 17-L-2.695; 17-D-5.704-7; 34-A-2.713-7; 17-J-15.756-7; 17-J-14.785; 34-A-3.739-7, all as shown on the Plan.
3. Phil Carlino (“Carlino”) is the record title holder of the parcels identified on the Town of Randolph Assessor’s Map as Parcel IDs: 17-D-3.583-5 and 17-D-4.650-6, as shown on the Plan<sup>1</sup>.

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<sup>1</sup> It is noted that the Carlino Parcels have recorded Instruments of Tax Takings which were recorded with the Norfolk County Registry of Deeds on April 24, 1998 in Book 12532, Pages 514 and 515. The Applicant and Carlino are in discussions regarding the conveyance of those parcels to the Applicant. However, because Applicant does not have control of the Carlino parcels and for purposes of this Request for Modification of a Definitive Subdivision Plan, portions of Garfield Avenue will not be included in this modification.

3. The Town of Randolph is the record title holder of the parcel identified on the Town of Randolph's Assessor's Map as Parcel ID: 17-K-2, as shown on the Plan (the "Town Parcel"). The Town Parcel is an undeveloped landlocked parcel which was recently voted and declared by Town Council as surplus property at its meeting on October 17, 2022. The Town intends to sell the Town Parcel by public auction in early February 2023. This Request for Modification of a Definitive Subdivision Plan assumes that the Applicant will be the successful bidder in the public auction and if the Plan is approved by the Planning Board, the Applicant will not record the approved Plan with the Norfolk Registry of Deeds until such time as the conveyance of the Town Parcel to the Applicant is consummated.

The Applicant is seeking to modify the Original Plan by eliminating the undeveloped private roads in the areas shown on the Plan so that all the lots can be combined into one or two larger developable lots. M.G.L. Chapter 183, Section 58 and otherwise known as the Derelict Fee Statute provides that title to the way "shall be to the center line of such a way." Therefore, as shown on the Plan, the resulting lots show ownership to the centerline of each private way. Access to a public street from the newly created lots will be from Randolph Road to North Street.



