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April 13, 2023

By E-Mail: mttyler@randolph-ma.gov
And First-Class Mail

Town of Randolph
Planning Department
41 South Main Street
Randolph, MA 02368
Attention: Michelle R. Tyler
Director of Planning

Re: Randolph Development, LLC and Popeye's Louisiana Kitchen, Inc.
84 Mazzeo Drive, Randolph, MA 02368

Dear Ms. Tyler:

Please be advised this office and the undersigned represent Grow Associates, Inc ("Grow" or my "Client") who are the owners of 68 Mazzeo Drive, Randolph, MA 02368. Grow owns the 12.5 feet right of way and easement along Circuit Drive from 68 Mazzeo Drive to Mazzeo Drive (the "Private Way").

I am writing to you regarding Randolph Development, LLC ("Randolph") which is the owner of 84 Mazzeo Drive, Randolph, MA 02368 and Popeye's Louisiana Kitchen, Inc. ("Popeye's") which operates its business at 84 Mazzeo Drive. Neither Randolph nor Popeye's have any legal right to use the Private Way. Grow instructed Randolph and Popeye's to cease using the Private Way. Thereafter, Grow filed an action in the Land Court, which is pending as Docket No. 22MISC000572.

Randolph and Popeye's have recently represented that are/will stop using the Private Way, and have placed cones and a sign stating, "This Entrance is Closed". Please see attached photos marked as Exhibit "A". However, in 2017 when Randolph Development, LLC applied to the Randolph Planning Department for site plan review and design review for construction of Popeye's, they submitted plans which erroneously represented that they had an entrance/exit onto the Private Way and the right to use the Private Way. Randolph also provided plans for fire apparatus to use and turn on the Private Way.

My Client is requesting the Planning Board review the permit and plans for 84 Mazzeo Drive based upon the material misrepresentations made with the application and the basis on the Board's Decision. Copies of the Site Plan, Fire Apparatus Plan and Site Plan & Design Review Decision (previously provided to this office by the Planning Board) are jointly attached hereto as Exhibit "B". I am copying the Randolph Fire Department on this letter as the Private Way is not legally available for use by fire apparatus as originally represented by Randolph.

Please advise what action either the Planning Board or Fire Department will take in this regard. Feel free to contact me with any questions. Thank you, in advance, for your attention to this matter.

Sincerely,



Stephen A. Greenbaum

Cc: Client
Randolph Fire Department
10 Memorial Parkway
Randolph, MA 02368

EXHIBIT “A”





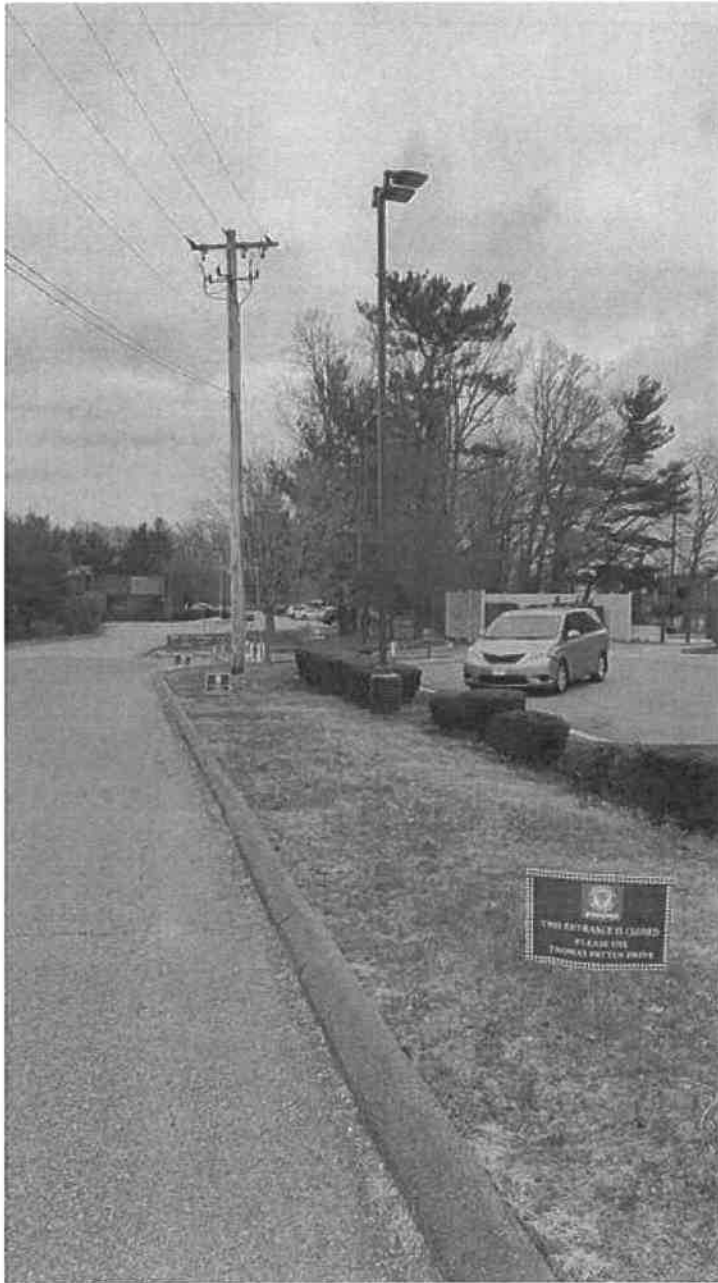
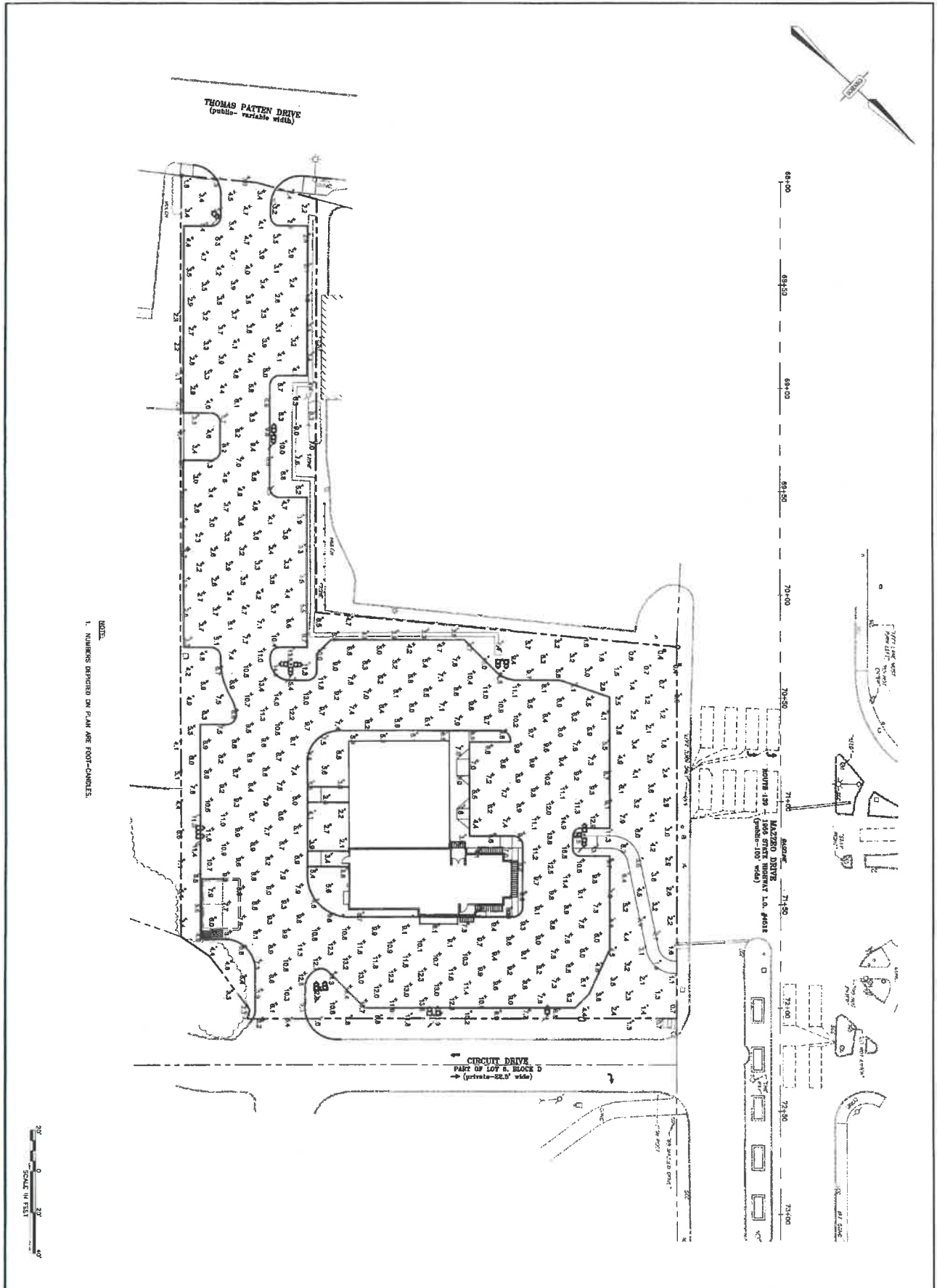


EXHIBIT “B”



DATE: 06/29/2017 REVISIONS: N/A PROJECT NO.: 10 SHEET NO.: 17		CONECO Engineers & Scientists 4 FORT STREET, BROOKMONT, MASSACHUSETTS 02324 PHONE: 508-897-3191 OR 800-548-3335 FAX: 508-897-3888 WEBSITE: www.coneco.com		PROJECT: POPEYE'S LOUISIANA KITCHEN 84 MAZZEO DRIVE RANDOLPH, MA 02368 CLIENT: THE PARKER NETWORK 100 MEMO PARK MARL, SUITE 500 EDISON, NEW JERSEY 08837		REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>DR/CK</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>		NO.	DATE	DESCRIPTION	DR/CK																																								
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SITE DEVELOPMENT PLANS		PHOTOMETRICS PLAN																																																	





Town of Randolph
Planning Department
41 South Main Street
Randolph, MA 02368

SITE PLAN & DESIGN REVIEW DECISION

- I. **Applicant**
Randolph Development, LLC
84 Parkhurst Road
Chelmsford, MA 01824
- II. **Agent for Applicant**
Richard Lewis
Coneco Engineers & Scientists, Inc.
4 First Street
Bridgewater, MA 02324
- III. **Property Location**
84 Mazzeo Drive
Randolph, MA 02368
- IV. **Property Owner**
Randolph Development, LLC
84 Parkhurst Road
Chelmsford, MA 01824
- V. **Zoning District**
The subject property is located within the Great Bear Highway District (GBHD))
- VI. **Action Sought**
The applicant seeks site plan and design review for proposed construction of an Popeye's Restaurant and adjacent commercial retail space.
- VII. **Hearing/Meeting**
The proposed actions are subject to a Tier 2 review by the Randolph Planning Board.
- VIII. **Referenced Documents**
Project plan sheets issued 9/26/2017 by Coneco Engineers & Scientists
Plan sheets issued 8/27/2017 by Wyrosdic Design & Construction
Hydrant location map dated 9/27/2017 by Coneco Engineers & Scientists
Stormwater Management Report dated 9/27/2017 by Coneco Engineers & Scientists
- IX. **Decision & Conditions**
The site plan was reviewed by the Randolph Planning Board on October 3, 2017. On

- a motion made by Alexandra Alexopoulos and duly seconded by Patrick Harrison, the board voted 4-0-0 to approve the project subject to the following conditions:
- a. Façade colors shall be as specified on the referenced documents. Any modifications must be prior approved by the Planning Board or designee.
 - b. Site details shall be as specified on the referenced documents. Any modifications must be prior approved by the Planning Board or designee.
 - c. Proposed light poles at entrance from Thomas Patten Drive shall be double optic model No OLRV-UNLV-FO-4-MA-BZ
 - d. Rip-rap at northeast corner (reference plan page #6) shall be replaced with a 2 foot block wall and modified landscaping. Such landscaping to be reviewed and approved by the Planning Board designee prior to installation.
 - e. Install a six (6) foot concrete pad at the rear of the restaurant to facilitate access to the grease tank
 - f. On the adjacent retail structure, ensure that all rooftop mounted HVAC units are sufficiently screened from view either through appropriate location at the center/back of the roof or through other screening methods
 - g. Vinyl fencing for dumpster pad shall be almond/beige.
 - h. Landscaping plan as presented is approved. Existing healthy trees along Mazzeo Drive are to be replanted within the parcel or donated to the Town of Randolph.
 - i. Sign content/size must be approved through standard permitting procedures.
 - j. Aggregate signage is limited to that allowed by the Zoning Bylaw unless variance is granted by the Zoning Board of Appeals.
 - k. Proposed development requires a special permit from the Randolph Town Council to operate a drive-through.
 - l. Minor modifications to the plans may be approved by the Planning Board designee
 - m. Major modifications to the plans must be approved by the Planning Board.

X. Appeal

Any person aggrieved by the decision of the Planning Board may appeal said decision to the Zoning Board of Appeals within 20 days.

Michelle R. Tyler
Town Planner