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HAND DELIVERED

December 12, 2017

Ms. Kristin Kassner
Planning Board
Town Hall Annex
Center Street
Burlington, MA 01803

NOV 13 2017

Re: 0 Mooney Road, Burlington

Dear Kristin:

This office represents Richfield LLC, the applicant in the accompanying submission regarding the above referenced property. The above property is a lot on Mooney Road that was created in a 1954 subdivision approved by the Burlington Planning Board. Mooney Road is currently a public way however the portion of Mooney Road on which locus fronts has never been paved by the town. My client is now seeking to construct a house on the lot and is seeking Planning Board approval to extend Mooney Road as necessary.

As I'm sure you recall we have discussed this project several times over the past couple of years and the matter has been referred to Town Counsel for an opinion as to how my client should proceed. In Town Counsel's letter to the Building Department, dated May 25, 2017, it is stated that locus is a grandfathered, approved, buildable lot as the minimum zoning requirements for a buildable lot at the time that the plan was approved was 60' of frontage and 10,000 square feet of area. Our lot meets those requirements.

I had made the argument that a Subdivision Approval application wasn't appropriate because we weren't subdividing any land or creating any new lots. Town Counsel acknowledged that but he said that we should file it as an Application to Amend a Subdivision Plan under MGL c. 41, sec. 81W so to obtain Planning Board and departmental input on the extension of the road to ensure that the new roadway is constructed properly.

SHEA, MURPHY & GULDE, P.C.
ATTORNEYS AT LAW

I am filing herewith an application for an Amended Subdivision Plan in which my client is seeking to extend Mooney Road to the extent necessary to provide 60' of paved frontage.

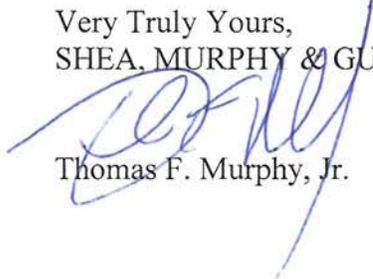
My client's lot is the last lot on Mooney Road thus there will be no reason to extend it further, nor will there be any reason to access to the end of Mooney Road as shown on the original subdivision plan. The house at Lot 31 Mooney Road, as shown on the original plan, is directly across Mooney Road from my client's lot, and the owners of that house have used this unimproved section of Mooney Road to access their driveway since the house was built back in the 1950's. My client's lot and Lot 31 are the only two properties that will use the section of Mooney Road that is the subject of this application.

It is submitted that standard new roadway improvements (sidewalks, granite curbing, etc.) are not applicable here given the limited use of the road. The existing Mooney Road does not have sidewalks or curbing (other than berm) and it is requested that that the extension be approved with the same conditions as the existing road. I have also attached list of other requested waivers that I feel don't apply to this situation.

As such, in accordance with Town Counsel's opinion and our subsequent meeting, I am filing an application for Amended Subdivision Plan along with a list of requested waivers.

If there are any questions with respect to this submission please do not hesitate to call and I thank you for your attention to this matter.

Very Truly Yours,
SHEA, MURPHY & GULDE, P.C.


Thomas F. Murphy, Jr.

TFMJ:emw