

Order 2011-009

April 11, 2011  
Introduced by Heather Urwiller  
Planning Director

**Amendment of Zoning By-Laws**

Amend the following Sections of the Randolph Zoning Bylaw: Sections 200-3 Definitions; 200-3 Table of Allowable Activity; 200-11 Business Districts, Business Professional Districts, Crawford Square Business District, North Randolph Business District, West Corners Business District, Blue Hill River Highway District, and Great Bear Swamp Highway District; 200-12 Industrial Districts; 200-38 Building Commissioner; 200-44 Special Permits Procedure; 200-45 Authority to Issue Permit, 200-46 Specific Requirements for Particular Uses.

Delete the following Sections of the Randolph Zoning Bylaw: 200-91 Design Review; 200-92 Design Review Board; 200-93 Reviewable Actions; 200-94 Procedures for Review of Actions Subject to Design Review; 200-95 Design Review Principles and Standards.

Add the following Sections to the Randolph Zoning Bylaw: Section XI Site Plan Design Review; 200-90 Purpose and Intent; 200-91 Applicability; 200-92 Special Permit with Site Plan Design Review; 200-93 Procedures for Site Plan and Design Review; 200-94 Standards and Criteria for Site Plan and Design Review; 200-95 As-Built Plans; 200-96 Changes to an Approved Site Plan; 200-97 Appeals; 200-98 Planning Board Designee(S), 200-99 Policies and Procedures, 200-100 fees.

**4/11/2011 Councilor Burgess made a Motion to separate and send the motion individually to Ordinance and Planning Boards. Seconded by Councilor Clifton. Voted 3-6 (Burgess, Brewer, Pasquantonio).**

**Councilor Fernandes made a Motion to refer order 2011-009 to the Ordinance and Planning Committee. Seconded by Councilor Pasquantonio. Voted 8-1. (Burgess)**

**8/22/2011 Councilor Goldstein made a motion to accept the proposed Table of Allowable Activity recommendations from the Ordinance Committee dated 8/5/11 pages 1-15. Seconded by Councilor Alexopoulos. Voted 8-0. (Absent Councilor Azer)**

**12/19/2011**

**Councilor Burgess made a motion to amend Randolph Zoning By-laws section 200-3 Word Usage and definitions by adding the following definitions and re-alphabetize the entire definition section: Extended Stay**

**Hotel, Estate Sale, Livery, Essential Public Service or Utility, Dollar Store, Pharmacy, and Sober House. Seconded by Councilor Alexopoulos.**

**Councilor Meoni made a motion to amend the main motion and remove Dollar Store, Pharmacy, and Sober House from the definitions. Seconded by Councilor Alexopoulos. Voted 5-3 (Burgess, Brewer, Azer).**

**Vote on main motion 6-2(Brewer and Burgess).**

**Councilor Burgess made a motion to amend Randolph Zoning By-laws section 200-11 Business Districts by deleting the following language and adding new language: 200-11 A(3), B(1) and (3), C(a), (e), (g) . Seconded by Councilor Brewer.**

**Councilor Goldstein made a motion to add 'amended as of 12/05/11' where it states 'See Table of Allowable Activity'. Seconded by Councilor Alexopoulos. Motion was withdrawn by Councilor Goldstein.**

**Vote on main motion 8-0. The supermajority vote has been achieved.**

**Councilor Burgess made a motion to amend Randolph Zoning By-laws section 200-12 Industrial districts by deleting the following language and adding new language B(4) and B(5). Seconded by Councilor Goldstein. Vote on main motion 8-0. The supermajority vote has been achieved.**

**Councilor Burgess made a motion to amend Randolph Zoning By-laws section 200-21 Construction Requirements by deleting the following language and adding new language F(1), (4), (6)i, ii, iii, iv, (7). Seconded by Councilor Goldstein. Voted 8-0. The supermajority vote has been achieved.**

**Councilor Burgess made a motion to amend Randolph Zoning By-laws section 200-33 Buffer Strips by deleting the following language and adding the new language A(2), (3), (4), B(2), (3), (4). Seconded by Councilor Goldstein. Voted 8-0. The supermajority vote has been achieved.**

**Councilor Burgess made a motion to amend Randolph Zoning By-laws section 200-38 Building Commissioner by deleting the following language and adding new language 200-38 A, D, and reallocating A, B, C, D. Seconded by Councilor Goldstein. Voted 8-0. The supermajority vote has been achieved.**

**Councilor Burgess made a motion to amend Randolph Zoning By-laws section 200-44 Procedure by adding the following language. Seconded by Councilor Brewer. Voted 8-0. The supermajority vote has been achieved.**

**Councilor Burgess made a motion to amend Randolph Zoning By-laws section 200-45 Authority to issue permits by deleting the text section in its entirety and replacing it with the following titled Granting Authority.**

**Seconded by Councilor Brewer.**

**Voted 8-0. The supermajority vote has been achieved.**

**Councilor Burgess made a motion to amend Randolph Zoning By-laws section 200-46 Specific Requirements for Particular Uses by renaming it Requirements for Particular Uses/Activities and deleting the following language and adding new language A, B, D, D(5), E, F, (i), G, G(2), G(3), H, H(1), H(2), H(3), J(1), J(2), J(3), J3(4), J3(4)(h) and a new section 'General Requirements for Use. Seconded by Councilor Brewer.**

**Councilor Fernandes made a motion to amend 200-46 by renumbering it to make it uniform with the other changes. Seconded by Councilor Meoni.**

**Voted 8-0. The supermajority vote has been achieved.**

**The main motion as amended passes Voted 8-0. The supermajority vote has been achieved.**

**Councilor Burgess made a motion to amend Randolph Zoning By-laws by deleting in its entirety section 200-91 through 200-95 and replacing it with a new Section XI Site Plan and Design Review which includes sections: 200-90 Purpose and Intent; 200-91 Applicability; 200-92 Special Permits with site plan and design review, 200-93 Procedures for site plan and design review, 200-94 Standards and criteria for site plan and design review; 200-95 As-built plans; 200-96 Changes to an approved site plan; 200-97 Appeals; 200-98 Planning Board designers; 200-99 Policies and Procedures; 200-100 Fees as amended and presented by the Ordinance Subcommittee. Seconded by Councilor Meoni.**

**Councilor Meoni made a motion to amend section 200-93 E 1. by removing 'within' and changing it to 'not less than'. Seconded by Councilor Alexopoulos. Voted 8-0.**

**Vote on the main motion 7-1 (Goldstein). Roll call vote was taken. The supermajority vote has been achieved.**

**Councilor Burgess made a motion to amend Randolph Zoning By-laws section 200-3 Table of Allowable Activity by deleting in its entirety the current table and replacing it with the new Table of Allowable Activity dated 12/19/2011. Seconded by Councilor Brewer.**

**Voted on the main motion 7-1 (Goldstein). The Supermajority vote has been achieved.**

Councilor Goldstein made a motion to remove (page 7) Sober House, Dollar Store, and (page 9) Pharmacy from the Table of Allowable Activity. Seconded by Councilor Fernandes.

Councilor Burgess made a motion to amend the main motion by separating into three separate motions. Seconded by Councilor Brewer. Voted 3-5 (Alexopoulos, Clifton, Fernandes, Goldstein, Meoni). Motion fails.

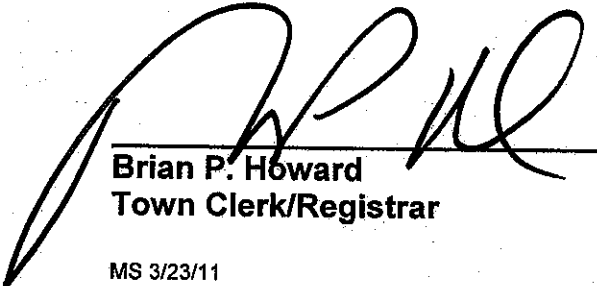
Voted on the main motion 4-4 (Alexopoulos, Azer, Burgess, Brewer). The Supermajority vote has not been achieved.

Councilor Alexopoulos made a motion to change Blue Hill River District (BRHD) and GBHD (pg 5) Power generating plants by means of renewable sources such as solar and wind from Y to SPTC. Seconded by Councilor Goldstein. Voted 8-0.

Councilor Meoni made a motion to change the SPTC for Homeless Shelter and similar uses from the SFD district to the BHAD district. Seconded by Councilor Clifton. Voted 4-4 (Alexopoulos, Azer, Burgess, Brewer). Motion has failed.

Councilor Meoni made a motion to change the category for Sober Houses (residential) from N to PTC. No Second. Motion Fails.

12/19/2011  
Date of Vote



Brian P. Howard  
Town Clerk/Registrar

MS 3/23/11  
MS 11/23/11  
MS 11/30/11

2012 JAN -6 P 12:47

RANDOLPH  
TOWN CLERK/REGISTRAR

**§ 200-33. Buffer strips.**

A. Business Districts, Crawford Square Business District, Business Professional Districts, North Randolph Business District, West Corners Business District, Blue Hill River Highway District or Great Bear Swamp Highway District. [Amended 5-22-2006 ATM, Art. 50, approved 10-17-2006]

- (1) In a zoned Business District where the lot abuts or is within 10 feet of the side or rear boundary line of any Residential District (including any residential districts in an adjacent municipality) or Multifamily District, there shall be provided on all portions of said lot within 10 feet of said boundary line a buffer strip, as follows: the portion of such buffer for and maintained as a planting area for lawns, trees, shrubs and other landscape materials to provide a parklike area of separation between districts. [Amended 4-25-2005 ATM, Art. 5, approved 10-18-2005]
- (2) In this buffer zone, walkways, sewer systems and wells may be constructed and maintained.
- (3) No building, structure or paved space associated with parking may be located in the buffer strip.
- (4) Plantings in the buffer strip shall be maintained by the owner of the property used for non-residential purposes.

B. Industrial districts abutting residential districts or multifamily districts. [Amended 5-22-2006 ATM, Art. 46, approved 10-17-2006]

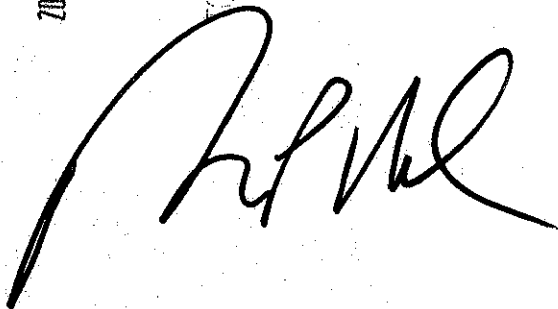
- (1) In an Industrial District where the lot abuts or is within 40 feet of the side or rear boundary line of any Residential District (including any residential districts in any adjacent municipality) or Multifamily District, there shall be provided on all portions of said lot within 40 feet of said boundary line a buffer strip, as follows: the portion of such buffer for and maintained as a planting area for lawns, trees, shrubs and other landscape materials to provide a parklike area of separation between districts.
- (2) In this buffer zone, walkways, sewer systems and wells may be constructed and maintained.
- (3) No building, structure or paved space associated with parking may be located in the buffer strip.
- (4) Plantings in the buffer strip shall be maintained by the owner of the property used for non-residential purposes.

C. Sanitary facility district. In a Sanitary Facility District where the lot abuts the side or rear boundary line of land owned by others in a Residential District, as herein defined, there shall be provided on all portions of said lot which abut said Residential District a buffer strip 50 feet in depth from said Residential District. Such a buffer strip shall be a planting area for trees, shrubs and other landscape materials, to provide a separation between the Residential District and the Sanitary Facility District. No building or structure of any nature, except for fences and drainage systems, shall be constructed or maintained in the buffer strip which area should be fenced as developed until the total area is enclosed.

- D. Child care facility. In all districts, the open space between the defined outdoor play area or structure and the property lines adjacent to residential uses shall be screened with either fence, wall, hedge, or landscaping to provide dense year round screen.
- E. In an Institutional Open Space (IOS) District where the lot abuts or is within 10 feet of the front, side or rear boundary line of any Residential District (including any residential districts in an adjacent municipality) or Multifamily District, there shall be provided on all portions of said lot within 10 feet of said boundary line a buffer strip, which shall be maintained as a planting area for lawns, trees, shrubs, and other landscaping materials to provide a park like area of separation between districts. No building, structure or pavement of any nature may be constructed or maintained in this buffer zone except for approved driveways and walkways. [Added 4-25-2005 ATM, Art. 9, approved 10-18-2005]
- F. Residential districts. In a zoned residential district, no building, structure or pavement of any nature may be constructed or maintained in a buffer zone except to provide a driveway and/or walkway no wider than 24 feet to allow ingress and egress to the lot." [Added 5-22-2006 ATM, Art. 50, approved 10-17-2006]
- G. Buffers shall conform to the Table of Dimensional Requirements (§ 200-37) for each district and districts abutting same districts. Nothing in this section shall allow one district or lot to use an adjoining district or lot to meet their buffer requirement. [Added 5-22-2006 ATM, Art. 50, approved 10-17-2006]

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RANDOLPH  
COUNTY CLERK



New Section XI Site Plan and Design Review subsections 200-90 through 200-100:

## **Section XI Site Plan and Design Review**

### **200-90 Purpose and Intent**

The purpose of Site Plan and Design Review is to provide community guidelines to create safer, more efficient, pedestrian-friendly projects with human-scale orientation to preserve and enhance the Town's cultural, economic and historic resources by providing a review process to evaluate the design and function of developed sites and the appearance of structures which may impact Town resources and community character.

The review procedures are intended to:

- Provide a predictable and timely development review process to evaluate proposed site design layouts and site improvements on a parcel or group of parcels;
- Enhance the social and economic viability of the Town by preserving property values, and promoting the attractiveness of the Town as a place to live, visit, and shop.
- Integrate projects more effectively into the surrounding environment and provide a review process for land use changes, and changes in the appearance of structures, sites, and signage.
- Encourage attractive development based on good design. Good design encourages clearly defined entryways, articulated roof lines to prevent monotony, pedestrian amenity areas, and concealment of unsightly mechanical structures from public view;
- Encourage efficient, pedestrian-oriented design which effectively resolves the incompatibility between pedestrians and motorist while providing interconnectivity between buildings, parking areas and other internal/external components;
- Encourage parking lot design which meets vehicular needs, while providing safe, efficient, comfortable pedestrian flow;
- Encourage adequate landscaping that provides screening and shade for public benefit ;
- Encourage enhanced lighting design, to avoid forms of nuisance and intrusiveness into adjacent area, while enhancing public safety
- Encourage the conservation of buildings and groups of buildings that have aesthetic or historic significance.
- Promote alterations that are compatible with the existing environment and that are not inferior in quality or appearance.
- Ensure reasonable use of property and design development consistent with the provisions of the Randolph Zoning By-laws.

### **200-91 Applicability**

There are four (4) tiers of Site Plan and Design Review depending on the type of use or activity and the scope of the project. The applicant shall meet all conditions imposed by the Site Plan and Design Review process prior to the issuance of a building or sign permit except for those conditions that are intended to be satisfied during construction or later.

#### **Tier 1: Administrative Site Plan and Design Review**

Conducted by the Planning Board's designee(s), a public meeting or hearing is not required. The designee may refer the project to the Planning Board if it is the determination of the designee that the potential impacts of the project require review by the Planning Board. The applicant may also request a Planning Board Review.

The thresholds for this review are:

- A. All new non-residential structures less than or equal to 5,000 square feet, for uses noted as a "Y" in the Table of Allowable Activity.
- B. Additions to a structure totaling less than or equal to 5,000 square feet to an existing non-residential structure, for uses noted as a "Y" in the Table of Allowable Activity, which affect the exterior appearance of a structure or site.
- C. Additional parking and parking lot design
- D. Modifications to the exterior of a non-residential building, mixed-use structure or multifamily dwelling including:
  - changes to color
  - removal of trees greater than 2 inches in caliper
  - removal of hedges and living shrubs
  - alterations, demolitions, removal or construction affecting the architectural appearance of the structure(s), signs or the site (This includes the changes to existing sign types and faces)

#### Tier 2: Planning Board Site Plan and Design Review

Conducted by the Planning Board at a regularly scheduled or special meeting, the thresholds for this review are:

- A. All new non-residential structures, between 5,001 square feet and 7,500 square feet for uses noted as a "Y" on the Table of Allowable Activity.
- B. Additions between 5,001 square feet and 7,500 square feet to all structures for uses noted as a "Y" on the Table of Allowable Activity which affect the exterior appearance of a structure or site.

#### Tier 3: Permit of Use by Town Council

Conducted by the Town Council at a regularly scheduled or special meeting, the thresholds for this review are:

- A. All uses noted as "PTC" on the Table of Allowable Activity.
- B. The Council may refer the project to the Planning Board or the Planning Board's designee(s) if it is the determination that the proposed use includes modifications to the site that meet the threshold standards in Tier 1, 2 or 4.

#### Tier 4: Public Hearing with Site Plan and Design Review

There are three categories of projects for which the Site Plan and Design Review will be conducted at a noticed and advertised public hearing:

- A. Any uses that require the granting of a special permit by the Planning Board, noted as "SPPB" in the Table of Allowable Activity. This includes all new two (2) family dwellings and conversion to a two (2) family dwelling.
- B. Any uses that require the granting of a special permit by the Town Council, noted as "SPTC" in the Table of Allowable Activity.
- C. Projects designated as "Y" in the Table of Allowable Activity that meet the following thresholds:
  - new non-residential structures over 7,501 square feet
  - additions to existing structures over 7,501 square feet

#### **200- 92 Special Permits with Site Plan and Design Review**

- A. Special Permits authorized by the Planning Board  
When an activity or use requires Site Plan and Design Review and one or more Special Permits granted by the Planning Board, then a public hearing pursuant to the provisions of MGL Chapter 40A and the Randolph Zoning By-laws shall be held. Applications for Site Plan and Design Review and the Special Permit(s) shall be considered concurrently.
- B. Special Permits authorized by the Town Council  
When an activity or use requires Site Plan and Design Review and one or more Special Permits granted by the Town Council, the Town Council will hold a public hearing pursuant to the provisions of MGL Chapter 40A and the Randolph Zoning By-laws. Dependent upon the outcome of such hearing, the Planning Board will then consider the Site Plan Review and Design Review application.
- C. Submission requirements for special permits shall be as specified in the Randolph Zoning By-Laws, procedural rules of the Planning Board or Town Council, and policies and procedures as adopted by the Planning Board and the Town Council.
- D. The Planning Board in its Policies and Procedures shall establish standards for special permit approval consistent with section VIII of the Randolph Zoning By-Laws.

#### **200-93 Procedures for Site Plan and Design Review**

- A. Applications and Plans for Site Plan and Design Review shall be submitted to the Planning Board, and shall be prepared in accordance with the provisions of the Randolph Zoning By-laws and with the Planning Board Policies and Procedures. Applicants are encouraged to contact the Planning Director to schedule a pre-application meeting to review the detailed submission requirements prior to applying for Site Plan and Design Review.

- B. As directed by the Planning Board and or their designee(s), an applicant shall supply the technical data and study results to support the site plan and resulting findings.
- C. In accordance with MGL Chapter 44 Section 53G, the Planning Board may require that applicants pay the reasonable cost (Project Review Fee) for the employment of outside consultants to review a proposed site plan and or an As Built Plan. The Planning Board may use the Project Review Fee to engage experts, other than attorneys, as outside consultants to assist the Board in its technical evaluation of a Site Plan and/or an As Built Plan.
- D. Copies of the application and site plan will be circulated for review and comment to the appropriate Town Departments or Commissions. Town Departments will have fifteen (15) days to forward comments to the Planning Board.
- E. Abutter notification shall take place in Tier 4 projects.
  - 1. Abutters shall be notified by certified mail return receipt requested not less than 14 days prior to the hearing date.
  - 2. Abutters shall be:
    - a. those abutters to the site
    - b. abutters to abutters within 300 feet of the subject property
    - c. adjacent communities of Avon, Braintree, Canton, Holbrook, Milton, Quincy, Stoughton
  - 3. Applicants shall obtain a certified list of abutters from the Assessor's Office
  - 4. The certified list shall be provided to the Planning Office at least 3 days prior to the hearing date.
  - 5. Proof of notification shall be required for a public hearing
- F. All projects that require Planning Board/Town Council Review must place a "Notification Placard" at the site location, to be seen by the public on the frontage of a public street, for not less than 14 days prior to the hearing/meeting.
  - 1. Notification Placards shall be provided by the applicant at their expense.
  - 2. The placard shall be 36" x 36" and made of a rigid material.
  - 3. The placard must be legible for the entire display period.
  - 4. The placard shall be secured to a steel fence post model #901158A (as sold at Home Depot).
  - 5. The post shall be 5' x 3 1/2" x 1 1/2" to allow 18" embedment into the ground allowing the placard to be viewed from the street at a distance of not more than ten feet (10')

6. The wording on the placard shall be as follows:

**Planning Board or Town Council Public Hearing Special Permit**

**Date/Time of Hearing**

**Town Hall**

**41 South Main Street**

**For More Information [www.randolph-ma.gov](http://www.randolph-ma.gov)**

G. The Planning Board, Town Council or its designee(s) shall review and act upon the applications and may require conditions necessary to satisfy the review standards and maintain the intent of each zoning district.

**Tier 1**

A report of the Planning Board's designee(s) decision/findings shall be forwarded to the Planning Board for review and Town Council for notice.

**Tier 2**

The Planning Board, voting as a simple majority, or its designee(s) shall render a decision within 45 days of a complete accepted application, unless extended by mutual agreement. A copy of a written decision shall be sent to the Town Clerk's Office, Building Department, Town Council and the Applicant. Failure of the Planning Board or its designee(s) to act within 45 days of a complete accepted application shall be deemed an approval.

**Tier 3**

The Town Council, voting as a simple majority, shall render a decision within 45 days of a complete accepted application, unless extended by mutual agreement. A copy of the written decision shall be sent to the Town Clerk's Office, Building Department and the Applicant.

**Tier 4**

The Planning Board will hold a public hearing within sixty five (65) days of receipt of complete accepted application. The public hearing requirements of MGL Chapter 40A, Section 11 shall be followed.

**200-94 Standards and Criteria for Site Plan and Design Review**

The Planning Board or its designee(s) shall review all site plans and projects to assess compliance, to a degree consistent with the site for the permitted use and is permissible by the regulations of the zoning district in which it is located.

The project is expected to conform to all provisions of the Randolph Zoning By-Law, including meeting the criteria for granting any permit or special permit and all applicable Planning Board Policies and Procedures. Based on the scope of the project, the Planning Board or its designee(s) may waive specific standards and criteria that do not apply to a given project. Alternatively, an applicant may request a waiver in writing for standards and criteria that do not apply. Any requested waivers shall be forwarded to the Planning Director for review and appropriate action will be taken by either the Planning Board or its designee(s).

#### **A. Site Development Standards:**

- Preserves significant natural features.
- Ensures adequate methods for sewerage, refuse and other wastes resulting from the uses on the site.
- Provides stormwater management that allows for adequate drainage and surface water from the site, including stormwater treatment.
- Ensures that utility connections are adequate and are connected from underground.
- Parking meets the requirements of the Randolph zoning by-laws

#### **B. Design Standards**

To promote the thoughtful design or redesign of buildings within the Town of Randolph, the design or redesign of buildings in Randolph shall acknowledge and respect the surrounding existing patterns of development, open space and natural resources according to design principals including:

- Enhancing the open space between existing and proposed buildings.
- Promoting the visual and functional quality of the surrounding neighborhood.
- Promoting pedestrian friendly scales that link the development to the surrounding buildings, neighborhood and natural environment.
- Providing buildings in scale and in proportion to the adjacent existing structures, open space and natural and man-made environment.
- Visually relating proposed buildings to their surroundings with respect to:
  - Height
  - Street façade
  - Materials, texture and color
  - Human scale
  - Quality and quantity of open space
  - Natural environment
  - Spacing of buildings and signs
  - Building proportions
  - Quality of open space and land
  - Handicapped pedestrian access

Projects must meet the following building and site design criteria:

**1. Facades**

- a. No uninterrupted and/or unadorned length of any portion of a facade shall exceed 30 linear feet (this measurement shall not apply to portions that are not visible to the public). Interruptions of such continuous lengths of the facade shall include wall plane projections and or recesses of not less than six (6) inches in off-set, and one or more of the following architectural features:
  - Pilasters;
  - Columns;
  - Canopies/porticos;
  - Arcades/colonnades; and/or
  - Parapets and windows
- b. All facades shall include repeating patterns at intervals of no more than 30 linear feet, horizontally or vertically. Such repeating patterns shall include:
  - Windows
  - Color, texture, material module changes : and /or
  - Surface modeling changes such as off-sets, reveals, or ribs no less than 12 inches in width and one inch in depth.

**2. Materials & Colors**

- a. Industrial and/or utility grade metal wall panels, used as a finished material shall be prohibited on facades. Metal doors, including overhead doors, are allowed where appropriate. Architectural metal panels and metal roofs are acceptable, as subject to the determination of the Planning Board or its designee(s) that the treatment meets the intent of this section.
- b. Smooth faced concrete or smooth faced masonry units on facades shall have a decorative finish. Tilt-up concrete panels, pre-fabricated steel panels, or other similar non-glass smooth surfaced panel shall not be exposed.
- c. Color palette is to be muted and consistent with buildings in the surrounding area.
- d. Colors chosen for signage are to be restricted to three colors.
- e. Colors for buildings, signage or other site features to be approved by the Planning Board or its designee(s).

**3. Entryways**

Entrances shall be clearly defined and include at least two of the following features: canopies/porticos, overhangs, recesses/projections, arcades, raised above-the-door cornice parapets, peak roof form, arches, outdoor patios, display windows, integrated architectural details such as tile work, moldings, planters or wind walls and /or landscaping sitting areas and must be consistent with adjacent buildings and community features.

#### **4. Roof Treatments**

- a. Buildings are required to have variations in the roofline and the roof features that are consistent with the building's mass and scale and with the surrounding buildings.
- b. Rooftop equipment and heating, ventilation, air conditioning (HVAC) units shall be concealed from public view.

#### **5. Pedestrian Circulation**

All projects shall be pedestrian-oriented through design features that enhance pedestrian safety, efficiency, and connectivity with a clear definition between vehicular areas and pedestrian walkways.

- a. Sidewalks. Pedestrian connectivity between the project building entrances and parking areas, public sidewalks, out parcels buildings, and transit stops shall be clearly indicated through the use of landscaped areas and sidewalks which are made of materials such as scored concrete, pavers or bricks. All customer entrances shall include sidewalks along the full length of the façade.
- b. Pedestrian Amenity Areas. All projects shall include design features such as pedestrian amenity areas, which should include well landscaped sitting areas with design components such as seating elements and/or other amenities in shaded areas.

#### **6. Parking Areas**

Parking lots and access aisle-ways shall be designed utilizing the following standards:

- a. Parking Lot Design. Vast, unbroken parking lots are prohibited. Parking areas shall be designed to be broken up with landscape islands, pedestrian walkways, significant landscaping or geographic features and/or by the design components of the proposed building. Parking lot landscape islands shall include pedestrian amenities where appropriate to facilitate pedestrian connectivity.
- b. Alternative parking lot designs incorporating natural resources are encouraged, subject to review by the Planning Board or its designee(s).
- c. Parking Spaces. The number of parking spaces shall be determined in accordance with the Randolph Zoning Bylaws, section 200-22 and the Table of Dimensional Requirements. Each parking space in excess of the minimum shall require additional landscaped areas of at least ten (10) square feet to be placed within the internal parking area and/or right of way buffer.
- d. Parking Spaces shall be broken into groups of ten or less with a requirement of 200 square feet of planted area for every 1000 square feet of parking area. The planting area is to be located internal to the parking area. Landscape islands and medians may be used to meet this requirement.
- e. Parking lots, loading areas, storage areas, dumpsters, refuse collection and storage areas, and service areas shall be screened from view, from all public rights-of-way,

and all adjacent properties, by the use of landscaping buffers, berms, natural contours, fences or a combination of the above. Alternative designs will be reviewed on a case by case basis by the Planning Board or its designee(s) to establish if the feature(s) meets the intent of this section.

#### **7. General Landscaping Requirements**

The following landscaping standards shall be incorporated into the design of all projects:

- a. Sod alone does not qualify as landscaping. All required landscaping must contain plants other than sod grasses, which may include shrubs, ornamental grasses, flowers, evergreens and trees.
- b. Preservation and protection of existing native species of plant material is strongly encouraged. Existing native species and natural cover should be retained wherever possible. Where planting requirements for landscaped areas result in the need to add additional trees or shrubs in an existing natural area, there shall be minimum disturbance to native species.
- c. Landscaping should be provided along and against all buildings to anchor it to the surrounding environment and to soften the structure. In-ground landscaping should comprise the majority of the landscaping requirements. Raised planters are acceptable when designed to accentuate the architecture and /or enhance pedestrian areas.
- d. Dense landscaping and/or architectural treatments should be provided to screen unattractive views and features.
- e. Screening could be accomplished by employing fences made of good quality materials such as wood, steel, cast iron, with brick or stone masonry elements. The use of chain link fence visible from public areas is strongly discouraged and requires approval of the Planning Board or its designee(s).
- f. As listed in the Table of Dimensional Requirements of the Town of Randolph Zoning Bylaws, a landscaping buffer is required along any property line that is adjacent to a public right-of-way. The buffer shall be planted with shrubs, grass, and trees. Trees are to be planted based on standards delineated in the Landscaping Planting Requirement Section of this article.
- g. A landscaping buffer no less than 40-foot wide or as defined in 200-16, section 1.f. should be provided to screen commercial and industrial uses from residential properties. The buffer should offer a minimum of 60 percent opacity. This may require larger quantities of plantings or the use of more mature plants.
- h. Landscaping should minimize potential erosion through the use of plant materials, which aid in soil stabilization.
- i. Installation of all plant material shall conform to standard acceptable horticultural practices.
- j. Where berms are used within a landscaped area, slopes shall not exceed 30 degrees and shall be completely covered with vegetation.

- k. Maintenance of all landscaped areas shall be the sole responsibility of the property owner. Failure to maintain plantings and other features of the required landscaping areas in an attractive and healthy state shall be considered a violation of the Randolph Zoning Bylaws and subject to section 200-42.
- l. All landscaping material shall meet the requirements of the Clear-Sight Area section 200-32 of the Randolph Zoning Bylaw.
- m. For projects that are existing non-conforming uses or where existing development prevents strict compliance with this section alternative design may be allowed at the discretion of the Planning Board or its designee(s)

#### 8. Landscape Planting Requirements

##### a. Along Roadways

A landscaped buffer area according to the Table of Dimensional Requirements shall be established adjacent to any public road. The buffer area shall be a continuous area (except for approved access ways) planted with grass, shrubs and shade trees.

- 1. Plants shall be sound, vigorous, free from mutilation, plant disease, insect pests or their eggs, and fungus and shall have healthy, normal root systems. Plants shall be nursery grown stock in containers or freshly dug, balled and burlapped.
- 2. Trees shall be placed every ten (10) feet along the roadway.
- 3. Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at the time of planting.
- 4. Deciduous trees shall be expected to reach a height of twenty (20) feet within ten (10) years after planting.
- 5. Evergreen trees shall be a minimum of eight (8) feet at the time of planting.
- 6. Shrubs and hedges shall be at least thirty (30) inches in height at the time of planting and have a spread of at least eighteen (18) inches.
- 7. Any plantings that do not meet the established standards must be reviewed by the Planning Board or its designee(s)

##### b. Property Lines

On all property lines, a landscaped buffer shall be provided and maintained as specified in 200-33 and the Table of Dimensional Requirements.

- 1. The landscaped buffer shall be maintained by the owner of the property.
- 2. The buffer shall consist of shrubs and trees of a species common to the area and appropriate for screening.
- 3. Plants shall be sound, vigorous, free from mutilation, plant disease, insect pests or their eggs, and fungus and shall have healthy, normal root systems. Plants shall be nursery grown stock in containers or freshly dug, balled and burlapped.
- 4. Trees shall be placed every ten (10) feet along within the buffer
- 5. Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at the time of planting.

6. Deciduous trees shall be expected to reach a height of twenty (20) feet within ten (10) years after planting.
7. Evergreen trees shall be a minimum of eight (8) feet at the time of planting.
8. Shrubs and hedges shall be at least thirty (30") inches in height at the time of planting and have a spread of at least eighteen (18) inches.
9. Any plantings that do not meet the established standards must be reviewed by the Planning Board or its designee(s)
10. Plantings shall be sized and spaced to minimize visual intrusion.

c. Within the Lot:

1. Large maturing trees shall be placed on closer than thirty-five (35) feet on center.
2. Smaller maturing trees shall be placed no closer than twenty (feet) on center.
3. When Spacing is limited or to achieve a certain effect, closer spacing may be considered. This applies to locations where large maturing evergreens are being used as a screen.

9. Outdoor Lighting

Outdoor lighting is desirable where it will provide a sense of security, identify a street name or number or the edge of a walkway, cast an attractive shadow, and encourage use in a public area. However, illumination beyond the property boundaries shall not be allowed. Excessive lighting can create a harsh nighttime environment and interfere with a neighbor's privacy.

- a. Design lighting so that only the necessary brightness and distribution is used. Avoid wide zones of intense light. All lighting should be shielded, hooded and directed internal to the property.
- b. Any malfunctioning lighting shall be promptly repaired or replaced.
- c. Fixtures in pedestrian areas should be 10-15 feet in height and 40-60 feet apart, depending on light level and visual impact desired.
- d. Light fixtures in areas with vehicular traffic should be appropriate for the area and traffic flow. However, the height of the light fixtures should not exceed the height of the adjacent buildings.
- e. All locations of lighting fixtures and specification for lighting fixtures are to be approved by the Planning Board or its designee(s). In some instances lighting plans may be required by the Planning Board or its designee(s).
- f. Sign illumination is permitted between the hours of 7:00am and 11:00pm except that signs of retail establishments may be illuminated during any hours they are open to the public as defined in section 200-54 f.1.

**200-95 As-Built Plans**

If the Planning Board or designee has required an As-Built Plan as a condition of Site Plan and Design Review Approval, no permanent occupancy permits shall be issued for any building or structure, or portion(s) thereof until the following requirements have been met. A temporary occupancy permit may be granted if an applicant can demonstrate just cause.

- A. The As-Built Plan shall be prepared by a Massachusetts Registered Professional Land Surveyor. The Plan shall verify all above and below ground improvements that were a part of the Site Plan Approval. Any improvements that were specifically designed by a Registered Professional: Civil, Structural, Traffic, Acoustic or other Engineer shall include an affidavit attesting that the improvements were constructed and functioning as approved.
- B. The Planning Board or designee shall verify that the work performed conforms to the approved Site Plan, including all conditions included as part of the approval. The Board may engage the services of an outside consultant, pursuant to MGL Chapter 44 Section 53G (See Section 200-94 above) to certify that Site Plan approval conditions have been met.
- C. The Planning Board or the Planning Board's designee may require security be posted for any unfinished work. The security shall be posted with the Town Treasurer in the form of a certified check or bank check. The amount of security will be set by the Planning Board or designee. A date by which the work is to be completed will be established by the Planning Board or designee and will be noted on the Temporary Occupancy Permit.

### **200-96 Changes To An Approved Site Plan**

For the purposes of this definition, an approved site plan shall mean any previously approved Tier 1, Tier 2, Tier 3 or Tier 4 approval.

#### **Tier 1**

- 1. Proposed modifications to a Tier 1 review shall be submitted to the Planning Board's designee in writing.
- 2. Modified site plans will, in most instances, be subject to the same review and approval procedures unless said modification triggers an additional level of approval

#### **Tier 2**

- 1. Proposed modifications to a Tier 2 approval shall be submitted to and reviewed by the Planning Board's designee.
- 2. Modified Site Plans will, in most instances, be subject to the same review and approval procedures.
- 3. For minor modifications, the designee of the Planning Board may determine that a particular modification does not warrant an additional public hearing. A determination that a modification will not require a public hearing shall be made by the Planning Board at their next regularly scheduled meeting after such request is made in writing. The determination shall state that the proposed modification is not significant and is consistent with the previously approved Site Plan.
- 4. Failure by the Planning Board to act on the request for determination of a modification within fourteen (14) days shall be deemed as approved.

#### **Tier 3**

1. Proposed modifications shall trigger the appropriate Tier 1, 2, 3 or 4 review in accordance with 200-91.

#### Tier 4

1. Proposed modifications to a Tier 4 approval shall be submitted to the Planning Board in writing.
2. Modified Site Plans will, in most instances, be subject to the same review and approval procedures.
3. For minor modifications, the Planning Board may determine that a particular modification does not warrant an additional public hearing. A determination that a modification will not require a public hearing shall be made by the Planning Board at their next regularly scheduled meeting after such request is made in writing. The determination shall state that the proposed modification is not significant and is consistent with the previously approved Site Plan.
4. Failure by the Planning Board to act on the request for determination of a modification within fourteen (14) days shall be deemed as approved.

### 200-97 Appeals

#### Tier 1

1. Within Fourteen (14) days, any person aggrieved by a Tier 1 decision may appeal to the Planning Board.
2. The Special Permit Granting Authority (SPGA) must file a written decision with the Town Clerk within 14 days, pursuant to Massachusetts General Law, Chapter 40A, Section 17.
3. Appeals must be filed within 20 days after the date the decision was filed with the Town Clerk.

#### Tier 2

1. Any person aggrieved by a Tier 2 decision may appeal said decision to the Randolph Zoning Board of Appeals.
2. The Special Permit Granting Authority (SPGA) must file a written decision with the Town Clerk within 14 days, pursuant to Massachusetts General Law, Chapter 40A, Section 17.
3. Appeals must be filed within 20 days after the date the decision was filed with the Town Clerk.

#### Tier 3

1. Any person aggrieved by a Tier 3 decision may appeal said decision to Norfolk Superior Court in accordance with MGL Chapter 40A section 17.
2. The Special Permit Granting Authority (SPGA) must file a written decision with the Town Clerk within 14 days, pursuant to Massachusetts General Law, Chapter 40A, Section 17.
3. Appeals must be filed within 20 days after the date the decision was filed with the Town Clerk.

#### Tier 4

1. Any person aggrieved by a Tier 3 decision may appeal said decision to Norfolk Superior Court in accordance with MGL Chapter 40A section 17.

2. The Special Permit Granting Authority (SPGA) must file a written decision with the Town Clerk within 14 days, pursuant to Massachusetts General Law, Chapter 40A, Section 17.
3. Appeals must be filed within 20 days after the date the decision was filed with the Town Clerk.

#### **200-98 Planning Board Designee(s)**

The Planning Board may designate the Planning Director or Design Advisory Team (DAT) to assist in the review of any project that requires Site Plan and Design Review pursuant to section 200-90 through 200-100 at a regularly scheduled public meeting where public notice has been provided to administratively review projects in accordance with this bylaw.

The DAT may include: one or more Planning Board members, professional architect(s); landscape architect(s), design related professionals, engineering specialists, members of the Historical Commission, business owners, residents and others. It will provide advisory review assistance to the Planning Board and submit a written report of findings/opinions. At the direction of the Planning Board, a project applicant may be required to meet with the DAT to discuss resolution of design concerns.

#### **200-99 Policies and Procedures**

The Planning Board shall adopt, after public notice and hearing, policies and procedures to implement the provisions of the by-law. The procedures shall allow for delegating administrative Site Plan Review and Design Review for certain types of projects, consistent with the Randolph Zoning By-Laws.

#### **200-100 Fees**

The Planning Board may establish fees to be paid to the Town Of Randolph for Site Plan Review and Design Review, this fee is separate from any fee paid for Project review fee under MGL Chapter 44 section 53G. No application is deemed complete unless such fees have been paid.

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§ 200-46. Requirements for particular uses/activities.

**A. General Requirements for Use**

A Special Permit shall be granted by the Planning Board or the Town Council, only upon the written determination of either body, as applicable, that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town and to the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to the site.

In addition to any specific factors that may be listed in this Bylaw, the general criteria to be considered in reviewing an application for a Special Permit include:

The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw

1. The proposed use is consistent with the Town Master Plan
2. Traffic flow and safety concerns, including parking and loading
3. Adequacy of utilities and other public services
4. Impacts on neighborhood character
5. Impacts on the natural environment
6. Fiscal impacts, including impacts on town services, the tax base and employment

The Planning Board or Town Council shall also make such other findings as may be required by this Bylaw and may impose conditions, safeguards and limitations deemed appropriate to protect the surrounding neighborhood, including but not limited to, imposition of requirements greater than the minimum set forth by this Bylaw.

**B. Specific Requirements for Use**

A. Removal of sand, gravel, loam or other earth materials. No person shall remove any soil, loam, sand or gravel from any land in the Town not in public use unless such removal is authorized by a permit issued by the Town Council except in conjunction with construction of a building on the parcel and except for the continued operation on the same parcel of an existing sand and gravel pit. No such permit shall be issued until an application therefor is filed with said Board and said Board shall hold a public hearing on the application, and the date and the time of the public hearing thereon shall be advertised in a paper published in the Town at least 14 days before the public hearing, all as prescribed in § 200-44.

B. Scientific research, development and production. The Planning Board, as the special-permit-granting authority, may issue a special permit for uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, provided that there is a finding that the proposed accessory use does not substantially derogate from public good.

C. Extension or alteration of existing nonconforming structures or uses. The Board of Appeals, as the special-permit-granting authority, may issue a special permit for the extension or alteration of an existing building or structure or use upon a specific finding by said Board that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. A nonconforming structure or use damaged or destroyed by accidental causes may be repaired, reconstructed or restored either within the same portion of the lot or within a different portion of the lot provided that doing so renders the structure less nonconforming than previously, and used as before, provided that such repair,

reconstruction or restoration shall be completed within two years of said accidental damage or destruction. [Amended 4-24-2001 ATM, Art. 24, approved 12-21-2001]

D. Shared elderly housing. The Planning Board, as the special-permit-granting authority, may issue a special permit for shared elderly housing, notwithstanding the provisions of § 200-10 of this chapter, provided that the following conditions are met:

- (1) The maximum number of occupants per dwelling unit will not exceed six.
- (2) Occupants of such shared elderly housing must be age 60 or older.
- (3) Any lot or dwelling to be used for shared elderly housing must be zoned residential and shall conform to the dimensional requirements of Article VI of this chapter.
- (4) One parking space will be provided for each two occupants and constructed in accordance with Article IV of this chapter.
- (5) Other reasonable conditions as the Planning Board may deem appropriate in each individual case.

E. Adult bookstores, adult motion-picture theaters, adult clubs, adult paraphernalia stores and adult video stores. The Town Council as the special-permit-granting-authority, may issue a special permit for the establishment of an adult bookstore, an adult motion-picture theater, an adult club, an adult paraphernalia store or an adult video store, consistent with the standards applicable to applications for special permits generally, provided that all of the following conditions are met: [Amended 4-16-1996 ATM, Art. 15, approved 7-29-1996]

- (1) The adult bookstore, adult motion-picture theater, adult club, adult paraphernalia store or adult video store may only be located in an Industrial District or zone.
- (2) The adult bookstore, adult motion-picture theater, adult club, adult paraphernalia store or adult video store must be located at least 500 feet from any residential or multifamily district or zone, measured from the property lines of the lot on which the bookstore, theater, club or store is to be established.
- (3) The adult bookstore, adult motion-picture theater, adult club, adult paraphernalia store or adult video store must be located at least 500 feet from any establishment licensed under the provisions of MGL. c. 138, § 12. In the case of an adult club, which itself must be licensed under the provisions of MGL c. 138, § 12, such club must be located at least 500 feet from any other establishment licensed under the provisions of MGL c. 138, § 12.
- (4) The adult bookstore, adult motion-picture theater, adult club, adult paraphernalia store or adult video store must be located at least 500 feet from any school, whether public or private, at least 500 feet from any house of worship, at least 500 feet from any day-care facility, and at least 500 feet from any public park or playground.
- (5) Any signs or advertising devices for such adult bookstores, adult motion-picture theaters, adult clubs, adult paraphernalia stores or adult video stores shall not be illuminated and shall not exceed six square feet each. No more than two such signs or advertising devices shall be permitted.
- (6) Any special permit granted under this Subsection E shall lapse within six months, including such time required to pursue or await the determination of an appeal taken under MGL C. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced, except for

good cause, or, in the case of a permit for construction, if construction has not begun by such date, except for good cause.

(7) No use authorized by special permit under Subsection E shall be located within 250 feet of any other use authorized by special permit under this Subsection E.

F. Construction of or conversion to a two-family dwelling.

(1) The Planning Board, as the special-permit-granting authority, may issue a special permit for the construction of or conversion to a two-family dwelling, provided that all of the following conditions are met:

(a) The lot on which the dwelling is to be constructed or converted meets all of the area regulations specified in § 200-27 of this chapter.

(b) Six copies of the building and site plans are to be submitted for review at least 14 days prior to the public hearing.

(c) Two parking spaces are to be provided for each dwelling unit.

(d) An existing, conforming two-family or multifamily dwelling must be within 500 feet or five contiguous single-family-house lots (as defined in § 200-27A of this chapter), whichever is less, of the proposed two-family lot(s) and must share frontage on the same street.

(e) The proposed two-family dwelling must be in an area where existing, conforming two-family or multifamily dwellings constitute a minimum of 20% of the abutting dwellings.

(f) The shared frontage requirement in Subsection F(1)(d) may be waived when the proposed two-family dwelling fronts on a new road (as with a new subdivision) and would otherwise not qualify for approval of a permit.

(g) Of every 10 permits granted to a petitioner, one permit must be used to provide a two-family home selling at an average price not greater than 75% of the other nine. The sale of that targeted two-family unit must be accomplished within 12 months of the granting of the permit, or the remaining permits shall be deemed null and void. The sale of the targeted two-family unit must be handled with the oversight of the Randolph Housing Officer (Form SP-4), to assure the public that no exclusionary practices are involved.

(h) A notarized letter of identification of principals if the applicant or owner, or both, is a corporation, realty trust or an entity, rather than an individual. In the case of a company or corporation, the principals shall be listed, including and identifying those persons who are authorized to act on its behalf. In the case of realty trusts, all trustees shall be listed, and those who are authorized to act on behalf of the trust shall be identified. Any change in those persons identified, prior to the granting of a special permit, are to be noted to the Randolph Planning Board via a new notarized letter.

(i) The Planning Board may establish fees to be paid to the Town of Randolph for such application per their Rules & Regulations.

(j) A special permit may be granted to (re)build when an existing, conforming two-family home, by design not conversion, has been or will be destroyed or is otherwise no longer occupying a lot. Subsection F(1)(b) (c) and (d) will not apply.

(2) Conditions may be waived if there is a demonstrated, overwhelming need for this type of housing within the Town of Randolph. The conditions as previously set forth do not take the place of any other zoning bylaw but are meant as an addendum to them.

G. Drive-through windows. The placement, installation, use or maintenance of a drive-through window service, as defined in this section, shall not be allowed except as authorized to do so by a Special Permit issued by the Town Council. The Town Council, as the Special Permit granting authority, may issue a Special Permit for a drive-through window service, provided that all of the following conditions are met:

[Added 5-4-1998 ATM, Art. 6, approved 8-27-1998]

(1) Drive-through window, as used in this section, shall refer to any structure constructed, used, operated or maintained for the purposes of enabling a person, firm, corporation or other type of entity to provide food or other services of any kind to customers, wherein such customers are able to drive their automobiles or any other type of vehicles up to the facility, and purchase such food or services while remaining in their vehicles.

(2) Applicants shall file with the Town Council, on a form issued by the Town Council, a written application, signed under the penalties of perjury, containing the information specified therein as may be required by the Town Council.

(3) The Town Council issuing such a Special Permit may require applicants to fulfill other reasonable conditions as it may deem appropriate in each individual case.

H. Twenty-four-hour business operations. No twenty-four-hour business operation shall be allowed unless authorized by a special permit. This section does not apply to licensed common victualers or to licensed establishments serving alcoholic beverages. For purposes of this section, "Twenty-four-hour business operation" shall mean any business use which operates during all or any part of the period between 12:00 a.m. and 5:00 a.m. The Town Council, as the special permit granting authority' may issue a special permit for a twenty-four-hour business operation in accordance with the following procedure: [Amended 4-20-1999 ATM, Art. 4, approved 8-23-1999]

(1) The applicant shall file with the Town Council, on a form issued by the Town Council, a written application signed under the pains and penalties of perjury setting forth the information required by the form;

(2) The Town Council shall determine whether the issuance of a special permit will be in harmony with the general purposes of this Chapter.

(3) The Town Council shall impose such reasonable conditions upon issuance of the special permit as it determines are appropriate to further the general purposes of this Chapter.

I. Wireless communication facilities see: Special Regulations 200-57 through 200-82, inclusive. [Added 4-24-2001 ATM, Art. 22, approved 12-21-2001]

J. Crematories. [Added 4-25-2005 ATM, Art. 8, approved 10-18-2005]

(1) The placement, installation, use or maintenance of a crematory shall not be allowed anywhere in the Town unless authorized by a special permit issued by the Town Council.

(2) The Town Council, as the Special Permit Granting Authority, may in its discretion issue a special permit for a crematory, but is not required to do so, even if all of the conditions stated below are satisfied.

(3) In order to issue a special permit for a crematory, the Town Council shall find that all of the following criteria and all other applicable procedural and substantive requirements of these Zoning Bylaws are satisfied:

(a) A crematory may be located only within the limits of a cemetery containing no less than 20 acres, which cemetery shall have been in existence and actually used for burial purposes for a period of at least five years immediately preceding the time of initiating the crematory use;

(b) The crematory facility shall be set back at least 2,000 feet from the property lines of the lot upon which it is located, plus an additional 2,000 feet from any residential zoning district abutting such lot;

(c) The crematory facility shall be set back at least 2,000 feet from any public or private way, including without limitation the way which provides frontage for the lot upon which the facility is located;

(d) No signage identifying the property as the location of a crematory shall be allowed;

(e) The frontage requirements of a lot containing a crematory shall be those of the underlying zoning district;

(f) The crematory shall have no detrimental effect on the neighborhood in which it is located or on the Town as a whole;

(g) The crematory shall be adequately screened by vegetation or a fence so that it is not visible from any residential zoning district or from any public or private way.

(4) The Town Council may condition its grant of a special permit for a crematory, including without limitation:

(a) Conditions, safeguards and limitations on time and/or use;

(b) Term of ownership or use by the applicant;

(c) A specific term with renewals required;

(d) Hours of operation;

(e) Required parking spaces;

(f) Police details for public safety and traffic control;

(g) Landscaping; and

(h) Any condition the Town Council deems necessary or desirable for the health, safety and/or convenience of the residents of the neighborhood in which the facility is located or of the Town as a whole.

K. An in-law apartment may be added to a single-family dwelling if all of the following requirements are met: [Added 5-22-2006 ATM, Art. 43, approved 10-17-2006]

(1) The owner of the single-family dwelling must be the applicant and occupant of the premises.

(2) There shall be a maximum of two people living in the apartment.

- (3) The applicant/owner shall provide satisfactory proof of kinship as defined in Section 200-3 definition of a family.
- (4) No more than one bedroom shall be permitted.
- (5) There may be full kitchen facilities.
- (6) One additional full bathroom is permitted.
- (7) The in-law apartment shall not exceed 800 square feet of additional floor space.
- (8) There shall not be more than one in-law apartment within a single-family dwelling and the appearance of the premises shall be that of a single-family dwelling. If a separate entrance is proposed it shall be located to the side or rear of the existing structure.
- (9) A covenant of restriction shall be filed at the Building Department and at the Registry of Deeds in the chain of title.
- (10) There shall be a submittal of plans approved by the Building Department showing the floor plan and proposed parking.
- (11) The Building Commissioner or designee and the Fire Department shall have the authority to enter and inspect the in-law apartment once, every two years.
- (12) Lot grading General Bylaws shall be adhered to.

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§ 200-45. Authority to issue permits.

A. Granting Authority

- (1) Town Council shall be the special permit granting authority for those activities as listed on the Table of Allowable Activity where said table is listed as an "SPTC"
- (2) Planning Board shall be the special permit granting authority for those activities as listed on the Table of Allowable Activity where said table is listed as an "SPPB"
- (3) The Town Council shall be the permit granting authority for those activities as listed on the Table of Allowable Activity where said table is listed as "PTC"
- (4) The Town of Randolph shall be governed by the Table of Allowable Activity. The following symbols shall have the following meanings as such symbols appear in the Table of Allowable Activity. [Amended 5-22-2006 ATM, Art. 50, approved 10-17-2006]

Y = permitted by right;

N = not permitted;

SPPB – permit by grant of special permit by Planning Board

SPTC – permit by grant of special permit by Town Council

PTC – permit by grant or Town Council

B. The Board of Appeals shall be the special-permit-granting authority for the following:

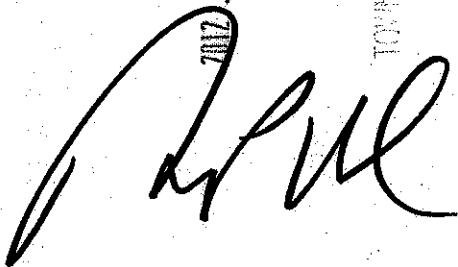
- (1) Extension or alteration of existing nonconforming structures or uses.
- (2) A nonconforming structure or use damaged or destroyed by accidental causes. [Added 4-24-2001 ATM, Art. 24, approved 12-21-2001]

C. The Planning Board shall be the special-permit-granting authority for the following:

- (1) Construction of or conversion to a two-family dwelling
- (2) Shared elderly housing
- (3) In-law apartments
- (4) Scientific research, development production when identified as a SPPB on the table of allowable activity

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§ 200-44. Procedure.

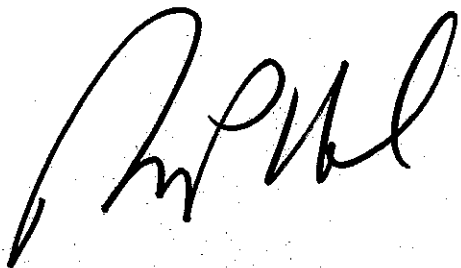
- A. Rules. The special-permit-granting authority shall adopt, and it may from time to time amend, rules relative to the granting of special permits. An up-to-date copy of such rules shall be kept on file in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style and number of copies of plans and specification and the procedure for the submission, processing and approval of all applications for such permits.
- B. Filing of applications. An applicant for a special permit shall begin the application by submitting the materials required by rules of the special-permit-granting authority with the special-permit-granting authority and by filing a copy with the Town Clerk.
- C. Public hearing. Not more than 65 days following the date an application has been filed with it, the special-permit-granting authority shall hold a public hearing concerning each such application.
- D. Notice of public hearing. Notice of public hearing under this article shall be publication or posting as provided in MGL C. 40A, § 11, and by mailing to all parties in interest, as therein defined.
- E. Action on application. The special-permit-granting authority shall act with respect to each such application within 90 days following the date of the public hearing on such application. Failure of the special-permit-granting authority to take final action within such period shall be deemed to be approval of such application.
- F. Special permits shall require an affirmative vote of at least four members of a five-member board, 2/3 majority of a 9 member board and a unanimous vote of a three-member board.
- G. Withdrawal of an application. An application for a special permit which has been transmitted to the special-permit-granting authority may be withdrawn, without prejudice, by the applicant prior to the publication of the notice of a public hearing thereon; thereafter it may be withdrawn without prejudice only with the approval of the special-permit-granting authority.
- H. Copy of decision. Upon the granting of a special permit, the special-permit-granting authority shall issue a certified copy of its decision to the owner and to the applicant if other than the owner. The decision shall contain the name and address of the owner, identify the land affected, set forth compliance with the statutory requirements for the issuance of the permit and certify that copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk.
- I. Time of taking effect. No special permit shall become effective until a copy of the decision of the special-permit-granting authority, bearing the certification of the Town Clerk that 20 days have elapsed and no appeal has been filed or that such appeal has been filed and that it has been dismissed or denied, is recorded in the Norfolk County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or the applicant.
- J. Lapse of permit. A special permit issued under this article shall lapse at the expiration of two years following the date of the decision of the special-permit-granting authority, unless substantial use of the permit has been commenced, except for good cause, or, in the case of a permit for construction, if construction has not begun prior to such date, except for good cause.

K. Conditions. The special-permit-granting authority may impose conditions safeguards and limitations on time or use.

L. Repeat of application. No application which has been unfavorable and finally acted upon by the special-permit-granting authority shall be favorably acted upon within two years following the date of final unfavorable action, unless such special-permit-granting authority finds (by the same vote as required above) specific and material changes in the conditions upon which the previous unfavorable action was based and describes such changes in the record of its proceedings, and unless all but one of the Planning Board members consents thereto, and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

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A large, stylized handwritten signature in black ink, appearing to be 'R. P. Val'.

§ 200-38. Building Commissioner. [Amended 4-16-1996 ATM, Art. 11, approved 7-29-1996]  
AMENDED 12-5-11 by unanimous vote as follows:

- A. The Building Commissioner shall enforce the provisions of this chapter and exercise the powers and duties as provided in MGL c. 40A, § 7. The Building Commissioner, when refusing to act on a written complaint of a zoning violation, must give the reason, in writing, to the complainant within 14 days of receipt of the complaint.
- B. All applications for permits shall be in writing and shall be accompanied by a plan, drawn to scale, showing the size and dimensions of the lot or lots to be built upon, the streets and other premises upon which it abuts and the size and location of the building to be erected or altered. The application shall set forth the use or uses proposed or intended and such other information as requested by the Building Commissioner.
- C. No building or structure shall be erected or altered and no land, building or structure shall be used for a new, different, changed or enlarged use without a building permit therefore first having been obtained from the Building Commissioner, or, in case no building permit is required, unless a certificate of occupancy is issued by said Building Commissioner certifying that the use proposed is in conformity with the provisions of this chapter.
- D. The Building Commissioner, in conjunction with the Planning Board or its designee(s), shall enforce the Site Plan and Design Review process as outlined in the Randolph Zoning Bylaw. No building permit shall be issued without prior approval of the site plan and architectural design by both the Building Commissioner and the Planning Board or its designee(s). A foundation permit may be issued at the discretion of the Building Commissioner.

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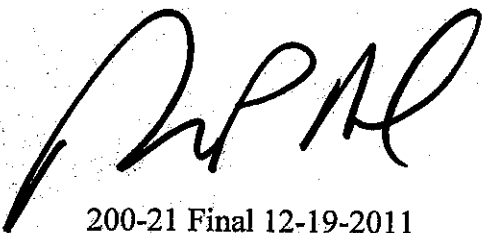
## 200-21 Construction Requirements

F. Parking lot design. In addition to the provisions above, the following guidelines are included to ensure that new and renovated off-street parking areas are constructed in accordance with the districts character and the provisions of this bylaw.

- (1) Parking areas shall be located to the side and rear of the structure. No parking area shall be designed such that parking is within the required or authorized front yard setback.
- (2) To the extent possible, parking areas shall be shared with adjacent businesses.
- (3) Parking areas shall include provisions for the parking of bicycles in locations that are safely segregated from automobile traffic and parking.
- (4) Parking areas shall include adequate provisions for onsite management and treatment of storm water.
- (5) Parking areas serving all structures other than those for residential use shall be paved, unless an alternative surface is approved by the SPGA.
- (6) Large parking areas (e.g., greater than 20 parking spaces)
  - i. Shall contain landscaped islands of suitable width.
  - ii. A minimum of two shade trees shall be planted for every three parking spaces required or built, within appropriate locations on the lot(s).
  - iii. Exact locations of the tree plantings is not specified, rather, the most appropriate locations shall be considered by the Planning Board or its designee(s), including use of plantings to buffer neighboring properties, along the street frontage and pedestrian ways.
  - iv. Trees planted within the parking areas shall be planted in protected plots.
- (7) Paving, alteration or installation of parking lots, driveways, or similar shall require a permit by The Building Commissioner and may initiate a review in accordance with the provisions of 200-91. [Added 5-25-2005 ATM, Art. 5, approved 10-18-2005]

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200-21 Final 12-19-2011

**§ 200-12. Industrial Districts.**

No building or structure shall be erected in an Industrial District which is designed or intended to be used as a single-family or multifamily dwelling unit or for any injurious, noxious or offensive trade or industry in an Industrial District or zone.

A. (Reserved)<sup>4</sup>

<sup>4</sup> Editor's Note: Former Subsection A. Hazardous wastes, was repealed 4-16-1996 ATM, Art.9, approved 7-29-1996.

B. Permitted uses. The following uses are permitted in an Industrial District:

- (1) Any use permitted in a Residential or Business District, but not to include one-family, two-family or multifamily dwelling units.
- (2) Any use permitted in a Business Professional District.
- (3) Any manufacturing, mechanical or other industrial use not injurious, noxious or offensive.
- (4) See Table of Allowable Activity for uses subject to a special permit.
- (5) Wireless Communications Facilities are subject to a Special Permit issued by the Town Council. see section 200-57. [Added 4-24-2001 ATM, Art. 22, approved 12-21-2001]

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**§ 200-11. Business districts, business professional districts, Crawford Square Business District, North Randolph Business District, West Corners Business District, Blue Hill River Highway District and Great Bear Swamp Highway District.**

No building or structure shall be erected which is designed or intended to be used for residential use or for manufacturing, mechanical or other industrial use in a Business District or Business Professional District or zone, except as hereinafter provided.

A. Permitted uses in business districts. The following uses are permitted in a Business District:

(1) Any use permitted in a Residential District or zone, but not to include multifamily dwellings, two-family units and single-family units.

(2) Retail or wholesale stores and any and all establishments wherein goods or services or either of them are sold, rented or offered directly to the consumer, customer or other patron, including, among others, garages, tailor shops, plumbing and heating establishments, professional offices, restaurants and the like, providing they comply with the Table of Allowable Activity.

(3) See Table of Allowable Activity for uses subject to a special permit.

B. Permitted uses in business professional districts. The following uses are permitted in a Business Professional District:

(1) Any use permitted in a Business District or zone, but not to include the following: hospitals, hotels, motels, nursing homes, retail or wholesale stores, greenhouses, nurseries, theaters, private schools, barbershops, beauty salons, public utilities, stables and kennels, providing they comply with the Table of Allowable Activity.

(2) Office or professional uses in which services are offered or rendered to the public by professionals not resident therein, including, among others, professional offices for medical doctors, dentists, engineers, architects, lawyers, accountants, landscape architects, chiropractors, podiatrists, optometrists, psychologists, insurance or investment counselors, real estate offices and social workers, providing they comply with the Table of Allowable Activity.

(3) See Table of Allowable Activity for uses subject to a special permit.

C. The Crawford Square Business District (CSBD) is intended to recognize and enhance the role of North Main Street and the Crawford Square area as the Town's principle focus for civic, cultural and social functions. Complementary office and related uses forms the center for commercial, financial, professional, and governmental activities to provide all basic services and amenities required to keep the downtown the vital center of our community. The Crawford Square Business District (CSBD) not only accommodates but encourages a higher density of small-scale establishments offering a wide variety of goods and services. It also provides for family dwellings living in upper floors of business buildings. Intensive development oriented to pedestrians is anticipated, and while mixed-use-developments is appropriate in certain areas, any uses which interrupt pedestrian circulation and shopping patterns are discouraged. No building or structure shall be erected that is designed or intended to be used for residential use or for manufacturing or other mechanical use in the Crawford Square Business District or zone except as herein provided.

(1) Permitted uses in the Crawford Square Business District (CSBD). The following uses are permitted in the CSBD.



(a) Dwelling unit. Single-family dwellings.

(b) Mixed use development multiple units. The combination of residential and business uses on a single lot shall be permitted within the Crawford Square Business District in order to promote the general welfare of the community by assuring the economic vitality of its downtown business area while minimizing potential adverse impacts upon nearby neighborhoods and other premises. This purpose is to be achieved through the establishment of controls specifically for mixed business and residential uses at locations where either such uses already exist or they would be appropriate because of access and other geographical considerations. [Added 5-25-2005 ATM, Art. 5, approved 10-18-2005]

[1] Mixed use development multifamily units: Any dwelling unit located within a multifamily mixed use development within the Crawford square Business District must meet minimum requirements, such unit shall have (i) not less than 625 square feet of usable living area, (H) not more than two bedrooms, (Hi) at least one full bath, and (iiii) shall have its own laundry hook-ups, there shall be no shared laundry facilities on premise.

(c) Retail stores. Retail stores and establishments wherein goods and services or either of them, are sold or offered directly to consumers as provided in the Table of Allowable Activity.

(d) Office or professional uses. Office or professional services in which services are offered or rendered to the public by professionals not resident therein, including, among others, professional offices for medical doctors, dentists, engineers, architects, lawyers, accountants, landscape architects, chiropractors, podiatrists, optometrists, psychologists, insurance, or investment counselors, real estate offices, or social workers and others, providing they comply with the Table of Allowable Activity.

(e) See Table of Allowable Activity for uses subject to a special permit.

(f) Unless allowed as of right pursuant to Section 200-80 wireless communication facilities are subject to a special permit issued by Town Council. See section 200-57.

(g) Notwithstanding the provisions of section 200-3, the Town Council, as the special permit granting authority, may allow the construction of more than one building on a single lot located within the Crawford Square business District, so long as each building is otherwise in compliance with the requirements of this section 200-11.

(h) Accessory dwelling units. [Amended 5-22-2006 ATM, Art. 42, approved 10-17-2006]

(2) Proscribed uses in the Crawford Square Business District (CSBD). In order to facilitate and develop the intent of the Towns Master Plan, to be consistent with Smart Growth principles, and to develop a cohesive and diverse commercial and cultural center that provides for pedestrian-friendly and civic life the following uses are proscribed. See attached Table of Allowable Activity.

(3) The CSBD shall be governed by the Table of Allowable Activity, as adopted and as may be amended. Which is hereby specifically incorporated by reference herein.

D. The North Randolph Business District and West Corners Business District are intended to provide areas of low commercial development density. They provide locations within the Town for small, convenient office and personal service areas. Commercial development in these districts shall cater to the residents of Randolph and nearby areas, remain small enough in scale

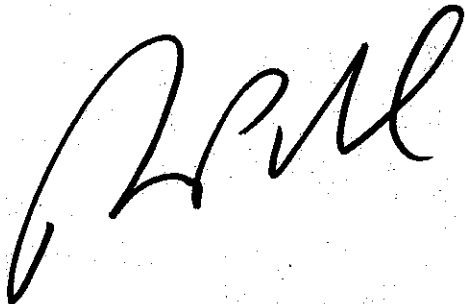
to be well integrated into a neighborhood setting, and possess appropriate traffic safety components which will limit potential negative impacts resulting from a nonresidential use.

E. The Blue Hill River Highway District and Great Bear Swamp Highway District is intended to provide general retail sales, services, and business space within the Town of Randolph in locations capable of conveniently servicing community wide and/or regional trade areas, and oriented primarily to automobile access. Businesses are positioned on streets which abut, front on, or have access to a major highway.

F. If any provisions of these sections shall be held to be invalid by a court of competent jurisdiction then such provisions shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect

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§ 200-3. Word usage; definitions.

**Extended Stay Hotel** – A building designed for or containing both individual guestrooms and efficient units/suites, under resident supervision, which maintains an inner lobby through which all tenants must pass to gain access to apartments, rooms or units and offers discounts for extended stays beginning at 5 or 7 days.

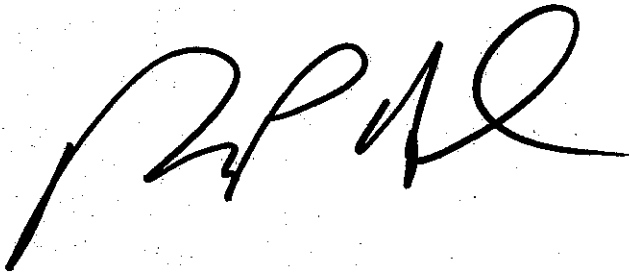
**Estate Sale** – A means of selling goods via professional organizer and/or auctioneer and lasting more than one day.

**Livery** – A business wherein vehicles are offered for hire by the public with fees fixed on an hourly or per trip basis and not having any route or fixed schedule.

**Essential Public Service or Utility** – provided by a public service corporation or by governmental agencies through erection, construction, alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection, communication, supply or disposal systems whether underground or overhead but not including wireless communication facilities. Facilities necessary for the provision of essential services includes poles, wires, drains, sewers, pipes, conduits, cables, alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

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