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Article 1. Purposes and Authority

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Article 1. Purposes and Authority

1.1 Authority and Purpose

Pursuant to the authority conferred by MGL c. 40A and for the purpose of encouraging housing for persons of all income levels and promoting the health, safety, convenience and welfare of the inhabitants of Randolph by securing safety from fires, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; managing congestion of population; lessening congestion in the streets; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and by other means, in accordance with a comprehensive plan, now, therefore, this chapter is adopted.

1.2 Applicability

All buildings or structures erected, constructed, reconstructed, altered, enlarged, or modified, and the use of all premises in the Town, after the effective date of this Ordinance shall conform with the provisions of this Ordinance. No building, structure, or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which it is located. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, Ordinance, other section of the Zoning Ordinance, or other regulation, that provision which imposes the greater restriction, or the higher standard shall govern.

1.3 Severability

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision this chapter 200.

Article 2. Definitions

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Article 2. Definitions

2.1 Word usage; definitions

The word "used" or "occupied" includes the words "designed, arranged, intended or offered to be used or occupied"; the word "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the State Building Code or the Town of Randolph Subdivision Regulations shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meanings given in Webster's Unabridged Dictionary, latest edition.

2.2 General Definitions

ABANDONMENT

- (1) The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises;
- (2) The removal of the characteristic equipment or furnishings used in the performance of the nonconforming use, without its replacement by similar equipment or furnishings; or
- (3) The replacement of the nonconforming use or building by a conforming use or building.

ABUT

To touch; be contiguous; border on; without intervening land.

ACCESS

A way or means of approach to provide vehicular or pedestrian entrance to or exit from a property.

ACCESS DRIVE

A permanent (dust-free) surface which is required for each lot, for the passage of motor vehicles for access and egress to and from a street. An access drive may lead to or from a parking space or loading bay or to other access drives or to a related maneuvering aisle.

ACCESSORY DWELLING UNIT (ADU)

A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the state building code for safe egress; and, (ii) is

not larger in Gross Floor Area than 1/2 the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller.

ADULT USES

Adult uses are characterized by material having as a dominant theme an emphasis on matter depicting, describing or relating to specified sexual activities or nudity (MGL c. 272, § 31). Each of the following adult uses shall be considered a separate use, and approval of one (1) use shall not infer the approval of any other adult use. If an adult use is approved in combination with any other adult use, interior access is required throughout the entire establishment.

- (1) **ADULT BOOKSTORE or ADULT MOTION PICTURE THEATER** - As defined in MGL c. 40A, § 9A.
- (2) **ADULT CLUBS** - Any nightclub, bar, restaurant, tavern, dance hall or similar commercial establishment which, as a form of entertainment, allows a person or persons to perform in a state of nudity, as defined in MGL c. 272, § 31, or allows a person or persons to work in a state of nudity as defined in MGL c. 272, § 31, or features films, motion pictures, videocassettes, laser discs, slides or any other photographic reproductions depicting a person or persons in a state of nudity, as defined in MGL c. 272, § 31, or depicting sexual conduct or sexual excitement as defined in MGL c. 272, § 31.
- (3) **ADULT PARAPHERNALIA STORE** - An establishment having as a substantial or significant portion of its stock-in-trade devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272, § 31.
- (4) **ADULT VIDEO STORE** An establishment having as a substantial or significant portion of its stock-in-trade videos, movies or other film materials which are distinguished or characterized by their emphasis on depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

ALTERATION

An addition, expansion, change or moderation of a building, sign or structure or the accessory equipment thereof, that is not classified as an ordinary repair. The moving of a building or structure from one (1) location to another shall be considered an alteration.

ASSISTED LIVING FACILITY

A facility licensed by the Commonwealth of Massachusetts as a boarding home for people who have either a need for assistance with activities of daily living (including but not limited to eating, toileting, ambulation, transfer and bathing) or some form of

cognitive impairment but who do not need the skilled critical care provided by convalescent/nursing homes.

AUTOMATIC TELLER MACHINE (ATM)

An automated device that performs banking or financial functions at a location remote from the controlling financial institution, excluding those units located inside a premise

AUTOMOBILE TOWING AND IMPOUND FACILITIES

A principal use with more than two (2) salvaging vehicles such as tow trucks, cranes, and flatbed trucks used to tow or haul motor vehicles.

BACK-LOT STRUCTURE

Any building that does not front a public way or public open space and which is not the most visually prominent building on a parcel when viewed from the primary public way or public open space adjacent to that parcel.

BASEMENT

A story of a building which is partly or completely underground.

BEST MANAGEMENT PRACTICES (BMPs)

For the purposes of stormwater management, structural or nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent or reduce non-point source pollutants from entering receiving waters.

BOARDING HOUSE

A family dwelling where lodging, with or without meals, is furnished for compensation on a weekly or monthly basis to three (3) or more persons who are not members of the family occupying and operating the premises.

BUFFER STRIP

A strip of land (often including vegetation) where disturbance is not allowed or is closely monitored to preserve or enhance aesthetic and other qualities along or adjacent to roads, trails, watercourses and recreation sites or between properties or lots.

BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING LOT COVERAGE

The total area covered, measured from the outside of the exterior walls, by all principal and accessory buildings on a lot.

BUS STATION

A facility for the pickup and discharge of passengers and freight for buses; includes ticket sales and may include administrative offices.

BUS MAINTENANCE FACILITY

A facility which includes equipment and garage for the maintenance, storage, and refueling of buses.

CAR WASH

A building, area or entity that provides facilities for, and whose primary purpose is, washing, cleaning, and/or waxing vehicles, either by mechanical means or by hand, either as a service provided by others or by self-service. Facility may provide detailing of motor vehicles as an added service.

CLUB

An institution used or intended to be used for an association of persons, whether incorporated or unincorporated, for some common purpose, such as Lions, Elks, Rotary, or Shriners, but not including adult uses, or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise, or only administrative offices supporting the club.

COMMERCIAL VEHICLE

Every vehicle designed, maintained or used primarily for the transportation of property or passengers in furtherance of commercial enterprise, or any vehicle of over eight thousand five hundred (8,500) pounds gross unloaded weight, but not including any manufactured home or recreational vehicle.

CREMATORIUM

An establishment containing a furnace or incinerator for the purposes of reducing dead bodies to ashes by burning.

CUSTODIAL INSTITUTION

A group facility used for the housing of persons on probation or parole.

DAY LABORER HIRING CENTER

Any place where day laborers gather to await employers to hire them.

DISTRICT

A zoning district as established by Article 3 of this chapter.

DONATION BIN/CONTAINER

A manned or unmanned drop-off center for charitable organizations.

DRIVE-UP OR DRIVE-THROUGH FACILITY

The use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to customers remaining in motorized vehicles that are in a designated stacking lane.

DRIVEWAYS

An open space located on a lot built for access to a garage or off-street parking or loading space.

DRY-CLEANING AND LAUNDRY ESTABLISHMENT, ON PREMISES

A facility that has equipment on-site to provide dry-cleaning, garment pressing and laundry services.

DRY-CLEANING AND LAUNDRY ESTABLISHMENT, OFF PREMISES

A facility that serves as a pick-up station for laundry and dry-cleaning services to be provided at another site. The facility may provide on-site garment pressing.

DWELLING

A privately or publicly owned permanent structure containing a dwelling unit or dwelling units. The terms "one-family dwelling," "two-family dwelling" and "multifamily dwelling" shall not include a hotel, lodging house, hospital, membership club, trailer or dormitory.

DWELLING, MULTIFAMILY

A building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY

A building containing only one (1) dwelling unit for one (1) family. Only one (1) such building shall be developed on any one (1) lot.

DWELLING, TOWNHOUSE

One dwelling unit that is attached to two (2) or more other dwelling units, provided that:

- (1) Each dwelling unit is separated from each other by vertical fire-resistant wall(s);
- (2) No unit is located above/over another unit;
- (3) One side yard is adjacent to each end dwelling unit; and,
- (4) Each dwelling unit has its own entrance/exit to the outside.

DWELLING, TWO-FAMILY

A building containing two (2) dwelling units. Only one (1) such building shall be developed on any such lot.

DWELLING UNIT

One (1) or more rooms or enclosed floor spaces used or to be used by one (1) or more individuals living as a single family or housekeeping unit with cooking, living, sanitary and sleeping facilities.

DWELLING UNIT, AFFORDABLE

A housing unit that is subject to a restriction in its chain of title limiting the sale price or rent, or limiting occupancy to an individual or household of a specified income, or both. Affordable Dwelling Units must satisfy Subsidized Housing Inventory (SHI) eligibility criteria, such that it satisfies the requirements for inclusion under 760 CMR 56.03(2) or any other regulation or guidance issued by Executive Office of Housing and Livable Communities (EOHLC).

DWELLING UNIT, MODULAR

A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities. A Modular Dwelling Unit shall not include a manufactured home, such as those defined under MGL c. 140, § 32Q.

EARTHWORK REMOVAL

The removal of any form of soil, including without limitation, sod, loam, sand, gravel, clay, peat, hardpan, rock, quarried stone, or mineral products.

ERECTED

Includes "altered," "rebuilt," "remodeled" and "moved."

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, communications, supply or disposal systems, whether underground or overhead, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

FAMILY

Except as may otherwise be required by any applicable state or federal law, including education purposes and disabled persons as defined in MGL c. 40A, § 3, or the Fair

Housing Act (42 U.S.C. § 3604), one (1) or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five (5) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family; provided, however, that foster children shall not be counted for this purpose.

FARMER'S MARKET

Retail sale of fresh fruits and vegetables, and other food and related items, at a facility with spaces occupied by several different temporary tenants on a short-term or daily basis; may be indoor or outdoor; this term does not include roadside stands.

FAST-FOOD ESTABLISHMENT

Any restaurant serving the majority of its food in disposable containers, packages, or other similar wrapping, for consumption on or off the premises.

FAST-FOOD ESTABLISHMENT, FORMULA

A restaurant which primarily sells food prepared and made ready for immediate sale in advance of a customer's order, which may be served in paper, plastic or other disposable containers through a combination of in-car, window, drive-through, or over-the-counter service, and which is required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, decor, external facade, or uniforms. The foregoing shall not apply if food or beverage sales are wholly incidental to a conventional restaurant or other allowed principal use; nor shall this regulation apply to ice cream parlors.

FINANCIAL INSTITUTION

Any establishment, the primary business of which is concerned with such state-regulated activities as banking, savings and loans, and consumer loan companies.

FLOOR AREA

The total area enclosed within the several floors of a building as measured from the exterior faces of the walls, excluding any space where the floor-to-ceiling height is less than six (6) feet. Floor area requirements shall be construed to be based on the gross floor area unless specified as leasable floor area.

FLOOR AREA RATIO

Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FLOOR AREA, GROSS

The sum of the areas of all floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, but excluding: (i) covered walkways, open roofed-over areas, porches and similar spaces;

and (ii) pipe trenches, exterior terraces or steps, chimneys, roof overhands and similar features.

GENERAL COMMERCIAL SERVICES

Office uses and related services for small-scale commercial and retail establishments not otherwise defined.

GROCERY STORE/FOOD MARKET

Establishments primarily engaged in retailing a general line of food, such as canned and frozen foods; staple foodstuffs, fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry and other grocery products, including nonfood items such as soaps, detergents, paper goods, other household products, and health and beauty aids.

GROUND FLOOR

The lowest story of a building with a finished floor at or above the finished ground level.

HARDSHIP CULTIVATION

The process of cultivating marijuana subject to registration and restrictions set forth by the Commonwealth of Massachusetts.

HEIGHT OF BUILDING

The vertical distance from the established grade

- (1) At the center of the front of the building to the highest point of the roof surface if a flat roof with parapet walls of 48 inches in height or less or the highest point of the parapet wall when it exceeds 48 inches in height;
- (2) To the deck line for Mansard roofs; or,
- (3) To the mean height level between eaves and ridge for gabled, hip, and gambrel roofs.

HISTORIC DISTRICT

A district in a Municipality established pursuant to MGL c. 40C or other state law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the Municipality pursuant to MGL c. 40C or other state law, as the case may be.

HOME OCCUPATION

Any commercial use conducted entirely within a dwelling unit and carried on by family members residing in that dwelling unit, the use of which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which does not alter the

exterior or affect the residential character of the neighborhood, and in connection with which there is no display nor stock-in-trade.

HOSPITAL

A medical establishment licensed by the Commonwealth of Massachusetts whose facilities provide inpatient accommodations for acute medical and surgical care; and other inpatient services for sick, ailing or injured persons; and including such related facilities as laboratories, outpatient departments, training facilities, central services, staff offices and residences that are integral with and accessory to the principal use.

IMPERVIOUS SURFACE

Any hard-surfaced, man-made areas that do not readily absorb or retain water, including but not limited to patios, paved parking and driveway areas, walkways, sidewalks and paved recreation areas (e.g., basketball courts, tennis courts, swimming pools). This would exclude public sidewalks on private property and buildings.

IMPERVIOUS SURFACE COVERAGE

The area of the lot occupied by impervious surfaces.

IMPOUND

To take and hold a vehicle in legal custody.

IMPOUND FACILITIES

Any area or enclosure established and used solely and exclusively for the parking and storage of impounded vehicles.

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.

LODGING, BED-AND-BREAKFAST FACILITY

An owner-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the residents are rented to the transient public on a daily basis for compensation. Breakfast is the only meal that may be served. May also be referred to as a “tourist home” or “lodging house”.

LODGING, BOARDINGHOUSE

An owner-occupied dwelling where lodging, with or without meals, is furnished for compensation on a weekly or monthly basis to three (3) or more persons who are not members of the family occupying and operating the premises.

LODGING, TEMPORARY

A commercial establishment that receives payment in any form of exchange for the use of sleeping accommodations by individuals or groups of individuals, with or without meals for thirty (30) consecutive days or less, including any hotel, motel, hostel or the like.

LOT

A parcel of land occupied or intended to be occupied by one (1) main building or use, with its accessories, and including the open space accessory to it, which is defined in a deed or plan recorded with the Norfolk Registry of Deeds or Norfolk Registry District. No land which is within the boundaries of a street accepted, proposed or dedicated shall be included in determining lot areas.

LOT COVERAGE, MAXIMUM

Includes the percentage of a lot covered by buildings plus that percentage of a lot covered by impervious surfaces.

LOT DEPTH

The mean horizontal distance between the front lot line and the rear lot line.

LOT FRONTAGE

The property line dividing a lot from a street (right-of-way). On a corner lot, the owner shall designate one (1) street line as the front lot line. On a corner lot, where the junction of two (2) streets is formed by a curve, the frontage shall be measured along the tangent line of the curve from the point of intersection to the side lot line.

LOT LINE, REAR

The lot line opposite the front lot line.

LOT LINE, SIDE

Any lot line not a front or rear lot line.

LOT, NONCONFORMING

A lot lawfully existing at the effective date of this chapter, or any subsequent amendment thereto, which is not in accordance with all provisions of this chapter.

MANUFACTURING, FABRICATION AND PROCESSING OF GOODS

An establishment engaged in the mechanical or chemical transformation of materials (natural and man-made) or substances into new products, including but not limited to machine parts; fabricated structural metal products; and electronic and communication components, systems and equipment.

MARIJUANA

Has the meaning given "marihuana" in MGL Chapter 94C, defined as all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

MARIJUANA CULTIVATION

The act or art of improving, using, and preparing in order to foster growth and/or to raise a specific crop product of natural or synthetic marijuana.

MARIJUANA DISPENSARY AGENT

An employee, staff, volunteer, officer, or board member of a not-for-profit medical marijuana treatment center.

MARIJUANA HARVESTING

The act, process, collection, receipt, benefit, or period of gathering a crop that ripens or is gathered during a specific time period that consists of a quantity of a specific crop product of natural or synthetic marijuana.

MARIJUANA SALES

To sell, exchange, give or dispose of marijuana to another person or persons.

MEDICAL MARIJUANA TREATMENT CENTER

A Massachusetts not-for-profit entity, registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

MEDICAL USE OF MARIJUANA

The acquisition, cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transportation, sale, distribution, dispensing, or administration of marijuana, for the benefit of qualifying patients in the treatment of debilitating medical conditions, or the symptoms thereof.

MINI STORAGE FACILITY

A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers and other residential uses; and may include refrigerated facilities.

MIXED-USE DEVELOPMENT

The combination of residential and nonresidential uses on a single lot of land or on two (2) or more contiguous lots in joint ownership.

MOTOR VEHICLE

Any vehicle, motorcycle, machine, tractor, trailer, semitrailer, or combination thereof propelled or drawn by mechanical power and used for the transportation of passengers or property or any combination thereof, but does not include a vehicle, locomotive or car operated exclusively on a rail or rails.

MOTOR VEHICLE BODY REPAIR

An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers, glass and similar components of motor vehicle bodies, but does not include the storage of vehicles for the cannibalization of parts and no sale of parts.

MOTOR VEHICLE FUELING STATION

A structure, building or premises or any portion thereof where gasoline, oil, alternative fuels or other similar products are stored and sold by an attendant and/or on a self-service basis to the public, *without repair service, garage, lubrication, or washing* but may also include retail sales.

MOTOR VEHICLE PARTS & ACCESSORY STORE

A retail business that sells new, used, and/or rebuilt parts and accessories for vehicles.

MOTOR VEHICLE REPAIR GARAGE

An establishment where the principal service is the repair of motor vehicles or similar motor vehicles and does not include fuel service providing that all major maintenance and servicing of vehicles shall be conducted entirely within a building. This does not include body work or painting.

MOTOR VEHICLE SERVICE STATION

A full-service gasoline station or service station for minor repairs, where gasoline, alternative fuels or similar products are sold by an attendant and/or on a self-service bases to the public. The facility may provide oil, lubrication or minor repair services provided that all are carried out inside the building. This does not include body work or painting. The facility may provide retail sales (convenience store) as an accessory use.

MOTOR VEHICLE SOUND SYSTEM INSTALLATION

An establishment for the installation of telecommunications equipment or other peripheral devices, including but not limited to radios and stereo equipment, and the installation of automobile alarm systems.

MOTOR VEHICLE AND EQUIPMENT SALES AND AUCTIONS

Salesroom and related facilities, including but not limited to open-air display, for the sale, auction or lease of automobiles, motorcycles, recreational vehicles and similar vehicles, boats, or light industrial or farm equipment.

MULTIFAMILY

A building or buildings, under single ownership, each of which contains three (3) or more separate but attached dwelling units arranged side-by-side or atop each other, for use by families living independently of each other and who have a common right in halls, stairways and amenities.

NATURAL MARIJUANA

Organic, naturally grown, nonmanufactured marijuana derived from the plant *Cannabis sativa* L.

NONPROFIT ORGANIZATION

An entity that exists solely for religious, charitable, educational, political or civic purposes and is not in business to make a profit.

NURSING HOME

A medical facility licensed by the Commonwealth of Massachusetts providing accommodation and care to aged and infirm persons but not providing acute-care services. This definition excludes any facility meeting the definition of "hospital" or "rehabilitation facility."

OFFICE OR PROFESSIONAL USE

A space in which services are offered or rendered to the public by professionals not resident therein, including (but not limited to) 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.

OWNER

The duly authorized agent, attorney, purchaser, devisee, trustee, lessee or any person having vested or equitable interest in the use, structure or lot in question.

PARKING GARAGE/DECK

An off-grade structure primarily for the parking of motor vehicles.

PARKING SPACE

An off-street space, whether inside or outside a structure, for exclusive use as a parking stall for one (1) motor vehicle, as required elsewhere in this chapter.

PAWN SHOP

A facility in the business of lending money on mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property purchasing such property on the condition of selling the same back again at a stipulated price, when the property so mortgaged, pledged or purchased is deposited with the lender.

PERSONAL SERVICES

A facility providing personal services such as hair salon, barber shop, tanning beds, nail salon, massage therapy, tattoos, body piercing, and the like.

PERSONAL CAREGIVER

A person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient's medical use of marijuana. Personal caregivers are prohibited from consuming marijuana obtained for the personal, medical use of the qualifying patient. An employee of a hospice provider, nursing, or medical facility providing care to a qualifying patient may also serve as a personal caregiver.

PEST CONTROL OFFICE WITH STORAGE OF CHEMICALS

A professional office space with on-site storage of pesticides, economic poisons, or mechanical devices for preventing, controlling, eradicating, identifying, inspecting for, mitigating, diminishing, or curtailing insects, vermin, rodents, pest birds, bats, or other pests in, on, or under a structure, or lawn.

PET GROOMING SERVICE

A facility engaged in the manicuring, bathing, clipping and styling of pets.

PRINCIPAL STRUCTURE

The structure which fronts a public way or public open space and that is the most visually prominent building on a parcel when viewed from the primary public way or public open space adjacent to that parcel.

PRINTING

A printing establishment generally serving both walk-in and account customers, utilizing small or large scale printing presses which are set up and operated by an individual and may include a bindery person as an assistant. Products primarily consist of business

cards, envelopes, letterheads, reports, manuals and brochures. Depending on the size, this can also be on a large scale generally serving account customers and utilizing a sheet-fed or web-fed press rather than a typical one-person offset press.

PROTECTED USE ADU

An attached or detached Accessory Dwelling Unit that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and no other Accessory Dwelling Unit is located on said Lot and which is protected from Prohibited Regulations and Unreasonable Regulations pursuant to MGL c. 40A, § 3, para. 11 and 760 CMR 71.00.

RECORDED

Recorded in the Norfolk Registry of Deeds or registered in the Norfolk District Registry of the Land Court.

RECORDING STUDIO

Any premises or part of a building where there is an assemblage of equipment, spaces and persons such that a performance in sound may be created and recorded onto a medium for later reproduction.

RECYCLING FACILITIES

A facility for the collection, separation, compaction, sorting, temporary storage and transfer for reprocessing of residential and commercially generated recyclable materials, including but not limited to glass, paper, plastic and polystyrene. Separation may include both hand and mechanized sorting, with all activities other than unloading and loading to occur inside an enclosed building.

REHABILITATION FACILITY

A freestanding facility or unit of contiguous dedicated beds and spaces within a licensed health service facility that provides short-term, inpatient or outpatient care, post-acute treatment and/or medical services to persons with functional limitations or chronic disabling conditions resulting from physical injury. It uses a coordinated, integrated, interdisciplinary approach to assess, alleviate or ameliorate the disabling effects of injury through physical, psychosocial and cognitive treatment. This does not include facilities meeting the definition of "hospital" or "nursing home."

RENEWABLE OR ALTERNATIVE ENERGY

The following are considered renewable or alternative energy generation activities, products, or technologies: solar (both photovoltaic (PV) and thermal); wind; biomass power conversion or thermal technologies, wood pellets; ultra-low emissions high efficiency wood pellet boilers and furnaces; low impact hydro (electric or kinetic); ocean thermal, wave or tidal; geothermal; landfill gas; fuel cells that use renewable energy;

advanced bio-fuels; combined heat and power; electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations.

RETAIL FLOOR SPACE

That part of a commercial or retail structure wherein one (1) or more articles of merchandise or commerce are sold at retail, excluding that used exclusively for storage, shipping or offices for employees of the business, and other non-sales areas.

RETAIL LIQUOR STORE

An establishment that sells alcoholic and/or malt beverages for consumption off premises.

RETAIL SALES

The sale of goods, merchandise to the general public for personal or household consumption. Unless otherwise specified in the district use regulations, retail sales exclude automobile repair and service facilities, car washes, gasoline filling stations, automobile sales, automobile painting and body shops, junkyards and salvaging operations and restaurants.

SALES, WHOLESALE

The sale of products to anyone other than the end user of the products, for resale.

SALVAGE YARD

A facility or area for storing or processing scrap or discarded material or equipment which is not considered as another use under this chapter. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, glass, motor vehicle parts, machinery, structural steel, equipment and appliances. The term includes facilities for separating trash and debris from recoverable resources and other products which can be returned to a condition in which they may again be used for production.

SCIENTIFIC OR RESEARCH LABORATORY

The analysis, testing, and development of products, or services predominantly for scientific or research operations. May include biotechnology, pharmaceuticals, medical equipment, communication and information technology, electronics, computer hardware, renewable or alternative energy, and their substantial equivalents. Ancillary development of mock-ups and prototypes is permitted so long as the total floor area devoted to their fabrication or assembly is limited to no more than twenty-five percent (25%) to the gross floor area occupied by the use. Does not include activities involved in fabricating, assembling, warehousing, or sale of products for the retail or wholesale market.

SHORT-TERM RENTAL

An owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant for a period of less than thirty (30) days at a time; and (ii) all accommodations are reserved in advance.

SIGN

Any letter, word, symbol, drawing, picture, device, article or object that advertises, calls attention to or indicates any premises, persons, products, businesses or activities, whatever the nature of the material and manner of composition or construction.

SIGN, NON-ACCESSORY

A "non-accessory sign" refers to a sign that advertises a business, service, or product that is conducted or offered on a lot other than the lot where the sign is located.

SOCIAL SERVICES AGENCY

An organization, either governmental or private, for-profit or non-profit, that provides services to individuals and communities to improve their well-being, health, and quality of life by addressing needs like housing, food, healthcare, job training and child welfare.

SPECIAL PERMIT GRANTING AUTHORITY

The Planning Board, Town Council or Zoning Board of Appeals, as determined by reference to Article 11 of this chapter.

STORAGE CONTAINER

A portable or semi-portable container, with or without wheels, which is used for temporary or permanent storage of any materials and is not a permanent part of a building or structure. Containers used for the storage or disposal of solid waste are specifically exempt.

STORY

That part of a building included between the surface of any floor and the surface of the next floor or of the roof next above it. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.

STORY, HALF

A story which is situated within a sloping roof, the area of which at the height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area directly below it, wherein living quarters are used only as a part of the dwelling situated in the story below.

STREET

A way which is over twenty (20) feet in right-of-way width which is dedicated or devoted to public use by legal mapping or by any other lawful procedure. A street includes all public ways, a way which the Town Clerk certifies is maintained and used as a public way, a way shown on a plan approved and endorsed in accordance with the Subdivision Regulations and a way having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STRUCTURE, NONCONFORMING

A structure lawfully existing at the effective date of this chapter, or any subsequent amendment thereto, which does not conform to one (1) or more provisions of this chapter.

SYNTHETIC MARIJUANA

Any nonorganic manufactured variation and/or form of natural marijuana.

TATTOO PARLOR/STUDIO

A business that marks the skin with any indelible design, letter, scroll, figure, symbol or any other mark that is placed by the aid of needles or other instruments upon or under the skin with any substance that will leave color under the skin and that cannot be removed, repaired or reconstructed without a surgical procedure.

TAXI OR LIMOUSINE DISPATCHING SERVICE

A facility engaged in the dispatching of passenger vehicle transportation for hire, including business offices and the parking of vehicles; no servicing of vehicles permitted.

TAXI OR LIMOUSINE OPERATIONS AND SERVICE

The provision of passenger vehicle transportation for hire, including business offices and dispatching, repairs, and servicing of vehicles

USE

The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained.

USE, NONCONFORMING

A use lawfully existing at the time of adoption of this chapter, or any subsequent amendment thereto, which does not conform to one (1) or more provisions of this chapter.

USE, PRINCIPAL

The main or primary purpose for which a structure or lot is designated, arranged or intended or for which it may be used, occupied or maintained under this chapter. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this chapter shall be considered an accessory use.

VARIANCE

Such departure from the terms of this chapter as the Zoning Board of Appeals, upon appeal in specific cases, is empowered to grant under the terms of applicable state law.

VENDOR CART

A temporary table/stand or cart with functional wheels which is not affixed to the ground, and which is operated for the purpose of selling or displaying for sale retail goods/items on a temporary basis

VETERINARY HOSPITAL

A facility for the prevention, cure or alleviation of disease and injury in animals, including surgery.

WHOLESALE

The selling of goods to merchants; usually in large quantities for resale to consumers.

WHOLESALE, WAREHOUSING, DISTRIBUTING, REPAIR, RENTAL AND SERVICING OF ANY COMMODITY

An establishment involved in storing, stocking, distributing, rental and/or repair of merchandise or commodities. Live animals, explosives, and storage of flammable liquids and gases is excluded from this definition.

2.3 Definitions Associated with Planned Development Districts**ALLEY**

A passage permanently reserved as a means of vehicular access to abutting properties; running between or behind buildings.

BUNGALOW

A one or one and a half-storied house usually with a front porch.

CARPORT

A shelter for a vehicle consisting of a roof supported on posts and open on at least two (2) sides.

CLUSTER

A community of small dwelling units arranged around a central outdoor common space.

COMMON OPEN SPACE

Undeveloped land that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of any required exclusive use area.

COTTAGE

A small detached single-family dwelling unit with narrow massing.

EXCLUSIVE USE AREA

A private open space or private yard associated with a private residence not intended for public access or access by other residents of the development.

2.4 Definitions Associated with Watershed Protection Overlay Districts

AREA OF SPECIAL FLOOD HAZARD

Land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT

Floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP

An official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the one-hundred-year and five-hundred-year floods and the one-

hundred-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

An examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either;
- (5) By an approved state program as determined by the Secretary of the Interior; or
- (6) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME

A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

NEW CONSTRUCTION

For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, "new construction" means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD

See "base flood."

RECREATIONAL VEHICLE

A vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;

- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY

See "floodway."

SPECIAL FLOOD HAZARD AREA

An area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, or VE.

START OF CONSTRUCTION

The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure," for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

SUBSTANTIAL REPAIR OF A FOUNDATION

When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the Building Commissioner shall determine it to be substantial repair of a foundation. Applications determined by the Building Commissioner to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE

A grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION

The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONE A

The one-hundred-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1-30 and ZONE AE

For new and revised maps, the one-hundred-year floodplain where the base flood elevation has been determined.

ZONE AH and ZONE AO

The one-hundred-year floodplain with flood depths of one (1) foot to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE A99

Areas to be protected from the one-hundred-year flood by federal flood protection systems under construction. Base flood elevations have not been determined.

ZONES B, C, AND X

Areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

2.5 Definitions Associated with Electric Vehicle Charging Stations

BATTERY EXCHANGE STATION

A facility that will enable an electric vehicle with a swappable battery to exchange a depleted battery with a fully charged battery, which meets or exceeds any standards, codes and regulations set forth.

CHARGING LEVELS

The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2 and 3 are the most common EV charging levels, and may be described as follows:

- (1) Level 1 – 120 volts
- (2) Level 2 – 240 volts (residential applications) or 208V (commercial applications)
- (3) Level 3 or Direct Current Fast Charging (DCFC) – 400 to 1000 volts

ELECTRIC VEHICLE (EV)

Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes:

- (1) A battery electric vehicle (BEV)
- (2) A plug-in hybrid electric vehicle (PHEV)
- (3) A neighborhood electric vehicle (have a max speed of 25 mph, a max load weight of 3000lbs); and
- (4) A medium-speed electric vehicle.

ELECTRIC VEHICLE CHARGING STATION

A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

ELECTRIC VEHICLE SERVICE EQUIPMENT (EVSE)

Structures, machinery and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations and battery exchange stations.

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Article 3. Establishment of Districts

3.1 Establishment

The Town of Randolph is hereby divided into the following districts.

Districts

For the purpose of general designation only, the districts may be named as follows:

Business Districts

- Crawford Square Business District (CSBD).
- North Randolph Business District (NRBD).
- West Corners Business District (WCBD).
- Business District (BD).
- Business Professional District (BPD).
- Orchard Street Business District (OSBD).

Residential Districts

- Residential High Density District (RHDD).
- Residential Family Medium Density District (RMDD).
- Residential Multi Family District (RMFD).

Special Uses Districts

- Blue Hill River Highway District (BRHD).
- Great Bear Swamp Highway District (GBHD).
- Industrial District (ID).
- Sanitary Facility District (SFD).

Overlay Districts

- Great Pond Commerce Center Overlay District (GPCCOD).
- Watershed and Wetland Protection Overlay District (WWPOD).
- Multifamily Affordability Overlay District (MAOD).
- Market Rate Multifamily Overlay District (MRMOD).
- Union Crossing Transit District (UCTD) (Overlay District).
- Randolph Community Multi-Family Overlay District (RCMOD).

Historic Districts

Elms Historic District. (See § 10-5 of Article II of the General Code for applicable regulations.)

3.2 Zoning Map

- A. Districts shall be bounded as shown on a map called "Zoning Map of the Town of Randolph, MA," dated 2005, as amended, which shall be in the charge of and safely kept by the Building Commissioner of the Town of Randolph.
- B. The Randolph Planning Board is the responsible Town agency to allocate the reference numbers and update the Zoning Code.

3.3 Interpretation of District Boundaries

The location of district boundaries shown on the Zoning Map shall be determined as follows:

- A. Where a boundary is indicated as a street, alley, railroad, transit right-of-way, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.
- B. Where a boundary is indicated as following approximately or parallel to a street, railroad, transit right-of-way, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined using the scale shown on the Zoning Map.
- C. Where a dimensioned boundary or the actual property boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.
- D. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or, in the case of a curved centerline, to the tangent to the curve at the point of intersection.
- E. Whenever any uncertainty exists as to the exact location of a boundary line, the interpretation made by the Building Commissioner shall control pending appeal.
- F. Wetland and Watershed Protection Overlay District (WWPOD). Watershed and Wetlands Protection Districts: all land designated as such, as shown and delineated on a set of sixty-one (61) maps of the Town of Randolph, entitled "Watershed and Wetlands Protection Districts, Randolph, Mass.," dated April 30, 1972, by Avis Airmap of Brookline, Massachusetts, which set of maps is hereby incorporated as part of this chapter.

- (1) District 1 is located within the area bounded on the north by the Braintree Town line, on the east by Braintree and Holbrook Town lines, on the south by Union Street (Route 139) and on the west by North Street.
- (2) District 2 is located within the area bounded on the north by Pond Street and the Braintree Town line, on the east by North Street, on the south by North and North Main Streets and on the west by North Main Street.
- (3) District 3 is located within the area bounded on the north by West Street, North Main Street and Union Street (Route 139), on the east by the Holbrook Town line, on the south by the Avon Town line, on the west by the Stoughton Town line.
- (4) District 4 is located within the area bounded on the north by Canton and Reeds Streets, on the east by North Main Street, on the south by West Street and on the west by the Stoughton and Canton Town lines and Route 24.
- (5) District 5 is located within the area bounded on the north by the Blue Hill River, on the east by the Braintree Town line and Pond Street, on the south by Reed Street and Canton Street and on the west by Route 24.
- (6) District 6 is located within the area bounded on the north by the Blue Hill River, on the east by Route 24, on the south by the Canton line and on the west by the Canton Town line.

3.4 Interlocal cooperation

When a lot is situated in part in the Town of Randolph and in part in an adjacent municipality, the provisions of this chapter shall be applied to the portion of such lot which is situated in the Town of Randolph in the same manner as if the entire lot were situated in the Town of Randolph; provided, however, that no use of any such lot shall be authorized or approved without consultation with the Planning Board of such abutting municipality in which the non-Randolph portion of the lot is situated and the use of the lot made harmonious with the zoning regulations of such abutting municipality insofar as it is practical so to do.

Article 4. Use Regulations

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Article 4. Use Regulations

4.1 Uses Allowed in All Districts

The following uses are permitted in all zoning districts. These uses are subject to site plan review by the Planning Board as required under Section 11.3, and to other reasonable regulations in the applicable zoning district as permitted, including dimensional requirements and any other applicable regulatory requirements (such as Conservation Commission, Stormwater Authority, etc.). A special permit is not required for the following uses unless specifically listed in this section:

List of Uses Allowed in All Districts

- Municipal uses
- Power-generating plants by means of solar, primarily for use on site
- Power-generating plants from solar, wind, and other renewable sources (via Special Permit by the Town Council)
- Essential public services or utility installations (via Special Permit by the Town Council)
- Any additional uses which the Town of Randolph may not prohibit or regulate through zoning under State or Federal law

4.2 Agricultural uses: sale of products

- A. Marijuana. The sale, cultivation or harvesting of marijuana in any form whatsoever, on any land within the Town of Randolph, shall not be construed so as to fall within this section and shall not be considered agriculture.

4.3 Trailers and trailer camps

- A. No trailer camp or court shall be permitted in Randolph. A trailer camp or court is defined as more than one (1) trailer. No trailer, storage container (excluding solid waste container) or mobile home shall be used in the Town as a residence; a place of business; or for storage or accessory use; except trailers used for government or public utility construction projects, or for temporary office purposes on construction sites, while construction is in progress; or trailers and/or storage containers or mobile homes used for temporary political purposes or by a temporary carnival/fair sponsored by a not-for-profit organization. All such trailers, storage containers or mobile homes shall comply with all the regular and special regulations of the Board of Health, Plumbing Inspector, Building Commissioner, and Wiring Inspector, insofar as applicable to trailers, storage containers or mobile homes.

(1) Exempt from these provisions are recreational vehicles, travel trailers, tent trailers, boat trailers, or mobile homes which are parked or stored but not used as a residence or place of business or for business use. There is to be no more than one (1) such vehicle per lot and it must be parked or stored in compliance with front, side and rear yard requirements of Article 5 of this chapter.

B. The owner or occupier of a residence or business which has been destroyed by fire or other natural holocaust may place a mobile home or trailer on the site of such residence or business and reside in such home, for a period not to exceed twelve (12) months, while such residence is being rebuilt, or use for business such home or trailer, for a period not to exceed twelve (12) months, while such business is being rebuilt. Any such mobile home or trailer shall be subject to the provisions of the State Sanitary Code.

4.4 Residential districts

A. Townhomes

(1) Townhomes developments shall not be subdivided into individual lots.

B. Limitations on accessory uses.

The following are specifically declared not to be accessory uses in residential districts or zones and are forbidden therein:

(1) Furnishing, advertising or maintaining accommodations for more than three (3) boarders, lodgers or paying guests.

(2) Erecting or maintaining signs except as permitted in Article 8 of this chapter.

C. Home occupations.

(1) General. Home occupations shall be permitted in residential districts, provided the home occupation is clearly and obviously subordinate to the main use of the dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure of the premises.

(2) Conditions.

(a) The home occupation shall not exceed fifteen percent (15%) of the floor area of the primary structure.

(b) Other than those related by blood, marriage or adoption, no more than one (1) person may be employed in the home occupation.

(c) Inventory and supplies shall not occupy more than fifty percent (50%) of the area permitted to be used as a home occupation.

- (d) There shall be no exterior display or storage of goods on said premises.
- (e) Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one (1) patron vehicle is on the premises at the same time. Two (2) additional parking spaces shall be provided on the premises, except only one (1) need be provided if the home occupation does not have an employee. Said parking shall comply with the parking requirements of Section 7.6.
- (f) Before said home occupation opens for business, a business certificate for the home occupation shall be obtained from the Town Clerk. Furthermore, a current business certificate issued by the Town Clerk shall be a requirement to conduct the home occupation.
- (g) Any commercial use conducted as a home occupation shall not involve the use of any accessory building or yard space, nor involve any activities not normally associated with residential use outside of the principal building.

D. Storage of recreational vehicles.

Recreational vehicles, including, but not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer and boat, shall be parked or stored in compliance with the front yard requirements of Section 5.3 of this chapter.

E. Use of temporary structures.

(1) A structure of detached, accessory character, such as, but not limited to, a vehicle shelter or covering, may be erected and maintained for a period not exceeding one hundred eighty (180) days. It shall be used only for the covering of a private vehicle or a recreational vehicle used by the owner/resident of the property and not as storage space. It shall be limited to one (1) such structure per lot, and a building permit is required prior to the erection of the temporary structure.

(2) Said temporary structure shall be placed in compliance with front yard requirements of Article 5 of this chapter.

4.5 Marijuana establishments forbidden

The operation of any marijuana establishment, as defined in MGL c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, is prohibited in all zoning districts of the Town of Randolph. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.

4.6 Town of Randolph Table of Uses

KEY:

P Permitted by right

- Not permitted

SPTC Use permitted by a special permit by Town Council

SPPB Use permitted by a special permit by Planning Board

Residential Districts

Residential High Density District	RHDD
Residential Medium Density District	RMDD
Residential Multi Family District	RMFD

Business Districts

Crawford Square Business District	CSBD
North Randolph Business District	NRBD
West Corners Business District	WCBD
Business District	BD
Business Professional District	BP
Orchard Street Business District	OSBD

Special Uses Districts

Blue Hill River Highway District	BRHD
Great Bear Swamp Highway District	GBHD
Industrial	I
Sanitary Facility District	SFD

Use Category	CSBD	NRBD	WCBD	BD	BP	OSBD	BRHD	GBHD	ID	SFD	RHDD	RMDD	RMFD
EXEMPT USES													
Subject to site plan review by Planning Board													
Essential public services or utility installations	P	P	P	P	P	P	P	P	P	P	P	P	P
Power generating plants for off-site use	P	P	P	P	P	P	P	P	P	P	P	P	P
Power generating plans for on-site use	P	P	P	P	P	P	P	P	P	P	P	P	P
Public (municipal) buildings	P	P	P	P	P	P	P	P	P	P	P	P	P
RESIDENTIAL USES													
Assisted living facility	-	SPTC	SPTC	-	SPTC	-	SPTC	SPTC	SPTC	-	-	-	-
Custodial Institutions	-	-	-	-	-	-	-	-	SPTC	-	-	-	-
Dwelling, Single-family	P	P	P	-	-	-	-	-	-	-	P	P	P
Dwelling, Townhouse	SPPB	SPPB	SPPB	-	-	-	-	-	-	-	SPPB	SPPB	SPPB
Dwelling, Two-family	-	-	-	-	-	-	-	-	-	-	P	P	P
Dwelling, Multifamily	-	-	-	-	-	-	-	-	-	-	-	-	SPPB
Lodging, Bed-and-Breakfast Facility	SPPB	-	-	-	-	-	-	-	-	-	SPPB	SPPB	-
Lodging, Boarding House	SPPB	-	-	-	-	-	-	-	-	-	SPPB	SPPB	-
Lodging, Temporary	-	-	-	-	-	-	P	P	P	-	-	-	-
Mixed-Use, 1 or 2 dwelling units	P	-	-	-	-	-	-	-	-	-	-	-	-
Mixed-Use, 3+ dwelling units	SPPB	-	-	-	-	-	SPPB	SPPB	-	-	-	-	-
Nursing home	-	SPTC	SPTC	-	SPTC	-	SPTC	SPTC	SPTC	-	-	-	-
Planned Residential Development	-	-	-	-	-	-	-	-	-	-	SPTC	SPTC	SPTC

Use Category	CSBD	NRBD	WCBD	BD	BP	OSBD	BRHD	GBHD	ID	SFD	RHDD	RMDD	RMFD
INSTITUTIONAL USES													
Cemetery / Crematorium	SPTC	SPTC	SPTC	SPTC	SPTC	SPTC	SPTC	SPTC	SPTC	SPTC	SPTC	SPTC	SPTC
Libraries, museums, cultural institutions	P	P	P	P	P	P	P	P	P	-	-	-	-
Social services	P	P	P	P	-	-	-	-	-	-	-	-	-
Substance abuse treatment centers	-	-	-	-	-	-	-	-	SPTC	-	-	-	-
COMMERCIAL USES													
Ambulance service facilities	-	-	-	-	-	-	-	-	P	-	-	-	-
Banking and financial institutions	P	P	P	P	P	P	P	P	P	-	-	-	-
Catering establishments	P	P	P	P	-	P	P	P	P	-	-	-	-
Donation Centers	-	-	-	-	-	-	-	-	P	-	-	-	-
General commercial services	P	P	P	SPPB	SPPB	SPPB	P	P	P	-	-	-	-
Hospitals	-	-	-	-	-	-	P	-	P	-	-	-	-
Medical marijuana treatment center	-	-	-	-	-	-	-	SPTC	SPTC	-	-	-	-
Office, professional	P	P	P	P	P	P	P	P	P	-	-	-	-
Personal services, not otherwise defined	P	P	P	P	-	P	P	P	P	-	-	-	-
Pest control with storage of chemicals	-	-	-	-	-	-	-	-	P	-	-	-	-
Professional services, not otherwise defined	P	P	P	P	P	P	P	P	P	-	-	-	-
Recording studios	-	-	-	-	-	-	P	P	P	-	-	-	-
Rehabilitation facility	-	SPTC	SPTC	-	SPTC	-	SPTC	SPTC	SPTC	-	-	-	-

Use Category	CSBD	NRBD	WCBD	BD	BP	OSBD	BRHD	GBHD	ID	SFD	RHDD	RMDD	RMFD
Restaurant	P	P	P	P	-	P	P	P	P	-	-	-	-
Restaurant, fast-food	P	P	P	-	-	P	P	P	P	-	-	-	-
Restaurant, fast-food, formula	-	-	-	-	-	-	P	P	P	-	-	-	-
Retail, firearms	-	-	-	-	-	-	-	-	SPTC	-	-	-	-
Retail, ≥7,500 SF	-	-	-	-	-	-	SPPB	SPPB	P	-	-	-	-
Retail, <7,500 SF	P	P	P	P	-	P	P	P	P	-	-	-	-
Retail, pawn shops	-	-	-	SPPB	-	-	-	-	SPPB	-	-	-	-
Urgent Care Facilities	P	P	P	-	-	-	P	P	P	-	-	-	-
Veterinary clinic and animal daycare, excl. animal boarding	SPPB	P	P	SPPB	SPPB	SPPB	P	P	P	-	-	-	-
Veterinary hospitals, incl. animal boarding	SPPB	SPPB	SPPB	SPPB	-	-	P	P	P	-	-	-	-
INDUSTRIAL AND MANUFACTURING USES													
Commercial laundry and dyeing plants	-	-	-	-	-	-	-	-	P	-	-	-	-
Donation Center / Collection Bin	-	-	-	-	-	-	P	P	P	P	-	-	-
Incineration or reduction of garbage, refuse, and the like within an entirely enclosed facility	-	-	-	-	-	-	-	-	-	P	-	-	-
Manufacturing, not otherwise defined	-	-	-	-	-	-	-	-	P	-	-	-	-
Manufacturing, light	-	-	-	-	-	-	P	P	P	-	-	-	-
Manufacturing, chemicals, leather tanning, petroleum, coal, explosives, fertilizers, toxins, and related products	-	-	-	-	-	-	-	-	SPTC	-	-	-	-

Use Category	CSBD	NRBD	WCBD	BD	BP	OSBD	BRHD	GBHD	ID	SFD	RHDD	RMDD	RMFD
Power plants (excluding wind and solar)	-	-	-	-	-	-	-	-	P	-	-	-	-
Printing and publishing, large ≥ 2,000 SF	-	-	-	-	-	-	P	P	P	-	-	-	-
Printing and publishing, small < 2,000 SF	P	P	P	P	-	P	P	P	P	-	-	-	-
Recycling facilities	-	-	-	-	-	-	-	-	P	-	-	-	-
Scientific or research laboratories (less than 25,000 SF)	SPPB	SPPB	P	SPPB	-	-	P	P	P	-	-	-	-
Scientific or research laboratories (greater than or equal to 25,000 SF)	-	-	-	-	-	-	P	P	P	-	-	-	-
Storage, processing, sale of scrap metal and junk	-	-	-	-	-	-	-	-	SPPB	-	-	-	-
Storage, construction equipment and materials	-	-	-	-	-	-	-	-	P	-	-	-	-
Warehousing and storage	-	-	-	-	-	-	-	-	P	-	-	-	-
Wholesaling, warehousing, distributing, repair, rental of any commodity, excluding live animals, explosives and storage of flammable liquids and gases	-	-	-	-	-	-	P	P	P	-	-	-	-
RECREATIONAL USES													
Convention centers and exhibition halls	-	-	-	-	-	-	P	P	P	-	-	-	-
Golf driving ranges, “miniature” golf course, or other similar outdoor commercial recreation use (but not including an amusement park, drive-in theater or open-air facilities for “spectator sports”)	SPPB	-	-	P	-	-	P	P	P	SPPB	-	-	-

Use Category	CSBD	NRBD	WCBD	BD	BP	OSBD	BRHD	GBHD	ID	SFD	RHDD	RMDD	RMFD
Golf courses (not including driving range or “miniature” golf course), riding academy or stable	-	-	-	-	-	-	SPPB	SPPB	SPPB	SPPB	-	-	-
Health or exercise clubs	P	P	P	P	-	-	P	P	P	-	-	-	-
Indoor recreation/entertainment, including billiards, bowling alleys, game rooms, video arcades, ice and roller skating rinks	P	P	P	-	-	-	P	P	P	-	-	-	-
Private clubs, lodges or other nonprofit social, cultural, civic or recreational uses	P	P	P	P	-	-	P	P	P	-	-	-	-
AGRICULTURAL USES													
Farmers markets	P	P	P	P	-	-	-	-	P	-	-	-	-
Orchards, nurseries or other commercial agricultural production	P	P	P	P	-	-	-	-	P	-	-	-	-
Plant nurseries, retail	P	P	P	P	-	-	P	P	P	-	-	-	-
Plant nurseries, wholesale	-	-	P	-	-	-	-	P	P	-	-	-	-
TRANSPORTATION-RELATED USES													
Aviation uses such as aircraft repair, aircraft sales and air charter services	-	-	-	-	-	-	-	-	P	-	-	-	-
Car wash	-	SPPB	-	SPPB	-	-	P	P	-	-	-	-	-
Motor Vehicle Auctions and Sales & Equipment Sales and Auctions	-	-	-	-	-	-	SPPB	SPPB	P	-	-	-	-

Use Category	CSBD	NRBD	WCBD	BD	BP	OSBD	BRHD	GBHD	ID	SFD	RHDD	RMDD	RMFD
Motor vehicle body repair and painting facilities	-	-	-	-	-	-	-	-	P	-	-	-	-
Motor vehicle dismantling, scrap dealers, recycling centers	-	-	-	-	-	-	-	-	SPPB	-	-	-	-
Motor Vehicle Fueling Station	-	P	-	-	-	-	SPTC	SPTC	-	-	-	-	-
Motor vehicle parts and accessory stores	SPPB	SPPB	SPPB	-	-	-	P	P	P	-	-	-	-
Motor Vehicle Rental	-	-	-	-	-	-	P	P	P	-	-	-	-
Motor vehicle repair diagnostic and/or service establishment, including engine and transmission overhaul, repair facilities and similar services	-	P	P	-	-	-	P	P	P	-	-	-	-
Motor Vehicle Service Station	-	P	-	-	-	-	-	SPTC	SPTC	-	-	-	-
Motor vehicle sound system installation, auto glass tinting and repair, and similar uses	-	-	-	-	-	-	-	P	P	-	-	-	-
Motor vehicle towing and impound facilities	-	-	-	SPPB	-	-	-	-	P	-	-	-	-
Parking lot or garage as principal use	SPPB	-	-	-	-	-	SPPB	SPPB	SPPB	-	-	-	-
Rail and motor freight terminals and facilities	-	-	-	-	-	-	-	-	SPPB	-	-	-	-
Taxi, limousine and livery dispatching services	P	P	P	P	P	P	P	P	P	-	-	-	-
Taxi, limousine and livery operations and services	-	SPTC	SPTC	-	-	-	SPTC	SPTC	P	-	-	-	-
MISCELLANEOUS USES													
24-hour business operations	SPTC	SPTC	SPTC	-	-	SPTC	SPTC	SPTC	SPTC	-	-	-	-

Use Category	CSBD	NRBD	WCBD	BD	BP	OSBD	BRHD	GBHD	ID	SFD	RHDD	RMDD	RMFD
Adult uses	-	-	-	-	-	-	-	-	SPTC	-	-	-	-
Drive-through windows	SPTC	SPTC	SPTC	-	-	SPTC	SPTC	SPTC	SPTC	-	-	-	-
Non-accessory signs	-	-	-	-	-	-	-	-	SPTC	SPTC	-	-	-
Salvage yards	-	-	-	-	-	-	-	-	SPTC	-	-	-	-
Wireless communications facilities	SPTC	-	-	-	-	-	SPTC	SPTC	SPTC	-	-	-	-

Article 5. Dimensional Regulations

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Article 5. Dimensional Regulations

5.1 Table of Dimensional Requirements

Town of Randolph

Table of Dimensional Requirements

District	Minimum Lot Area (square feet)	Lot Coverage				Maximum Building Height		Minimum Frontage (feet)	Minimum Depth (feet)	Setbacks			Buffer Strips		
		(A) Building Lot Coverage	(B) Impervious Lot Coverage	(C) Green Area Open Space	Maximum Coverage (A)+(B)	Stories	Feet			From Street (feet)	Side Yard (feet)	Rear Yard (feet)	To Street (feet)	To Residential (feet)	To Commercial (feet)
Crawford Square Business District (CSBD)*	5,000	60%	30%	10%	90%	3	40	25	75	15	0	15	10	10	0
North Randolph Business District (NRBD)	5,000	40%	10%	50%	50%	2	30	75	100	15	6	15	5	10	2.5
West Corners Business District (WCBD)	5,000	40%	10%	50%	50%	2	30	75	75	15	6	15	5	10	2.5
Business District (BD)	12,000	40%	20%	40%	60%	3	40	75	100	15	6	15	10	10	2.5
Business Professional District (BPD)	12,000	35%	15%	50%	50%	2	30	100	100	15	6	15	10	10	2.5
Orchard Street Business District (OSBD)	12,000	40%	20%	40%	60%	2	30	100	100	15	6	15	15	10	2.5

District		Minimum Lot Area (square feet)	Lot Coverage				Maximum Building Height		Minimum Frontage (feet)	Minimum Depth (feet)	Setbacks			Buffer Strips		
			(A) Building Lot Coverage	(B) Impervious Lot Coverage	(C) Green Area Open Space	Maximum Coverage (A)+(B)	Stories	Feet			From Street (feet)	Side Yard (feet)	Rear Yard (feet)	To Street (feet)	To Residential (feet)	To Commercial (feet)
Residential High Density (RHDD)	Single-family detached	12,000	20%	10% (not to exceed 1,200 sf)	70%	30%	2 1/2	40	100	100	25	15	15	10	5	10
	Two-family	20,000	20%	10% (not to exceed 1,200 sf)	70%	30%	2 1/2	40	130	100	25	20	15	20	40	10
	Townhouse	20,000	20% 12 units/acre	10%	70%	30%	2	32	130	100	25	20	15	20	40	10
Residential Medium Density (RMDD)	Single-family detached	16,000	20%	7.5% not to exceed 1,200 sf	72.5%	27.5%	2 1/2	40	120	85	25	15	15	10	5	10
	Two-family	20,000	20%	10% (not to exceed 1,200 sf)	70%	30%	2 1/2	40	130	100	25	20	15	20	40	10
	Townhouse	20,000	20% 12 units/acre	10%	70%	30%	2	32	130	100	25	20	15	20	40	10

District		Minimum Lot Area (square feet)	Lot Coverage				Maximum Building Height		Minimum Frontage (feet)	Minimum Depth (feet)	Setbacks			Buffer Strips		
			(A) Building Lot Coverage	(B) Impervious Lot Coverage	(C) Green Area Open Space	Maximum Coverage (A)+(B)	Stories	Feet			From Street (feet)	Side Yard (feet)	Rear Yard (feet)	To Street (feet)	To Residential (feet)	To Commercial (feet)
Residential Multi Family District (RMFD)	Single-family detached	217,800 (5 acres)	10%	10%	80%	20%	3	40	100	100	40	40	40	40	20	10
	Two-family	217,800 (5 acres)	20%	10% (not to exceed 1200 sf)	70%	30%	2 1/2	40	130	100	25	20	15	20	40	10
	Townhouse	217,800 (5 acres)	20% 12 units/acre	10%	70%	30%	2 1/2	40	130	100	25	20	15	20	10	10
	Multifamily	217,800 (5 acres)	10%	10%	80%	20%	3	40	100	100	40	40	40	40	20	10
Blue Hills River Highway District (BHRHD) (west of Rt. 28)		20,000	60%	30%	10%	90%	8	90	130	100	15	10	15	5	10 ft per building per story	2.5
Blue Hills River Highway District (BHRHD) (east of Rt. 28)							2	30								
Great Bear Swamp Highway District (GBHD)		20,000	60%	30%	10%	90%	6	75	130	100	15	10	15	5	10 ft per building per story	2.5
Industrial District (ID)		20,000	60%	25%	15%	85%	4	50	75	100	50	6	15	20	40	2.5
Sanitary Facility District (SFD)		25 acres	SP	SP	90%	SP	1	20	SP	SP	SP	50	50	50	50	10

NOTES:

For overlay districts, see Article 10 for dimensional standards.

* Within the Crawford Square Business District, no front yards shall be allowed on North Main Street.

5.2 Frontage

- A.** In all districts, frontage may be measured at the front yard setback line if the street is an arc of a curve with a radius of one hundred (100) feet or less, provided that in any event there shall be not less than seventy-five percent (75%) of the required frontage at the street line. Notwithstanding the above provision, where the literal enforcement of this subsection would substantially diminish the value of the land, due to the shallowness or other irregularity of the lot boundaries or the curved or other peculiarity of the street location or other valid reason, the owner thereof may apply to the Zoning Board of Appeals for relief, and said Board shall grant, upon equitable terms and conditions, such relief as will carry out the intent of this chapter, but in no event to reduce the frontage to less than sixty (60) feet for a single family dwelling or eight-five (85) feet for a two-family dwelling OR reduce the minimum lot area for single-family dwellings below seven thousand five hundred (7,500) square feet or two-family dwellings below fifteen thousand (15,000) square feet.

5.3 Front yards

A. Residential districts.

- (1) In a residential district, no building shall be erected within twenty-five (25) feet of the side line of any street, except as follows:
- (a) No building shall be erected within forty-five (45) feet of the center line of any street which is less than forty (40) feet in width.
 - (b) No building shall be erected within forty (40) feet of the side lines of South Main Street or of the side lines of that part of North Main Street south of the Pond Street business area.
 - (c) If a residential lot abuts a lot with an historic structure, as defined in § 87-2 of the Town of Randolph General Ordinance, the front yard setback may be reduced to that of the historic structure but not less than ten (10) feet.
- (2) No building in a residential district need be set back more than the average setback of the residence buildings on the abutting lots. A vacant lot, a lot occupied by a nonconforming use or a building set back more than the required distance shall be counted as though occupied by a building set back at the prescribed distance for the purpose of determining said average.

- B.** In Business Districts, Business Professional Districts, North Randolph Business District, West Corners Business District, Blue Hill River Highway District and Great Bear Swamp Highway District, no building shall be erected within fifteen (15) feet of the side line of any street, except in that part of the east and west sides of North Main

Street from Crawford Square northerly within the Crawford Square Business District, where no front yards shall be allowed.

- C.** In Industrial Districts, no building shall be erected within fifty (50) feet of the side lines of any street.
- D.** In multifamily districts or zones, no building shall be erected or accessory use permitted except for walkways and driveways allowed within forty (40) feet of the side lines of any street.
- E.** In the Orchard Street Business District (OSBD), "front yard" and "from street" shall refer to North Main Street.
- F.** Outdoor Play Areas. No outdoor play area (an area designed or set aside for children in a child-care facility for recreation or play) shall be located closer to the street than the minimum requirements of this section.

5.4 Side yards

- A.** In a residential district, no building, except a fireproof one-story building of accessory use, shall be erected within fifteen (15) feet of a side lot line for single-family dwellings or within twenty (20) feet of a side lot line for two-family dwellings, unless more than forty (40) feet from the side line of any street.
- B.** In a Business District, Business Professional District, Crawford Square Business District, Industrial District, North Randolph Business District, West Corners Business District, Great Bear Swamp Highway District or Blue Hill River Highway District, no building shall be erected within the buffer zone specified in Section 5.10, nor within six (6) feet of a side lot line unless the wall adjoining such lot line shall be either a party wall or a wall with its outer face coincident with said lot line.
- C.** On a lot containing the proposed child-care facility use, no outdoor play area (an area designed or set aside for children in a child-care facility for recreation or play) shall be located closer to a lot line than the minimum yard setback requirements for the principal use in the district in which it is located.

5.5 Rear yards

- A.** In all districts, no building shall be erected within fifteen (15) feet of any rear lot line unless said building shall be of fireproof construction and the wall adjoining said rear lot line shall be either a party wall or wall with its outer face coincident with said rear lot line, except that said construction is prohibited in a buffer zone as specified in Section 5.10.

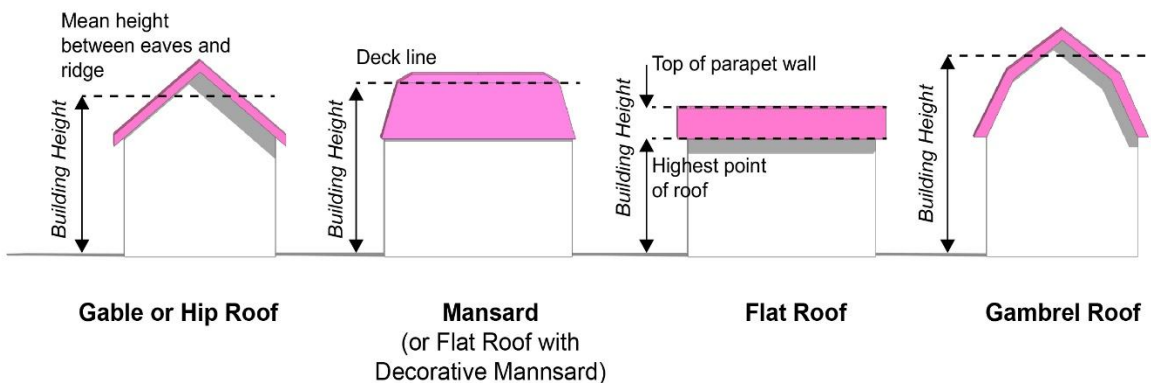
- B. In the Orchard Street Business District (OSBD), "rear yard" shall refer to Orchard Street and Vesey Road.

5.6 Lot coverage

- A. **Impervious lot coverage.** In all districts, no lot shall have more coverage by impervious surface than as specified in the Table of Dimensional Requirements. Ramps for the disabled, for which the sole purpose is to provide access for the disabled, and which have no more than the minimum dimensions required to meet accessibility standards, shall not be counted as coverage.
- B. **Maximum lot coverage.** The total lot non-green area/open space may not exceed the maximum coverage specified in the Table of Dimensional Requirements. In order to fulfill the intent of maximum lot coverage, an applicant may shift a percentage of the building lot coverage requirement and the impervious lot coverage requirement, but in no case shall the maximum coverage percentage noted in the table be exceeded.
- C. **Changes to lot coverage.** The removal and replacement of impervious material requires review/approval if the site is pre-existing non-conforming.

5.7 Building Heights

- A. The height of a structure shall be based on the average pre-existing grade within the proposed building footprint.
- B. The following diagram illustrates the location of building heights for different types of roofs. Refer to Article 2 for definition of Building Height.



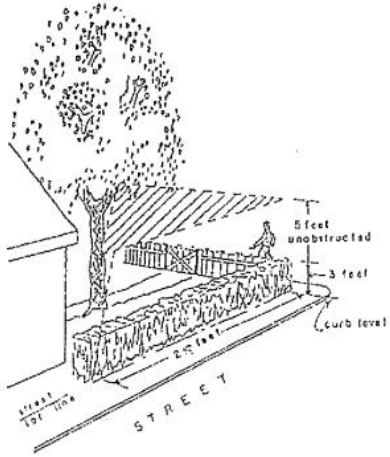
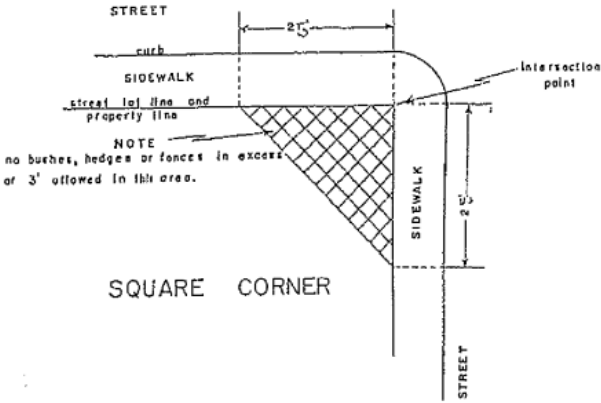
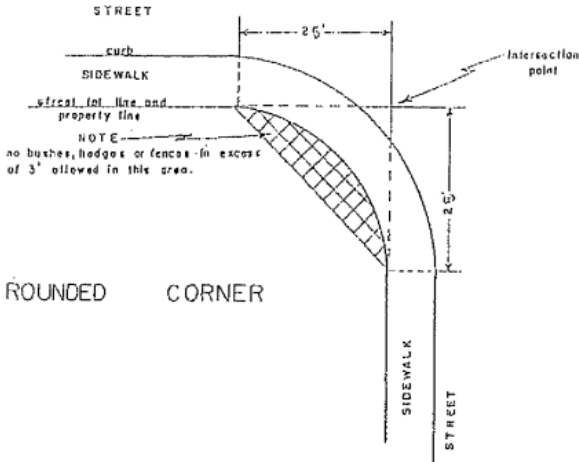
5.8 Exceptions to Dimensional Standards

- A. Maximum building height.** Limitations of height, in feet, shall not apply to chimneys, ventilators, skylights, bulkheads and other accessory features, excluding water tanks, usually carried above roofs, nor to towers or spires of places of worship and other buildings, if such features are in no way normally used for human occupancy, and other buildings in business-zoned areas only, excluding buildings in areas surrounded by residential on at least two (2) sides, where maximum building height will be three (3) stories or forty (40) feet only.
- B. Projections.** Nothing herein shall prevent the projection of steps, eaves, chimneys, cornices or windowsills into any required yard or open space.

5.9 Corner setback for fences and other landscaping

- A. Corner lots and intersecting streets.** No building or structure in any district may be erected and no fence or vegetation, except tree trunks, may be maintained or allowed to remain between three (3) feet and eight (8) feet above the plane through their center-line grades between the property lines of intersecting streets and a line joining points on such lines twenty-five (25) feet distant from their point of intersection or, in the case of a rounded corner, the point of intersection of their tangents.

Diagram for Corner Lots and Intersecting Streets



- B.** Driveways and sidewalks or other pavement. No fence or vegetation, except tree trunks, shall be located within a site triangle so as to obstruct visibility between three (3) feet and eight (8) feet above the plane through their curb grades. The site triangle is that area of the intersection of street rights-of-way or pavement with other streets, driveways or walkways, formed by the side lines of street rights-of-way or pavement, driveways or walkways and a line joining points on such lines ten (10) feet distant from their point of intersection.

5.10 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.

- (1) In a zoned Business District where the lot abuts or is within ten (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 ten (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.
- (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 nonresidential purposes.

- B.** Industrial Districts abutting residential districts or multifamily districts.

- (1) In an Industrial District where the lot abuts or is within forty (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 forty (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, no building, structure or pavement of any nature may be constructed or 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 nonresidential 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 fifty (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 a dense year round screen.

E. 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 thirty (30) feet to allow ingress to and egress from the lot.

Article 6. Nonconforming Uses, Structures, and Lots

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Article 6. Nonconforming Uses, Structures, and Lots

6.1 Continuation; modifications

- A.** Any building or use of a building or use of land or part thereof lawful at the time this chapter is adopted (1939) may be continued, unless and until abandoned, although such building or use does not conform to the provisions hereof. No extension of the nonconforming use of a building, including adding to, enlarging, reconstructing or replacing, shall be allowed unless such addition, enlargement, reconstruction or replacement is used for the purpose or for a purpose substantially similar to the purpose for which the original building may be lawfully used and unless authorized by the Zoning Board of Appeals and subject to appropriate conditions, limitations or safeguards stated in writing by said Board and made a part of the permit. As a basis for such permit, the Board must be satisfied only that such addition, enlargement, reconstruction or replacement, and the use to be made thereof, will not substantially increase any detrimental or injurious effect of the building or use on the neighborhood.
- B.** 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 (2) years of said accidental damage or destruction.
- C.** Any such structure that is being used as a single-family dwelling or a two-family dwelling may be increased in size or otherwise altered without a special permit or other ruling from the Zoning Board of Appeals, provided the Building Commissioner determines, prior to the issuance of a building permit for such addition or alteration, that the addition or alteration will not intensify any existing nonconformities.

6.2 Effect on building or special permits

Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of not less than six (6) months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

6.3 Abandonment

Whenever a nonconforming use has ceased to be occupied, used, pursued or otherwise engaged in for a period of two (2) years, the same shall be deemed abandoned, and thereafter use of the premises shall be deemed restricted to the use designated on the Zoning Map of the Town for that area.

Article 7. Off-Street Parking

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Article 7. Off-Street Parking

7.1 Applicability

No land shall be used or occupied and no structure shall be erected or used unless the off-street parking spaces as hereinafter required are provided. No application for a permit for the erection of a new structure or for the development of a land use shall be approved unless it includes a plan for off-street parking facilities to be maintained thereafter in accordance with the requirements of this article, except that such parking spaces are not required for any structure or use existing at the time of enactment of this article; provided, however, that parking spaces as specified in this article shall be provided for any enlargement or alteration to any such existing structure or use; provided, further, that the increase is greater than fifteen percent (15%).

7.2 Location

The off-street parking spaces required by this article shall be on the same lot as the structure or use they are intended to serve. Where such off-street parking spaces cannot reasonably be provided on the same lot as the principal use, parking may be located on other property.

- A.** The Planning Board may grant exceptions to allow provision of the required spaces on a separate lot or lots within a radius of six hundred (600) feet, measured from the lot line of the principal use.
 - (1) An applicant must demonstrate that the required spaces on a separate lot or lots within the district are located within a reasonable walking distance from the entrance to the establishment to be serviced.
 - (2) Clear, pedestrian passage must be available with no crossing of an arterial street except at a signalized intersection along the pedestrian pathway.
- B.** In the CSBD, parking shall be located in the rear of the lot for parcels on North Main Street.

7.3 Dimensions

- A.** The gross area devoted to parking spaces and aisles or driveways shall be no less than three hundred (300) square feet for each vehicle.
- B.** The net area for each individual parking space shall be no less than one hundred sixty-two (162) square feet, having minimum dimensions of nine (9) feet by eighteen (18) feet.

C. A driveway may be considered a parking space for a one-family dwelling.

7.4 Street access

Each parking space shall have a vehicular access to a street. Driveways, aisles and spaces in all districts except Residential High Density (RHDD) shall be so arranged that vehicles will leave and enter the street with a forward motion.

7.5 Construction requirements

Every parcel of land which, after the effective date of this chapter, is changed to a parking area for more than five (5) vehicles, or to a drive-in business or motor vehicles sales or service establishment, shall be developed as follows, subject to the approval of the plans as defined in Section 11.3, Site Plan and Design Review, of this chapter.

- A.** Such area, where subject to wheeled traffic, shall be smoothly graded, properly drained and treated with bituminous or other all-weather hard surface and shall have appropriate bumper or wheel guards where needed.
- B.** The surfaced area of all parking areas and parking spaces shall be set back a minimum of five (5) feet from all street lines except when an access drive crosses the street layout. Such setback area shall be landscaped and maintained.
- C.** Tiered parking. Nothing in this section shall prohibit the construction of parking shelves or garages where it is deemed beneficial to the community. All setbacks, height, and other requirements shall be that of the underlying zoning district; provided that parking garages, parking decks or any other parking structures and the parking of any motor vehicles shall be limited to parking at a maximum of two (2) tiers above grade.
- D.** Parking lot design.
 - (1) In addition to the provisions above, new and renovated off-street parking areas shall be constructed in accordance with the guidelines as defined in Site Plan and Design Review, Section 11.3.E(2)(b).vi. Milling of existing pavement shall not be considered renovation, unless greater than 50% of the parking area surface has been removed to the substrate.
 - (2) Paving, alteration or installation of parking lots, driveways, or similar shall require a permit by the Building Commissioner in all districts.

7.6 Required number of spaces

Off-street parking spaces shall be provided in accordance with the following minimum requirements:

Table of Required Parking Spaces	
Residential	(1) Single-family: two (2) spaces for each dwelling unit. (2) Multifamily: one and a half spaces (1.5) for each dwelling unit plus guest parking area. (3) Townhouse: two (2) spaces for each dwelling unit. (4) Two-family: two (2) spaces for each dwelling unit.
Commercial/Retail	Minimum three (3) spaces per 1,000 square feet of gross floor area. A maximum of four and a half (4.5) spaces per 1,000 square feet of gross floor area.
Office	Two (2) spaces per 1,000 square feet of gross floor area. A maximum of two and a half (2.5) spaces per 1,000 square feet of gross floor area.
Warehouse/Industrial	One (1) space for each two (2) employees, plus space for every company-owned and -operated vehicle
Eating/Drinking establishments	One (1) space for each three (3) seats provided for patron use.
Assembly/Meeting halls/theaters	One (1) space for each five (5) seats or for each one hundred (100) square feet of auditorium area (if there are no fixed seats).
Lodging, Temporary	One (1) space per room/dwelling unit.
Mixed-Use	See Article 9.1
Other	Reasonable off-street parking requirements for uses not listed in this section shall be determined by the Site Plan Administrator.

7.7 Shared Parking for Mixed-Use Developments

In cases of a mix of uses on a site, the Permit Granting Authority may allow the reduction of the parking space requirements outlined in the Table of Required Parking Spaces if the proposed parking is deemed adequate. To implement a reduction in parking requirements for shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a

reduction in parking requirements based on an analysis of peak demand for non-competing uses.

7.8 Occupancy permits

No certificate of occupancy shall be issued unless the required parking facilities shall have been provided in accordance with those designated and approved on the approved plan.

Article 8. Signs

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Article 8. Signs

8.1 Purpose

- A.** The purpose of this Section is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and non-discriminatory sign standards and requirements, including the following specific purposes:
- (1) Ensure that all signs are compatible with the unique character and environment of the Town of Randolph, and that they support the desired ambience and development patterns of the various districts, overlay districts, and historic areas within the Town;
 - (2) Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
 - (3) Improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage; and
 - (4) Provide consistent sign design standards that enable the fair and consistent enforcement of these sign regulations.

8.2 Applicability

- A.** This Section applies to all signs within the Town of Randolph regardless of their nature, location or owner, unless specifically exempted in Section 8.4.
- (1) Standards for signs located in any historic district are regulated pursuant to Randolph General Ordinance Section 10.5 Construction or Alteration in an Historic District
 - (2) Nothing in this Section shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the Town of Randolph.

8.3 Substitutions and Interpretations

This Section is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this Section shall be construed to favor commercial speech over non-commercial speech.

If a commercial message is substituted for any other commercial message, a sign permit is required pursuant to Section 8.7.A.1.

8.4 Exemptions

A. The following signs are not regulated under this Section:

- (1) Any sign, posting, notice or similar signs placed, installed, or required by law by a municipality, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare.
- (2) Non-illuminated non-commercial wall signs not to exceed 4 sf on single-family and two-family residences in residential zoning districts.
- (3) Non-illuminated signs which provide incidental information including, but not limited to credit card acceptance, business hours, open/closed, no soliciting, directions to services and facilities, or menus, provided these signs do not exceed an aggregate of six (6) square feet in sign area.
- (4) Building identification signs not exceeding two (2) square feet in area for residential buildings and four (4) square feet in area for nonresidential and mixed-use buildings.
- (5) Construction signs in non-residential districts identifying the parties involved and the nature of the construction project. Such sign must be removed within 14 days after any portion of any structure is occupied or after any portion of the last structure in a multiple-building construction project is occupied.
- (6) Historical plaques and commemorative signs erected and maintained by non-profit organizations, building cornerstones, and date-constructed stones not exceeding four (4) square feet in area.

8.5 Prohibited Signs and Restrictions

A. Except as otherwise provided in this Section, the following signs/sign attributes are prohibited:

- (1) Signs that could be confused with any authorized traffic signal or device or that interfere with, obstruct, confuse or mislead traffic;
- (2) Animated features which rotate, move, or give the appearance of moving by mechanical, wind, or other means except for barber poles no more than three (3) feet in height and ten (10) inches in diameter, flags, and clocks are

excepted from this restriction;

- (3) Sound, odor, or any particulate matter including, bubbles, smoke, fog, confetti, or ashes;
- (4) Lighting devices with intermittent, flashing, rotating, blinking or strobe light illumination, animation, motion picture, or laser or motion picture projection, or any lighting effect creating the illusion of motion, as well as laser or hologram lights;
- (5) Surfaces that reflect light by means of a glossy, polished, or mirrored surface;
- (6) Inflatable balloons, spinners, strings of flags and pennants, feather banners, fixed aerial displays, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means either attached to a sign or to vehicles, structures, poles, trees and other vegetation, or similar support structures;
- (7) Any temporary sign, other than those signs allowed pursuant to Section 8.12;
- (8) Signs placed in or obstructing any sidewalk or right-of-way; and
- (9) Any other signs not specifically allowed by the provisions of this Section.

8.6 Sign Types Allowed by District

ALLOWED SIGN TYPES BY DISTRICT								
Sign Type	Residential RHDD, RMDD, RCMOD	Multifamily RMFD	Core CSBD	Business1 BD, BP	Business2 NRBD, OSBD, WCBD	Highway BRHD, GBHD	Industrial I	Special Use SFD
BUILDING MOUNTED SIGNS								
Awning Sign	-	√	√	√	√	√	√	-
Bracket Sign	-	√	√	√	-	-	√	-
Canopy Sign	-	√	√	-	√	√	√	-
Electronic Display	-	-	-	-	-	-	√	-
Sign Directory	-	√	√	√	√	√	√	-
Projecting Sign	-	√	√		√	√	√	-
Service Island Canopy	-	-	-	√	√	√	√	-
Wall Sign	√	√	√	√	√	√	√	-
Window Sign	√	√	√	√	√	√	√	-
FREESTANDING SIGNS								

ALLOWED SIGN TYPES BY DISTRICT								
Sign Type	Residential RHDD, RMDD, RCMOD	Multifamily RMFD	Core CSBD	Business1 BD, BP	Business2 NRBD, OSBD, WCBD	Highway BRHD, GBHD	Industrial I	Special Use SFD
Directory Sign	-	√	√	√	√	√	√	√
Electronic Display	-	-	√*			√	√	-
Drive-thru	-	-	√	√	√	√	√	-
Non-Accessory Sign	-	-	-	-	-	-	√	√
Monument Sign	-	√	√	-	√	√	√	√
Post Sign	-	√	√	√	√	√	√	√
Pylon Sign	-		√*	-	√	√	√	
TEMPORARY SIGNS								
Banner (mounted)	√	√	√	√	√	√	√	-
Post Sign	√	√	√	√	√	√	√	-
Yard sign	√	√	√	√	√	√	√	-

* Not permitted on North Main Street in the CSBD.

Additional restrictions may exist for parcels in any designated Historic District.

8.7 Procedures/ Permits Required

A. Permanent Signs.

- (1) Permit Required. A sign permit is required to erect, install, construct, move, alter, replace, suspend, display, or maintain (i.e., removal of the sign so that structural elements supporting the sign may be maintained) any permanent sign, unless otherwise specified in this Section. Each sign and change of copy (i.e., changing of the face or letters on a sign) requires a separate Sign Permit except as allowed in Section 8.3.
- (2) Review and Approval.
 - (a) Applications. An application for a sign permit shall be filed with the Department of Inspectional Services, together with required fees and supporting documentation.
 - (b) Review. The Building Commissioner shall review all sign permit applications and supporting documentation for compliance with the standards of this Section. The Planning Board, or designee, shall complete a design review.
 - (c) Determination. Following review, the Building Inspector and Planning Board, or designee, shall determine whether the sign permit may be issued or if

additional information is required from the applicant to complete the permit application. If the sign permit application is denied, the reason shall be stated in writing.

B. Temporary Signs.

- (1) Permit Required. A sign permit is required to display a temporary wall banner sign. All temporary signs must comply with applicable requirements and standards established in this Section.
- (2) Duration of Temporary Sign Permit. A sign permit is valid for up to thirty (30) days beginning with the date of issuance. One (1) extension of an additional thirty (30) days may be granted by the Building Commissioner upon written request.
- (3) Review and Approval.
 - (a) Applications. An application for a temporary sign permit and any supporting documentation shall be filed with the Department of Inspectional Services by a business owner or a property owner on behalf of the business.
 - (b) Each non-residential tenant in a multi-tenant building is entitled to a temporary sign in accordance with this Section.
 - (c) Review. The Building Commissioner shall review the temporary sign permit application. The Building Commissioner may refer the temporary sign permit application to the Planning Board, or their designee, for review before issuing the sign permit.
 - (d) Determination. The Building Commissioner shall determine whether the temporary sign permit may be issued or if additional information is required from the applicant to complete the permit application. If the temporary sign permit application is denied, the reason shall be stated in writing.

C. Non-Accessory Signs.

- (1) **Authority.** A non-accessory sign shall require a Special Permit granted by the Town Council, a sign permit issued by the Building Commissioner, or designee, and all other applicable permits and licenses required by local, state or federal laws unless such sign is permitted under a permit lawfully issued, and remaining in full force and effect, by the Commonwealth of Massachusetts, or by any board

or official succeeding to its authority in the administration of MGL c. 93, §§ 29 through 33.

(2) **Permitted Locations.** Non-accessory signs are permitted in the Sanitary Facility District and Industrial Districts only.

(3) **Application.** A request for a non-accessory sign shall be made on forms provided by the Special Permit Granting Authority (SPGA) and, after approval, on applications made available through the Building Commissioner.

(4) **Standards.**

(a) Dimensions

- i. Non-accessory signs, including structural support(s), shall not exceed seventy (70) feet in height.
- ii. Each non-accessory sign must have no more than two (2) faces and each face shall measure a maximum of six hundred seventy-two (672) square feet [fourteen (14) feet in height by forty-eight (48) feet in length] in area.

(b) Location

- i. Non-accessory signs shall not be within two hundred (200) feet from any residential district.
- ii. A non-accessory sign shall not be nearer than fifty (50) feet to any other such non-accessory sign(s).
- iii. There shall be no more than a total of two (2) non-accessory signs located within the permitted zoning districts.

(c) Illumination

- i. Signs may be illuminated by reflected, light-emitting diode (LED) or silhouette-type lighting.
- ii. No illumination shall be permitted which casts a glare on any residential premises. Signs shall be equipped with shielding, lenses or cut-off devices to eliminate light trespass and limit to three-tenths (0.3) foot-candle measured at the property line.

(d) Non-accessory signs may contain moving, non-moving, fixed or tri-vision (or similar) technology so long as it would not create a driving hazard.

(e) Electronic displays.

- i. Advertising surfaces must have a minimum duration of ten (10) seconds with a change sequence of instantaneous re-pixelization.

- ii. The sign does not display illumination that moves, appears to move or changes in intensity during the static display period. This does not include changes to a display for time, date and temperature.
- iii. The sign automatically adjusts the intensity of its display according to natural ambient light conditions.
- iv. The brightness of the electronic sign shall not exceed three-tenths (0.3) foot-candle above ambient light as measured perpendicular to the sign face at two hundred fifty (250) using a foot-candle meter.
- v. The sign may not contain more than one (1) face visible from the same direction on the traveled way.
- vi. The sign may not be located within one thousand (1,000) feet of another off-premises permitted electronic sign on the same side of the traveled way regardless of which direction the sign is intended to face.
- vii. The sign may not be within one thousand (1,000) feet of another off-premises permitted electronic sign on the opposite side of the traveled way regardless of which direction the sign is intended to face.

(5) Prohibited.

- (a) No audio is permitted.
- (b) Non-accessory signs attached to a roof are not permitted.
- (c) Non-accessory signs shall not cause beams or rays of light to be directed at any portion of the traveled way, which beams or rays are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or otherwise interfere with the operation of a motor vehicle.
- (d) Non-accessory signs shall not obscure or otherwise interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

8.8 Nonconforming Signs

- A.** At the effective date of this ordinance (XXX,DD,YYYY) any sign or advertising device which is being used in a manner or for a purpose which is otherwise lawful but does not comply with the provisions of this Section shall be deemed legal but nonconforming.
- B.** Nonconforming signs are required to be maintained in good condition. Nothing in this Section affects an existing sign or the right to its continued use for the purpose used at the time this Section takes effect, nor to make any reasonable repairs.
- C.** A legal nonconforming sign that has been damaged or has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the

replacement cost of the sign at the time of restoration, must be removed or repaired, rebuilt or replaced only in compliance with the provisions of this Section.

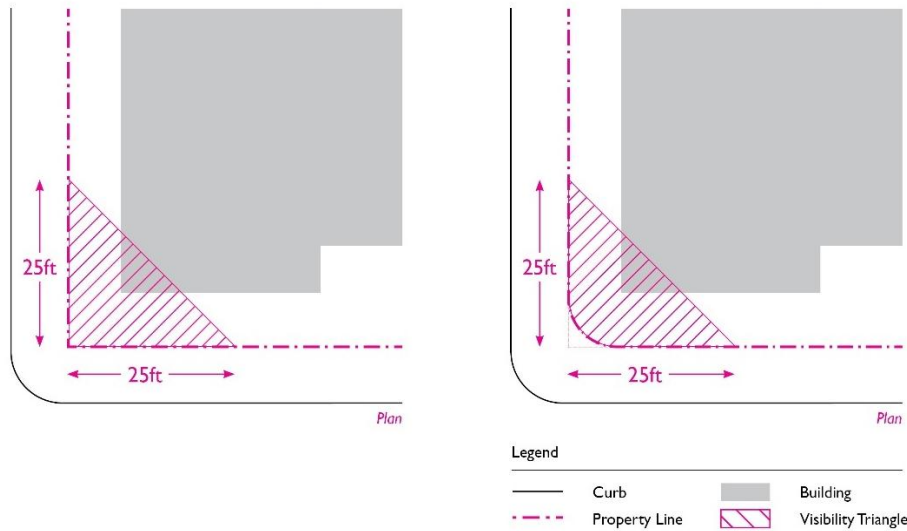
- D.** Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when the use of the sign and/or the property on which the sign is located has been abandoned, ceased operations, become vacant, or been unoccupied for a period of 180 consecutive days or more as long as the period of non-use is attributable at least in part to the property owner, tenant, or other person or entity in control of the use.

For purposes of this Section, rental payments or lease payments and taxes shall not be considered as a continued use. In the event this should occur, these conditions will be considered as evidence of abandonment, requiring removal of the nonconforming sign by the owner of the property, their agent, or person having the beneficial use of the property, building or structure upon which the nonconforming sign or sign structure is erected within 30 days after written notification from the Building Commissioner. If, within the 30-day period, the nonconforming sign is not removed, enforcement action shall be pursued.

- E.** In no event shall the degree of nonconformity of any sign or type of signage be increased.

8.9 General Requirements for All Signs

- A. Location Restriction.** Except where specifically authorized in this Section, signs may not be placed in the following locations:
 - (1) Within, on, or projecting over public property, Town rights-of-way, or waterways, except signs specifically authorized by this Section;
 - (2) Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device;
 - (3) On property at any corner formed by intersecting streets, as shown in the diagram below.



- (4) Areas allowing for ingress to or egress from any door, window, vent, exit way or fire lane required by the Building Code or Fire Department regulations currently in effect;
- (5) Off the premises of the business to which the commercial advertising sign refers, except as provided in Section 8.12;
- (6) On fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;
- (7) Tacked, painted, burned, cut, pasted, or otherwise affixed to trees, rocks, light and utility poles, posts, fences, ladders, benches, or similar supports that are visible from a public way; and
- (8) On the roof of a building or structure.

B. Sign Illumination.

Residential Districts. All permanent signs for single-family, two-family, and multifamily residences and all temporary signs must be non-illuminated.

All Other Districts. All allowed permanent signs may be non-illuminated, illuminated by internal light fixtures, halo illuminated, or illuminated by external indirect illumination, unless otherwise specified.

- (1) No sign shall be illuminated between 12:00 AM and 6:00 AM, except signs identifying emergency services on premises open for business during that time.
- (2) Externally Illuminated Signs must be illuminated only with steady, stationary, fully-shielded light sources directed solely onto the sign without causing glare.

The light source for externally illuminated signs must be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties.

C. Structure and Installation.

The construction of signs shall be enforced and administered by the Building Commissioner. All signs and advertising structures must be designed to comply with the provisions of this section and applicable provisions of the Building and Electrical Codes.

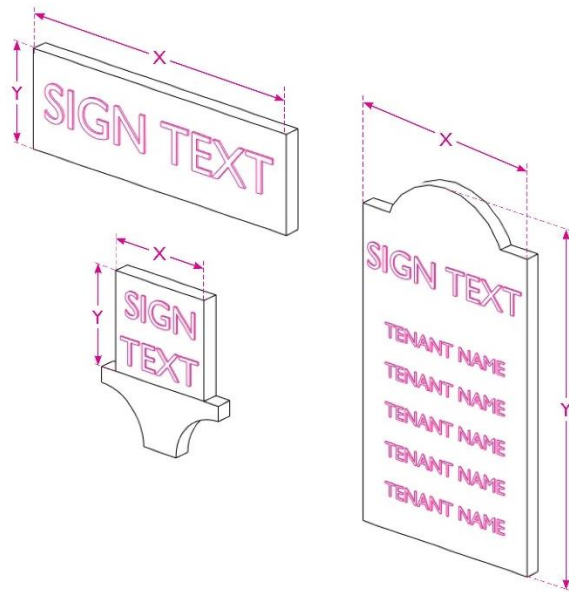
- (1) Any angle iron, bracing, guy wires, or similar features used to support a sign must not be visible to the extent technically feasible.
- (2) Where electrical service is provided to freestanding signs or building mounted signs, the service must be placed underground and concealed. Electrical service to building mounted signs, including conduit, housings, and wire, must be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A building permit shall be issued prior to installation of any new signs requiring electrical service.
- (3) All permanent signs allowed by this Section must be constructed of durable materials capable of withstanding continuous exposure to the elements and must be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.
- (4) Raceway cabinets shall only be used in building mounted signs when access to the wall behind the sign is not feasible, shall not extend in width and height beyond the area of the sign, and shall match the color of the building to which it is attached. A raceway cabinet is not a cabinet sign.

D. Sign Area Measurement.

Sign area for all sign types is measured as follows:

- (1) Signs on Background Panel. Sign copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the smallest rectangle that will enclose both the sign copy and the background.

Sign Area for Signs on Background Panel



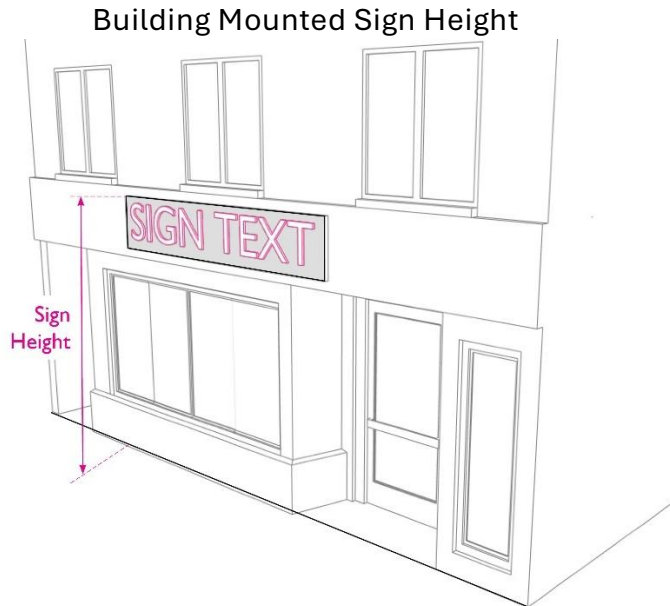
This diagram is included for illustrative purposes only.

- (2) Signs with Individual Letters. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose all words and graphics in the total sign.
- (3) Signs on Illuminated Surfaces. Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy. Such elements may include lit canopy fascia signs, and/or interior lit awnings.
- (4) Irregular Shaped Signs. Sign area for irregular shaped signs is measured as the smallest rectangle that will enclose all words and graphics in the total sign

E. Sign Height Measurement.

Sign height is measured as follows:

- (1) Building Mounted Sign Height. The height of signs mounted on the wall, fascia, mansard, or parapet is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.



This diagram is included for illustrative purposes only.

- (2) Freestanding Sign Height. Sign height is measured as the vertical distance from the average elevation of the finished grade at the base of the sign to the top of the sign or sign structure.

F. Sign Maintenance.

Unless otherwise specified in this Section, all signs must be maintained by any property owner, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land. Signs must be maintained in a condition or state of equivalent quality to that which was approved or required by the Building Commissioner.

- (1) All signs together with their supports and appurtenances must be maintained in good structural condition, in compliance with applicable Building and Electrical Codes, and in conformance with this Section. Maintenance of a sign includes periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this Section.
- (2) Required landscaped areas contained by a fixed border, curbed area, wall, or other perimeter structure must receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within three months.

- (3) The Building Commissioner has the authority to order the repair, maintenance, or removal of any sign or sign structure that has not been maintained and is dangerous or in disrepair, or which is erected or maintained contrary to the requirements of this Section.
- (4) Failure to maintain a sign constitutes a violation of this Section and shall be subject to enforcement action, in which case the Building Commissioner may order the removal of any sign that is determined to be in disrepair or dangerous.

8.10 Standards for Building Mounted Signs

All diagrams are included for illustrative purposes only.

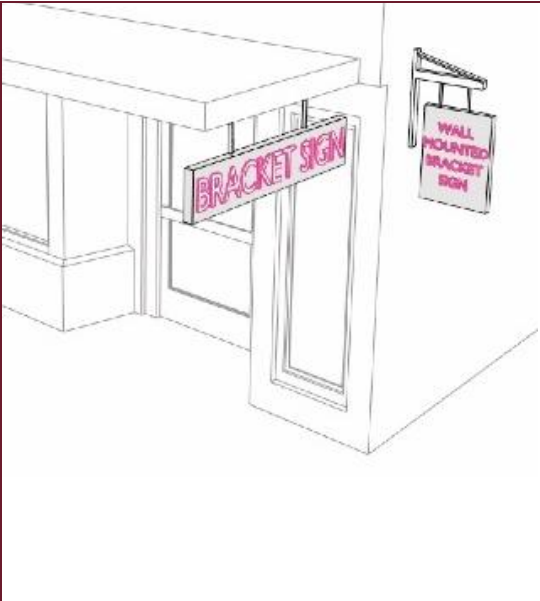
a. Awning Sign.

Awning Sign Standards	
Standard	Requirements
Sign Area ¹	1 sq. ft. of sign area per linear foot of awning width.
Mounting Height	Min. of 10 ft. from the bottom of the awning to the sidewalk.
Sign Placement	Only above the doors and windows of the ground or second floor of a building. Must not project above, below, or beyond the edges of the face of the building wall or architectural element on which it is located. Sign width shall not be greater than 60% of the width of the awning face or
Setback from	Min. 2 ft. back of curb
Illumination	Non-illuminated or illumination under the awning.
Permitting	Sign permit required.
<p>End Notes: ¹ If an awning is placed on multiple store fronts, each business is allowed signage no greater than 60% of the width of the store front.</p>	



b. Bracket Sign.


Bracket Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per business.
Sign Area	Max. 12 sq. ft.
Mounting Height	Min. of 10 ft. from the bottom of the sign to the sidewalk. Must be mounted perpendicular to the building face or corner of the
Sign Placement	If mounted below the underside of a walkway or overhead structure, must not extend beyond the edge of the structure on which it is located.
Sign Projection	Max. 3 feet from the building façade.
Illumination	Non-illuminated or externally illuminated.
Permitting	Sign permit required.



The diagram shows two types of bracket signs. On the left, a sign with the text 'BRACKET SIGN' is mounted on a building's corner using a bracket. On the right, a sign with the text 'WALL MOUNTED BRACKET SIGN' is mounted on a wall using a bracket.

c. Canopy Sign.

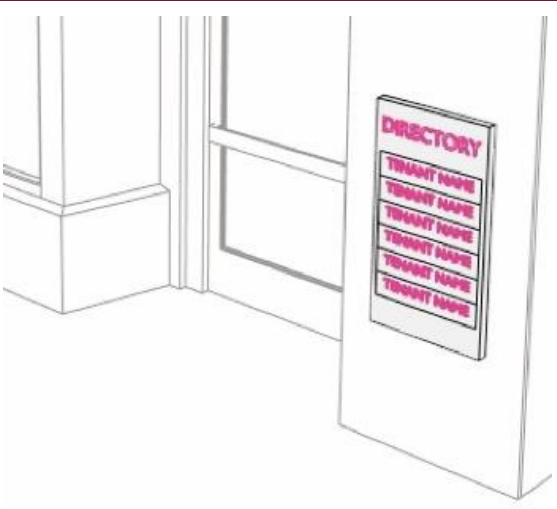
Canopy Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per business.
Sign Area	1 sq. ft. of sign area per linear foot of canopy width.
Mounting Height	Max. 20 ft. on ground floor canopies. Min. of 10 ft. from the bottom of the sign to the sidewalk.
Illumination	Non-illuminated or internal illumination only.
Permitting	Sign permit required.



The diagram shows a canopy sign with the text 'CANOPY SIGN TEXT' mounted on a horizontal canopy structure above a building's entrance.

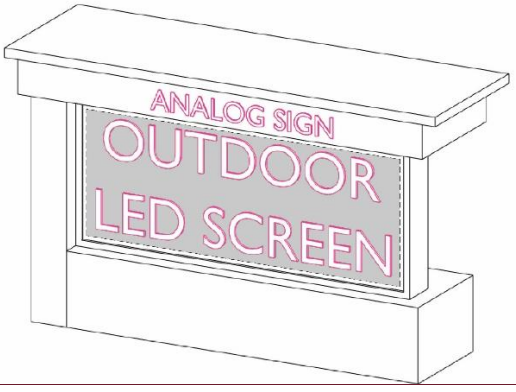
d. Directory Sign.

Directory Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per building.
Sign Area	1 sq. ft. per occupant or tenant space. Max. 16 sq. ft.
Mounting Height	Max. 6 ft. from nearest grade.
Illumination	Non-illuminated, internally illuminated, or
Permitting	Sign permit required.
Special Provisions	A Master Sign Plan with color scheme is required. No additional permit is required for new tenant panels in compliance with approved directory sign and master sign plan.

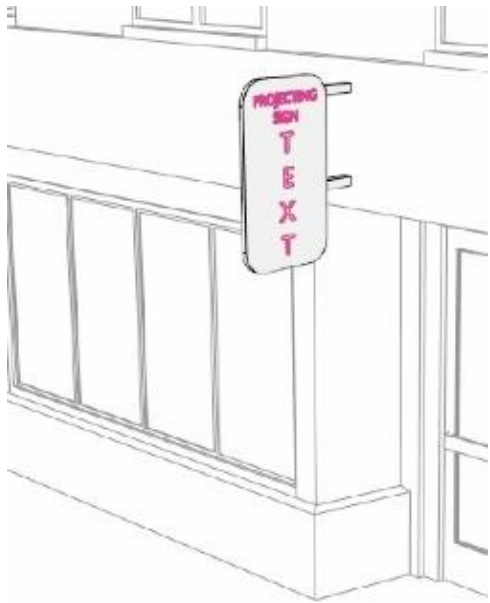


e. Electronic Display Sign.

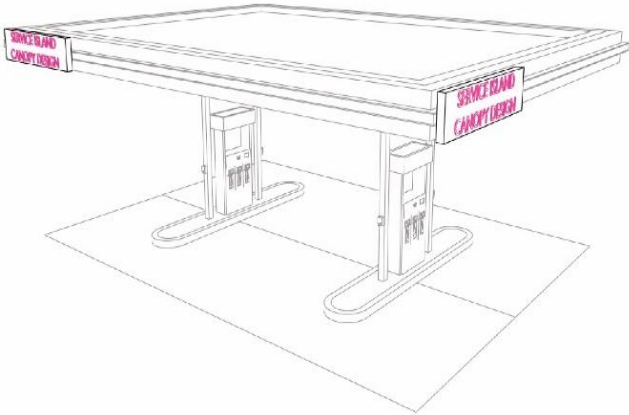
Electronic Display Sign Standards	
Standard	Requirements
Number of Signs.	Max. 1 per building
Sign Area	Max. 16 sq. ft.
Mounting Height	Max. 6 ft. from nearest grade.
Illumination	Non-illuminated, internally illuminated, or externally illuminated only.
Permitting	Sign permit required.
Special Provisions	Message change frequency shall not be less than 15 seconds. Electronic display may be no more than 50% of the permitted height of a freestanding sign.



f. Projecting Sign.

Projecting Sign Standards		Requirements
Standard		
Number of Signs	Max. 1 per business.	
Sign Area	Max. 12 sq. ft. per side	
Sign Width	Max. 2 ft.	
Mounting Height	Min. of 10 ft. from the bottom of the sign to the sidewalk. Max of 20 ft. from the bottom of the sign to the sidewalk.	
Projection	Max. 12 inches from the wall.	
Illumination	Non-illuminated or externally illuminated.	
Permitting	Sign permit required.	

g. Service Island Canopy Sign.

Service Island Canopy Sign Standards		Requirements
Standard		
Number of Signs	Max. 1 per canopy side	
Sign Area	Max. 20 sq. ft.	
Illumination	Non-illuminated or internally illuminated.	
Permitting	Sign permit required.	

h. Wall Sign.

Wall Sign Standards		
District	Sign Area and Number of Signs	Sign Height
Residential District	Max. 1; Max. 4 sq. ft. per residence	Max. 6 ft. to the nearest grade
Multifamily/Mixed-Use District	Max. 1 per residential building; Max. 8 sq. ft. Max. 1 per frontage for businesses; Max. 20 sq. ft.	Max. 6 ft. to the nearest grade
Core District	Max. 1 per frontage; Max. 40 sq. ft. per business or max. 60% per wall	Max. 25 ft. to the nearest grade
Business District 1	Max. 1 per frontage; Max. 10 sq. ft. per business or max. 60% per wall	Max. 10 ft. to the nearest grade
Business District 2	Max. 1 per frontage; Max. 40 sq. ft. per business or max. 60% per wall	Max. 25 ft. to the nearest grade
Highway District	Max. 1 per frontage; Max. 40 sq. ft. per business or max. 60% per wall	Max. 25 ft. to the nearest grade
Industrial District	Max. 1; Max. 40 sq. ft. per business or max. 60% per wall	Max. 10 ft. to the nearest grade
Standard	Requirement	
Sign Placement	<p>The total sign area for signs on single-tenant or multi-tenant buildings may be placed on any building elevation, subject to the following standards:</p> <ol style="list-style-type: none"> (1) At least 1 sign must be placed above or associated with the building entry; (2) The width of the sign shall be no greater than 60% of the width of the building element on which it is displayed; (3) Signs shall be placed at least 12 inches or 20% of the width of the building element on which they are mounted, whichever is less, from the sides of the building element; and (4) Signs shall be placed at least 12 inches or 20% of the height of the building element on which they are mounted, whichever is less, from the top and bottom edge of the building element. 	
Illumination	<p>Business District 1, Core and Residential districts: non-illuminated or external illumination</p> <p>Other districts: Non-illuminated, internally illuminated, or externally illuminated.</p>	
Permitting	Sign permit is required, except no permit required for single-family and two-family residences.	
Special Provisions for Painted Wall Signs	Painted wall signs are not allowed on any exterior building wall of an individual tenant space or building.	

Wall Sign Standards



i. Window Sign.

Window Sign Standards	
Standard	Requirements
Sign Area	Combined area of permanent and temporary window signs must not exceed 30% of the area of the window where they are displayed.
Sign Placement	No higher than 2nd story windows. Inside mounting required.
Illumination	Non-illuminated or externally illuminated only.
Permitting	Sign permit not required.

PERMANENT WINDOW SIGN → Sign Area A

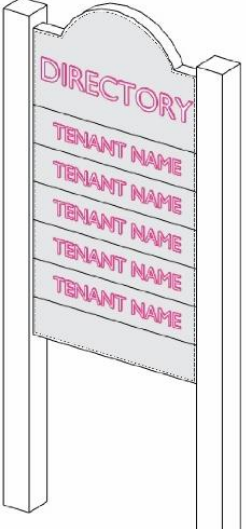
TEMPORARY WINDOW SIGN → Sign Area B

→ Window Area

8.11 Standards for All Permanent Freestanding Sign Types

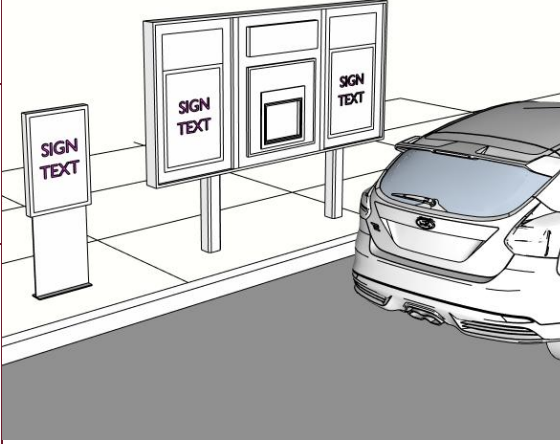
A. Directory Sign.

Directory Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per building.
Sign Area	2 sq. ft. per occupant or tenant space.
Height	Max. 6 ft. from nearest grade.
Illumination	Non-illuminated, internally illuminated, or externally illuminated only.
Permitting	Sign permit required.
Special Provisions	A Master Sign Plan with color scheme is required. No additional permit is required for new tenant panels in compliance with approved directory sign and master sign plan.




B. Drive-Through Signs


Directory Sign Standards	
Standard	Requirements
Number of Signs	Max. 2 per site.
Sign Area	Max. 40 sf
Height	Max. 7 ft. from nearest grade.
Illumination	Non-illuminated, internally illuminated, or externally illuminated.
Permitting	Sign permit required.
Special Provisions	May be electronic display. Must be oriented to on-site customers and not the right-of-way. Cannot be located within the required corner cutoff areas at driveway or drive-through entrances/exits.



C. Monument Sign.

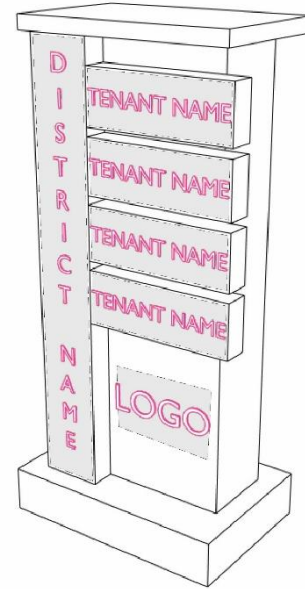
Monument Signs Standards		
District	Sign Area and Number of Signs	Sign Height
Residential	Max. 1 per residence; Max. 32 sq. ft.	Max. 4 ft. to the nearest grade
Multifamily/Mixed-Use	Max. 1 per frontage; Max. 48 sq. ft.	Max. 8 ft. to the nearest grade
Core District	Max. 1 per frontage; Max. 125 sq. ft. 3 or more businesses = 250 sq. ft. max	Max. 10 ft. to the nearest grade Max. 20 ft. to the nearest grade
Business District 1	Max. 1 per frontage; Max. 48 sq. ft. 3 or more businesses = 96 sq. ft. max	Max. 8 ft. to the nearest grade Max. 20 ft. to the nearest grade
Business District 2	Max. 1 per frontage; Max. 125 sq. ft. 3 or more businesses = 250 sq. ft. max	Max. 10 ft. to the nearest grade Max. 20 ft. to the nearest grade
Highway District	Max. 1 per frontage; Max. 125 sq. ft. 3 or more businesses = 250 sq. ft. max	Max. 10 ft. to the nearest grade Max. 20 ft. to the nearest grade
Industrial District	Max. 1 per frontage; Max. 125 sq. ft. 3 or more businesses = 250 sq. ft. max	Max. 10 ft. to the nearest grade Max. 20 ft. to the nearest grade
Standard	Requirement	
Sign Placement	Min. 10 ft. setback from property line.	
Illumination	Non-illuminated or externally illuminated.	
Permitting	Sign permit is required.	
		
Special Provisions	Requirement	
Name of Property	The name of a property is included in the area and height limits for freestanding signs.	
Electronic Display	Where permitted, the display is included in the area and height limits and may not be greater than 50% of the total sign height.	
Landscaping	A landscaped area consisting of shrubs, and/or perennial ground cover plants with a max. spacing of 3 ft. on center is required around the base of the signs.	

D. Post Sign (Permanent).

Post Sign Standards		
Standard	Requirements	
Number of Signs	1 per lot.	
Sign Area	See district specific regulations below.	
Sign Placement	Min. 10 ft. setback from property line.	
Illumination	Non-illuminated or externally illuminated with down directed, fully shielded fixtures only.	
Permitting	Sign permit is required.	
		
District	Sign Area and Number of Signs	Sign Height
Residential	Max. 1 per residence and 1 per frontage for businesses; Max. 8 sq. ft.	Max. 6 ft. to the nearest grade
Multifamily/ Mixed-Use	Max. 1 per frontage; Max. 24 sq. ft.	Max. 6 ft. to the nearest grade
Core District	Max. 1 per frontage; Max. 12 sq. ft.	Max. 6 ft. to the nearest grade
Business1 District	Max. 1 per frontage; Max. 12 sq. ft.	Max. 8 ft. to the nearest grade
Business2 District	Max. 1 per frontage; Max. 12 sq. ft.	Max. 8 ft. to the nearest grade
Highway District	Max. 1 per frontage; Max. 24 sq. ft.	Max. 8 ft. to the nearest grade
Industrial District	Max. 1 per frontage; Max. 24 sq. ft.	Max. 8 ft. to the nearest grade

E. Pylon Sign.

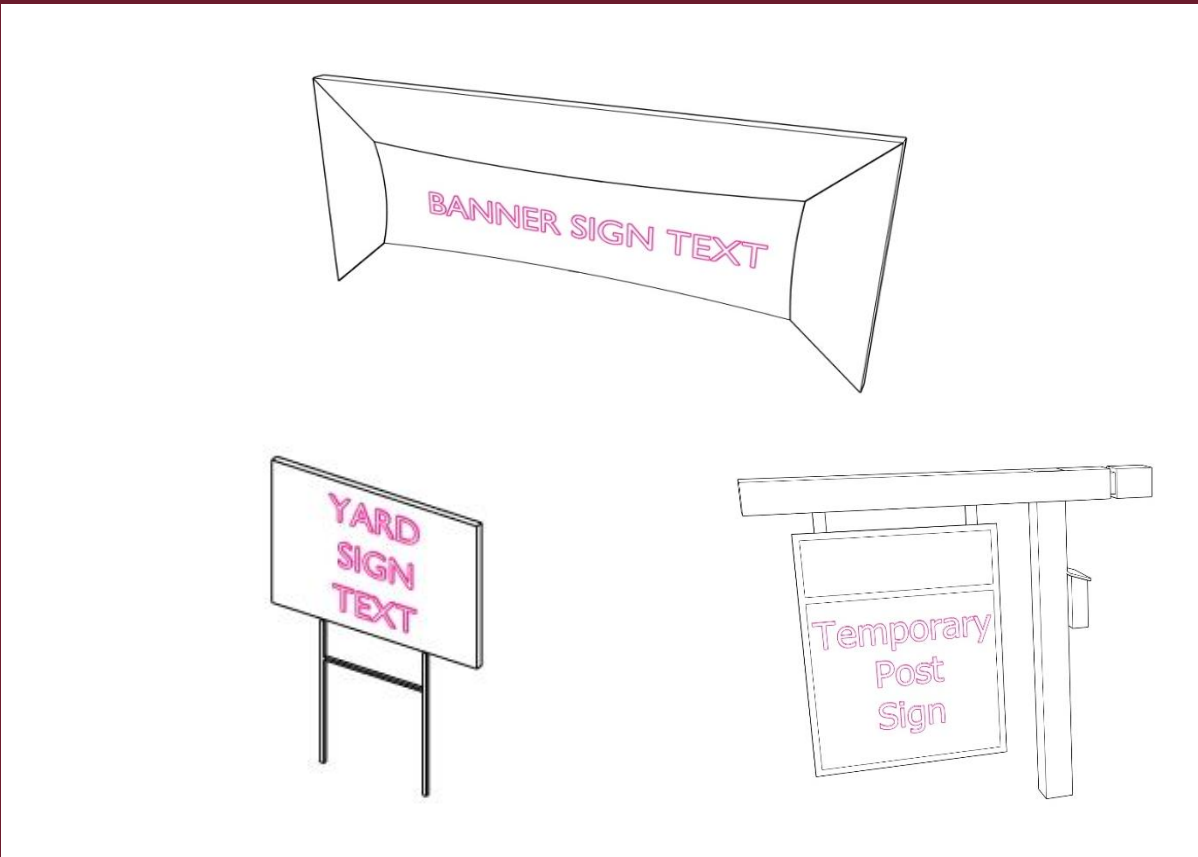
Pylon Sign Standards	
Standard	Requirements
Sign Structure	Core District: 20 ft height, 10 ft width Business 2: 20 ft height, 10 ft width Highway: 30 ft height, 12 ft width Industrial: 30 ft height, 12 ft width
Tenant Panels	Max. height: 4 ft Max. width: 8 ft
Setback from	Min. 10 ft. back of curb
Illumination	Core: external only Business 2: external or internal Highway: external or internal Industrial: external or internal
Permitting	Sign permit required.
Special Provisions	Sign structure must have a planter base or landscape area of at least 100 sf. A Master Sign Plan with color scheme is required. No additional permit is required for new tenant panels in compliance with approved pylon sign and master sign plan.



8.12 Standards for Temporary Signs

- A. General to All.** Temporary signs are allowed in all zoning districts only in compliance with the time, place and manner restrictions provided in this Section.
- (1) A temporary sign permit is required for the display of temporary banner signs.
 - (2) No permit is required for yard signs.
 - (3) All temporary signs must be placed in a manner allowing traffic visibility for street corners and driveways.
 - (4) Temporary signs are not counted toward the total allowable sign area or number of permanent signs.

Standards for Temporary Signs	
Applicable to All Districts	
Placement	Sign placement must not create a hazard for pedestrian or vehicular traffic.
Prohibited Elements	Illumination, including flashing or blinking lights; animation; reflective materials; and attachments, including balloons, ribbons, loudspeakers, etc.
Design and Construction	Signs must be of sufficient weight and durability to withstand wind gusts, storms, etc., for the safety of pedestrians, bicyclists, and vehicles.
Permitting	No permit required
All Residential Districts	
Allowed Sign Types	Yard sign and Post sign
Total Sign Area	Max. 12 sq. ft. per lot
Number of Signs	Unlimited, except that the total sign area must not exceed 12 sq. ft.
Multifamily and Non-Residential Sign Districts	
Allowed Sign Types	Yard Sign, Banners, and Post Signs
Total Sign Area	Max. 24 sq. ft. per business; excludes the area of temporary wall banner signs and window signs.
Number of Signs	Unlimited, except that the total sign area must not exceed 24 sq. ft. per business.



8.13 Appeals

Decisions of the Building Inspector may be appealed by any aggrieved person to the Zoning Board of Appeals. Decisions of the SPGA may be appealed by any aggrieved person pursuant to MGL c. 40A, § 17.

Article 9. Special Regulations

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Article 9. Special Regulations

9.1 Mixed-use

In each district in which Mixed-Use is permitted, a development shall comply with the following minimum requirements. Unless otherwise stated, the requirements of this section shall apply to uses and structures permitted under the regulations of this section. In the event of a conflict, the regulations of this section shall apply.

A. Exceptions.

- (1) This section, Mixed-Use, shall not apply to any overlay district.

B. Applicability.

- (1) Only uses that are permitted by right or special permit in the zoning district may be included in the mixed-use development.
 - (a) Neither drive-through windows, accessory uses with a drive-up/drive-through function nor 24-hour business operations are permitted in a Mixed-Use development.
- (2) Notwithstanding the other provisions contained in this Town of Randolph Zoning Ordinance, the Planning Board shall be the Special Permit Granting Authority (SPGA) for a Mixed-Use Development when there are fewer than twenty-five (25) dwelling units (existing or new) proposed.
- (3) Notwithstanding the other provisions contained in this Town of Randolph Zoning Ordinance, the Town Council shall be the Special Permit Granting Authority for any Mixed-Use development when there are twenty-five (25) or greater dwelling units (existing or new) proposed.
- (4) If a nonresidential use in a Mixed-Use development requires a Special Permit, the SPGA issuing the special permit for the Mixed-Use development shall also be the SPGA for the nonresidential use superseding any other section of this Town of Randolph Zoning Ordinance.
- (5) Site Plan Design Review shall be conducted by the applicable SPGA.

C. Dimensions.

- (1) The dimensional standards generally applicable in the district as set forth in the Table of Dimensional Requirements shall apply.
- (2) The SPGA may waive dimensional requirements when a Mixed-Use development includes the redevelopment of an existing structure.

- (3) More than one structure on a parcel is permitted upon review and decision of the SPGA.
- (4) Any Back-Lot Structure(s) may not be taller than the principal structure.

D. Site design standards.

- (1) All permitted nonresidential uses shall be limited to the ground floor and basement of the principal structure. The SPGA may permit nonresidential uses to occupy other floors of the principal structure only after determining that the location and design of such spaces, including access and egress, will not impact the privacy or security of residential occupants.
- (2) If the Mixed-Use Development includes multiple structures, any Back-Lot Structure(s) may contain either a mix of nonresidential uses and dwelling units or only dwelling units.
- (3) The nonresidential uses in a Mixed-Use development shall be developed prior to or concurrently with residential uses. Concurrency shall be established by approval of a Master Plan that provides a mix of uses that includes all proposed uses.
- (4) A minimum of twenty-five percent (25%) and a maximum of seventy-five percent (75%) of the total square footage of all structures contained in a Mixed-Use Development shall be devoted to dwelling units.
- (5) Minimum residential densities for a Mixed-Use development shall be twelve (12) units per gross acre.
 - (a) Density shall be calculated as the total area of the parcel less any land which is part of a Wetland Resource Area as specified in 310 CMR 10.02(1)(a) subject to protection under the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, nor any land within seventy-five (75) feet of such Wetland Resource Area.
 - (b) When a development site is composed of two (2) or more phases, each phase shall also meet this standard.
- (6) Dwelling units must contain a minimum of six hundred twenty-five (625) square feet of usable living area.
- (7) In any Principal Structure, entry to the dwelling units must be from the side or back of the structure; not on the street frontage or any open public space.
- (8) At least one designated entrance for nonresidential uses shall be provided on each floor of a structure that contains a nonresidential use.

- (9) Areas of a structure intended for nonresidential use must be constructed such that there is no direct access to areas of the structure intended for dwelling units except as necessary in an emergency.
- (10) Ground level frontage of the Principal Structure shall be devoted to nonresidential entrances, windows and public open space amenities.
- (11) In newly constructed Principal Structures in a Mixed-Use Development, ground floors shall be a minimum of eleven (11) feet from floor to ceiling to enhance the pedestrian streetscape regardless of the overall building height.
- (12) Clear pedestrian pathways shall be provided between structures on the same parcel and, to the extent practicable, between buildings on adjacent parcels to ensure continuous safe pedestrian access.
- (13) A Mixed-Use development must provide a sign plan to the SPGA at the time of application.
 - (a) Wall signs for nonresidential uses may be illuminated with exterior lighting or by reverse channel letters only.
- (14) Where any Mixed-Use development abuts a residentially zoned parcel(s), there shall be adequate transition between the Mixed-Use development and adjacent residentially zoned parcel(s). Fencing, landscaping and similar items may be used to accomplish this.

E. Parking.

- (1) Parking areas, including below- or at-grade structures, for a Mixed-Use development shall be located to the side and/or rear of the parcel; parking is prohibited in the front yard.
 - (a) Parking areas that abut any public right-of-way or any at-grade parking structure shall require screening.
 - (b) Where locating parking according to the terms of this zoning ordinance is not feasible due to existing structures, topography, alternative locations shall be considered by the SPGA.
- (2) There shall be a minimum of one and one-quarter (1.25) parking spaces for each dwelling unit (rounded up).
- (3) There shall be a minimum of one (1) space per one thousand (1,000) square feet of nonresidential floor area.

- (4) In the event of a restaurant one (1) parking space shall be provided for every four (4) patron seats.
- (5) A lesser number of parking spaces may be permitted by the SPGA upon determination that the Special Permit applicant has demonstrated, through methods acceptable to the SPGA, that parking demand will not exceed what can be met by the minimum required parking.
- (6) Bicycle parking shall be provided as follows:
 - (a) A minimum of one (1) space per every ten (10) dwelling units (rounded up) located indoors near the primary entrance to the development's dwelling units.
 - (b) A minimum of one (1) space for every five thousand (5,000) square feet of nonresidential floor area (rounded down) located near the primary entrance to ground floor nonresidential units.

F. Affordable dwelling units – subsidized housing inventory. Any Mixed-Use development, whether through conversion or new construction, that includes greater than ten (10) dwelling units, must include dwelling units that comply with the requirements and regulations of the Executive Office of Housing and Livable Communities (EOHLC) as Local Action Units (LAU) through a Local Initiative Program (LIP) as specified below:

- (1) Ownership units. For all Mixed-Use developments where the Affordable Dwelling Units proposed are Homeownership Units, not less than twenty percent (20%) of the total dwelling units constructed in the mixed-use development shall be Affordable Dwelling Units.
- (2) Rental Units. For all Mixed-Use developments where the Affordable Dwelling Units proposed are Rental Units, not less than twenty-five percent (25%) of the total housing units in any building containing rental units shall be Affordable Dwelling Units.
- (3) For purposes of calculating the number of Affordable Dwelling Units required within a Mixed-Use Development, any fractional unit of five-tenths (0.5) or greater shall be deemed to constitute a whole unit.
- (4) All Affordable Dwelling Units shall be integrated within the Mixed-Use development and shall be comparable in design, floor area, number of bedrooms, appearance, construction and quality of materials with market rate units.

- (5) Occupancy permits for dwelling units in a Mixed-Use development shall not be issued without confirmation that a LIP/LAU has been submitted to EOHLC.

9.2 Planned Residential Development

A. Purpose.

- (1) Planned Residential Development (PRD) allows an alternative pattern of residential land development to encourage innovation and variety in housing design and site development and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs.
- (2) The standards in this section are intended to create a community of modestly sized dwelling units with commonly held community amenities and oriented around open space. These standards are intended to promote neighborhood interaction and safety through design while ensuring compatibility with neighboring land uses and surrounding properties.
- (3) PRD's provide opportunities for infill development that support the growth management goal of more efficient use of land.

B. Permitted Uses.

The following uses shall be permitted in any PRD:

- (1) Bungalows, cottages, single family detached and semi-detached dwellings, two-family dwellings of dwellings provided they meet the criteria in this chapter.
- (2) Commonly owned community building(s) for the use of the residents of the development. Such buildings shall not include commercial uses, sleeping quarters or bathing facilities (unless the bathing facility is clearly incidental to a recreational facility located within the common building).
- (3) Garages or carports.
- (4) Community gardens, play structures and passive recreational opportunities for use of the residents of the development.

C. Applicability.

- (1) This chapter shall apply to parcels that meet the criteria outlined in Section 9.2.D.
- (2) The requirements in this chapter shall be the standards for development, redevelopment and use of real property within a PRD provided that an application is filed with the Town Council as Special Permit Granting Authority (SPGA) as provided for in this chapter.

- (3) Development shall be by a site master plan for complete or phased development.
- (4) Lots with legally pre-existing nonconforming structures shall be eligible for a special permit provided there is no increase in any dimensional nonconformity or the creation of new nonconformity.
- (5) For each proposed PRD project, the Site Plan Review provided for in the Town of Randolph Zoning Ordinance shall be conducted by the SPGA as part of the special permit process.

D. Dimensional Requirements.

Requirement	Standard/Condition	
Minimum Lot Size	A PRD shall be permitted upon a single lot or multiple contiguous lots in common ownership with definite boundaries ascertainable from a recorded deed or recorded plan	
	The lot(s) shall have a total area of not less than four (4) times the minimum lot size of the zoning district within which it is proposed, except in RMFD Zoning District where minimum district lot size applies.	
	Existing public or private ways need not constitute boundaries of the tract(s) but the area within any such ways shall not be counted in determining minimum tract size.	
Lot Frontage	When a PRD project is proposed for an individual lot, that lot must have minimum frontage on a public way of one hundred (100) feet. When a PRD project includes multiple contiguous parcels, the parcels, when combined, must have frontage of a minimum of one hundred (100) feet on a public way.	
	There shall be no minimum lot area, frontage or yard requirements for each dwelling unit within a PRD.	
Lot Depth	Minimum of 100 feet	
Lot Width	Minimum of 100 feet	
Setbacks	<i>Side yard:</i>	Minimum of 25 ft
	<i>Rear yard:</i>	Minimum of 25 ft
	<i>Front yard:</i>	Minimum of 25 ft
Buffer Strips	A PRD project shall require a buffer strip of twenty-five (25) feet where the lot abuts any non-PRD lot. Such buffer shall be maintained as a planting area for lawns, trees, shrubs and other landscape materials to provide a parklike separation between lots. In this buffer strip, walkways, fencing, sewer systems and wells may be constructed or maintained. No building, structure or paved space associated with parking may be located in the buffer strip.	
Access to the Lot	Access to the lot shall be provided from an existing public way and shall be through the existing frontage on such public way.	
	<i>No lot shown on a plan for which a permit is granted under this section may be further subdivided, and a notation to this effect shall be shown on the plan prior to recording at the Registry of Deeds.</i>	

E. Development Intensity.

- (1) Maximum Permissible Density: Maximum permissible density within a PRD shall not exceed three (3) times the total number of dwelling units that would be obtained through application of the underlying zoning district in which the lot(s) is located.
- (2) For purposes of this chapter only, permitted basic density shall be calculated as follows:
 - (a) Total area of the lot(s):
 - i. Less any land within a body of water or situated within a wetland or within fifty (50) feet of a bordering vegetated wetland (BVW).
 - ii. Less any existing public or private way.
 - iii. Divided by the minimum lot size permitted within the underlying zoning district.
 - (b) Fractional numbers. Where the computation results in a fractional number, only a fraction of one-half (1/2) or more shall be counted as one (1).
- (3) Existing Dwelling Units: When a detached single-family dwelling, which has been legally permitted on the lot(s) for a PRD, said dwelling may become non-conforming within the standards of this chapter and shall be permitted to remain provided, however, that:
 - (a) The dwelling unit shall be counted towards the maximum number of units permitted in the PRD.
 - (b) The dwelling unit may not be enlarged or modified to increase the non-conformity.
 - (c) The dwelling unit must meet applicable density and dimensional requirements of the underlying zoning district.

F. Site Design and Configuration Standards.

- (1) Arrangement.
 - (a) At least seventy-five percent (75%) of dwelling units shall be developed in clusters around common open space.
 - i. Within a cluster, each dwelling unit shall have a primary entry oriented to the common open space.
 - (b) No more than twenty-five percent (25%) of dwelling units may be developed in other configurations but must meet all other design requirements.

- (c) Dwelling units not oriented in a cluster shall have a primary entry oriented to a right-of-way.
- (2) Clusters.
 - (a) No grouping of dwelling units around a common open space shall include more than twelve (12) dwelling units.
 - (3) Common Open Space.
 - (a) No dimension of a common open space used to satisfy the minimum square footage requirement shall be less than ten (10) feet unless part of an unpaved path or trail.
 - (b) Each common open space shall be so configured so that dwelling units abut at least three (3) sides.
 - (c) Required common open space shall be divided into no more than two (2) separate areas per cluster of dwelling units.
 - (4) Setbacks and Building Separation.
 - (a) The face of the porch of each dwelling unit shall be setback from any sidewalk by ten (10) feet.
 - (b) There shall be a minimum of fourteen (14) feet separation between structures, not including projections.
 - (5) Fencing and Screening.
 - (a) Internal decorative fencing and screening may be used to delineate exclusive use areas, screen parking areas and structures, community assets, trash and recycling areas.
 - (b) Chain link and solid fences shall not be permitted internal to the development except to conceal trash and recycling areas.
 - (c) Solid fencing is permitted on the perimeter boundary to provide delineation between the PRD's higher density development and adjacent lower density land uses.
 - (d) Fencing to delineate an exclusive use area shall not exceed three (3) feet high.
 - (6) Lot Coverage. Impervious surfaces shall not exceed forty percent (40%) of the total land area of the lot(s) that comprise a PRD. Lot coverage is calculated for the overall PRD. Paved components of common open space and walkways shall not be counted in lot coverage calculations.

- (7) Slopes. Siting of dwelling units or common open space in areas with slopes exceeding fifteen percent (15%) is discouraged. Dwelling units shall not be placed in such areas if extensive use of retaining walls is necessary to create building pads or open space areas.
- (8) Mailboxes. The US Postal Services (USPS) is responsible for determining the method/mode of delivery for all developments. The mode of delivery includes the type of mailbox used and the location of the mailbox for each delivery address. Centralized delivery using Cluster Box Units (CBUs) may be required for mail delivery in developments. Prior to submission of a plan to the SPGA, the Applicant should contact the local postmaster to determine the location of collection units and note the approved location on the plans.

G. Parking.

- (1) Parking shall be located on the same property as the PRD and shall be located at the side or rear of dwelling units except as noted below.
- (2) Access to parking areas/structures shall be from alleys. Garages, carports, surface parking and driveways shall not be located between the common open space and the dwelling units.
- (3) Parking may be located in clusters of not more than six (6) adjoining uncovered spaces, carport or a shared detached garage serving a maximum of six (6) dwelling units. Such structure shall be a maximum of twelve-hundred (1,200) square feet and limited to six (6) single car bays per structure with an architectural design similar and compatible to that of the dwelling units within the PRD.
- (4) A shared detached garage or carport shall be reserved for the parking of vehicles owned by the residents of the development.
- (5) Parking shall be located within three hundred (300) feet of the entrance to the associated dwelling units. Parking requirements may not be fulfilled by parking on a public street.
- (6) Parking shall not exceed the following maximums:
 - (a) Dwelling units less than nine hundred (900) square feet: one (1) space.
 - (b) Dwelling units greater than nine hundred (900) square feet: two (2) spaces.
 - (c) Visitor parking: One (1) space for every five (5) dwelling units.
 - (d) Maximum parking space requirements shall include parking spaces in garages and carports.

- (7) Large open parking areas are not permitted in a PRD except in developments that provide a central parking area at the entrance to the PRD while providing only well-kept paths or delivery alleys to the rest of the area.

H. Dwelling Unit Design Standards.

The intent of this section is to ensure that a development that is unique in and of itself, provides its residents a close-knit community, uses multiple construction materials and treatments to provide an appealing aesthetic. All structures in a PRD shall be developed to meet the criteria in this chapter.

(1) Exterior Design.

- (a) Porches. Each dwelling unit shall have a covered main entry porch oriented toward the common open space or right of way as applicable. Covered porches shall be a minimum of six (6) feet deep and usable both in design and dimension.

- (b) Elevations. Units of identical elevation types must be separated by at least two (2) different elevations. No two adjacent structures shall be built with the same building elevation, facade materials or colors. Reverse elevations are not considered a different building elevation.

- (c) Corner Units. Units located on corners shall be architecturally designed to provide modulation and detail on both elevations. Examples of modulation include the use of bay windows, wrapped porches, dormers, etc.

- (2) Maximum Unit Size. Each dwelling unit shall have a maximum of 1,100 square feet. If the unit includes an attached garage, the garage shall be included in the calculation of total area.

- (3) Maximum Height. The maximum permitted height of any structure within a PRD shall be eighteen (18) feet or one and one-half (1 1/2) stories. Any upper floor shall be located within the roof structure, not below it, in order to reduce building massing as much as possible.

- (4) Roofs. Dwelling units shall have a minimum 6:12 roof pitch. Up to thirty-five percent (35%) of the roof area may have a slope not less than 4:12. Portions of a roof with a pitch of less than 6:12 shall be limited to architectural features such as dormers and porch roofs. The highest point of a pitched roof may extend up to twenty-three (23) feet.

- (5) Exception to Floor Area: Areas that do not count toward total square footage include unheated storage space located beneath the main floor of the dwelling unit, attached roofed porches, detached garages or carports, spaces with ceiling

height of six (6) feet or less measured to the exterior walls (such as a second-floor area under the slope of a roof).

- (6) No Increase in Size: The total square footage of a dwelling unit shall not be increased. Notation shall be placed on the title to any property for the purpose of notifying future owners that any increase in total square footage of a dwelling unit is prohibited for the life of the unit or the duration of these regulations.
- (7) Design Mix. A mix of housing opportunities shall be provided in all PRDs. Such diversity shall be achieved through:
 - (a) Varying the number of bedrooms in each dwelling unit.
 - (b) Constructing a variety of styles of units.
 - (c) Providing that no more than fifty (50) percent of the dwelling units within the PRD are buildings of the same type.

I. Trash and Recycling.

All loading, trash, recycling and storage areas shall be located so they are not visible from the common open space or right of way (not including alleys). An architectural screen shall surround all sides except the access entry. Such screen shall prevent visibility into the enclosure and shall be of a height sufficient to conceal the receptacles stored within.

J. Community Buildings and Amenities.

Structures must be clearly incidental in use and size to the dwelling units and shall be no greater than one (1) story in height.

K. Open Space.

- (1) Common Open Space. All land within the PRD which is not covered by buildings, roads, driveways, parking or service areas, or which is not set aside as yards, patios, gardens or similar for exclusive or shared use by the residents shall be common open space.
 - (a) The common open space shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation, or agricultural purposes by the residents of the PRD. In determining whether the intent of this section has been satisfied, the SPGA shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:
 - i. Land abutting lakes, ponds, brooks which enhance or protect wetlands or flood plains or which enhance or provide significant scenic vistas or views;

- ii. Land which currently is in agricultural use or land which is suitable in size, location and soil characteristics for agricultural use;
 - iii. Land which provides a significant wildlife habitat or which is a unique natural area;
 - iv. Land which provides recharge to Randolph's public water supply;
 - v. Land which is to be developed for active recreational use including playing fields, playgrounds, and parks;
 - vi. Land which preserves existing trail networks or land on which new trails will be developed as part of the PRD for integration into an existing or future trail network; and
 - vii. Land providing desirable public access to existing Town or State recreational or conservation land.
- (b) Provision shall be made so that the common open space shall be readily accessible to the owners and residents of the units in the PRD and owned by:
- i. A membership corporation, trust or association whose members are all the owners and residents of the units;
 - ii. The Town; or
 - iii. Otherwise as the SPGA may direct.
- (c) Common open space shall be in one or more contiguous pieces.
- (d) Dwelling units shall abut on at least three (3) sides of the common open space.
- (2) Exclusive Use Area.
- (a) Each dwelling unit shall be provided an area of open space for exclusive use. The space shall be provided on the front, side and rear of each dwelling unit.
- (b) The exclusive use area shall be separated from the common open space by landscaping, picket fence or other similar visual separation.
- i. Each dwelling unit shall be provided with a minimum of five hundred (500) square feet of usable private open space which may be met with a combination of front, side and rear locations.
- (3) Perpetuity. In all cases, a perpetual restriction of the type described in MGL c. 184, § 31 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town shall be recorded in respect to such land. Such restriction shall provide that the common open space shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, recreation, or park. Such restriction shall be in such form and substance as the SPGA shall prescribe and may contain such additional

restrictions on development and use of the common open space as the SPGA may deem appropriate.

L. Pedestrian Connectivity.

Safe, aesthetically pleasing pedestrian connections are required between each building, common open space, parking area and right-of-way. Sidewalks shall be a minimum of five (5) feet wide.

M. Infrastructure.

(1) Projects shall demonstrate that adequate water supply and pressure are available, adequate sewage capacity is available, on-site stormwater management is provided, traffic circulation is safe and convenient and the traffic flow and circulation at nearby intersections is preserved or improved. Analysis and documentation of compliance with these standards shall be prepared by registered engineers and/or other appropriate professionals. When the size and complexity of a proposal for a PRD project warrants an independent review of the impacts, the applicant will be responsible for funding such independent peer review.

(2) In cases where a specific PRD project would not otherwise meet the above criteria, the developer shall, as a condition of the Special Permit, be required to implement mitigation measures, including but not limited to improvements to public infrastructure, to adequately address any deficiency.

(3) All required utilities exclusive of transformers shall be placed underground.

N. Stormwater Management.

All projects are required to be reviewed and permitted by the Town's Stormwater Authority and comply with any such regulations established by the Authority.

O. Separation of Planned Residential Developments.

PRDs shall be separated from each other by a minimum distance of at least one thousand (1,000) feet to promote housing-type diversity, reduce potential cumulative impacts of PRDs and help protect neighborhood character.

P. Ownership and Maintenance of Common Facilities.

(1) All internal streets, ways and parking areas shall be privately owned. The maintenance of all such private streets, ways and parking areas, including but not limited to snowplowing, patching and paving, shall remain the responsibility of the owner or resident association. All deeds conveying any portion of the land containing private streets, ways or parking areas shall note this private responsibility of maintenance.

(2) In a PRD project, prior to any dwelling unit being offered for initial sale, there shall be a suitable legally-binding organization such as a residents' or condominium association agreement established in accordance with appropriate state law by a suitable legal instrument(s) recorded at the Registry of Deeds. Such association shall ensure proper maintenance and funding of shared facilities such as common open space, parking areas, alleys and amenities. As part of the Special Permit review, the applicant shall supply to the SPGA copies of such proposed instrument.

Q. Bonus Density.

If all the units proposed in the Planned Residential Development are offered at market-rate rental/purchase prices, then only the basic density shall be permitted. An increase in the number of permitted units may be increased beyond the basic density within the PRD and authorized by the SPGA only if:

- (1) At least twenty percent (20%) of the units are made available as described in one of the methods outlined herein.
 - (a) Units made available to the Randolph Housing Authority, or other entity may direct, either for purchase within the cost limits allowed by the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities, or for lease under federal or state rental-assistance programs, or through a long-term contractual agreement; which can be counted toward the EOHLC Subsidized Housing Inventory.
 - (b) Units made available for sale, lease or rent at below market rates based on the following:
 - i. Starter-priced Housing: For sale, lease or rental to households with incomes of less than one-hundred ten (110) percent of the median family income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.
 - ii. Moderate-priced Housing: For sale, lease or rental to households with incomes of less than one hundred and fifty (150) percent of the median family income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.
- (2) Any increases in density permitted by the SPGA shall be based upon the degree to which the proposed PRD provides a range of dwelling units with a variety of price points.

- (3) Long-term Availability. The SPGA, as a condition of a special permit, shall impose appropriate limitations and safeguards to insure the continued availability of the below market-rate units for a minimum of forty (40) years. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls or other method as the SPGA may direct.

R. Application for Special Permit.

Reports and Recommendations; Issuance of Special Permit.

- (1) Application. Any person who desires a special permit for a PRD shall apply in writing in such form as the SPGA may require which shall include the following:
- (a) A development statement consisting of a petition, a list of the parties in interest with respect to the PRD tract, a list of the development team and a written statement outlining the potential impacts of the proposed development including environmental, traffic and community impact. The applicant shall set forth the development concept including in tabular form the number of units, type, size (number of bedrooms, floor area), ground coverage, and summary showing the area of residential development and common open space as percentages of the total area of the PRD tract.
 - (b) Development plans consisting of:
 - i. Site plans;
 - ii. Building elevations;
 - iii. Floor plans;
 - iv. Detailed plans for disposal of sanitary sewage; and
 - v. Landscape plan and details;
 - (c) Bonus density calculations (where applicable) including:
 - i. Income range (using ranges established by the appropriate state or federal agencies as acceptable to the SPGA) of family households or single individual residing in each affordable dwelling unit;
 - ii. Pre- and post-construction management methods concerning the maintenance of the any affordable dwelling units including supporting documents and contracts; and
 - iii. Proposed methods of ensuring long-term availability for the income restricted dwelling units, including supporting documents and restrictions.
 - (d) Such additional information as the SPGA may require.

- (2) Planning Board Report and Recommendations. The Planning Board shall meet with the applicant and review the application packet including development statement and plans and shall submit in writing to the SPGA its report and recommendations upon the technical quality of the proposed development, and at least the following:
- (a) General descriptions of the natural terrain of the PRD tract and surrounding areas, and of the neighborhood in which the tract is situated.
 - (b) A review of the proposed development, including the design and use of buildings and of the open spaces between and around them, of pedestrian and vehicular circulation, of the location and capacity of parking, and of the provisions for grading, landscaping and screening.
 - (c) An evaluation and opinion upon the degree to which the proposed PRD provides a range of diversity and the size of the units as it relates to increased density that may be permitted.
 - (d) An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted for the benefit of the Town:
 - i. Provides or will in the future provide an addition to areas of open space between developed sections of the Town;
 - ii. Makes available land desirable for future public use; or
 - iii. Conforms to the Town's long-range land use plan.
 - (e) Its opinion as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable
 - (f) Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit.
- (3) Conservation Commission's Report and Recommendations. The Conservation Commission shall review the development statement and plans and shall submit in writing to the SPGA its report and recommendations upon the degree to which the proposed development enhances the protection of environmental qualities including at least:
- (a) An evaluation and opinion upon the degree to which the development itself impinges upon environmental areas.
 - (b) An evaluation and opinion upon the degree to which the common open space protects environmental areas and provides a valuable outdoor recreation resource.

- (c) An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted for the benefit of, the Town:
 - i. Enhances the protection of environmental areas, unique natural features, scenic vistas or potential or existing farmland; or
 - ii. Provides a valuable addition to the open space resources of the Town.
- (4) Issuance of Special Permit. A special permit shall be issued under this section only if the SPGA shall find that the PRD is in harmony with the general purpose and intent of this section and that the PRD contains a mix of residential, open space, or other uses in a variety of buildings to be sufficiently advantageous to the Town to render it appropriate to depart from the requirements of this Ordinance otherwise applicable to the district(s) in which the PRD tract is located. If a special permit is granted the SPGA shall impose as a condition thereof that the installation of municipal services and construction of interior drives within the PRD shall comply with the Subdivision Rules and Regulations of the Planning Board to the extent applicable, shall require sufficient security to insure such compliance and the completion of planned recreational facilities and site amenities, and may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board and Conservation Commission or upon its own initiative. The SPGA shall give due consideration to the reports of the Planning Board and Conservation Commission and where the decision of the SPGA differs from the recommendations of the Planning Board or Conservation Commission, the reasons therefor shall be stated in writing.

9.3 Wireless Communications Facilities

A. Purpose

This article is adopted for the authorization and regulation of wireless communications facilities and equipment. The objectives are to accommodate infrastructure to serve Randolph while minimizing adverse impacts on adjacent properties and residential neighborhoods.

- (1) In accordance with the requirements of 47 U.S.C. § 332(c)(7)(B), and until these requirements are modified, amended or repealed, in regulating the placement, construction, installation, modification, use, monitoring and removal of wireless communications facilities, the administration of this article shall not be undertaken in a manner which unreasonably discriminates among providers of functionally equivalent services or prohibits or has the effect of prohibiting the provision of wireless communications services. Furthermore, any decision to

deny a request to place, construct, install, modify, and/or use wireless communications facilities shall be in writing and supported by substantial evidence contained in a written record. Furthermore, this article may not regulate the placement, construction, installation, modification and/or use of wireless communications facilities on the basis of the environmental effects of radio frequency emissions to the extent that such wireless communications facilities comply with the Federal Communications Commission's regulations concerning such emissions.

(2) If any provisions of this Section 9.3 conflict with federal regulations, the latter shall prevail.

B. Applicability.

The provisions of other sections of this chapter of the Town Ordinance notwithstanding, the regulations and restrictions set forth herein shall apply to the placement, construction, installation, modification, use, monitoring and removal of wireless communications facilities. No wireless communications facility shall be placed, constructed, installed, modified and/or used within the Town of Randolph on or after the date of enactment of this article, except in accordance with the provisions of this article.

C. Exemptions.

The following shall be exempt from the provisions of this article:

- (1) Wireless communications facilities used only for Town, state or federal public safety purposes.
- (2) Wireless communications facilities used by a conforming, federally licensed amateur radio use in accordance with said FCC license as protected by MGL c. 40A, § 3, provided that:
 - (a) Any such wireless communications facility is not used or licensed for any commercial purpose; and
 - (b) Any mount used in connection with said federally licensed amateur radio use must be removed upon loss or termination of said FCC license.
- (3) Television antennas, including so-called "dish antennas."
- (4) Licensed commercial mobile radio services primarily used in support of the licensee's own business purpose, provided that any wireless communications facilities used in connection therewith do not exceed the dimensional requirements under this Section.

D. Small Cell Equipment

- (1) Purpose. This section shall govern the installation of small cell equipment on utility poles located in the public right-of-way or in the public utility easement area adjacent to the public right-of-way.
- (2) Authority. The Building Commissioner shall issue permits for small cell equipment that satisfy the criteria in this section.
- (3) Application. All requests for a permit shall be made and filed on application forms with the Department of Inspectional Services and be accompanied by:
 - (a) Plan signed by a professional engineer identifying the subject utility pole.
 - (b) Letter or license from the owner(s) of the utility pole authorizing installation.
- (4) Standards
 - (a) The small cell equipment shall not interfere with the safety and convenience of ordinary travel over the public right-of-way.
 - (b) The subject utility pole is not a double pole nor within five (5) feet of another utility pole.
 - (c) A small cell equipment has not already been installed on, or approved for installation on, the subject utility pole.
 - (d) Dimensions
 - i. The small cell equipment does not exceed sixty (60) feet in height above the ground.
 - ii. No part of the small cell equipment shall extend below twelve (12) feet above ground level.
 - iii. The antenna shall not exceed sixteen (16) inches in diameter or forty (40) inches in height; provided, however, that as new technology becomes available, the Building Commissioner is hereby authorized to permit antenna configurations that are otherwise consistent with the Federal Communications Commission's definition of small cell wireless equipment.
 - iv. No part of the small cell equipment shall project from the utility pole further than four (4) feet if installed twenty (20) feet or higher above the ground or further than two (2) feet if installed below twenty (20) feet above the ground.
 - (e) The appearance of the small cell equipment is similar to the existing equipment on the utility pole or on other nearby utility poles, the color of the

utility pole, or another color reasonably requested by the Building Commissioner or designee.

- (f) No other small cell equipment is installed on a utility pole within one hundred eighty (180) feet of the subject utility pole.
 - (g) The proposed small cell equipment complies with the maximum permissible exposures adopted by the Federal Communications Commission.
 - (h) The proposed small cell equipment shall not cause interference with any public safety equipment or create any decreased visibility of apparatus at or leaving public safety facilities.
- (5) Effect of Permit. Upon the issuance of a permit to install a small cell equipment, or after the passage of 90 days from filing with no action on the application, a petitioner shall be authorized to commence installation. Any proposed changes to the dimensions or specifications shall require a new petition, except that:
- (a) No approval is required for the refurbishment, repair, or replacement of any small cell equipment component where the replacement/repair complies with the standards in this section.
- (6) Removal of small cell equipment . Any small cell equipment approved pursuant to this section shall be removed and the relevant permit terminated if the Town requires the removal of the utility pole where the small cell equipment is located.
- (a) The permit holder shall notify the Town if the small cell wireless equipment ceases to be used for its intended purpose and shall remove all the permitted equipment no later than sixty (60) days following cessation of use.
 - (b) Except as otherwise provided for in this section, the Town may remove small cell equipment approved pursuant to this section and terminate the relevant permit(s) by using the procedures established for the removal of overhead structures and equipment contained in MGL c. 166, §§ 22A to 22N.
 - (c) The Building Commissioner, or designee, is authorized under this section to order the removal of any small cell equipment installed on a utility pole that has not been authorized pursuant to this section.

E. Building Mounted Wireless Communications Equipment

- (1) Purpose. This section shall govern the installation of wireless communication equipment attached to any building.
- (2) Authority. The Building Commissioner shall issue permits for Building Mounted Wireless Communication Equipment

(3) Permitted Locations

Wireless communications equipment shall be located on or within existing non-residential or mixed-use structures provided that such installation preserves the character and integrity of those structures.

(4) Application. All requests for a permit shall be made and filed on application forms with the Department of Inspectional Services and be accompanied by:

(a) Plan signed by a professional engineer identifying the location and details.

(5) Standard

(a) Wireless communications equipment shall not generate noise in excess of fifty (50) decibels at ground level at the base of the building as measured from the point closest to the antenna.

(b) Wireless communications equipment shall not project more than twelve (12) feet above the height of an existing building or structure nor project more than twelve (12) feet above the height limit of the zoning district within which the wireless communications facility is located, whichever is less.

(c) Wireless communications equipment shall not extend beyond the face of any wall, or exterior surface in the case of a building or structure that does not have walls, by more than eighteen (18) inches.

(d) Wireless communications equipment shall not individually or in the aggregate have a front surface area facing surrounding streets and adjacent properties that exceeds fifty (50) square feet in area.

(e) When wireless communications equipment extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the equipment within or behind existing architectural features to limit its visibility from public ways.

(f) Wireless communications equipment mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

(g) Wireless communications equipment which are side-mounted shall blend with the building's architecture, materials and color, and, if over five (5) square feet, shall be shielded with material which is consistent with the design features and materials of the building.

F. Historic Structures

- (1) Any wireless communications equipment located on or within an historic structure shall not alter the character- defining features, distinctive construction methods, or original historic materials of the building.
- (2) Any alteration made to an historic structure to accommodate a wireless communications facility shall be fully reversible.
- (3) Any application for wireless communication equipment within an historic structure must receive approval of the Historic Commission

G. Fully Enclosed Facilities

Notwithstanding anything to the contrary contained in this article, wireless communications facilities installed wholly within, and not protruding from, the interior space of an existing structure, excluding buildings used for residential use, shall be allowed as of right in all zoning districts, subject to all other applicable requirements of law.

H. Wireless Communications Towers

- (1) Purpose. This section shall govern the installation and maintenance of wireless communications towers.
- (2) Authority. All wireless communications towers shall require a special permit issued by the Town Council.
- (3) Permitted locations. Wireless communications towers are permitted in the Blue Hill River Highway District (BRHD), the Great Bear Swamp Highway District (GBHD), Sanitary Facility District (SFD), Industrial Districts (I) and on Town-owned property.
- (4) Application. All applications for a wireless communication tower shall be made and filed on the special permit application and be accompanied by:
 - (a) A locus plan at a scale of one-inch equals two hundred (200) feet showing all site existing conditions, property lines, critical features, residential dwellings all buildings within five hundred (500) feet of the tower.
 - (b) An elevation drawing of the proposed tower showing all details of its appearance, including all dimensions, materials, antennas, wires and accessory buildings.
 - (c) A rendering depicting the tower as it would appear on the landscape for each of its sides.

- (d) A narrative with technical, economic and other justifications for the proposal including validation that no existing or tower can accommodate the proposed equipment.
 - (e) Confirmation that the facility complies with all applicable federal and state standards;
 - (f) A description of the capacity of the tower including the number and types of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations;
 - (g) If applicable, a written statement that the proposed facility complies with, or is exempt from, the applicable regulations administered by the FAA, FCC, Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
 - (h) A coverage map detailing plans for providing wireless communication services to the Town of Randolph and neighboring communities.
 - (i) Certification of compliance with the National Environmental Protection Act and the Massachusetts Environmental Policy Act.
 - (j) Verification that the proposed tower will not interfere with signals sent or received by any other facility which transmits or receives signals via wireless means.
 - (k) Proof of ownership of the proposed site or proof of a contract or lease with the owner of the site establishing the applicant's right to construct a tower on the site.
 - (l) A description of the soil and surficial geology at the proposed site.
- (5) Standards
- (a) Wireless communication towers shall be freestanding monopoles, with associated antenna and/or panels or concealed/stealth towers. Lattice-style, and guyed towers shall not be allowed.
 - (b) There shall not be a tower located within two (2) miles of a proposed tower unless the applicant demonstrates to the satisfaction of the SPGA that placing the tower closer will result in a significantly lower tower or significantly more uses on the tower or will significantly improve protection of the viewshed of the Town of Randolph.

- (c) In the event of conflicting applications, the SPGA shall make a judgment as to which proposed wireless communication tower, if any, is most suitable.
- (d) Dimensions
 - i. The size and height of a tower shall be the minimum necessary to accommodate the proposed uses.
 - ii. The tower height, including any appurtenant equipment and devices, shall not exceed one hundred (100) feet above the average grade of the existing terrain at the tower's base, unless the SPGA determines that a higher tower will result in significantly fewer towers or a significantly improved protection of the viewshed of the Town of Randolph.
 - iii. In no event shall the tower height, including appurtenant equipment and devices, exceed one hundred forty (140) feet.
- (e) Towers shall be designed in all respects to accommodate the maximum number of uses technologically practical, and an applicant shall agree to permit other service providers to collocate on the tower with commercially reasonable terms.
- (f) All towers shall be designed so that, if additional users require said location, the existing tower can be expanded on or replaced with the minimum of technical difficulty and disturbance to the neighbors. The maximum configuration shall be determined during the permitting process.
- (g) A tower shall be erected a minimum distance of five hundred (500) feet from any hospital, school or residential lot line.
- (h) Siting of a tower shall be such that the view from adjacent abutters, residential neighbors and other areas of the Town shall be as limited as possible. All towers shall be colored or camouflaged so that they will blend in with the landscape on which they are located.
- (i) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (j) Fencing shall be provided to control access to towers. Said fencing shall be compatible with the scenic character of the Town and shall not be razor wire. Metallic fencing shall have vegetative screening.
- (k) There shall be no signs except for announcement signs, "No Trespassing" signs and a required sign giving a phone number where the owner can be reached on a twenty-four-hour basis.

- (l) Traffic associated with the tower and accessory facilities and structures shall not adversely affect abutting ways.
 - (m) Night lighting of the facilities shall be prohibited unless required by the Federal Aviation Administration (FAA).
 - (n) Ground-mounted equipment for wireless communications facilities shall not generate acoustic noise in excess of fifty (50) decibels at the fence line.
 - (o) There shall be a minimum of one parking space for each tower to be used in connection with the maintenance of the tower and the site. Said space shall not be used for the permanent storage of vehicles.
 - (p) All towers shall comply with all current and future FAA and FCC rules and regulations.
- (6) Hazards to air navigation. Any application for a wireless communications facility which proposes building a new structure or adding to existing structures within airport approaches as defined in MGL c. 90, § 35B, and any amendments thereto or language substituted therefor, must include a certification by the applicant that:
- (a) Either a permit from the Massachusetts Aeronautics Commission is not required because the structure is or will be in an area subject to airport approach regulations adopted pursuant to MGL c. 90, §§ 40A through 40I, in an approach to Logan International Airport, or less than thirty (30) feet above ground level; or
 - (b) A permit from the Massachusetts Aeronautics Commission is required pursuant to MGL c. 90, § 35B, and a copy of said permit is enclosed with the application.

Applications for permits to build a new structure or add to an existing structure requiring the filing of a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the Federal Aviation Administration shall mail a copy of the completed FAA Form 7460-1 to the Massachusetts Aeronautic Commission within three (3) business days after submitting said form to the FAA.

(7) Balloon Test Required

- (a) Between submittal of the application and the date of the public hearing on the application, the applicant shall, on two different dates, place a balloon or

crane at the location and height of the proposed tower, in accordance with the following requirements:

- i. The balloon or crane shall be of a size and color that accurately reflect the appearance of the proposed tower to the extent possible.
- ii. The balloon or crane shall remain in place at for least eight hours.
- iii. One of the trials shall take place on a weekday. The other trial shall take place on a Saturday. All trials shall begin at 8:00 a.m.
- iv. Prior to each trial, the applicant shall post notices of the time and place of the trials at the Town Hall at least two weeks prior to the first trial and shall publish the notice in a local newspaper of general circulation. The notice shall set a rain date in the event weather would delay or impact the results of the trial.

(8) Co-location

- (a) Licensed carriers shall share wireless communications facilities and sites where feasible and appropriate, thereby reducing the number of wireless communications facilities that are standalone structures. All applicants for a special permit for a wireless communications facility shall demonstrate a good faith effort to co-locate with other carriers.

(9) Use of Town Land

- (a) An applicant that seeks to place, construct, or modify a wireless communications tower/equipment on Town of Randolph property must demonstrate the following:
 - i. The applicant's access to the wireless communications tower/equipment will not increase the risks of contamination to the Town's water supply or natural resources.
 - ii. There is sufficient room on the structure and/or the ground to accommodate the applicant's wireless communications tower/equipment.
 - iii. The presence of the wireless communications tower/equipment will not increase the cost of maintenance to the Town's property.
 - iv. The presence of the wireless communications tower/equipment will not be harmful to Town employees or contractors maintaining the site.

- (b) For all wireless communication facilities proposed to be located on municipal property, a certificate of insurance for liability coverage in amounts determined by the Town Counsel shall be provided naming the Town as an additional insured.
 - (c) For all wireless communication facilities proposed to be located on municipal property, an agreement shall be executed whereby the user indemnifies and holds the Town harmless against all claims for injury or damage resulting from or arising out of the use or occupancy of the Town-owned property by the user.
 - (d) For all wireless communication facilities proposed to be located on municipal property, evidence of contractual authorization from the Town of Randolph to conduct wireless communication services on municipally owned property shall be provided as part of the special permit application.
- (10) Reconstruction or Replacement
- (a) Wireless communication towers may be reconstructed, altered or replaced provided that such alterations will not be substantially more detrimental to the neighborhood and/or the Town than the pre-existing structure.
 - (b) Any extension or modification of a structure that substantially changes the design must be submitted to the SPGA for amendment of the special permit.
- (11) Abandonment/Discontinuance
- (a) At such time that a wireless communications tower will be abandoned or operations discontinued, the owner/operator shall notify the Building Commissioner in writing of the proposed date of abandonment or discontinuance of operations no less than thirty (30) days prior to abandonment or discontinuance.
 - (b) All unused wireless communication towers or parts thereof or accessory facilities and structures which have not been used for one year shall be dismantled and removed at the owner's expense within ninety (90) days from the date of abandonment or discontinuation of use.

9.4 Accessory Dwelling Units

A. Purpose

This section authorizing the provision of accessory dwelling units is intended to:

- (1) Increase the number of small dwelling units available in the Town;
- (2) Increase the range of choice of housing accommodations to meet the needs of households;
- (3) Increase the supply of housing and the diversity of housing options, in response to demographic changes;
- (4) Encourage the efficient use of the Town's housing supply while preserving the character of the town's neighborhoods;
- (5) Maximize privacy, dignity, and independent living among family members preserving domestic family bonds as well as to protect the stability, property values, and the residential character of the neighborhood.

B. General Requirements

ADU's are permitted by right on the same lot where any type of principal dwelling is permitted subject to the following:

- (1) No ADU shall be constructed without the issuance of a building permit by the Building Commissioner.
- (2) No ADU shall be occupied unless a certificate of occupancy for such unit has been issued by the Building Commissioner and remains in effect.
- (3) ADU's are allowed within or attached to a principal or as a detached accessory building with a permanent foundation and that is accessory to a principal dwelling structure.
- (4) One (1) ADU is permitted per primary structure or lot except by Special Permit.
- (5) Only one (1) Protected Use ADU is permitted.
- (6) The ADU must maintain a separate entrance sufficient to meet the requirements of the state building code for safe egress.
- (7) All ADUs must comply with all applicable requirements of law including those of the building, fire sanitary and stormwater state codes and local ordinances.

- (8) The accessory dwelling unit shall not be served by any separate utility meter. Electricity, water, oil, heat, gas and sanitary shall be provided by a single service to both the ADU and the principal dwelling. Nothing in these provisions shall prohibit the requirement of a submeter or other applicable device.
- (9) The Fire Chief or Designees are authorized to require additional fire protection for any dwelling with limited or challenging access (no pavement, long distances, limited water supply, etc.).

C. Prohibitions

- (1) Short-term rentals, as defined, are prohibited in both the ADU and principal dwelling units.
- (2) The ADU may not be sold or title transferred separate and apart from the principal dwelling to which it is an accessory use. The principal dwelling and the accessory dwelling unit shall remain in common/single ownership and shall not be severed in ownership.

D. Dimensional Requirements

- (1) The ADU may not be larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller.
- (2) The proposed ADU must meet the zoning district's primary structure zoning dimensional requirements for height, setbacks and lot coverage.
- (3) No ADU shall be sited closer to the front lot line than the primary structure.
- (4) Any new detached ADU, any ADU created by adding gross floor area to a single-family dwelling or any ADU created by adding gross floor area to an existing detached accessory building or structure shall be in accordance with the open space and building coverage requirements as established by the Table of Dimensional Requirements for the applicable zoning district.

E. Parking Requirements.

- (1) One (1) additional parking space shall be required for an accessory dwelling unit
 - a) If the ADU is located not more than 0.5 miles from a commuter rail station, no additional parking space is required.
- (2) All parking must be off-street on a designated driveway in compliance with Article IV Off-Street Parking Regulations.

F. Exterior Appearance.

The ADU shall be designed to maintain the appearance and essential character of a one-family dwelling with accessory structures subject further to any other requirements of the zoning district.

G. Application.

The application for a building permit and/or occupancy permit for an ADU or an application for a special permit for an ADU shall include the following:

- (1) A plot plan of the principal dwelling unit with square footage, proposed accessory dwelling unit with square footage, showing the location of all existing and proposed buildings on the lot, zoning matrix and required parking.
- (2) A certified plot plan, stamped by a professional land surveyor registered in the State of Massachusetts.
- (3) When the creation of an ADU requires the alteration of the exterior of a structure, the application shall include elevation plans showing the sides of the building affected by the construction both prior to and after completion of construction.
- (4) By filing the application for a building permit for an ADU, all owners consent to an inspection without a warrant upon reasonable notice by the Building Commissioner to ensure compliance with all terms of this section.
- (5) The Building Commissioner shall issue a cease-and-desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this section.

H. Special Permit Required.

The following conditions will require a special permit from the Zoning Board of Appeals:

- (1) A detached accessory dwelling unit on a nonconforming lot.
- (2) An accessory dwelling unit within an existing nonconforming structure.
- (3) A special permit for an accessory dwelling unit may only be granted upon a finding that the construction and occupancy of the accessory dwelling unit will not be detrimental to the neighborhood in which the subject property is located and after consideration of the factors set forth in this ordinance.

I. Decision.

- (1) A building permit for an ADU may be granted by the Building Commissioner, or his designee, upon determination that all criteria as set forth in this ordinance have been satisfied.
- (2) A certificate of occupancy for an ADU shall be granted by the Building Commissioner, or his designee, upon determination that the ADU is in conformity with the provisions of this section, any special permit issued and all applicable health and building codes.
- (3) No ADU shall be occupied unless a certificate of occupancy for such unit has been issued by the Building Commissioner.

J. Accessory Dwelling Units in existence before adoption of ordinance.

The purpose of this section is to ensure that in-law apartments or accessory dwelling units in existence before the adoption of this ordinance are in compliance with the State Building Code.

- (1) An existing unit that:
 - (a) was a legally conforming dwelling unit as of the date of the adoption of this section, including having received all applicable permits and inspections;
 - (b) that would be considered an ADU or Protected Use ADU under this ordinance; and
 - (c) was granted by special permit (formerly “in-law apartment”) may continue as a legally conforming ADU or Protected Use ADU under this section.

In order for the unit to be considered a legally conforming ADU or Protected Use ADU under this section, any provision of the special permit for such unit that conflicts with this ordinance is null and void.

- (2) Any other pre-existing dwelling unit that would be considered an ADU under this ordinance, including pre-existing non-conforming units, may be subject to inspections and require renovations to ensure compliance with building, fire and sanitary code. Such units are not in compliance with this zoning ordinance without the required inspections and permits including an occupancy permit issued by the Building Department.

K. Enforcement.

It shall be the duty of the Building Commissioner to administer and enforce the provisions of this section.

- (1) No building shall be constructed or changed in use or configuration without the issuance of a building permit by the Building Commissioner.
- (2) The construction of any ADU must be in conformity with the State Building Code and, if applicable, Title V of the State Sanitary Code and lawful under all other provisions of applicable Town health, building, zoning and other local laws and regulations.
- (3) The Building Commissioner shall refuse to issue any permit which would result in a violation of any provisions of this section or in violation of the conditions or terms of any special permit or variance granted.
- (4) The building permit shall be revoked upon determination by the Building Commissioner that any condition imposed by this section has not been fulfilled.

L. Historic District.

ADU's located on parcels within any historic district shall be visibly compatible with the primary dwelling unit, character of the neighborhood and subject to the following conditions and requirements:

- (1) Site Planning –An ADU shall be located behind the rear building line of the primary residence, and be clearly subordinate by location and size, so long as it does not prohibit an accessory dwelling unit of at least 900 square feet.
- (2) Dimensional Requirements – An ADU must meet the zoning district's primary structure zoning dimensional requirements for height, setbacks and lot coverage.
- (3) Building Separation – A detached ADU must have a minimum building separation of fourteen (14) feet, eave to eave, between the primary residence and detached accessory dwelling unit.
- (4) Parking - One (1) additional parking space shall be required for an accessory dwelling unit.
- (5) Application – Any application must include either a Certificate of Appropriateness, a Certificate of Non-Applicability or a Certificate of Hardship issued by the Historic District Commission for any construction or alteration of a building or structure within the district that in any way that affects exterior architectural features.

9.5 Electric Vehicle Charging Stations

A. Applicability.

- (1) Electric vehicle charging station(s) with a Level 1 or 2 charging level shall be permitted in all zoning districts.
- (2) Electric vehicle charging station(s) with a Level 3 or greater charging level shall be installed in a parking lot at a commercial, industrial or municipal destination, or located in a vehicle service station.
- (3) Battery exchange stations are permitted in the BHRD and GBHD Zoning districts with a special permit from the Planning Board and approval by the Randolph Fire Department. This use is specifically prohibited in all residential zones.
- (4) Entities subject to the Americans with Disabilities Act (ADA), Architectural Barriers Act (ABA) shall provide EV charging stations that are accessible to and usable by people with disabilities. This includes state or local government offices, public parks, municipal building parking lots, street parking and the public right-of-way, residential housing facilities provided by a state or local government and public EV charging stations provided by a private entity.

B. Process for review.

- (1) Electric vehicle charging station.
 - (a) New residential construction. If associated with new residential construction, installation of a Level 1 or 2 battery charging station shall be processed in association with underlying permit(s).
 - (b) Retrofitting residential parcels.
 - i. Parcels with one or two-family dwelling units. An electrical permit is required.
 - ii. Parcels with three (3) or more dwelling units. A site plan review by Planning Board and an electrical permit are required
 - iii. Parcels with an Accessory Dwelling Unit (ADU). An electrical permit is required.
 - (c) New commercial, industrial, mixed-use or other non-residential construction. If associated with new construction, installation of a battery charging station shall be processed in association with the underlying permit(s).
 - (d) Retrofitting a non-residential or mixed-use site. If retrofitting an existing non-residential site for a battery charging station(s), an electrical permit and review of a site plan by the Planning Board is required. Additional permits may be required based upon the location of the proposed station(s). Municipal and school properties shall comply with this section.

- (2) Battery exchange station(s). A special permit from the Planning Board is required. Additional approval and permitting is required by Randolph Fire consistent with Massachusetts Comprehensive Fire Safety code 527cmr.

C. Design criteria.

The following criteria shall be applied to the location and design of all electric vehicle charging facilities:

- (1) Design should be appropriate to the location and use. Facilities should be able to be readily identified by electric car users but blend into the surrounding landscape/ architecture for compatibility with the character and use of the site.
 - (a) EVSE shall not be located in buffer strips pursuant to section 200-33 of the Randolph Zoning Ordinance.
 - (b) Bollards or other protective measures shall be incorporated into the site plan.
- (2) Size. Where provided, EV spaces should be nine (9) feet by eighteen (18) feet stalls.
- (3) Number. No minimum number of EV charging spaces is required, however, no more than ten percent (10%) of the total number of parking spaces for a site may be designated as EV charging stations.
- (4) Signage. Each charging station space shall be posted with signage indicating the space is only for EV charging purposes. Days and hours of operations shall be included if time limited or tow-away provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information shall be posted.

- (5) Accessible Charging Spaces. EV chargers and spaces designed to serve people who use mobility devices shall be located on an accessible route and should provide:

- (a) A vehicle charging space at least 11 feet wide and 20 feet long.
- (b) Adjoining access aisle at least 5 feet wide.
- (c) Clear floor or ground space at the same level as the vehicle charging space and positioned for an unobstructed side reach.
- (d) Accessible operable parts, including on the charger and connector.



- (e) Use of the International Symbol of Accessibility (ISA) at EV charging spaces is not required. These spaces may be used by EV's without a disability placard. A "use last" sign should be installed to indicate an EV charging space is accessible, but also direct people to use this space only when other charging spaces are occupied or accessibility features are needed.



- (6) Pedestrian Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as to not interfere with accessibility requirements. The site plan of existing parking lot layout and proposed charging stations shall be reviewed and approved.
- (7) Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

9.6 Cannabis Municipal Equity

A. Purpose.

The intent of this ordinance] is to develop clear policies and procedures to encourage full participation in the marijuana industry by people from communities that were disproportionately harmed by Marijuana prohibition and enforcement. These policies and procedures will assist the Town in negotiating host community agreements with applicants for marijuana establishments and medical marijuana treatment centers such as social equity businesses, social equity program participants, or economic empowerment priority applicants and other business owners.

B. Authority.

The Town of Randolph is authorized pursuant to St. 2022, c. 180, An act relative to equity in the cannabis industry, M.G.L. c. 94G and M.G.L. c. 94I, 935 CMR §§ 500, and 501.

C. Applicability.

This ordinance shall apply to all individuals and entities applying to be in the adult-use and medical-use cannabis industries located within the Town. No person shall operate a marijuana establishment or a medical marijuana treatment center unless duly licensed to do so by the Cannabis Control Commission. Nothing in this section

shall be construed to supersede federal and state laws governing the sale and distribution of marijuana.

D. Definitions.

The definitions set forth in MGL c.94I § 1, MGL c. 94G § 1, 935 CMR §§500.002, and §§501.002 are incorporated herein by reference. In the event of a conflict between the definitions in this ordinance and those contained in state laws and regulations, the definitions contained in state laws and regulations shall govern.

E. Transparency of Applications and Applicants.

The Town shall publish data regarding its total applicant pool, which shall identify each pre-verified or verified social equity business, social equity program participant or economic empowerment priority applicant.

The Town shall publicize certain information in a conspicuous location at its offices and on its website which shall, at minimum, include:

- (1) All required steps of the Town's local approval process including, but not limited to, all associated fees, deadlines, and meeting schedules for local bodies involved in the Local Approval Process
- (2) Identification of key individuals involved in the Town's local approval process, including, but not limited to, their name, title, business address, and business contact information such as email address or phone number
- (3) A list of all documentation required by the Town's local approval process, in downloadable form and paper form
- (4) Identification of application criteria for local approval to operate a marijuana establishment or medical marijuana treatment center, and scoring methodologies relied on by the Town
- (5) General and individual scoring information for all license applicants
- (6) The Town's explanation, in narrative form, of its reasoning for the approval or denial of an application; and
- (7) Any other information required by the Commission as outlined in 935 CMR §§ 500 and 501.

F. Procedures and Policies for Host Community Agreement Negotiations.

- (1) The Town shall adhere to best practices for host community agreement negotiations with individuals or entities pre-verified or verified as social equity businesses, and license applicants that have been designated as social equity

program participants or economic empowerment priority applicants including, but not limited to, the following:

- (2) The Town shall develop a standard evaluation form, or use a form developed by the Commission, that scores components of an application. The evaluation form shall include consideration of equity in the overall evaluation score which must comprise not less than 25% of the total evaluation score.
- (3) This equity component shall include:
 - (a) whether an individual, entity, or license applicant is pre-verified or verified by the Commission as a social equity business;
 - (b) whether the license applicant is a social equity program participant;
 - (c) whether the license applicant is an economic empowerment priority applicant;
 - (d) whether a license applicant or pre-verified individual or entity has a prior Marijuana-related criminal offense or conviction;
 - (e) whether a license applicant or pre-verified individual or entity is part of an area of disproportionate Impact, as identified by the Commission; or
 - (f) whether a pre-verified individual is of Black, African American, Hispanic, Latino, Native American or indigenous descent, or a majority of a pre-verified entity or license applicant entity is comprised of individuals that are of Black, African American, Hispanic, Latino, Native American or indigenous descent.
- (4) If the Town decides to allow additional marijuana establishments or medical marijuana treatment centers, at least 50% of those licenses, but no less than one license, above the previously-established cap shall be reserved for license applicants that are pre-verified or verified social equity businesses, social equity program participants, Economic Empowerment Priority Applicants, or all.

G. Municipal Equity Plan.

- (1) The Town shall develop an equity plan to promote and encourage full participation in the regulated cannabis industry by individuals from communities disproportionately harmed by cannabis prohibition and enforcement.
- (2) The Town shall publicize its equity plan in a conspicuous location at its offices and on its website.
- (3) The Town's equity plan shall:

- (a) encourage applications from business and individuals that would meet the definition of Social Equity Businesses, Social Equity Program Participants, and Economic Empowerment Priority Applicants as determined by the Commission; and
- (b) include goals, programs, and measurements the Host Community will utilize to promote and encourage equity participation.

H. Equity Standards for Host Community Agreements.

- (1) The Town shall prioritize negotiations of host community agreements with equity parties. For the purposes of negotiations of a host community agreement for an application for licensure, equity parties are as follows:
 - (a) a license applicant that is pre-verified or verified as a social equity business;
or
 - (b) a license applicant that has been designated as social equity program participants, economic empowerment priority applicants, or both.
- (2) The Town may waive or reduce fees for an equity party to a host community agreement negotiation, including, but not limited to community impact fees, zoning, and occupancy fees.
- (3) At minimum, the Town shall take the following actions during host community agreement negotiations with an equity party to promote and encourage their full participation:
 - (a) engage in an ongoing dialogue by providing multiple opportunities for discussion and negotiation of host community agreement terms including, at minimum, two conferences with an equity party;
 - (b) include any attorney, authorized representative, or other advocate, if elected by an equity party, in all negotiation discussions and conferences;
 - (c) promote language access by providing a certified interpreter or translator to assist an equity party who is a non-English speaker during all negotiation discussions and conferences;
 - (d) provide reasonable opportunities for an equity party to review a proposed host community agreement, term, or condition, outside of a negotiation conference, or to seek review or input by a third party of their choice;
 - (e) negotiate the terms of a host community agreement in good faith, including consideration of flexible terms that may mitigate particular challenges affecting an equity party, such as access to capital, with all terms and clauses conspicuously identified and openly discussed; and

- (f) allow an equity party to propose an amendment to, or seek cancellation of, a host community agreement within thirty days from the date of execution of the host community agreement.
- (4) The Town may also:
- (a) expedite or prioritize the local approval process for social equity businesses, social equity program participants, and economic empowerment priority applicants;
 - (b) provide technical assistance for social equity businesses, social equity program participants, and economic empowerment priority applicants navigating the local approval process;
 - (c) designate counsel and/or a municipal planner, or other designees, as municipal contacts who shall work closely with social equity businesses, social equity program participants, and economic empowerment priority applicants in the local approval process from initial inquiry through the end of the permitting process; or
 - (d) adopt an exclusivity period to permit social equity businesses for three years or until the goals of the exclusivity period have been met.
- (5) The Town shall not:
- (a) negotiate a host community agreement with an equity party through the use of undue influence, duress, coercion, intimidation, threats, or any strong-arm tactics;
 - (b) threaten loss of an equity party's position in its local application queue or delay to the processing of an equity party's application;
 - (c) compel an equity party to sign a host community agreement in any manner that conflicts with the practices required through applicable state law and regulations and
 - (d) Negotiate or discontinue negotiations with an equity party in bad faith.

I. Implementation.

This [by-law/ordinance] shall not be implemented in a manner that conflicts or interferes with the MGL c. 94G or c. 94I, or with the regulations promulgated thereunder, including 935 CMR §§500 or 501.

9.7 Exterior Metal Rolling Grates on Buildings

No person shall install, maintain or use upon the exterior of any building or structure located within any district in the Town of Randolph, except industrial districts, an external

metal rolling door or shutters, external metal grille or external metal bars. Nothing in this Section 9.7 shall prohibit the installation, maintenance or use of such equipment within the interior vertical plane of a building or structure. Further, notwithstanding the foregoing prohibition, nothing in this Section 9.7 shall be deemed to supersede any applicable provisions of the State Building Code, MGL c. 143, §§ 93 through 100, or of any other statute or regulation of the Commonwealth of Massachusetts. In the event of any conflict between this section and any provisions referred to in the preceding sentence, such provisions shall prevail, and all buildings and structures otherwise regulated by this section shall conform to such other provisions.

9.8 Scientific or Research Laboratory

- A.** In zoning districts where a Scientific or Research Laboratory is allowed as of right, or if a proposal for a Renewable or Alternative Energy facility is submitted, all local permitting decisions (i.e., formal determinations, orders of conditions, licenses, certificates, authorizations, registrations, plan approvals, or other approvals or determinations with respect to the use, development or redevelopment of land, buildings, or structures required by any issuing authority) will be issued within one year of submission of a completed application. The prescribed timeline will be suspended if it is determined that:
- (1) An application is incomplete;
 - (2) An application contains false or misleading information; and/or,
 - (3) Substantial changes to the project affect the information on the permit application(s) since the original submission.
- B.** In the Crawford Square Business District (CSBD) and North Randolph Business District (NRBD), Scientific or Research Laboratories are permitted on the second or higher floors, or other locations where the use will not impede pedestrian oriented activity as determined by the Planning Board.

Article 10. Overlay and Special Districts

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Article 10. Overlay and Special Districts

10.1 Multifamily Affordability Overlay District

A. Purpose.

The purpose of Multifamily Affordability Overlay District is to promote the development of affordable multifamily housing for the community. This purpose is to be achieved by modifying the dimensional restrictions in the Residential Multifamily District provided in Article VI of this chapter; provided, however, that the applicant complies with the requirements below.

B. Requirements.

- (1) The requisite percentage of the newly constructed dwelling units within a multifamily apartment complex or condominium shall constitute low- or moderate-income housing, as defined in 760 CMR 30.02, in order that all of the newly constructed units shall count on the Subsidized Housing Inventory, as defined by and subject to the approval of the Executive Office of Housing and Livable Communities or its successor.
- (2) A special permit shall have been issued by the Town Council under such conditions as the Town Council may require.
- (3) Performance of mitigation measures imposed by the Town Council, which mitigation measures may include monetary payments intended to offset the direct or indirect impact caused by the issuance of the special permit.
- (4) Any applicant seeking approval pursuant to this overlay district shall be required to follow and document for the permit granting authority full compliance with the regulations of the Massachusetts Waste Ban as defined in the Mass Code of Municipal Regulations and shall be responsible for providing collection facilities and equipment for all residents to accomplish this mandate for compliance.

C. Scope of authority.

- (1) Overlay district. The Multifamily Affordability Overlay District shall be deemed to be an overlay district. The requirements set forth in this Section 10.1 shall constitute an alternative set of standards for development and use of real property within the Multifamily Affordability Overlay District; provided, however, that all the requirements of this Section 10.1 are satisfied. If an applicant does not elect to proceed pursuant to this Section 10.1, or does not satisfy all of the requirements of this Section 10.1, then all other requirements of the underlying zoning district shall apply to the property in the alternative set of standards for

development and use of real property within the Multifamily Affordability Overlay District shall not apply.

- (2) The regulations in this section shall govern all new construction as well as reconstruction or expansion of new or existing buildings, and shall also govern new or expanded uses, regardless of the nature of such uses, and regardless of whether the requirements of this Section 10.2 are more or less restrictive than those of the comparable regulations for the underlying district at that location. The provisions of this Section 10.2 shall supersede those of Sections 7.3-7.5, inclusive, Sections 5.3-5.5, inclusive, and Sections 5.6-6.7, inclusive. On all other matters, the provisions applicable to the Residential Multifamily District shall continue to govern.

D. Dimensional, lot coverage and area requirements.

Requirement	Standard/Condition
Maximum lot coverage	Buildings in a Multifamily Affordability Overlay District shall not exceed twenty percent (20%) of the area of the lot on which they stand, and not more than fourteen (14) family units per acre of land covered by the lot shall be permitted.
Building height requirements	Any buildings in a Multifamily Affordability Overlay District may contain a maximum of four (4) stories and shall not exceed fifty-five (55) feet in height, provided that the respective building or buildings are not within sixty-five (65) feet of a residential district within the Town of Randolph or a lot located within the Town of Randolph used primarily for residential purposes. All height measurements shall conform to the requirements of the State Building Code, 780 CMR 502.
Impervious lot coverage	In the building or buildings in a Multifamily Affordability Overlay District, no lot shall be developed such that the buildings thereon and other impervious surfaces added thereto cover more than forty-five percent (45%) of the overall lot area.
Off-street parking	
<i>Notwithstanding anything in the Zoning Code to the contrary, in a Multifamily Affordability Overlay District, the off-street parking requirements shall be the following:</i>	For each one-bedroom apartment there shall be a minimum of one and five-tenths (1.5) parking spaces. Furthermore, each additional bedroom in an apartment, in excess of the first bedroom, shall require an additional twenty-five-hundredths (0.25) parking space. The net area for each individual parking space required shall be not less than one hundred sixty-two (162) square feet. Each such

	parking space shall have a length of not less than eighteen (18) feet and a width of not less than nine (9) feet.
	Twenty percent of the required parking spaces for the respective Multifamily Affordability Zone may be designed for compact cars.
	The number of required spaces shall be based on Section 7.6 hereunder, and not be based on the amount of gross floor area in the respective zone.

E. Planning Board Report and Recommendations.

Planning Board Report and Recommendations. The Planning Board shall meet with the applicant and review the application packet including development statement and plans and shall submit in writing to the SPGA its report and recommendations for the granting or denial of the special permit, including suggested modifications, restrictions or requirements to be imposed as a condition of granting the special permit.

10.2 Market Rate Multifamily Overlay District

A. Purpose.

The purpose of the Market Rate Multifamily Overlay District (MRMOD) is to promote the development of high-end multifamily housing for the community. The purpose is to be achieved by modifying the dimensional restrictions in the Residential Multifamily District provided in Article 5 of this chapter; provided, however, that the applicant shall comply with the requirements set forth below.

B. Requirements.

(1) The MRMOD shall consist of the following lots:

Assessor's Map	Lot Number
Map 3 Block O	Lot 1.01
Map 3 Block O	Lot 1.30
Map 3 Block O	Lot 4.01

(2) The market rate multifamily development (MRMD) shall contain all market-rate units. A market-rate unit is a unit generally rented at a price affordable to households earning one hundred percent (100%) of area median income, but

market rents are a direct comparison of a submarket's rents with other properties in that market and may be adjusted to a rate that the market can bear.

- (3) The MRMD shall require a special permit from the Town Council acting as special permit granting authority (SPGA) with such conditions as may be required.
- (4) Performance or mitigation measures may be imposed by the SPGA, which may include monetary payments intended to offset the direct or indirect impacts caused by the MRMD.
- (5) An applicant seeking approval of a special permit shall be required to submit to the SPGA documents showing full compliance with the Massachusetts Waste Ban. The applicant shall be responsible for providing collection facilities and equipment for all residents to ensure such compliance.

C. Scope of authority.

- (1) The MRMOD shall be deemed to be an overlay district. The requirements set forth in this Section 10.2 shall constitute an alternative set of standards for the development and use of real property within the MRMOD, provided a special permit is granted and a building permit thereunder is obtained. If the applicant does not intend to proceed pursuant to this Section 10.2, then all other requirements of the underlying zoning district(s) shall apply to the property. If the applicant obtains a special permit for a MRMD and subsequently obtains a building permit thereunder, the requirements of the underlying district(s) shall no longer be in effect.
- (2) The regulations in this Section 10.2 shall govern all new construction and shall govern new or expanded uses, regardless of the nature of such uses, and regardless of whether the requirements of this Section 10.2 are more or less restrictive than those of the underlying district(s). The provisions of this Section 10.2 shall supersede those of Sections 7.3-7.5, inclusive, Sections 5.3-5.5, inclusive, and Sections 5.6-6.7, inclusive. On all other matters, this chapter shall apply.

D. Dimensional, lot coverage, and lot area requirements.

Requirement	Standard/Condition
Minimum Lot Area	Ten (10) acres
Minimum Lot Frontage	One hundred (100) feet
Building Lot Coverage	Fifty percent (50%)
Maximum Impervious Lot Coverage	Thirty percent (30%)
Maximum Total Lot Coverage	Eighty percent (80%)
Minimum Setbacks	Forty (40) feet to residential districts, ten (10) feet otherwise. Setbacks will include landscaped buffers.
Maximum Building Height	Four (4) stories with basement; maximum height not to exceed sixty (60) feet as measured by the State Building Code; pitched-roof buildings to be measured from the average grade of the building measured six (6) feet from the building face to the midpoint between the eave and the peak of the roof.

E. Design standards.

- (1) Building location. All buildings within one hundred thirty (130) feet of a residential district shall not exceed thirty-five (35) feet in height.
- (2) Parking. Parking shall be provided at the rate of one and four-tenths (1.4) spaces per one-bedroom unit, one and eight-tenths (1.8) spaces per two-bedroom unit, and two (2) spaces per townhome unit [one (1) garage and one (1) driveway]. Adequate parking shall also be provided for any clubhouse or leasing office.
- (3) Landscaping buffers. All buildings shall be set back forty (40) feet from the residential district boundary, and ten (10) feet otherwise. These buffers shall be adequately landscaped to minimize the visibility of the MRMD's parking areas, waste storage and recycling facilities.
- (4) Density. Maximum density shall not exceed thirty (30) dwelling units per acre in the MRMOD.
- (5) Building design. All buildings shall be wood frame with pitched roof.

F. Planning Board Report and Recommendations.

Planning Board Report and Recommendations. The Planning Board shall meet with the applicant and review the application packet including development statement and plans and shall submit in writing to the SPGA its report and recommendations for the granting or denial of the special permit, including suggested modifications,

restrictions or requirements to be imposed as a condition of granting the special permit.

10.3 Union Crossing Transit District (UCTD)

A. Purpose.

The purpose of the Union Crossing Transit District (UCTD) is to promote the general welfare by fostering a climate of economic viability and opportunity in proximity to public transit, including commuter rail and public bus service, by creating a connection among transit; higher density market rate residential living; and commercial opportunities for services, workspace, professional services, and labor, while allowing the retention and development of public green space and pedestrian and bike access routes in a village-style environment. This purpose is to be achieved by providing a Special Permit process through which the dimensional and other zoning requirements that apply to the underlying zoning district may be modified, consistent with this chapter.

B. Establishment of Union Crossing Transit District (UCTD).

- (1) The UCTD is established as an opportunity overlay district that may be applied to land described herein. The UCTD shall be a superimposed district and shall not replace the underlying zoning district(s). To qualify for the opportunities provided through the Special Permit process provided for in this chapter, the following criteria must be met:
 - (a) The parcel(s), must be contiguous and contain a minimum of five (5) acres of land that may include water bodies;
 - (b) One-hundred percent (100%) of the total land area of the parcel(s) that will be included in the proposed use must be located within one and a quarter (1.25) miles of the Randolph/Holbrook Commuter Rail Station;
 - (c) The parcel(s) must be under single ownership or presented under a joint development agreement between owners of contiguous parcels;
 - (d) The applicant(s) must submit a site master plan for complete or phased development for the entire project as part of its first Special Permit submission for the project pursuant to this chapter; and
 - (e) All parcels or portions of parcels that are in the Crawford Square Business District are excluded from this opportunity.

C. Applicability.

- (1) This chapter shall apply to parcels that meet the criteria outlined in Subsection B, above.
- (2) This chapter shall only apply to a parcel once an applicant/parcel-owner has submitted a Special Permit request to the Special Permit Granting Authority (SPGA) and that Special Permit has been granted or granted with conditions.
- (3) The requirements contained in this chapter shall be the standards for development and redevelopment and use of real property within the UCTD provided that an application is filed with the SPGA and the Plan Review Authority (PRA) as provided for in this chapter.
- (4) Development shall be by a site master plan for complete or phased development and may, at the discretion of the SPGA, be undertaken by more than one entity provided that all parties are identified in the application process at the time of submittal of the Special Permit application provided for under this chapter.
- (5) For each proposed UCTD project, the Site Plan Review provided for in the Town of Randolph Zoning Ordinances shall be conducted by the SPGA as part of the Special Permit process.

D. Permitted uses.

- (1) The area shall contain buildings of mixed residential and commercial uses. Commercial activity that caters to the needs of the consumers, with a specific emphasis on those consumers living within the village and reasonable walking distance and transit travel. This may include restaurants, professional services, retail, convenience stores, stores that sell beer, wine and alcohol, groceries, mom-and-pop type stores, dry cleaners and the like.
- (2) Noxious and hazardous uses are prohibited in the UCTD.
- (3) A UCTD project may include more than one principal structure on a single lot, provided that the SPGA finds through the site plan review process that safe and convenient access will be provided to all structures.
- (4) A UCTD project shall not include any use which consists of drive-through service, whereby a product or service is provided to a person who remains in a vehicle.
- (5) A UCTD project shall not include a parking lot or parking structure designed to serve uses other than those uses contained within the UCTD project.

E. Dimensional, lot coverage and lot area requirements.

Requirement	Standard/Condition	
Lot frontage	When a UCTD project includes an individual parcel, that parcel must have minimum frontage (on a public way) of one hundred (100) feet. When a UCTD project includes multiple parcels, at least one parcel in the project must have minimum frontage (on a public way) of one hundred (100) feet, or the parcels when combined must have at least 100 contiguous feet of frontage (on a public way).	
Lot depth	Minimum lot depth: 75 feet.	
Side yard and rear yard setback requirements		
<i>Side yards</i>	General minimum requirement	5 feet from the lot line.
	Side yard setback for two (2) story building abutting a residential district	20 feet from the lot line
	Side yard setback for three (3) story building abutting a residential district	30 feet from the lot line
<i>Rear yards</i>	Side yard setback for four (4) story building abutting a residential district	40 feet from the lot line
	General minimum requirement	10 feet from the lot line
	Rear yard setback for two (2) story building abutting a residential district	20 feet from the lot line
	Rear yard setback for three (3) story building abutting a residential district	30 feet from the lot line
Maximum front yard	Rear yard setback for four (4) story building abutting a residential district	40 feet from the lot line
	In order to define a consistent building line along the street, new buildings shall not be set back more than ten (10) feet from the front property line.	
The maximum front yard may be increased to thirty (30) feet provided that the additional yard area incorporates a courtyard or sitting area that adjoins and is open on one or more sides to a public sidewalk; is open to the public; contains pedestrian amenities such as seating; and is landscaped to create a separation from the street, to provide shade, to reduce noise, and to mitigate fumes.		
The SPGA may require that the applicant include an access way to improve pedestrian circulation and for public safety access.		
Building separation	Buildings on a single lot shall be at least twenty (20) feet apart to provide adequate separation for emergency access, unless the SPTC believes that it serves the public good and all buildings are fire-rated upon the written agreement of the Fire Chief.	

F. Development intensity.

- (1) The maximum residential density of a UCTD project shall be fifteen (15) dwelling units per acre.

G. Building and structure height.

- (1) The minimum permitted height for buildings in a UCTD project shall be two (2) stories or twenty (20) feet, whichever is greater, and the maximum permitted height for buildings and structures in a UCTD project shall be four (4) stories or forty (40) feet, whichever is less.

(a) The height of a building or structure in the UCTD shall be defined as the vertical distance from the average grade of the street the property has frontage on, along the frontage of the lot/s of the UCTD project at the time of the Special Permit application, to the top of the structure (the highest roof beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof).

(b) A roof appurtenance enclosing mechanical equipment may exceed the applicable maximum building and structure height provided that:

- i. It is no more than five (5) feet above the roof surface;
- ii. It is no less than ten (10) feet from the exterior wall of the building; and
- iii. The horizontal area of all such appurtenances does not exceed twenty percent (20%) of the building footprint.

H. Open space.

- (1) A UCTD project shall include open space at least equal to 10% of the total lot area. The open space requirement shall apply to the UCTD project as a whole, regardless of whether the UCTD project consists of a single lot or multiple lots.

I. Off-street parking.

- (1) Off-street parking spaces shall be provided as follows:

(a) Residential: 1.5 spaces per dwelling unit plus: 1.0 visitor space per 10 residential units.

(b) Commercial, office, retail and other: 1.0 space per 400 square feet of gross floor area.

- (2) The SPGA may allow shared or reduced parking requirements for uses having different peak times of parking demand requirements or in other cases where the applicant can demonstrate that reduced parking will be sufficient for the proposed use. Evidence which supports these shared or reduced parking

requirements shall be produced in a report and approved by the SPGA. Factors that the SPGA may consider include but are not limited to:

- (a) Proximity to available public parking with ability to support the project;
- (b) Provision of a mix of uses on site with offset peak parking demand times;
- (c) A shared parking agreement with proximate properties with offset parking demand times;
- (d) Dedication of spaces for car-sharing services (e.g. ZipCar); and
- (e) Employers who provide transit incentives for their employees.

(3) Parking for all residential units shall be provided either through a parking structure or at the rear of the residential units.

J. Bicycle parking.

Bicycle parking facilities or storage shall be provided at a minimum of 1.0 space for every 10 dwelling units.

K. Landscaping.

- (1) Landscape materials shall be sustainable, requiring minimal maintenance, irrigation or fertilizer, and shall be planted with species that are native to the area, tolerant of salt, and capable of withstanding extreme weather conditions.
- (2) Shade trees shall be planted by the developer along all public streets and internal ways within and abutting the property.
- (3) Trees shall be planted at intervals of no more than twenty-five (25) feet along both sides of the roadway. If the SPGA determines after review that such spacing is not feasible, it may alter the spacing or determine that up to the equivalent number of trees shall be planted elsewhere on the site.
- (4) Trees shall be of a species common to the area, and shall be appropriate species to provide summer shade, winter light, and year-round visual interest.
- (5) Trees shall be 2.5 inches caliper at four (4) feet above grade and reach a height of at least thirty (30) feet at maturity.
- (6) All dumpsters and utility/service areas shall be screened with adequate plantings and/or landscape structures appropriate to the scale and character of the neighborhood.
- (7) Buffer strips between the UCTD Project and a residential district shall be designed and maintained to provide a dense screen year round. The screen shall be planted with trees or shrubs no more than three (3) feet on center. At least fifty percent

(50%) of the plantings shall consist of evergreens, distributed along the length of the buffer strip.

L. Design standards.

All UCTD projects shall comply with the following design standards, unless the SPGA finds any standard to be inappropriate for the proposed use:

(1) Building design.

- (a) Creativity is encouraged in designing the project. A variety of materials shall be used, including but not limited to the following types of materials: wood, metal, glass, brick, rock or tin. Not all structures within the district need to be designed from the same architectural period and applicants are encouraged to vary the facades of the structures.
- (b) All structures shall be constructed to have a variety of dimensions. Building facades shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
- (c) Building facades facing public streets or within thirty (30) feet of main entrances shall reflect a high level of detail refinement.
- (d) Building facades more than fifty (50) feet in length shall be divided into shorter segments by means of changes in materials, varying rooflines or other architectural treatments.
- (e) Rooftop building systems, such as mechanical and electrical equipment and antennas, shall be screened with appropriate architectural elements from all key observation points.
- (f) For new buildings containing commercial uses, at least sixty percent (60%) of the street-facing building facade between two (2) feet and eight (8) feet in height shall be comprised of clear windows that allow views of indoor space or product display areas. This requirement shall not apply to buildings accessory to residential uses and not open to the general public, such as clubhouses.
- (g) Buildings or building facades shall not be designed primarily according to themes or architectural styles defined by or associated with specific business trademarks or trade dress, corporate chains or franchises. The SPGA may prohibit designs that it finds to be inconsistent with this provision.

(2) General site design.

- (a) Roadways, sidewalks and other infrastructure shall be designed in accordance with Town of Randolph Ordinances, rules and regulations and with the additional standards set forth below.
 - (b) Sidewalks, crosswalks, walkways or other pedestrian access shall be provided to allow for safe and convenient access to adjacent properties and between individual buildings, parking areas and other points of interest within the development. Sidewalks and walkways shall be constructed of Portland concrete and shall be minimally broken by vehicular access.
 - (c) Pedestrian amenities such as benches, planters, trash receptacles, walkways and gardens, etc. shall be provided along the sidewalks of public streets and in open space plazas.
 - (d) All utilities servicing a UCTD project shall be placed underground. All utility and drainage plans shall be approved as part of the site plan review process.
 - (e) Off-street parking and loading spaces, internal ways and maneuvering areas shall be designed to provide for adequate drainage, snow storage and removal, maneuverability and curb cuts.
 - (f) Granite curbing with a seven inch (7") reveal shall be used along all roads and private internal ways and at catch basins. Concrete curbing may be substituted for granite curbing in all other locations.
 - (g) The number of driveway curb cuts shall be kept to a minimum.
 - (h) Traffic control devices including signals and signage shall be installed at all appropriate locations.
- (3) Parking lot design.
- (a) Surface lots shall be screened along all public streets by a landscaped buffer not less than six (6) feet in depth or by walls or fencing at least three (3) feet high sitting on at least a three (3) foot buffer strip and compatible with the adjacent architecture and shall be designed to ensure that lights from cars within the surface lots do not spill into adjacent streets and properties.
 - (b) Parking structures and lots shall have well designed and marked pedestrian walkways and connections to the sidewalk system.
 - (c) Parking structures shall be designed to be compatible with adjacent buildings and architecture. All structured parking shall be designed so that the only

openings at street level are those to accommodate vehicle ingress and egress and pedestrian access to the building.

- (d) Parking and loading areas shall be screened from view from public ways. They may be located at the side or rear of a lot or in concealed structures and shall be suitably screened both visually and acoustically from the street and abutters.

(4) Lighting.

- (a) Lighting shall be installed along roadways, driveways, pedestrian walkways and sidewalks.
- (b) Lighting shall not create overspill onto adjacent properties.
 - i. Luminaires shall be equipped with shielding, lenses or other cutoff devices to eliminate light trespass onto any abutting lot or parcel.
 - ii. Building facades may be illuminated with low intensity light. The light source for the building facade illumination shall be concealed. Building entrances may be illuminated using recessed lighting in overhangs and soffits or by use of spotlights focused on the entrance with the light source concealed (e.g. in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.
- (c) The style of light poles and fixtures shall be compatible with the character of the development.

(5) Infrastructure

- (a) UCTD projects shall demonstrate that adequate water supply and pressure are available, adequate sewage capacity is available, on-site stormwater management is provided, traffic circulation is safe and convenient and the traffic flow and circulation at nearby intersections is preserved or improved. Analysis and documentation of compliance with these standards shall be prepared by registered engineers and/or other appropriate professionals. When the size and complexity of a proposal for a UCTD project warrants an independent review of the impacts, the applicant will be responsible for funding such independent peer review.
- (b) In cases where a specific UCTD project would not otherwise meet the above criteria, the developer shall, as a condition of the Special Permit, be required to implement mitigation measures, including but not limited to improvements to public infrastructure, to adequately address any deficiency.

(6) Signs.

- (a) A UCTD project shall comply with the provisions of this section, which supersede the provisions of Article IX, Signs and Advertising Devices, for all UCTD projects.
- (b) A UCTD project may have, at each public street entrance to the development, a pylon or monument sign to identify the development as a whole. No such sign face shall exceed eighty (80) square feet in sign surface area, nor eight (8) feet in height, nor be located less than ten (10) feet from the street line.
 - i. Such sign may be illuminated by an exterior, non-flashing, non-blinking source.
- (c) Within a UCTD project, each business with an exterior public entrance may have one (1) wall sign, attached and parallel to the facade containing said entrance as follows:
 - i. Maximum sign area: fifty (50) square feet or ten percent (10%) of the area of the façade occupied by the business, whichever is less.
 - ii. Maximum projection from building wall: six inches (6").
- (d) Within a UCTD project, each business with an exterior public entrance may have one (1) projecting/blade sign attached perpendicular to the façade containing said entrance as follows:
 - i. Maximum height above grade: fifteen (15) feet.
 - ii. Minimum clearance above grade: eight (8) feet.
 - iii. Maximum sign area: six (6) square feet per side.
 - iv. Maximum projection from building wall: four (4) feet.
- (e) Signs in display windows are permitted provided that such signage shall not cover more than ten percent (10%) of the display window area and shall be lighted only by building illumination.
- (f) Signs shall be illuminated only by an external source of steady, stationary white light, shielded and directed solely at the sign and not casting direct or reflected light off the premises. No sign shall be illuminated internally or from behind a translucent sign face. All light fixtures shall either be decorative or camouflaged. Wiring should be concealed within building molding and lines.
- (g) Only signs related to residential uses are permitted above the first floor of the buildings. Said signs may be 50 square feet in size, or a size equal to 10% of the area of the building face, whichever is smaller.

- (7) The following additional signs are permitted in a UCTD project:
- (a) Any traffic or directional sign owned and installed by a governmental agency.
 - (b) One unlighted temporary sign offering premises for sale/lease for each parcel in one ownership, provided that it shall not exceed six (6) square feet in surface area and set back at least ten (10) feet from the street lot line.

M. Ownership and maintenance of common facilities.

- (1) All internal streets, ways and parking areas shall be privately owned. The maintenance of all such private streets, ways and parking areas, including but not limited to snowplowing, patching and paving, shall remain the responsibility of the owner. All deeds conveying any portion of the land containing private streets, ways or parking areas shall note this private responsibility of maintenance.
- (2) In a UCTD project, prior to any dwelling unit being offered for initial sale, there shall be a residents' association in the form of a corporation, non-profit organization or trust established in accordance with appropriate state law by a suitable legal instrument(s) recorded at the Registry of Deeds. As part of the Special Permit review, the applicant shall supply to the SPGA copies of such proposed instrument.

N. Project phasing.

- (1) A UCTD project may be developed in phases and may be developed under one or more building permits and occupancy permits. Phasing of the development and associated infrastructure shall be specified in the site plan approval.
- (2) Lot area coverage, open space, off-street parking and required mitigation shall correspond with the sequence of development implemented in the UCTD project so that at all times, such requirement shall be met as applied only to those portions of the project for which building permits have been issued. Such requirements shall be met prior to the issuance of certificates of occupancy for such buildings.

O. Authority.

- (1) The UCTD shall require a special permit from the Town Council acting as special permit granting authority (SPGA) with such conditions' as may be required.

P. Planning Board Report and Recommendations.

The Planning Board shall meet with the applicant and review the application packet including development statement and plans and shall submit in writing to the SPGA its report and recommendations for the granting or denial of the special permit,

including suggested modifications, restrictions or requirements to be imposed as a condition of granting the special permit.

Q. Approval criteria.

- (1) In addition to any other applicable Special Permit requirements provided for by the Town of Randolph Zoning Ordinances, prior to granting a Special Permit or a Special Permit with conditions under this section, the SPGA shall find that the following criteria are fulfilled:
 - (a) The project is consistent with the design, character, and scale specified in this Section 10.3 and is in harmony with the surrounding neighborhood;
 - (b) The project is consistent with all sign, design, landscaping, lighting, buffering and public safety requirements and standards established by this Section 10.3;
 - (c) The project protects and enhances important existing natural, historic and/or scenic site features;
 - (d) There is convenient and safe vehicular and pedestrian movement within the site and in relation to traffic and/or adjacent streets;
 - (e) There are adequate and reasonably arranged parking spaces, bicycle racks, internal ways, loading areas and sidewalks and the ability of the site plan to accommodate parking in areas other than the front(s) of building(s);
 - (f) There are adequate sewerage and water supply systems within the site to serve the proposed uses without overloading the municipal systems to an extent that the health, safety or general welfare of the residents of the Town are at risk;
 - (g) There are adequate methods of refuse disposal and storage;
 - (h) There are adequate snow management plans;
 - (i) Local streets can reasonably accommodate traffic generated by the proposed uses;
 - (j) Stormwater management systems are designed to protect from flooding, siltation, pollutants and related drainage impacts and shall conform to the applicable performance standards included in the Massachusetts Department of Environmental Protection Stormwater Management Policy or any successor legislation;

- (k) Stormwater systems are designed to use Low Impact Design (LID) methodologies to mitigate drainage impact;
- (l) Stormwater flood mitigation is provided through the use of Best Management Practices (BMP's) to further reduce the frequency and intensity of flooding otherwise generated at the proposed site;
- (m) The landscaping plan includes adequate screening of adjacent residential uses, street trees, landscape islands and buffers; and
- (n) There is adequate screening for storage areas, loading docks, dumpsters, rooftop equipment and similar features.

10.4 Watershed and Wetland Protection Overlay Districts

A. The purpose of this district is to:

- (1) Protect, preserve and maintain the water table and water recharge areas within the Town of Randolph so as to preserve the present and potential water supplies for the public health and safety of the inhabitants of the Town of Randolph.
- (2) Assure the continuation of the natural flow pattern of the watercourses' capacity to protect persons and provide against the hazards of floodwater within the Town in order to provide adequate and safe floodwater storage inundation.
- (3) Provide that the lands in the Town of Randolph subject to seasonal and/or periodic flooding shall not be used for residential or other purposes in such a manner as to endanger the health and safety of the inhabitants thereof.

B. In a Watershed and Wetlands Protection Overlay District, permitted uses shall be in accordance with the underlying zoning, subject to affirmative finding and approval of the Zoning Board of Appeals and the following restrictions:

- (1) Each Watershed and Wetlands Protection Overlay District as specified in the Town of Randolph Wetlands Ordinance Chapter 196 shall be subdivided into areas as follows:
 - (a) Area 1: all district land lying within the defined water and swampland area shown on the hereinbefore referenced topographic maps of the Town of Randolph and designated on said maps as "Area 1."
 - (b) Area 2: all district land lying outside the defined water and swampland area shown on the hereinbefore referenced topographic maps of the Town of Randolph and designated on said maps as "Area 2."
- (2) District area restrictions.

- (a) Area 1: unsuitable for development of any type; not to be built upon, excavated or filled; may be used to satisfy applicable area requirements in accordance with the underlying zoning.
 - (b) Area 2: development allowed in accordance with all the applicable laws and ordinance of the Town of Randolph governing use in accordance with the underlying zoning, with the following restrictions:
 - i. Any and all structures approved for construction within this area and required by law to be serviced with sanitary facilities shall be connected to the Town sewer systems.
 - ii. No structure may be constructed or paving placed within fifty (50) feet of the water and swamp land designated as "Area 1" or within twenty-five (25) feet of the bank of any brook, stream or river within the area.
 - iii. The finished elevation of any basement floor of a structure approved for construction within this area shall be of a minimum of four (4) feet above the elevation of the closest approach to said structure of the water and swampland area delineated on the hereinbefore-referenced topographic maps of the Town of Randolph designated as "Area 1."
 - iv. All drainage must comply with the requirements of the Randolph Planning Board and Randolph Stormwater Authority.
- (3) Permitted uses shall be as follows:
- (a) Proper operation of and maintenance of dams and other water-control devices.
 - (b) Temporary alteration of water level for emergency or maintenance, upon written approval of the Town Engineer as provided by the Randolph Department of Public Works Routine Operations and Maintenance Plan DEP file #268-0401.
 - (c) Appropriate governmental use, including but not limited to water and sewage works, pumping stations and river and stream clearance, jointly approved by the Town Engineer and Water Department.
 - (d) Dams, excavations, relocation of waterways and creation of ponds and drainage improvements, consistent with the purpose of this chapter, upon written approval of the Town Engineer and Conservation Commission.
 - (e) The repair, rebuilding, modification or enlargement of all existing residential, commercial and industrial buildings, consistent with the laws of the Commonwealth of Massachusetts and in compliance with all other local

ordinance, provided that such proposed work does not affect the natural flow pattern of any watercourse or groundwater supply.

- (f) Driveways and roads where alternative means of access are impractical, consistent with the purpose of this chapter.

(4) Administration.

- (a) Upon written application, the Building Commissioner shall, with the consultation of a certified wetland scientist, determine, whether the parcel identified in the application and shown on any accompanying plot plan lies within Area 1 and/or Area 2 of a Watershed and Wetlands Protection Overlay District. In order to expedite this determination, the applicant shall provide the Building Commissioner with a complete overall topographic plan of the area proposed for use, prepared by a registered professional engineer or registered land surveyor, showing contour elevations at two-foot intervals, referred to United States Geological Survey datum.

- (b) This topographic drawing shall show all pertinent information, including existing brooks, streams, rivers and areas of ponding, the extent and depth of proposed excavation and/or filling limits of other proposed construction and/or appurtenant work.

- (c) A determination by the Building Commissioner that the parcel identified in the application lies within Area 1 and/or Area 2 of a Watershed and Wetlands Protection Overlay District shall require the Building Commissioner's immediate referral to the Randolph Planning Board for recommendation for a finding consistent with the intent of this chapter. The Planning Board will require copies of all information submitted to the Building Commissioner for its consideration of the application. Any owner of land in Area 1 and/or Area 2 who is aggrieved by a decision of the Building Commissioner and/or Planning Board may appeal to the Zoning Board of Appeals.

- (5) The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Randolph designated at Zone A, AE, AH, AO, A99, V or VE on the Norfolk County Flood Insurance Rate Map (FIRM) dated July 8, 2025 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are

incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Conservation Commission and Town Engineer.

(6) Floodplain Overlay District

Special flood hazard areas. Areas are as created by the National Flood Insurance Program (NFIP) and the Federal Emergency Management Agency (FEMA) on their most current maps adopted by the Town of Randolph [see Subsection B(5)], in conjunction with the State Flood Hazard Management Program of the Department of Environment's Management Office of Water Resources, the State Building Code, Wetlands Overlay Protection Act, State Sanitary Code and the Town of Randolph Watershed and Wetlands Protection Overlay District Zoning Code, and any other applicable zoning codes and/or ordinance.

(a) **Statement of floodplain area purposes:**

- i. Ensure public safety through reducing the threats to life and personal injury.
- ii. Eliminate new hazards to emergency response officials.
- iii. Prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding.
- iv. Avoid the loss of utility services which, if damaged by flooding, would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
- v. Eliminate costs associated with the response and cleanup of flooding conditions.
- vi. Reduce damage to public and private property resulting from flooding waters.

(b) **Designation of Flood Plain Administrator.** The Town of Randolph hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.

(c) **Permits required for all development in the Floodplain Overlay District.**

The Town of Randolph requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

The permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits and must submit the completed checklist demonstrating that all necessary permits have been acquired.

(d) **Base flood elevation and floodway data.**

- i. Floodway data. In Zones A, A1-30 and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in the floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- ii. Base flood elevation data. Base flood elevation data are required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is less, within unnumbered A Zones.

(e) **Notification of watercourse alteration.** In a riverine situation, the Floodplain Administrator for the Town of Randolph shall notify the following of any alteration or relocation of a watercourse:

- i. Adjacent communities.
- ii. NFIP State Coordinator, Massachusetts Department of Conservation and Recreation.
- iii. NFIP Program Specialist, FEMA (Federal Emergency Management Agency) Region 1.

(f) **Use regulations.**

- i. The Floodplain Area is established as an overlay area to all zoning districts. All development in the area, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40, as amended, and with the following:
 - a. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain areas and coastal high-hazard areas.
 - b. Wetlands Protection Regulations, Department of Environmental Protection.
 - c. Inland Wetlands Restrictions, Department of Environmental Protection (310 CMR 13.00).

- d. Minimum Requirement for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection (310 CMR 15, Title 5).
- ii. Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of those state regulations.
- iii. No variance to the floodplain areas may be granted by the Zoning Board of Appeals.

(g) Other use regulations.

- i. Within Zones AH and AO on the FIRM, adequate drainage paths are required around structures on slopes, to guide floodwaters around and away from proposed structures are required.
- ii. In Zones A1-30 and AE along watercourses that have a regulatory floodway designated, the encroachments are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- iii. Unnumbered A Zones. In A Zones, in the absence of FEMA BFE data and floodway data, obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating non-residential structures to or above base flood level, and for prohibiting encroachments in floodways [44CFR 60.3(b)(4)]
- iv. All subdivision proposals must assure that:
 - a. Such proposals minimize flood damage.
 - b. All public utilities and facilities are located and constructed to minimize or eliminate flood damage.
 - c. Adequate drainage is provided to reduce exposure to flood hazards.
 - d. Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

- v. **Recreational Vehicles.** In A and AE zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
 - vi. For development within the special flood hazard areas, a copy of the development or site plan shall be transmitted to the Conservation Commission, Planning Board, Board of Health, Town Engineer and Building Commissioner for comments prior to issuing applicable permits or approvals.
- (h) **Permitted uses.** The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:
- i. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
 - ii. Forestry and nursery uses.
 - iii. Outdoor recreational uses, including fishing, boating, play area, etc.
 - iv. Conservation of water, plants and wildlife.
 - v. Wildlife management areas; foot, bicycle, and/or horse paths.
 - vi. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage or sale of crops raised on the premises.
 - vii. Buildings lawfully existing prior to the adoption of these provisions.
- (i) **Public health.** The Board of Health and Department of Public Works, in reviewing all proposed water and sewer facilities to be located in the floodplain areas, shall require that:
- i. New and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the systems.
 - ii. New and replacement sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.
- (j) **Institutional Open Space Districts.** The following uses are permitted in an Institutional Open Space District: houses of worship, schools, parish houses, convents, cemeteries, rectories and accessory uses on the same lot with and customarily incidental to any of the above permitted uses.

- (k) **Abrogation and Greater Restriction.** The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.
- (l) **Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable but does not imply total flood protection.
- (m) **Severability.** If any section, provision or portion of this ordinance is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.
- (n) **Requirement to Submit New Technical Data.** If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within six (6) months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

NFIP Program Specialist
FEMA Region
Massachusetts NFIP State Coordinator
MA Dept of Conservation & Recreation

- (o) **Variations to Building Code Floodplain Standards**
 - i. The Town of Randolph will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.
 - ii. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and
 - b. Such construction below the base flood level increases risks to life and property.Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.
- (p) **Variations to local Zoning Ordinances related to community compliance with the National Flood Insurance Program (NFIP).** A variance from these

floodplain ordinances must meet the requirements set out by State law, and may only be granted if:

- i. Good and sufficient cause and exceptional non-financial hardship exist;
- ii. The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
- iii. The variance is the minimum action necessary to afford relief.

10.5 Great Pond Commerce Center Overlay District

A. Purpose of district.

The purpose of the Great Pond Commerce Center Overlay District is to promote the general welfare of the community by assuring the economic viability and vitality of the former Pacella Industrial Park 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 expanded business or industrial uses at locations where either such uses already exist or they would be appropriate because of access and other geographical considerations.

B. Scope of authority.

The Great Pond Commerce Center Overlay District shall be a superimposed district and not replace the underlying zoning district(s). The regulations of this overlay district shall govern all new construction as well as reconstruction or expansion of new or existing buildings, and shall also govern new or expanded uses, regardless of the nature of such uses, and regardless of whether the requirements of this Section 10.5 are more or less restrictive than those of the comparable regulations for the underlying district at that location. The provisions of this Section 10.5 shall supersede those of Sections 7.3-7.5, inclusive, Sections 5.3-5.5, inclusive, and Sections 5.6-6.7, inclusive. On all other matters, the provisions of the underlying district(s) shall continue to govern.

C. Allowed uses.

The following are the permitted uses in the Great Pond Commerce Center Overlay District.

- Hotels/Motels
- Libraries, museums, cultural institutions
- Catering establishments
- Urgent Care Facilities
- General services
- Office, professional
- Personal services, not otherwise defined

- Professional services, not otherwise defined
- Recording studios
- Restaurant
- Veterinary clinic, excl. animal boarding
- Light Manufacturing
- Printing and publishing
- Scientific or research facilities
- Warehousing and storage
- Wholesaling, warehousing, distributing, repair, rental of any commodity, excluding live animals, explosives and storage of flammable liquids and gases
- Farmers markets
- Orchards, nurseries or other commercial agricultural production
- Plant nurseries, retail
- Golf driving ranges, “miniature” golf course, or other similar outdoor commercial recreation use (but not including an amusement park, drive- in theater or open-air facilities for “spectator sports”)
- Health or exercise clubs
- Indoor recreation/entertainment, including billiards, bowling alleys, game rooms, video arcades, ice and roller skating rinks
- Private clubs, lodges or other nonprofit social, cultural, civic or recreational uses
- Auto parts and accessory stores
- Auto sound system installation, auto glass tinting and repair, and similar uses
- Taxi, limousine and livery dispatching services

D. Special permit uses.

All uses permitted by special permit in the underlying district at a given location may be allowed in the overlay district upon the issuance of a special permit by the applicable special permit granting authority under such conditions as that authority may require.

E. Multiple buildings and uses.

More than one (1) building and/or use on a lot is allowed in the Great Pond Commerce Center Overlay District as a matter of right, so long as each building and/or use is in compliance with the requirements of this Section 10.5.

F. Dimensional and area requirements.

Requirement	Standard/Condition	
Minimum Lot Size	No building shall be constructed on any lot containing less than sixty thousand (60,000) square feet of land.	
Minimum lot frontage	No building shall be constructed on any lot containing less than one hundred twenty (120) feet of frontage on a public way.	
Building Setbacks	No building shall be constructed so as to be nearer to the line of any street than the required setback distance or nearer to the side lines of the lot on which it is located than the required side yard width or nearer to the rear line of the lot on which it is located than the required rear yard depth specified in the following table	
	Required setback distance	Twenty (20) feet from the side line of Pond Street; ten (10) feet from the side line of any other street.
	Required side yard width	Five (5) feet; forty (40) feet if side yard abuts a residential district within the Town of Randolph or a building located within the Town of Randolph and used primarily for residential purposes
	Required rear yard depth	Ten (10) feet; forty (40) feet if rear yard abuts a residential district within the Town of Randolph or a building located within the Town of Randolph and used primarily for residential purposes
	Notwithstanding any other provision hereof, all newly constructed buildings or expanded buildings shall be developed in such a way as to provide unimpeded access on all sides or faces thereof for fire and other emergency vehicles.	
Building Height	Buildings which are located on lots not directly abutting any portion of a residentially zoned premises within the Town of Randolph may contain a maximum of six (6) stories and shall not exceed seventy-eight (78) feet in height. Buildings which are located on lots which directly abut any portion of a residentially zoned premises within the Town of Randolph may contain two (2) stories and shall not exceed twenty-five (25) feet in height. All height measurements shall be made in the fashion set forth in the State Building Code, 780 CMR.	
Lot coverage	No lot shall be developed such that the buildings thereon and other impervious surfaces added thereto cover more than seventy-five percent (75%) of the overall lot area. Of this amount, no more than fifty percent (50%) may be devoted to a building or buildings and no more than twenty-five percent (25%) to impervious surface(s).	
Buffer strips	A minimum five-foot-wide buffer strip shall be maintained along the entire frontage of all lots, excepting only those portions of the lot frontage which must be paved for normal vehicular access. Said buffer shall be maintained as a planting area and shall be landscaped with grass, trees, shrubs and/or other natural materials. A minimum forty-foot (40) wide buffer strip shall be maintained along the entire side and rear boundary lines of all lots within the Great Pond Commerce Center Overlay District where the side or rear yard of the lot in question abuts a residential district within the	

	Town of Randolph or a building located within the Town of Randolph which is used for residential purposes. Otherwise, no buffer requirement shall apply in the side and/or rear yard areas.
Parking and Loading	<p>For retail stores and offices including salesrooms and showrooms, consumer service establishments, public administration buildings, business and professional offices, executive and administrative offices, banks and other financial institutions or any form of educational institution, one (1) parking space for each two hundred fifty (250) square feet of gross floor area. For purposes hereof, "gross floor area" means the aggregate total floor area of all levels contained within exterior walls, but does not include basement space used for heating and utilities, storage or for automobile parking.</p> <ul style="list-style-type: none"> <li data-bbox="407 667 1541 741">i. <i>Uses not listed in the preceding subsection shall meet the parking space requirements of Section 7.6 of this chapter.</i> <li data-bbox="407 741 1541 898">ii. <i>Parking of motor vehicles shall be permitted either on grade, below grade within the basements of buildings or above grade on so-called "parking shelves" constructed for such purpose. Adequate means of ventilation shall be provided for any parking area located below grade.</i> <p>The net area for each individual parking space required shall be no less than one hundred sixty-two (162) square feet. Each such parking space shall have a length of not less than eighteen (18) feet and a width of not less than nine (9) feet. This provision shall not apply to handicapped parking spaces, the overall size, dimensions and number of which shall be consistent with applicable local, state or federal requirements for same.</p> <p>The off-street parking spaces required may be provided either on the same lot or premises with the parking generator or on any lot or premises, whether or not otherwise associated therewith, a substantial portion of which at least is within five hundred (500) feet of the generator. All required handicapped parking spaces must be located on the same lot or premises as the parking generator.</p> <p>Off-street parking facilities and connecting drives between such facilities and the street shall be designed so as to ensure the safety and convenience of persons traveling within or through the parking area and between the parking facility and the street.</p> <p>Each building or group of buildings shall have sufficient off-street loading space to ensure that all loading operations take place off the public way. Loading spaces and access drives leading to loading spaces shall be so designed that vehicles to be loaded or unloaded are not required to maneuver in the public way to enter or leave the designated loading area and so as to minimize the impact of any loading operations on any abutting residential premises.</p>

	Lamps or lights which may be installed to illuminate any parking spaces or parking area shall be configured so that the fallout from said lamps or lights shall not impact abutting residential premises.
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10.6 Sanitary Facility Districts

The following uses are permitted in a Sanitary Facility District:

- A.** Sanitary landfill, refuse transfer station, resource recovery center, recycling center, dumping ground for refuse or any other works for treating or disposing of refuse, excluding incinerators. "Refuse" means all solid or liquid waste materials, including garbage and rubbish, but not including untreated sewage, liquid chemicals and special waste.
- B.** Buildings and structures of one-story size, not more than twenty (20) feet high, fences, roadway for access and egress and drainage systems used in connection with any of the uses permitted in Subsection A; and buildings and structures of one-story size, not more than twenty (20) feet high, for the housing, protecting, servicing and/or supplying of machinery or equipment therefor and administration facilities therefor.
- C.** Such accessory uses as are customary in connection with the uses permitted in Subsections A and B above and are incidental thereto shall be in strict compliance with the Board of Health and state sanitary laws.

10.7 Randolph Community Multi-Family Overlay District (RCMOD)

A. Purpose.

The purpose of the Randolph Community Multi-family Overlay District (RCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as-of-right multi-family housing to accomplish the following purposes:

- (1) Comply with Section 3A of MGL Chapter 40A, the "MBTA Communities Act."
- (2) Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
- (3) Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services within a half-mile of a transit station.

- (4) Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.
- (5) Increase the municipal tax base through private investment in new residential developments.

B. Establishment and Applicability.

This RCMOD is an overlay district having a land area of approximately 144.2 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map.

- (1) Station Sub-District.
- (2) Chestnut West Sub-District.
- (3) Gill Farm Sub-District.

C. Permitted Uses.

- (1) Uses Permitted As of Right. The following uses are permitted as of right within the RCMOD.
 - (a) Multi-family housing.
 - (b) Conversion of a single-family home to no more than four dwelling units.
- (2) Accessory Uses. The following uses are considered accessory as of right to any of the permitted uses in Subsection C(1).
 - (a) Parking, including surface parking and parking within a structure such as an aboveground or underground parking garage or other building on the same lot as the principal use.

D. Dimensional Standards.

- (1) Table of Dimensional Standards. Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable to projects constructed in the RCMOD under the RCMOD zoning are as follows:

Standard	Station Sub-District	Chestnut West Sub-District	Gill Farm Sub-District
Minimum Lot Size (Square Feet)	12,000	43,560	130,680
Minimum Frontage (feet)	100	75	75
Minimum Lot Depth (feet)	75	75	75
Height			
Stories (Maximum)	3	4	5
Feet (Maximum)	40	50	60

Standard	Station Sub-District	Chestnut West Sub-District	Gill Farm Sub-District
Lot Coverage (%)			
Building (Maximum)	30	20	20
Impervious Surface (Maximum)	20	20	20
Lot Coverage (Maximum)	50	40	40
Green Area/Open Space (Minimum)	50	60	60
Maximum Dwelling Units per Acre	15	14	30
Setbacks (feet)			
Front	25, and see Section 5.3.A	40, and see Section 5.3D.	Front
Side	15	40, and see Section 5.4.C.	Side
Rear	15, and see Section 5.5.A.	40, and see Section 5.5.B.	Rear
Buffer Strips (Side and Rear) (feet)	5	20	Buffer Strips (Side and Rear) (feet)

- (2) Multi-Building Lots. In the RCMOD, lots may have more than one principal building on a single lot, provided that the Site Plan Review Authority finds through the site plan review process that safe and convenient access will be provided to all structures.
- (3) Exceptions. The limitation on the height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building. This paragraph supersedes Section 5.8.A, Maximum Building Height.
- (4) Exceptions: Renewable Energy Installations. The Site Plan Review Authority may waive the height and setbacks in § 200-14.5D, Dimensional Standards, to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the

building and the layout of the site. The installations shall not provide additional habitable space within the development.

E. Off-Street Parking.

These parking requirements are applicable to development in the RCMOD.

- (1) Vehicle parking spaces. The following maximum numbers of off-street parking spaces shall be permitted either in surface parking or within garages or other structures:

Use	Station Sub-District	Chestnut West Sub-District	Gill Farm Sub-District
Multi-family (spaces per Residential Dwelling Unit)	2	2	1

- (2) Bicycle parking spaces. There shall be a minimum of 1 covered bicycle storage space for every ten (10) dwelling units.
 - (a) For a multi-family development of twenty-five (25) units or more, covered parking bicycle parking spaces for a minimum of twenty-five percent (25%) of the requirement shall be integrated into the structure of the building(s).
- (3) Article 7, Off-Street Parking Requirements, except Section 7.6, Required number of spaces, applies to developments within the RCMOD.

F. Affordability Requirements

- (1) Purpose.
 - (a) Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
 - (b) Provide for a full range of housing choices for households of all incomes, ages, and sizes;
 - (c) Increase the production of affordable housing units to meet existing and anticipated housing needs; and
 - (d) Work to overcome economic segregation, allowing the Town of Randolph to be a community of opportunity in which low and moderate-income households can advance economically.
- (2) Applicability. This requirement is applicable to all residential developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable

Projects). No project may be divided or phased to avoid the requirements of this section.

(3) Affordability requirements.

(a) Subsidized Housing Inventory (SHI). All units affordable to households earning eighty percent (80%) or less of AMI created in the RCMOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.

(4) Provision of Affordable Housing. In Applicable Projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

(5) Development Standards. Affordable Units shall be:

(a) Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;

(b) Dispersed throughout the development;

(c) Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;

(d) Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;

(e) Distributed proportionately among unit sizes; and

(f) Distributed proportionately across each phase of a phased development.

(g) Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development, provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

(6) Administration.

(a) The Zoning Enforcement Officer shall be responsible for administering and enforcing the requirements in this section.

(b) Occupancy permits shall not be issued without confirmation that a regulatory agreement for a Local Initiative Program (LIP) or Local Action Unit (LAU) is in place with EOHLC.

G. Site Plan Review.

- (1) Applicability. Site Plan Review is required for all projects within the RCMOD. The Site Plan Review Authority shall review an application for Site Plan Review for consistency with the purpose and intent of Section 10.7.A through D.
- (2) Submission Requirements. As part of any application for Site Plan Review for a project within the RCMOD submitted under Section 10.7.C through F, the Applicant must submit the following documents to the Town of Randolph:
 - (a) Application and fee for Site Plan Review.
 - (b) In accordance with MGL c. 44, § 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 project review fee may be used to engage experts, other than attorneys, as outside consultants to assist the applicable acting body in the technical evaluation of a site plan and/or an as-built plan.
 - (c) Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by Municipality for Site Plan Review.
 - (d) Elevations of the building(s) showing the architectural design of the building.
 - (e) All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the Permitting Authority.
 - (f) Narrative of compliance with the development standards set forth in Section 11.3.E, Standards and Criteria.
 - (g) As-built plans shall be required as defined in Section 11.3.F, As-built plans.
- (3) Timeline. Site Plan Review should be commenced no later than 30 days after the submission of a complete application and should be completed expeditiously.

- (a) The Site Plan Review Authority may, when appropriate, seek the input of other municipal boards or officials. 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 applicable acting body.
 - (b) A decision shall be made within sixty (60) days of receipt of a complete accepted application, unless extended by mutual agreement. When the Planning Board is the Site Plan Review Authority, the Planning Board will vote as a simple majority.
 - (c) A report of the Planning Board's decision/findings or the Planning Board designee's decision/findings shall be forwarded to applicable departments, including Building, Conservation, DPW, Engineering, Fire and Health, and a copy included in the building jacket.
 - (d) Failure of the Planning Board or its designee(s) to act within sixty (60) days of a complete accepted application shall be deemed an approval.
 - (e) In general, site plan review should be completed no more than six (6) months after the submission of the application.
- (4) Site Plan Approval. Site Plan approval for uses listed in Section 10.7.C, Permitted Uses, shall be granted upon determination by the Site Plan Review Authority that the following conditions have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
- (a) The Applicant has submitted the required fees and information as set forth in the Town of Randolph's requirements for a Building Permit and Section 11.3, Site Plan Review (unless modified by this Section 11.7.G; and
 - (b) The project as described in the application meets the development standards set forth in Section 11.3.E, Standards and Criteria. Upon the request of the Applicant, the Site Plan Review Authority may waive the requirements of Section 11.3.E, Standards and Criteria, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the RCMOD.
- (5) Project Phasing. An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no

project may be phased solely to avoid the provisions of Section 10.7.F, Affordability Requirements. The Planning Board may require a performance guarantee for a phased development to ensure completion according to the conditions of the site plan approval decision. The performance guarantee, if required, shall be one (1) of the methods stated in MGL c. 41, § 81U, and the amount of the guarantee shall be determined by the Planning Board and transmitted to the Planning Board within 45 days following approval.

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Article 11. Administration and Enforcement

11.1 Administration

A. Building Commissioner

- (1) The Building Commissioner shall be the chief zoning enforcement officer for the Town of Randolph, shall enforce the provisions of the Town zoning ordinances and shall 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, shall give the reason, in writing, to the complainant within fourteen (14) days of receipt of the complaint.
- (2) The Building Commissioner shall locally administer and enforce the Massachusetts State Building Code, as provided under Massachusetts state law.
- (3) The Building Commissioner shall have such other duties and responsibilities as provided to chief municipal building officials under Massachusetts state law, subject to the terms of the Randolph Town Charter.
- (4) All applications for permits issued by the Building Commissioner and/or the Building Department 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 altered or built upon, the public ways or other streets and premises upon which the lot(s) abuts and the size and location of the building or other structure 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.
- (5) A building permit shall be required for the construction, alternation or moving of any building or structure. The Building Commissioner shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of applicable zoning ordinances.
- (6) An occupancy permit shall be required for any new use of a building, structure or land. No permit shall be granted for a new use of a building, structure or land which use would be in violation of applicable zoning ordinances.
- (7) 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 this chapter. No building permit or occupancy permit shall be issued without prior approval of any required site plan and architectural design by both the Building Commissioner and the Planning Board or its designee(s).

- (8) A foundation permit does not require site plan and design review and may be issued at the discretion of the Building Commissioner.

B. Zoning Board of Appeals

- (1) Consistent with the Randolph Town Charter, the Zoning Board of Appeals shall be appointed by the Town Manager and shall consist of five regular members and two associate members. The Zoning Board of Appeals shall have the powers and duties described in MGL Chapter 40A and as otherwise specified under these Town of Randolph Zoning Ordinances.
- (2) The Zoning Board of Appeals shall exercise all the powers and duties set forth in MGL c. 40A, §§ 12 and 14, and may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the Randolph Zoning Ordinances in harmony with the general intent and purpose of those Ordinances, particularly with reference to the provisions of Section 10.4, Article 7, Section 6.1, and Article 5 of this chapter, and with reference to the use of lots located in two (2) or more districts or municipalities.
- (3) At the time of filing an appeal, application or petition with the Zoning Board of Appeals, the applicant shall deposit with the Zoning Board of Appeals an application fee and/or a permit fee as may be determined from time to time by the Zoning Board of Appeals under its rules and regulations as provided in MGL c. 40A. The Zoning Board of Appeals may adopt rules and regulations, pursuant to MGL c. 40A, concerning its operations and its application requirements.
- (4) Appeals, applications, and petitions to the Zoning Board of Appeals shall be in writing and shall present the facts, reasons, and arguments supporting the request for relief sought and shall be filed with the Town Clerk, who, upon receipt, shall notify said Board. For all actions brought before the Board, as part of the facts, the applicant shall identify the owner of the property and the applicant, and their interests in the property. A purchase and sale agreement, lease agreement, or letter of intent may be submitted to satisfy this requirement. No application shall be considered complete until this requirement is met.
- (5) No use variance shall be permitted in any zoning district except where specifically authorized by this chapter.

C. Amendments

- (1) Amendments to the Town Zoning Ordinances shall be made as described in MGL c. 40A.

- (2) A proposal to amend the Town Zoning Ordinances which affects the Town Zoning Map shall include a complete boundary description, together with a plan of the area to be affected, showing existing zoning lines and proposed zoning lines, stating all pertinent dimensions, in feet, at a scale of not less than one hundred (100) feet to the inch. Whenever a proposed amendment affects the Zoning Map, in addition to other required notice, notice shall be sent to all owners of land within three hundred (300) feet of the land affected, including land in adjoining towns, if any, all as they appear on the most recent applicable tax list.
- (3) Reconsideration of proposed zoning amendments. As provided in MGL c. 40A, no proposed zoning ordinance which has been unfavorably acted upon by the Town Council shall be considered by the Town Council within two (2) years after the date of such unfavorable action unless the adoption of such proposed ordinance is recommended in the final report of the Planning Board, as required by MGL c. 40A, § 5.
- (4) Effective date of amendments. Zoning amendments become effective when adopted by the Town Council as provided by MGL c. 40A, § 5.

D. Violations and penalties

- (1) If written complaint is made to the Building Commissioner, or if the Building Commissioner has reason to believe that any provision of this chapter is being or is about to be violated, the Building Commissioner shall make or cause an investigation to be made into the facts.
- (2) If the Building Commissioner finds no violation or prospective violation, any person aggrieved by this decision or any officer or board of the Town may, within thirty (30) days and consistent with MGL c. 40A, appeal to the Zoning Board of Appeals.
- (3) If the Building Commissioner finds a violation or prospective violation, the Building Commissioner shall give immediate notice, in writing, to the owner and to the occupant of the premises and shall order him or her to cease and desist and refrain from such violation. Any person aggrieved by the Building Commissioner's decision, or any officer or board of the Town, may, within thirty (30) days and consistent with MGL c. 40A, appeal to the Zoning Board of Appeals.
- (4) If, after action by the Building Commissioner, an appeal is taken to the Zoning Board of Appeals, and after a public hearing the Zoning Board of Appeals finds that there has been a violation or prospective violation, the Building

Commissioner shall issue an order to cease and desist and refrain from such violation unless such order has been previously issued under Subsection D.3.

- (5) If such violation then continues, the Building Commissioner may forthwith make application, consistent with MGL c. 40A, for a Court injunction or order restraining the violation and shall take such other action as may be necessary to enforce this chapter, including any action permitted by law.
- (6) Penalties for violations of any provisions of this chapter may, upon conviction, be affixed in an amount as permitted under MGL c. 40A. Each day or portion of a day that any violation is continued shall constitute a separate offense.

11.2 Special Permits

A. Special Permit Required.

Certain uses described in the Zoning Ordinances are permitted only upon the prior issuance of a special permit, as provided in this article. A special permit may be granted for a particular use by the designated special permit granting authority (“SPGA”). A special permit shall only be issued for a use which is in harmony with the general purpose and intent of the Town Zoning Ordinances. Before issuing a special permit, the SPGA shall make such findings as may be required by this chapter and may impose conditions, safeguards and limitations deemed appropriate to further the objectives of this chapter, including, but not limited to, imposition of requirements greater than the minimum set forth by this chapter.

B. Procedure.

- (1) **Rules.** The special permit granting authority shall adopt, and 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 specifications and the procedure for the submission, processing and approval of all applications for such permits.
- (2) **Filing of application.** Each application for a special permit shall be filed by the petitioner with the town clerk and a copy of said application, including the date and time of filing certified by the town clerk, shall be filed forthwith by the petitioner with the special permit granting authority. All applications made to a SPGA shall identify the owner of the property and the applicant and their interests in the property. A purchase and sale agreement, lease agreement, or letter of intent may be submitted to satisfy this requirement. No application shall be considered complete until this requirement is met.

- (3) **Public hearing.** Not more than sixty-five (65) days following the date a complete special permit application has been filed with it, the special permit granting authority shall hold a public hearing concerning each such application.
- (4) **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.
- (5) **Action on application.** The special permit granting authority shall act with respect to each such application within ninety (90) days following the date of the public hearing on such application. The required time limits for a public hearing, and action on the application, may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the town clerk. Failure by the special permit granting authority to take final action within said ninety days or extended time, if applicable, shall be deemed to be a grant of the special permit, subject to the requirements of MGL c. 40A.
- (6) **Voting.** Approval of special permits shall require an affirmative vote consistent with MGL c. 40A.
- (7) **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, as required by MGL c. 40A, section 16.
- (8) **Copy of decision.** Upon taking final action on a special permit application, the special permit granting authority shall issue a certified copy of its decision, shall file it with the Town Clerk, shall provide a copy to the owner and to the applicant if other than the owner, and shall provide such other notice as required under MGL c. 40A. The decision shall contain all information required under MGL c. 40A and shall include the name and address of the owner, identify the land affected, set forth compliance with the statutory requirements for the issuance or denial 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.
- (9) **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 twenty (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.

- (10) **Lapse of permit.** Consistent with MGL c. 40A, a special permit issued under this article shall lapse at the expiration of two (2) 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.
- (11) **Conditions.** As part of the granting of a special permit, the special permit granting authority may impose conditions, safeguards and limitations on time or use.
- (12) **Repeat of application.** No application which has been unfavorably and finally acted upon by the special permit granting authority shall be favorably acted upon within two (2) 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 (1) 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, as required by MGL c. 40A, section 16.

C. Authority to Issue Special Permits.

- (1) Designation of Special Permits Granting Authority.
 - (a) The Town Council shall be the special permit granting authority for those activities listed on the Table of Allowable Activity as "SPTC".
 - (b) The Planning Board shall be the special permit granting authority for those activities listed on the Table of Allowable Activity as "SPPB".
 - (c) The Zoning Board of Appeals shall be the special permit granting authority for extension or alteration of existing nonconforming structures or uses.

- (d) The Zoning Board of Appeals shall be the special permit granting authority for nonconforming structures or uses damaged or destroyed by accidental causes.

(2) Other Special Permits

- (a) Any other special permit that may be issued pursuant to these Zoning Ordinances shall be under the authority of the SPGA specifically indicated in these Ordinances for that type of special permit.
- (b) If a special permit is required by these Zoning Ordinances but no SPGA is indicated, the Planning Board shall be the SPGA for that special permit.

D. Special Permit Requirements for Particular Uses/Activities.

When a special permit is required under these Zoning Ordinances for a particular use or activity, the SPGA shall consider whether the granting of the special permit would satisfy the following general and specific requirements. A special permit shall be granted by the SPGA only upon the written determination of the SPGA that the applicable general and specific requirements described in this section have been satisfied.

- (1) General requirements for use. The following requirements shall apply to all special permits issued under these Zoning Ordinances.
 - (a) The proposed use or activity is in harmony with the general purpose and intent of the Town Zoning Ordinances.
 - (b) The proposed use is acceptable in light of the requirements contained in MGL c. 40A.
 - (c) The adverse effects of the proposed use will not outweigh its beneficial impacts to the Town and to the neighborhood where the use will be located, in view of the particular characteristics of the site, and of the proposal in relation to the site.
 - (d) The proposed use is acceptable in light of the requirements contained in the Town Zoning Ordinance and the Table of Allowable Activities.
 - (e) The proposed use is consistent with the Town Master Plan.
 - (f) The proposed use is acceptable with regard to traffic flow and safety concerns, including parking and loading.

- (g) The proposed use is acceptable with regard to adequacy of utilities and other public services.
 - (h) The proposed use is acceptable with regard to impacts on neighborhood character.
 - (i) The proposed use is acceptable with regard to impacts on the natural environment.
- (2) Specific requirements for specific uses. The following requirements shall apply to special permits issued under these Zoning Ordinances for each of the following specific uses. Each of the following uses requires a special permit.
- (a) **Earthwork Removal.** No soil, loam, sand, gravel or stone shall be removed from any land in the Town not in municipal use without first obtaining a special permit from the Planning Board, except for the following activities, which do not require a special permit:
 - i. The removal of less than 10 cubic yards of material in total in a one-year period from a single parcel.
 - ii. The transfer of material from one part of a parcel to another part of the same parcel for immediate use in such other part of the parcel.
 - iii. The removal of material excavated in connection with the new construction of a building or structure, a sidewalk, path or other site work, incidental to the construction of any such building or structure, or excavation in connection with the new construction of public or private ways, but only as indicated on plans and profiles prepared by a registered engineer and approved through the site plan and design review process.
 - (b) **Extension or Alteration of Existing Nonconforming Structures or Uses.** The Zoning Board of Appeals, as the special permit granting authority, may issue a special permit for the extension or alteration of an existing nonconforming structure or use upon a specific finding by said Board that such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use.
 - (c) **Nonconforming Structures or Uses Damaged or Destroyed by Accidental Causes.** The Zoning Board of Appeals, as the special permit granting authority, may issue a special permit for the repair or replacement of a nonconforming structure or use damaged or destroyed by accidental causes. Said structure

or use 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 (2) years of said accidental damage or destruction.

(d) **Adult Use Private Club.** The Town Council, as the special permit granting authority, may issue a special permit for the establishment and operation of a structure or facility owned and/or operated for social or recreational purposes where patrons (as opposed to performers or employees) display live nudity or other nudity, as that term is defined in MGL c. 272, §31. The specific requirements contained in subsection e, below, shall also apply to applications for an Adult Use Private Club.

(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 and operation of an adult bookstore, an adult motion-picture theater, an adult club, an adult paraphernalia store or an adult video store. The following requirements shall apply to special permits issued for these uses:

- i. 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.
- ii. The adult bookstore, adult motion-picture theater, adult club, adult paraphernalia store or adult video store must be located at least five hundred (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.
- iii. The adult bookstore, adult motion-picture theater, adult club, adult paraphernalia store or adult video store must be located at least five hundred (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 five hundred (500) feet from any other establishment licensed under the provisions of MGL c. 138, § 12.
- iv. The adult bookstore, adult motion-picture theater, adult club, adult paraphernalia store or adult video store must be located at least five

hundred (500) feet from any school, whether public or private, at least five hundred (500) feet from any house of worship, at least five hundred (500) feet from any day-care facility, and at least five hundred (500) feet from any public park or playground.

- v. Any special permit granted under this Subsection D.2.e shall lapse within six (6) 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.
 - vi. No use authorized by special permit under Subsection D.2.e shall be located within two hundred fifty (250) feet of any other use authorized by special permit under this Subsection B(5).
- (f) **Drive-Through Windows.** The placement, installation, use or maintenance of a drive-through window service shall not be allowed except as authorized to do so by a special permit issued by the Town Council. A drive-through window is a service window at a business designed for customers to receive service without leaving their vehicles. It does not include windows where only walk-up service is provided. 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:
- i. As part of their application for a special permit, applicants shall file with the Town Council a site plan showing the location of the buildings, the location of the proposed drive-through window, traffic flow, parking and vehicular access to the site.
 - ii. Applicants shall provide a description of the services to be provided through the drive-through window and the hours that the window will operate.
- (g) **Twenty-Four Hour Business Operations.** No twenty-four-hour business operation shall be allowed unless authorized by a special permit. A twenty-four-hour business operation shall mean those businesses whose operations include continuous operation between the hours of 2am and 5am. A business that allows cleaning, maintenance, deliveries, stocking of shelves, or other similar activities during these hours shall not be considered a twenty-four-hour business operation unless the business is also operating some portion of its main business activities continuously during these hours. The existence of

an automated service during these hours, such as a vending machine, automated teller, cash machine, water dispenser, or other similar service, shall not, alone, cause a business to be considered a twenty-four-hour business. This subsection does not apply to licensed common victualers or to licensed establishments serving alcoholic beverages. The Town Council shall be the special permit granting authority for twenty-four-hour business operations.

(h) **Wireless Communications Towers:** See Section 9.3.

(i) **Crematories.** 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. 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 this chapter are satisfied:

- i. A crematory may be located only within the limits of a cemetery containing no less than twenty (20) acres, which cemetery shall have been in existence and actually used for burial purposes for a period of at least five (5) years immediately preceding the time of initiating the crematory use.
- ii. The crematory facility shall be set back at least two thousand (2,000) feet from the property lines of the lot upon which it is located, plus an additional two thousand (2,000) feet from any residential zoning district abutting such lot.
- iii. The crematory facility shall be set back at least two thousand (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.
- iv. No signage identifying the property as the location of a crematory shall be allowed.
- v. The frontage requirements of a lot containing a crematory shall be those of the underlying zoning district.
- vi. The crematory shall have no detrimental effect on the neighborhood in which it is located or on the Town as a whole.

- vii. 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.
- viii. 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.
- (j) **Rehabilitation Facility or Assisted-Living Facility.** The Town Council, as the special permit granting authority, may, in its sole discretion, issue a special permit for a rehabilitation facility or assisted-living facility located within an applicable district if it determines that the particular use provides a significant benefit to the Town of Randolph, will not be injurious to the neighborhood in which it is located, nor to traffic and safety conditions therein, nor otherwise detrimental to the public safety and welfare. Notwithstanding the aforementioned, the following conditions must be met:
 - i. Lot size shall have a minimum of three (3) acres.
 - ii. The site must have at least one (1) property line abutting a major thoroughfare.
 - iii. Where any required yard abuts a residential zone, there shall be a forty-foot vegetated buffer which contains upright coniferous evergreens six (6) feet in height and fifteen (15) feet on center.
 - iv. Access to ambulance and delivery areas shall be directly from a major thoroughfare, not a secondary road.
 - v. Areas shall be obscured from all adjacent residentially zoned districts through installation of fencing at least six (6) feet in height supplemented

by landscaping, for parking and storage of emergency and maintenance vehicles and subject to the following conditions:

- a. Such use is accessory to the principal use.
- b. The minimum distance of any garage from any property line shall be fifty (50) feet.
- c. No garage may be located between the side of the principal building and the closest major thoroughfare.
- d. Garages must be designed to be architecturally compatible with the primary building.

(k) Marijuana Treatment Center(s), Sales, Cultivation, Harvesting.

- i. The Town Council, acting as the special permit granting authority, may issue a special permit for the establishment of a marijuana treatment center(s), marijuana growing, cultivating, or harvesting areas, marijuana distribution, provided that the following conditions are met:
 - a. The applicant must qualify for and abide by any and all local and state rules, regulations and/or laws applicable to a medical marijuana treatment center(s);
 - b. The applicant and any and all employees or agents of applicant shall execute a Massachusetts criminal offender record information (CORI) request form to be administered by Department of Criminal Justice Information Services (DCJIS), which will be used in the determination of the special permit;
 - c. No owner, agent, or employee of the applicant shall have been convicted of an offense under MGL Chapters 272, 94C, 64K, 269, 265, 271, 266, 272, 118E, 112, or like crimes from another state or territory of the United States or foreign jurisdictions;
 - d. The parcel for which said special permit is being requested shall be no closer than one thousand (1,000) feet to a school (public or private), a playground/park or other public area that the general public has access to, a halfway house, sober house, treatment center, Alcoholics Anonymous gathering or meeting point, or house of worship; any club or children's oriented activity where children gather, including day-care centers, libraries, arcades, etc.;
 - e. The property in which the applicant not-for-profit entity shall be located shall be in a freestanding building and shall not share a common wall

with any other use or tenant space, except with a use that is consistent with the operation of a Medical Marijuana Treatment Center or any associated medical Marijuana Cultivation.

- f. No signage shall be allowed other than one (1) single sign measuring no greater than eighteen (18) inches by six (6) inches, which shall be affixed to the front door of the establishment and shall not be illuminated;
- g. All other sections of the Town of Randolph's Sign Ordinance shall not apply to this special permit;
- h. The applicant shall file a completed Town application on an approved application form issued by the Town Council which shall include:
 - (i) A written exterior refuse control plan.
 - (ii) A written public safety plan for police matters.
 - (iii) A written public safety plan with regard to fire matters.
 - (iv) A written plan to reduce odorous emissions.
 - (v) An indication whether the medical use is to be consumed on the premises.
- i. The applicant shall pay to the Town an application fee at the time of the original submittal and the applicant shall also pay to the Town an annual renewal fee.
- j. All dispensaries shall be inspected on a semiannual basis by the Building Department, Fire Department, Police Department, and Board of Health. There shall be a semiannual fee of \$125 to be paid to each department to offset all additional costs associated with the facility inspection, except sprinkler fee inspections. These semiannual reports shall be forwarded to the SPGA outlining that the entity is in compliance or if any deviations exist;
- k. The hours of operation shall be no earlier than 8:30 a.m. and no later than 7:00 p.m.;
- l. There shall be no drive-through or take-out window allowed;

- m. Dispensing of any marijuana product shall not occur in any automated manner, i.e., vending machines. All dispensing must occur in a person-to-person manner within the confines of the closed facility; and
- n. Any condition that the Town Council deems necessary or desirable to benefit, protect, and secure the health, safety, and/or convenience of the Town and/or the residents of the neighborhood in which the medical marijuana treatment center(s) facility is located.
- o. Areas where uses are permitted.
 - (i) The uses described in this Subsection D.2.k shall only be permitted as described in the Table of Allowable Activity or in the Great Bear Swamp Highway District (GBHD), but only in the GBHD if the use is on the southeasterly side of the way known as Route 139/Mazzeo Drive and only if the use is set back at least five hundred (500) feet from the way known as Route 139/Mazzeo Drive.
 - (ii) The uses described in this Subsection D.2.k shall only be permitted as described in the Table of Allowable Activity or in the Industrial District (ID), but only in the ID if the use is located on a parcel with frontage on the way known as Teed Drive or with frontage on the way known as Chief's Way.
- ii. Hardship cultivation. All persons who possess a hardship cultivation registration as defined herein shall be allowed to cultivate medical marijuana within a single-family residential home, subject to the conditions set forth by the commonwealth and the conditions set forth in this Section 11.2 and these additional conditions:
 - a. The registrant shall provide a copy of its registration card to the heads of the Police Department, Fire Department, Building Department and the Board of Health.
 - b. The registrant shall provide a security plan to the head of the Police Department that outlines specific protection of the medical marijuana within an enclosed and locked facility.
 - c. The registrant shall provide a plan in the case of a fire to the Fire Chief to protect the general public and first responders and other safety officials.

- d. The registrant shall obtain building, wiring, plumbing and any other permits necessary to construct the enclosed facility, locked facility, for the cultivation of medical marijuana and obtain subsequent inspections for permits.
- e. The cultivation under this subsection must take place on property that is owned, rented or leased by the registrant; if the property is leased or rented, then a signed affidavit from the owner of the property must be submitted allowing the cultivation to exist.
- f. The registrant shall provide a written plan to reduce odorous emissions.

(l) Car Washes.

- i. All mechanical car wash facilities shall be located on a lot and shall be permanent or semi-permanent fixtures on that lot. Mechanical mobile car wash facilities (wash facilities that move from location to location) are not permitted in any zoning district.
- ii. Nothing in these Zoning Ordinances shall prevent occasional hand washing, cleaning or waxing of individual vehicles in any zoning district, so long as washing, cleaning or waxing of vehicles is not the primary purpose of the building, area or entity doing the washing, cleaning or waxing.
- iii. Every car wash facility shall be screened from any adjacent residential property or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, six (6) feet in height and providing such density so as to provide year-round screening.
- iv. In addition to complying with all applicable parking requirements contained in Article IV of these Zoning Ordinances, each car wash bay shall have the following vehicle stacking capacity for cars waiting to be serviced:
 - a. Two (2) stacking spaces for each self-serve bay or space; or
 - b. Four (4) spaces for each automatic bay or space.
- v. If accessory vacuuming facilities are provided, the site plan shall demonstrate one parking space for each vehicle capable of being serviced at any one time at such vacuum facility where such spaces do not interfere with circulation drives, stacking lanes or entry and exit drives.

- vi. All car wash facilities must comply with the requirements of the Clean Water Act, the Town of Randolph Stormwater and MS4 Ordinances and regulations, and the Massachusetts MS4 General Permit (as most recently amended).
- vii. Whenever a declaration of a state of water supply emergency or resulting order is legally declared and imposed on the Town of Randolph by an appropriate state or federal agency, or a water conservation emergency declared by the Tri-Town Board Water Commission or its successor, the Town Council may promulgate such reasonable rules and regulations as are necessary to implement said declaration, order or water conservation emergency, including limiting the quantity of water available to car washes.
- viii. Car wash facilities shall recycle as much of the water as reasonably practical.

11.3 Site Plan and Design Review

A. Purpose and intent

- (1) 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.
- (2) The review procedures are intended to:
 - (a) Provide a predictable and timely development review process to evaluate proposed site design layouts and site improvements on a parcel or group of parcels.
 - (b) 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.
 - (c) 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.
 - (d) Encourage attractive development based on good design. Good design encourages clearly defined entryways, articulated rooflines to prevent monotony, pedestrian amenity areas, and concealment of unsightly mechanical structures from public view.
 - (e) Encourage efficient, pedestrian-oriented design which effectively resolves the incompatibility between pedestrians and motorists while providing interconnectivity between buildings, parking areas and other internal/external components.
 - (f) Encourage parking lot design which meets vehicular needs, while providing safe, efficient, comfortable pedestrian flow.
 - (g) Encourage adequate landscaping that provides screening and shade for public benefit.
 - (h) Encourage enhanced lighting design, to avoid forms of nuisance and intrusiveness into adjacent areas, while enhancing public safety.

- (i) Encourage the conservation of buildings and groups of buildings that have aesthetic or historic significance.
- (j) Promote alterations that are compatible with the existing environment and that are not inferior in quality or appearance.
- (k) Ensure reasonable use of property and design development consistent with the provisions of the Randolph Zoning Ordinances.

B. Applicability

There are three (3) 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.

- (1) 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) Additions totaling less than or equal to two thousand five hundred (2,500) square feet to an existing nonresidential structure, which affect the exterior appearance of a structure or site.
 - (b) Additional parking and parking lot design.
 - (c) Modifications to the exterior of a nonresidential building, mixed-use structure or multifamily dwelling, including:
 - i. Changes to color.
 - ii. Removal of trees greater than two (2) inches in caliper.
 - iii. Removal of hedges and living shrubs.
 - iv. Alterations, demolitions, removal or construction affecting the architectural appearance of the structure(s), signs or the site.
 - v. Changes to existing sign types and faces.
- (2) 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 nonresidential structures less than or equal to seven thousand five hundred (7,500) square feet.

- (b) Additions from two thousand five hundred one (2,501) square feet to seven thousand five hundred (7,500) square feet to all structures which affect the exterior appearance of a structure or site.
- (3) Tier 3: Public Hearing with Site Plan and Design Review.
- (a) Categories of projects for which the site plan and design review will be conducted by the Planning Board as a Tier 3 review at a noticed and advertised public hearing:
 - i. Any uses that require the granting of a special permit by the Planning Board, noted as "SPPB" in the Table of Allowable Activity. In such a case, site plan and design review, if required, will be conducted by the Planning Board.
 - ii. Projects that meet the following thresholds:
 - a. New structures over seven thousand five hundred (7,500) square feet. Site plan and design review will be conducted by the Planning Board following input received from Town departments, boards and commissions.
 - b. Additions to existing structures where the addition is greater than seven thousand five hundred (7,500) square feet. Site plan and design review will be conducted by the Planning Board following input received from Town departments, boards and commissions.
 - (b) Categories of projects for which the site plan and design review will be conducted by the Town Council as a Tier 3 review at a noticed and advertised public hearing:
 - i. Any uses that require the granting of a special permit by the Town Council, noted as "SPTC" in the Table of Allowable Activity. In such a case, site plan and design review, if required, will be conducted by the Town Council.

The applicable acting body under this Section 11.3.B may retain a peer review engineering expert or other type of expert, as it sees fit, to assist in its review of the application and all associated matters. Any such costs shall be charged to the applicant. When the Town Council serves at the applicable acting body under this section, the Town Council may, in its discretion, request a technical review of the project plans by the Planning Board prior to acting on the site plan and design review application.

If a project qualifies for site plan and design review under multiple tiers, the highest tier of review shall apply. If a project qualifies for Tier 3 site plan and design review by both the Planning Board and the Town Council, the Town Council shall conduct the Tier 3

review. The provisions of this Section 11.3.B shall apply notwithstanding the applicability of the Table of Allowable Uses to any given project or use.

For the purposes of this Section 11.3.B, a structure shall not be limited to a "building" but shall include buildings, canopies, outbuildings and the like, and the total of these shall be used in the calculation of square footage.

C. Special permits.

- (1) When an activity or use requires site plan and design review and one (1) or more special permits, then a public hearing pursuant to the provisions of MGL c. 40A and this chapter shall be held by the applicable special permit granting authority (SPGA). In such a case, that SPGA shall also conduct the site plan and design review for the proposed activity or use and the site plan and design review shall also be conducted at a public hearing. If the proposed activity or use requires a special permit from both the Planning Board and the Town Council, the Town Council shall conduct the site plan and design review.
- (2) Submission requirements for special permits shall be as specified in this chapter and in any procedural rules of the applicable acting body.
- (3) The Planning Board and Town Council, in their policies and procedures, shall establish standards for special permit approval consistent with Article VIII of this chapter.

D. Procedures

- (1) Applications and plans for site plan and design review shall be submitted to the applicable acting body and shall be prepared in accordance with the provisions of this chapter and policies and procedures of said body. The Town Council may rely on the policies and procedures of the Planning Board for site plan and design review applications or may promulgate its own policies and procedures.
- (2) As directed by the Planning Board, the Town Council or their respective designee(s), an applicant shall supply the technical data and study results to support the site plan and resulting findings.
- (3) In accordance with MGL c. 44, § 53G, the Planning Board or Town Council 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 project review fee may be used to engage experts, other than attorneys, as outside consultants to assist the applicable acting body in the technical evaluation of a site plan and/or an as-built plan.

- (4) Copies of the application and site plan will be circulated for review and comment to the appropriate Town departments or commissions, including Town Council. Town departments will have fifteen (15) days for Tier 2 projects and thirty (30) days for Tier 3 projects to forward comments to the applicable acting body.
- (5) Abutter notification shall take place in Tier 3 projects.
 - (a) Abutters shall be notified in accordance with MGL c. 40A, § 11.
 - (b) Proof of notification shall be required for a public hearing.
- (6) The Planning Board, Town Council or their 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.
 - (a) Tier 1: A decision shall be made within forty-five (45) days of receipt of a complete accepted application, unless extended by mutual agreement. A report of the Planning Board designee's decision/findings shall be forwarded to applicable departments including Building, Conservation, DPW, Engineering, Fire and Health and a copy included in the building jacket. Failure of the Planning Board or its designee(s) to act within forty-five (45) days of a complete accepted application shall be deemed an approval.
 - (b) Tier 2: The Planning Board, voting as a simple majority, shall render a decision within forty-five (45) days of a complete accepted application, unless extended by mutual agreement. A copy of a written decision shall be sent to applicable departments including Building, Conservation, DPW, Engineering, Fire and Health and a copy included in the building jacket. Failure of the Planning Board or its designee(s) to act within forty-five (45) days of a complete accepted application shall be deemed an approval.
 - (c) Tier 3: The applicable acting body will hold a public hearing within sixty-five (65) days of receipt of a complete accepted application. The public hearing requirements of MGL c. 40A, § 11, shall be followed. The applicable acting body shall render a decision on the site plan and design review separately from any special permit decision. The site plan and design review decision shall be made within ninety days following the date of the public hearing. Any deadlines contained in this paragraph may be extended by mutual agreement. A copy of the certified decision, after the expiration of all statutory appeals periods, shall be sent to applicable departments including Building, Conservation, DPW, Engineering, Fire and Health and a copy included in the

building jacket. Failure of the applicable body or its respective designee(s) to act within the required time periods shall be deemed approval.

- (7) The applicant shall obtain all other permits, licenses and approvals for the project from Town boards, committees, commissions and departments as applicable in the normal course.

E. Standards and criteria

The Planning Board, Town Council or their respective designee(s) shall review all site plans and design review applications and projects as described in this zoning ordinance in order to assess the degree to which a proposed project, use or activity is consistent with the site for the permitted use and whether it is permissible by the regulations of the zoning district in which it is located. The project is expected to conform to all provisions of this chapter, including meeting the criteria for granting any permit or special permit and all applicable Planning Board or Town Council policies and procedures.

(1) Site development standards:

- (a) Preserves significant natural features.
- (b) Ensures adequate methods for sewerage, refuse and other wastes resulting from the uses on the site.
- (c) Provides stormwater management consistent with the requirements of the Stormwater Authority.
- (d) Ensures that utility connections are adequate and are connected from underground.
- (e) Parking meets the requirements of this chapter.

(2) Design standards.

- (a) 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 and the Town's desired development patterns, open space and natural resources according to design principles including:
 - i. Enhancing the open space between existing and proposed buildings.
 - ii. Promoting the visual and functional quality of the surrounding neighborhood.
 - iii. Promoting pedestrian-friendly scales that link the development to the surrounding buildings, neighborhood and natural environment.

- iv. Providing buildings in scale and in proportion to the adjacent existing structures, open space and natural and man-made environment.
- v. Visually relating proposed buildings to their surroundings with respect to:
 - a. Height.
 - b. Street facade.
 - c. Materials, texture and color.
 - d. Human scale.
 - e. Quality and quantity of open space.
 - f. Natural environment.
 - g. Spacing of buildings and signs.
 - h. Building proportions.
 - i. Quality of open space and land.
 - j. Handicapped pedestrian access.

(b) Projects must meet the following building and site design criteria:

- i. Facades.
 - a. No uninterrupted and/or unadorned length of any portion of a facade shall exceed thirty (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 inches in offset, and one (1) or more of the following architectural features:
 - (i) Pilasters;
 - (ii) Columns;
 - (iii) Canopies/Porticos;
 - (iv) Arcades/Colonnades; and/or
 - (v) Parapets and windows.
 - b. All facades shall include repeating patterns at intervals of no more than thirty (30) linear feet, horizontally or vertically. Such repeating patterns shall include:
 - (i) Windows.
 - (ii) Color, texture, material module changes; and/or
 - (iii) Surface modeling changes such as offsets, reveals, or ribs no less than twelve (12) inches in width and one (1) inch in depth.
- ii. Materials and 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, subject to the determination of the applicable acting body or their respective 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, prefabricated steel panels, or other similar non-glass smooth surfaced panels shall not be exposed.
 - c. The color palette is to be consistent with buildings in the surrounding area.
 - d. Colors chosen for signage are to be restricted to three (3) colors.
 - e. Colors for buildings, signage or other site features to be approved by the applicable acting body or their respective designee(s).
- iii. Entryways. Entrances shall be clearly defined and include at least two (2) 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 landscaped sitting areas; and must be consistent with adjacent buildings and community features.
- iv. 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.
- v. 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, outparcel 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 facade.

- 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.
- vi. Parking areas. Parking lots and access aisleways 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 applicable acting body or their respective designee(s).
 - c. Parking spaces. The number of parking spaces shall be determined in accordance with Section 7.6 of this chapter 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 should be broken into groups of ten (10) or less with a requirement of two hundred (200) square feet of planted area for every one thousand (1,000) 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. In situations where the acting body determines that it is impractical to provide internal landscaped area meeting the above requirements, the parking area may instead be provided with additional landscaped area that more effectively screens it from public view by providing greater depth and/or density to perimeter landscaping.
 - 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.

- f. Bicycle parking should be provided for commercial uses and multifamily developments, as practicable.
- vii. 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 applicable acting body or their respective designee(s).
 - f. As listed in the Table of Dimensional Requirements, 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 Subsection b.2.vii of this 11.7.E.
 - g. A landscaping buffer no less than forty (40) feet wide, or as defined in Section 5.10, should be provided to screen commercial and industrial uses from residential properties. The buffer should offer a minimum of sixty percent (60%) 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 thirty degrees (30°) 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 this chapter and subject to Section 11.1.D.
 - l. All landscaping material shall meet the requirements of the clear sight area Section 5.9 of this chapter.
 - m. For projects that are existing nonconforming uses or where existing development prevents strict compliance with this section, alternative design may be allowed at the discretion of the applicable acting body or their respective designee(s).
- viii. 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 accessways) planted with grass, shrubs and shade trees.
 - (i) 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.
 - (ii) In all districts where a planting strip or buffer strip is required, landscaping shall be required in the said strip at a minimum of one (1) tree per 30 lineal foot and must also include lower-level elements such as shrubs, perennials, hedges, fences, walls and/or planted berms.
 - (iii) 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.
 - (iv) Evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
 - (v) Shrubs and hedges shall be at least thirty (30) inches in height at the time of planting.

- (vi) Any plantings that do not meet the established standards must be reviewed by the applicable acting body or their respective designee(s).
- b. Property lines. On all property lines, a landscaped buffer shall be provided and maintained as specified in Section 5.10 and the Table of Dimensional Requirements.
 - (i) The landscaped buffer shall be maintained by the owner of the property.
 - (ii) The buffer shall consist of shrubs and trees of a species common to the area and appropriate for screening.
 - (iii) 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 nurserygrown stock in containers or freshly dug, balled and burlapped.
 - (iv) (Reserved)
 - (v) (Reserved)
 - (vi) In all districts where a planting strip (or buffer strip) is required, landscaping shall be required in the said strip at a minimum of one (1) tree per 30 lineal foot and must also include lower-level elements such as shrubs, perennials, hedges, fences, walls and/or planted berms.
 - (vii) 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.
 - (viii) Evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
 - (ix) Shrubs and hedges shall be at least thirty (30) inches in height at the time of planting.
 - (x) Any plantings that do not meet the established standards must be reviewed by the applicable acting body or its designee(s).
 - (xi) Plantings shall be sized and spaced to minimize visual intrusion.
- c. Within the lot:
 - (i) Large maturing trees shall be placed no closer than thirty-five (35) feet on center.
 - (ii) Smaller maturing trees shall be placed no closer than twenty (20) feet on center.

- (iii) 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.
- ix. 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 normally be allowed. Excessive lighting can create a harsh nighttime environment and interfere with a neighbor's privacy. The following standards shall apply.
 - 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. 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 twenty five feet (25') above grade nor should they exceed the height of the adjacent buildings.
 - d. Wall packs may be used to accomplish lighting goals and shall be indicated on plans.
 - e. All locations of lighting fixtures and specification for lighting fixtures are to be approved by the applicable acting body or their respective designee(s).
 - f. Sign illumination is permitted between the hours of 7:00 a.m. and 11:00 p.m., except that signs of retail establishments may be illuminated during any hours they are open to the public.

F. As-built plans

On all Tier 2 and Tier 3 site plan and design review applications that include the construction of any structure as part of the approved plans, as-built plans shall be required. As-built plans may also be required in other circumstances as a condition established by the applicable acting body or their respective designee(s). 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.

- (1) The as-built plan shall be prepared by a Massachusetts registered professional land surveyor. The plan shall verify all above- and belowground 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 are functioning as approved.

- (2) The applicable acting body or their respective designee(s) shall verify that the work performed conforms to the approved site plan, including all conditions included as part of the approval. The services of an outside consultant may be engaged, pursuant to MGL c. 44, § 53G (see Section 11.3.E above), to certify that site plan approval conditions have been met.
- (3) The applicable acting body or their respective designee(s) may require security to 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 applicable acting body. A date by which the work is to be completed will be established by the applicable acting body and will be noted on the temporary occupancy permit.

G. Changes to approved site plan

For the purposes of this section, an "approved site plan" shall mean any previously approved Tier 1, Tier 2 or Tier 3 approval. A copy of each request for modification to an approved site plan shall be forwarded to the Town Council upon receipt. This section shall also apply to modifications to any site plan approved under a prior version of this ordinance.

(1) Tier 1.

- (a) Proposed modifications to a Tier 1 review shall be submitted to the Planning Board's designee in writing.
- (b) 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.
- (c) If the requested modification triggers a Tier 1 review, the normal Tier 1 review deadlines and procedures shall apply. If the requested modification triggers a higher tier of review, the applicable deadlines and procedures for that higher tier of review shall apply.
- (d) The Planning Board or its designee shall determine which level of review a requested modification warrants. Such determination shall be made within fourteen (14) days after receipt of a written request for modification of an approved Tier 1 plan.

- (e) Failure by the Planning Board or its designee to make such a determination within the required time shall result in the modification request being treated and reviewed as a Tier 1 modification request, with deadlines calculated from the date the written modification request was filed.

(2) Tier 2.

- (a) Proposed modifications to a Tier 2 approval shall be submitted to and reviewed by the Planning Board's designee in writing.
- (b) 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.
- (c) For minor modifications, the designee of the Planning Board, in consultation with the Planning Board chairperson, may determine that a particular modification does not warrant a meeting of the Board. In such a case, the Board's designee may approve minor modifications after determination that the proposed modification is not significant and is consistent with the previously approved site plan.
- (d) For major modifications, the Planning Board shall act at the Board's next regularly scheduled meeting following receipt of the written request for modification or within 14 days of receipt of the request, whichever is later. Failure by the Planning Board or its designee(s) to act on the request for determination of a Tier 2 modification within this time period shall be deemed as approved.

(3) Tier 3.

- (a) Proposed modifications to a Tier 3 approval shall be submitted to the applicable acting body or their respective designee(s) in writing.
- (b) Modifications to approved site plans will, in most instances, be subject to the same review and approval procedures applicable during the initial Tier 3 review.
- (c) The applicable acting body may determine that a particular modification does not warrant an additional public hearing. Such determination shall be made by the applicable acting body at the next regularly scheduled meeting of the body following receipt of the written request for modification or within 14 days of receipt of the request, whichever is later. Such determination shall state that the proposed modification is not significant and is consistent with the approved site plan.

- (d) Failure of the applicable acting body to make such a determination within the applicable time period shall be deemed a determination that the request is minor and does not warrant additional public hearing.
- (e) Modifications that require a public hearing shall be reviewed at a public hearing scheduled in accordance with the normal Tier 3 review timeline, calculated from receipt of the written request for modification. Modifications that do not require a public hearing shall be acted on within 21 days of receipt of the written request for modification.

H. Appeals.

(1) Tier 1.

- (a) The Planning Board or its designee shall file a written decision on the Tier 1 application consistent with Section 11.3.D of this Ordinance, within 14 days after the decision is made.
- (b) Any person aggrieved by a Tier 1 decision made by the Planning Board designee may appeal to the Planning Board in writing within 20 days following the date of filing of the decision.
- (c) Any person aggrieved by a Tier 1 decision made by the Planning Board may appeal said decision to the Zoning Board of Appeals in writing within 20 days following the date of filing of the decision.

(2) Tier 2.

- (a) The Planning Board shall file a written decision on the Tier 2 application. Such decision shall be filed with the Town Clerk within fourteen (14) days following the decision.
- (b) Any person aggrieved by a Tier 2 decision may appeal said decision to the Zoning Board of Appeals, in writing within 20 days following the date of filing of the decision.

(3) Tier 3.

- (a) The applicable acting body shall file a written decision on the Tier 3 application. Such decision shall be filed with the Town Clerk within fourteen (14) days following the decision.
- (b) Any person aggrieved by a Tier 3 decision may appeal said decision to Norfolk Superior Court in accordance with MGL c. 40A, § 17.
- (c) Appeals must be filed within twenty (20) days after the date the decision was filed with the Town Clerk.

I. Policies and procedures.

The Planning Board and Town Council respectively shall adopt, after public notice and hearing, policies and procedures to implement the provisions of this article. The procedures shall allow for delegating administrative site plan review and design review for certain types of projects, consistent with this chapter.

J. Fees.

The Planning Board and Town Council respectively 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 c. 44, § 53G. No application is deemed complete unless such fees have been paid.