

PLANNING BOARD MEETING

Tuesday, December 10, 2024 at 6:00 PM

Town Hall - 41 South Main Street Randolph, MA 02368

AGENDA

Pursuant to the temporary provisions pertaining to the Open Meeting Law, public bodies may continue holding meetings remotely without a quorum of the public body physically present at a meeting location until March 31, 2025. The public is invited to participate in the meeting in person, via telephone or computer.

A. Call to Order - Roll Call

B. Chairperson Comments

C. Approval of Minutes

1. Minutes of 11/12/2024

D. Public Speaks

E. New Business

1. Memorial Parkway (Shaws Plaza) Paving

2. EV Charging Stations - working draft of ordinance

3. Board Organization for 2025 - Chairperson & Vice chairperson

F. Staff Report

*Active Subdivision Review

*Active Project Review

*Upcoming Projects

G. Board Comments

H. Adjournment

Notification of Upcoming Meeting Dates

1/14/2025

1/28/2025

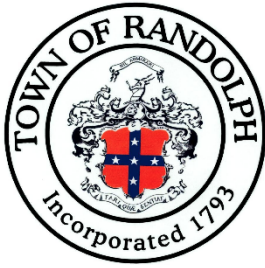
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2/25/2025

3/11/2025

File Attachments for Item:

1. Minutes of 11/12/2024



PLANNING BOARD MEETING

Tuesday, November 12, 2024 at 6:00 PM

Town Hall - 41 South Main Street Randolph, MA 02368

MINUTES

Pursuant to the temporary provisions pertaining to the Open Meeting Law, public bodies may continue holding meetings remotely without a quorum of the public body physically present at a meeting location until March 31, 2025. The public is invited to participate in the meeting in person, via telephone or computer.

A. Call to Order - Roll Call

Chairman Plizga called the meeting to order at 6:30pm.

PRESENT

Araba Adjei-Koranteng
Tony Plizga
Peter Taveira
Lou Sahl

ABSENT

Alexandra Alexopoulos

B. Chairperson Comments

Chairman Plizga stated that a little over a week ago the Town of Randolph lost its Town Council President Bill Alexopoulos. Bill had faithfully served the Town of Randolph for over 40 years in various roles. As Town Council President, he treated everybody fairly and respectfully whether he agreed with you or disagreed with you. The community of Randolph needs more people like Bill serving our Town. Chairman Plizga offered the Board's sincerest condolences to his family, especially to Alexandra, Chris and Nicole. As a friend, Bill will be sorely missed. A moment of silence was observed in Council President Alexopoulos' memory.

C. Approval of Minutes

1. Minutes of 10/8/2024

The Planning Board approved the meeting minutes of October 8, 2024, as presented.

Motion made by Adjei-Koranteng, Seconded by Taveira to approve the meeting minutes of October 8, 2024, as presented.

Voting Yea: Adjei-Koranteng, Plizga, Taveira

Voting Abstaining: Sahl

D. Public Speaks

None

E. Public Hearings

1. Town Council Order 2024-052 - A Request to amend the zoning ordinance for Accessory Dwelling Units (ADU's)

Chairman Plizga opened the public hearing by reading the public notice into the record. The notice was published in the Patriot Ledger on October 22 and 29. The Planning Director, Michelle Tyler, was asked to provide a brief overview.

The Planning Director, Michelle Tyler stated that recent legislation was signed into place which impacted Chapter 150, sections 7 and 8 of the Acts of 2024. The Affordable Homes Act provides a number of changes and funding sources designed to improve housing accessibility by increasing housing stock and types of housing. In the Act, there were changes to the law that become effective in February 2025. Similar to the changes with the MBTA zoning, this will require some changes to our zoning. The changes will not require the state's review and approval as it did with the MBTA zoning.

The change to the zoning refers to Accessory Dwelling units (or ADUs). Currently, our zoning allows for in-law apartments which are similar to ADUs, but require a special permit and must be attached with a size limit of 800 square feet. Whereas, ADUs may be detached or an addition (first floor or second level add on), or it may be located in a basement unit or a space over a garage. ADUs will be allowed by right and not require a special permit.

Planner Tyler stated that the Town can impose regulations restricting dimensional setbacks and the bulk and height of structures. The Town may not require owner occupancy as with in-laws, but they may restrict short-term rentals. The new law states that we cannot require more than 1 parking space or any parking for an ADU located outside .5 miles from a commuter rail station, subway station, ferry terminal or bus station.

STATUTE vs. CURRENT ORDINANCE	
ADU Statute	Current In-Law Apartment Ordinance
<ul style="list-style-type: none"><input type="checkbox"/> Size = 50% of gross floor area of principal structure OR 900 square feet (whichever is smaller)<input type="checkbox"/> Permitted as-of-right<input type="checkbox"/> No kinship or owner occupancy required<input type="checkbox"/> No restrictions on number of rooms<input type="checkbox"/> No occupant load<input type="checkbox"/> Not more than one (1) ADU permitted except by Special Permit<input type="checkbox"/> May be detached dwelling units<input type="checkbox"/> Permit restrictions of short-term rental	<ul style="list-style-type: none"><input type="checkbox"/> Size= Maximum 800 square feet<input type="checkbox"/> Requires a special permit<input type="checkbox"/> Requires owner occupancy and kinship of residents<input type="checkbox"/> One (1) bedroom permitted<input type="checkbox"/> Limits occupancy to two (2) people<input type="checkbox"/> No more than one (1) in-law apartment within single-family dwelling<input type="checkbox"/> May not be detached and must be attached to or within the principal structure<input type="checkbox"/> Does not address short-term rental

The Planning Director outlined the operational impacts of ADUs which includes:

- **Inspectional Services** - new application style and increased number of applications, fee structure, increased inspections
- **Assessor** - identification of units, increased inspections, impact to property tax.
- **DPW Engineering** - addressing of units, increased inspections, sufficient infrastructure (water/sewer), impact to utility billing
- **Emergency Services** - identification of units, access by emergency response teams
- **Clerk/Registrar** - identification of units for census & voter registrations, identifying potential new students for school
- **Health** - trash and recycling
- **Postal Service and E-911** - location and addresses of new units

The Planning Director stated that they have had a series of meetings with Department Heads to talk through operational impacts and language that may need to be added to the zoning ordinance. When this goes live, there will be a dedicated ADU webpage under the Building Department's online permitting page with downloadable guides and FAQs.

Member Adjei-Korantenga asked if the homes with ADUs will now be considered two-family homes. Planner Tyler stated they will not and that the Assessor will be working through the records to determine how they will be categorized.

The Planning Director explained that the statute goes into effect on February 2, 2025 and that we will be bound by it whether or not we have made adjustments to our zoning ordinance. The goal is to have an ordinance in place prior to the law going into effect.

Chairman Plizga opened up the hearing to public comments. Hearing and seeing none online or in-person, Chairman Plizga closed the public comments portion of the meeting.

The Planning Board reviewed the amended zoning ordinance.

Chairman Plizga wanted to discuss Page 2, Item 2 - General Requirements of the zoning ordinance, item (d) which states: One(1) ADU is permitted per primary structure or lot except by Special Permit. Chairman Plizga believes this should be Special Permit *by ZBA*. The Planning Director believes it is stated in greater detail in section 8 of the document. Chairman Plizga would like that added so there is no question who the special permit would be issued from. The Board had a brief discussion.

Chairman Plizga stated that he is against ADUs but considering it is mandated, the intention is to minimize the impact as much as possible.

Member Adjei-Koranteng asked if detached ADUs will come before the Planning Board. The Planning Director stated no, that all of the ADUs will go through the Building Commissioner. Member Adjei-Koranteng also asked if detached ADUs will

share the same utilities. The Planning Director stated that there will likely be amendments that will go before the Town Council to clarify language regarding utilities that was not ready for tonight. There is a way to meter shared utilities rather than having them separate that the DPW Superintendent and Building Commissioner are sorting out. Member Adjei-Koranteng asked for the meaning of "SPPB" on page 1, section B (4). Planner Tyler stated that SPPB stands for Special Permit By Planning Board.

Member Sahlu asked if you could have more than one 900 square feet ADU on a property. The Planning Director stated that the law allows for one, however you could go before the ZBA to request two, however that would require a Special Permit.

The Planning Director stated that the ordinance will not address every single question that is going to come up - the FAQ page will address those. The ordinance will have the major things you need to know about ADUs.

Member Adjei-Koranteng asked if current in-law apartments will automatically convert to ADUs when the law goes into place. Planner Tyler explained that there hasn't been a process laid out for that yet, she will leave that to the Building Commissioner and that information will be in the FAQs not in the actual zoning language. Chairman Plizga stated if they are converted the units would have to be addressed separately.

Member Taveira inquired about the basement ADUs and if that will defer to the building code regarding means of egress, etc. The Planning Director stated that all building codes must still be met. Member Taveira agrees with Chairman Plizga and is not in favor of ADUs. The Planning Director pointed out ADUs will be law, the Board's job in this case is to recommend zoning language to Town Council. The law is going into effect either way.

Member Adjei Koranteng asked about Part 2, Section (g) and if the Board will have to wait for the Building Commissioner or DPW Superintendent to draft something. The Planner stated no, that that could be brought before the Town Council. Chairman Plizga stated that the Planning Board would defer to the experts in the field and their recommendation.

Member Taveira asked if a fee could be charged for the ADU application. The Planning Director stated yes, a fee will be charged, but the amount would be determined by the Building Commissioner, not the Planning Board and it would not be listed in the zoning ordinance itself.

Chairman Plizga began to make a motion, but withdrew it after discussion. The Board discussed the language regarding more than one ADU. Chairman Plizga would like to change the language to state there is a maximum of one ADU per parcel, eliminating the potential for someone to go ZBA for multiple ADUs by special permit. Member Adjei-Koranteng asked why we would want to limit the number of ADUs. Chairman Plizga stated that he doesn't like the idea of ADUs potentially on every residential property in town, and feels having more than one per lot is excessive, so he wants to limit it where we can control it in the zoning.

Motion made by Plizga, Seconded by Taveira to amend Council Order 2024- page 2, under Section 2 (d) General Requirements to say: "one ADU is permitted per primary structure per lot" with the rest of the text deleted.

Voting Yea: Adjei-Koranteng, Plizga, Taveira, Sahl

On discussion, Member Taveira asked if under Section 5 - Parking Requirements, if they should add a requirement for parking. The Board discussed the parking language. The Planning Director stated that according to the statute we may not require an additional parking spot. Member Adjei-Koranteng feels its important that folks are not relying on off street parking, especially during winter time. Member Taveira pointed out there is no overnight parking in Randolph. The Board decided to leave the language in Section 5 - Parking Requirements unchanged.

Motion made by Plizga, Seconded by Sahl to recommend the adoption of Council Order 2024-052, with the one amendment, previously approved.

Voting Yea: Adjei-Koranteng, Plizga, Taveira, Sahl

Chairman Plizga made a motion to close the public hearing.

Motion made by Plizga, Seconded by Adjei-Koranteng to close the public hearing.

Voting Yea: Adjei-Koranteng, Plizga, Taveira, Sahl

F. Old/Unfinished Business

G. New Business

1. Friends of the Blue Hills Discussion

The Planning Director, Michelle Tyler, introduced the Friends of the Blue Hills. The Planning Director stated that the recent projects approved by the Board at 20, 34 and 43 Scanlon Drive abut the Blue Hills property. Part of the project approvals required that any development on the western portion of the parcel maintain access to the Smith Trailhead for Blue Hills. Core Invest is making significant improvements toward that based on the plans approved by the Planning Board. The Friends of the Blue Hills has been working with Art Campbell of Core Invest to potentially modify that access with some additional landscape screening. This process has shone a light on conservation, access and preserving the land areas around the Blue Hills.

Russell Parkman of the Friends of the Blue Hills (FBH) was present. He has been on the Board of Directors for about a year and a half. Part of Mr. Parkman's role is advocacy. Mr. Parkman stated that FBH was formed in the 1970s by citizens that recognized the vulnerability of the Blue Hills Reservation which is owned by the Commonwealth and managed by the DCR.

FBH engages in activities that protect the park, maintain the trails, prevent encroachments and increase park resources and improve park management. Their 1,000 plus member non-profit is devoted to preserving and protecting the Blue Hills Reservation's natural beauty, diverse natural habitats and recreational opportunities.

Mr. Parkman stated that the FBH is unique in that they don't own their own property. They limit access based on membership. They advocate for actions that enhance the Reservation, guide exploration and encourage involvement in the protection and preservation of the Reservation.

The Board is made up of 11 volunteer members and four paid staff. The Board President is Matt Panucci and the Executive Director is Jen Klein.

Mr. Parkman stated that the main focus of the Friends of the Blues Hills are:

- **Advocacy** - one focus is reaching out to Towns. They are currently working with the MBTA to provide bus access to Houghton's Pond to those who don't have access right now.
- **Stewardship** - trail maintenance, dog waste clean-up
- **Education** - the group runs education programs that teach children about invasive species, flora and fauna and wildlife.

In 2023, the FBH had a Buffer Study performed by a consultant to understand what types of properties surround the Blue Hills Reservation. The goal of the study was to identify properties that may be developed so that the FBH can work proactively with communities to help protect the Reservation.

Mr. Parkman provided the Planning Board with maps showing the buffers and one that specifically looks at the properties in Randolph. The consultant identified the types of zoning for the properties that surround the reservation which shows the potential for industrial development or in the case of residential zoning the possibility of a subdivision. Randolph has a small portion of properties that surround the Reservation. The key property in Randolph is Ponkapoag with the horse bridge crossing over Route 24.

Mr. Parkman stated that the FBH scans the surrounding towns agenda's so they are aware of upcoming projects that may have an impact. One that was missed was the Maxim Crane project on Scanlon Drive. They are not against development, but would have liked to be involved in project discussions. Chairman Plizga pointed out that the developer interfaced with DCR. The Planning Director stated there was a land swap in 2006 which dictated what could be developed there. Also, that the Maxim project was subject to a Public Hearing whereby DCR was notified. The Planning Director stated that the developer connected directly with DCR to make sure everything was in-line with the details of the land swap.

Looking at the map from the Buffer Study, the Planning Board members asked about a large parcel on the map. The Planning Director identified it as Adam's Farm (Harmony Hill) which contains 30+ acres of privately owned land under an agricultural exception. The town has the first right of refusal, in the event they choose to sell.

In looking at the map, abutting parcels were identified in various shades of pink from light to dark. Member Adjei-Koranteng asked what the dark pink parcels signified. Mr. Parkman stated that those parcels were identified by the consultant as high-risk for development or industrial.

Planning Director, Michelle, pointed out that the little league field on High Street is defunct and could provide better function as a small play space or park. The Board discussed taking down the fencing and some ideas to improve the space. The land is owned by DCR. Mr. Parkman has passed some of Michelle's ideas onto DCR. The challenge is funding and maintenance.

The Board and Mr. Parkman discussed the size of the Reservation which Mr. Parkman stated is 7,000 acres.

Member Adjei-Koranteng inquired about how to become a member. Mr. Parkman stated the website explains ways that you can become involved including membership for a fee and corporate sponsorship, as well as special events. Planner Tyler pointed out that they also have a large social media presence.

Member Sahlu asked approximately how many acres of the reservation reside in Randolph? Mr. Parkman stated he would guess approximately 500 acres. Chairman Plizga stated that it is likely less than 10 percent.

The Board thanked Mr. Parkman for his presentation.

2. EV Charging Stations - working draft of ordinance

The Planning Director provided a brief summary of the draft ordinance for electrical vehicle (EV) charging Stations. Recently, there has been some EV charging stations installed on commercial lots around without any review. The Planning Director feels there should be a review related to the appearance, location and amount of charging stations on a lot and as well as related signage. To encourage EV charging stations, the Commonwealth has a goal for net zero emissions by 2050. Currently, there are 300 electric vehicles registered in Randolph. That number will only increase. The town needs to have regulations in place related to level I, II and III charging stations and battery exchange stations. The Planning Director has been working with the Fire Department on an amendment to the ordinance that she will distribute to the Board. The goal will be to work on the document together at the next Planning Board meeting. Once it is complete the recommendation will go to Town Council for public hearing.

H. Staff Report

The Planning Director reminded the Board of the work that is being done to clean up Planning Board records related to subdivisions and performance guarantees. A couple approached the Planning Director about a Planning Board performance guarantee in the form of a passbook that they found on the Find Mass Money website. Because the account was inactive it got turned over to the State. Since it is tied to the Planning Board, the Board has to vote to release the money in the amount of \$2,318.92 which has been sitting there since 2003. The Planning Director reviewed the property with the Engineer to ensure the work was completed.

Motion made by Plizga, Seconded by Adjei-Koranteng to release the unclaimed property for Ronald Waite.

Voting Yea: Adjei-Koranteng, Plizga, Taveira, Sahlu

1. 2025 Planning Board Meeting Schedule

Chairman Plizga presented the Board with the proposed Planning Board meeting dates for 2025. The Board had a brief discussion about the dates. Member Taveira asked if the dates were offset with the Town Council meeting schedule and hopes to preserve that moving forward. The Planning Director stated that Town Council has not voted their meeting schedule yet. The Board was in agreement that the dates could be adjusted as necessary.

Chairman Plizga stated the meeting time will still remain at 6:00pm, baring any undue hardship that may present. Member Adjei-Koranteng asked if it will remain hybrid. The Planning Director stated that they have until March when the statute expires to determine if that will continue.

Motion made by Plizga, Seconded by Adjei-Koranteng to approve Planning Board meeting schedule for 2025, to that presented on the screen.
Voting Yea: Adjei-Koranteng, Plizga, Taveira, Sahlu

I. Board Comments

None

J. Adjournments

The meeting adjourned at 8:15pm.

Motion made by Adjei-Koranteng, Seconded by Taveira to adjourn the meeting.
Voting Yea: Adjei-Koranteng, Plizga, Taveira, Sahlu

Notification of Upcoming Meeting Dates
11/26/2024
12/10/2024
1/14/2025
1/28/2025

File Attachments for Item:

1. Memorial Parkway (Shaws Plaza) Paving



TOWN OF RANDOLPH
INC. 1793

Town of Randolph

41 South Main Street
Randolph, Massachusetts 02368
Telephone (781) 961-0911
Fax (781) 961-0905
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November 27, 2024

BY EMAIL

Michael A. Leon, Esq.
Nutter McClennen & Fish LLP
155 Seaport Blvd
Boston, MA 02210
mleon@nutter.com

RE: Request for Formal Opinion Pursuant to M.G.L. ch. 40A, section 7 Concerning 19 – 141 Memorial Parkway

Dear Attorney Leon,

I am writing in response to your letter dated November 15, 2024 in which you request a formal opinion pursuant to M.G.L. c. 40A, section 7, as to whether the proposed repair and repaving activity at 19 – 141 Memorial Parkway in Randolph, Massachusetts, requires any zoning approvals under the Town's Zoning Ordinance, and particularly a site plan approval. The proposed work involves crack sealing and repairing the existing asphalt surface in some areas and resurfacing other portions of the lot with new asphalt. The resurfacing appears to cover about 2/3 of the existing lot, and covers several thousand square feet. My understanding is that the work has also involved the repair/modification of a handicapped access ramp at the front of the structures on that lot.

Your question specifically refers to the crack sealing and repairing of the existing asphalt surface and the resurfacing of 2/3 of the parking lot. My opinions in this letter will focus on that work alone.

You have provided a Site Plan by Peter M. Ditto, Registered Land Surveyor, dated October 2, 2006 showing the current conditions at the property. It shows the painted striping plan for the parking lot, which I understand will be repainted after the paving project is complete in the same manner as shown on the Site Plan. It is your contention that the repaving of parts of the parking lot (about 2/3 of the lot) will not change any aspect of the parking area shown on the Site Plan, including the number and location of parking spaces, or the amount and nature of the impervious surfaces.¹

You have requested an opinion of the Building Commissioner pursuant to M.G.L. ch. 40A, section 7. That section of the state Zoning Act states, in part: "If the officer or board charged with enforcement of zoning ordinances or by-laws is requested in writing to enforce such ordinances or by-laws against any person allegedly in violation of the same and such officer or board declines to act, he shall notify, in writing, the party requesting

¹ To the extent that there are elements of the existing conditions at this property that do not conform with zoning, my understanding is that it is your position that those are pre-existing, non-conforming conditions and that this work does not alter that status or trigger any review of that status. I offer no opinion on that contention in this letter, as that issue was not addressed in your request for a zoning determination.

such enforcement of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of such request.”

I take your request under M.G.L. ch. 40A, section 7 as a request for me to enforce the Zoning Ordinances, in particular the site plan and design review zoning requirements, against the proposed repair and repaving project at 19 – 141 Memorial Parkway in Randolph. In essence, it is a request to enforce the Zoning Ordinances against your own project. My analysis and determinations in response to this request are provided below.

I. Zoning Enforcement Powers In The Town of Randolph.

I am the Building Commissioner of the Town of Randolph and, in that position, I am charged with being the Zoning Enforcement Officer for the Town.

A. No Building Permit is Required for This Project.

As the Building Commissioner and Zoning Enforcement Officer, I have determined that the proposed work does not trigger the requirement for a Builder Permit. Pursuant to § 200-38(D) of the Town of Randolph Zoning Ordinances, Site Plan and Design Review is conducted as part of a Building Permit process. However, no Building Permit is required here, so Site Plan and Design Review is not triggered in this case through that process.

Section 200-38(D) of the Town of Randolph Zoning Ordinances states, in part:

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 shall be issued without prior approval of the site plan and architectural design by both the Building Commissioner and the Planning Board or its designee(s)...

Pursuant to the above section, no Building Permit shall be issued without approval of any site plan and architectural design by both the Building Commissioner and the Planning Board (or its designee). However, in this case, there is nothing about the proposed project that triggers a Building Permit requirement. Therefore, I decline to engage in any zoning enforcement action relating to Building Permits under this section of the Town Zoning Ordinances.

B. Site Plan and Design Review May Be Triggered Separately Under Section 200-91 of the Town of Randolph Zoning Ordinances.

Site Plan and Design Review can be directly triggered under the Site Plan and Design Review provisions of the Town of Randolph Zoning Ordinances, specifically Section 200-91 of those Ordinances. The Site Plan and Design Review provisions are enforced by the Building Commissioner, in conjunction with the Planning Board, pursuant to Section 200-38(D) (see above). The Site Plan and Design Review provisions, and other zoning requirements, are discussed further, below.

II. Zoning Matters.

A. Site Plan and Design Review Requirements.

Pursuant to Section 200-91 of the Town of Randolph Zoning Ordinances, Site Plan and Design Review can be triggered by a variety of activities, including the following:

§ 200-91(A)(2) Additional parking and parking lot design.

§ 200-91(A)(3) Modifications to the exterior of a nonresidential building, mixed-use structure or multifamily dwelling, including:

- (a) Changes to color...
- (d) Alterations, demolitions, removal or construction affecting the architectural appearance of the structure(s), signs or the site.
- (e) Changes to existing sign types and faces.

Although it is possible to interpret the Town of Randolph Zoning Ordinances as requiring Site Plan and Design Review under these provisions when there is significant paving and repair to an existing commercial parking lot, I do not believe that the project, as proposed, rises to that level. I do not believe that the project, as proposed, constitutes the creation of “additional parking” or a change in “parking lot design.” I also do not believe that the project, as proposed, constitutes a change in color. I do not believe that the project, as proposed, constitutes an alteration, a demolition, a removal or construction affecting the architectural appearance of the site. I do not believe that the project, as proposed, constitutes a change to existing sign types and faces.

As a result, I do not believe that Site Plan and Design Review is triggered by this project and I decline to enforce the Site Plan and Design Review provisions of the Zoning Ordinance with regard to this project.

B. Other Zoning Requirements.

As you indicated in your letter, there are a variety of Town of Randolph Zoning Ordinance requirements that apply to this proposed project. The main issue in contention is the project’s compliance with Site Plan and Design Review requirements, which is discussed above. It is my understanding that the project, as proposed, is in compliance with, or is in the process of coming into compliance with, the other applicable Town Zoning Ordinance provisions, including Stormwater related requirements. I decline to take any enforcement action concerning Stormwater, Building Permit requirements or other Town Zoning requirements at the project at this time. I note that the required Stormwater Assessment is in process and that the project is expected to come into compliance with all applicable Stormwater requirements within a reasonable period of time.

III. Matters Governed By The Town’s General Ordinances.

This letter concerns enforcement under the Zoning Ordinances. However, in order to provide a complete picture of the Site Plan and Design Review requirements, I must also address certain provisions of the General Ordinances of the Town of Randolph. These are permitting requirements that are required under local law. However, they are general regulatory requirements, they are not zoning requirements.

A. Paving Permit.

A paving permit is required for this project pursuant to § 147-8(A) of the Town of Randolph General Ordinances, which states:

No person shall allow any pavement to be placed on any property within the Town of Randolph without first obtaining a permit.

It is the practice of the Town of Randolph to require sign-off from both the Planning Board and the Building Commissioner before the issuance of a paving permit, to ensure that all applicable requirements for the project have been met, including all applicable Site Plan and Design Review requirements. Note that, under the Town Ordinances, the Building Commissioner and the Planning Board have coordinated authority over Site Plan and Design Review.

In this case, the Planning Board has denied the request for sign-off on the Paving Permit because the Planning Board or its designee have determined that Site Plan and Design Review are required for this project pursuant to Section 200-91 of the Town of Randolph Zoning Ordinances. The paving permit applicant has refused to participate in Site Plan and Design Review. The applicant's view is that Site Plan and Design Review is not required under Section 200-91. The paving permit therefore has not been approved by the Planning Board, has not issued, and will be considered denied without the Planning Board's approval.

A paving permit is required for this project and sign-off from both the Planning Board (or designee) and the Building Commissioner is required for the paving permit to issue.

Although other fines and fees may apply if work is commenced without a paving permit, because the requirement for a paving permit is included in the General Ordinances, not in the Zoning Ordinances, I do not have the authority to engage in zoning enforcement with regard to the need for a paving permit and the discussion of the paving permit contained in this section should not be considered a zoning enforcement determination pursuant to M.G.L. ch. 40A, section 7.

B. Excavation Permit.

I also note that, pursuant to § 83-3 of the Town of Randolph General Ordinances, this project triggers the requirement for an excavation permit. I do not offer any analysis of that permit as that permit is not a zoning permit and that permit has been obtained without any controversy.

Conclusion:

In summary, I decline to take the zoning enforcement actions described in your November 15, 2024 letter regarding the proposed repair and repaving activity at 19 – 141 Memorial Parkway in Randolph, Massachusetts.

Sincerely,



Ronald Lum

Randolph Building Commissioner

cc: Brian Howard, Town Manager
Christine Griffin, Town Attorney
Michelle Tyler, Town Planner
Joseph Dunn, ZBA Clerk and Conservation Agent
Neil McCole, DPW Commissioner