



# TOWN COUNCIL - ORDINANCE SUBCOMMITTEE MEETING

Wednesday, March 08, 2023 at 4:00 PM

Town Hall - 41 South Main Street Randolph, MA 02368

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## AGENDA

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This is a remote meeting. The public is invited to attend this meeting remotely by telephone or computer access. This meeting is being posted pursuant to the state statute authorizing temporary remote participation as described here: <https://www.randolph-ma.gov/DocumentCenter/View/1493/remotemeetings22>

The Town Website will be updated on the day of the meeting with the phone and computer access instructions.

**A. Call to Order - Roll Call - Pledge of Allegiance**

**B. Appointments**

1. Election of Ordinance Subcommittee Chairperson

**C. New Business**

1. Council Order 2022-056: Request for the Town Council to Initiate An Amendment to Randolph Zoning Ordinance - Chapter 200 of the General Code of the Town of Randolph - Concerning Front Yard Setbacks As They Related To Adjacent Historic Structures Pursuant to M.G.L. ch. 40A, sec. 5

**D. Adjournment**

Council Order 2022-056

Introduced By: Town Manager Brian Howard  
December 5, 2022

**Request for the Town Council to Initiate**  
**An Amendment to the Randolph Zoning Ordinance –**  
**Chapter 200 of the General Code of the Town of Randolph –**  
**Concerning Front Yard Setbacks As They Relate To Adjacent Historic Structures**  
**Pursuant to M.G.L. ch. 40A, sec. 5**

That the Town Council of the Town of Randolph hereby initiates an amendment to the Randolph Zoning Ordinance, Chapter 200 of the General Code of the Town of Randolph, concerning front yard setbacks as they relate to adjacent historic structures, pursuant to M.G.L. ch. 40A, Section 5, and hereby amends Section 200-28(A) of the Zoning Ordinance as indicated below:

**§ 200-28 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, 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.
- (3) 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.



Town of Randolph

**PETITION FOR ZONING AMENDMENT**

~Clerk's Use~

Date referred to Planning \_\_\_\_/\_\_\_\_/\_\_\_\_

Order # \_\_\_\_\_

**RESPECTFULLY SUBMITTED TO TOWN COUNCIL BY (check one)**☐ TOWN COUNCIL    ☐ BOARD OF APPEALS    ☒ PLANNING BOARD☐ SUBJECT LAND OWNER(s)\*PETITIONER'S NAME Planning Board & Historical CommissionAGENT/REPRESENTATIVE/CONTACT (if any) Michelle Tyler & Henry CookeADDRESS 41 South Main StreetPHONE 781-961-0936EMAIL mt Tyler@randolph-ma.gov

REASON FOR PROPOSED AMENDMENT (attach additional justification as warranted) \_\_\_\_\_

See the attached narrative for the recommendations from the  
Planning Board and Historical Commission based on the objectives  
of the Comprehensive Master Plan

PETITIONER'S SIGNATURE \_\_\_\_\_

\*all parties must sign

DATE

11-15-2022**ZONING TEXT AMENDMENT (if applicable)**ARTICLE(s)/SECTION(s) 200-28

☒ **REQUIRED:** attach proposed ordinance TEXT using exact wording. Use strikethrough to show text to be deleted and bold to indicate text to be added

**ZONING MAP AMENDMENT (if applicable)**

PROPERTY LOCATION/STREET ADDRESS \_\_\_\_\_

CURRENT ZONING \_\_\_\_\_ TOTAL ACREAGE TO BE REZONED \_\_\_\_\_

PROPOSED ZONING \_\_\_\_\_

ASSESSOR'S MAP(s) &amp; PARCEL(s) \_\_\_\_\_

CURRENT USE(s) \_\_\_\_\_

ANTICIPATED USE (if known) \_\_\_\_\_

DESCRIPTION OF EXISTING LAND USES OF SURROUNDING AREA \_\_\_\_\_

☐ **REQUIRED:** attach MAPS clearly showing existing & proposed zoning districts, including parcel lot lines (8.5 x 11" preferred size)

The Natural and Cultural Resources section of the Comprehensive Master Plan outlines recommendations for amendment to Zoning Ordinances and General Ordinances as they relate to historic properties. Specifically, objective NHC2 suggests:

- *Amend Residential District Setback Provision, Section 200-28. A (2), and allow for relief from strict adherence to the 25' setback to match the setback of adjacent historic houses.*

Objective NHC2 suggests:

- *Change threshold of Demolition Delay Ordinance to the national standard of 50 years old or older, and extend the delay period to nine months or more.*

The Planning Board and the Historical Commission, through meetings of the separate boards and through a joint meeting of the two boards evaluated both recommendations and the impacts of adopting such amendments.

The boards collectively recommend the amendment to setbacks and provide the proposed amendment to **Zoning Ordinance section 200-28 Front Yards**.

The boards collectively disagree with amending the threshold for demolition delay from the current 100 years to 50 years appreciating the significant impact it would have on a large number of parcels in the community. They recommend retaining the threshold at 100 years but modifying the length of time to receive a demolition permit from six (6) months to nine (9) months by amending **General Ordinance 87-3 Procedure**.

## Public Notices

Originally published at enterpriseneews.com on 01/18/2023

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### LEGAL NOTICE

#### Public Hearing Notice

Town of Randolph, MA

Council Order 2022-056

The Randolph Town Council will conduct a public hearing on Monday, February 6, 2023 at 6:15 PM via ZOOM on Council Order 2022-056 - Request for the Town Council to Initiate An Amendment to Randolph Zoning Ordinance – Chapter 200 of the General Code of the Town of Randolph- Concerning Front Yard Setbacks As They Relate to Adjacent Historic Structures Pursuant to M.G.L. ch. 40A, Section 5, as follows: Add the following language after § 200-28 (A)(1)(b), “(c) If a residential lot abuts with an historic structure, the front yard setback may be reduced to that of the historic structure but not less than ten (10) feet.”

Additional information on this Council Order may be found on the Town of Randolph website and is also available through the Randolph Town Clerk’s Office. The link to connect to the meeting/public hearing may be found on the Town of Randolph website on the website meeting calendar.

AD#8297759

BE 01/18, 01/25/2023



## PLANNING BOARD Report to Town Council

**Order:** 2022-056

**Petitioner:** Planning Board

**Date referred:** December 14, 2022

**Date hearing opened:** February 7, 2023

**Date hearing closed:** February 7, 2023

**Date of report:** February 8, 2023

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### **PETITION**

To amend Chapter 200 of the General Code of Randolph pursuant to M.G.L. Chapter 40A, Section 5 to amend the Town of Randolph Zoning Ordinances concerning front yard setbacks as they relate to adjacent historic structures.

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### **BACKGROUND**

Zoning Ordinance section 200-28 provides specifications for front yard setbacks in residential districts. The Comprehensive Master Plan of 2017 includes a recommendation in the Natural and Cultural Resources section to *"amend residential setback provision, section 200-28.A and allow for relief from strict adherence to the 25' setback to match the setback of adjacent historic houses"*.

### **RECOMMENDATION**

The Planning Board voted 4-0-1 to **RECOMMEND** adoption of order 2022-056 with an additional amendment as indicated in **RED**. The recommended language for adoption is:

*(c) If a residential lot abuts a lot with an historic structure, **as defined in section 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.*

### **DISCUSSION**

The Planning Board and Historical Commission, through meetings of the separate boards and through a joint meeting, evaluated the recommendations of the Master Plan and the potential impacts of adopting such amendments. The Boards collectively agreed to recommend the amendment that would provide relief from a 25' front yard setback if there is construction of a structure on a residential lot where that lot abuts another with an historic structure. However, in no case may be front yard setback be less than 10'.

During the Planning Board public hearing conducted February 7, 2023, the Board deliberated on how to define "*historic structure*". In that the term "*historic structure*" is used throughout the Zoning Ordinance and General Ordinance and, in that the term "*historic structure*" is included in definitions contained within the General Ordinance, the Board recommends including a cross-reference to the definition to provide clarity for those using and interpreting the Zoning Ordinance as it relates to construction and development plans.