



TOWN OF  
RANDOLPH

ZONING BOARD OF APPEALS  
SPECIAL PERMIT/VARIANCE



## SPECIAL PERMIT/VARIANCE APPLICATION

Special Permit

Variance

Administration/Extension

The information requested is required for a Special Permit/Variance pursuant to Chapter 40A the Town of Randolph Zoning Bylaws. All required information must be submitted with this application. For assistance, call 781-961-0900.

### 1. Subject Property

ASSESSOR'S PARCEL NUMBER(s):

ZONING DISTRICT: CSBD NRBD WCBD GPCC GBHD BRHD BHAD BP BD SFD

SUBJECT PROPERTY ADDRESS OR SITE LOCATION:

NAME OF BUSINESS/ESTABLISHMENT, IF APPLICABLE:

LEGAL DESCRIPTION (Attach additional sheets, if necessary):

### 2. Project Description (check all that apply)

New Construction

Alteration to Exterior

Addition to Structure

Additional Parking

Raze and Replace

Describe what is proposed. See instructions and checklist for additional required information.

**3. Owner**

NAME:		PHONE:
ADDRESS:		FAX:
CITY / STATE:	ZIP:	E-MAIL:

**4. Applicant(If different from owner)**

NAME:		PHONE:
ADDRESS:		FAX:
CITY / STATE:	ZIP:	E-MAIL:

**5. Agent (If different from owner / applicant)**

NAME:		PHONE:
ADDRESS:		FAX:
CITY / STATE:	ZIP:	E-MAIL:

**6. Contact**

Who is the primary contact regarding this application? Check one:  Owner  Applicant  Agent

**7. Owner / Applicant Certification**

By my signature below, I hereby certify the following:

1. I understand that the **BURDEN OF PROOF** is on the applicant to substantiate the request.
2. I understand there is no guarantee - expressed or implied - that any permit will be granted. I understand that each matter must be carefully evaluated and after the evaluation has been conducted or the public hearing has been held, that staff's recommendation or decision may be revised to a different position taken in any preliminary discussions.
3. I understand that additional information, reports, studies, applications or fees may be required.
4. I understand that if my application is denied, there is no refund of fees paid.
5. I understand that submitting inaccurate or incomplete information may result in delays or denial of my application.
6. I certify that the information provided in this application, including attachments, is accurate and correct to the best of my knowledge.
7. I have read and understand the foregoing, and agree to the submittal of this application.

SIGNATURE (BLUE INK):	DATE:
PRINT NAME:	CHECK ONE: <input type="checkbox"/> Owner <input type="checkbox"/> Applicant





## Variance by Zoning Board of Appeals

### SUBMITTAL CHECKLIST

- Original application date & time stamped by Town Clerk's office
- 15 Copies of application, all plans, attachments, and supporting documents.
  - 1 Mylar and 15 copies of it for members and public to view.
  - All documents, attachments, and plans must be submitted in Electronic (Digital, PDF/Doc) format for archival storage.
- Filing, hearing fees, and postage (see Fee Schedule) payable to "Town of Randolph"
- The petitioner shall pay for all Postage associated with your petition. (*Postage includes Abutters Certified Mailing Return Receipt, First Class Mailing to Abutting Planning Boards, Mass Housing, Fee letter to Petitioner, Post Hearing notification Post Cards, and Decision to Petitioner.*)
- One Mylar plan suitable for recording in the Registry of Deeds with Assessors Map Block and Parcel, Book and Page or Land Certificate #.
- Plans and Decision(s) from other Boards or Commissions.
- Letter of Denial from Inspectional Services dated within the 30 days of the time of application.
- If the land is registered, the applicant shall include the attested copy of current certificate of title and decree plan. If the land is un-registered land the application shall include deeds & book & page numbers and any incumbencies or restrictions. ***Quick Claim Deeds or County website copies are not acceptable.***
- Notification Placard – Please see Rules and Regulations for instructions.
- Plan from Land Surveyor/Engineer:
  - The date, north arrow, and scale.
  - All lot and/or property lines are to be shown and dimensioned, including building setback lines;
  - The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas [showing dimensions of a typical parking space], unloading areas, and open space areas;
- Verification of paid property taxes (current year)
- Board will obtain the List of abutters, green cards, receipts and notice



**Special Permit/Variance by Zoning Board**

**CONFIRMATION OF APPLICATION**

**Hearing Date**

Public Hearing Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
*Reminder - Applicants are required to attend hearings*

**Notice Periods**

Notification placard must be in place between \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ and \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.

**Below Completed by Board**

Abutter notice must be mailed between \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ and \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.

First public advertisement must be posted by \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Second public advertisement must be posted by \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Green Cards and Abutters List must be returned no later than \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.

**Zoning Board Use Only**

ZBA Number: \_\_\_\_\_ Fee Rec'd: \_\_\_\_\_ Check #: \_\_\_\_\_

Application reviewed by: \_\_\_\_\_ Date found complete/incomplete \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Application reviewed by: \_\_\_\_\_ Date found complete/incomplete \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_



## Special Permit/Variance Zoning Board

### FEE SCHEDULE

ITEM	FEE
Lot Size (Up to 12,000 Sq Ft)	\$250.00
Lot Size (12,001 Up to 20,000 Sq Ft)	\$350.00
Lot Size (20,001 Up to 44,000 Sq Ft)	\$450.00
Each additional half acre	\$250.00
Continuation of Hearing	\$150.00
Notification Placard	Paid for by applicant
Advertisement of Public Hearing	Paid by applicant to pertinent agency
Abutter Notification	Paid by applicant to Town of Randolph
Administration/Section 8 (40A)	\$250.00

#### **Advertising**

All expenses for the placard, publication of notices and notification to abutters shall be borne solely by the applicant and payable directly to the pertinent agency or the Town of Randolph as directed.

#### **Project Review Fee(s)**

Expenses for any and all consultants deemed necessary for plan review (i.e. engineering, professional planners, legal assistance, etc.) shall be paid by the applicant. Funds shall be provided to the Zoning Board prior to plan review of an amount determined by estimates received from the consultant(s) plus 10% handling charges. Any funds remaining after final determination of a plan will be returned to the applicant within 60 days of such final determination.

#### **Waivers**

All or a portion of a required application fee may be waived if a majority of the SPGA members present at a meeting agree that one or more of the following criteria are met:

1. **Reasonable Fee.** The project is at such a scale that the cost to the Town for the level of review of the application is substantially lower than the amount of the fee which is otherwise required to be paid.
2. **Town Agency Applicant.** The applicant agency is a department or agency of the Town of Randolph.

#### **NOTES:**

a) Waiver of any portion of a required application or inspection fee is solely at the determination of the Board.

b) Any request for a waiver of application fee must be made in writing to the Zoning Board 30 days prior to the date the applicant intends to submit an application for Zoning Board review. The request must detail the reasons the applicant feels such a waiver is warranted. This request must clearly demonstrate how one or more of the above criteria are satisfied.

# **RULES AND REGULATIONS**

1. Election of Officers
2. Staff
3. Compensation
4. Meetings
5. Fees — appeals, applications, & petitions
6. Fees — town policy/consultants
7. Cash sureties
8. Linkage
9. Fraud and revocations
10. Procedures — applications, appeals, & petitions
11. Time limit for action
12. Notification Placard

Revised February 7, 2014



## **1. CHAIRMAN, VICE-CHAIRMAN, CLERK, AND TREASURER**

Chairman, vice-Chairman, Clerk, and Treasurer shall be elected annually by a majority vote of the Board, and shall hold office until their successors are chosen. The election shall take place at the first meeting of the Board held in each year, or at any subsequent meeting.

The Chairman shall have the powers and duties vested in them by law or specified herein, as well as the powers and duties not inconsistent therewith generally incident to the position of Chairman.

The vice-Chairman shall serve as Chairman in the absence or inability of the Chairman to carry out the function of Chairman, and shall have all the powers vested to the Chairman. The vice-Chairman shall also assist the Chairman in special matters as needed.

The Clerk shall take the attendance at each meeting, read aloud any documents that the chairman requests be read, and maintain the board's processed files. The treasurer shall keep a record of the board's financial accounts, and transfer all fee checks that are received by the ZBA to the office Town Treasurer.

## **2. Staff**

Staff may be hired by the ZBA from time to time to receive requests for action by the Board, process applications, record the testimony at hearings and meetings, prepare decisions, transmit and file decisions and minutes of meetings. They shall be responsible for correspondence, and notifications to board members and any other duties deemed necessary by the Chairman.

## **3) Compensation**

The staff shall be compensated on such a basis as may be decided by the Board from time to time. A member may be compensated for staff duties provided to the board.

A member of the ZBA required to appear in court shall receive compensation as voted by the Board at a rate of \$125.00 per 4-hour appearance.

## **4) Meetings**

Meetings of the ZBA may be called by the Chairman, vice-Chairman, Clerk, Treasurer, or by vote of the board. Notice of such meetings shall be given to the Town Clerk as per State Statue and to each board member at least five days prior to the meeting.

Three members of the board shall constitute a quorum necessary for transacting business, except where the State Statues or Town By-laws require a four-fifths vote. A hearing may be adjourned for any reason by the Board or by any member in case of the absence of a quorum to a date and time certain, by a statement to that effect at the hearing. A hearing so adjourned may be re-scheduled without further notice, unless the Board shall vote that notice shall be given. Any hearing, which is continued, shall have the same members sitting on that continued meeting. All meetings shall be held in the Town Hall unless otherwise stated in the call and notice.

## 5) Fees, Appeals, Applications, Petitions

The Board shall have the authority to determine and set fees as necessary. A fee shall accompany each appeal, application, and petition.

Fee Schedule:

<b>Up to 12,000 square foot lot</b>	<b>\$250.00</b>
<b>12,001 to 20,000 square feet</b>	<b>\$350.00</b>
<b>20,001 to 44,000 square feet</b>	<b>\$450.00</b>
<b>Each additional half-acre</b>	<b>\$250.00</b>
<b>Continued Hearing</b>	<b>\$150.00</b>
<b>Administration/Section 8</b>	<b>\$250.00</b>

THE PETITIONER SHALL PAY FOR ALL POSTAGE ASSOCIATED WITH THEIR PETITION. *(POSTAGE INCLUDES ABUTTERS CERTIFIED MAILING RETURN RECEIPT, FIRST CLASS MAILING TO ABUTTING PLANNING BOARDS, MASS HOUSING, FEE LETTER TO PETITIONER, POST HEARING NOTIFICATION POST CARDS, AND DECISION TO PETITIONER.)* THE TOTAL AMOUNT OF POSTAGE MUST BE PAID BY CHECK (MADE OUT TO THE TOWN OF RANDOLPH) AT THE TIME OF YOUR HEARING. THE LEGAL NOTICE WILL BE PLACED BY THE BOARD AND PAID BY THE PETITIONER/OWNER. PETITIONER/OWNER MUST PROVIDE PROOF OF PAYMENT. NON-PAYMENT CONSTITUTES A CONTINUED HEARING DATE AND AN ADDITIONAL FEE.

- A) PURSUANT TO CHAPTER 593 OF THE ACTS OF 1989 WHERE SPECIFIC CONDITIONS ARISING FROM THE LAND OR THE NATURE OF THE PROPOSAL NECESSITATE THE ASSISTANCE OF EXPERTS I.E., PLANNING, ENGINEERING, TRAFFIC, SOILS, HYDROLOGIC OR OTHER CONSULTANTS, THE ZBA MAY ENGAGE SUCH CONSULTANT SERVICES TO ASSIST THE BOARD IN ANALYZING A PROJECT TO ENSURE COMPLIANCE WITH ALL RELEVANT LAWS, ORDINANCES, BY-LAWS AND REGULATIONS. THE BOARD MAY REQUIRE THAT APPLICANTS PAY A "REVIEW FEE" CONSISTING OF THE REASONABLE COSTS INCURRED BY THE ZBA FOR THE EMPLOYMENT OF THESE OUTSIDE CONSULTANTS ENGAGED BY THE BOARD IN REVIEW OF THE APPLICATION.
- B) FUNDS PURSUANT TO THIS SECTION SHALL BE DEPOSITED WITH THE TOWN OF RANDOLPH TREASURER WHO SHALL ESTABLISH A SPECIAL ACCOUNT FOR THIS PURPOSE. EXPENDITURES FROM THIS SPECIAL ACCOUNT SHALL BE MADE ONLY IN CONNECTION WITH THE REVIEW OF A SPECIFIC PROJECT FOR WHICH A REVIEW FEE HAS BEEN OR WILL BE COLLECTED FROM THE APPLICANT. FAILURE OF AN APPLICANT TO PAY A REVIEW FEE SHALL BE GROUNDS FOR A DENIAL OF THE APPLICATION OR PERMIT.
- C) AT THE COMPLETION OF THE BOARDS REVIEW, ANY EXCESS AMOUNT IN THE ACCOUNT, INCLUDING INTEREST, SHALL BE REPAID TO THE APPLICANT OR THE APPLICANT'S SUCCESSOR IN INTEREST. ANY PERSON OR ENTITY CLAIMING TO BE

AN APPLICANT'S SUCCESSOR IN INTEREST SHALL PROVIDE THE BOARD WITH DOCUMENTATION ESTABLISHING SUCH SUCCESSION IN INTEREST.

- D) ANY APPLICANT MAY TAKE AN ADMINISTRATIVE APPEAL FROM THE SELECTION OF THE OUTSIDE CONSULTANT TO THE TOWN COUNCIL, PROVIDING THAT SUCH APPEAL IS TAKEN WITHIN 14 DAYS OF NOTIFICATION OF THE BOARD'S APPOINTMENT OF THE CONSULTANT. THE GROUNDS FOR SUCH AN APPEAL SHALL BE LIMITED TO CLAIMS THAT THE CONSULTANT SELECTED HAS A CONFLICT OF INTEREST OR DOES NOT POSSESS THE MINIMUM QUALIFICATIONS. THE MINIMUM QUALIFICATIONS SHALL CONSIST OF AN EDUCATIONAL DEGREE IN, OR RELATED TO, THE FIELD AT ISSUE OR THREE OR MORE YEARS OF PRACTICE IN THE FIELD OF ISSUE OR A CLOSELY RELATED FIELD. THE REQUIRED TIME LIMIT FOR ACTION UPON AN APPLICATION BY THE BOARD SHALL BE EXTENDED BY A SIGNED EXTENSION AGREEMENT FOR THE DURATION OF THE ADMINISTRATIVE APPEAL. IN THE EVENT NO DECISION IS MADE BY THE TOWN COUNCIL WITHIN ONE MONTH FOLLOWING THE FILING OF THE APPEAL, THE SELECTION MADE BY THE BOARD SHALL STAND.
- E) THE CHAIRMAN, VICE-CHAIRMAN, CLERK OR TREASURER, SHALL UPON THE FILING WITH THE TOWN CLERK OF A PROPOSAL OF THE SCOPE OF WORK WHICH IN THEIR JUDGMENT SHALL REQUIRE THE FILING OF A CONSULTANT FEE SHALL SET THE AMOUNT OF THE FEE AND HIRE A CONSULTANT, ADVISING THE APPLICANT PRIOR TO THE HEARING. IN THE EVENT THAT THE CHAIRMAN, VICE-CHAIRMAN, CLERK OR TREASURER IS UNAVAILABLE, THE CHAIRMAN OR VICE-CHAIRMAN SHALL SELECT A MEMBER TO ENSURE A MAJORITY OF MEMBERS MAKE THE DECISION.

#### **6) Fees, Town of Randolph Policy as set by the Town Council**

Consultant fees shall be a bankbook with a special withdrawal slip in the name of the Town of Randolph.

#### **7) Cash Sureties**

The Board may from time to time vote to condition of a proposal or any part of a proposal with a performance guarantee called a cash surety. Which shall be a bankbook with a signed withdrawal slip shall be posted with the Town Treasurer prior to the start of work.

#### **8) Linkage**

The Board may vote a cash surety bankbook with a signed withdrawal slip in the name of the Town of Randolph be posted with the Town Treasurer to pay for any part of the Town's infrastructure which is deemed to be necessary for the health, safety and welfare of the residents and land users and would not be needed if a project had not obtained a permit. Said linkage cash surety bankbook may be required to pay for a part of an improvement so may be held by the Town Treasurer until the Town's share is voted by Town Meeting or obtained elsewhere. It shall be posted prior to the start of work and if the project is abandoned the bankbook could be returned after application and affirmative vote by the Board, with the revocation of the permit.

#### **9) Fraud and Revocation of a Permit**

If after the issuance of a permit, fraud is determined by the Board, after consultations with Town Counsel and other departments having jurisdiction, the Board may take legal steps to revoke the permit.

## **10) Procedures Relating to Applications, Appeals and Petitions**

- a) Preparation of forms: The Board may from time to time prepare, keep a supply of printed forms for use in connection with various kinds of appeals.
- b) Proper forms: Every appeal, and or petitions shall be on the proper applicable form.
- c) Appropriate methods: Applications shall be picked up or downloaded from the Town Website and date and time stamped at the Town Clerks office. Completed application and documentation may be left at the Town Clerks office or at the Inspectional Services office for pickup and review by the ZBA Clerk or designee.
- d) Documents Required
  - i) Fifteen copies of the application and all submitted documentation, pictures etc.
  - ii) Electronic Format(PDF/DOC) of all Documents and Plans submitted – Maybe emailed to ZBA Clerk
  - iii) Check for fees Made payable to the "Town of Randolph"
  - iv) Inspectional Services Denial letter (15 Copies)
  - v) 15 certified plans of the premises (Must match Mylar)
  - vi) One Mylar certified plan suitable for recording at the Registry of Deeds
  - vii) Letter Authorizing Agent to speak on your behalf
- e) Hearing transcripts: Shall contain the names of all members present, the members who will be making the decisions, the names and addresses of all persons who make a statement or speak.
- f) Decisions: Shall state the reasons, which the ZBA may cite, amend, and vote upon, and the limitation and or waiver of requirements. At the time a decision is made an issue date will be announced.

## **11) Time Limits for Action**

- a) Variances: Public hearing must be held within 65 days, acted upon within 100.
- b) Special Permits: Public hearing must be held within 65 days, acted upon within 90 days after close of hearing.
- c) Building Commissioner decision appeal: Shall be made to the Board within 30 days.
- d) Decisions: Shall be filed with the Town Clerk within 14 days from the date the board renders a decision.

## **12) Notification Placard**

A Notification Placard must be posted at the site location to be seen by the public for not less than 14 days prior to the meeting. The Notification Placard will be provided at the applicant's expense and adhere to the following standards:

- a) Placard shall be no less than 27" x 18" and made of a rigid corrugated material
- b) The placard shall be secured to a steel fence post model #901158A (as sold at Home Depot) or Steel Holder for Lawn Signs provided by Manufacturer.
- c) The post, or Steel Holder as described above, shall be 5' x 3 1/2" x 1 1/2" to allow 18" embedment into the ground allowing the
- d) placard to be viewed from the street at a distance of not more than ten feet (10')
- e) Must be legible for the entire display period
- f) Wording shall be as follows

Zoning Board of  
Appeals  
Public Hearing

Date/Time  
Town Hall

41 South Main Street

[www.randolph-ma.gov](http://www.randolph-ma.gov)

The foregoing may be amended at any time by vote of the Board. No prior notice need be given. Any Rule or Regulation not in conformity with any State Statute, Town By-Law, or Town Zoning By-Laws shall be null and void. Adopted by the Randolph Zoning Board of Appeals June 14, 1984; Revised: March 5, 1985; May 11, 1989; March 21, 1991; May 28, 1992; June 4, 2002; April 14, 2004; February 24, 2005, March 9, 2006, April 26, 2007, September 20, 2007, September 11, 2012, and February 7, 2014.