



## PLANNING BOARD Report to Town Council

**Order:** 2025-043

**Petitioner:** Planning Board

**Date referred:** June 23, 2025

**Date hearing opened:** July 22, 2025

**Date hearing closed:** July 22, 2025

**Date of report:** July 29, 2025

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### **PETITION**

To amend the Zoning Map and references in the Zoning Ordinance:

- a. For the property known and numbered as Decelle Drive, Randolph, MA, parcel ID number 52-A-007 to change **from the Business Professional District (BP)** to the **Residential Single-Family High-Density District (RSHDD)**.
- b. For the property known and numbered as 64 Sunshine Avenue, Randolph, MA, parcel ID number 22-D-018 to change **from the Business District (BD)** to the **Residential Single-Family High-Density District (RSHDD)**.
- c. For the property known and numbered as 1 Elderly Drive, Randolph, MA, parcel ID number 53-I-031 to change **from the Business Professional District (BP)** to the **Residential Single-Family High-Density District (RSHDD)**.
- d. For the property known and numbered as 721 North Street, Randolph, MA (also called Meadow Lane), parcel ID number 17-J-013 to change from the **Residential Multifamily 55+ District (RMF55+)** to the **Residential Multifamily District (RMFD)**.
- e. To delete the designation **Business Housing Authority District (BHAD)** in 200-4 Establishment, 200-5, Zoning Map, 200-6 Designation, Table of Allowable Activities and Table of Dimensional Requirements.
- f. To delete the designation **Residential Multifamily 55+ District (RMF55+)** in 200-4 Establishment, 200-5, Zoning Map, 200-6 Designation, Table of Allowable Activities and Table of Dimensional Requirements.
- g. To delete the designation **Residential Two-Family District (R2FD)** in 200-4 Establishment, 200-5, Zoning Map, 200-6 Designation, Table of Allowable Activities and Table of Dimensional Requirements.

## **BACKGROUND**

Beginning in 2024, the Town initiated a review and update of Chapter 200, the Zoning Ordinance with goals to eliminate inconsistencies, reduce redundancies and ensure compliance with applicable state and federal statutes as well as case law. During review, the Consultant and Committee identified issues related to zoning districts and the zoning map that should be addressed in advance of the final zoning update. Those issues are the subject of the petition and the rationale for each is listed in DISCUSSION below.

## **RECOMMENDATION**

The Planning Board voted 5-0-0 to **recommend** adoption of the order.

## **DISCUSSION**

- a. Recommended deletion of BHAD: On research, we found that there are no parcels assigned to this district designation. There has been belief that the properties at Decelle Drive, Elderly Drive and Sunshine Avenue were included in this district but could find no reference to substantiate it. Given the dimensional regulations for multifamily housing (such as most of the Housing Authority structures) and to eliminate parcel specific zoning (spot zoning), the recommendation is to delete all references to BHAD.
- b. Recommended change of district for Decelle, Elderly and Sunshine: The zoning district assigned to the parcels where Housing Authority units are located is either BUSINESS DISTRICT or BUSINESS PROFESSIONAL. Given their location within residential districts and to avoid spot zoning, the recommendation is to CHANGE their district to RSFHDD. The structures were previously pre-existing, non-conforming and will remain as such with the rezoning.
- c. Recommended deletion of R2FD: On research, we found that there are no parcels assigned to this district designation. It is recommended to delete all references to R2FD.
- d. Recommended change to RMF55+: This recommendation is based on case law where court rulings have struck down ordinances that restrict property ownership based on age, asserting that such restrictions violate federal anti-discrimination laws. The Housing for Older Persons Act (HOPA) allows communities to restrict **residency** to those 55 years of age or older, without violating the Fair Housing Act. The units at Meadow Lane would remain restricted in residency presuming compliance with any other aspects of HOPA or the Fair Housing Act (FHA).