

**TOWN OF RANDOLPH**  
**ZONING BOARD OF APPEALS**

**FINDINGS AND DECISION**

**FILE NO. ZBA 02-11**

**JULY 28, 2011**

Decision of the Randolph Zoning Board of Appeals on the appeal and petition of Brophy and Phillips, Co., Inc. for the premises located at 247/249 North Main Street Randolph MA.; shown on Assessor's Map 47, Block E, Parcel 015.1,. to add a Single Pole Sign on 249 North Main Street property.

Members present: Vice Chairman/Treasurer Arnold Rosenthal, Alexander Costa, Christopher Spears, and Alternates, Edward Gilbert and Simeon Korisky.

All the legal provisions of the Zoning Act were complied with.

**PROCEDURAL HISTORY**

1. The petitioner filed their application on June 7, 2011 appealing a denial letter dated May 26, 2011.
2. The Zoning Board of Appeals opened a public hearing on July 28, 2011. The Board provided all notice required by applicable law prior to opening the hearing.
3. The members made site visits
4. The Board closed its public hearing on July 28, 2011.

**DOCUMENTS RECEIVED INTO RECORD OF PUBLIC HEARING**

The following documents were received into the record of the public hearing and are hereby incorporated by reference in this decision.

1. Denial letter dated May 26, 2011.
2. Application signed by Peter R. Vlaco dated June 7, 2011.
3. Plan prepared by Silva Engineering Associates, P.C. and dated May 9, 2011.
4. Legal Notice published July 14, 2011 and July 21, 2011 in the Patriot Ledger.

The Randolph Zoning Board of Appeals will hold a Public Hearing on Thursday, July 28, 2011, at 7:00 P.M. at the Town Hall in accordance with the provisions of M.G.L. Chp. 40A, on the application of Randolph CU LLC (Brophy and Phillips Co. Inc.) (Harbor One Credit Union Building), on property located at 249 North Main Street (Enterprise Rent a Car) Randolph, Massachusetts, to vary the terms of the Zoning By-laws, 200-54 I (b): Crawford Square Business District General Regulations. No Billboard or sign shall be permitted which does not relate to the identity or business of the owner or legal occupant of the premises upon which it is located, except as provided in 200-49 and 200-53. 200-55 B (4): One Pole Sign per Lot. Or any other section of the Zoning By-Law applicable to Build a Ground Sign (On the Enterprise Rent A Car Property).

### **FINDINGS AND REASONS for DECISION**

**200-55.1.B-6.** Setback from Ten (10)ft. to Zero (0)ft. and from 2 Poles to 1 Pole.

**200-54.1.B.** ZBA Approval overriding decision of Building Inspector (Commissioner).

**200-55.B.4.** Allow second Pole Sign on property (249 North Main St) and setback from Ten (10)ft. to Zero (0)ft..

**Finding:** owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

**Variance Hardship:** Building has no Frontage on North Main Street to allow the public to see what tenants occupy the building.

### **BOARD VOTE**

On July 28, 2011, the Board voted unanimously in favor to grant the Variances of the petition. Vice Chairman/Treasurer Arnold Rosenthal, Alexander Costa, Christopher Spears, and Alternates, Edward Gilbert and Simeon Korisky, voted in favor of the petition.

### **APPEAL PROCESS**

Was read by the Vice Chairman/Treasurer Arnold Rosenthal,

Any person aggrieved by a decision of the Board of Appeals or any special permit granting authority, whether or not previously a party to the proceeding, or any municipal officer or board may appeal to the Superior Court Department for the County in which

the land concerned is situated by bringing an action within twenty (20) days after the decision has been filed in the office of the Town Clerk.