

**ADMINISTRATIVE RULES AND REGULATIONS
FOR THE MIXED USE DEVELOPMENT DISTRICT AND OPEN SPACE DISTRICT**

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ARTICLE I - OVERVIEW OF ADMINISTRATIVE RULES AND REGULATIONS FOR THE MIXED USE DEVELOPMENT DISTRICT AND OPEN SPACE DISTRICT

1.1 Authority

These Administrative Rules and Regulations for the Mixed Use Development District and Open Space District (the “Regulations”) are adopted in accordance with Chapter 73 of the Acts of 2025, as the same now or hereafter be amended (the “Enabling Legislation”), which vests the Southfield Redevelopment Authority (the “Authority”) with the broad regulatory authority to develop and adopt “[r]egulations for the effective implementation and enforcement of the zoning by-laws and revisions thereof” These Regulations shall be implemented and interpreted keeping in mind the purpose of the Enabling Legislation to “promote the expeditious and orderly conversion and redevelopment of NAS South Weymouth.”

1.2 Scope; Interrelationship with Zoning

The scope of the Regulations and the intended interrelationship of the Regulations with the Zoning and Land Use By-Laws for NAS South Weymouth (the “By-Laws”) is set forth in Section 1.4.C of the By-Laws.

1.3 Adoption/Amendments

The procedure for adoption of the Regulations is set forth in Section 14(h) of the Enabling Legislation, which provides that “[n]o regulation shall be adopted by the authority without first publishing notice of same in a newspaper of general circulation within the NAS South Weymouth redevelopment area, holding at least one public meeting in the NAS South Weymouth redevelopment area or in any one of the towns, and affording the opportunity for public comment.” No separate approval by the towns of Abington, Rockland and Weymouth (the “Towns”) of any Regulations adopted by the Authority in accordance with Section 14(h) is required. Amendments to these Regulations shall require the same procedure.

1.4 Administration and Applicability

The Authority shall administer and enforce the Regulations. Areas outside NAS South Weymouth shall remain entirely within the jurisdiction of the Towns and shall continue to be administered by officials of the Towns in accordance with all applicable laws, including the municipal laws and regulations applicable to the Towns.

These Regulations shall apply to the Mixed Use Development District and Open Space District as shown on the South Weymouth Naval Air Station Zoning District Map, Exhibit A, dated May 23, 2023.

1.5 Definitions

Capitalized terms used but not defined in these Regulations shall have the meanings ascribed to such terms in the By-Laws. The following terms shall have the meanings set forth below:

APPLICANT: An owner or his/her agent or representatives, or his/her assigns.

AUTHORITY: Southfield Redevelopment Authority.

BOARD OF HEALTH: The Authority acting in its capacity as the Board of Health.

SUBDIVISION BOARD: The Authority sitting as the Planning Board or Subdivision Board.

ARTICLE II – STREET OPENINGS AND ACCEPTANCE; POTABLE WELLS

2.1 Excavations and Trench Safety

A. Permit required; fee

No person shall make any excavation within the limits of any public or private way (including sidewalk areas) in any portion of NAS South Weymouth governed by these Regulations except upon and in accordance with the conditions of a permit to be issued by the applicable Department of Public Works, such permit to be issued only upon the written application stating the location and extent of the proposed excavation, and a fee as determined by the director of the applicable Department of Public Works shall be charged for each permit issued. A certificate of liability insurance shall also be provided to applicable Department of Public Works during the application process.

Notwithstanding the foregoing, the “applicable Department of Public Works” shall mean the Authority with respect to issuance of permits for any excavations within the limits of any ways (including sidewalk areas) owned by the Authority.

B. Conditions of permit

It shall be a condition of each permit thus issued that the surface of the way shall be restored to its original condition and at the expense of the person to whom the permit is issued, also that the person to whom the permit is granted shall indemnify the Authority or Towns, as applicable, against all claims of all persons who may be injured in their person or property by reason of such excavation. The director of the applicable Department of Public Works may fix the time within which such permit shall remain in force and may prescribe what precautions shall be taken to guard the public against injury. The contractor or utility company or provider shall notify DIGSAFE prior to excavation. Also, a 72-hour notice shall be provided to the applicable Department of Public Works prior to start of work, unless the work is performed on an emergency basis. The permit holder shall be responsible for repairing any damage to public or private utilities or to down trees, shrubs, poles, or signs which may be disturbed or damaged during the course of the work or on account thereof. Violation of any of the conditions of said permit shall render the same void.

C. Guarantee Period

The permit holder shall be responsible for the maintenance of the street opening excavation/trench for one (1) year after the date of completing the installation. The permit

holder may be required to completely re-excavate, refill, and re-pave any permanent restoration that fails within the one (1) year guarantee period. If additional work is undertaken at the same location within the one (1) year guarantee period, the most current permit holder of record shall be responsible for complying with this subsection.

D. Construction Methods

The following construction methods shall be mandatory for all street openings:

1. Surface shall be cut carefully with a suitable cutting tool (pavement saw is preferred method).
2. Backfill material shall be as noted on the permit provided by the applicable Department of Public Works. All gravel backfill shall be tamped and consolidated in twelve (12) to eighteen (18)-inch layers.
3. Pavement shall again be cut a minimum of twelve (12) inches beyond excavation limits and removed through to gravel sub-base.
4. Existing blacktop edges shall be painted with tackcoat emulsion.
5. Blacktop finish shall be applied in two (2) courses, giving a smooth joint. Infrared trench patch method is required.
6. All permanent pavement markings that are obliterated or damaged during construction shall be repainted under the direction of the applicable Department of Public Works at the expense of the Applicant.

E. Maintenance of access to property required

No person having the authority to dig up or obstruct any street shall do so in a manner which does not leave reasonable access for persons and vehicles to property abutting on such street or which does not have a reasonable passage through the street for fire apparatus. If the Authority or the Towns are required to respond in any way, to provide police protection, to do temporary or permanent repairs, to install safety barriers or lights, etc., prior to the permit holder's receipt of a Certificate of Completion, the permit holder shall reimburse the Authority or the Towns for all costs. A Certificate of Completion will not be issued until these costs are paid.

F. Authority or Town work; private utility cooperation

Whenever the Authority or the Towns undertake the repair, resurfacing or other such improvement of streets, roads or sidewalks, the private utility companies shall provide for the maintenance and improvements of their infrastructure (manhole covers, service gate boxes, etc.). The infrastructure, located in the street, roads or sidewalks shall be repaired, replaced

or otherwise identified, so that they are in good condition, easily accessible and raised to the proposed finish grade.

G. Trench safety

In accordance with M.G.L. c. 82A and 520 CMR 14.00 et seq., no person shall, except in an emergency, make a trench excavation (as defined in 520 CMR 14.00 et seq.) in any public way, public property, or privately owned land until a permit is obtained from the appropriately designated permitting authority. The applicable Department of Public Works shall serve as the appropriate permitting authority, and shall determine the fee charged for each permit issued. The Authority acknowledges the full applicability within the portions of NAS South Weymouth governed by these Regulations of the trench safety regulations published in 520 CMR 14.00, subject however, to the right reserved by the Authority to adopt more restrictive rules and regulations.

2.2 **Procedure for Acceptance of Public Ways and Parks**

A. Pre-Application Inspection

After project completion, the Applicant shall file with the Subdivision Board a statement stipulating that all work is complete, is constructed in compliance with the Subdivision Rules and Regulations for the Mixed Use Development District and Open Space District and any other applicable regulations and policies of the Authority, is free from defects, and is free and clear of any encumbrance or lien.

After project completion and prior to the submittal of a written request for acceptance of the way or park and associated improvements, a punch list of deficiencies shall be prepared by the applicable Department of Public Works or other town agent(s) for review with the owner before acceptance of the way or park can be entertained.

B. Application

All written requests for the acceptance of ways or parks, new or otherwise, must be presented to the director of the applicable Department of Public Works for an inspection, review and report. The written request for acceptance of a way or park shall include:

- A. A properly executed “Application for Acceptance of a Way or Park” form (developed by the Subdivision Board) signed by the owner(s) of all land contained within the area(s) proposed for acceptance and eleven (11) copies;
- B. As-built plans and profiles (the “Plans of Acceptance”) as described below;
- C. An electronic version of the Plans of Acceptance in accordance with Level 3 of the Commonwealth’s Standard for Digital Plan Submission to Municipalities and two (2) copies;

- D. Legal description of the metes and bounds of the way or park (the “Order of Taking”) and eleven (11) copies;
- E. A current list of abutters, as certified by the applicable Town;
- F. Addressed and stamped envelopes in a quantity sufficient to deliver a first-class mail notice to each abutter regarding the scheduling of the Subdivision Board’s public hearing on layout acceptance;
- G. Proper filing fee as established by the Subdivision Board; and
- H. Project review fee, if applicable, as determined by the Subdivision Board.

C. Plans of Acceptance

One (1) copy of the Plans of Acceptance drawn in ink on mylar sheets (or if the way or park to be accepted is located in both Norfolk County and Plymouth County, two copies of the Plans of Acceptance drawn in ink on mylar sheets) and eleven (11) copies of the Plans of Acceptance on standard white paper twenty-four (24) inches wide by thirty-six (36) inches long at a scale of one (1) inch to forty (40) feet of each way or park shall be submitted by the Applicant at the time application is made. The cost of preparing the Plans of Acceptance shall be borne by the Applicant. The Applicant shall provide additional copies of the Plans of Acceptance as required by the director of the applicable Department of Public Works or the Subdivision Board.

The Plans of Acceptance shall be reviewed and accepted by all divisions of the applicable Department of Public Works, the Board of Health, applicable Building Department and the Subdivision Board, who in approving the Plans of Acceptance will sign the mylar sheets in the appropriate spaces provided.

Plans of Acceptance shall be prepared and certified by a registered land surveyor. Plans of Acceptance shall show all physical characteristics of the way or park presented for acceptance, i.e., all property lines; the names of the respective owners as of a date not earlier than January 1 of the year in which the application is filed; the correct locations of all buildings; all public and private utilities (water, sewer, storm drainage, electric, telephone, cable television, gas, etc.; shown in plan and profile views); all easements related to the street system (including easements for all storm drainage detention/retention pond areas); all survey data necessary to lay out the street including widths, lengths and bearings of all boundary lines of streets and easements, radii and tangent lines at layout intersections, central angles of all curves in street lines; and any other requirements for recording the plan at a registry of deeds. The Plans of Acceptance shall show and certify that all permanent monuments have been set in accordance with the Subdivision Rules and Regulations for the Mixed Use Development District and Open Space District.

The deed reference and sheet, block and lot numbers shall be shown for each lot which abuts the way or park.

D. Applicable Department of Public Works

Following receipt of a complete application package for acceptance of a way or park, the applicable Department of Public Works shall review the application package and inspect the way or park to develop a punch list of deficiencies to be corrected in order to bring the area and/or plans into compliance with current specifications of the Authority. The Applicant shall correct any deficiencies to the satisfaction of the applicable Department of Public Works, and all costs associated with such corrections shall be borne by the Applicant. If the Applicant is unable to correct deficiencies in a timely manner (during the course of the review process) due to the extent of the work required, poor weather conditions, etc., then a formal agreement shall be executed between the applicable Department of Public Works or the Subdivision Board and the Applicant which shall set forth all necessary terms and conditions such as identifying the scope of work required to correct the deficiencies, an agreeable timeframe to complete the work, etc.

The applicable Department of Public Works will notify all departments/officials that have plan approval responsibilities that Plans of Acceptance have been submitted for their review.

The applicable Department of Public Works will assign a plan number to the Plans of Acceptance. However, as with all original plans with the potential to be recorded at the applicable registries of deeds and/or land court, the plan number will be added to the plan just inside of and near the center of the lower border in a small font size. Only copies of the original plan may receive plan numbers in larger font in the corners.

Once the Plans of Acceptance have been signed by all of the applicable departments/officials, and either any deficiencies have been corrected by the Applicant or an agreement is to be executed between the applicable Department of Public Works or the Subdivision Board and the Applicant, the applicable Department of Public Works shall submit the acceptance application package to the Authority or the Towns, as applicable, for their review and approval.

E. Authority or Town Actions

Upon receipt by the Authority or Towns, as applicable, a measure number shall be assigned for the application.

The Authority or Towns, as applicable, shall hold a public hearing or hearings in order to consider acceptance of the way or park layout and to consider a vote to adopt the Order of Taking. Notice of such hearing shall be given by the Authority or Towns, as applicable, at the expense of the Applicant in each of two (2) successive weeks by advertisement in a newspaper(s) of general circulation in the Towns as determined by the Authority or Towns, as applicable. The first notice shall be not less than fourteen (14) days before such hearing; the second notice shall be not less than seven (7) days before such hearing. The Authority or Towns, as applicable, shall also notify by first-class mail the abutters (as provided by the Applicant in the application package) of the way or park at least seven (7) days before the hearing. The Authority or Towns, as applicable, shall vote to adopt or reject the Order of Taking within one hundred and twenty (120) days of the first public hearing held on the way or park layout.

Once approved and signed by the Authority or Towns, as applicable, the Authority's or Towns' legal counsel, as applicable, shall record (at Applicant's expense) the Plans of Acceptance and the Order of Taking at the applicable registries of deeds and the land court (for recording the Order of Taking, if applicable).

The Authority's or Towns' legal counsel, as applicable, shall provide a copy of the recorded Plans of Acceptance and Order of Taking to the Department of Public Works of the Authority or Towns, as applicable, and to the Department of Public Works of the Town(s) in which the way or park is located.

In cases where the Authority and one or more of the Towns is involved in reviewing an application for acceptance of a way or park, joint meetings/hearings may be held at either NAS South Weymouth or in one of the Towns in order to provide for a consolidated review process.

F. Additional Compliance Requirements

No street or way constructed through lands by the owners thereof shall be laid out or accepted or recommended by the applicable Department of Public Works for acceptance as a public way or street of the Authority or Towns, as applicable, unless previously constructed and completed to the subgrade in accordance with the latest specifications promulgated by the Authority, including the Subdivision Rules and Regulations for the Mixed Use Development District and Open Space District.

Any street or way constructed through private land by the owners thereof may be laid out and accepted as a public street of the Authority or Towns, as applicable, provided that such action is taken in accordance with provisions of M.G.L. c. 82, §§ 21-24, and provided also that the owners of at least seventy-five percent (75%) of the lands through which such street or way passes have signed releases of all property which the Authority or Towns, as applicable, deems it necessary to acquire for such layout and have accepted and have granted sloping privileges.

G. Conveyance of Utilities and Easements

The Subdivision Board shall not release a surety bond or deposit, or, in the case of a covenant, issue a Certificate of Performance (as defined in the Subdivision Rules and Regulations for the Mixed Use Development District and Open Space District), until the Applicant has executed an instrument, on a form approved by the Authority or Towns, as applicable, transferring to the Authority or Towns, as applicable, without cost, valid title free of all liens and encumbrances to all common sewers, storm drains (including detention/retention pond areas) and water mains, and any other public improvements and appurtenances thereto, constructed and installed in the subdivision or portion thereof to be approved, and conveyed to the Authority or Towns, as applicable, without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace operate and forever maintain the aforesaid sewers, storm drains, water mains and public improvements, with any manholes, pipes, conduits and other appurtenances, and to do all acts incidental thereto, in, through and under the whole of all streets in the subdivision or portion thereof to be approved, and if any such sewers, storm drains, water mains or public improvements have been constructed

and installed in land not within such street, then in, through and under a strip of land extending ten (10) feet in width on each side of the center line of all such improvements.

H. Exemptions and Waivers

The Authority or Towns, as applicable, may exempt or waive the local requirement of this section for any public way or park acceptance upon the recommendation of the applicable Department of Public Works that it is in the best interest of the Authority or Towns, as applicable, to do so.

2.3 **Prohibition on Potable Wells**

Potable wells are prohibited within the portions of NAS South Weymouth governed by these Regulations.

ARTICLE III – PRE-FILING REQUIREMENTS FOR ZONING RELIEF APPLICATIONS

3.1 **Pre-Filing Meeting**

Prior to the official filing of an application for Project Development Review or any form of zoning relief (a “Project Review Application”), an Applicant shall be required to meet with the Land Use Administrator to discuss and review the proposed application and determine whether any additional information or materials need to be included in the official application. The pre-filing meeting shall not be advertised and shall not constitute a “public meeting.” No less than three (3) business days before the pre-filing meeting, an Applicant shall be required to provide one (1) copy of its proposed application so that the Land Use Administrator can review its completeness in form and minimum submission requirements, and determine any further information that will be necessary for proper review. Within seven (7) days after the pre-filing meeting, the Land Use Administrator shall provide the Applicant with a checklist indicating whether each required submission is complete and whether any additional information or materials need to be included in the official application. Depending on the nature of the proposed project, the Land Use Administrator may make reasonable requests for additional, non-duplicative information beyond that required by the minimum submission requirements.

In addition to the foregoing pre-filing requirements, and to the extent applicable, the Applicant shall provide to the Land Use Administrator any supplemental materials necessary to demonstrate that the Project Review Application is consistent with the Certificate of the Secretary of Energy and Environmental Affairs on the Final Supplemental Environmental Impact Report of the South Weymouth Naval Air Station Redevelopment Project (EEA #11085).

ARTICLE IV – APPEALS OF DECISIONS OF LAND USE ADMINISTRATOR

4.1 **Review Authority**

As provided in Section 15.5B of the By-Laws, the Authority is authorized to adopt and from time to time adopt and/or amend regulations relative to appeals of decisions of the Land Use Administrator (collectively, “Administrative Appeals”).

For purposes of this Article, the NAS Board of Appeal shall be referred to as the “ZBA.”

4.2 Application

In addition to the Project Review Application, all petitions for Administrative Appeals shall clearly state the nature of the decision being appealed and present a brief, written summary of the rationale or basis for the appeal.

All petitions for Administrative Appeals shall include the required fees (filing fees, advertising and notification fees, consultant fees, etc.) as specified in the Authority’s Schedule of Fees.

4.3 Filing Period

Every petition for an Administrative Appeal must be filed within thirty (30) days from the date on which the Land Use Administrator issues a written order, ruling or decision refusing to issue a permit or pursue an enforcement action requested by the Applicant.

4.4 Public Hearing

The ZBA will hold its public hearing on an Administrative Appeal petition within the time limits established by MGL c. 40A, § 15. A record will be made of all persons offering testimony. To the degree practical, a record should also be made of all other persons in attendance.

4.5 Notice of Public Hearing

Notification and public advertisement of a public hearing on any Administrative Appeal petition shall be conducted according to the provisions of MGL c. 40A, § 11.

4.6 Written Record of Determination and Decision

The ZBA shall make a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reasons for its decision and its official action.

A decision of the NAS Board of Appeal shall require the affirmative vote of all three (3) members.

The decision of the ZBA on an Administrative Appeal petition shall be made within one hundred (100) days following the date of the filing of the Administrative Appeal. Failure of the Board to act within one hundred (100) days following the date of the filing of the Administrative Appeal shall result in the constructive approval of the petition.

4.7 Filing of Decision

The written decision of the ZBA regarding an Administrative Appeal petition shall be filed within fourteen (14) days after a decision is rendered, with the official records of the Authority, the Land Use Administrator and in the office of each Town Clerk. A notice of the decision shall

be mailed forthwith to the Applicant. Failure to file a decision within such fourteen (14) day period shall be deemed an approval of the petition.

ARTICLE V – DEVELOPMENT DATA

5.1 Collection of Data Regarding Construction and Business Activities

On an annual basis or at such other times, in each case as requested by the Authority, the master developer, developers, property owners, tenants and other users of any portion of NAS South Weymouth governed by these Regulations shall provide the Authority with written reports containing the following information, to the extent practicable:

A. Master Developer and Other Developers

For any fiscal year of the Commonwealth for which construction activity is underway on any portion of NAS South Weymouth governed by these Regulations, the master developer and/or developers of individual parcels of land shall provide the Authority with the following information, to the extent practicable:

- (i) Number of construction workers and aggregate construction wages paid; and
- (ii) Retail sales tax payments made in connection with the purchase of construction materials.

B. Property Owners and Tenants

For any fiscal year of the Commonwealth during which business activity occurs on any portion of NAS South Weymouth governed by these Regulations, property owners and/or tenants shall provide the Authority with all data necessary to calculate projected sales tax, personal income tax and hotel tax revenues, to the extent practicable, which data shall include but not be limited to:

- (i) For businesses which located to any portion of NAS South Weymouth governed by these Regulations during the related fiscal year of the Commonwealth, information on whether the business was operating in the Commonwealth before locating to such portion of NAS South Weymouth and, if so, the businesses' square footage and payroll before and after the relocation;
- (ii) Number of employees and aggregate wages paid;
- (iii) For retail businesses, annual taxable retail sales and sales tax collections; and
- (iv) For hotels, annual room occupancy revenue.

5.2 Collection of Other Data

At the request of the Authority, the master developer, developers, property owners, tenants and other users of any portion of NAS South Weymouth governed by these Regulations shall also provide the Authority with any and all other data, including, without limitation, data necessary to demonstrate compliance with federal, state, or local financing programs applicable to the Base including, without limitation, District Increment Financing, I-Cubed, Tax Increment Financing, bonds, and other similar programs.

5.3 Compliance

The master developer, developers, property owners, tenants and other users of any portion of NAS South Weymouth governed by these Regulations shall have fifteen (15) business days from receipt of such a request to provide such information to the Authority.