

**INITIAL NAS SOUTH WEYMOUTH
ADMINISTRATIVE RULES AND REGULATIONS**

TABLE OF CONTENTS

ARTICLE I - OVERVIEW OF INITIAL NAS SOUTH WEYMOUTH ADMINISTRATIVE RULES AND REGULATIONS 1

 1.1 Authority 1

 1.2 Scope; Interrelationship with Zoning..... 1

 1.3 Adoption/Amendments 1

 1.4 Administration and Applicability 1

 1.5 Capitalized Terms 1

ARTICLE II - REGULATIONS APPLICABLE TO REVIEW AUTHORITIES IN ALL DISTRICTS OTHER THAN THE OPEN SPACE DISTRICT AND MIXED USE DEVELOPMENT DISTRICT 2

 2.1 Purpose..... 2

 2.2 Basic Procedures for Filing Applications 2

 2.3 Fees 5

 2.4 Additional Rules Pertaining to Applicants 6

ARTICLE III - SPECIAL PERMITS 8

 3.1 Review Authority 8

 3.2 Joint Special Permit / Site Plan Review Filings 8

 3.3 Application..... 8

 3.4 Public Hearing 11

 3.5 Notice of Public Hearing 11

 3.6 Standards and Criteria..... 12

 3.7 Findings and Determinations 12

 3.8 Written Record of Determination and Decision 13

 3.9 Filing of Decision 14

ARTICLE IV - SITE PLAN REVIEW 14

 4.1 Review Authority 14

 4.2 Single Site Plan Review Filing 14

 4.3 Application..... 15

 4.4 Public Hearing 18

 4.5 Notice of Public Hearing 18

 4.6 Standards and Criteria..... 18

4.7 Written Record of Determination and Decision 19

4.8 Filing of Decision 19

4.9 Procedure for Amendments 20

ARTICLE V - DEVELOPMENT PLAN REVIEW 20

5.1 Review Authority 20

5.2 Joint Development Plan / Special Permit / Site Plan Review Filings 20

5.3 Application 21

5.4 Public Hearing 22

5.5 Notice of Public Hearing 22

5.6 Standards and Criteria 22

5.7 Findings and Determinations 23

5.8 Written Record of Determination and Decision 24

5.9 Filing of Decision 24

5.10 Modifications of a Development Plan 24

ARTICLE VI - APPEALS 25

6.1 Review Authority 25

6.2 Application 25

6.3 Filing Period 26

6.4 Public Hearing 26

6.5 Notice of Public Hearing 26

6.6 Written Record of Determination and Decision 26

6.7 Filing of Decision 26

ARTICLE VII - VARIANCES 27

7.1 Review Authority 27

7.2 Application 27

7.3 Public Hearing 27

7.4 Notice of Public Hearing 27

7.5 Findings and Determinations 27

7.6 Written Record of Determination and Decision 28

7.7 Filing of Decision 28

ARTICLE VIII - MISCELLANEOUS 28

8.1 Open Space Setback 28

8.2 Collection of Data Regarding Construction and Business Activities 28

8.3 Excavations and Trench Safety 29

8.4 Procedure for Acceptance of Public Ways and Parks 31

8.5 Prohibition on Potable Wells 35

Exhibit 1: Map of Open Space Property

ARTICLE I - OVERVIEW OF INITIAL NAS SOUTH WEYMOUTH ADMINISTRATIVE RULES AND REGULATIONS

1.1 Authority

These Initial NAS South Weymouth Administrative Rules and Regulations (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 in all zoning districts identified on the South Weymouth Naval Air Station Zoning District Map, Exhibit A, dated May 23, 2023 (the “Zoning Map”), other than the Open Space District and Mixed Use Development District, and shall not apply in or otherwise relate to the Open Space District and Mixed Use Development District.

1.5 Capitalized Terms

Capitalized terms used but not defined in these Regulations shall have the meanings ascribed to such terms in the By-Laws. All terms used in these Regulations that are defined in the

By-Laws shall have the meanings ascribed to such terms in the By-Laws. The following terms shall have the meanings set forth below:

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.

REGULATIONS APPLICABLE TO REVIEW AUTHORITIES

ARTICLE II - REGULATIONS APPLICABLE TO REVIEW AUTHORITIES IN ALL DISTRICTS OTHER THAN THE OPEN SPACE DISTRICT AND MIXED USE DEVELOPMENT DISTRICT

2.1 Purpose

In accordance with Section 14(h) of the Enabling Legislation and Articles 11, 12, 13 and 15 of the By-Laws, the Authority is authorized to adopt and from time to time adopt and/or amend regulations relative to the review and approval of (A) Special Permits, (B) applications for site plan review, (C) Development Plans, (D) appeals of decisions of the Land Use Administrator (“Administrative Appeals”), and (E) variances from the terms of the By-Laws or these Regulations (“Variances”). In accordance with the By-Laws, certain bodies have been established and authorized to review, deliberate, make findings and determinations, and grant or deny Special Permits, applications for site plan review, Development Plans and Administrative Appeals. For purposes of this Article, these bodies shall be known as “Review Authorities.”

The Review Authority with respect to the review and approval of each form of zoning relief shall be as follows:

Special Permits: The Special Permit Granting Authority (“SPGA”) (as hereinafter defined);

Site Plan Review: The Permit Granting Authority (“PGA”) (as hereinafter defined);

Development Plans: The SPGA;

Administrative Appeals: The NAS Board of Appeal; and

Variances: The Variance Granting Authority (“VGA”) (as hereinafter defined).

Additional Regulations with respect to each independent form of zoning relief are set forth in the following Articles: Special Permits — Article III; Site Plan — Article IV; Development Plans — Article V; Administrative Appeals — Article VI; and Variances — Article VII.

2.2 Basic Procedures for Filing Applications

A. Application Form and Cover Sheet

The Authority shall prepare a “Project Review Application Form” to be used in filing any application to a Review Authority. The form shall provide basic instructions to the applicant and shall be designed to document the ownership of the property in question, the assessor’s map and parcel number(s) (to the extent applicable) and the name, address and telephone number(s) of the applicant(s) and their agent(s), as applicable. The application form shall provide space for the applicant to clearly identify the nature of the application. The application form shall be available to the public at the offices of the Authority and the Applicable Town Boards, as appropriate.

The Authority shall additionally prepare a “Cover Sheet” for each form of zoning relief set forth in these Regulations. The Cover Sheet shall be in the form of a checklist and shall list, in summary form, all of the submission requirements applicable to the specific type of application.

B. Completing Application Form and Minimum Submission Requirements

At a minimum, any application to a Review Authority shall consist of a completed Project Review Application Form, the requisite review fee as stipulated under these Regulations (unless otherwise waived pursuant to these Regulations), a completed Cover Sheet and the other information as required under the By-Laws and these Regulations for the specific type of application.

C. Pre-Filing Meeting

For each application for any form of zoning relief, the Land Use Administrator shall be the “Lead Reviewer” for that application. Prior to the official filing of an application, an applicant shall be required to meet with the designated Lead Reviewer 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 Lead Reviewer 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 Lead Reviewer shall provide the applicant with a Cover Sheet 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 Lead Reviewer may make reasonable requests for additional, non-duplicative information beyond that required by the minimum submission requirements.

D. Official Filing of Application with the Review Authorities

No application shall be filed until a pre-filing meeting has been held and either (i) the Lead Reviewer has provided the applicant with a Cover Sheet checklist and the results of the completeness review or (ii) seven (7) days after the pre-filing meeting, whichever comes first. The applicant shall present its application at the office designated herein for each respective Review Authority (the “Filing Office”).

For applications to the Authority, the Filing Office shall be the Filing Clerk of the Authority.

The applicant will file with the Filing Office a minimum of fifteen (15) copies of any application for Special Permit or Development Plan Review (including all required submissions) and a minimum of five (5) copies of any application for other zoning relief covered by this Article (including all required submissions), as well as the digital plan submissions noted below. The applicant shall also file one (1) electronic copy of the entire application. Upon receipt, the Filing Office will affix an official stamp on the application stating the date received, and this stamp shall designate the official filing date. The Filing Office shall expeditiously forward the application package to the Review Authority and to the Authority (where the Authority is not the Review Authority) and, with respect to applications for Special Permit and Development Plan review only, one (1) copy of the application to the following offices, as applicable:

- (i) the boards of selectmen of the Towns of Abington and Rockland;
- (ii) the Mayor of the Town of Weymouth;
- (iii) the Weymouth Town Council;
- (iv) the planning boards of each of the Towns; and
- (v) the conservation commissions of each of the Towns.

The offices described as items (i) — (v) shall hereinafter be defined as the “Town Boards.”

Whenever any plan is required to be submitted under these Regulations, the applicant shall also submit an electronic copy of the plan in accordance with Level 3 of the Commonwealth’s Standard for Digital Plan Submission to Municipalities (last updated October 2007), as the same may be amended. In addition, whenever any other materials are required to be submitted under these Regulations, the applicant shall also submit an electronic copy of such materials.

Notwithstanding the above, the Review Authority or its designee may request extra copies of application materials at any point during the official review period at the expense of the applicant.

E. Modification of Information Submittal Requirements

The Lead Reviewer shall waive the requirement for submission of any required submittal items that would otherwise be required in an application for a Special Permit or Site Plan Review for development and uses included in a previously approved Development Plan in order to ensure that no duplicative information is required to be submitted with respect to any matter already determined in the Development Plan, unless the applicant is requesting a substantial modification to the applicable provisions of the approved Development Plan. In the event of a proposed substantial modification to an approved Development Plan, the Lead Reviewer shall waive the requirement for submission of any required submittal items that were previously submitted with the approved Development Plan to the extent such required submittal items are not related to the proposed substantial modification.

At or before the pre-filing meeting, or accompanying the official filing of the application, an applicant may submit (i) a written request for waiver of certain required submittal items and/or

(ii) a written request to be permitted to submit certain required submitted items in the form of all or a portion of relevant completed documents submitted under the Massachusetts Environmental Policy Act or any other applicable document including substantially the same information as required by these Regulations. If such request for modification of information submittal requirements is made at or before the pre-filing meeting, the Lead Reviewer (1) shall respond in writing to such request within seven (7) days after the pre-filing meeting and (2) shall accept the substitution of relevant completed documents if such documents provide substantially the same information required by these Regulations.

A Lead Reviewer may waive any and all of the minimum submission requirements, using his/her professional judgment as to the applicability to a given application.

F. Review of Information Submitted in Application

Upon the official filing, the Lead Reviewer for the Review Authority shall review each application and its Cover Sheet for its informational content and determine adequacy of that information, based on the completeness review conducted during and after the pre-filing meeting. The Lead Reviewer shall endeavor to identify any remaining missing or incomplete information as soon as possible after the application is officially filed, and notify the applicant expeditiously but, in any event, within seven (7) days after the filing. Depending on the nature of the proposed project, the Lead Reviewer may make reasonable requests for additional, non-duplicative information beyond that required by the minimum submission requirements.

G. Request for Further Information

Notwithstanding the provisions of item (F) above, the Review Authority alone shall make the final determination of adequacy of information in any application and may make reasonable requests for additional, non-duplicative information at any time during the official review period, which commences upon the official filing of the application.

2.3 Fees

A. Establishment of Filing Fees

Accompanying each application to a Review Authority shall be the required filing fee as indicated by the schedule of fees adopted by the Authority (the “Schedule of Filing Fees”). The Schedule of Filing Fees shall be kept on file at the offices of the Authority and each of the applicable Filing Offices. All fees shall be paid in cash or by check or money order payable to “Southfield Redevelopment Authority” and shall be presented to the Filing Office at the time of officially filing the application. No application will be processed without the requisite fee, provided, however, that the Review Authority shall have the authority to waive any requisite fee in its sole discretion.

B. Advertising and Notification Fee

In addition to the filing fee, applicants must also pay the cost to publish legal notice of the hearing in a newspaper of general circulation within the NAS South Weymouth Region as determined by the Authority, and to cover mailing costs to notify abutters to the subject property

and neighboring cities and towns as determined by the Authority. The calculation of the advertising and notification fee is described on the Schedule of Filing Fees.

C. Project Review Fees

In accordance with MGL c. 44, § 53G, the Review Authority may require that applicants pay the reasonable cost to employ outside consultants with respect to the review of a proposed project (the “Project Review Fee”). The Review Authority may use the Project Review Fee to engage experts, including attorneys (except in the event of litigation with an applicant), as outside consultants to assist the Review Authority in its work.

The Project Review Fee shall be deposited with the Authority, which shall establish a special account in accordance with MGL c. 44, § 53G. Expenditures from this special account may be made at the direction of the Review Authority without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a Project Review Fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a required Project Review Fee shall be grounds for denial of the application, without prejudice.

At the completion of the Review Authority’s review of a project, any excess amount in the special account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant’s successor in interest. The Review Authority shall provide the applicant with a final report of said account.

Any applicant may make a written administrative appeal of the selection of the outside consultant by the Review Authority within twenty (20) days after the Review Authority has mailed or hand delivered notice of the selection to the applicant as follows: (i) to the NAS Board of Appeal where the Review Authority is the Authority; or (ii) to the Authority where the Review Authority is the NAS Board of Appeal (each, an “Appeal Authority”). 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, required qualifications. The minimum required qualifications shall consist either of an educational degree in, or related to, the field at issue or three (3) or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Review Authority shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Appeal Authority within one (1) month following the filing of the appeal, the selection made by the Review Authority shall stand.

2.4 Additional Rules Pertaining to Applicants

A. Failure of Applicant to Appear

Should an applicant or its representative(s) or agent(s) fail to appear at a scheduled public hearing before the Review Authority, then the Review Authority may consider such failure to appear as a withdrawal of the application, without prejudice. Such failure to appear will not entitle the applicant to a refund of the filing fees paid hereunder. An applicant who fails to appear shall be entitled to file a new application upon compliance with the requirements herein, including the payment of fees in accordance with the fee schedule then in effect.

B. Incomplete Applications

The Lead Reviewer may deem an application incomplete due to the applicant's failure to file with the Review Authority all information required by the By-Laws and these Regulations; and any application deemed to be incomplete will not be processed further. Applications will be presumed complete if the applicant has submitted all information requested at the Pre-Filing meeting and during the seven (7) day review periods following the Pre-Filing meeting and following the official application to the Review Authority. If the Lead Reviewer or Review Authority determines that an application is incomplete, it shall have full authority to deny the application or relief sought without prejudice but shall specify the incomplete components of the application in accordance with the requirements of the By-Laws and these Regulations.

C. Application Withdrawal

An applicant may voluntarily withdraw its application without prejudice prior to the publication of the notice of a public hearing thereon, but thereafter it may be voluntarily withdrawn without prejudice only in writing and with the approval of a simple majority of the members of the Review Authority. Voluntary withdrawal will not entitle the applicant to a refund of the filing fees paid hereunder. An applicant who voluntarily withdraws his/her application shall be entitled to file a new application upon compliance with the requirements herein, including the payment of fees in accordance with the fee schedule then in effect.

D. Mutual Agreement for Extension of Time

In accordance with MGL c. 40A, §§ 9 and 15, the required time limits for a public hearing and action by the Review Authority on a given application, application, or appeal may be extended by mutual agreement of the Review Authority and the applicant (the "Extension"). The Extension shall be in writing and must be executed on the document form approved by the Authority and provided by the Review Authority for such purpose. The Extension shall apply concurrently to both the time limit for public hearing and time limit for decision of action by the Review Authority, and shall specify definitively the deadlines mutually agreed upon. At least a simple majority of the Review Authority must consent to the Extension. The Extension may include a provision that there be re-notification of a rescheduled public hearing in accordance with MGL c. 40A and the By-Laws, and that reasonable costs of the re-notification relative to the delayed public hearing shall be borne by the applicant. A copy of each Extension shall be delivered to the Authority upon the approval thereof by the Review Authority.

E. Continuance

An applicant may request continuance of a public hearing or other meeting relative to its application so long as the continued hearing or meeting may be conducted within the prescribed statutory time limits. The applicant should demonstrate good cause for the continuance, and this form of continuance is purely at the discretion of the Review Authority, requiring a vote of consent of at least a simple majority of the members. The Review Authority shall determine an appropriate date and time for rescheduling the continued hearing or meeting, and is under no obligation to give future priority to an applicant that requests continuance. If there is a need for the re-notification of a rescheduled public hearing in accordance with MGL c. 40A and the By-Laws, reasonable costs

of the re-notification relative to the delayed public hearing shall be borne by the applicant. If a continuance cannot be rescheduled within the statutory time limits for public hearings and actions by the Review Authority required by MGL c. 40A and/or the By-Laws, then continuance shall be granted only by execution of an Extension as described above. A copy of each grant of continuance shall be delivered to the Authority upon the approval thereof by the Review Authority.

F. Limitation on Denials without Prejudice to the Applicant

Whenever under these Regulations an application to a Review Authority for a proposed project is either denied or rejected “without prejudice” by the Review Authority for either (i) failure of an applicant to pay a required Project Review Fee, (ii) failure of an applicant to appear at a scheduled public hearing before the Review Authority, or (iii) failure of an applicant to file the minimum information required by the By-Laws and these Regulations, any subsequent denial or rejection of an application for the same or a substantially similar proposed project for any of the foregoing reasons may, at the discretion of the Review Authority, be “with prejudice” to the applicant.

ARTICLE III - SPECIAL PERMITS

3.1 Review Authority

As provided in Section 11.2.B of the By-Laws, the Authority is authorized to adopt and from time to time adopt and/or amend regulations relative to the issuance of Special Permits.

For purposes of this Article III, the Authority shall be referred to as the “Special Permit Granting Authority” or “SPGA.”

3.2 Joint Special Permit / Site Plan Review Filings

As provided in Section 11.3 of the By-Laws, those uses or classes of uses that are permitted only by the granting of a Special Permit are also automatically subject to site plan review. Except as provided in Article 12 of the By-Laws, for such projects the SPGA shall be the Review Authority for both Special Permits and related site plan review. Proponents of Special Permit uses may elect to file applications for both the Special Permit and the required site plan review simultaneously. Any joint Special Permit and site plan review filings shall include all materials required for both applications for Special Permit and for site plan review. The SPGA will review any joint applications simultaneously following a single timeline and in accordance with the procedural provisions established for Special Permits under MGL c. 40A, § 9 and 11 with respect to review, public hearing and notice, and timeline for decisions.

3.3 Application

In addition to the basic Project Review Application Form, all Special Permit applications shall include the following “Basic Information” unless such submission requirements have been modified pursuant to Section 2.2(E) of these Regulations:

- name, addresses, and telephone numbers of the applicant, the owner if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project;
- survey certified by land surveyor indicating total land area boundaries, angles, and dimensions of the site and a north arrow;
- plans prepared by a registered professional engineer, architect, landscape architect, or professional land surveyor, and bearing the stamp of such registered professional on the plan, showing:
 - present and proposed use(s) of the land and existing buildings, if any;
 - dimensions of existing and proposed building(s) or other structures including height, setback(s) from property lines and total square footage of all floors;
 - compliance with any applicable Building Forms;
 - locations and dimensions of any easements, public or private rights of way, or other burdens existing or proposed;
 - at-grade parking and loading areas showing number, location, and dimensions of parking and loading spaces, driveways, access, and sidewalks, preferably indicated on survey;
 - Common Open Space, as applicable;
- a brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, an estimate (to the extent known) of the expected number of employees and/or occupants, and anticipated hours of operation, as applicable;
- a brief written statement explaining how the proposed project complies with each standard applicable to Special Permits, referencing additional documents, plans, drawings, photos, evaluations etc., as necessary;
- a brief written statement explaining how the proposed project complies with any Development Plan approved by the SPGA;
- the total floor area and ground coverage ratio of each proposed building and structure;
- front, side, and rear elevations;
- existing and proposed contour elevations in two foot increments;
- provisions for vehicular and pedestrian access ways, including proposals for new or relocated curb-cuts and access for emergency vehicles and a brief written

statement explaining how the proposed ways comply with any Street Plan approved by the Authority pursuant to the Subdivision Regulations;

- preliminary color, materials, and exterior features of proposed structures;
- evidence of compliance with the applicable provisions of the Architectural and Urban Design Standards;
- preliminary landscaping and screening, including trees, stones, walls, fences, and other features to be retained and removed, as well as color, size, and type of landscaped surface materials and a brief written statement explaining how the proposed landscaping complies with any Landscape Plan approved by the Authority pursuant to the Subdivision Regulations;
- measures taken to preserve and protect natural resources, including a brief written statement explaining how the proposed project complies with the NAS South Weymouth Sustainability Standards and Guidelines the “Sustainable Design Standards”);
- Certification that the land and any existing Structures (as such term is defined in the By-Laws) as well as the proposed project, comply with all private restrictions, if any, on the land;
- conceptual outdoor lighting plans and a brief written statement explaining how the proposed lighting plans comply with any Lighting Plan approved by the Authority pursuant to the Subdivision Regulations;
- location and significance of any historic structures;
- method for handling solid waste disposal and for screening of disposal facilities;
- locations of and adequacy of existing and proposed on-site public utilities, facilities, and conditions (water, sewerage, and drainage), showing size and direction of flows and a brief written statement explaining how the proposed utilities and infrastructure comply with any Infrastructure and Utility Plan approved by the Authority pursuant to the Subdivision Regulations;
- demolition and construction procedures including impact mitigation measures; and an estimate of the time period required for completion of the development;
- a traffic study projecting traffic conditions at the specific site of the proposed project and in the immediately surrounding areas within the NAS South Weymouth, including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions; provided that this submission may consist of all or part of any previously-conducted traffic study addressing the same site and surrounding areas when such modification of

information submittal requirements is approved by the Lead Reviewer pursuant to Section 2.2(E) of these Regulations;

- wetlands, ponds, and surface water bodies, as defined under the By-Laws, the Wetlands Protection Rules and Regulations for NAS South Weymouth and/or the Wetlands Protection Act, MGL c. 131, § 40, and rules promulgated thereunder, 310 CMR 10.00;
- evidence of compliance with the requirements set forth in the Affordable and Workforce Housing Regulations (the “Affordable and Workforce Housing Regulations”), including, without limitation, the number of proposed units of Affordable Housing and Workforce Housing; the location of the proposed units of Affordable Housing and Workforce Housing; the income range, selling price range and rental rate range of the proposed units of Affordable Housing and Workforce Housing;
- if applicable, a notarized Construction Control Affidavit issued by the registered architect(s) and/or professional engineer(s) certifying that in accordance with Section 116.0 of the Massachusetts State Building Code (780 CMR 1.00 et seq.), the applicable registered architect(s) and/or professional engineer(s) prepared or directly supervised the preparation of all design plans, computations and specifications concerning all project elements with which they were involved (i.e. electrical, structural, mechanical, architectural, fire protection, etc.); and
- such other material information as may be requested by the SPGA pursuant to these Regulations and that will aid the SPGA in judging the application and in determining special conditions and safeguards.

Unless submission requirements have been modified pursuant to Section 2.2(E) of these Regulations, failure to file the minimum information may be grounds for rejection without prejudice pursuant to Section 2.4(B) of these Regulations.

3.4 Public Hearing

The SPGA will hold its public hearing on a Special Permit application within the time limits established by MGL c. 40A, § 9 and not less than thirty (30) days and no more than sixty-five (65) days after official filing of the relevant Special Permit application in the applicable Filing Office. 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.

As provided in Section 11.4 of the By-Laws, the Town Boards are invited to attend and offer testimony at any public hearings scheduled by the Authority as SPGA to consider an application for a Special Permit. Within thirty (30) days of receipt of a Special Permit application, the Town Boards may submit to the Authority their written comments concerning the proposed project, accompanied by a listing of their concerns and issues regarding the application.

3.5 Notice of Public Hearing

Notification and public advertisement of a public hearing on any Special Permit application shall be conducted according to the provisions of MGL c. 40, § 11.

3.6 Standards and Criteria

The SPGA shall review a Special Permit application applying the standards and criteria set forth in Section 11.5 of the By-Laws and this Section, taking into account any previously-issued approval of an applicable Development Plan. In undertaking such review:

A. All standards and criteria that have been addressed in the issuance of any applicable Development Plan approval shall be deemed satisfied for purposes of the Special Permit application so long as the application is consistent in all material respects with the Development Plan.

B. With respect to standards and criteria concerning the circulation system, determinations regarding ingress, egress, traffic congestion, hazard, inconvenience or undue potential for traffic accidents shall be based solely on traffic conditions affecting the circulation system at the specific site of the proposed project or in the immediately surrounding areas within NAS South Weymouth.

C. With respect to standards and criteria concerning stormwater management and drainage and protection of infrastructure corridors, the standards and criteria shall be deemed satisfied for purposes of the Special Permit application so long as the application is consistent in all material respects with any applicable Infrastructure and Utility Plans approved by the Authority pursuant to the Subdivision Regulations.

In addition to the standards and criteria set forth in Section 11.5 of the By-Laws, the SPGA shall additionally apply the following standards and criteria:

- the proposed use and development shall be in general conformity to any master plan approved by the Authority and be consistent with the goals and objectives of such master plan, taking into account all other development within NAS South Weymouth for which building permits, site plan approvals, Special Permits or Development Plans have been approved or issued since the Effective Date.
- the proposed use and development shall be in compliance with all applicable provisions of these Regulations including, without limitation, the Architectural and Urban Design Standards and the Sustainable Design Standards and, for any Special Permit involving a residential use, the Affordable and Workforce Housing Regulations.
- the proposed use and development shall be in substantial conformity with any applicable Street, Infrastructure and Utility, Landscape and Lighting Plans approved by the Authority pursuant to the Subdivision Regulations.

3.7 Findings and Determinations

The SPGA may grant a Special Permit only upon making the findings and determinations set forth in Section 11.6 of the By-Laws and the following findings and determinations:

- The proposed use and development are in general conformity to any master plan approved by the Authority and are consistent with the goals and objectives of such master plan, taking into account all other development within NAS South Weymouth for which building permits, site plan approvals, Special Permits or Development Plans have been approved or issued since the Effective Date.
- The proposed use and development are in compliance with all applicable provisions of these Regulations including, without limitation, the Architectural and Urban Design Standards and the Sustainable Design Standards and, for any Special Permit involving a residential use, the Affordable and Workforce Housing Regulations.
- The proposed use and development are in substantial conformity with any applicable Street, Infrastructure and Utility, Landscape and Lighting Plans approved by the Authority pursuant to the Subdivision Regulations.

In making findings and determinations for granting of special permits the SPGA shall:

A. In reviewing an application for a Special Permit, the SPGA shall take into account any previously-issued approval of an applicable Development Plan and shall not reconsider any matter already determined in a Development Plan decision unless the applicant has requested a major modification of the Development Plan.

B. In making any finding and determination pursuant to Section 11.6(F) (Occupancy and Operations of Use) of the By-Laws, so as to minimize adverse impacts on the surrounding area, the SPGA shall take into account only those impacts which are not typically associated with uses and/or developments substantially similar to the proposed uses and/or developments in similar mixed-use developments within the Commonwealth.

C. In making any finding and determination pursuant to Section 11.6(G) (Modification of Density of Use) of the By-Laws, a proposed use and development shall not be deemed to have the “potential to adversely impact the area surrounding its site due to its size and density” if the impacts of the proposed use and development have been addressed in previous reviews under the Massachusetts Environmental Policy Act and/or an applicable Development Plan.

3.8 Written Record of Determination and Decision

The SPGA 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. Where applicable, the SPGA shall designate those portions of a proposed project that constitutes Common Open Space.

A Special Permit shall be granted only upon a favorable vote of approval by at least five (5) members of the Authority. The decision of the SPGA on a Special Permit application shall be made within ninety (90) days following the date of the public hearing on the application or such

later date pursuant to an Extension. Failure by the SPGA to take final action within said ninety (90) days or such later date pursuant to an Extension, if applicable, shall be deemed to be a grant of the Special Permit.

3.9 Filing of Decision

The written decision of the SPGA regarding a Special Permit application shall be filed within fourteen (14) days after a decision is rendered, with the official records of the Authority 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 a grant of the Special Permit.

Each such notice shall specify that appeals, if any, shall be made pursuant to Article 15 of the By-Laws and shall be filed within twenty (20) days after the effective date of the grant or denial of the permit, which is the last date of filing of such notice with the offices of each Town Clerk and the Authority.

ARTICLE IV - SITE PLAN REVIEW

4.1 Review Authority

As provided in Section 12.2.A of the By-Laws, the Authority is authorized to adopt rules and regulations governing the procedural and submission requirements for site plan review.

For purposes of this Article IV, the Authority shall be referred to as the “Permit Granting Authority” or “PGA.”

Notwithstanding the foregoing, the Zoning Enforcement Officer shall act as the PGA for applications for site plan review if :

- (i) the proposed Development is a Planned Development, or portion thereof, for which a Development Plan previously has been approved;
- (ii) the proposed Development is consistent, as determined by the Zoning Enforcement Officer, in all material respects with the approved Development Plan; and
- (iii) the Development contains less than 100 Dwelling Units or less than 100,000 square feet of Gross Floor Area of commercial development.

Notwithstanding the foregoing, the Zoning Enforcement Officer shall have the authority to refer at its discretion any site plan application to the Authority. In such cases, the Authority shall review such site plan application in accordance with the provisions of this Article.

4.2 Single Site Plan Review Filing

As provided in Section 12.1 of the By-Laws, site plan review shall be required to develop, occupy, and operate any use indicated in the By-Laws (i) as allowable, (ii) as allowable only by

the granting of a Special Permit or (iii) as allowable only following approval of a Development Plan. As provided in Articles III (Special Permits) and V (Development Plans), proponents of site plan approvals may file applications for both the required site plan review and any required Special Permits or Development Plan review simultaneously, in which case the SPGA (in lieu of the PGA) will review the applications simultaneously following a single timeline and in accordance with the procedural provisions established for Special Permits under MGL c. 40A, § 9 and 11 with respect to review, public hearing and notice, and timeline for decisions.

In the event that (i) site plan review only is required or (ii) an applicant elects to file its application for site plan review separately from any required applications for Special Permits or Development Plan review, the PGA will review the application in accordance with the procedural provisions established in this Article with respect to review, public hearing and notice, and timeline for decisions.

4.3 Application

In addition to the basic Project Review Application Form, all site plan applications shall include the following “Basic Information” unless such submission requirements have been modified pursuant to Section 2.2(E) of these Regulations:

- name, addresses, and telephone numbers of the applicant, the owner if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project;
- survey certified by land surveyor indicating total land area boundaries, angles, and dimensions of the site and a north arrow;
- plans prepared by a registered professional engineer, architect, landscape architect, or professional land surveyor, and bearing the stamp of such registered professional on the plan, showing:
 - present and proposed use(s) of the land and existing buildings, if any;
 - dimensions of existing and proposed building(s) or other structures including height, setback(s) from property lines and total square footage of all floors;
 - compliance with any applicable Building Forms;
 - locations and dimensions of any easements, public or private rights of way, or other burdens existing or proposed;
 - at-grade parking and loading areas showing number, location, and dimensions of parking and loading spaces, driveways, access, and sidewalks, preferably indicated on survey;
 - Common Open Space, as applicable.

- a brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, an estimate (to the extent known) of the expected number of employees and/or occupants and anticipated hours of operation, as applicable;
- a brief written statement explaining how the proposed project complies with each standard applicable to Site Plan Review, referencing additional documents, plans, drawings, photos, evaluations etc., as necessary;
- a brief written statement explaining how the proposed project complies with any Development Plan approved by the SPGA;
- the total floor area and ground coverage ratio of each proposed building and structure;
- front, side, and rear elevations;
- existing and proposed contour elevations in two foot increments;
- provisions for vehicular and pedestrian access ways, including proposals for new or relocated curb-cuts and access for emergency vehicles and a brief written statement explaining how the proposed ways comply with any Street Plan approved by the Authority pursuant to the Subdivision Regulations;
- color, materials, and exterior features of proposed structures;
- evidence of compliance with the applicable provisions of the Architectural and Urban Design Standards;
- landscaping and screening, including trees, stones, walls, fences, and other features to be retained and removed, as well as color, size, and type of landscaped surface materials and a brief written statement explaining how the proposed landscaping complies with any Landscape Plan approved by the Authority pursuant to the Subdivision Regulations;
- measures taken to preserve and protect natural resources, including a brief written statement explaining how the proposed project complies with the Sustainable Design Standards;
- outdoor lighting, including location and intensity of lighting facilities and a brief written statement explaining how the proposed lighting plans comply with any Lighting Plan approved by the Authority pursuant to the Subdivision Regulations;
- dimensions and locations of signs, proposed and existing;
- location and significance of any historic structures;

- method for handling solid waste disposal and for screening of disposal facilities;
- description and location of all proposed mechanical and electrical system components, including exhaust and ventilation system, transformers, antennas, and satellite dishes;
- locations of and adequacy of existing and proposed on-site public utilities, facilities, and conditions (water, sewerage, and drainage), showing size and direction of flows and a brief written statement explaining how the proposed utilities and infrastructure comply with any Infrastructure and Utility Plan approved by the Authority pursuant to the Subdivision Regulations;
- demolition and construction procedures including impact mitigation measures; and an estimate of the time period required for completion of the development;
- Certification that the land and any existing Structures (as such term is defined in the Zoning By-Laws) as well as the proposed project, comply with all private restrictions, if any, on the land;
- a traffic study projecting traffic conditions at the specific site of the proposed project and in the immediately surrounding areas within the NAS South Weymouth, including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions (except that such a traffic study shall not be required if such a traffic study was previously submitted in connection with an application for Special Permit for the same proposed project); provided that this submission may consist of all or part of any previously-conducted traffic study addressing the same site and surrounding areas when such modification of information submittal requirements is approved by the Lead Reviewer pursuant to Section 2.2E of these Regulations.
- wetlands, ponds, and surface water bodies, as defined under the By-Laws, the Wetlands Protection Rules and Regulations for NAS South Weymouth and/or the Wetlands Protection Act, MGL c. 131, § 40, and rules promulgated thereunder, 310 CMR 10.00;
- evidence of compliance with the requirements set forth in the Affordable and Workforce Housing Regulations to the extent applicable, including, without limitation, the number of proposed units of Affordable Housing and Workforce Housing; the location of the proposed units of Affordable Housing and Workforce Housing; the income range, selling price range and rental rate range of the proposed units of Affordable Housing and Workforce Housing;
- if applicable, a notarized Construction Control Affidavit issued by the registered architect(s) and/or professional engineer(s) certifying that in accordance with Section 116.0 of the Massachusetts State Building Code (780 CMR 1.00 et seq.), the applicable registered architect(s) and/or professional engineer(s) prepared or directly supervised the preparation of all design plans, computations and

specifications concerning all project elements with which they were involved (i.e. electrical, structural, mechanical, architectural, fire protection, etc.); and

- such other material information as may be requested by the PGA pursuant to these Regulations and that will aid the PGA in judging the application and in determining special conditions and safeguards.

Unless submission requirements have been modified pursuant to Section 2.2(E) of these Regulations, failure to file the minimum information may be grounds for rejection without prejudice pursuant to Section 2.4(B) of these Regulations.

4.4 Public Hearing

The PGA will hold its public hearing on a site plan application within the time limits established by Section 12.4 of the By-Laws and no more than thirty (30) days after official filing of the relevant site plan application in the applicable Filing Office. 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 site plan application shall be conducted according to the provisions of Section 12.4 of the By-Laws.

4.6 Standards and Criteria

The PGA shall review a site plan application applying the standards and criteria set forth in Section 12.5 of the By-Laws and this Section, taking into account any previously-issued approval of an applicable Development Plan. In undertaking such review:

A. All standards and criteria that have been addressed in the issuance of any applicable Development Plan approval shall be deemed satisfied for purposes of the site plan review application so long as the application is consistent in all material respects with the Development Plan.

B. With respect to standards and criteria concerning the circulation system, determinations regarding ingress, egress, traffic congestion, hazard, inconvenience or undue potential for traffic accidents shall be based solely on traffic conditions affecting the circulation system at the specific site of the proposed project or in the immediately surrounding areas within NAS South Weymouth.

C. With respect to standards and criteria concerning stormwater management and drainage and protection of infrastructure corridors, the standards and criteria shall be deemed satisfied for purposes of the application so long as the application is consistent in all material respects with any applicable Infrastructure and Utility Plans approved by the Authority pursuant to the Subdivision Regulations.

In addition to the standards and criteria set forth in Section 12.5 of the By-Laws, the PGA shall review a site plan application under the following additional standards and criteria, and shall approve the site plan only upon a finding of compliance with all standards and criteria set forth therein and herein:

- The proposed use and development shall be in general conformity to any master plan approved by the Authority and be consistent with the goals and objectives of such master plan, taking into account all other development within NAS South Weymouth for which building permits, site plan approvals, Special Permits or Development Plans have been approved or issued since the Effective Date.
- The proposed use and development shall be in compliance with all applicable provisions of these Regulations including, without limitation, the Architectural and Urban Design Standards and the Sustainable Design Standards and, for any site plan application involving a residential use, the Affordable and Workforce Housing Regulations.
- The proposed use and development shall be in substantial conformity with any applicable Street, Infrastructure and Utility, Landscape and Lighting Plans approved by the Authority pursuant to the Subdivision Regulations.

In reviewing site plan application, the PGA shall take into account any previously-issued approval of an applicable Development Plan or Special Permit and shall not reconsider any matter already determined in a Development Plan decision or Special Permit decision unless the applicant has requested a major modification of the Development Plan.

4.7 Written Record of Determination and Decision

The PGA 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. Where applicable, the PGA shall designate those portions of a proposed project that constitutes Common Open Space.

A site plan shall be approved only upon a favorable vote of approval by at least four (4) members of the Authority. Notwithstanding the foregoing, no vote shall be required where the Zoning Enforcement Officer is the PGA. In such case, a site plan shall be approved by the unilateral decision of the Zoning Enforcement Officer. The decision of the PGA on a site plan application shall be made within thirty-five (35) days following the date of the public hearing on the application or such later date pursuant to an Extension. Failure by the PGA to take final action within said thirty-five (35) days or such later date pursuant to an Extension, if applicable, shall be deemed to be a grant of the site plan application.

4.8 Filing of Decision

The written decision of the PGA regarding a site plan application shall be filed within fourteen (14) days after the proceedings, with the official records of the Authority and in the office of each Town Clerk of the Towns. 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 site plan application.

Each such notice shall specify that appeals, if any, shall be made pursuant to Article 15 of the By-Laws and shall be filed within twenty (20) days after the effective date of the grant or denial of the approval, which is the last date of filing of such notice with the offices of each Town Clerk and the Authority.

4.9 Procedure for Amendments

A. *Major Plan Changes:* In the event that “major plan changes” (as defined in Section 12.6 of the By-Laws) are proposed to an approved site plan, such “major plan changes” shall be reviewed and approved by the PGA (which for purposes of this Section shall not be the Zoning Enforcement Officer) in accordance with all of the same procedural requirements contained in Article 12 of the By-Laws and these Regulations as are applicable to the review and approval of new applications for site plan review.

B. *Minor Plan Changes:* In the event that “minor plan changes” (as defined in Section 12.6 of the By-Laws) are proposed to an approved site plan, such “minor plan changes” shall be reviewed and approved by the Zoning Enforcement Officer. No “minor plan changes” shall be approved without a finding by the Review Authority of full compliance with the standards and criteria set forth in Section 12.5 of the By-Laws.

ARTICLE V - DEVELOPMENT PLAN REVIEW

5.1 Review Authority

As provided in Section 13.3.B of the By-Laws, the Authority is authorized to adopt and from time to time adopt and/or amend regulations relative to the review and approval of Development Plans.

For purposes of this Article V, the Authority shall be referred to as the “Special Permit Granting Authority” or “SPGA.”

5.2 Joint Development Plan / Special Permit / Site Plan Review Filings

As provided in Section 13.2.C of the By-Laws, proponents of a Development Plan containing uses requiring the issuance of Special Permit(s) under Article 11 of the By-Laws or site plan approval under Article 12 of the By-Laws may file applications for such Special Permit(s) or site plan approval simultaneously with the proposed Development Plan. The joint Development Plan, Special Permit and/or site plan review filings shall be reviewed by the SPGA (notwithstanding any other Review Authority provided for in the By-Laws or these Regulations) and shall include all materials required for both applications for Special Permit or for site plan review, as applicable, and for review of a Development Plan. The SPGA will review the applications simultaneously following a single timeline and in accordance with the procedural provisions established for Special Permits under MGL c. 40A, §§ 9 and 11 with respect to review, public hearing and notice, and timeline for decisions.

5.3 Application

In addition to the basic Project Review Application Form, all Development Plan applications shall include the following “Basic Information”:

- (i) preliminary site construction plans showing the tentative locations of proposed buildings, lot lines, blocks, streets, parking areas and open space, along with zoning district boundaries;
- (ii) a proposed mix of uses, Building Forms and development program;
- (iii) tables showing total land area and wetlands and compliance with applicable dimensional and parking requirements;
- (iv) an analysis of the circulation system and its consistency with any applicable Street Plan approved by the Authority pursuant to the Subdivision Regulations;
- (v) an analysis of transportation, utility, drainage, and other required infrastructure systems and their consistency with any applicable Infrastructure and Utility Plans approved by the Authority pursuant to the Subdivision Regulations;
- (vi) evidence of compliance with the applicable provisions of the Regulations, including, without limitation, the Architectural and Urban Design Standards and Sustainable Design Standards and, for any Development Plan involving a residential use, the Affordable and Workforce Housing Requirements.
- (vii) evidence of compliance with the applicable Street, Infrastructure and Utility, Landscape and Lighting Plans approved by the Authority pursuant to the Subdivision Regulations.
- (viii) Certification that the land and any Structures (as such term is defined in the By-Laws) as well as the proposed project, comply with all private restrictions, if any, on the land;
- (ix) to the extent known, a timetable for the construction of each development component; and
- (x) an analysis showing the relationship of the proposed use(s), Building Forms and development program with adjacent development within NAS South Weymouth for which Development Plans, Special Permits or site plans have previously been approved or issued.

For purposes of Section 13.4.A of the By-Laws, the phrase “proximately located land” shall mean all land that is either owned by or under the control (i.e., land over which the proponent has the ability to direct decision making about development) of the proponent and is located (i) within 400 feet of the boundary lines of the proposed Planned Development, where such land is located within the same zoning district as the proposed Planned Development, or (ii) within 200

feet of the boundary lines of the proposed Planned Development, where such land is located in a different zoning district as the proposed Planned Development.

Unless submission requirements have been modified pursuant to Section 2.2(E) of these Regulations, failure to file the minimum information shall be grounds for rejection without prejudice pursuant to Section 2.4(B) of these Regulations.

5.4 Public Hearing

The SPGA will hold its public hearing on a Development Plan application within the time limits established by MGL c. 40A, § 9 and not less than thirty (30) days and no more than sixty-five (65) days after official filing of the relevant Development Plan application in the applicable Filing Office. 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.

As provided in Section 13.4 of the By-Laws, the Town Boards are invited to attend and offer testimony at any public hearings scheduled by the Authority as SPGA to consider a Development Plan. Within thirty (30) days of receipt of a Development Plan, the Town Boards may submit to the Authority their written comments concerning the proposed project, accompanied by a listing of their concerns and issues regarding the application.

5.5 Notice of Public Hearing

Notification and public advertisement of a public hearing on any Development Plan application shall be conducted according to the provisions of MGL c. 40, § 11.

5.6 Standards and Criteria

The SPGA shall review a Development Plan application applying the standards and criteria set forth in Section 13.5 of the By-Laws and this section. In undertaking such review:

A. With respect to standards and criteria concerning the circulation system, determinations regarding ingress, egress, traffic congestion, hazard, inconvenience or undue potential for traffic accidents shall be based solely on traffic conditions affecting the circulation system at the specific site of the proposed project or in the immediately surrounding areas within NAS South Weymouth.

B. With respect to standards and criteria concerning stormwater management and drainage and protection of infrastructure corridors, the standards and criteria shall be deemed satisfied for purposes of the Special Permit application so long as the application is consistent in all material respects with any applicable Infrastructure and Utility Plans approved by the Authority pursuant to the Subdivision Regulations.

In addition to the standards and criteria set forth in Section 13.5 of the By-Laws, the SPGA shall review a Development Plan under the following additional standards and criteria:

- The proposed uses and developments shall be in general conformity to any master plan approved by the Authority and be consistent with the goals and objectives of

such master plan, taking into account all other development within NAS South Weymouth for which building permits, site plans approvals, Special Permits or Development Plans have been approved or issued since the Effective Date.

- The proposed use and development shall be in compliance with all applicable provisions of these Regulations including, without limitation, the Architectural and Urban Design Standards and Sustainable Design Standards and, for any Development Plan involving a residential use, the Affordable and Workforce Housing Requirements.
- The proposed use and development shall be in substantial conformity with any applicable Street, Infrastructure and Utility, Landscape and Lighting Plans approved by the Authority pursuant to the Subdivision Regulations.

5.7 Findings and Determinations

The SPGA shall approve a Development Plan for a specified set of proposed uses and planned development, which uses and planned development shall then be considered as-of-right (unless the use is required by the By-Laws to obtain a Special Permit and subject to site plan review).

The SPGA may approve a Development Plan only upon making the findings and determinations set forth in Section 13.6 of the By-Laws and the following findings and determinations:

- The proposed use and development shall be in general conformity to any master plan approved by the Authority and are consistent with the goals and objectives of such master plan, taking into account all other development within NAS South Weymouth for which building permits, site plans approvals, Special Permits or Development Plans have been approved or issued since the Effective Date.
- The proposed use and development shall be in compliance with all applicable provisions of these Regulations including, without limitation, the Architectural and Urban Design Standards and the Sustainable Design Standards and, for any Special Permit involving a residential use, the Affordable and Workforce Housing Regulations.
- The proposed use and development shall be in substantial conformity with any applicable Street, Infrastructures and Utility, Landscape and Lighting Plans approved by the Authority pursuant to the Subdivision Regulations.

In cases where the SPGA finds the need to require alteration or modification of a proposed use, structure, building, or other development under the applicable standards and criteria, the SPGA shall document in writing its findings of project impacts and the reasons for requiring alteration or modification of the proposed development.

In making any finding and determination pursuant to Section 13.6(G) (Modification of Density of Use) of the By-Laws, a proposed use and/or development shall not be deemed to have the “potential to adversely impact the area surrounding its site due to its size and density” if the impacts of the proposed use and/or development have been addressed in previous reviews under the Massachusetts Environmental Policy Act and/or an applicable Development Plan.

5.8 Written Record of Determination and Decision

The SPGA 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 Development Plan shall be approved only upon a favorable vote of approval by at least five (5) members of the Authority. The decision of the SPGA on a Development Plan shall be made within ninety (90) days following the date of the public hearing on the application or such later date pursuant to an Extension. Failure by the SPGA to take final action within said ninety (90) days or such later date pursuant to an Extension, if applicable, shall be deemed to be a grant of the Development Plan.

5.9 Filing of Decision

The written decision of the SPGA regarding a Development Plan shall be filed within fourteen (14) days after a decision is rendered, with the official records of the Authority 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 Development Plan.

Each such notice shall specify that appeals, if any, shall be made pursuant to Article 15 of the By-Laws and shall be filed within twenty (20) days after the effective date of the grant or denial of the permit, which is the last date of filing of such notice with the offices of each Town Clerk and the Authority.

5.10 Modifications of a Development Plan

Section 13.7 of the By-Laws governs modifications of approved Development Plans and specifies the Review Authority for such modifications.

Section 13.7 further provides that the Regulations shall include definitions for “substantial” and “minor” modifications of a Development Plan. For purposes of Section 13.7, “substantial” and “minor” modifications of a Development Plan shall have the following meanings:

- (i) “Substantial modification” shall mean any modification to a Development Plan (after final approval has been granted) that results in the following:
 - a. an increase or decrease by more than 10% in the number of residential units;

- b. an increase or decrease by more than 10% in the square footage of commercial, retail, light industrial development or other non-residential development;
- c. an increase or decrease by more than 5% in land area;
- d. a substitution of one non-residential building form for another nonresidential building form, unless such substitution does not result in an increase or decrease by more than 10% in the aggregate square footage allocated to all non-residential building forms within the Development Plan;
- e. a decrease by more than 5% of open space;
- f. a change in the number or phasing of amenities;
- g. a decrease by more than 5% in the number of units of Affordable Housing or Workforce Housing;
- h. an increase or decrease by more than 5% in the mix (rental vs. for-sale) of units of Affordable Housing or Workforce Housing;
- i. a change in building form or use that results in the need to issue a Special Permit in addition to Site Plan Review; or
- j. a proposed reconfiguration and relocation of buildings, uses, public spaces and infrastructure that is materially inconsistent with any applicable Street Plan, Infrastructure and Utility Plan, Landscape Plan or Lighting Plan approved by the Authority.

(ii) “Minor modification” shall mean any modification to a Development Plan (after final approval has been granted) that is not a substantial modification.

ARTICLE VI - APPEALS

6.1 Review Authority

As provided in Section 15.5 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 (“Administrative Appeals”).

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

6.2 Application

In addition to the basic Project Review Application Form, 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.

6.3 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.

6.4 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.

6.5 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.

6.6 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.

6.7 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 VII - VARIANCES

7.1 Review Authority

As provided in Sections 15.3 of the By-Laws, the Authority is authorized to establish from time to time procedures relative to the issuance of variances from the terms of the By-Laws and these Regulations (other than as to use) (collectively, "Variances").

For purposes of this Article VII, the Authority shall be referred to as the "Variance Granting Authority" or "VGA."

7.2 Application

In addition to the basic Project Review Application Form, all petitions for Variances shall present a brief, written statement factually supporting the satisfaction of the following requirements with respect to a particular parcel of land or to an existing building thereon:

(i) that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the By-Laws or Regulations would involve substantial hardship, financial or otherwise, and

(ii) that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the By-Laws.

All Variance petitions shall also include a certification by the applicant that the land and any existing Structures (as such term is defined in the Zoning By-Laws) thereon, as well as the proposed project for which relief is sought, comply with all private restrictions, if any, on the land.

7.3 Public Hearing

The Authority will hold its public hearing on a Variance application 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.

7.4 Notice of Public Hearing

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

7.5 Findings and Determinations

The VGA may grant a Variance only upon making the findings set forth in Section 15.3.D of the By-Laws.

7.6 Written Record of Determination and Decision

The Authority 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 Variance shall be granted only upon a favorable vote of approval by at least five (5) members of the Authority.

The decision of the VGA on a Variance application shall be made within one hundred (100) days following the date of the filing of the application or such later date pursuant to an Extension. Failure of the VGA to act within one hundred (100) days following the date of the public hearing on the application will not result in the constructive approval of the petition.

7.7 Filing of Decision

The written decision of the VGA regarding a Variance application shall be filed within fourteen (14) days after a decision is rendered, with the official records of the Authority and in the office of each Town Clerk. A notice of the decision shall be mailed forthwith to the applicant.

Each such notice shall specify that appeals, if any, shall be made pursuant to Article 15 of the By-Laws and shall be filed within twenty (20) days after the effective date of the grant or denial of the Variance, which is the last date of filing of such notice with the offices of each Town Clerk and the Authority.

ARTICLE VIII - MISCELLANEOUS

8.1 Open Space Setback

As provided in Section 6.4 of the By-Laws, no buildings or structures shall be located within seventy-five (75) feet of any property adjacent to NAS South Weymouth which adjacent property the Authority reasonably determined is not available as of the Effective Date of the By-Laws for development as a result of existing public or private restrictions affecting the adjacent property (including the location of such adjacent property within “open space” or similar zoning districts) (such adjacent property hereinafter referred to as “Open Space Property”). The Map attached hereto as Exhibit 1 depicts the boundary of all property adjacent to NAS South Weymouth which constitutes Open Space Property for purposes of this Article and Section 6.4 of the By-Laws.

8.2 Collection of Data Regarding Construction and Business Activities

Pursuant to a Memorandum of Agreement on Financing for the East-West Parkway, dated January 31, 2008, by and between The Commonwealth of Massachusetts, acting by and through its Executive Office for Administration and Finance and its Executive Office of Transportation and Public Works, and the South Shore Tri-Town Development Corporation, as amended (the “MOA”), the Authority is required to collect data from the master developer, developers, property owners, tenants and other users regarding construction and business activities at NAS South Weymouth.

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 all or any portion of NAS South Weymouth shall provide the Authority with written reports containing the following information to enable the Authority to comply with its reporting obligations under the MOA:

(a) For any fiscal year of the Commonwealth for which construction activity is underway at NAS South Weymouth, the master developer and/or developers of individual parcels of land shall provide the Authority with the following information

(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) For any fiscal year of the Commonwealth during which business activity occurs at NAS South Weymouth, 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, which shall include but not be limited to:

(i) For businesses which located to NAS South Weymouth during the related fiscal year of the Commonwealth, information on whether the business was operating in the Commonwealth before locating to 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.

At the request of the Authority, the master developer, developers, property owners, tenants and other users of all or any portion of NAS South Weymouth shall also provide the Authority with any and all other data necessary for the Authority to comply with its reporting obligations under the MOA. The master developer, developers, property owners, tenants and other users of all or any portion of NAS South Weymouth shall have fifteen (15) business days from receipt of such a request to provide such information to the Authority.

Whoever fails to provide the requested information shall be subject to a fine of not more than One Hundred Dollars (\$100.00) for each day such violation continues.

8.3 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.

8.4 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 Initial NAS South Weymouth Subdivision Rules and Regulations 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:

1. 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;
2. As-built plans and profiles (the “Plans of Acceptance”) as described below;
3. 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;
4. Legal description of the metes and bounds of the way or park (the “Order of Taking”) and eleven (11) copies;
5. A current list of abutters, as certified by the applicable Town;
6. 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;
7. Proper filing fee as established by the Subdivision Board; and
8. 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 Initial NAS South Weymouth Subdivision Rules and Regulations.

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 Initial NAS South Weymouth Subdivision Rules and Regulations.

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 Initial NAS South Weymouth Subdivision Rules and Regulations), 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.

8.5 Prohibition on Potable Wells

Potable wells are prohibited within NAS South Weymouth.

Exhibit 1

Map of Open Space Property

